



MARK BRNOVICH  
ATTORNEY GENERAL

OFFICE OF THE ARIZONA ATTORNEY GENERAL  
EXECUTIVE OFFICE

Rachelle Lump  
Deputy Public Information  
Officer

April 28, 2021

Josh Bendor  
[jbendor@omlaw.com](mailto:jbendor@omlaw.com)

RE: **PRR-2020-2200-271 (AZ-AG-20-1956)**

Dear Mr. Bendor:

Thank you for contacting the Arizona Attorney General's Office ("AGO"). This letter serves as the response to your public records request dated August 4, 2020.

Request:

"All email communications (including email messages, email attachments, complete email chains, calendar invitations, and calendar attachments) sent or received by (a) Attorney General Mark Brnovich, or anyone communicating on his behalf, such as an assistant or scheduler, or (b) Chief Deputy Joe Kanefield containing any of the following key terms:

Search Terms:

- "Election Integrity
- EIU
- "Election unit"
- "Elections unit"

We also took the liberty of including "Elections Integrity Unit" in our search.

Response:

Some of the responsive records are attached. Additional records are forthcoming. Please note that some records have had personally identifiable information redacted in lieu of withholding records in their entirety.

In the event that the Arizona Attorney General's Office has produced any document containing un-redacted confidential or privileged information, AGO hereby asserts that such disclosure was accidental and does not waive any protections afforded under law.

Please feel free to reach out should you have any questions regarding the records.

Sincerely,

*Rachelle Lumpp*

Deputy Public Information Officer

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**From:** Anderson, Ryan  
**Sent:** Tuesday, March 16, 2021 9:28 AM  
**To:** Kanefield, Joe  
**Subject:** FW: Election Complaint Submission

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**From:** Wright, Jennifer  
**Sent:** Monday, March 15, 2021 12:23 PM  
**To:** Roysden, Beau; Kredit, Joshua; Catlett, Michael  
**Cc:** Anderson, Ryan  
**Subject:** FW: Election Complaint Submission

Gentlemen,

Please see complaint below filed momentarily from Ms. Burk regarding her allegations regarding a plane and shredded ballots. My guess is that she will be tweeting or otherwise publicly sharing her complaint, therefore I have copied Ryan.

Notably Ms. Burk did not attach any of the purported evidence with her submission. And to the extent that she indicates that she has evidence that could not be attached, she would be directed on our website to mail that evidence in for review.

Mike is out on annual leave, but I'm available to discuss next steps. As Ms. Burk appears to allege potentially criminal conduct, any further investigation or contact with complainant would ordinarily be handled through an agent assigned by CRM to make certain the evidence is gathered to meet evidentiary standards required for criminal prosecution.

Jen

**From:** Webmaster  
**Sent:** Monday, March 15, 2021 12:02 PM  
**To:** Election Integrity Unit  
**Subject:** Election Complaint Submission

Office of Arizona Attorney General  
**Mark Brnovich**  
Election Complaint Form

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**Submitted by:**

Full Name: Staci Burk  
Street Address:  
City, State, Zip:

Phone:

E-mail: stacigriffinburk@

My complaint alleges violations of election law related to: Other/Not Listed

Do you have information about the alleged person or entity who violated election law? Yes

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**Statement of Facts**

Person/Entity: Scott Koch

Email:

Phone Number:

Street Address:

City, State, Zip: ,

If known, please identify provision(s) of Arizona election law you believe were violated:

I have an audio recorded confession of a man who said on behalf of the government, he and his guys took illegal ballots from a plane at Sky Harbor to FedEx and the Maricopa County Election Center. I have affidavits from witnesses at the election center who also witnessed this same man and his boss being behind the secure line while ballots were being counted.

I also retrieved shredded ballots from a dumpster behind the election center on public property.

I have been waiting months for someone from your office to contact me because in the prior report from November, I said I had a lot more evidence of election fraud and wanted someone to contact me directly to share those things... I did that because the plane that carried the illegal ballots (for which I have a recorded confession) is allegedly a "sensitive" topic.

Was a police report filed with local law enforcement? Yes

Please provide the jurisdiction and reference number for the complaint: By Maricopa County

State, in your own words, what exactly transpired; specifically, when and where did the event(s) take place (including dates, times, and address or description of the location), who was involved (including names or physical descriptions of the person(s) who you believe violated the law, witnesses, and election workers/volunteers at the scene), and what was said and done.

See above

**Evidence**

Do you have additional evidence that you are unable to submit electronically? Yes

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I declare under penalty of perjury that the facts and statements contained in this declaration, including any attached materials, are true, correct, and based upon my personal knowledge. I understand that this declaration and any supporting materials are public records and may be disclosed as required by law. I understand that, depending on the nature of the allegation, my complaint may be referred to another state or local agency for enforcement. By choosing to submit this form electronically, I certify and agree that by entering my name in the space below, I bind and legally obligate myself to the same extent as I would by signing my name on a printed paper version of this form.

(Yes)

Signature  
Staci Burk

Intake Number: **EIU-2021-34321-2505**

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**From:** Brittani Louise Taylor <brittanilouisetaylor@;  
**Sent:** Wednesday, February 17, 2021 9:02 AM  
**To:** AGInfo; Steed, Anthony; Roysden, Beau; Diaz, Bethany; Gadow, Blaine; ConsumerInfo; Cox, Curtis; Northup, Dawn; Lefevre, Edith; McCarthy, Eryn; Isaak, Jason; Wright, Jennifer; Connolly, Jerry; jim.simpson@azag.gov; Dalton, Joan; Kanefield, Joe; Fry, John; Stevens, John; Emerson, Jordan; Kredit, Joshua; kathleen.winn@azag.gov; Conner, Katie; keith.miller@azag.gov; Ray, Kevin; Flores, Kirstin; Gard, Lacey; Heathcotte, Leslie; Heathcotte, Leslie; Wilson, Linley; Morgan, Lizette; Ciafullo, Mark; mary.williams@azag.gov; Catlett, Michael; Hogan, Michelle; Klingerman, Nicholas; Shaker, Nicole; Ahler, Paul; Daniels, Paula; reginald.grisby@azag.gov; Anderson, Ryan; stephen.shadegg@azag.gov; steven.duplissis@azag.gov; Rassas, Theresa; Chenal, Thomas; Rankin, Thomas  
**Subject:** 2020 Audit/Election Integrity \*\*Please Read\*\*

Dear Arizona Elected Officials,

The AG Elections Integrity Unit received more than 2,000 complaints in very early Nov., right after the election. Also in November, a report was filed of fraudulent ballots flown into Phoenix Sky Harbor Airport and then taken to Maricopa County Tabulation Center. This was corroborated with affidavits, and video and audio evidence. Considering this, the thousands of complaints and affidavits, and the statistical data, what have you done about it? Have you actually studied the statistical data, sir? How do you explain it?

It is our understanding that Jennifer Wright wanted to pursue an investigation and you shut it down. You've led the Legislature on a wild goose chase, bouncing them back and forth with the courts and debating on authority and enforcement of subpoenas. The distraction has been masterful. Feb. 1st came and passed, which ended the Safe Harbor rule. How convenient that we weren't able to get an audit before then and now the machines have been tampered with.

We demand a forensic audit of the ballots using kinematic artifact technology, which can verify a minimum of 20 validation points on each ballot. This technology is presently utilized to identify counterfeit currency, bank notes, bonds, stocks, passports, etc. This is the real audit the Senate would ensure.

We will not be pacified with this incomplete and incompetently handled audit with antiquated methods currently underway by the Board of Supervisors.

Know that the people understand what is going on. We know about the differences in audits, we know about HL8230 plane and Scott Koch, we know about the tampering with the machines, and we know about the Board.

We now know you are not to be trusted and despite the \$500,000 received at time of launch, your Elections Integrity Unit is more in the business of covering up fraud rather than uncovering it - or is that just you?

Not Fooled,

Brittani Taylor

Maricopa County Resident

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**From:** Anderson, Ryan  
**Sent:** Tuesday, October 20, 2020 2:50 PM  
**To:** Lumpp, Rachelle  
**Subject:** Election Day Resources Available from Attorney General's office

Attached, please find information regarding election day resources available from the Attorney General's office and our Election Integrity Unit.

Please let us know if you have any additional questions.

Best regards,

RL

Ryan Anderson  
Communications Division Chief



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Office of the Attorney General  
2005 N. Central Ave.  
Phoenix, AZ 85004-1592  
Direct: 602-542-8302  
[Ryan.Anderson@AZAG.gov](mailto:Ryan.Anderson@AZAG.gov)  
[www.AZAG.gov](http://www.AZAG.gov)





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**From:** Breezy Von Ronne <breezyrealestate@  
**Sent:** Wednesday, February 17, 2021 8:54 AM  
**To:** Brnovich, Mark  
**Subject:** Election fraud

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Attorney General Mark Brnovich,

The AG Elections Integrity Unit received more than 2,000 complaints in very early Nov., right after the election. Also in November, a report was filed of fraudulent ballots flown into Phoenix Sky Harbor Airport and then taken to Maricopa County Tabulation Center. This was corroborated with affidavits, and video and audio evidence. Considering this, the thousands of complaints and affidavits, and the statistical data, what have you done about it? Have you actually studied the statistical data, sir? How do you explain it?

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We now know you are not to be trusted and despite the \$500,000 received at time of launch, your Elections Integrity Unit is more in the business of covering up fraud rather than uncovering it - or is that just you?

Not Fooled,

Breezy Von Ronne

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Breezy Von Ronne

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**From:** ebayer73 <ebayer73@>  
**Sent:** Wednesday, February 17, 2021 9:54 AM  
**To:** Brnovich, Mark  
**Subject:** Election Fraud/Audit

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Attorney General Mark Brnovich,

The AG Elections Integrity Unit received more than 2,000 complaints in very early Nov., right after the election. Also in November, a report was filed of fraudulent ballots flown into Phoenix Sky Harbor Airport and then taken to Maricopa County Tabulation Center. This was corroborated with affidavits, and video and audio evidence. Considering this, the thousands of complaints and affidavits, and the statistical data, what have you done about it? Have you actually studied the statistical data, sir? How do you explain it?

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Not Fooled,

Laura Garcia

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**From:** Anderson, Ryan  
**Sent:** Tuesday, October 20, 2020 12:07 PM  
**To:** Flanagan, Allyson; Lump, Rachelle  
**Subject:** Election info for chiefs  
**Attachments:** AZAG EIU Hotline Election Day Info.doc; Copy of AGENCY CONTACT PD\_REVISED.xlsx

Revised letter. And, a new distribution list with the key fields (Chief name and email). Agency is in here too but just for reference purposes.

AGENCY	CHIEF/SHERIFF/MARSHAL	CHIEF/SHERIFF/MARSHAL	EMAIL
AK-Chin Tribal Police Department	Chief Manuel Garcia	Chief Garcia	mrgarcia@ak-chin.nsn.us
Apache County Sheriff's Office	Sheriff Joseph Dedman, Jr.	Sheriff Dedman	rherrera@co.apache.az.us
Apache Junction Police Department	Chief Thomas Kelly	Chief Kelly	tkelly@ajcity.net
Avondale Police Department	Chief Dale Nannenga	Chief Nannenga	dnannenga@avondaleaz.gov
Benson Police Department	Chief Paul Moncada	Chief Moncada	pmoncada@bensoaz.gov
Bisbee Police Department	Chief Albert Echave	Chief Echave	aechave@bisbeeaz.gov
Buckeye Police Department	Chief Lawrence Hall	Chief Hall	lhall@buckeyeaz.gov
Bullhead City Police Department	Chief Brian Williamson	Chief Williamson	bwilliamson@bullheadcity.com
Camp Verde Marshal's Office	Marshal Corey Rowley	Marshal Rowley	corey.rowley@campverde.az.gov
Casa Grande Police Department	Chief Mark McCrory	Chief McCrory	mark_mccrory@casagrandeaz.gov
Cave Creek Marshal's Office	Marshal Adam Stein	Marshal Stein	astein@cavecreekaz.gov
Chandler Police Department	Chief Sean Duggan	Chief Duggan	sean.duggan@chandleraz.gov
Chino Valley Police Department	Chief Charles Wynn	Chief Wynn	cwynn@chinoaz.net
Clarkdale Police Department	Chief Randy Taylor	Chief Taylor	randy.taylor@clarkdale.az.gov
Clifton Police Department	Chief Omar Negrete	Chief Negrete	negrete@townofclifton.com
Cochise County Sheriff's Office	Sheriff Mark Dannels	Sheriff Dannels	mdannels@cochise.az.gov
Coconino County Sheriff's Office	Sheriff Jim Driscoll	Sheriff Driscoll	jdriscoll@coconino.az.gov
Colorado City Marshal's Office	Chief Marshal Robb Radley	Chief Marshal Radley	rpbb@tccc.us
Colorado River Indian Tribe Police Department	Chief John Morris	Chief Morris	scott.ketcham@crit-nsn.gov
Coolidge Police Department	Chief Harry Grizzle	Chief Grizzle	hgrizzle@coolidgeaz.com
Cottonwood Police Department	Chief Stephen Gesell	Chief Gesell	jmathe@cottonwoodaz.gov
Douglas Police Department	Chief Kraig Fullen	Chief Fullen	kraig.fullen@douglasaz.gov
Eagar Police Department	Chief Shane Bevington	Chief Bevington	s.bevington@eagaraz.gov
El Mirage Police Department	Chief Paul Marzocca	Chief Marzocca	pmarzocca@elmirageaz.gov
Eloy Police Department	Chief Christopher Vasquez	Chief Vasquez	cvasquez@eloyaz.gov
Flagstaff Police Department	Chief Kevin Treadway	Chief Treadway	dmusselman@coconino.az.gov
Florence Police Department	Chief Bruce Walls	Chief Walls	bruce.walls@florenceaz.gov
Fort Mojave Tribal Police Department	Chief Ray Allen	Chief Allen	rallen@ftrpd.org
Fredonia Police Department	Marshal Bayden Grover	Marshal Grover	bgroverfmo@fredonia.net
Ft. McDowell Tribal Police Department	Chief Thomas Gonzales	Chief Gonzales	tgonzales@fryn.org
Gila County Sheriff's Department	Sheriff Adam Shepherd	Sheriff Shepherd	ashepherd@gilacountyaz.gov
Gila River Police Department	Chief Timothy Chavez	Chief Chavez	timothy.chavez@gric.nsn.us
Gilbert Police Department	Chief Michael Soelberg	Chief Soelberg	michael.soelberg@gilbertaz.gov
Glendale Police Department	Chief Chris Briggs	Chief Briggs	cbriggs@glendaleaz.com
Globe Police Department	Chief Dale Walters	Chief Walters	dwalters@globeaz.gov
Goodyear Police Department	Chief Santiago Rodriguez	Chief Rodriguez	srodriguez@goodyearaz.gov
Graham County Sheriff's Department	Sheriff Preston Alfred	Sheriff Alfred	palfred@graham.az.gov
Greenlee County Sheriff's Office	Sheriff Tim Sumner	Sheriff Sumner	tsumner@greenlee.az.gov
Hayden Police Department	Chief Virgil Dodd	Chief Dodd	vdodd@gilacountyaz.gov
Holbrook Police Department	Chief Nathan Christensen	Chief Christensen	nchristensen@ci.holbrook.az.us
Hopi Law Enforcement Services	Chief Virgil Pinto	Chief Pinto	vpinto@hopi.nsn.us
Huachuca City Police Department	Chief James Thies	Chief Thies	jthies@huachucacityaz.gov
Jerome Police Department	Chief Allen Muma	Chief Muma	teromechief@jeromepd.org
Kearny Police Department	Chief Wallace Kenney	Chief Kenney	wkenney@townofkearny.com
Kingman Police Department	Chief Rusty Cooper	Chief Cooper	rcooper@cityofkingman.gov
La Paz County Sheriff's Office	Sheriff William Risen	Sheriff Risen	
Lake Havasu City Police Department	Chief Dan Doyle	Chief Doyle	doyle@lhcaz.gov
Mammoth Police Department	Chief Rudy Lujan	Chief Lujan	r.lujan@townofmammoth.us
Marana Police Department	Chief Terry Rozema	Chief Rozema	trozema@maranaaz.gov
Maricopa County Sheriff's Department	Chief John Bailey	Chief Bailey	j.bailey@mcsd.maricopa.gov
Maricopa Police Department	Chief Steve Stahl	Chief Stahl	steve.stahl@maricopa-az.gov
Mesa Police Department	Chief Ken Cost	Chief Cost	kenneth.cost@mesaaz.gov
Miami Police Department	Chief Keith Thompson	Chief Thompson	chief@miamiaz.gov
Mohave County Sheriff's Office	Sheriff Doug Schuster	Sheriff Schuster	doug.schuster@mohavecounty.us
Navajo County Sheriff's Office	Sheriff David Clouse	Sheriff Clouse	Bruce.Tucker@navajocountyaz.gov
Navajo Division of Public Safety	Jess Delmar, Executive Director	Director Delmar	hdcloue@navajo-nsn.gov
Nogales Police Department	Chief Roy Bermudez	Chief Bermudez	rbermudez@nogalesaz.gov
Oro Valley Police Department	Chief Kara Riley	Chief Riley	kriley@orovalleyaz.gov
Page Police Department	Chief Drew Sanders	Chief Sanders	dsanders@pageaz.gov
Paradise Valley Police Department	Chief Peter Wingert	Chief Wingert	pwingert@paradisvalleyaz.gov
Parker Police Department	Chief Michael Bailey	Chief Bailey	m.bailey@townofparkeraz.us
Pasqua-Yaqui Police Department	Chief Michael Valezuela	Chief Valezuela	michael.s.valezuela@pasquaYaqui-nsn.gov
Patagonia Marshal's Department	Marshal Joseph Patterson	Marshal Patterson	marshal300@patagonia-az.gov
Payson Police Department	Chief Ronald Tischer	Chief Tischer	rtischer@paysonaz.gov
Peoria Police Department	Chief Art Miller	Chief Miller	art.miller@peoriaaz.gov
Phoenix Police Department	Chief Jeri Williams	Chief Williams	jeri.i.williams@phoenix.gov
Pima County Sheriff's Department	Sheriff Mark Napier	Sheriff Napier	mark.napier@sheriff.pima.gov
Pima Police Department	Chief Diane Cauthen	Chief Cauthen	dcauthen@pimatown.az.gov
Pinal County Sheriff's Office	Sheriff Mark Lamb	Sheriff Lamb	mark.lamb@pinal.gov
Pinetop Lakeside Police Department	Chief Dan Barnes	Chief Barnes	dbarnes@pinetoplakesideaz.gov
Prescott Police Department	Chief Debora Black	Chief Black	debora.black@prescott-az.gov
Prescott Valley Police Department	Chief Steven Roser	Chief Roser	srosar@praz.net
Quartzsite Police Department	Chief William Ponce	Chief Ponce	wponce@quartzsiteaz.org
Quechan Tribal Police Department	Chief Kirk Nerva	Chief Nerva	knerva@quechantribe.com
Safford Police Department	Chief Glen Orr	Chief Orr	gorr@saffordaz.gov
Sahuarita Police Department	Chief John Noland	Chief Noland	jnoland@sahuaritaz.gov
Salt River Pima-Maricopa Indian Community	Chief Karl Auerbach	Chief Auerbach	karl.auerbach@srpic-nsn.gov
San Luis Police Department	Chief Richard Jessup	Chief Jessup	riessup@sanluisaz.gov
Santa Cruz County Sheriff's Office	Sheriff Tony Estrada	Sheriff Estrada	testrada@santacruzcountyaz.gov
Scottsdale Police Department	Chief Alan Rodbell	Chief Rodbell	arodbell@scottsdaleaz.gov
Sedona Police Department	Chief Charles Husted	Chief Husted	chusted@sedonaaz.gov
Show Low Police Department	Chief Joseph Shelley	Chief Shelley	jshelley@showlowaz.gov
Sierra Vista Police Department	Chief Adam Thrasher	Chief Thrasher	adam.thrasher@sierravistaaz.gov

Snowflake-Taylor Police Department	Chief Bobby Martin	Chief Martin	<a href="mailto:rmartin@stpd.org">rmartin@stpd.org</a>
Somerton Police Department	Chief Araceli Juarez	Chief Juarez	<a href="mailto:aracelijuarez@somertonaz.gov">aracelijuarez@somertonaz.gov</a>
South Tucson Police Department	Chief Manuel Amado	Chief Amado	<a href="mailto:mamado@southtucson.org">mamado@southtucson.org</a>
Springerville Police Department	Chief James C. Kemp	Chief/Kemp	<a href="mailto:jkemp@springervilleaz.gov">jkemp@springervilleaz.gov</a>
St. Johns Police Department	Chief Lance Spivey	Chief Spivey	<a href="mailto:lspivey@stjohnsaz.gov">lspivey@stjohnsaz.gov</a>
Superior Police Department	Chief Frank Alanis	Chief Alanis	<a href="mailto:frank.alanis@pinal.gov">frank.alanis@pinal.gov</a>
Surprise Police Department	Chief Terry Young	Chief Young	<a href="mailto:terry.young@surpriseaz.gov">terry.young@surpriseaz.gov</a>
Tempe Police Department	Chief Jeffrey Glover	Chief Glover	<a href="mailto:jeffrey_glover@tempe.gov">jeffrey_glover@tempe.gov</a>
Thatcher Police Department	Chief Shaffen Woods	Chief Woods	<a href="mailto:swoods@thatcher.az.gov">swoods@thatcher.az.gov</a>
Tohono O'odham Nation Police Department	Chief Elton Begay	Chief Begay	<a href="mailto:elton.begay@tonation.nsn.gov">elton.begay@tonation.nsn.gov</a>
Tolleson Police Department	Chief Wayne Booher	Chief Booher	<a href="mailto:wayne.booher@tolleson.az.gov">wayne.booher@tolleson.az.gov</a>
Tombstone Marshal's Office	Marshal Bob Randall	Marshal Randall	<a href="mailto:rrandall@cochise.az.gov">rrandall@cochise.az.gov</a>
Tonto Apache Tribal Police Department	Chief Mary Jarvis	Chief Jarvis	<a href="mailto:mjarvis@tontoapache.org">mjarvis@tontoapache.org</a>
Tucson Police Department	Chief Christopher Magnus	Chief Magnus	<a href="mailto:chris.magnus@tucsonaz.gov">chris.magnus@tucsonaz.gov</a>
Wellton Police Department	Chief Donald Jones	Chief Jones	<a href="mailto:djones@town.wellton.az.us">djones@town.wellton.az.us</a>
White Mountain Apache Police Department	Chief Theodore Shaw	Chief Shaw	<a href="mailto:theodoreshaw@wmapolice.com">theodoreshaw@wmapolice.com</a>
Wickenburg Police Department	Chief Les Brown	Chief Brown	<a href="mailto:lbrown@wickenburgaz.org">lbrown@wickenburgaz.org</a>
Willcox Public Safety	Chief Dale Hadfield	Chief Hadfield	<a href="mailto:dhadfield@willcox.az.gov">dhadfield@willcox.az.gov</a>
Williams Police Department	Chief Herman Nixon	Chief Nixon	<a href="mailto:hnixon@williamsaz.gov">hnixon@williamsaz.gov</a>
Winslow Police Department	Chief Kenneth Arend	Chief Arend	<a href="mailto:karend@winslowaz.gov">karend@winslowaz.gov</a>
Yavapai County Sheriff's Office	Sheriff Scott Mascher	Sheriff Mascher	<a href="mailto:sheriff@yavapai.us">sheriff@yavapai.us</a>
Yavapai-Apache Nation Police Department	Chief Nathan Huibregtse	Chief Huibregtse	<a href="mailto:nhuibregtse@yan-tribe.org">nhuibregtse@yan-tribe.org</a>
Yavapai-Prescott Indian Police Dept	Chief Scott Desjaden	Chief Desjaden	<a href="mailto:sdesjaden@ypit.com">sdesjaden@ypit.com</a>
Yuma County Sheriff's Office	Sheriff Leon Wilmot	Sheriff Wilmot	<a href="mailto:leon.wilmot@ycso.yumacountyaz.gov">leon.wilmot@ycso.yumacountyaz.gov</a>
Yuma Police Department	Chief Susan Smith	Chief Smith	<a href="mailto:susan.smith@yumaaz.gov">susan.smith@yumaaz.gov</a>



MARK BRNOVICH  
ATTORNEY GENERAL

OFFICE OF THE ARIZONA ATTORNEY GENERAL  
CRIMINAL DIVISION / SPECIAL INVESTIGATIONS SECTION

JOHN WHITE  
SUPERVISORY SPECIAL  
AGENT  
(602) 364-0440

October 20, 2020

Dear Arizona Law Enforcement Partners:

This year's election poses some unique challenges for law enforcement agencies; some members of the public are concerned about voting and their health and safety during this time of a national pandemic. Concern has also been expressed with regards to the integrity of the voting process and it is quite possible that there may be instances of confusion at the polls which may generate some complaints about the process.

The Election Integrity Unit of the Arizona Attorney General's Office extends an invitation of assistance to your agency on this Election Day, Tuesday, November 3<sup>rd</sup>, 2020.

We have established a statewide hotline to assist you in the event your agency may receive any reports of criminal activity relating to election or voting matters from members of your community. If your officers respond to a call regarding a potential violation of our election laws, our office will have Special Agents on standby to assist telephonically and provide assistance to your agency personnel.

The Election and Voter Integrity Hotline for Law Enforcement is 602-319-4577 or 602-542-4853. In addition, feel free to direct any members of the public wishing to report election or voting concerns to our online complaint form at: <https://www.azag.gov/complaints/election>. Additionally, the following statutes related to the voting process are provided for your review:

- ARS 16-515: Restrictions on activity within 75 ft of a polling location, a Class 2 Misdemeanor
- ARS 16-1004: Interference with election officers, a Class 5 Felony
- ARS 16-1005: Ballot fraud and abuse, including the harvesting of ballots, Class 4, 5, and 6 felonies
- ARS 16-1006: Hindering or disrupting voting by force, threats, menaces, bribery or any corrupt means, a Class 5 felony

We look forward to partnering with you in the prevention of election and voting crimes.

Sincerely,

John White  
Supervisory Special Agent  
[John.White@azag.gov](mailto:John.White@azag.gov)  
602-364-0440

---

**From:** ebayer73 <ebayer73@ >  
**Sent:** Wednesday, February 17, 2021 10:09 AM  
**To:** Kanefield, Joe  
**Subject:** Election Fraud

Attorney General Mark Brnovich,

The AG Elections Integrity Unit received more than 2,000 complaints in very early Nov., right after the election. Also in November, a report was filed of fraudulent ballots flown into Phoenix Sky Harbor Airport and then taken to Maricopa County Tabulation Center. This was corroborated with affidavits, and video and audio evidence. Considering this, the thousands of complaints and affidavits, and the statistical data, what have you done about it? Have you actually studied the statistical data, sir? How do you explain it?

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Not Fooled,

Laura Garcia



---

**From:** Anderson, Ryan  
**Sent:** Monday, March 01, 2021 11:24 AM  
**To:** Brnovich, Mark; Conner, Katie; Mejia, Catherine; Kanefield, Joe; Kredit, Joshua; Isaak, Jason; Medina, Rick  
**Subject:** Epoch: Arizona AG Brnovich Hopes Supreme Court Appearance Strikes Blow for Electoral Integrity  
**Categories:** Purple Category

[https://www.theepochtimes.com/mkt\\_app/arizona-attorney-general-hopes-supreme-court-appearance-strikes-blow-for-electoral-integrity\\_3714563.html?welcomeuser=1](https://www.theepochtimes.com/mkt_app/arizona-attorney-general-hopes-supreme-court-appearance-strikes-blow-for-electoral-integrity_3714563.html?welcomeuser=1)

## Arizona AG Brnovich Hopes Supreme Court Appearance Strikes Blow for Electoral Integrity

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"I think we all should agree at this point that we want to have confidence in our election system," Mark Brnovich, the state's Republican attorney general, said in an exclusive interview with The Epoch Times, in which he shared his views about the upcoming oral argument at the high court and electoral integrity measures in general.

"We want orderly elections."

Brnovich said he's "hopeful" about his prospects before the high court, "but as someone who's actually married to a judge, I've learned a long time ago not to predict what a judge is going to do."

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There is a "need to understand traditional notions of federalism and to understand that the Constitution is all about protecting rights, and that the government is supposed to be limited and its powers defined."

## **Ballot Harvesting**

The Supreme Court agreed Oct. 2 to hear the case at hand, which concerns efforts to combat Democratic plans that Republicans say undermine electoral integrity measures and throw the Grand Canyon State open to ballot-harvesting and out-of-precinct voting.

Forbidding unlimited third-party ballot harvesting is a “commonsense” way to protect the secret ballot, and to prevent undue influence, voter fraud, ballot tampering, and voter intimidation, Brnovich said.

“We have seen in the past where people have used ballot harvesting to undermine the integrity of elections. We also know that no less than Jimmy Carter in 2005 had recommended that there be commonsense measures in place when it came to ballot harvesting because absentee ballots were one of the largest sources of potential fraud,” he said.

Brnovich was referring to the bipartisan Commission on Federal Election Reform, chaired by former President Jimmy Carter and former Secretary of State James A. Baker III, which found that “absentee ballots remain the largest source of potential voter fraud” and that “vote-buying schemes are far more difficult to detect when citizens vote by mail.”

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“I think as a public official there is no higher priority among public officials than maintaining the public integrity of our elections, so we want to make sure that people are prevented from voting multiple times, we want to protect against voter intimidation, we want to preserve the secrecy of the ballot, and I think that’s what our laws were designed to do.”

## **Voting Rights Cases**

The oral arguments in Brnovich’s case before the Supreme Court come after an Arizona judge ruled in a separate case that state lawmakers have the right to access 2.1 million ballots cast in the state’s most populous county and related electronic materials in order to carry out an audit of the Nov. 3 election results, as The Epoch Times previously reported.

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Judge Timothy J. Thomason of the Superior Court of Arizona, Maricopa County, wrote in a decision Feb. 25 that although the county believes the subpoenas are “the result of continuing claims by supporters of former President Trump that the election was ‘stolen’ and that this entire matter is a waste of time,” the court finds the subpoenas “legal and enforceable.” The Arizona Senate has “broad constitutional power to oversee elections ... [and the] Arizona legislature clearly has the power to investigate and examine election reform matters. “

The case Arizona's top prosecutor is arguing March 2 is actually two cases that the Supreme Court consolidated. The first is *Brnovich v. Democratic National Committee (DNC)*; the second is *Arizona Republican Party v. DNC*.

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### **'Discriminatory Intent'**

Arizona, like other states, has adopted rules to promote the order and integrity of its elections.

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Most states require voters to vote in their own precincts, and around 20 states limit ballot collection by third parties, according to court documents.

A U.S. district court upheld Arizona's provisions, which were challenged under the Voting Rights Act (VRA) and the 15th Amendment to the U.S. Constitution.

Section 2 of the VRA prevents state and local governments from imposing any "qualification or prerequisite to voting or standard, practice, or procedure ... in a manner which results in a denial or abridgment of the right of any citizen of the United States to vote on account of race or color[.]"

A panel of the 9th Circuit Court of Appeals affirmed the trial court but then reversed at the en banc stage, going against the recommendations of the Trump administration.

The provisions regarding ballot-harvesting and out-of-precinct voting were ruled racially discriminatory and therefore unconstitutional by the appeals court.

"Arizona's policy of wholly discarding, rather than counting or partially counting, out-of-precinct ballots, and H.B. 2023's criminalization of the collection of another person's ballot, have a discriminatory impact on American Indian, Hispanic, and African American voters in Arizona, in violation of the 'results test' of Section 2 of the VRA," Judge William A. Fletcher, a Clinton appointee, wrote for the court.

Fletcher added that H.B. 2023's ban on collecting another person's ballot "was enacted with discriminatory intent, in violation of the 'intent test' of Section 2 of the VRA and of the Fifteenth Amendment."

The Arizona laws in question are unfair because American Indian voters, other minorities, renters, and poor people are disadvantaged because they have difficulty receiving and sending mail, Fletcher wrote.

“Minority voters rely on third-party ballot collection for many reasons,” he added, citing the testimony of a community organizer

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Brnovich said he rejects those court findings, which were consistent with legal arguments made by Democrats.

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“Our laws do not violate section 2 of the Voting Rights Act.”

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“The reality is that it’s a solution in search of a problem. And I would remind Nancy Pelosi and [Senate Majority Leader] Chuck Schumer that the federal government didn’t create the states. The states created the federal government, and the Constitution was designed not only to have these checks and balances between the legislative, judicial, and executive branches, but the states were designed to serve as a check on the federal government and I don’t think the federal government should be in the business of telling Arizona how we should run our elections.”

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**From:** Anderson, Ryan  
**Sent:** Thursday, December 10, 2020 5:01 PM  
**To:** Kanefield, Joe  
**Subject:** FW:

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**From:** Anderson, Ryan  
**Sent:** Thursday, December 10, 2020 4:59 PM  
**To:** Roysden, Beau  
**Subject:**

## Brnovich at arm's length in election suit

By: [Howard Fischer, Capitol Media Services](#) December 10, 2020

In this Nov. 5, 2020, file photo, the Supreme Court in Washington. (AP Photo/J. Scott Applewhite)

Arizona is seeking a voice in the lawsuit Texas has brought against some other states won by President-elect Joe Biden. But exactly who Attorney General Mark Brnovich will side with remains unclear. In legal papers filed with the U.S. Supreme Court, Brnovich said he wants to file a brief to argue the importance of "election integrity." And he said he wants a quick decision in the case.

What's telling, though, is that Brnovich is not joining with 17 other Republican attorneys general who filed their own brief with the Supreme Court siding with Texas. That asks the justices to back Texas in its bid to block a final vote by the Electoral College while the court considers allegations that illegal changes in laws in Pennsylvania, Georgia, Michigan and Wisconsin created the opportunity for fraud. Instead, Brnovich aide Ryan Anderson said his boss wants to ensure that any ruling from the U.S. Supreme Court about laws and rules that govern election laws – in this case, in particular, about the presidential race – do not undermine Arizona's own regulations. And Anderson said as far as his boss is concerned, Arizona does elections right, which is why it wasn't sued by Texas as were the four other states where, like Arizona, Biden won the popular vote.

"Had Arizona been sued, that would have put our office in a situation where we would have had to decide what we would have filed and what we would have done," Anderson said. That would have put Brnovich in the position of having to defend not only the state but the election – and Biden's win – against Texas Attorney General Ken Paxton.

Mark Brnovich

And Anderson left no question about what Brnovich thinks of how Arizona conducted the election. "The Arizona attorney general will not be advocating to overturn the election results in Arizona," he said.

Anderson said Brnovich does share one sentiment with his Texas counterpart.

"We all agree that the integrity of our elections are important," he said. "And there are too many Americans who do not trust the outcome of the election."

But Anderson said that Arizona's interest in the legal fight is different than that of the other Republican attorneys general.

The lawsuit filed by Paxton charges that changes made this year to election procedures in the four battleground states, many due to the impact of the pandemic, are illegal.

In essence, he said that the changes, some enacted by courts, weakened ballot-integrity statutes. And that, in turn, has created the opportunity for fraud, though he does not allege any actual instances where that has occurred.

Courts in each of those states have dismissed similar claims. But Paxton is arguing that it is the responsibility of the nation's highest court to intercede and declare that the procedures used in those four states were illegal and therefore the results should not be allowed to stand.

Anderson said it is noteworthy that Texas did not sue Arizona despite the fact that the election returns, which remain standing after several legal challenges, are awarding the state's 11 electoral votes to Biden.

He said some of that is due to the fact that Brnovich has fought off various efforts to allow last-minute changes in election laws, ranging from how county election officials have to handle unsigned early ballots to extending the deadline for people registering to vote.

Anderson said it's not clear the Supreme Court will even consider the Texas petition. But he said if the justices take it up, Brnovich wants to be sure that any ruling they issue respects the interests of Arizona.

Those interests, he said, is that the justices recognize and affirm that it is the legislature that has prime say over how elections are conducted and not courts or even officials of the executive branch. That's crucial because Arizona already has some of the laws that the Texas lawsuit says are lacking or were ignored elsewhere.

For example, Paxton complained that some states do not require that signatures on envelopes with early ballots be compared with records on file. Arizona requires matching of all envelopes received.

He also said that some states “flooded their citizenry with tens of millions of ballot applications and ballots,” ignoring normal controls. Arizona, by contrast, sends early ballots only to those who request them, whether on an election-by-election basis or by signing up on the permanent early voting list. Brnovich is not the only Arizona elected official weighing in at the Supreme Court.

Ten state representatives and three senators, all Republicans, joined with counterparts from Alaska and Idaho on Thursday filed their own brief in support of Texas.

“An elite group of sitting Democrat officers in each of the defendant states coordinated with the Democrat party to illegally and unconstitutionally change the rules established by the legislature in the defendant states, thereby depriving the people of their states a free and fair election — the very basis of a republican form of government,” they charged through their attorneys.

The representatives are Nancy Barto, Frank Carroll, John Fillmore, Mark Finchem, Travis Grantham, Anthony Kern, David Livingston, Steve Pierce, Bret Roberts and Kelly Townsend. The senators are Sylvia Allen, Sonny Borrelli and David Gowan.

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**From:** Anderson, Ryan  
**Sent:** Friday, October 16, 2020 12:00 PM  
**To:** Lumpp, Rachelle  
**Subject:** FW: Election Assistance Letter  
**Attachments:** EIU Letter to Police Agencies.doc

Could we use the law enforcement funding distribution list to help them autofill this letter?  
And by help I mean send to them so they could do it?

---

**From:** Kanefield, Joe  
**Sent:** Friday, October 16, 2020 11:59 AM  
**To:** Anderson, Ryan  
**Subject:** FW: Election Assistance Letter

I asked John Johnson to have SA White work with you on printing and distribution.

Joseph Kanefield  
Chief Deputy & Chief of Staff



---

Attorney General Mark Brnovich  
Desk: 602-542-8080  
[Joe.Kanefield@azag.gov](mailto:Joe.Kanefield@azag.gov)  
<http://www.azag.gov>

---

**From:** Johnson, John  
**Sent:** Friday, October 16, 2020 9:31 AM  
**To:** Kanefield, Joe  
**Subject:** Fwd: Election Assistance Letter

Hello Mr. Kanefield,

Our SIS supervisors would like to send the attached letter to police agencies offering our assistance during the upcoming election. Please let me know if you approve of this approach. Thanks.

John Johnson  
Division Chief Counsel  
Office of the Attorney General Mark Brnovich  
Criminal Division  
2005 N. Central Ave.  
Phoenix, AZ 85004  
Phone: 602-542-8482  
[John.Johnson@azag.gov](mailto:John.Johnson@azag.gov)

CONFIDENTIAL AND PRIVILEGED COMMUNICATION. This material is intended for the named recipient(s) only. If you have this and are not the named, intended recipient, please do not read the contents of

the e-mail or any attachment. This information may also be protected through an attorney-client privilege. Please inform the sender of the error so re-transmittal to the intended recipient may occur. Please do not copy/share the contents of the transmission. Please delete the e-mail and any attachment. Thank you.

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**From:** Gadow, Blaine  
**Sent:** Friday, October 16, 2020 9:24:38 AM  
**To:** Johnson, John  
**Subject:** FW: Election Assistance Letter

Sorry, thought I included it. Attached.

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**From:** Grigsby, Reginald  
**Sent:** Thursday, October 15, 2020 11:31 AM  
**To:** Johnson, John; Ahler, Paul; Thomas, Keith; Gadow, Blaine; Lawson, Todd  
**Cc:** White, John; Knuth, William  
**Subject:** Election Assistance Letter

Gentlemen:

SSA John White, AAG Lawson, and SA Knuth collaborated on this letter to send to police agencies. This was in response to an inquiry they received about what our agency would be doing with regards to the election and potential issues. They collectively came up with both the idea of a hotline as well as correspondence to all of the LE agencies in the state.

If you approve of this letter and content, we do have a few options for getting it out to the agencies. We can send it via teletype, I can have it posted to the AZ chiefs and sheriff's association via their email alert system. We can also actually mail the letters.

I think this comports well with the agency's responsibilities as well as the expectations of the public. We will have agents working the phone lines until after the polls close if this is approved.

I appreciate the hard work and initiative shown by our agents and attorneys.

Reginald "Reggie" Grigsby  
Chief Special Agent  
Office of Attorney General Mark Brnovich  
Special Investigations Section  
2005 N. Central Avenue  
Phoenix, AZ 85004  
[Reginald.Grigsby@azag.gov](mailto:Reginald.Grigsby@azag.gov)  
602-542-7944



MARK BRNOVICH  
ATTORNEY GENERAL

OFFICE OF THE ARIZONA ATTORNEY GENERAL  
CRIMINAL DIVISION / SPECIAL INVESTIGATIONS SECTION

JOHN WHITE  
SUPERVISORY SPECIAL  
AGENT  
(602) 364-0440

October 15, 2020

Dear Arizona Law Enforcement Partners:

This year's election poses some unique challenges for law enforcement agencies; some members of the public are concerned about voting and their health and safety during this time of a national pandemic. Concern has also been expressed with regards to the integrity of the voting process and it is quite possible that there may be instances of confusion at the polls which may generate some complaints about the process.

The Election Integrity Unit of the Arizona Attorney General's Office extends an invitation of assistance to your agency on this Election Day, Tuesday, November 3<sup>rd</sup>, 2020.

We have established a statewide hotline to assist you in the event your agency may receive any reports of criminal activity relating to election or voting matters from members of your community. If your officers respond to a call regarding a potential violation of our election laws, our office will have Special Agents on standby to assist telephonically and provide assistance to your agency personnel.

The Election and Voter Integrity Hotline for Law Enforcement is 602-319-4577 or 602-542-4853.

In addition, feel free to direct any members of the public wishing to report election or voting concerns to our online complaint form at: <https://www.azag.gov/complaints/election>. Additionally, the following statutes related to the voting process are provided for your review:

- ARS 16-515: No electioneering within 75 feet of a polling location, class 2 misdemeanor
- ARS 16-1004: Interference or corruption of an election officer, class 5 felony
- ARS 16-1005: Prevention of ballot abuse and ballot harvesting, class 5 felony
- ARS 16-1006: Changing the vote of an elector by corrupt means, a class 5 felony

We look forward to partnering with you in the prevention of election and voting crimes.

Sincerely,

John White  
Supervisory Special Agent  
[John.White@azag.gov](mailto:John.White@azag.gov)  
602-364-0440

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**From:** Anderson, Ryan  
**Sent:** Wednesday, December 18, 2019 8:06 AM  
**To:** capmedia@  
**Cc:** Lump, Rachele  
**Subject:** FW: PRR Elex manual  
**Attachments:** SUMMARY OF DRAFT PROCEDURES MANUAL 8.docx

This came from Ann Wayman Trujillo, Yavapai County. I think she's the former Clerk of the Board. I believe she submitted these same comments to the SOS via the public comment period. You may want to check the public comment section of the SOS website for additional content.

Ryan

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**From:** - Capitol Media Services [capmedia@  
**Sent:** Tuesday, December 17, 2019 10:34 PM  
**To:** Anderson, Ryan  
**Subject:** Public Records Request

Dec. 17, 2019

Ryan Anderson  
Arizona Attorney General's Office

(via email)

Dear Mr. Anderson:

This is a request for any communications from and to the Attorney General's Office within the past four months about the contents of or changes to the state Elections Manual.

If you or your public agency contend any portion of this information is not subject to disclosure, please provide me with a list of dates and times of each meeting along with the specific exemption under the Public Records Act for withholding the information. This will make it easier for a court to review the items in camera and determine the validity of each claim.

As to any promise your office made to obtain the data, I am sure you are well aware that the mere promise of confidentiality to any other party is insufficient to shield a public record from disclosure. There also is case law spelling out that the generic exemption for "best interests of the state" involves more than the best interest of the public official or agency. And please note that no Arizona court has recognized "executive privilege."

Also, if you contend any of the information is not subject to the Public Records Act, please immediately produce any portions for which you do not claim an exemption.

The records are being sought for the purpose of a news story and not for any commercial purpose as defined by Title 39. I will pay a reasonable fee for copying any paper documents. However, any documents that exist electronically should be furnished in their native format as required under Arizona law.

Thank you.

Howard Fischer  
Capitol Media Services  
[capmedia@.....](mailto:capmedia@.....)  
602-



## SUMMARY OF DRAFT PROCEDURES MANUAL 8/23/2019

1. Pg. 3; (A) Citizenship requirement - this sounds crazy. Is most of this automated and automatically performed through the SOS matches? If so are those procedures just for the 13 counties that are "real time" with SOS or for all 15 counties. Are there procedures within the SOS department?
2. Pg. 5; (2) -Explain what the AZDL means when its indicated with an "F"
  - a. MVD process is uniform?
  - b. Pg. 7 ii; again states that issued by an equivalent-issuing state agency-what is the determination for that.
3. P. 11; (B) and Pg. 29 First full sentence - Age requirement: would like to see a procedure that requires a notice sent out to the specific qualified elector if registered 6 months prior to being 18. Notice sent at least 30 days prior to voter registration cut off for the election they are eligible for that states they are on the list, what date they registered, what party they registered under. If they want to keep their status send back confirmation, if no response, move to the inactive list. This will count as one of the first qualifying notices (inactive voter)
4. Pg. 13; III Voter Registration Assistance Agencies -A
  - a. Bullet point 2 – are there standards for written policies and procedures/training for public assistant agencies. If not any Public Assistant Agency who develops these standards shall submit the written information to the Secretary of State and All Recognized Political Parties (or if only county wide policy/procedure, then the Officer in Charge of Elections (OCE) and the County recognized political parties will receive the written information).
5. Pg. 14; Second Paragraph- if the County Recorder designates additional registration volunteers as set forth in above paragraph, a list should be maintained by the County Recorder and names should be added as soon as they are designated as a volunteer. All groups must follow the published guidance for voter registration.
6. Pg. 15; IV Voter Registration Processing Procedures
  - a. Statewide concern- should there be something in here about timely reporting by Maricopa and Pima County? (this might be statutory by there is no statute reference in this section – which also seems a little light on specific procedures)
  - b. Define what substantive changes mean. SOS should be notified of any changes with a time frame.
7. Is there any guidelines for keeping Federal Form registrants separate from Full Ballot Registrants or any reporting on those who were moved to the Full Ballot list because of 8 below.

8. Pg. 17; Explain this in better detail. This must go through the DPOC process?
9. Pg. 24; first paragraph- Pg. 45 I. (A) request for early ballot- Should verification of the AZLD/ID# indicate citizenship? (refer to item 2 above)
10. Pg. 40 and 41; Federal Only and Lists to Recognized Parties-There are not any specifics on what kind of report. Is there a specific report available to the parties on voters who registered on the Federal Form and is on the Federal list? What about those who were moved from the Federal list, to the Full Ballot List, why and when?
11. Pg. 53; Early Ballots – General Question- is ballot harvesting still acceptable?
12. Pg. 60; C Security Procedures for Accessible Voting- Paragraph 4. Need to specify that chain of custody of accessible voting devices must be tracked and logged by a team of at least two board workers OF DIFFERENT POLITICAL PARTIES. \*(if two parties not available then an affidavit signed by the OCE needs to be provided and the reason for the lack of the two political parties needs to be notated as to why)\*
13. Pg. 61; Establishing Early Voting Centers- Question about if there is language as to what constitutes an emergency, don't see the specific language yet in statute. Is there a time frame for this to be done and time emergency voting will cease. Is there a public notice posted? Are all recognized parties notified of the emergency polling places within\_\_\_\_ hours of when they are established. I think there should also be language that individual candidates should be notified by the parties as to these polling places NOT THE OCE, unless the OCE sends a notice out to all candidates involved in the election.
14. Pg. 63; VI Processing and Tabulating Early Ballots -There are no procedures for requesting another method of counting ballots. This should be better defined and also have notification requirements, including having parties in the Jurisdiction where this is taking place notified of the request and if it was granted.
15. Pg. 71; I (A)State Certification Process- Voting Equipment Certification first paragraph continued on Pg. 72 States SOS can approve exceptions to mix and match components under exceptional circumstances, what dictates exceptional circumstances, how is it requested, how is it approved and who is noticed?– General comment that Arizona Committee should be made up of 5 individuals just like the independent redistricting commission.
16. Pg. 74 (2) and Pg. 123 (2); Pg. 162; Voter Education over votes-Vote Centers Because I am not familiar with how some of the new systems work, I don't understand how transporting ballots at the precincts/vote centers to counting centers before they are processed complies with Federal law regarding over votes if there is one.

17. Pg. 81; II Logic and Accuracy Testing – second paragraph conduct of the test must be overseen by at least two county elections staff (of different political parties if possible); Pg. 90 item 7 ...of different political parties if possible) Should be an affidavit signed as to who they are and if not different parties why.\*
18. Pg. 92; IV. Contingency Planning-statute requirement for this? This section is vague. What elections? (pg.93 and Pg. 155 second full paragraph regarding back up roster/e-poll book) When is contingency plan approved, when is it activated or is there a limitation as to when it can be used? The County Parties should be provided with a copy of this and be informed \_\_\_\_\_ hours after its evoked.
19. Pg. 95; I. Voter Registration Information. What is a self-identified voter? Why is some of this section necessary? (I don't see any state or federal citations) Pg. 96 – II Voting and Voting Location information first sentence-what does the voting experience mean?
20. Pg. 98; second paragraph. If the inspection results in the need to implement procedures for emergency polling place then recognized political parties should be notified immediately of any changes.
21. Pg. 103; iii Filing Officer Processing of Nomination Petition- second bullet point, is this consistent with the voter registration form. How do you verify printed name if the voter form has only a signature. What is the standard for signing the form.
22. Pg. 104; b Independent Nomination states a 3 letter party designation. Should it say PND if they are not one of the recognized political parties.
23. Pg. 116; 1. Criteria for Disqualifying- What is the County Recorder Petition Signature Verification Guide. Who prepares it, is it on the county web? Etc.
24. Pg. 116; 2. County Recorders Signature Verification Report second bullet – In the County Recorders discretion the County Recorder may identify and the report may reflect a reason for disqualifying a signature other than the reasons specified in the challenged. This language is vague, and concerning for a procedures manual. If it's at CR discretion, then there should be a whole lot of accountability as to when this is possible with penalties involved if the court finds it frivolous.
25. Pg. 116; 3. Testimony and Evidence paragraph 2 the wording “must make best efforts to provide the certified copies of voter forms as soon as practicable” is very loose. Should there be a standard? Within \_\_\_\_\_ hours of the request.
26. Pg. 118 through 121 PPE get rid of the whole thing Legislative Change

27. Pg. 124; C. failure to timely establish Polling Places – this statute needs work? Reads like it’s an old throw back from horse and buggy day? You wouldn’t have a board unless you had a polling place??? If the Justice of the Peace does have to designate a polling place who works it, parties notified? Equipment?
28. Pg. 125; 9. Outreach to rural and underserved communities.- Does this mean you have to give these areas more consideration?
29. Pg. 126; A.R.S. 16-411 (H) third bullet-All Recognized Political Parties shall be notified
30. Pg. 127; II. Appointment and Training of Poll Workers 4<sup>th</sup> paragraph- When is this report to be provided to the BOS? Maybe an updated list shall be available to parties 24 hours prior to Election Day. Paragraph 7 if there are polling places where it has been impossible to seat the required alternate party workers, then an affidavit along with notification from Recognized Political Party that no workers were available shall be prepared by the OCE.\*
31. Pg. 128; A. 6. Marked spoiled ballots the inspector and one judge shall be of different political parties. 11. Should this not state sealed? Might say that somewhere else 😊
32. Pg. 150; E. Storage and Security (4) It is specific here that it is “election staff of different political parties”.
33. Pg. 151; first paragraph – OCE *should* implement reasonable security procedures...should be replaces by *shall*. Filed prior to elections? Posted? Parties notified?
34. Pg. 153; VI Language Minority voting materials – first paragraph. Should there not be a more specific procedure for this? i.e. If a county not covered under NVRA opts to print material in Spanish and other languages...procedures will be adopted by the BOS of the County \_\_\_\_ days prior to printing of the ballots and all recognized political parties in the county will be notified. (for the whole election cycle?)
35. Pg. 154; VII Preparation of Signature Rosters and E Poll Books – is there something in statute or otherwise that states how the Federal Voters as designated from a “Full Ballot” voter?
36. Pg. 155; third full paragraph – providing most up to date information on rosters/epoll books. There needs to be a definite cut off for everyone then a certificate should be issued on the request of the voter. This option leaves inconsistent procedures that can be challenge? It should be noted that counties have lost power on election day...this is concerning.
37. Pg. 155 and 156; A signature roster or e-poll book must contain... (Item 7) this is not fully defined. Why is there not a separate roster for Federal Voter, as set forth in paragraph 2 for inactive. It seems that less confusion as to what ballot to get. (I understand that poll workers get

confused but there needs to be consistent procedures and safe guards that voters get correct ballot)

38. Pg. 159; last paragraph. Is there a procedure if the provisional ballot accidentally gets put in the ballot box? If not then if that does happen, the voter and/or poll workers needs to sign something that states that happened.
39. Pg. 160; Re-precincting – first paragraph is vague. Could this trigger emergency polling places at an election? If so then language should be directed back to those procedures.
40. Pg. 162; E. Developing Contingency Plan – polling places. Language should be included that workers need to be kept in the same make up as set forth in poll worker statutes including if an alternate polling place needs to be open. If this is not possible then an affidavit should be signed by OCE as to what steps were taken and why it was not possible to follow statute. Recognized Political Parties need to be notified of the issue, real time.
41. Pg. 166; 10 and 11 Ballot stock should be inventoried and signed off on by poll workers of different recognized parties.\*
42. Pg. 176; V. Assisting Voters on Election Day – third paragraph two members of the board (of different political parties) SHALL perform...\*
43. Pg. 178; B. Issuing a Provisional Ballot (a) voter received an early ballot paragraph 2. This procedure is not defined. There is too much potential for the systems to go down. Is this just for e-poll books? Where are the safeguards?
44. Pg. 181; VII Challenges to a Voter Eligibility second paragraph; Are there any procedures to challenge a voter based on citizenship?
45. Pg. 183; VIII. Closing the Voting Location B. Poll Worker close out duties 1. Are there procedures to verify the Federal Voters against “Full Ballot” voters?
46. Pg. 186; Central Counting place operations 3<sup>rd</sup> paragraph speaks of OCE or designee to transfer ballots. Two board workers one from each of the recognized parties.\*
47. Pg. 187; C. Manual Ballot Counting paragraph 1- parties should be informed immediately if there needs to be a manual count.

48. Pg. 188; footnote – If different political parties cannot be utilized a sworn affidavit must be signed by OCE stating what procedures were taken to find workers and when parties were notified of the deficiency.
49. Pg. 189; second paragraph – the receiving board shall ensure proper chain of custody documentation. This needs to be better defined. Third paragraph last sentence ...ballot transfer containers should be delivered unopened to the inspection Board. What are the procedures if they are opened/unsealed.
50. Pg. 190; 2 Provisional Ballots second and third bullet are confusing (both conditional and regular provisional) any Provisionals that were accidentally deposited in ballot box. Audit log?
51. Pg. 190; 3. Voted Early Ballots. Should read early ballots need to be deposited in a separate locked/sealed box. I still don't understand the process for counting Provisionals and early ballots at the same time.
52. Pg. 192; 1. Establishing a Duplication Board second paragraph, last sentence – are these kept on a log? Is there are standards for resolution
53. Pg. 197; F. Accuracy Certification Board last sentence. Log for errors detected on L & A and how they were resolved.
54. Pg. 199; item 7 of Verification of Provisional Ballots a good procedure; does it coincided with other procedures for Federal only
55. Pg. 232; 2. Scope of Duty to Canvass first paragraph statute change to make some specific requirements if after six postponements the board still can't canvass a certain precinct.
56. Pg. 234; d. Poll worker training report. Report should include any emergency poll workers that were added to any polling place or emergency polling place?

\*Any time there is a deviation from having the recognized political parties present when specified maybe there should be documentation as to why and when parties were contacted and asked to provide workers.

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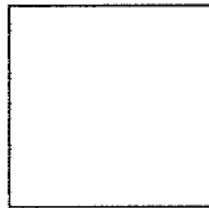
**From:** Conner, Katie  
**Sent:** Monday, March 01, 2021 2:28 PM  
**To:** Kanefield, Joe  
**Cc:** Anderson, Ryan  
**Subject:** FW: [Test] Attorney General Brnovich Defends Arizona Election Integrity Laws at U.S. Supreme Court

Hi Joe,  
Here is the full press release for tomorrow, after arguments. Please let us know if you have any edits/concerns.  
Thank you!

---

**From:** Attorney General Mark Brnovich [mailto:katie.conner@azag.gov]  
**Sent:** Monday, March 01, 2021 2:21 PM  
**To:** Conner, Katie  
**Subject:** [Test] Attorney General Brnovich Defends Arizona Election Integrity Laws at U.S. Supreme Court

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[View it in your browser.](#)



For Immediate Release: March 2, 2021  
Contact: Katie Conner at [Katie.Conner@azag.gov](mailto:Katie.Conner@azag.gov)

## **Attorney General Brnovich Defends Arizona Election Integrity Laws at U.S. Supreme Court**

**WASHINGTON, D.C.** - Attorney General Mark Brnovich argued to protect Arizona's commonsense election integrity laws before the United States Supreme Court (SCOTUS) on Tuesday morning. The Attorney General's Office (AGO) is asking the High Court to uphold Arizona's restrictions on ballot harvesting and out-of-precinct voting. At the heart of the case is whether states can pass laws to protect the integrity of elections.

"There is no more sacred duty for a public servant than preserving both the people's right

to vote and their confidence in the election process,” said Attorney General Mark Brnovich. “Arizona’s ballot box safeguards are shared by many states, were recommended by a bipartisan commission, and are constitutional because they equally protect us all.”

The Democratic National Committee (DNC) has been challenging Arizona’s restrictions on out-of-precinct voting and ballot harvesting since 2016.

Since the 1970s, Arizona has required people to cast ballots at their assigned precinct, where voter rolls can be easily accessed and confirmed. This rational measure ensures order in our elections, minimizes lines, and prevents anyone from being disenfranchised in local races. Today, the majority of states require people to vote at their specific precinct.

Arizona also restricts the collection and delivery of ballots by third-parties or political operatives, commonly known as ballot harvesting. The Arizona Legislature passed the law in 2016, with exceptions for family, caregivers, mail carriers, and election officials. In 2015, the City of Phoenix warned of reports of unauthorized individuals claiming to be City officials going door-to-door to collect early ballots. Civil Rights leaders had also raised concerns about elderly and vulnerable communities being targeted by ballot harvesting activists. This past December, the AGO indicted two individuals from Yuma County for allegedly engaging in ballot harvesting.

Additionally, in 2005, the bipartisan Commission on Federal Election Reform, chaired by former President Jimmy Carter and former Secretary of State James Baker (Carter-Baker Commission), recognized that “absentee ballots remain the largest source of potential voter fraud.” The Carter-Baker Commission recommended that states prohibit third-parties from handling absentee ballots, except for family members, the post office, or election officials (the same exceptions included in the Arizona law).

The DNC claims Arizona’s restrictions on ballot harvesting and out-of-precinct voting are a product of intentional discrimination and that they violate Section 2 of the Voting Rights Act. General Brnovich argued Tuesday morning that Arizona’s laws were constitutional, something even the Biden Justice Department acknowledged in a recent SCOTUS filing.

SCOTUS is expected to make a decision by this Summer.

**BACKGROUND:**



In 2016, the DNC challenged Arizona's laws restricting ballot harvesting and out-of-precinct voting. A federal district court judge ruled in Arizona's favor and upheld the laws. The case was then appealed to a 3-judge panel of the Ninth Circuit Court of Appeals, where the laws were again upheld. The DNC then appealed to a larger group of Ninth Circuit Court judges, who struck down the laws, a mere four days before the 2016 General Election. AG Brnovich immediately appealed to the U.S. Supreme Court, and the very next day the High Court overruled the Ninth Circuit, reinstating Arizona's ballot harvesting and out-of-precinct laws, pending a full hearing of the merits in the lower court.

In late 2018, a federal district court judge once again upheld Arizona's laws after a 10-day trial. DNC attorneys appealed the case to a 3-judge panel of the Ninth Circuit, who again upheld Arizona's laws. The DNC again appealed the case to a larger group of Ninth Circuit judges, and in early 2020 the court reversed itself and struck down the laws just as ballots for the Democratic Presidential Preference Election were beginning to be mailed out. AG Brnovich immediately filed for a stay of the decision, and the Ninth Circuit granted the request, leaving Arizona's restrictions on ballot harvesting and out-of-precinct voting presently intact.

In April 2020, General Brnovich asked SCOTUS to rule on Arizona's laws being challenged.

In October 2020, SCOTUS agreed to hear Arizona's case, which has garnered an outpouring of support from local and national leaders seeking to maintain the integrity of elections in Arizona and across the country.

###

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**From:** Arwen Gustafson <gustafsonarwen@>  
**Sent:** Wednesday, February 17, 2021 2:01 PM  
**To:** Kanefield, Joe  
**Subject:** Fwd: I demand a Kinematic Artifact Technology Audit NOW!

Dear Joe Kanefield,

This message was just sent to Attorney General Brnovich. It is for your information. May election integrity occur in the office ASAP! What was the purpose of the \$500,000 given to create an Elections Integrity Unit if nothing of substance will happen?

Sincerely,

Arwen Gustafson

----- Forwarded message -----

**From:** Arwen Gustafson <gustafsonarwen@>  
**Date:** Wed, Feb 17, 2021 at 1:26 PM  
**Subject:** Fwd: I demand a Kinematic Artifact Technology Audit NOW!  
**To:** <mark.brnovich@azag.gov>

Attorney General Mark Brnovich,

The AG Elections Integrity Unit received more than 2000 complaints in very early November, right after the election. Also in November, a report was filed of fraudulent ballots flown into Phoenix Sky Harbor Airport and then taken to the Maricopa County Tabulation Center. This was corroborated with affidavits, video and audio evidence. Considering this, the thousands of complaints and affidavits, and the statistical data, what have you done about it? Have you actually studied the statistical data, sir? How do you explain it?

It is my understanding that Jennifer Wright, who works in your office, wanted to pursue an investigation and you shut it down. You've led the Legislature on a wild goose chase, bouncing them back and forth with the courts and debating on authority and enforcement of subpoenas. The distraction has been masterful. February 1st came and passed, which ended the Safe Harbor rule. How convenient that we weren't able to get an audit before February 1. Now the machines have been tampered with.

I and others demand a forensic audit of the ballots using Kinematic Artificat Technology, which can verify a minimum of 20 validation points on each ballot. This technology is presently utilized to identify counterfeit currency, bank notes, bonds, stocks, passports, etc. This is the an audit that the Senate is pursuing and would actually yield true results. I will not be pacified with the incomplete and incompetently handled audit with antiquated methods currently underway by the Board of Supervisors.

Know that the people understand what is going on. I know about the differences in audits, I know about the HL8230 plane and Scott Koch, I know about the tampering with the machines, and I know about the Board of Supervisors and their multiple shenanigans.

I now know you are not to be trusted and despite the \$500,000 received at time of launch, your Elections Integrity Unit is more in the business of covering up fraud rather than uncovering it - or is the problem the leadership in your office, YOU?

I AM NOT FOOLED and I VOTE,

Arwen Gustafson  
Maricopa County resident

---

**From:** Anderson, Ryan  
**Sent:** Tuesday, October 20, 2020 3:12 PM  
**To:** 'Leon.Wilmot@ycso.yumacountyaz.gov'  
**Cc:** Lumpp, Rachelle  
**Subject:** RE: Attorney General's Office - Election Resources for LEO

Sheriff Wilmot –

What are you thinking? A letter to the sheriffs that could be distributed via the association?

We can easily provide one if you have recommendations RE: distribution.

Ryan

---

**From:** Lumpp, Rachelle  
**Sent:** Tuesday, October 20, 2020 3:09 PM  
**To:** Anderson, Ryan  
**Subject:** FW: Attorney General's Office - Election Resources for LEO

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**From:** Wilmot, Leon - Sheriff [<mailto:Leon.Wilmot@ycso.yumacountyaz.gov>]  
**Sent:** Tuesday, October 20, 2020 2:54 PM  
**To:** Lumpp, Rachelle  
**Subject:** RE: Attorney General's Office - Election Resources for LEO

Is this a form letter your sending to all Sheriffs?

**From:** Lumpp, Rachelle  
**Sent:** Tuesday, October 20, 2020 2:46 PM  
**To:** Wilmot, Leon - Sheriff  
**Subject:** Attorney General's Office - Election Resources for LEO

Dear Sheriff Wilmot

You will be receiving a letter shortly via email from the Attorney General's office regarding the November election and resources available to you and your agency should you require assistance from our Election Integrity Unit.

Best regards,

Rachelle Lumpp on behalf of Attorney General Mark Brnovich  
Executive Assistant  
602-542-8351 Office  
[rachelle.lumpp@azag.gov](mailto:rachelle.lumpp@azag.gov)

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**From:** Anderson, Ryan  
**Sent:** Monday, March 01, 2021 1:15 PM  
**To:** Isaak, Jason; Diaz, Bethany; Lumpp, Rachelle  
**Cc:** Mejia, Catherine; Conner, Katie  
**Subject:** RE: Constituent EIU Response FINAL - JK approved

As we send these emails out, and as we respond to other mass emailings, can we add a link at the bottom of the emails encouraging people to sign up for regular updates from the AGO? This might help curb some of the lack of understanding or knowledge from some members of the public regarding what we are working on.

[azag.info/AGOnews](http://azag.info/AGOnews)

Maybe:

[Sign up for monthly AGO updates and alerts](#)

---

**From:** Isaak, Jason  
**Sent:** Monday, March 01, 2021 9:34 AM  
**To:** Diaz, Bethany; Lumpp, Rachelle  
**Cc:** Anderson, Ryan  
**Subject:** Constituent EIU Response FINAL - JK approved

Bethany and Rachelle -

This is the final response letter edited by the team and approved by Joe K. I know Rachelle has some of these that came directly to Mark's email. Not sure if we have others, but I'm not sure how to coordinate this with Jennifer since it will be coming from her.

Let me know if I need or can do anything.

Thanks,  
Jason

PS – here's the sample email this responds to:

Attorney General Mark Brnovich,

I voted for you, and I expect you to DO SOMETHING FOR the PEOPLE! We know the AG Elections Integrity Unit received over 2,000 complaints early in Nov., right after the election, and a report was filed on fraudulent ballots flown into Phoenix Sky Harbor Airport and taken to Maricopa County Tabulation Center which was corroborated with affidavits, and video and audio evidence. Considering this, the thousands of complaints and affidavits, and the statistical data, what have you done about it, Mr. Brnovich? Have you even looked at the wild statistical data, sir? How do you explain it? We are ASKING YOU NICELY.

It's my understanding Jennifer Wright wanted to pursue an investigation and you shut it down. You've led the Legislature on a wild goose chase, bouncing them back and forth with the courts, debating on authority and enforcement of subpoenas JUST WASTING OUR PRECIOUS TIME. How convenient that we weren't able to get an audit before the safe harbor rule, and now the machines have been tampered with. WE ARE LIVID!

Not a phony audit like the last few, a forensic audit of the ballots using kinematic artifact technology, which can verify a minimum of 20 validation points on every ballot. This technology is presently utilized to identify counterfeit currency, bank notes, bonds, stocks, passports, etc. AUDITING VALUABLE THINGS, LIKE OUR VOTE! This is the real audit the Senate would ensure, BECAUSE TGE PEOPLE HAVE DEMANDED IT.

We left you alone mostly, but will not REST until our VOTES and ELECETIONS completely and competently handled! We're not good with a baloney audit like currently underway by the Board of Supervisors. WHY ARE THEY TOUCHING OUR VOTING MATERIAL!?

Please wake up. People understand what is going on. We know about the differences in audits, we know about HL8230 plane and Scott Koch, we know about the tampering with the machines, we know about the Board wasting our time and we know how to get your ass out of office! I am a friend of a Governor Jan Brewer and her son who worked as an atty in YOUR OFFICE so I take this personally.

Until we know our votes count, we are all just kind of willy nilly with no LAW & ORDER. That whole board should be DOING TIME. You are not to be trusted, Mr.AG. Your "Elections Integrity Unit" received \$500K AND WE WANT OUR —ING MONEY BACK.

Not just "TAKING IT" anymore. This is our new job... BABYSITTING OUR ELECTED OFFICIALS.



---

**From:** Anderson, Ryan  
**Sent:** Monday, October 19, 2020 4:13 PM  
**To:** Grigsby, Reginald  
**Cc:** Lumpp, Rachelle; White, John  
**Subject:** RE: Election Assistance Letter

Rachelle –

Will you please send Chief Grigsby and SA White the mail merge law enforcement distribution file?

Thanks,  
Ryan

---

**From:** Grigsby, Reginald  
**Sent:** Monday, October 19, 2020 3:51 PM  
**To:** Anderson, Ryan  
**Subject:** Fw: Election Assistance Letter  
**Importance:** High

Ryan, the final draft of the election letter is attached; please let us know what we can do to help with it's distribution.

Reginald "Reggie" Grigsby  
Chief Special Agent  
Office of Attorney General Mark Brnovich  
Special Investigations Section  
2005 N. Central Avenue  
Phoenix, AZ 85004  
[Reginald.Grigsby@azag.gov](mailto:Reginald.Grigsby@azag.gov)  
602-542-7944

---

**From:** Grigsby, Reginald  
**Sent:** Monday, October 19, 2020 11:22 AM  
**To:** Ahler, Paul; Johnson, John  
**Cc:** Cope, James; White, John; Gadow, Blaine  
**Subject:** Fw: Election Assistance Letter

The final draft is attached for your review

Reginald "Reggie" Grigsby  
Chief Special Agent  
Office of Attorney General Mark Brnovich  
Special Investigations Section

2005 N. Central Avenue  
Phoenix, AZ 85004  
[Reginald.Grigsby@azag.gov](mailto:Reginald.Grigsby@azag.gov)  
602-542-7944

---

**From:** White, John  
**Sent:** Monday, October 19, 2020 11:17 AM  
**To:** Grigsby, Reginald  
**Subject:** FW: Election Assistance Letter

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**From:** White, John  
**Sent:** Friday, October 16, 2020 6:02 PM  
**To:** Lawson, Todd; Grigsby, Reginald  
**Cc:** Knuth, William; Gadow, Blaine  
**Subject:** RE: Election Assistance Letter  
**Importance:** High

Todd and Chief,

Please review the most updated copy with edits applied. Please let me know if any additional changes need to be made or if this can be the finalized copy?

Thank you!

John

---

**From:** Lawson, Todd  
**Sent:** Friday, October 16, 2020 1:07 PM  
**To:** Grigsby, Reginald  
**Cc:** Knuth, William; White, John; Gadow, Blaine  
**Subject:** RE: Election Assistance Letter

Chief –

I would suggest revising the statutes listed as follows:

ARS 16-515: Restrictions on activity within 75 ft of a polling location, a Class 2 Misdemeanor  
ARS 16-1004: Interference with election officers, a Class 5 Felony  
ARS 16-1005: Ballot fraud and abuse, including the harvesting of ballots, Class 4, 5, and 6 felonies  
ARS 16-1006: Hindering or disrupting voting by force, threats, menaces, bribery or any corrupt means, a Class 5 felony

There are other statutes in Title 16 Chapter 7 that we could try to summarize. ARS 16-1018 would be great to highlight because it touches on crimes committed by voters - for example – but there are so many ways to commit violations of the statute that it is difficult to summarize it in a few words.

Thanks

T

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**From:** Grigsby, Reginald  
**Sent:** Thursday, October 15, 2020 11:31 AM

---

**From:** Anderson, Ryan  
**Sent:** Wednesday, December 18, 2019 8:13 AM  
**To:** capmedia@hotmail.com  
**Cc:** Lump, Rachelle  
**Subject:** RE: PRR Elex Manual  
**Attachments:** AG Redline Spreadsheet.xlsx; Letter to Bo Dul - AG EPM Initial Review - 11-12-2019.pdf

And here are our initial comments to the SOS. I looked at the Navajo provision (looks like it was under "critical" tab.) Line 23, I believe. No real detailed analysis provided. But I will see what else I can get you.

Ryan

---

**From:** - Capitol Media Services [capmedia@]  
**Sent:** Tuesday, December 17, 2019 10:34 PM  
**To:** Anderson, Ryan  
**Subject:** Public Records Request

Dec. 17, 2019

Ryan Anderson  
Arizona Attorney General's Office

(via email)

Dear Mr. Anderson:

This is a request for any communications from and to the Attorney General's Office within the past four months about the contents of or changes to the state Elections Manual.

If you or your public agency contend any portion of this information is not subject to disclosure, please provide me with a list of dates and times of each meeting along with the specific exemption under the Public Records Act for withholding the information. This will make it easier for a court to review the items in camera and determine the validity of each claim.

As to any promise your office made to obtain the data, I am sure you are well aware that the mere promise of confidentiality to any other party is insufficient to shield a public record from disclosure. There also is case law spelling out that the generic exemption for "best interests of the state" involves more than the best interest of the public official or agency. And please note that no Arizona court has recognized "executive privilege."

Also, if you contend any of the information is not subject to the Public Records Act, please immediately produce any portions for which you do not claim an exemption.

The records are being sought for the purpose of a news story and not for any commercial purpose as defined by Title 39. I will pay a reasonable fee for copying any paper documents. However, any documents that exist electronically should be furnished in their native format as required under Arizona law.

Thank you.

Howard Fischer  
Capitol Media Services  
capmedia@  
602-

**To:** Johnson, John; Ahler, Paul; Thomas, Keith; Gadow, Blaine; Lawson, Todd

**Cc:** White, John; Knuth, William

**Subject:** Election Assistance Letter

Gentlemen:

SSA John White, AAG Lawson, and SA Knuth collaborated on this letter to send to police agencies. This was in response to an inquiry they received about what our agency would be doing with regards to the election and potential issues. They collectively came up with both the idea of a hotline as well as correspondence to all of the LE agencies in the state.

If you approve of this letter and content, we do have a few options for getting it out to the agencies. We can send it via teletype, I can have it posted to the AZ chiefs and sheriff's association via their email alert system. We can also actually mail the letters.

I think this comports well with the agency's responsibilities as well as the expectations of the public. We will have agents working the phone lines until after the polls close if this is approved.

I appreciate the hard work and initiative shown by our agents and attorneys.

Reginald "Reggie" Grigsby  
Chief Special Agent  
Office of Attorney General Mark Brnovich  
Special Investigations Section  
2005 N. Central Avenue  
Phoenix, AZ 85004  
[Reginald.Grigsby@azag.gov](mailto:Reginald.Grigsby@azag.gov)  
602-542-7944

**DISCUSS**

Location	Current Language	Comment
<b>Chapter 4</b>		
Pg 84 FN 22	Though not required, counties may, in their discretion, conduct additional pre- and/or post-election L&A tests, including with participation from representatives of the recognized political parties.	Footnote is unclear when this additional testing is allowed. Once certified for use in an election, equipment is then “deployed” and further testing would invalidate certification. Prior to certification, general testing important preparation. Procedures outlined in 2014 EPM Pg 104 for “diagnostic testing”. Post-election L&A is discussed in Chapter 12, Section II.
Pg 85 ¶ 1	In-person voting, both during the early voting period and on Election Day, requires the deployment of accessible voting equipment for voters with disabilities (and ballot marking by all voters in certain counties).	Unclear what “ballot marking by all voters” means. Accessible voting equipment has only been statutorily authorized under ARS 16-442.01 for people with disabilities. County-wide deployment as primary means of voting has not been statutorily approved.
<b>Chapter 9</b>		
Pg 177 ¶ 6	6. U.S. Department of Justice or other federal government observers.	Post Shelby, there is no statutory exception for DOJ. Inclusion absent statutory authority requires further discussion. See <a href="https://www.justice.gov/crt/about-federal-observers-and-election-monitoring">https://www.justice.gov/crt/about-federal-observers-and-election-monitoring</a> . “Other federal government observers” is vague and doesn't comport with previous EPM.

AZ-AG-20-1956-A-000052



MARK BRNOVICH  
ATTORNEY GENERAL

OFFICE OF THE ARIZONA ATTORNEY GENERAL  
APPEALS & CONSTITUTIONAL LITIGATION DIVISION  
GOVERNMENT ACCOUNTABILITY UNIT

EVAN DANIELS  
UNIT CHIEF COUNSEL  
EVAN.DANIELS@AZAG.GOV

November 12, 2019

Sambo "Bo" Dul, Esq.  
State Elections Director  
Office of the Secretary of State  
1700 W. Washington Street  
Phoenix, Arizona 85007

**Re: Attorney General's Office Review of Draft Elections Procedures Manual**

Ms. Dul:

Our division on behalf of the Attorney General has completed its initial review of the Draft Elections Procedures Manual. Several legal objections must be addressed before the Attorney General can approve the manual in accordance with A.R.S. § 16-452(B). Included with this letter is a spreadsheet detailing our objections, suggestions, and questions.

To expedite approval, the spreadsheet includes suggested changes that we believe would bring the Manual fully into compliance with state and federal laws. The objections are categorized as follows:


1. **Critical:** Instances where the draft Manual violates or conflicts with statutory provisions, exceeds statutory authority, or fails to address the Manual's statutory requirements.
2. **Important:** Instances where changes are necessary to achieve and maintain the maximum degree of correctness, impartiality, uniformity and efficiency as required under A.R.S. § 16-452.
3. **Recommendations:** Instances where changes would be helpful, but not necessary, to achieve and maintain the maximum degree of correctness, impartiality, uniformity and efficiency as required under A.R.S. § 16-452.
4. **Discussion Items:** Instances where further clarification is required to understand the meaning and intent so that we can determine what, if any, recommended changes are necessary.

In addition to the spreadsheet, please also find a redlined Word version of the Manual. Please note we did not undertake to proofread the original document but rather focused on a reviewing the Manual's adherence to state and federal laws. Although a few

citations were added or corrected, they were germane to specific issues. As a whole, we did not check every citation for accuracy.

After reviewing our comments, we would appreciate the opportunity to discuss the issues presented here, as well as answer any questions you might have.

Sincerely,

A handwritten signature in black ink that reads "Evan Daniels". The signature is written in a cursive style with a large, looping "S" at the end.

Evan Daniels  
Unit Chief Counsel

Cc: Anni Foster, General Counsel, Governor Doug Ducey  
Daniel Ruiz, Senior Advisor for Policy Strategy, Governor Doug Ducey





MARK BRNOVICH  
ATTORNEY GENERAL

OFFICE OF THE ARIZONA ATTORNEY GENERAL  
APPEALS & CONSTITUTIONAL LITIGATION DIVISION  
GOVERNMENT ACCOUNTABILITY UNIT

EVAN DANIELS  
UNIT CHIEF COUNSEL  
EVAN.DANIELS@AZAG.GOV

November 12, 2019

Sambo "Bo" Dul, Esq.  
State Elections Director  
Office of the Secretary of State  
1700 W. Washington Street  
Phoenix, Arizona 85007

**Re: Attorney General's Office Review of Draft Elections Procedures Manual**

Ms. Dul:

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To expedite approval, the spreadsheet includes suggested changes that we believe would bring the Manual fully into compliance with state and federal laws. The objections are categorized as follows:

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3. **Recommendations:** Instances where changes would be helpful, but not necessary, to achieve and maintain the maximum degree of correctness, impartiality, uniformity and efficiency as required under A.R.S. § 16-452.
4. **Discussion Items:** Instances where further clarification is required to understand the meaning and intent so that we can determine what, if any, recommended changes are necessary.

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Sambo "Bo" DuI  
Draft Elections Procedures Manual  
November 12, 2019  
Page 2

citations were added or corrected, they were germane to specific issues. As a whole, we did not check every citation for accuracy.

After reviewing our comments, we would appreciate the opportunity to discuss the issues presented here, as well as answer any questions you might have.

Sincerely,

A handwritten signature in black ink that reads "Evan Daniels". The signature is fluid and cursive, with a large, stylized "S" at the end.

Evan Daniels  
Unit Chief Counsel

Cc: Anni Foster, General Counsel, Governor Doug Ducey  
Daniel Ruiz, Senior Advisor for Policy Strategy, Governor Doug Ducey



MARK BRNOVICH  
ATTORNEY GENERAL

OFFICE OF THE ARIZONA ATTORNEY GENERAL  
EXECUTIVE OFFICE

Rachelle Lump  
Deputy Public Information  
Officer

April 30, 2021

Josh Bendor  
[jbendor@omlaw.com](mailto:jbendor@omlaw.com)

RE: **PRR-2020-2200-271 (AZ-AG-20-1956)**

Dear Mr. Bendor:

Thank you for contacting the Arizona Attorney General's Office ("AGO"). This letter serves as the response to your public records request dated August 4, 2020.

Request:

"All email communications (including email messages, email attachments, complete email chains, calendar invitations, and calendar attachments) sent or received by (a) Attorney General Mark Brnovich, or anyone communicating on his behalf, such as an assistant or scheduler, or (b) Chief Deputy Joe Kanefield containing any of the following key terms:

Search Terms:

- "Election Integrity
- EIU
- "Election unit"
- "Elections unit"

We also took the liberty of including "Elections Integrity Unit" in our search.

Response:

Some of the responsive records are attached. Additional records are forthcoming. Please note that some records have had personally identifiable information redacted in lieu of withholding records in their entirety.

In the event that the Arizona Attorney General's Office has produced any document containing un-redacted confidential or privileged information, AGO hereby asserts that such disclosure was accidental and does not waive any protections afforded under law.

Please feel free to reach out should you have any questions regarding the records.

Sincerely,

*Rachelle Lumpp*

Deputy Public Information Officer

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**From:** Lumpp, Rachelle  
**Sent:** Tuesday, October 20, 2020 2:46 PM  
**To:** 'rcooper@cityofkingman.gov'  
**Subject:** Attorney General's Office - Election Resources for LEO

Dear Chief Cooper

You will be receiving a letter shortly via email from the Attorney General's office regarding the November election and resources available to you and your agency should you require assistance from our Election Integrity Unit.

Best regards,

Rachelle Lumpp on behalf of Attorney General Mark Brnovich  
Executive Assistant  
602-542-8351 Office  
[rachelle.lumpp@azag.gov](mailto:rachelle.lumpp@azag.gov)

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**From:** Lumpp, Rachelle  
**Sent:** Tuesday, October 20, 2020 2:46 PM  
**To:** 'rherrera@co.apache.az.us'  
**Subject:** Attorney General's Office - Election Resources for LEO

Dear Sheriff Dedman

You will be receiving a letter shortly via email from the Attorney General's office regarding the November election and resources available to you and your agency should you require assistance from our Election Integrity Unit.

Best regards,

Rachelle Lumpp on behalf of Attorney General Mark Brnovich  
Executive Assistant  
602-542-8351 Office  
[rachelle.lumpp@azag.gov](mailto:rachelle.lumpp@azag.gov)

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**From:** Lumpp, Rachelle  
**Sent:** Tuesday, October 20, 2020 2:46 PM  
**To:** 'mgarcia@ak-chin.nsn.us'  
**Subject:** Attorney General's Office - Election Resources for LEO

Dear Chief Garcia

You will be receiving a letter shortly via email from the Attorney General's office regarding the November election and resources available to you and your agency should you require assistance from our Election Integrity Unit.

Best regards,

Rachelle Lumpp on behalf of Attorney General Mark Brnovich  
Executive Assistant  
602-542-8351 Office  
[rachelle.lumpp@azag.gov](mailto:rachelle.lumpp@azag.gov)

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**From:** Lumpp, Rachelle  
**Sent:** Tuesday, October 20, 2020 2:46 PM  
**To:** 'tkelly@ajcity.net'  
**Subject:** Attorney General's Office - Election Resources for LEO

Dear Chief Kelly

You will be receiving a letter shortly via email from the Attorney General's office regarding the November election and resources available to you and your agency should you require assistance from our Election Integrity Unit.

Best regards,

Rachelle Lumpp on behalf of Attorney General Mark Brnovich  
Executive Assistant  
602-542-8351 Office  
[rachelle.lumpp@azag.gov](mailto:rachelle.lumpp@azag.gov)



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**From:** Lumpp, Rachelle  
**Sent:** Tuesday, October 20, 2020 2:46 PM  
**To:** 'dnannenga@avondaleaz.gov'  
**Subject:** Attorney General's Office - Election Resources for LEO

Dear Chief Nannenga

You will be receiving a letter shortly via email from the Attorney General's office regarding the November election and resources available to you and your agency should you require assistance from our Election Integrity Unit.

Best regards,

Rachelle Lumpp on behalf of Attorney General Mark Brnovich  
Executive Assistant  
602-542-8351 Office  
[rachelle.lumpp@azag.gov](mailto:rachelle.lumpp@azag.gov)

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**From:** Lumpp, Rachelle  
**Sent:** Tuesday, October 20, 2020 2:46 PM  
**To:** 'pfmoncada@bensoaz.gov'  
**Subject:** Attorney General's Office - Election Resources for LEO

Dear Chief Moncada

You will be receiving a letter shortly via email from the Attorney General's office regarding the November election and resources available to you and your agency should you require assistance from our Election Integrity Unit.

Best regards,

Rachelle Lumpp on behalf of Attorney General Mark Brnovich  
Executive Assistant  
602-542-8351 Office  
[rachelle.lumpp@azag.gov](mailto:rachelle.lumpp@azag.gov)

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**From:** Lumpp, Rachelle  
**Sent:** Tuesday, October 20, 2020 2:46 PM  
**To:** 'aechave@bisbeeaz.gov'  
**Subject:** Attorney General's Office - Election Resources for LEO

Dear Chief Echave

You will be receiving a letter shortly via email from the Attorney General's office regarding the November election and resources available to you and your agency should you require assistance from our Election Integrity Unit.

Best regards,

Rachelle Lumpp on behalf of Attorney General Mark Brnovich  
Executive Assistant  
602-542-8351 Office  
[rachelle.lumpp@azag.gov](mailto:rachelle.lumpp@azag.gov)

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**From:** Lumpp, Rachelle  
**Sent:** Tuesday, October 20, 2020 2:46 PM  
**To:** 'lhall@buckeyeaz.gov'  
**Subject:** Attorney General's Office - Election Resources for LEO

Dear Chief Hall

You will be receiving a letter shortly via email from the Attorney General's office regarding the November election and resources available to you and your agency should you require assistance from our Election Integrity Unit.

Best regards,

Rachelle Lumpp on behalf of Attorney General Mark Brnovich  
Executive Assistant  
602-542-8351 Office  
[rachelle.lumpp@azag.gov](mailto:rachelle.lumpp@azag.gov)

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**From:** Lumpp, Rachelle  
**Sent:** Tuesday, October 20, 2020 2:46 PM  
**To:** 'bwilliamson@bullheadcity.com'  
**Subject:** Attorney General's Office - Election Resources for LEO

Dear Chief Williamson

You will be receiving a letter shortly via email from the Attorney General's office regarding the November election and resources available to you and your agency should you require assistance from our Election Integrity Unit.

Best regards,

Rachelle Lumpp on behalf of Attorney General Mark Brnovich  
Executive Assistant  
602-542-8351 Office  
[rachelle.lumpp@azag.gov](mailto:rachelle.lumpp@azag.gov)

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**From:** Lumpp, Rachelle  
**Sent:** Tuesday, October 20, 2020 2:46 PM  
**To:** 'corey.rowley@campverde.az.gov'  
**Subject:** Attorney General's Office - Election Resources for LEO

Dear Marshal Rowley

You will be receiving a letter shortly via email from the Attorney General's office regarding the November election and resources available to you and your agency should you require assistance from our Election Integrity Unit.

Best regards,

Rachelle Lumpp on behalf of Attorney General Mark Brnovich  
Executive Assistant  
602-542-8351 Office  
[rachelle.lumpp@azag.gov](mailto:rachelle.lumpp@azag.gov)

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**From:** Lumpp, Rachelle  
**Sent:** Tuesday, October 20, 2020 2:46 PM  
**To:** 'mark\_mccrory@casagrandeaz.gov'  
**Subject:** Attorney General's Office - Election Resources for LEO

Dear Chief McCrory

You will be receiving a letter shortly via email from the Attorney General's office regarding the November election and resources available to you and your agency should you require assistance from our Election Integrity Unit.

Best regards,

Rachelle Lumpp on behalf of Attorney General Mark Brnovich  
Executive Assistant  
602-542-8351 Office  
[rachelle.lumpp@azag.gov](mailto:rachelle.lumpp@azag.gov)

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**From:** Lumpp, Rachelle  
**Sent:** Tuesday, October 20, 2020 2:46 PM  
**To:** 'astein@cavecreekaz.gov'  
**Subject:** Attorney General's Office - Election Resources for LEO

Dear Marshal Stein

You will be receiving a letter shortly via email from the Attorney General's office regarding the November election and resources available to you and your agency should you require assistance from our Election Integrity Unit.

Best regards,

Rachelle Lumpp on behalf of Attorney General Mark Brnovich  
Executive Assistant  
602-542-8351 Office  
[rachelle.lumpp@azag.gov](mailto:rachelle.lumpp@azag.gov)



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**From:** Lumpp, Rachelle  
**Sent:** Tuesday, October 20, 2020 2:46 PM  
**To:** 'sean.duggan@chandleraz.gov'  
**Subject:** Attorney General's Office - Election Resources for LEO

Dear Chief Duggan

You will be receiving a letter shortly via email from the Attorney General's office regarding the November election and resources available to you and your agency should you require assistance from our Election Integrity Unit.

Best regards,

Rachelle Lumpp on behalf of Attorney General Mark Brnovich  
Executive Assistant  
602-542-8351 Office  
[rachelle.lumpp@azag.gov](mailto:rachelle.lumpp@azag.gov)

---

**From:** Lumpp, Rachelle  
**Sent:** Tuesday, October 20, 2020 2:46 PM  
**To:** 'cwynn@chinoaz.net'  
**Subject:** Attorney General's Office - Election Resources for LEO

Dear Chief Wynn

You will be receiving a letter shortly via email from the Attorney General's office regarding the November election and resources available to you and your agency should you require assistance from our Election Integrity Unit.

Best regards,

Rachelle Lumpp on behalf of Attorney General Mark Brnovich  
Executive Assistant  
602-542-8351 Office  
[rachelle.lumpp@azag.gov](mailto:rachelle.lumpp@azag.gov)

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**From:** Lumpp, Rachelle  
**Sent:** Tuesday, October 20, 2020 2:46 PM  
**To:** 'randy.taylor@clarkdale.az.gov'  
**Subject:** Attorney General's Office - Election Resources for LEO

Dear Chief Taylor

You will be receiving a letter shortly via email from the Attorney General's office regarding the November election and resources available to you and your agency should you require assistance from our Election Integrity Unit.

Best regards,

Rachelle Lumpp on behalf of Attorney General Mark Brnovich  
Executive Assistant  
602-542-8351 Office  
[rachelle.lumpp@azag.gov](mailto:rachelle.lumpp@azag.gov)

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**From:** Lumpp, Rachelle  
**Sent:** Tuesday, October 20, 2020 2:46 PM  
**To:** 'negrete@townofclifton.com'  
**Subject:** Attorney General's Office - Election Resources for LEO

Dear Chief Negrete

You will be receiving a letter shortly via email from the Attorney General's office regarding the November election and resources available to you and your agency should you require assistance from our Election Integrity Unit.

Best regards,

Rachelle Lumpp on behalf of Attorney General Mark Brnovich  
Executive Assistant  
602-542-8351 Office  
[rachelle.lumpp@azag.gov](mailto:rachelle.lumpp@azag.gov)

---

**From:** Lumpp, Rachelle  
**Sent:** Tuesday, October 20, 2020 2:46 PM  
**To:** 'mdannels@cochise.az.gov'  
**Subject:** Attorney General's Office - Election Resources for LEO

Dear Sheriff Dannels

You will be receiving a letter shortly via email from the Attorney General's office regarding the November election and resources available to you and your agency should you require assistance from our Election Integrity Unit.

Best regards,

Rachelle Lumpp on behalf of Attorney General Mark Brnovich  
Executive Assistant  
602-542-8351 Office  
[rachelle.lumpp@azag.gov](mailto:rachelle.lumpp@azag.gov)

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**From:** Lumpp, Rachelle  
**Sent:** Tuesday, October 20, 2020 2:46 PM  
**To:** 'jdriscoll@coconino.az.gov'  
**Subject:** Attorney General's Office - Election Resources for LEO

Dear Sheriff Driscoll

You will be receiving a letter shortly via email from the Attorney General's office regarding the November election and resources available to you and your agency should you require assistance from our Election Integrity Unit.

Best regards,

Rachelle Lumpp on behalf of Attorney General Mark Brnovich  
Executive Assistant  
602-542-8351 Office  
[rachelle.lumpp@azag.gov](mailto:rachelle.lumpp@azag.gov)

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**From:** Lumpp, Rachelle  
**Sent:** Tuesday, October 20, 2020 2:46 PM  
**To:** 'rpbb@tocc.us'  
**Subject:** Attorney General's Office - Election Resources for LEO

Dear Chief Marshal Radley

You will be receiving a letter shortly via email from the Attorney General's office regarding the November election and resources available to you and your agency should you require assistance from our Election Integrity Unit.

Best regards,

Rachelle Lumpp on behalf of Attorney General Mark Brnovich  
Executive Assistant  
602-542-8351 Office  
[rachelle.lumpp@azag.gov](mailto:rachelle.lumpp@azag.gov)

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**From:** Lumpp, Rachelle  
**Sent:** Tuesday, October 20, 2020 2:46 PM  
**To:** 'scott.ketcham@crit-nsn.gov'  
**Subject:** Attorney General's Office - Election Resources for LEO

Dear Chief Morris

You will be receiving a letter shortly via email from the Attorney General's office regarding the November election and resources available to you and your agency should you require assistance from our Election Integrity Unit.

Best regards,

Rachelle Lumpp on behalf of Attorney General Mark Brnovich  
Executive Assistant  
602-542-8351 Office  
[rachelle.lumpp@azag.gov](mailto:rachelle.lumpp@azag.gov)



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**From:** Lumpp, Rachelle  
**Sent:** Tuesday, October 20, 2020 2:46 PM  
**To:** 'hgrizzle@coolidgeaz.com'  
**Subject:** Attorney General's Office - Election Resources for LEO

Dear Chief Grizzle

You will be receiving a letter shortly via email from the Attorney General's office regarding the November election and resources available to you and your agency should you require assistance from our Election Integrity Unit.

Best regards,

Rachelle Lumpp on behalf of Attorney General Mark Brnovich  
Executive Assistant  
602-542-8351 Office  
[rachelle.lumpp@azag.gov](mailto:rachelle.lumpp@azag.gov)

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**From:** Lumpp, Rachelle  
**Sent:** Tuesday, October 20, 2020 2:46 PM  
**To:** 'jmathe@cottonwoodaz.gov'  
**Subject:** Attorney General's Office - Election Resources for LEO

Dear Chief Gesell

You will be receiving a letter shortly via email from the Attorney General's office regarding the November election and resources available to you and your agency should you require assistance from our Election Integrity Unit.

Best regards,

Rachelle Lumpp on behalf of Attorney General Mark Brnovich  
Executive Assistant  
602-542-8351 Office  
[rachelle.lumpp@azag.gov](mailto:rachelle.lumpp@azag.gov)

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**From:** Lumpp, Rachelle  
**Sent:** Tuesday, October 20, 2020 2:46 PM  
**To:** 'kraig.fullen@douglasaz.gov'  
**Subject:** Attorney General's Office - Election Resources for LEO

Dear Chief Fullen

You will be receiving a letter shortly via email from the Attorney General's office regarding the November election and resources available to you and your agency should you require assistance from our Election Integrity Unit.

Best regards,

Rachelle Lumpp on behalf of Attorney General Mark Brnovich  
Executive Assistant  
602-542-8351 Office  
[rachelle.lumpp@azag.gov](mailto:rachelle.lumpp@azag.gov)

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**From:** Lumpp, Rachelle  
**Sent:** Tuesday, October 20, 2020 2:46 PM  
**To:** 's.bevington@eagaraz.gov'  
**Subject:** Attorney General's Office - Election Resources for LEO

Dear Chief Bevington

You will be receiving a letter shortly via email from the Attorney General's office regarding the November election and resources available to you and your agency should you require assistance from our Election Integrity Unit.

Best regards,

Rachelle Lumpp on behalf of Attorney General Mark Brnovich  
Executive Assistant  
602-542-8351 Office  
[rachelle.lumpp@azag.gov](mailto:rachelle.lumpp@azag.gov)

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**From:** Lumpp, Rachelle  
**Sent:** Tuesday, October 20, 2020 2:46 PM  
**To:** 'pmarzocca@elmoreaz.gov'  
**Subject:** Attorney General's Office - Election Resources for LEO

Dear Chief Marzocca

You will be receiving a letter shortly via email from the Attorney General's office regarding the November election and resources available to you and your agency should you require assistance from our Election Integrity Unit.

Best regards,

Rachelle Lumpp on behalf of Attorney General Mark Brnovich  
Executive Assistant  
602-542-8351 Office  
[rachelle.lumpp@azag.gov](mailto:rachelle.lumpp@azag.gov)

---

**From:** Lumpp, Rachelle  
**Sent:** Tuesday, October 20, 2020 2:46 PM  
**To:** 'cvasquez@eloyaz.gov'  
**Subject:** Attorney General's Office - Election Resources for LEO

Dear Chief Vasquez

You will be receiving a letter shortly via email from the Attorney General's office regarding the November election and resources available to you and your agency should you require assistance from our Election Integrity Unit.

Best regards,

Rachelle Lumpp on behalf of Attorney General Mark Brnovich  
Executive Assistant  
602-542-8351 Office  
[rachelle.lumpp@azag.gov](mailto:rachelle.lumpp@azag.gov)

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**From:** Lumpp, Rachelle  
**Sent:** Tuesday, October 20, 2020 2:46 PM  
**To:** 'dmusselman@coconio.az.gov'  
**Subject:** Attorney General's Office - Election Resources for LEO

Dear Chief Treadway

You will be receiving a letter shortly via email from the Attorney General's office regarding the November election and resources available to you and your agency should you require assistance from our Election Integrity Unit.

Best regards,

Rachelle Lumpp on behalf of Attorney General Mark Brnovich  
Executive Assistant  
602-542-8351 Office  
[rachelle.lumpp@azag.gov](mailto:rachelle.lumpp@azag.gov)

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**From:** Lumpp, Rachelle  
**Sent:** Tuesday, October 20, 2020 2:46 PM  
**To:** 'bruce.walls@florenceaz.gov'  
**Subject:** Attorney General's Office - Election Resources for LEO

Dear Chief Walls

You will be receiving a letter shortly via email from the Attorney General's office regarding the November election and resources available to you and your agency should you require assistance from our Election Integrity Unit.

Best regards,

Rachelle Lumpp on behalf of Attorney General Mark Brnovich  
Executive Assistant  
602-542-8351 Office  
[rachelle.lumpp@azag.gov](mailto:rachelle.lumpp@azag.gov)



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**From:** Lumpp, Rachelle  
**Sent:** Tuesday, October 20, 2020 2:46 PM  
**To:** 'rallen@fmtpd.org'  
**Subject:** Attorney General's Office - Election Resources for LEO

Dear Chief Allen

You will be receiving a letter shortly via email from the Attorney General's office regarding the November election and resources available to you and your agency should you require assistance from our Election Integrity Unit.

Best regards,

Rachelle Lumpp on behalf of Attorney General Mark Brnovich  
Executive Assistant  
602-542-8351 Office  
[rachelle.lumpp@azag.gov](mailto:rachelle.lumpp@azag.gov)

---

**From:** Lumpp, Rachelle  
**Sent:** Tuesday, October 20, 2020 2:46 PM  
**To:** 'bgroverfmo@fredonia.net'  
**Subject:** Attorney General's Office - Election Resources for LEO

Dear Marshal Grover

You will be receiving a letter shortly via email from the Attorney General's office regarding the November election and resources available to you and your agency should you require assistance from our Election Integrity Unit.

Best regards,

Rachelle Lumpp on behalf of Attorney General Mark Brnovich  
Executive Assistant  
602-542-8351 Office  
[rachelle.lumpp@azag.gov](mailto:rachelle.lumpp@azag.gov)

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**From:** Lumpp, Rachelle  
**Sent:** Tuesday, October 20, 2020 2:46 PM  
**To:** 'tgonzales@fmyn.org'  
**Subject:** Attorney General's Office - Election Resources for LEO

Dear Chief Gonzales

You will be receiving a letter shortly via email from the Attorney General's office regarding the November election and resources available to you and your agency should you require assistance from our Election Integrity Unit.

Best regards,

Rachelle Lumpp on behalf of Attorney General Mark Brnovich  
Executive Assistant  
602-542-8351 Office  
[rachelle.lumpp@azag.gov](mailto:rachelle.lumpp@azag.gov)

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**From:** Lumpp, Rachelle  
**Sent:** Tuesday, October 20, 2020 2:46 PM  
**To:** 'ashepherd@gilacountyaz.gov'  
**Subject:** Attorney General's Office - Election Resources for LEO

Dear Sheriff Shepherd

will be receiving a letter shortly via email from the Attorney General's office regarding the November election and resources available to you and your agency should you require assistance from our Election Integrity Unit.

Best regards,

Rachelle Lumpp on behalf of Attorney General Mark Brnovich  
Executive Assistant  
602-542-8351 Office  
[rachelle.lumpp@azag.gov](mailto:rachelle.lumpp@azag.gov)

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**From:** Lumpp, Rachelle  
**Sent:** Tuesday, October 20, 2020 2:46 PM  
**To:** 'timothy.chavez@gric.nsn.us'  
**Subject:** Attorney General's Office - Election Resources for LEO

Dear Chief Chavez

You will be receiving a letter shortly via email from the Attorney General's office regarding the November election and resources available to you and your agency should you require assistance from our Election Integrity Unit.

Best regards,

Rachelle Lumpp on behalf of Attorney General Mark Brnovich  
Executive Assistant  
602-542-8351 Office  
[rachelle.lumpp@azag.gov](mailto:rachelle.lumpp@azag.gov)

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**From:** Lumpp, Rachelle  
**Sent:** Tuesday, October 20, 2020 2:46 PM  
**To:** 'michael.soelberg@gilbertaz.gov'  
**Subject:** Attorney General's Office - Election Resources for LEO

Dear Chief Soelberg

You will be receiving a letter shortly via email from the Attorney General's office regarding the November election and resources available to you and your agency should you require assistance from our Election Integrity Unit.

Best regards,

Rachelle Lumpp on behalf of Attorney General Mark Brnovich  
Executive Assistant  
602-542-8351 Office  
[rachelle.lumpp@azag.gov](mailto:rachelle.lumpp@azag.gov)

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**From:** Lumpp, Rachelle  
**Sent:** Tuesday, October 20, 2020 2:46 PM  
**To:** 'cbriggs@glendaleaz.com'  
**Subject:** Attorney General's Office - Election Resources for LEO

Dear Chief Briggs

You will be receiving a letter shortly via email from the Attorney General's office regarding the November election and resources available to you and your agency should you require assistance from our Election Integrity Unit.

Best regards,

Rachelle Lumpp on behalf of Attorney General Mark Brnovich  
Executive Assistant  
602-542-8351 Office  
[rachelle.lumpp@azag.gov](mailto:rachelle.lumpp@azag.gov)

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**From:** Lumpp, Rachelle  
**Sent:** Tuesday, October 20, 2020 2:46 PM  
**To:** 'dwalters@globeaz.gov'  
**Subject:** Attorney General's Office - Election Resources for LEO

Dear Chief Walters

You will be receiving a letter shortly via email from the Attorney General's office regarding the November election and resources available to you and your agency should you require assistance from our Election Integrity Unit.

Best regards,

Rachelle Lumpp on behalf of Attorney General Mark Brnovich  
Executive Assistant  
602-542-8351 Office  
[rachelle.lumpp@azag.gov](mailto:rachelle.lumpp@azag.gov)



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**From:** Lumpp, Rachelle  
**Sent:** Tuesday, October 20, 2020 2:46 PM  
**To:** 'srodriguez@goodyearaz.gov'  
**Subject:** Attorney General's Office - Election Resources for LEO

Dear Chief Rodriguez

You will be receiving a letter shortly via email from the Attorney General's office regarding the November election and resources available to you and your agency should you require assistance from our Election Integrity Unit.

Best regards,

Rachelle Lumpp on behalf of Attorney General Mark Brnovich  
Executive Assistant  
602-542-8351 Office  
[rachelle.lumpp@azag.gov](mailto:rachelle.lumpp@azag.gov)

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**From:** Lumpp, Rachelle  
**Sent:** Tuesday, October 20, 2020 2:46 PM  
**To:** 'pallred@graham.az.gov'  
**Subject:** Attorney General's Office - Election Resources for LEO

Dear Sheriff Allred

You will be receiving a letter shortly via email from the Attorney General's office regarding the November election and resources available to you and your agency should you require assistance from our Election Integrity Unit.

Best regards,

Rachelle Lumpp on behalf of Attorney General Mark Brnovich  
Executive Assistant  
602-542-8351 Office  
[rachelle.lumpp@azag.gov](mailto:rachelle.lumpp@azag.gov)

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**From:** Lumpp, Rachelle  
**Sent:** Tuesday, October 20, 2020 2:46 PM  
**To:** 'tsumner@greenlee.az.gov'  
**Subject:** Attorney General's Office - Election Resources for LEO

Dear Sheriff Sumner

You will be receiving a letter shortly via email from the Attorney General's office regarding the November election and resources available to you and your agency should you require assistance from our Election Integrity Unit.

Best regards,

Rachelle Lumpp on behalf of Attorney General Mark Brnovich  
Executive Assistant  
602-542-8351 Office  
[rachelle.lumpp@azag.gov](mailto:rachelle.lumpp@azag.gov)

---

**From:** Lumpp, Rachelle  
**Sent:** Tuesday, October 20, 2020 2:46 PM  
**To:** 'vdodd@gilacountyaz.gov'  
**Subject:** Attorney General's Office - Election Resources for LEO

Dear Chief Dodd

You will be receiving a letter shortly via email from the Attorney General's office regarding the November election and resources available to you and your agency should you require assistance from our Election Integrity Unit.

Best regards,

Rachelle Lumpp on behalf of Attorney General Mark Brnovich  
Executive Assistant  
602-542-8351 Office  
[rachelle.lumpp@azag.gov](mailto:rachelle.lumpp@azag.gov)

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**From:** Lumpp, Rachelle  
**Sent:** Tuesday, October 20, 2020 2:46 PM  
**To:** 'nchristensen@ci.holbrook.az.us'  
**Subject:** Attorney General's Office - Election Resources for LEO

Dear Chief Christensen

will be receiving a letter shortly via email from the Attorney General's office regarding the November election and resources available to you and your agency should you require assistance from our Election Integrity Unit.

Best regards,

Rachelle Lumpp on behalf of Attorney General Mark Brnovich  
Executive Assistant  
602-542-8351 Office  
[rachelle.lumpp@azag.gov](mailto:rachelle.lumpp@azag.gov)

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**From:** Lumpp, Rachelle  
**Sent:** Tuesday, October 20, 2020 2:46 PM  
**To:** 'vpinto@hopi.nsn.us'  
**Subject:** Attorney General's Office - Election Resources for LEO

Dear Chief Pinto

You will be receiving a letter shortly via email from the Attorney General's office regarding the November election and resources available to you and your agency should you require assistance from our Election Integrity Unit.

Best regards,

Rachelle Lumpp on behalf of Attorney General Mark Brnovich  
Executive Assistant  
602-542-8351 Office  
[rachelle.lumpp@azag.gov](mailto:rachelle.lumpp@azag.gov)

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**From:** Lumpp, Rachelle  
**Sent:** Tuesday, October 20, 2020 2:46 PM  
**To:** 'jthies@huachucacityaz.gov'  
**Subject:** Attorney General's Office - Election Resources for LEO

Dear Chief Thies

You will be receiving a letter shortly via email from the Attorney General's office regarding the November election and resources available to you and your agency should you require assistance from our Election Integrity Unit.

Best regards,

Rachelle Lumpp on behalf of Attorney General Mark Brnovich  
Executive Assistant  
602-542-8351 Office  
[rachelle.lumpp@azag.gov](mailto:rachelle.lumpp@azag.gov)

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**From:** Lumpp, Rachelle  
**Sent:** Tuesday, October 20, 2020 2:46 PM  
**To:** 'jeromechief@jeromepd.org'  
**Subject:** Attorney General's Office - Election Resources for LEO

Dear Chief Muma

You will be receiving a letter shortly via email from the Attorney General's office regarding the November election and resources available to you and your agency should you require assistance from our Election Integrity Unit.

Best regards,

Rachelle Lumpp on behalf of Attorney General Mark Brnovich  
Executive Assistant  
602-542-8351 Office  
[rachelle.lumpp@azag.gov](mailto:rachelle.lumpp@azag.gov)



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**From:** Lumpp, Rachelle  
**Sent:** Tuesday, October 20, 2020 2:46 PM  
**To:** 'wkenney@townofkearny.cm'  
**Subject:** Attorney General's Office - Election Resources for LEO

Dear Chief Kenney

You will be receiving a letter shortly via email from the Attorney General's office regarding the November election and resources available to you and your agency should you require assistance from our Election Integrity Unit.

Best regards,

Rachelle Lumpp on behalf of Attorney General Mark Brnovich  
Executive Assistant  
602-542-8351 Office  
[rachelle.lumpp@azag.gov](mailto:rachelle.lumpp@azag.gov)

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**From:** Lumpp, Rachelle  
**Sent:** Tuesday, October 20, 2020 2:46 PM  
**To:** 'doyled@lhcaz.gov'  
**Subject:** Attorney General's Office - Election Resources for LEO

Dear Chief Doyle

You will be receiving a letter shortly via email from the Attorney General's office regarding the November election and resources available to you and your agency should you require assistance from our Election Integrity Unit.

Best regards,

Rachelle Lumpp on behalf of Attorney General Mark Brnovich  
Executive Assistant  
602-542-8351 Office  
[rachelle.lumpp@azag.gov](mailto:rachelle.lumpp@azag.gov)

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**From:** Lumpp, Rachelle  
**Sent:** Tuesday, October 20, 2020 2:46 PM  
**To:** 'r.lujan@townofmammoth.us'  
**Subject:** Attorney General's Office - Election Resources for LEO

Dear Chief Lujan

You will be receiving a letter shortly via email from the Attorney General's office regarding the November election and resources available to you and your agency should you require assistance from our Election Integrity Unit.

Best regards,

Rachelle Lumpp on behalf of Attorney General Mark Brnovich  
Executive Assistant  
602-542-8351 Office  
[rachelle.lumpp@azag.gov](mailto:rachelle.lumpp@azag.gov)

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**From:** Lumpp, Rachelle  
**Sent:** Tuesday, October 20, 2020 2:46 PM  
**To:** 'trozema@maranaaz.gov'  
**Subject:** Attorney General's Office - Election Resources for LEO

Dear Chief Rozema

You will be receiving a letter shortly via email from the Attorney General's office regarding the November election and resources available to you and your agency should you require assistance from our Election Integrity Unit.

Best regards,

Rachelle Lumpp on behalf of Attorney General Mark Brnovich  
Executive Assistant  
602-542-8351 Office  
[rachelle.lumpp@azag.gov](mailto:rachelle.lumpp@azag.gov)

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**From:** Lumpp, Rachelle  
**Sent:** Tuesday, October 20, 2020 2:46 PM  
**To:** 'j\_bailey@mcs.maricopa.gov'  
**Subject:** Attorney General's Office - Election Resources for LEO

Dear Chief Bailey

will be receiving a letter shortly via email from the Attorney General's office regarding the November election and resources available to you and your agency should you require assistance from our Election Integrity Unit.

Best regards,

Rachelle Lumpp on behalf of Attorney General Mark Brnovich  
Executive Assistant  
602-542-8351 Office  
[rachelle.lumpp@azag.gov](mailto:rachelle.lumpp@azag.gov)

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**From:** Lumpp, Rachelle  
**Sent:** Tuesday, October 20, 2020 2:46 PM  
**To:** 'steve.stahl@maricopa-az.gov'  
**Subject:** Attorney General's Office - Election Resources for LEO

Dear Chief Stahl

You will be receiving a letter shortly via email from the Attorney General's office regarding the November election and resources available to you and your agency should you require assistance from our Election Integrity Unit.

Best regards,

Rachelle Lumpp on behalf of Attorney General Mark Brnovich  
Executive Assistant  
602-542-8351 Office  
[rachelle.lumpp@azag.gov](mailto:rachelle.lumpp@azag.gov)

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**From:** Lumpp, Rachelle  
**Sent:** Tuesday, October 20, 2020 2:46 PM  
**To:** 'kenneth.cost@mesaaz.gov'  
**Subject:** Attorney General's Office - Election Resources for LEO

Dear Chief Cost

You will be receiving a letter shortly via email from the Attorney General's office regarding the November election and resources available to you and your agency should you require assistance from our Election Integrity Unit.

Best regards,

Rachelle Lumpp on behalf of Attorney General Mark Brnovich  
Executive Assistant  
602-542-8351 Office  
[rachelle.lumpp@azag.gov](mailto:rachelle.lumpp@azag.gov)

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**From:** Lumpp, Rachelle  
**Sent:** Tuesday, October 20, 2020 2:46 PM  
**To:** 'chief@miamiaz.gov'  
**Subject:** Attorney General's Office - Election Resources for LEO

Dear Chief Thompson

You will be receiving a letter shortly via email from the Attorney General's office regarding the November election and resources available to you and your agency should you require assistance from our Election Integrity Unit.

Best regards,

Rachelle Lumpp on behalf of Attorney General Mark Brnovich  
Executive Assistant  
602-542-8351 Office  
[rachelle.lumpp@azag.gov](mailto:rachelle.lumpp@azag.gov)



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**From:** Lumpp, Rachelle  
**Sent:** Tuesday, October 20, 2020 2:46 PM  
**To:** 'doug.schuster@mohavecounty.us'  
**Subject:** Attorney General's Office - Election Resources for LEO

Dear Sheriff Schuster

You will be receiving a letter shortly via email from the Attorney General's office regarding the November election and resources available to you and your agency should you require assistance from our Election Integrity Unit.

Best regards,

Rachelle Lumpp on behalf of Attorney General Mark Brnovich  
Executive Assistant  
602-542-8351 Office  
[rachelle.lumpp@azag.gov](mailto:rachelle.lumpp@azag.gov)

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**From:** Lumpp, Rachelle  
**Sent:** Tuesday, October 20, 2020 2:46 PM  
**To:** 'Bruce.Tucker@navajocountyaz.gov'  
**Subject:** Attorney General's Office - Election Resources for LEO

Dear Sheriff Clouse

You will be receiving a letter shortly via email from the Attorney General's office regarding the November election and resources available to you and your agency should you require assistance from our Election Integrity Unit.

Best regards,

Rachelle Lumpp on behalf of Attorney General Mark Brnovich  
Executive Assistant  
602-542-8351 Office  
[rachelle.lumpp@azag.gov](mailto:rachelle.lumpp@azag.gov)

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**From:** Lump, Rachelle  
**Sent:** Tuesday, October 20, 2020 2:46 PM  
**To:** 'dhogue@navajo-nsn.gov'  
**Subject:** Attorney General's Office - Election Resources for LEO

Dear Director Delmar

You will be receiving a letter shortly via email from the Attorney General's office regarding the November election and resources available to you and your agency should you require assistance from our Election Integrity Unit.

Best regards,

Rachelle Lump on behalf of Attorney General Mark Brnovich  
Executive Assistant  
602-542-8351 Office  
[rachelle.lumpp@azag.gov](mailto:rachelle.lumpp@azag.gov)

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**From:** Lumpp, Rachelle  
**Sent:** Tuesday, October 20, 2020 2:46 PM  
**To:** 'rbermudez@nogalesaz.gov'  
**Subject:** Attorney General's Office - Election Resources for LEO

Dear Chief Bermudez

You will be receiving a letter shortly via email from the Attorney General's office regarding the November election and resources available to you and your agency should you require assistance from our Election Integrity Unit.

Best regards,

Rachelle Lumpp on behalf of Attorney General Mark Brnovich  
Executive Assistant  
602-542-8351 Office  
[rachelle.lumpp@azag.gov](mailto:rachelle.lumpp@azag.gov)

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**From:** Lumpp, Rachelle  
**Sent:** Tuesday, October 20, 2020 2:46 PM  
**To:** 'kriley@orovalleyaz.gov'  
**Subject:** Attorney General's Office - Election Resources for LEO

Dear Chief Riley

You will be receiving a letter shortly via email from the Attorney General's office regarding the November election and resources available to you and your agency should you require assistance from our Election Integrity Unit.

Best regards,

Rachelle Lumpp on behalf of Attorney General Mark Brnovich  
Executive Assistant  
602-542-8351 Office  
[rachelle.lumpp@azag.gov](mailto:rachelle.lumpp@azag.gov)

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**From:** Lumpp, Rachelle  
**Sent:** Tuesday, October 20, 2020 2:46 PM  
**To:** 'dsanders@pagaz.gov'  
**Subject:** Attorney General's Office - Election Resources for LEO

Dear Chief Sanders

You will be receiving a letter shortly via email from the Attorney General's office regarding the November election and resources available to you and your agency should you require assistance from our Election Integrity Unit.

Best regards,

Rachelle Lumpp on behalf of Attorney General Mark Brnovich  
Executive Assistant  
602-542-8351 Office  
[rachelle.lumpp@azag.gov](mailto:rachelle.lumpp@azag.gov)

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**From:** Lumpp, Rachelle  
**Sent:** Tuesday, October 20, 2020 2:46 PM  
**To:** 'pwingert@paradisevalleyaz.gov'  
**Subject:** Attorney General's Office - Election Resources for LEO

Dear Chief Wingert

You will be receiving a letter shortly via email from the Attorney General's office regarding the November election and resources available to you and your agency should you require assistance from our Election Integrity Unit.

Best regards,

Rachelle Lumpp on behalf of Attorney General Mark Brnovich  
Executive Assistant  
602-542-8351 Office  
[rachelle.lumpp@azag.gov](mailto:rachelle.lumpp@azag.gov)

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**From:** Lumpp, Rachelle  
**Sent:** Tuesday, October 20, 2020 2:46 PM  
**To:** 'michael.a.valenzuela@pascuayaqui-nsn.gov'  
**Subject:** Attorney General's Office - Election Resources for LEO

Dear Chief Valezucla

You will be receiving a letter shortly via email from the Attorney General's office regarding the November election and resources available to you and your agency should you require assistance from our Election Integrity Unit.

Best regards,

Rachelle Lumpp on behalf of Attorney General Mark Brnovich  
Executive Assistant  
602-542-8351 Office  
[rachelle.lumpp@azag.gov](mailto:rachelle.lumpp@azag.gov)



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**From:** Lumpp, Rachelle  
**Sent:** Tuesday, October 20, 2020 2:46 PM  
**To:** 'marshal300@patagonia-az.gov'  
**Subject:** Attorney General's Office - Election Resources for LEO

Dear Marshal Patterson

You will be receiving a letter shortly via email from the Attorney General's office regarding the November election and resources available to you and your agency should you require assistance from our Election Integrity Unit.

Best regards,

Rachelle Lumpp on behalf of Attorney General Mark Brnovich  
Executive Assistant  
602-542-8351 Office  
[rachelle.lumpp@azag.gov](mailto:rachelle.lumpp@azag.gov)

---

**From:** Lumpp, Rachelle  
**Sent:** Tuesday, October 20, 2020 2:46 PM  
**To:** 'rtischer@paysonaz.gov'  
**Subject:** Attorney General's Office - Election Resources for LEO

Dear Chief Tischer

You will be receiving a letter shortly via email from the Attorney General's office regarding the November election and resources available to you and your agency should you require assistance from our Election Integrity Unit.

Best regards,

Rachelle Lumpp on behalf of Attorney General Mark Brnovich  
Executive Assistant  
602-542-8351 Office  
[rachelle.lumpp@azag.gov](mailto:rachelle.lumpp@azag.gov)

---

**From:** Lumpp, Rachelle  
**Sent:** Tuesday, October 20, 2020 2:46 PM  
**To:** 'art.miller@peoriaaz.gov'  
**Subject:** Attorney General's Office - Election Resources for LEO

Dear Chief Miller

You will be receiving a letter shortly via email from the Attorney General's office regarding the November election and resources available to you and your agency should you require assistance from our Election Integrity Unit.

Best regards,

Rachelle Lumpp on behalf of Attorney General Mark Brnovich  
Executive Assistant  
602-542-8351 Office  
[rachelle.lumpp@azag.gov](mailto:rachelle.lumpp@azag.gov)

---

**From:** Lumpp, Rachelle  
**Sent:** Tuesday, October 20, 2020 2:46 PM  
**To:** 'jeri.l.williams@phoenix.gov'  
**Subject:** Attorney General's Office - Election Resources for LEO

Dear Chief Williams

You will be receiving a letter shortly via email from the Attorney General's office regarding the November election and resources available to you and your agency should you require assistance from our Election Integrity Unit.

Best regards,

Rachelle Lumpp on behalf of Attorney General Mark Brnovich  
Executive Assistant  
602-542-8351 Office  
[rachelle.lumpp@azag.gov](mailto:rachelle.lumpp@azag.gov)

---

**From:** Lumpp, Rachelle  
**Sent:** Tuesday, October 20, 2020 2:46 PM  
**To:** 'mark.napier@sheriff.pima.gov'  
**Subject:** Attorney General's Office - Election Resources for LEO

Dear Sheriff Napier

You will be receiving a letter shortly via email from the Attorney General's office regarding the November election and resources available to you and your agency should you require assistance from our Election Integrity Unit.

Best regards,

Rachelle Lumpp on behalf of Attorney General Mark Brnovich  
Executive Assistant  
602-542-8351 Office  
[rachelle.lumpp@azag.gov](mailto:rachelle.lumpp@azag.gov)

---

**From:** Lumpp, Rachelle  
**Sent:** Tuesday, October 20, 2020 2:46 PM  
**To:** 'dcauthen@pimatown.az.gov'  
**Subject:** Attorney General's Office - Election Resources for LEO

Dear Chief Cauthen

You will be receiving a letter shortly via email from the Attorney General's office regarding the November election and resources available to you and your agency should you require assistance from our Election Integrity Unit.

Best regards,

Rachelle Lumpp on behalf of Attorney General Mark Brnovich  
Executive Assistant  
602-542-8351 Office  
[rachelle.lumpp@azag.gov](mailto:rachelle.lumpp@azag.gov)

---

**From:** Lumpp, Rachelle  
**Sent:** Tuesday, October 20, 2020 2:46 PM  
**To:** 'mark.lamb@pinal.gov'  
**Subject:** Attorney General's Office - Election Resources for LEO

Dear Sheriff Lamb

You will be receiving a letter shortly via email from the Attorney General's office regarding the November election and resources available to you and your agency should you require assistance from our Election Integrity Unit.

Best regards,

Rachelle Lumpp on behalf of Attorney General Mark Brnovich  
Executive Assistant  
602-542-8351 Office  
[rachelle.lumpp@azag.gov](mailto:rachelle.lumpp@azag.gov)

---

**From:** Lumpp, Rachelle  
**Sent:** Tuesday, October 20, 2020 2:46 PM  
**To:** 'dbarnes@pinetoplakesideaz.gov'  
**Subject:** Attorney General's Office - Election Resources for LEO

Dear Chief Barnes

You will be receiving a letter shortly via email from the Attorney General's office regarding the November election and resources available to you and your agency should you require assistance from our Election Integrity Unit.

Best regards,

Rachelle Lumpp on behalf of Attorney General Mark Brnovich  
Executive Assistant  
602-542-8351 Office  
[rachelle.lumpp@azag.gov](mailto:rachelle.lumpp@azag.gov)



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**From:** Lumpp, Rachelle  
**Sent:** Tuesday, October 20, 2020 2:46 PM  
**To:** 'deborablack@prescott-az.gov'  
**Subject:** Attorney General's Office - Election Resources for LEO

Dear Chief Black

You will be receiving a letter shortly via email from the Attorney General's office regarding the November election and resources available to you and your agency should you require assistance from our Election Integrity Unit.

Best regards,

Rachelle Lumpp on behalf of Attorney General Mark Brnovich  
Executive Assistant  
602-542-8351 Office  
[rachelle.lumpp@azag.gov](mailto:rachelle.lumpp@azag.gov)

---

**From:** Lumpp, Rachelle  
**Sent:** Tuesday, October 20, 2020 2:46 PM  
**To:** 'sroser@pvaz.net'  
**Subject:** Attorney General's Office - Election Resources for LEO

Dear Chief Roser

You will be receiving a letter shortly via email from the Attorney General's office regarding the November election and resources available to you and your agency should you require assistance from our Election Integrity Unit.

Best regards,

Rachelle Lumpp on behalf of Attorney General Mark Brnovich  
Executive Assistant  
602-542-8351 Office  
[rachelle.lumpp@azag.gov](mailto:rachelle.lumpp@azag.gov)

---

**From:** Lumpp, Rachelle  
**Sent:** Tuesday, October 20, 2020 2:46 PM  
**To:** 'wponce@quartzsiteaz.org'  
**Subject:** Attorney General's Office - Election Resources for LEO

Dear Chief Ponce

You will be receiving a letter shortly via email from the Attorney General's office regarding the November election and resources available to you and your agency should you require assistance from our Election Integrity Unit.

Best regards,

Rachelle Lumpp on behalf of Attorney General Mark Brnovich  
Executive Assistant  
602-542-8351 Office  
[rachelle.lumpp@azag.gov](mailto:rachelle.lumpp@azag.gov)

---

**From:** Lumpp, Rachelle  
**Sent:** Tuesday, October 20, 2020 2:46 PM  
**To:** 'knerva@quechantribe.com'  
**Subject:** Attorney General's Office - Election Resources for LEO

Dear Chief Nerva

You will be receiving a letter shortly via email from the Attorney General's office regarding the November election and resources available to you and your agency should you require assistance from our Election Integrity Unit.

Best regards,

Rachelle Lumpp on behalf of Attorney General Mark Brnovich  
Executive Assistant  
602-542-8351 Office  
[rachelle.lumpp@azag.gov](mailto:rachelle.lumpp@azag.gov)

---

**From:** Lumpp, Rachelle  
**Sent:** Tuesday, October 20, 2020 2:46 PM  
**To:** 'gorr@saffordaz.gov'  
**Subject:** Attorney General's Office - Election Resources for LEO

Dear Chief Orr

You will be receiving a letter shortly via email from the Attorney General's office regarding the November election and resources available to you and your agency should you require assistance from our Election Integrity Unit.

Best regards,

Rachelle Lumpp on behalf of Attorney General Mark Brnovich  
Executive Assistant  
602-542-8351 Office  
[rachelle.lumpp@azag.gov](mailto:rachelle.lumpp@azag.gov)

---

**From:** Lumpp, Rachelle  
**Sent:** Tuesday, October 20, 2020 2:46 PM  
**To:** 'jnoland@sahuaritaaz.gov'  
**Subject:** Attorney General's Office - Election Resources for LEO

Dear Chief Noland

You will be receiving a letter shortly via email from the Attorney General's office regarding the November election and resources available to you and your agency should you require assistance from our Election Integrity Unit.

Best regards,

Rachelle Lumpp on behalf of Attorney General Mark Brnovich  
Executive Assistant  
602-542-8351 Office  
[rachelle.lumpp@azag.gov](mailto:rachelle.lumpp@azag.gov)

---

**From:** Lumpp, Rachelle  
**Sent:** Tuesday, October 20, 2020 2:46 PM  
**To:** 'karl.auerbach@srpmic-nsn.gov'  
**Subject:** Attorney General's Office - Election Resources for LEO

Dear Chief Auerbach

You will be receiving a letter shortly via email from the Attorney General's office regarding the November election and resources available to you and your agency should you require assistance from our Election Integrity Unit.

Best regards,

Rachelle Lumpp on behalf of Attorney General Mark Brnovich  
Executive Assistant  
602-542-8351 Office  
[rachelle.lumpp@azag.gov](mailto:rachelle.lumpp@azag.gov)

---

**From:** Lumpp, Rachelle  
**Sent:** Tuesday, October 20, 2020 2:46 PM  
**To:** 'rjessup@sanluisaz.gov'  
**Subject:** Attorney General's Office - Election Resources for LEO

Dear Chief Jessup

You will be receiving a letter shortly via email from the Attorney General's office regarding the November election and resources available to you and your agency should you require assistance from our Election Integrity Unit.

Best regards,

Rachelle Lumpp on behalf of Attorney General Mark Brnovich  
Executive Assistant  
602-542-8351 Office  
[rachelle.lumpp@azag.gov](mailto:rachelle.lumpp@azag.gov)



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**From:** Lumpp, Rachelle  
**Sent:** Tuesday, October 20, 2020 2:46 PM  
**To:** 'testrada@santacruzcountyaz.gov'  
**Subject:** Attorney General's Office - Election Resources for LEO

Sheriff Estrada

You will be receiving a letter shortly via email from the Attorney General's office regarding the November election and resources available to you and your agency should you require assistance from our Election Integrity Unit.

Best regards,

Rachelle Lumpp on behalf of Attorney General Mark Brnovich  
Executive Assistant  
602-542-8351 Office  
[rachelle.lumpp@azag.gov](mailto:rachelle.lumpp@azag.gov)

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**From:** Lumppp, Rachelle  
**Sent:** Tuesday, October 20, 2020 2:46 PM  
**To:** 'arodbell@scottsdaleaz.gov'  
**Subject:** Attorney General's Office - Election Resources for LEO

Dear Chief Rodbell

You will be receiving a letter shortly via email from the Attorney General's office regarding the November election and resources available to you and your agency should you require assistance from our Election Integrity Unit.

Best regards,

Rachelle Lumppp on behalf of Attorney General Mark Brnovich  
Executive Assistant  
602-542-8351 Office  
[rachelle.lumpp@azag.gov](mailto:rachelle.lumpp@azag.gov)

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**From:** Lumpp, Rachelle  
**Sent:** Tuesday, October 20, 2020 2:46 PM  
**To:** 'chusted@sedonaaz.gov'  
**Subject:** Attorney General's Office - Election Resources for LEO

Dear Chief Husted

You will be receiving a letter shortly via email from the Attorney General's office regarding the November election and resources available to you and your agency should you require assistance from our Election Integrity Unit.

Best regards,

Rachelle Lumpp on behalf of Attorney General Mark Brnovich  
Executive Assistant  
602-542-8351 Office  
[rachelle.lumpp@azag.gov](mailto:rachelle.lumpp@azag.gov)

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**From:** Lumpp, Rachelle  
**Sent:** Tuesday, October 20, 2020 2:46 PM  
**To:** 'jshelley@showlowaz.gov'  
**Subject:** Attorney General's Office - Election Resources for LEO

Dear Chief Shelley

You will be receiving a letter shortly via email from the Attorney General's office regarding the November election and resources available to you and your agency should you require assistance from our Election Integrity Unit.

Best regards,

Rachelle Lumpp on behalf of Attorney General Mark Brnovich  
Executive Assistant  
602-542-8351 Office  
[rachelle.lumpp@azag.gov](mailto:rachelle.lumpp@azag.gov)

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**From:** Lumpp, Rachelle  
**Sent:** Tuesday, October 20, 2020 2:46 PM  
**To:** 'adam.thrasher@sierravistaaz.gov'  
**Subject:** Attorney General's Office - Election Resources for LEO

Dear Chief Thrasher

You will be receiving a letter shortly via email from the Attorney General's office regarding the November election and resources available to you and your agency should you require assistance from our Election Integrity Unit.

Best regards,

Rachelle Lumpp on behalf of Attorney General Mark Brnovich  
Executive Assistant  
602-542-8351 Office  
[rachelle.lumpp@azag.gov](mailto:rachelle.lumpp@azag.gov)

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**From:** Lumpp, Rachelle  
**Sent:** Tuesday, October 20, 2020 2:46 PM  
**To:** 'rmartin@stpd.org'  
**Subject:** Attorney General's Office - Election Resources for LEO

Dear Chief Martin

You will be receiving a letter shortly via email from the Attorney General's office regarding the November election and resources available to you and your agency should you require assistance from our Election Integrity Unit.

Best regards,

Rachelle Lumpp on behalf of Attorney General Mark Brnovich  
Executive Assistant  
602-542-8351 Office  
[rachelle.lumpp@azag.gov](mailto:rachelle.lumpp@azag.gov)

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**From:** Lumpp, Rachelle  
**Sent:** Tuesday, October 20, 2020 2:46 PM  
**To:** 'aracelijuarez@somertonaz.gov'  
**Subject:** Attorney General's Office - Election Resources for LEO

Dear Chief Juarez

You will be receiving a letter shortly via email from the Attorney General's office regarding the November election and resources available to you and your agency should you require assistance from our Election Integrity Unit.

Best regards,

Rachelle Lumpp on behalf of Attorney General Mark Brnovich  
Executive Assistant  
602-542-8351 Office  
[rachelle.lumpp@azag.gov](mailto:rachelle.lumpp@azag.gov)

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**From:** Lumppp, Rachelle  
**Sent:** Tuesday, October 20, 2020 2:46 PM  
**To:** 'mamado@southtucson.org'  
**Subject:** Attorney General's Office - Election Resources for LEO

Dear Chief Amado

You will be receiving a letter shortly via email from the Attorney General's office regarding the November election and resources available to you and your agency should you require assistance from our Election Integrity Unit.

Best regards,

Rachelle Lumppp on behalf of Attorney General Mark Brnovich  
Executive Assistant  
602-542-8351 Office  
[rachelle.lumppp@azag.gov](mailto:rachelle.lumppp@azag.gov)



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**From:** Lumpp, Rachelle  
**Sent:** Tuesday, October 20, 2020 2:46 PM  
**To:** 'jkemp@springervilleaz.gov'  
**Subject:** Attorney General's Office - Election Resources for LEO

Dear Chief/Kemp

You will be receiving a letter shortly via email from the Attorney General's office regarding the November election and resources available to you and your agency should you require assistance from our Election Integrity Unit.

Best regards,

Rachelle Lumpp on behalf of Attorney General Mark Brnovich  
Executive Assistant  
602-542-8351 Office  
[rachelle.lumpp@azag.gov](mailto:rachelle.lumpp@azag.gov)

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**From:** Lumpp, Rachelle  
**Sent:** Tuesday, October 20, 2020 2:46 PM  
**To:** 'lspivey@stjohnsaz.gov'  
**Subject:** Attorney General's Office - Election Resources for LEO

Dear Chief Spivey

You will be receiving a letter shortly via email from the Attorney General's office regarding the November election and resources available to you and your agency should you require assistance from our Election Integrity Unit.

Best regards,

Rachelle Lumpp on behalf of Attorney General Mark Brnovich  
Executive Assistant  
602-542-8351 Office  
[rachelle.lumpp@azag.gov](mailto:rachelle.lumpp@azag.gov)

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**From:** Lumpp, Rachelle  
**Sent:** Tuesday, October 20, 2020 2:46 PM  
**To:** 'frank.alanis@pinal.gov'  
**Subject:** Attorney General's Office - Election Resources for LEO

Dear Chief Alanis

You will be receiving a letter shortly via email from the Attorney General's office regarding the November election and resources available to you and your agency should you require assistance from our Election Integrity Unit.

Best regards,

Rachelle Lumpp on behalf of Attorney General Mark Brnovich  
Executive Assistant  
602-542-8351 Office  
[rachelle.lumpp@azag.gov](mailto:rachelle.lumpp@azag.gov)

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**From:** Lumpp, Rachelle  
**Sent:** Tuesday, October 20, 2020 2:46 PM  
**To:** 'terry.young@surpriseaz.gov'  
**Subject:** Attorney General's Office - Election Resources for LEO

Dear Chief Young

You will be receiving a letter shortly via email from the Attorney General's office regarding the November election and resources available to you and your agency should you require assistance from our Election Integrity Unit.

Best regards,

Rachelle Lumpp on behalf of Attorney General Mark Brnovich  
Executive Assistant  
602-542-8351 Office  
[rachelle.lumpp@azag.gov](mailto:rachelle.lumpp@azag.gov)

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**From:** Lumpp, Rachelle  
**Sent:** Tuesday, October 20, 2020 2:46 PM  
**To:** 'jeffrey\_glover@tempe.gov'  
**Subject:** Attorney General's Office - Election Resources for LEO

Dear Chief Glover

You will be receiving a letter shortly via email from the Attorney General's office regarding the November election and resources available to you and your agency should you require assistance from our Election Integrity Unit.

Best regards,

Rachelle Lumpp on behalf of Attorney General Mark Brnovich  
Executive Assistant  
602-542-8351 Office  
[rachelle.lumpp@azag.gov](mailto:rachelle.lumpp@azag.gov)

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**From:** Lumppp, Rachelle  
**Sent:** Tuesday, October 20, 2020 2:46 PM  
**To:** 'swoods@thatcher.az.gov'  
**Subject:** Attorney General's Office - Election Resources for LEO

Dear Chief Woods

You will be receiving a letter shortly via email from the Attorney General's office regarding the November election and resources available to you and your agency should you require assistance from our Election Integrity Unit.

Best regards,

Rachelle Lumppp on behalf of Attorney General Mark Brnovich  
Executive Assistant  
602-542-8351 Office  
[rachelle.lumpp@azag.gov](mailto:rachelle.lumpp@azag.gov)

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**From:** Lumpp, Rachelle  
**Sent:** Tuesday, October 20, 2020 2:46 PM  
**To:** 'elton.begay@tonation-nsn.gov'  
**Subject:** Attorney General's Office - Election Resources for LEO

Dear Chief Begay

You will be receiving a letter shortly via email from the Attorney General's office regarding the November election and resources available to you and your agency should you require assistance from our Election Integrity Unit.

Best regards,

Rachelle Lumpp on behalf of Attorney General Mark Brnovich  
Executive Assistant  
602-542-8351 Office  
[rachelle.lumpp@azag.gov](mailto:rachelle.lumpp@azag.gov)

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**From:** Lumpp, Rachelle  
**Sent:** Tuesday, October 20, 2020 2:46 PM  
**To:** 'wayne.boohar@tolleson.az.gov'  
**Subject:** Attorney General's Office - Election Resources for LEO

Dear Chief Booher

will be receiving a letter shortly via email from the Attorney General's office regarding the November election and resources available to you and your agency should you require assistance from our Election Integrity Unit.

Best regards,

Rachelle Lumpp on behalf of Attorney General Mark Brnovich  
Executive Assistant  
602-542-8351 Office  
[rachelle.lumpp@azag.gov](mailto:rachelle.lumpp@azag.gov)



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**From:** Lumpp, Rachelle  
**Sent:** Tuesday, October 20, 2020 2:46 PM  
**To:** 'rrandall@cochise.az.gov'  
**Subject:** Attorney General's Office - Election Resources for LEO

Dear Marshal Randall

You will be receiving a letter shortly via email from the Attorney General's office regarding the November election and resources available to you and your agency should you require assistance from our Election Integrity Unit.

Best regards,

Rachelle Lumpp on behalf of Attorney General Mark Brnovich  
Executive Assistant  
602-542-8351 Office  
[rachelle.lumpp@azag.gov](mailto:rachelle.lumpp@azag.gov)

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**From:** Lump, Rachelle  
**Sent:** Tuesday, October 20, 2020 2:46 PM  
**To:** 'mjarvis@tontoapache.org'  
**Subject:** Attorney General's Office - Election Resources for LEO

Dear Chief Jarvis

You will be receiving a letter shortly via email from the Attorney General's office regarding the November election and resources available to you and your agency should you require assistance from our Election Integrity Unit.

Best regards,

Rachelle Lump on behalf of Attorney General Mark Brnovich  
Executive Assistant  
602-542-8351 Office  
[rachelle.lump@azag.gov](mailto:rachelle.lump@azag.gov)

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**From:** Lumpp, Rachelle  
**Sent:** Tuesday, October 20, 2020 2:46 PM  
**To:** 'chris.magnus@tucsonaz.gov'  
**Subject:** Attorney General's Office - Election Resources for LEO

Dear Chief Magnus

You will be receiving a letter shortly via email from the Attorney General's office regarding the November election and resources available to you and your agency should you require assistance from our Election Integrity Unit.

Best regards,

Rachelle Lumpp on behalf of Attorney General Mark Brnovich  
Executive Assistant  
602-542-8351 Office  
[rachelle.lumpp@azag.gov](mailto:rachelle.lumpp@azag.gov)

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**From:** Lumpp, Rachelle  
**Sent:** Tuesday, October 20, 2020 2:46 PM  
**To:** 'djones@town.wellton.az.us'  
**Subject:** Attorney General's Office - Election Resources for LEO

Dear Chief Jones

You will be receiving a letter shortly via email from the Attorney General's office regarding the November election and resources available to you and your agency should you require assistance from our Election Integrity Unit.

Best regards,

Rachelle Lumpp on behalf of Attorney General Mark Brnovich  
Executive Assistant  
602-542-8351 Office  
[rachelle.lumpp@azag.gov](mailto:rachelle.lumpp@azag.gov)

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**From:** Lumpp, Rachelle  
**Sent:** Tuesday, October 20, 2020 2:46 PM  
**To:** 'theodoreshaw@wmapolice.com'  
**Subject:** Attorney General's Office - Election Resources for LEO

Dear Chief Shaw

You will be receiving a letter shortly via email from the Attorney General's office regarding the November election and resources available to you and your agency should you require assistance from our Election Integrity Unit.

Best regards,

Rachelle Lumpp on behalf of Attorney General Mark Brnovich  
Executive Assistant  
602-542-8351 Office  
[rachelle.lumpp@azag.gov](mailto:rachelle.lumpp@azag.gov)

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**From:** Lumpp, Rachelle  
**Sent:** Tuesday, October 20, 2020 2:46 PM  
**To:** 'lbrown@wickenburgaz.org'  
**Subject:** Attorney General's Office - Election Resources for LEO

Dear Chief Brown

You will be receiving a letter shortly via email from the Attorney General's office regarding the November election and resources available to you and your agency should you require assistance from our Election Integrity Unit.

Best regards,

Rachelle Lumpp on behalf of Attorney General Mark Brnovich  
Executive Assistant  
602-542-8351 Office  
[rachelle.lumpp@azag.gov](mailto:rachelle.lumpp@azag.gov)

---

**From:** Lumpp, Rachelle  
**Sent:** Tuesday, October 20, 2020 2:46 PM  
**To:** 'dhadfield@willcox.az.gov'  
**Subject:** Attorney General's Office - Election Resources for LEO

Dear Chief Hadfield

You will be receiving a letter shortly via email from the Attorney General's office regarding the November election and resources available to you and your agency should you require assistance from our Election Integrity Unit.

Best regards,

Rachelle Lumpp on behalf of Attorney General Mark Brnovich  
Executive Assistant  
602-542-8351 Office  
[rachelle.lumpp@azag.gov](mailto:rachelle.lumpp@azag.gov)

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**From:** Lumpp, Rachelle  
**Sent:** Tuesday, October 20, 2020 2:46 PM  
**To:** 'hnixon@williamsaz.gov'  
**Subject:** Attorney General's Office - Election Resources for LEO

Dear Chief Nixon

You will be receiving a letter shortly via email from the Attorney General's office regarding the November election and resources available to you and your agency should you require assistance from our Election Integrity Unit.

Best regards,

Rachelle Lumpp on behalf of Attorney General Mark Brnovich  
Executive Assistant  
602-542-8351 Office  
[rachelle.lumpp@azag.gov](mailto:rachelle.lumpp@azag.gov)



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**From:** Lumpp, Rachelle  
**Sent:** Tuesday, October 20, 2020 2:46 PM  
**To:** 'karend@winslowaz.gov'  
**Subject:** Attorney General's Office - Election Resources for LEO

Dear Chief Arend

You will be receiving a letter shortly via email from the Attorney General's office regarding the November election and resources available to you and your agency should you require assistance from our Election Integrity Unit.

Best regards,

Rachelle Lumpp on behalf of Attorney General Mark Brnovich  
Executive Assistant  
602-542-8351 Office  
[rachelle.lumpp@azag.gov](mailto:rachelle.lumpp@azag.gov)

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**From:** Lumpp, Rachelle  
**Sent:** Tuesday, October 20, 2020 2:46 PM  
**To:** 'sheriff@yavapai.us'  
**Subject:** Attorney General's Office - Election Resources for LEO

Dear Sheriff Mascher

You will be receiving a letter shortly via email from the Attorney General's office regarding the November election and resources available to you and your agency should you require assistance from our Election Integrity Unit.

Best regards,

Rachelle Lumpp on behalf of Attorney General Mark Brnovich  
Executive Assistant  
602-542-8351 Office  
[rachelle.lumpp@azag.gov](mailto:rachelle.lumpp@azag.gov)

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**From:** Lumppp, Rachelle  
**Sent:** Tuesday, October 20, 2020 2:46 PM  
**To:** 'nhuibregtse@yan-tribe.org'  
**Subject:** Attorney General's Office - Election Resources for LEO

Dear Chief Huibregtse

You will be receiving a letter shortly via email from the Attorney General's office regarding the November election and resources available to you and your agency should you require assistance from our Election Integrity Unit.

Best regards,

Rachelle Lumppp on behalf of Attorney General Mark Brnovich  
Executive Assistant  
602-542-8351 Office  
[rachelle.lumpp@azag.gov](mailto:rachelle.lumpp@azag.gov)

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**From:** Lumpp, Rachelle  
**Sent:** Tuesday, October 20, 2020 2:46 PM  
**To:** 'sdesjadon@ypit.com'  
**Subject:** Attorney General's Office - Election Resources for LEO

Dear Chief Desjadon

You will be receiving a letter shortly via email from the Attorney General's office regarding the November election and resources available to you and your agency should you require assistance from our Election Integrity Unit.

Best regards,

Rachelle Lumpp on behalf of Attorney General Mark Brnovich  
Executive Assistant  
602-542-8351 Office  
[rachelle.lumpp@azag.gov](mailto:rachelle.lumpp@azag.gov)

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**From:** Lumpp, Rachelle  
**Sent:** Tuesday, October 20, 2020 2:46 PM  
**To:** 'leon.wilmot@ycso.yumacountyaz.gov'  
**Subject:** Attorney General's Office - Election Resources for LEO

Dear Sheriff Wilmot

You will be receiving a letter shortly via email from the Attorney General's office regarding the November election and resources available to you and your agency should you require assistance from our Election Integrity Unit.

Best regards,

Rachelle Lumpp on behalf of Attorney General Mark Brnovich  
Executive Assistant  
602-542-8351 Office  
[rachelle.lumpp@azag.gov](mailto:rachelle.lumpp@azag.gov)

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**From:** Lumpp, Rachelle  
**Sent:** Tuesday, October 20, 2020 2:46 PM  
**To:** 'susan.smith@yumaaz.gov'  
**Subject:** Attorney General's Office - Election Resources for LEO

Dear Chief Smith

You will be receiving a letter shortly via email from the Attorney General's office regarding the November election and resources available to you and your agency should you require assistance from our Election Integrity Unit.

Best regards,

Rachelle Lumpp on behalf of Attorney General Mark Brnovich  
Executive Assistant  
602-542-8351 Office  
[rachelle.lumpp@azag.gov](mailto:rachelle.lumpp@azag.gov)

**From:** [Manny Amado](#)  
**To:** [Lumpp, Rachelle](#)  
**Subject:** RE: Attorney General's Office - Election Resources for LEO  
**Date:** Tuesday, October 20, 2020 3:57:56 PM  
**Attachments:** [image002.png](#)

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I received it just a few ago. Thank you.

*Manuel A. Amado*

Chief of Police - Director of Public Safety  
Police and Fire Departments  
1601 S. 6th. Ave  
City of South Tucson | AZ | 85713  
Main: (520) 622-0655 | Office: (520) 917-1580  
Email: [mamado@southtucson.org](mailto:mamado@southtucson.org)  
Web: <https://www.southtucsonaz.gov/police>



*Be Safe, Stay home if you are able, Wash your hands frequently, and PLEASE wear a mask in public!*

NOTICE: This e-mail message including any attachment (collectively the "e-mail") may contain PRIVILEGED and CONFIDENTIAL INFORMATION. If you are the intended recipient, you are hereby notified that any disclosure, copying, distribution, or the taking of any action in reliance on the contents of this emailed information is strictly prohibited. If you are not the intended recipient, then please (i) do not read this e-mail, (ii) do not forward, print, copy or otherwise disseminate this e-mail, (iii) notify us of the error by a reply to this e-mail, and (iv) delete this e-mail from your computer.

**From:** Lumpp, Rachelle [mailto:[Rachelle.Lumpp@azag.gov](mailto:Rachelle.Lumpp@azag.gov)]  
**Sent:** Tuesday, October 20, 2020 2:46 PM  
**To:** Manny Amado <[mamado@southtucson.org](mailto:mamado@southtucson.org)>  
**Subject:** Attorney General's Office - Election Resources for LEO

Dear Chief Amado

You will be receiving a letter shortly via email from the Attorney General's office regarding the November election and resources available to you and your agency should you require assistance from our Election Integrity Unit.

Best regards,

Rachelle Lumpp on behalf of Attorney General Mark Brnovich  
Executive Assistant  
602-542-8351 Office  
[rachelle.lumpp@azag.gov](mailto:rachelle.lumpp@azag.gov)



**From:** [Lumpp, Rachelle](mailto:Lumpp,Rachelle)  
**To:** [records@americanoversight.org](mailto:records@americanoversight.org)  
**Subject:** FW: PRR2020-2200-174  
**Date:** Friday, October 16, 2020 12:31:58 PM  
**Attachments:** [image001.png](#)  
[2020-2200-174.pdf](#)

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**From:** Lumpp, Rachelle  
**Sent:** Friday, October 16, 2020 12:31 PM  
**To:** [records@americanoversight.org](mailto:records@americanoversight.org)  
**Subject:** PRR2020-2200-174

I just sent a response to a public records request you submitted and I forgot to attach the original public records request.  
See attached. Thanks!

Rachelle Lumpp  
Executive Assistant to the Attorney General  
Executive Assistant to the Director of Communications  
Office of the Arizona Attorney General  
2005 N. Central Avenue  
Phoenix, AZ 85004  
602-542-8351 Office  
[rachelle.lumpp@azag.gov](mailto:rachelle.lumpp@azag.gov)





July 27, 2020

VIA EMAIL

Deputy Public Information Officer  
Attorney General's Office  
2005 N Central Ave.  
Phoenix, AZ 85004  
[publicrecords@azag.gov](mailto:publicrecords@azag.gov)

Re: Public Records Request

Dear Public Records Officer:

Pursuant to the Arizona Public Records Law, A.R.S. §§ 39-121 et seq., American Oversight makes the following request for records.

Requested Records

American Oversight requests that your office promptly produce the following records:

1. All email communications (including emails, email attachments, calendar invitations, and attachments thereto) sent by (a) any of the officials in the Arizona Attorney General's Office listed in Column A below to (b) any of the external individuals or groups listed in Column B below:

Column A: Officials in the Arizona Attorney General's Office	Column B: External Parties
<ol style="list-style-type: none"> <li>i. Mark Brnovich, Attorney General, or anyone communicating on his behalf (such as an assistant or scheduler)</li> <li>ii. Joe Kanefield, Chief Deputy &amp; Chief of Staff</li> <li>iii. Ryan Anderson, Director of Communications</li> <li>iv. Rachelle Lump, Executive Assistant to Ryan Anderson &amp; Deputy Public Information Officer</li> </ol>	<p>True the Vote:</p> <ol style="list-style-type: none"> <li>i. Catherine Engelbrecht (including, but not limited to, at the email address <a href="mailto:catherine@truethevote.org">catherine@truethevote.org</a>)</li> <li>ii. Anyone communicating from an email address ending in <a href="mailto:@truethevote.org">@truethevote.org</a></li> </ol> <p>FreedomWorks:</p> <ol style="list-style-type: none"> <li>i. Adam Brandon (including, but not limited to, at the email address <a href="mailto:abrandon@freedomworks.org">abrandon@freedomworks.org</a>)</li> </ol>

<ul style="list-style-type: none"> <li>v. Katie Conner, Spokesperson &amp; Director of Media Relations</li> <li>vi. Jason Isaak, Advisor to the Attorney General</li> <li>vii. Jennifer Wright, Assistant Attorney General</li> </ul>	<ul style="list-style-type: none"> <li>ii. Anyone communication from an email address ending in <a href="mailto:&gt;@freedomworks.org">@freedomworks.org</a></li> </ul> <p>Elections, LLC:</p> <ul style="list-style-type: none"> <li>i. Justin Clark (including, but not limited to, at the email address <a href="mailto:jrclark@michaelbest.com">jrclark@michaelbest.com</a>)</li> <li>ii. Nathan Groth (including, but not limited to, at the email address <a href="mailto:ndgroth@michaelbest.com">ndgroth@michaelbest.com</a>)</li> <li>iii. Stefan Passantino (including, but not limited to, at the email addresses <a href="mailto:spassantino@michaelbest.com">spassantino@michaelbest.com</a> or <a href="mailto:stefanpassantino@onebox.com">stefanpassantino@onebox.com</a>)</li> </ul> <p>Republican National Lawyers Association:</p> <ul style="list-style-type: none"> <li>i. Anyone communicating from an email address ending in <a href="mailto:&gt;@republicanlawyer.net">@republicanlawyer.net</a></li> </ul> <p>Verify the Vote:</p> <ul style="list-style-type: none"> <li>i. Anyone communicating from an email address ending in <a href="mailto:">@verifythevote.org"&gt;@verifythevote.org</a></li> </ul> <p>Other Individuals:</p> <ul style="list-style-type: none"> <li>i. Hans von Spakovsky (including, but not limited to, at the email address <a href="mailto:hans.vonspakovsky@heritage.org">hans.vonspakovsky@heritage.org</a>)</li> <li>ii. Ralph Reed (including, but not limited to, at the email addresses <a href="mailto:ralph@censtrat.com">ralph@censtrat.com</a>, <a href="mailto:ralph.reed@censtrat.com">ralph.reed@censtrat.com</a>, or <a href="mailto:rreed@censtrat.com">rreed@censtrat.com</a>)</li> <li>iii. Marc Lotter (including, but not limited to, at the email address <a href="mailto:marc@lottercommunications.com">marc@lottercommunications.com</a>)</li> <li>iv. Ken Blackwell (including, but not limited to, at the email addresses <a href="mailto:john.blackwell@aol.com">john.blackwell@aol.com</a> or <a href="mailto:kennethblackwell01@yahoo.com">kennethblackwell01@yahoo.com</a>)</li> <li>v. Brad Smith (including, but not limited to, at the email addresses</li> </ul>
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	<p><a href="mailto:bsmith4901@aol.com">bsmith4901@aol.com</a> or <a href="mailto:bsmith@law.capital.edu">bsmith@law.capital.edu</a></p> <p>vi. Morton Blackwell (including, but not limited to, at any email address ending in @limail.us, lii.net, lead-inst.org, or leadershipinstitute.org)</p> <p>vii. Michael Roman (including, but not limited to, at the email addresses <a href="mailto:mroman@rnchq.com">mroman@rnchq.com</a> or <a href="mailto:mroman@gop.com">mroman@gop.com</a>)</p> <p>viii. Ed Hiner (including, but not limited to, at the email address <a href="mailto:ed.hiner@edhiner.com">ed.hiner@edhiner.com</a>)</p>
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2. All email communications (including emails, calendar invitations, and attachments thereto) sent by any of the officials in the Arizona Attorney General's Office listed below concerning poll watching activities or the recruitment of poll watchers.

Officials in the Office of the Arizona Attorney General:

- Mark Brnovich, Attorney General, or anyone communicating on his behalf (such as an assistant or scheduler)
- Joe Kanefield, Chief Deputy & Chief of Staff
- Ryan Anderson, Director of Communications
- Jason Isaak, Advisor to the Attorney General
- Jennifer Wright, Assistant Attorney General

For item 2 of this request, American Oversight believes that records containing the terms below are likely to be responsive records, and requests that your office, at a minimum, employ these search terms to identify responsive records.

Search Terms:

- |                        |                        |
|------------------------|------------------------|
| • "True the Vote"      | • "Poll watcher"       |
| • TTV                  | • "Poll watchers"      |
| • "Continue to Serve"  | • "Poll watching"      |
| • Engelbrecht          | • "Watch the polls"    |
| • "Matt Morgan"        | • "Watching the polls" |
| • "Matthew Morgan"     | • "Voting observer"    |
| • "Mike Roman"         | • "Voting observers"   |
| • "Michael Roman"      | • "Vote observer"      |
| • "VoteStand"          | • "Vote observers"     |
| • "Election integrity" | • "Vote observing"     |

- “Voter observer”
- “Voter observers”
- “Voter observing”
- “Observe voters”
- “Observe voting”
- “Observing voting”
- “Election observer”
- “Election observers”
- “Election observing”
- “Elections observer”
- “Elections observing”
- “Placement rule”
- “Consent decree”
- “Voter intimidation”
- “Intimidate voters”
- “Intimidating voters”
- “Ballot integrity”
- “Ballot security”
- “Election day operation”
- “Election day operations”
- EDO

In an effort to accommodate your office and reduce the number of potentially responsive records to be processed and produced, American Oversight has limited both items of its request to emails sent by the officials listed above. To be clear, however, American Oversight still requests that complete email chains be produced, displaying both sent and received messages. This means, for example, that both Attorney General Brnovich’s response to an email about poll watching and the initial received message are responsive to this request and should be produced.

For both items of this request, please provide all responsive records from January 1, 2020, to the date the search is conducted.

**Statement of Noncommercial Purpose**

This request is made for noncommercial purposes. American Oversight seeks records regarding the Arizona government’s involvement in poll watching activities or poll watcher recruitment. Claims of widespread election fraud are of significant public interest both in Arizona and nationwide.<sup>1</sup> Records with the potential to shed light on this matter would contribute significantly to public understanding of operations of the government, including whether and to what extent the Arizona Attorney General’s Office is engaged in poll watcher recruitment.

Because American Oversight is a 501(c)(3) nonprofit, this request is not in American Oversight’s financial interest. American Oversight’s mission is to promote transparency in government, to educate the public about government activities, and to ensure the accountability of government officials. American Oversight uses the information gathered, and its analysis of it, to educate the public through reports, press releases, or other media.

---

<sup>1</sup> See, e.g. Brahm Resnik, *#BattlegroundAZ: AG Hires GOP Poll Watcher to Police State’s ‘Elections Integrity,’* KPNX (August 18, 2019, 3:44 PM), <https://www.12news.com/article/news/battlegroundaz/75-3deabf8f-4cb5-4bc6-9fb0-f5f1d70a8c94>.

American Oversight also makes materials it gathers available on its public website and promotes their availability on social media platforms, such as Facebook and Twitter.<sup>2</sup>

Because this request is made for noncommercial purposes, American Oversight requests that any fees charged in connection with processing this request be limited to copying and postage charges, if applicable.<sup>3</sup> Please notify American Oversight of any anticipated fees or costs in excess of \$100 prior to incurring such costs or fees.

### Guidance Regarding the Search & Processing of Requested Records

In connection with its request for records, American Oversight provides the following guidance regarding the scope of the records sought and the search and processing of records:

- Our request for records includes any attachments to those records or other materials enclosed with those records when they were previously transmitted. To the extent that an email is responsive to our request, our request includes all prior messages sent or received in that email chain, as well as any attachments to the email.
- Please search all relevant records or systems containing records regarding agency business. Do not exclude records regarding agency business contained in files, email accounts, or devices in the personal custody of your officials, such as personal email accounts or text messages.
- If any records are withheld in full or in part, pursuant to A.R.S. § 39-121.01(D)(2), please provide an index of records or categories of records that have been withheld and the reasons the records or categories of records have been withheld.
- In the event some portions of the requested records are properly exempt from disclosure, please disclose any reasonably segregable non-exempt portions of the requested records. If a request is denied in whole, please state specifically why it is not reasonable to segregate portions of the record for release.

---

<sup>2</sup> American Oversight currently has approximately 15,500 page likes on Facebook and 104,200 followers on Twitter. American Oversight, FACEBOOK, <https://www.facebook.com/weareoversight/> (last visited July 9, 2020); American Oversight (@weareoversight), TWITTER, <https://twitter.com/weareoversight> (last visited July 9, 2020).

<sup>3</sup> A.R.S. § 39-121.01(D)(1); *see also Hanania v. City of Tucson*, 128 Ariz. 135, 624 P.2d 332 (Ct. App. 1980). Furthermore, because this request is for noncommercial purposes, additional fees provided for under A.R.S. § 39-121.03(A) are not applicable and should not be assessed.

- Please take appropriate steps to ensure that records responsive to this request are not deleted by the agency before the completion of processing for this request. If records potentially responsive to this request are likely to be located on systems where they are subject to potential deletion, including on a scheduled basis, please take steps to prevent that deletion, including, as appropriate, by instituting a litigation hold on those records.

### Conclusion

If you have any questions regarding how to construe this request for records or believe that further discussions regarding search and processing would facilitate a more efficient production of records of interest to American Oversight, please do not hesitate to contact American Oversight to discuss this request. American Oversight welcomes an opportunity to discuss its request with you before you undertake your search or incur search or duplication costs. By working together at the outset, American Oversight and your agency can decrease the likelihood of costly and time-consuming litigation in the future.

Where possible, please provide responsive material in an electronic format by email. Alternatively, please provide responsive material in native format or in PDF format on a USB drive. Please send any responsive material being sent by mail to American Oversight, 1030 15th Street NW, Suite B255, Washington, DC 20005. If it will accelerate release of responsive records to American Oversight, please also provide responsive material on a rolling basis.

We share a common mission to promote transparency in government. American Oversight looks forward to working with your agency on this request. If you do not understand any part of this request, please contact Khahilia Shaw at [records@americanoversight.org](mailto:records@americanoversight.org) or (202) 539-6507.

Sincerely,



Austin R. Evers  
Executive Director  
American Oversight

**From:** [Conner, Katie](#)  
**To:** [Anderson, Ryan](#)  
**Subject:** RE: [Test] October Update from AG Mark Brnovich  
**Date:** Wednesday, October 14, 2020 3:40:00 PM

---

It should be the same but I'll double check!

**From:** Anderson, Ryan  
**Sent:** Wednesday, October 14, 2020 3:25 PM  
**To:** Conner, Katie  
**Subject:** Fw: [Test] October Update from AG Mark Brnovich

IS this same version loaded into Mailchimp now?

The test looks funny on pre-existing conditions but normal in Mailchimp

---

**From:** Attorney General Mark Brnovich  
**Sent:** Wednesday, October 14, 2020 3:01 PM  
**To:** Anderson, Ryan  
**Subject:** [Test] October Update from AG Mark Brnovich

[View this email in your browser](#)



*October 2020*

The Attorney General's Office provides the essential services of protecting Arizona and its citizens. Therefore, our office locations are remaining open during the COVID-19 public health emergency. Nevertheless, we recognize that it makes sense to avoid unnecessary trips and personal contact right now, and we encourage everyone to first reach us by phone or email if we can be of assistance.

As your Attorney General, I remain committed to upholding the rule of law in all circumstances that our state may face. Please be assured that we are holding fraudsters and criminals accountable. We will continue to provide the information you need to stay ahead of -- and away from -- these bad actors.

Below is a brief update on what we've been doing as well as a number of resources to help you and your family stay safe and informed.

We will get through this together.





## AZAG OCTOBER UPDATE:



### ATTORNEY GENERAL'S COVID-19 CONSUMER FRAUD PAGE

Fraudsters are finding new scams and schemes to take advantage of Arizona consumers during the COVID-19 outbreak. Since COVID-19, we've gone after a number of bad actors who have attempted to defraud the public or use the pandemic to exploit consumers. We launched a [webpage](#) in March to help you and your family recognize and avoid COVID-19 scams and frauds.

[READ MORE](#)



### FREE TUCSON DOCUMENT SHRED-A-THON AND PRESCRIPTION DRUG TAKE BACK - OCTOBER 24

Join us for a **FREE** "no-contact" document shred-a-thon and prescription drug take-back event on October 24 from 8 a.m. to 12 p.m. in Tucson.

[READ MORE](#)



### FILE AN ELECTION RELATED COMPLAINT WITH OUR OFFICE

The Attorney General's Office is on the forefront of protecting the integrity of Arizona's elections. Earlier this year, we launched the AGO's first-ever Election Integrity Unit. We currently have more than 30 open criminal and civil election integrity or voter fraud-related investigations, and have indicted several individuals for allegedly committing election fraud. Any

member of the public may file an election-related complaint with our office.

**[READ MORE](#)**



**[U.S. SUPREME COURT AGREES TO HEAR MAJOR ELECTION INTEGRITY CASE](#)**

The AGO remains committed to defending our election laws and preventing the dismantling of Arizona's voting integrity safeguards. Arizonans should determine what common sense voter fraud laws are appropriate for our state, not out of state special interests. We're asking the U.S. Supreme Court to review a legal challenge to Arizona's restrictions on ballot harvesting and out-of-precinct voting after a misguided ruling by the Ninth Circuit struck the measures down and other elected officials refused to defend the law. For now, ballot harvesting remains illegal in Arizona.

**[READ MORE](#)**



**[AG BRNOVICH WARNS CONSUMERS ABOUT OVER-THE-COUNTER HEARING AIDS](#)**

AG Brnovich is cautioning consumers to watch out for misleading sales tactics from companies selling over-the-counter hearing amplifiers. Over the past year, we've received approximately 140 complaints from consumers on this matter.

**[READ MORE](#)**



**[FORMER STATE SENATE CANDIDATE INDICTED FOR FORGING SIGNATURES TO QUALIFY FOR ELECTIONS](#)**

## **FUNDING**

Larry Herrera, a former candidate for the Arizona Senate, was recently indicted on 34 felony counts. The charges arise from Herrera's attempt to qualify for Clean Elections Funding in 2018. Herrera allegedly offered or presented forged Qualifying Contribution forms to the Secretary of State's Office, and he perjured himself by falsely asserting that he had obtained qualifying legitimate contributions from individuals. Herrera allegedly took the identities of 16 individuals with the goal of attempting to obtain money from the taxpayer-funded Citizens Clean Elections Fund.

## **READ MORE**

## **AG'S OFFICE OBTAINS \$22.5 MILLION JUDGMENT AGAINST EONSMOKE AND PREVENTS COMPANY FROM SELLING ILLEGAL VAPING PRODUCTS IN ARIZONA**

We filed a consumer fraud lawsuit in January 2020 to stop Eonsmoke from selling illegal vaping products and targeting youth in Arizona. We recently obtained a \$22.5 million judgment against the New Jersey-based vaping company along with a court order permanently barring the company from selling its products in the state.

## **READ MORE**

## **MORE THAN 1,000 FORMER ARIZONA ITT TECH STUDENTS TO RECEIVE \$7.8 MILLION IN DEBT RELIEF**

AG Brnovich recently secured an agreement to obtain \$7.8 million in

debt relief for more than 1,000 former ITT Tech students in Arizona as part of a settlement with PEAKS Trust, a private loan program with the closed private college. Under the settlement, PEAKS has agreed that it will forgo collection of the outstanding loans (over 1,000 in Arizona) and cease doing business. PEAKS will send notices to affected borrowers about the cancelled debt and ensure that automatic payments are cancelled.

[READ MORE](#)



[TWO COCHISE COUNTY RESIDENTS INDICTED FOR FRAUD AND THEFT OF VULNERABLE ADULT](#)

Heather Buhr and Isaac Butts were each indicted for one count of Theft/Financial Exploitation of a Vulnerable Adult. The alleged victim was 83 years old. Heather Buhr was a caregiver working for a company hired to provide caregiver assistance. While working for the victim, Buhr introduced her father, Isaac Butts, to the victim, and both are accused of stealing over \$53,000 from the victim between February and March of 2018.

[READ MORE](#)



[AG BRNOVICH FILES CONSUMER FRAUD LAWSUIT AGAINST DEBT COLLECTORS](#)

We filed a consumer fraud lawsuit against Arizona fraudsters who impersonated law enforcement officers and process servers while attempting to collect debt. Our office alleges defendants processed and collected over \$1.6 million in

payments from consumers, and may have had no authority to collect the debt. [Listen to the audio](#) of recorded phone calls.

[\*\*\*READ MORE\*\*\*](#)



**AG BRNOVICH WORKS WITH LEGISLATURE TO PASS LEGISLATION PROTECTING ARIZONANS WITH PRE-EXISTING CONDITIONS**

AG Brnovich worked with the Arizona Legislature during the 2020 legislature to enact legislation that protects Arizonans with pre-existing conditions. The new law will ensure Arizona health insurers cover patients with pre-existing conditions if the U.S. Supreme Court ever strikes down the Affordable Care Act.

[\*\*\*READ MORE\*\*\*](#)



**AG'S OFFICE REACHES \$11 MILLION SETTLEMENT WITH HACIENDA HEALTHCARE**

The AGO reached an \$11 million settlement with Hacienda Healthcare Inc., (Hacienda) to resolve a Medicaid fraud investigation initiated by the AGO. The AGO determined that former officers with Hacienda improperly allocated direct and indirect costs, inflated reported expenses, and engaged in improper billing during 2013-2018, resulting in an overpayment of approximately \$11 million from the Arizona Health Care Cost Containment System (AHCCCS) to Hacienda. The settlement will make Arizona taxpayers whole.

[\*\*\*READ MORE\*\*\*](#)



**FORMER HACIENDA  
HEALTHCARE EXECUTIVES  
INDICTED IN ELABORATE FRAUD  
CASE**

In addition to the \$11 million settlement with Hacienda to repay Arizona for illegal payments, two former Hacienda Healthcare officers were indicted for their role in the elaborate alleged white collar fraud scheme that allegedly bilked Arizona taxpayers out of millions of dollars.

**[READ MORE](#)**



**AG BRNOVICH ANNOUNCES \$100  
MILLION IN CONSUMER  
RESTITUTION MILESTONE**

The AGO has secured well over \$100 million in restitution for Arizona consumers since 2015, which exceeds the total restitution awards secured by the AG's Office from 2000-2014 combined. Each year, the AG's Office receives more than 15,000 consumer fraud-related complaints. Please file a complaint with our office if you are the victim of consumer fraud.

**[READ MORE](#)**

**COMMUNITY CORNER:**



The Attorney General's Office is dedicated to vigorously defending our state's common



Our Community Outreach section offers free youth & adult presentations on important topics, such as Human



*Are you a victim of consumer fraud?* Since 2015, we've returned over \$100 Million to Arizona consumers who

sense election laws and prosecuting anyone found to have committed voter fraud. You can file an elections-related complaint with our office [here](#).

Trafficking, Vaping, & Anti-bullying. Due to COVID-19, we are now offering virtual education sessions. Submit a request for your school or local group [here](#).

have been impacted by consumer fraud. Click [here](#) to file a complaint with our office or to learn more about how to report consumer fraud.

## #AZAG IN THE NEWS:

- [Former Tucson Man Sentenced for Double Voting in 2016 Election](#)
- [Former Flagstaff Mayoral Candidate Indicted for Submitting Forged Signatures](#)
- [Former Caretaker in Mohave County Sentenced to 5 Years for Escape and Theft](#)
- [AGO Obtains \\$22.5 Million Judgment and Injunction Against Eonsmoke](#)
- [East Valley Woman Sentenced to 6 Years in Prison for Stealing Insurance Checks](#)
- [Two Individuals Indicted in Massive Fentanyl Bust](#)
- [Ringleader and Co-Defendant Indicted in Alleged Prostitution Ring](#)
- [Two Men Indicted for Selling Methamphetamine and Misconduct Involving AK-47s](#)
- [Former Principal of Goodyear Charter School Sentenced to 3.75 Years in Prison](#)
- [Maricopa County Can't Violate Law and Tell Voters to Cross Out Ballot Mistakes, Court Rules](#)
- [AG Enters Consent Decree With Company Accused Of Discriminating Against Employee Who Used A Cane](#)
- [Payson PD to Get New Radios as a Result of Funding from Attorney General's Office](#)
- [Former Valley Charter School Principal Sentenced to Prison, Ordered to Pay Over \\$2 Million](#)
- [Former ITT Tech Students to Get Millions of Dollars in Debt Relief After Settlement](#)
- [Google Antitrust Suit Looms Over Issues of Search Dominance, Advertising](#)
- [Judge Let's Arizona's Top Prosecutor Go After Google on Consumer Fraud Claims](#)
- [Arizona AG Leads Call for Consumer Protections in New Airline Legislation](#)

With Gratitude,



MARK BRNOVICH

ARIZONA ATTORNEY GENERAL



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You are receiving this email because you subscribed on our website [azag.gov](http://azag.gov) or are a member of our Press List.

**Our mailing address is:**

Attorney General's Office  
2005 N. Central Ave  
Phoenix, AZ 85004

Want to change how you receive these emails?  
You can [update your preferences](#) or [unsubscribe from this list](#)



**From:** Hyer, Brian  
**To:** Brnovich, Mark  
**Cc:** Crozer, William F. EOP/WHO; Douglas, Danielle E. (OLA); SHORT, CHERIE  
**Subject:** Re: INVITATION: Conference Call with President Donald J. Trump on COVID-19 & Mental Health (April 9 at 2:30 p.m. ET)  
**Date:** Thursday, April 09, 2020 2:47:20 PM

---

Hi AG Brnovich,

I wanted to follow up about the election security funding guidance. The CARES Act money is being managed by the Election Assistance Commission (EAC), which is a separate entity from DHS. The EAC does have guidance about using the funds and rules for appropriate expenditures on its website. I've provided the direct links below:

Overview:

<https://www.eac.gov/payments-and-grants/2020-cares-act-grants>

Guidance on use of funds:

<https://www.eac.gov/election-officials/guidance-use-hava-funds-expenses-related-covid-19>

Best Regards,  
Brian

Brian Hyer  
Director, State and Local Affairs  
Office of Intergovernmental Affairs  
U.S. Department of Homeland Security  
Cell: (202) 507-1873  
brian.hyer@hq.dhs.gov

COVID-19 Resources:  
Federal Government: [Coronavirus.gov](https://www.coronavirus.gov)  
DHS: [DHS.gov/Coronavirus](https://www.dhs.gov/coronavirus)  
FEMA: [FEMA.gov/Coronavirus](https://www.fema.gov/coronavirus)  
CISA: [CISA.gov/Coronavirus](https://www.cisa.gov/coronavirus)

---

**From:** SHORT, CHERIE <cherie.short@hq.dhs.gov>  
**Sent:** Thursday, April 9, 2020 1:42 PM  
**To:** Douglas, Danielle E. (OLA); Brnovich, Mark  
**Cc:** Crozer, William F. EOP/WHO; Hyer, Brian  
**Subject:** RE: INVITATION: Conference Call with President Donald J. Trump on COVID-19 & Mental Health (April 9 at 2:30 p.m. ET)

Hi Mark,

Thank you for your question. DHS will look into this and get back to you!

+DHS IGA Director, Brian Hyer to look into any funding provided directly to Attorney's General offices for covid related fraud investigations and border security cases

Sincerely,  
Cherie Short

----

Cherie N. Short  
Deputy Assistant Secretary  
Intergovernmental Affairs  
U.S. Department of Homeland Security  
(202) 893 2941 C

**From:** Douglas, Danielle E. (OLA) <Danielle.E.Douglas@usdoj.gov>  
**Sent:** Thursday, April 9, 2020 3:37 PM  
**To:** Brnovich, Mark <Mark.Brnovich@azag.gov>  
**Cc:** Crozer, William F. EOP/WHO <William.F.Crozer@who.eop.gov>; SHORT, CHERIE <cherie.short@hq.dhs.gov>  
**Subject:** Re: INVITATION: Conference Call with President Donald J. Trump on COVID-19 & Mental Health (April 9 at 2:30 p.m. ET)

**CAUTION:** This email originated from outside of DHS. DO NOT click links or open attachments unless you recognize and/or trust the sender. Contact your component SOC with questions or concerns.

Hi Mark! I will follow up with the grant info!

Thanks,  
Danielle

Danielle Douglas  
Office of Legislative Affairs  
U.S. Department of Justice

On 9 Apr 2020, at 2:40 PM, Brnovich, Mark <Mark.Brnovich@azag.gov> wrote:

Thanks. I think its going to be a serious issue in states like ours.

---

**From:** Crozer, William F. EOP/WHO [mailto:William.F.Crozer@who.eop.gov]  
**Sent:** Thursday, April 09, 2020 11:21 AM  
**To:** Brnovich, Mark  
**Cc:** Douglas, Danielle E. (OLA; cherie.short@hq.dhs.gov  
**Subject:** RE: INVITATION: Conference Call with President Donald J. Trump on COVID-19 & Mental Health (April 9 at 2:30 p.m. ET)

Adding DOJ and DHS.

AG – we have put out significant guidance. DOJ and DHS can share. I have also put out a guidance tracker we sent this morning.

DOJ can speak to specific grants.

**From:** Brnovich, Mark <Mark.Brnovich@azag.gov>  
**Sent:** Thursday, April 9, 2020 2:15 PM  
**To:** Crozer, William F. EOP/WHO <William.F.Crozer@who.eop.gov>  
**Subject:** RE: INVITATION: Conference Call with President Donald J. Trump on COVID-19 & Mental Health (April 9 at 2:30 p.m. ET)

William, can someone address why state election officials are getting so much money with no direction or oversight? In Arizona, we have a Secretary of State who is consistently not defending statutes concerning election integrity and apparently is coordinating with those challenging our laws. Why wasn't any funding provided directly to Attorney's General offices for covid related fraud investigations and border security cases?

---

**From:** Crozer, William F. EOP/WHO [mailto:William.F.Crozer@who.eop.gov]  
**Sent:** Wednesday, April 08, 2020 5:00 PM  
**Subject:** INVITATION: Conference Call with President Donald J. Trump on COVID-19 & Mental Health (April 9 at 2:30 p.m. ET)

<image001.png>

Attorneys General –

You are cordially invited to participate in a conference call with President Donald J. Trump, Vice President Mike Pence, and Senior Administration Officials on **Thursday, April 9, 2020 at 2:30 p.m. Eastern Time** for a discussion on the Administration's commitment to serving the American people who are facing mental health questions and challenges as a result of COVID-19. Please note that this is a **principal level** call and the invitation is non-transferable.

**Conference Call with the President, Vice President, & Senior Administration Officials**

**Date:** Thursday, April 9

**Time:** 2:30 p.m. Eastern Time

**RSVP & Call-In Information:** [CLICK HERE](#)

**\*\*This invitation is non-transferrable\*\***

Below you will find available resources and information from the Substance Abuse and Mental Health Services Administration (SAMHSA), Centers for Disease Control and Prevention (CDC), and the U.S. Department of Veterans Affairs (VA). Additionally, we encourage you to highlight the **President's Coronavirus Guidelines for America – Slow the Spread.**

William F. Crozer

Special Assistant to the President/Deputy Director  
White House Office of Intergovernmental Affairs  
O: 202-456-8491 | C: 202-881-8545 | E: [William.F.Crozer@who.eop.gov](mailto:William.F.Crozer@who.eop.gov)

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## ADDITIONAL RESOURCES

<image002.png>

### **Substance Abuse and Mental Health Services Administration (SAMHSA)**

April 3, SAMHSA announced it will fund \$110 million in emergency grants to provide treatment for substance use disorders/serious mental illness during the coronavirus pandemic. As the Trump administration responds to meet the needs of Americans affected by the coronavirus pandemic, the Substance Abuse and Mental Health Services Administration (SAMHSA) is announcing emergency grants to help Americans dealing with substance use disorders and/or serious mental illness. The agency has announced it is accepting applications for fiscal year (FY) 2020 Emergency Grants to Address Mental and Substance Use Disorders During COVID-19 (Short Title: Emergency COVID-19). The grants total \$110 million and will provide up to \$2 million for successful state applicants and up to \$500,000 for successful territory and tribal applicants for 16 months. More details [here](#).

### **Helpful Resources from Substance Abuse and Mental Health Services Administration (SAMHSA) and Centers for Disease Control and Prevention (CDC)**

**Managing & Recognizing Stress:** The outbreak of COVID-19 may be stressful for people. Fear and anxiety about a disease can be overwhelming and cause strong emotions in adults and children. Coping with stress will make you, the people you care about, and your community stronger. **Sharing the facts** about COVID-19 and understanding the actual risk to yourself and people you care about can make an outbreak less stressful. When you share accurate information about COVID-19 you can help make people feel less stressed and allow you to connect with them. Learn more about **taking care of your emotional health**. Everyone reacts differently to stressful situations. How you respond to the outbreak can depend on your background, the things that make you different from other people, and the community you live in. Substance Abuse and Mental Health Services Administration's (SAMHSA's) Disaster Distress Helpline: 1-800-985-5990 or text TalkWithUs to 66746. (TTY 1-800-846-8517)

**Resources for Parents and Caregivers:** Children and teens react, in part, on what they see from the adults around them. When parents and caregivers deal with the COVID-19 calmly and confidently, they can provide the best support for their children. Parents can be more reassuring to others around them, especially children, if they are better prepared. There are many things you can do to support your child: Take time to talk with your child or teen about the COVID-19 outbreak. Answer questions and **share facts** about COVID-19 in a way that your child or teen can understand. Learn more about **helping children cope**.

**Resources for Responders and Providers:** Responding to COVID-19 can take an emotional toll on you. There are things you can do to reduce secondary traumatic stress (STS) reactions: Acknowledge that STS can impact anyone helping families after a traumatic event; and learn the symptoms including physical (fatigue, illness) and mental (fear, withdrawal, guilt) Learn more [tips for taking care of yourself](#) during emergency response.

**Resources for Persons Released from Quarantine:** Being separated from others if a healthcare provider thinks you may have been exposed to COVID-19 can be stressful, even if you do not get sick. Everyone feels differently after coming out of quarantine. Some feelings include: Sadness, anger, or frustration because friends or loved ones have unfounded fears of contracting the disease from contact with you, even though you have been determined not to be contagious; and guilt about not being able to perform normal work or parenting duties during quarantine. Children may also feel upset or have other strong emotions if they, or someone they know, has been released from quarantine. [You can help your child cope.](#)

**U.S. Department of Veterans Affairs Resource – How To Manage Stress and Anxiety During the COVID-19 Outbreak**

Taking care of your well-being, including your mental health, is essential during this time. Everyone reacts differently to stressful situations. Many people may experience stress, fear, anxiety, or feelings of depression. This is normal. There are things that you can do to manage your stress and anxiety. VA has provided resources [here](#).

**From:** [PublicRecords](#)  
**To:** [Diaz, Bethany](#); [Lumpp, Rachelle](#)  
**Subject:** FW: Public Records Request: Submission  
**Date:** Tuesday, August 20, 2019 1:15:41 PM

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**From:** Webmaster  
**Sent:** Tuesday, August 20, 2019 1:15:43 PM (UTC-07:00) Arizona  
**To:** PublicRecords  
**Subject:** Public Records Request: Submission

Office of Arizona Attorney General

**Mark Brnovich**

**Public Records Request Form**

---

**Submitted by:**

**Full Name:** Andrew Oxford  
**Company:** The Arizona Republic  
**Street Address:** 200 E Van Buren  
**City, State:** Phoenix, Arizona  
**Zip Code:** 85004  
**Phone:** 480-417-8946  
**E-mail Address:** [andrew.oxford@arizonarepublic.com](mailto:andrew.oxford@arizonarepublic.com)

-----  
AFFIRM that the records are for personal use and not for commercial purposes: I  
affirm  
-----

**Details of Request**

**Records Requested:**

This is a request to review the following records:

- 1) All job descriptions created in 2019 for positions within the office's election integrity unit;
- 2) All applications received in 2019 for positions within the office's election integrity unit.

I would prefer to receive all relevant records digitally at [andrew.oxford@arizonarepublic.com](mailto:andrew.oxford@arizonarepublic.com). However, if there is a

large volume of records and this is not feasible, please advise when I may visit your office to review these documents.

Intake Number: **PRR-2019-13755-324**

**From:** [Wilmot, Leon - Sheriff](#)  
**To:** [Lumpp, Rachelle](#)  
**Subject:** RE: Attorney General's Office - Election Resources for LEO  
**Date:** Tuesday, October 20, 2020 2:54:32 PM

---

Is this a form letter your sending to all Sheriffs?

**From:** Lumpp, Rachelle <Rachelle.Lumpp@azag.gov>  
**Sent:** Tuesday, October 20, 2020 2:46 PM  
**To:** Wilmot, Leon - Sheriff <Leon.Wilmot@ycso.yumacountyaz.gov>  
**Subject:** Attorney General's Office - Election Resources for LEO

Dear Sheriff Wilmot

You will be receiving a letter shortly via email from the Attorney General's office regarding the November election and resources available to you and your agency should you require assistance from our Election Integrity Unit.

Best regards,

Rachelle Lumpp on behalf of Attorney General Mark Brnovich  
Executive Assistant  
602-542-8351 Office  
[rachelle.lumpp@azag.gov](mailto:rachelle.lumpp@azag.gov)

---

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**From:** Douglas, Danielle E. (OLA)  
**To:** Brnovich, Mark; Hyer, Brian  
**Cc:** Crozer, William F. EOP/WHO; SHORT, CHERIE  
**Subject:** RE: INVITATION: Conference Call with President Donald J. Trump on COVID-19 & Mental Health (April 9 at 2:30 p.m. ET)  
**Date:** Friday, April 10, 2020 5:32:07 AM

---

Good Morning AG Brnovich,

Wanted to follow-up on the DOJ Coronavirus Grants. I believe Deputy AG Josh Kredit from your office spoke with the Bureau of Justice Assistance's Deputy Director Tracey Trautman earlier this week about this.

The CARES Act state and local funding is statutorily mandated to be awarded pursuant to the formula allocation from the FY19 Byrne JAG Grants. Consequently, the State Administering Agency (SAA) appointed by the Governor for the FY19 Byrne JAG Grants has to apply for the state, but your office can absolutely be a sub-grantee. The Arizona SAA for the Coronavirus Emergency funding is the Arizona Criminal Justice Commission, and the best person to contact about the distribution of the state funds is Executive Director Andrew T. LeFevre (602-364-1156).

The good news is that the application process for them is much more streamlined and the Department is committed to turning applications around in 7-10 days, and we hope this will ensure the sub-grantees can start receiving funds expeditiously as well. The BJA noted that the Arizona SAA is an experienced grantee with a solid background of managing Arizona's funding over the years, and we do not expect anything less during these challenging times.

I hope this is helpful, but please do not hesitate to reach out with follow-up.

Thank you!  
Danielle

Danielle Douglas  
Acting Intergovernmental & Public Liaison  
Counsel  
Office of Legislative Affairs  
U.S. Department of Justice  
202-514-0427

**From:** Brnovich, Mark <Mark.Brnovich@azag.gov>  
**Sent:** Thursday, April 9, 2020 8:36 PM  
**To:** Hyer, Brian <brian.hyer@hq.dhs.gov>  
**Cc:** Crozer, William F. EOP/WHO <william.f.crozer@who.eop.gov>; Douglas, Danielle E. (OLA) <daedouglas@jmd.usdoj.gov>; SHORT, CHERIE <cherie.short@hq.dhs.gov>  
**Subject:** Re: INVITATION: Conference Call with President Donald J. Trump on COVID-19 & Mental Health (April 9 at 2:30 p.m. ET)

Thank you so much for the prompt information.

Mark Brnovich  
Arizona Attorney General

Sent from iPhone

On Thu, Apr 9, 2020 at 2:47 PM -0700, "Hyer, Brian" <[Brian.Hyer@HQ.DHS.GOV](mailto:Brian.Hyer@HQ.DHS.GOV)> wrote:

Hi AG Brnovich,

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Overview:

<https://www.eac.gov/payments-and-grants/2020-cares-act-grants>

Guidance on use of funds:

<https://www.eac.gov/election-officials/guidance-use-hava-funds-expenses-related-covid-19>

Best Regards,  
Brian

Brian Hyer  
Director, State and Local Affairs  
Office of Intergovernmental Affairs  
U.S. Department of Homeland Security  
Cell: (202) 507-1873  
[brian.hyer@hq.dhs.gov](mailto:brian.hyer@hq.dhs.gov)

COVID-19 Resources:

Federal Government: [Coronavirus.gov](https://www.coronavirus.gov)

DHS: [DHS.gov/Coronavirus](https://www.dhs.gov/coronavirus)

FEMA: [FEMA.gov/Coronavirus](https://www.fema.gov/coronavirus)

CISA: [CISA.gov/Coronavirus](https://www.cisa.gov/coronavirus)

---

**From:** SHORT, CHERIE <[cherie.short@hq.dhs.gov](mailto:cherie.short@hq.dhs.gov)>

**Sent:** Thursday, April 9, 2020 1:42 PM

**To:** Douglas, Danielle E. (OLA); Brnovich, Mark

**Cc:** Crozer, William F. EOP/WHO; Hyer, Brian

**Subject:** RE: INVITATION: Conference Call with President Donald J. Trump on COVID-19 & Mental Health (April 9 at 2:30 p.m. ET)

Hi Mark,

Thank you for your question. DHS will look into this and get back to you!

+DHS IGA Director, Brian Hyer to look into any funding provided directly to Attorney's General offices for covid related fraud investigations and border security cases

Sincerely,  
Cherie Short

---  
Cherie N. Short  
Deputy Assistant Secretary  
Intergovernmental Affairs  
U.S. Department of Homeland Security  
(202) 893 2941 C

**From:** Douglas, Danielle E. (OLA) <[Danielle.E.Douglas@usdoj.gov](mailto:Danielle.E.Douglas@usdoj.gov)>  
**Sent:** Thursday, April 9, 2020 3:37 PM  
**To:** Brnovich, Mark <[Mark.Brnovich@azag.gov](mailto:Mark.Brnovich@azag.gov)>  
**Cc:** Crozer, William F. EOP/WHO <[William.F.Crozer@who.eop.gov](mailto:William.F.Crozer@who.eop.gov)>; SHORT, CHERIE <[cherie.short@hq.dhs.gov](mailto:cherie.short@hq.dhs.gov)>  
**Subject:** Re: INVITATION: Conference Call with President Donald J. Trump on COVID-19 & Mental Health (April 9 at 2:30 p.m. ET)

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Hi Mark! I will follow up with the grant info!

Thanks,  
Danielle

Danielle Douglas  
Office of Legislative Affairs  
U.S. Department of Justice

On 9 Apr 2020, at 2:40 PM, Brnovich, Mark <[Mark.Brnovich@azag.gov](mailto:Mark.Brnovich@azag.gov)> wrote:

Thanks. I think its going to be a serious issue in states like ours.

---

**From:** Crozer, William F. EOP/WHO [<mailto:William.F.Crozer@who.eop.gov>]  
**Sent:** Thursday, April 09, 2020 11:21 AM  
**To:** Brnovich, Mark  
**Cc:** Douglas, Danielle E. (OLA; [cherie.short@hq.dhs.gov](mailto:cherie.short@hq.dhs.gov))  
**Subject:** RE: INVITATION: Conference Call with President Donald J. Trump on COVID-

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Adding DOJ and DHS.

AG – we have put out significant guidance. DOJ and DHS can share. I have also put out a guidance tracker we sent this morning.

DOJ can speak to specific grants.

**From:** Brnovich, Mark <Mark.Brnovich@azag.gov>

**Sent:** Thursday, April 9, 2020 2:15 PM

**To:** Crozer, William F. EOP/WHO <William.F.Crozer@who.eop.gov>

**Subject:** RE: INVITATION: Conference Call with President Donald J. Trump on COVID-19 & Mental Health (April 9 at 2:30 p.m. ET)

William, can someone address why state election officials are getting so much money with no direction or oversight? In Arizona, we have a Secretary of State who is consistently not defending statutes concerning election integrity and apparently is coordinating with those challenging our laws. Why wasn't any funding provided directly to Attorney's General offices for covid related fraud investigations and border security cases?

---

**From:** Crozer, William F. EOP/WHO [<mailto:William.F.Crozer@who.eop.gov>]

**Sent:** Wednesday, April 08, 2020 5:00 PM

**Subject:** INVITATION: Conference Call with President Donald J. Trump on COVID-19 & Mental Health (April 9 at 2:30 p.m. ET)

<image001.png>

Attorneys General –

You are cordially invited to participate in a conference call with President Donald J. Trump, Vice President Mike Pence, and Senior Administration Officials on **Thursday, April 9, 2020 at 2:30 p.m. Eastern Time** for a discussion on the Administration's commitment to serving the American people who are facing mental health questions and challenges as a result of COVID-19. Please note that this is **principal level** call and the invitation is non-transferable.

**Conference Call with the President, Vice President, & Senior Administration Officials**

**Date:** Thursday, April 9

**Time:** 2:30 p.m. Eastern Time

**RSVP & Call-In Information:** [CLICK HERE](#)

**\*\*This invitation is non-transferrable\*\***

Below you will find available resources and information from the Substance Abuse and Mental Health Services Administration (SAMHSA), Centers for Disease Control and Prevention (CDC), and the U.S. Department of

Veterans Affairs (VA). Additionally, we encourage you to highlight the **President's Coronavirus Guidelines for America – Slow the Spread**.

William F. Crozer  
Special Assistant to the President/Deputy Director  
White House Office of Intergovernmental Affairs  
O: 202-456-8491 | C: 202-881-8545 | E: [William.F.Crozer@who.eop.gov](mailto:William.F.Crozer@who.eop.gov)

## ADDITIONAL RESOURCES

<image002.png>

### **Substance Abuse and Mental Health Services Administration (SAMHSA)**

April 3, SAMHSA announced it will fund \$110 million in emergency grants to provide treatment for substance use disorders/serious mental illness during the coronavirus pandemic. As the Trump administration responds to meet the needs of Americans affected by the coronavirus pandemic, the Substance Abuse and Mental Health Services Administration (SAMHSA) is announcing emergency grants to help Americans dealing with substance use disorders and/or serious mental illness. The agency has announced it is accepting applications for fiscal year (FY) 2020 Emergency Grants to Address Mental and Substance Use Disorders During COVID-19 (Short Title: Emergency COVID-19). The grants total \$110 million and will provide up to \$2 million for successful state applicants and up to \$500,000 for successful territory and tribal applicants for 16 months. More details [here](#).

### **Helpful Resources from Substance Abuse and Mental Health Services Administration (SAMHSA) and Centers for Disease Control and Prevention (CDC)**

**Managing & Recognizing Stress:** The outbreak of COVID-19 may be stressful for people. Fear and anxiety about a disease can be overwhelming and cause strong emotions in adults and children. Coping with stress will make you, the people you care about, and your community stronger. **Sharing the facts** about COVID-19 and understanding the actual risk to yourself and people you care about can make an outbreak less stressful. When you share accurate information about COVID-19 you can help make people feel less stressed and allow you to connect with them. Learn more about **taking care of your emotional health**. Everyone reacts differently to stressful situations. How you respond to the outbreak can depend on your background, the things that make you different from other people, and the community you live in. Substance Abuse and Mental Health Services Administration's (SAMHSA's) Disaster Distress Helpline: 1-800-985-5990 or text TalkWithUs to 66746. (TTY 1-800-846-8517)

**Resources for Parents and Caregivers:** Children and teens react, in part, on what they see from the adults around them. When parents and caregivers deal with the COVID-19 calmly and confidently, they can provide the best support for their children. Parents can be more reassuring to others around them, especially children, if they are better prepared. There are many things you can do to support your child: Take time to talk with

your child or teen about the COVID-19 outbreak. Answer questions and **share facts** about COVID-19 in a way that your child or teen can understand. Learn more about **helping children cope**.

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**U.S. Department of Veterans Affairs Resource – How To Manage Stress and Anxiety During the COVID-19 Outbreak**

Taking care of your well-being, including your mental health, is essential during this time. Everyone reacts differently to stressful situations. Many people may experience stress, fear, anxiety, or feelings of depression. This is normal. There are things that you can do to manage your stress and anxiety. VA has provided resources **here**.

**From:** [Brnovich, Mark](#)  
**To:** [Kanefield, Joe](#); [Kredit, Joshua](#); [Isaak, Jason](#)  
**Subject:** Fwd: INVITATION: Conference Call with President Donald J. Trump on COVID-19 & Mental Health (April 9 at 2:30 p.m. ET)  
**Date:** Thursday, April 09, 2020 5:35:42 PM

---

Mark Brnovich  
Arizona Attorney General

Sent from iPhone

----- Forwarded message -----

**From:** "Hyer, Brian" <[Brian.Hyer@HQ.DHS.GOV](mailto:Brian.Hyer@HQ.DHS.GOV)>  
**Date:** Thu, Apr 9, 2020 at 2:47 PM -0700  
**Subject:** Re: INVITATION: Conference Call with President Donald J. Trump on COVID-19 & Mental Health (April 9 at 2:30 p.m. ET)  
**To:** "Brnovich, Mark" <[Mark.Brnovich@azag.gov](mailto:Mark.Brnovich@azag.gov)>  
**Cc:** "Crozer, William F. EOP/WHO" <[William.F.Crozer@who.eop.gov](mailto:William.F.Crozer@who.eop.gov)>, "Douglas, Danielle E. (OLA)" <[Danielle.E.Douglas@usdoj.gov](mailto:Danielle.E.Douglas@usdoj.gov)>, "SHORT, CHERIE" <[cherie.short@hq.dhs.gov](mailto:cherie.short@hq.dhs.gov)>

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Best Regards,  
Brian

Brian Hyer  
Director, State and Local Affairs  
Office of Intergovernmental Affairs  
U.S. Department of Homeland Security  
Cell: (202) 507-1873  
brian.hyer@hq.dhs.gov

COVID-19 Resources:  
Federal Government: [Coronavirus.gov](https://www.coronavirus.gov)  
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Deputy Assistant Secretary  
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William F. Crozer

Special Assistant to the President/Deputy Director

White House Office of Intergovernmental Affairs

O: 202-456-8491 | C: 202-881-8545 | E: [William.F.Crozer@who.eop.gov](mailto:William.F.Crozer@who.eop.gov)

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<image002.png>

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**U.S. Department of Veterans Affairs Resource – How To Manage**

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**From:** [Wilmot, Leon - Sheriff](#)  
**To:** [Lumpp, Rachelle](#)  
**Subject:** RE: Attorney General's Office - Election Resources for LEO  
**Date:** Tuesday, October 20, 2020 2:52:31 PM

---

Waiting on your investigators to finish the current case we gave them from Primary election, seems its stalled on your end.

**From:** Lumpp, Rachelle <Rachelle.Lumpp@azag.gov>  
**Sent:** Tuesday, October 20, 2020 2:46 PM  
**To:** Wilmot, Leon - Sheriff <Leon.Wilmot@ycso.yumacountyaz.gov>  
**Subject:** Attorney General's Office - Election Resources for LEO

Dear Sheriff Wilmot

You will be receiving a letter shortly via email from the Attorney General's office regarding the November election and resources available to you and your agency should you require assistance from our Election Integrity Unit.

Best regards,


Rachelle Lumpp on behalf of Attorney General Mark Brnovich  
Executive Assistant  
602-542-8351 Office  
[rachelle.lumpp@azag.gov](mailto:rachelle.lumpp@azag.gov)

---

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**From:** [info@arizonaspoltics.com](mailto:info@arizonaspoltics.com)  
**To:** [Anderson, Ryan](mailto:Anderson, Ryan)  
**Subject:** RE: Tucson Man Charged with Multiple Felonies for Illegal Voting and Perjury  
**Date:** Friday, August 23, 2019 7:23:35 PM

---

I saw that article last night, too. Joe's a pretty good reporter, and all he had to do was go down to the Recorder's Office. I think he got it right. 

I tried three numbers for him and scoured Facebook, etc - nothing.

It's beautiful up here today. We took an hour or two to hike over near Williams (near the smoke from the Sedona area fire) - awesome! So, where did you go instead of NAU?

Have a great weekend! --Paul

---

----- Original Message -----

**Subject:** RE: Tucson Man Charged with Multiple Felonies for Illegal Voting and Perjury  
**From:** "Anderson, Ryan" <[Ryan.Anderson@azag.gov](mailto:Ryan.Anderson@azag.gov)>  
**Date:** Thu, August 22, 2019 9:13 pm  
**To:** "[info@arizonaspoltics.com](mailto:info@arizonaspoltics.com)" <[info@arizonaspoltics.com](mailto:info@arizonaspoltics.com)>

I read an article tonight from Joe Ferguson at Daily Star and it said he's registered Independent (in Pima County). Has been since 2014. He was formerly registered as a Republican for about two decades. Again, this was all from the Daily Star article, so take it for what it's worth.

If I could do it all over again, I would have gone to NAU. Flag's a great town.  
Cheers,  
Ryan

---

**From:** [info@arizonaspoltics.com](mailto:info@arizonaspoltics.com) [[info@arizonaspoltics.com](mailto:info@arizonaspoltics.com)]  
**Sent:** Thursday, August 22, 2019 8:36 PM  
**To:** Anderson, Ryan  
**Subject:** RE: Tucson Man Charged with Multiple Felonies for Illegal Voting and Perjury

Thanks. Ryan! I'm heading up to Flag to help one of my kids move from apt. to apt. I'll try to find a minute to update.

---

----- Original Message -----

**Subject:** RE: Tucson Man Charged with Multiple Felonies for Illegal Voting and Perjury  
**From:** "Anderson, Ryan" <[Ryan.Anderson@azag.gov](mailto:Ryan.Anderson@azag.gov)>  
**Date:** Thu, August 22, 2019 5:34 pm  
**To:** "[info@arizonaspoltics.com](mailto:info@arizonaspoltics.com)" <[info@arizonaspoltics.com](mailto:info@arizonaspoltics.com)>

No exhibits/photos/etc – yet. He hasn't actually been booked.  
Don't know party affiliation (but would also love to know).  
Not "first action" by EIU. This was already in the queue.  
Moving forward, as the Unit takes an actual form, these types of prosecutions will be handled by the unit.  
We've got several other election-related matters already in the pipeline.  
Jumper was first registered in Tucson in 1992. His most recent registration in Washoe County, NV was in 2016.  
Don't want to comment officially on his actual residency status without knowing more facts (meaning, does he split his time, is he a snow bird, where does he spend the

majority of his time, etc.)  
Let me know if you need anything else.  
Ryan

From: [info@arizonapolitics.com](mailto:info@arizonapolitics.com) [mailto:[info@arizonapolitics.com](mailto:info@arizonapolitics.com)]  
Sent: Thursday, August 22, 2019 1:58 PM  
To: Anderson, Ryan  
Subject: RE: Tucson Man Charged with Multiple Felonies for Illegal Voting and Perjury  
Hi, Ryan!  
Do you have any further exhibits that you can provide us, such as the voter reg card(s), the signed envelope or register, etc? From AZ and/or NV?  
If not, what is his party affiliation, if any?  
Also, is this the 1st action by the Election Integrity group?  
Thanks--Paul

----- Original Message -----

Subject: Tucson Man Charged with Multiple Felonies for Illegal Voting and Perjury  
From: Attorney General Mark Brnovich <[ryan.anderson@azag.gov](mailto:ryan.anderson@azag.gov)>  
Date: Thu, August 22, 2019 1:29 pm  
To: <[info@arizonapolitics.com](mailto:info@arizonapolitics.com)>

Is this email not displaying correctly?  
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**For Immediate Release: August 22, 2019**

**Contact:** Ryan Anderson at (602) 542-8302 or [Ryan.Anderson@azag.gov](mailto:Ryan.Anderson@azag.gov)

**Tucson Man Charged with Multiple Felonies for Illegal Voting and Perjury**

**TUCSON** - Attorney General Mark Brnovich announced that Randy Allen Jumper, age 61 of Tucson, has been charged with two counts of Illegal Voting and one count of Perjury in Pima County Superior Court. Jumper was charged in a felony Indictment handed down in July, with voting twice in the 2016 General Election – once in Pima County, and once in Washoe County, Nevada.

Jumper was also charged with voting in Arizona after having completed a sworn declaration that he was a resident of Nevada. Jumper was charged with a third felony for making a false declaration by signing a statement under penalty of perjury that read: "I am a registered voter in Pima County Arizona, I have not voted and will not vote in this election in any other county or state, I understand that knowingly voting more than once in any election is a...felony..."

The case was investigated by the Arizona Attorney General's Office after Jumper's conduct was initially identified and referred for review by the Arizona Secretary of State's Office in 2018.

Each count of Illegal Voting is a Class 5 felony. Count 3, Perjury, is also a Class 5 felony. Jumper is alleged to have violated A.R.S. §16-1016(1), 16-1016(2), 16-101, 16-1021, 13-701, 13-702, 13-801, 13-2702(A)(2), and 13-2701.

Jumper is set for arraignment on Monday, September 23, 2019, in Pima County Superior Court.



Assistant Attorney General Todd Lawson is prosecuting the case.

All charged Defendants are presumed innocent until proven guilty.

A copy of the Indictment can be [found here](#).

#

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Attorney General's Office  
2005 N. Central Ave.  
Phoenix, AZ 85004

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**From:** [Brnovich, Mark](#)  
**To:** [Kredit, Joshua](#); [Kanefield, Joe](#); [Isaak, Jason](#)  
**Subject:** Fwd: INVITATION: Conference Call with President Donald J. Trump on COVID-19 & Mental Health (April 9 at 2:30 p.m. ET)  
**Date:** Friday, April 10, 2020 7:28:48 AM

---

Mark Brnovich  
Arizona Attorney General

Sent from iPhone

----- Forwarded message -----

**From:** "Douglas, Danielle E. (OLA)" <[Danielle.E.Douglas@usdoj.gov](mailto:Danielle.E.Douglas@usdoj.gov)>  
**Date:** Fri, Apr 10, 2020 at 5:32 AM -0700  
**Subject:** RE: INVITATION: Conference Call with President Donald J. Trump on COVID-19 & Mental Health (April 9 at 2:30 p.m. ET)  
**To:** "Brnovich, Mark" <[Mark.Brnovich@azag.gov](mailto:Mark.Brnovich@azag.gov)>, "Hyer, Brian" <[brian.hyer@hq.dhs.gov](mailto:brian.hyer@hq.dhs.gov)>  
**Cc:** "Crozer, William F. EOP/WHO" <[william.f.crozer@who.eop.gov](mailto:william.f.crozer@who.eop.gov)>, "SHORT, CHERIE" <[cherie.short@hq.dhs.gov](mailto:cherie.short@hq.dhs.gov)>

Good Morning AG Brnovich,

Wanted to follow-up on the DOJ Coronavirus Grants. I believe Deputy AG Josh Kredit from your office spoke with the Bureau of Justice Assistance's Deputy Director Tracey Trautman earlier this week about this.

The CARES Act state and local funding is statutorily mandated to be awarded pursuant to the formula allocation from the FY19 Byrne JAG Grants. Consequently, the State Administering Agency (SAA) appointed by the Governor for the FY19 Byrne JAG Grants has to apply for the state, but your office can absolutely be a sub-grantee. The Arizona SAA for the Coronavirus Emergency funding is the Arizona Criminal Justice Commission, and the best person to contact about the distribution of the state funds is Executive Director Andrew T. LeFevre (602-364-1156).

The good news is that the application process for them is much more streamlined and the Department is committed to turning applications around in 7-10 days, and we hope this will ensure the sub-grantees can start receiving funds expeditiously as well. The BJA noted that the Arizona SAA is an

experienced grantee with a solid background of managing Arizona's funding over the years, and we do not expect anything less during these challenging times.

I hope this is helpful, but please do not hesitate to reach out with follow-up.

Thank you!

Danielle

Danielle Douglas  
Acting Intergovernmental & Public Liaison  
Counsel  
Office of Legislative Affairs  
U.S. Department of Justice  
202-514-0427

**From:** Brnovich, Mark <Mark.Brnovich@azag.gov>  
**Sent:** Thursday, April 9, 2020 8:36 PM  
**To:** Hyer, Brian <brian.hyer@hq.dhs.gov>  
**Cc:** Crozer, William F. EOP/WHO <william.f.crozer@who.eop.gov>; Douglas, Danielle E. (OLA) <daedouglas@jmd.usdoj.gov>; SHORT, CHERIE <cherie.short@hq.dhs.gov>  
**Subject:** Re: INVITATION: Conference Call with President Donald J. Trump on COVID-19 & Mental Health (April 9 at 2:30 p.m. ET)

Thank you so much for the prompt information.

Mark Brnovich  
Arizona Attorney General

Sent from iPhone

On Thu, Apr 9, 2020 at 2:47 PM -0700, "Hyer, Brian" <[Brian.Hyer@HQ.DHS.GOV](mailto:Brian.Hyer@HQ.DHS.GOV)> wrote:

Hi AG Brnovich,

I wanted to follow up about the election security funding guidance. The CARES Act money is being

managed by the Election Assistance Commission (EAC), which is a separate entity from DHS. The EAC does have guidance about using the funds and rules for appropriate expenditures on its website. I've provided the direct links below:

Overview:

<https://www.eac.gov/payments-and-grants/2020-cares-act-grants>

Guidance on use of funds:

<https://www.eac.gov/election-officials/guidance-use-hava-funds-expenses-related-covid-19>

Best Regards,

Brian

Brian Hyer

Director, State and Local Affairs

Office of Intergovernmental Affairs

U.S. Department of Homeland Security

Cell: (202) 507-1873

[brian.hyer@hq.dhs.gov](mailto:brian.hyer@hq.dhs.gov)

COVID-19 Resources:

Federal Government: [Coronavirus.gov](https://www.coronavirus.gov)

DHS: [DHS.gov/Coronavirus](https://www.dhs.gov/coronavirus)

FEMA: [FEMA.gov/Coronavirus](https://www.fema.gov/coronavirus)

CISA: [CISA.gov/Coronavirus](https://www.cisa.gov/coronavirus)

---

**From:** SHORT, CHERIE <[cherie.short@hq.dhs.gov](mailto:cherie.short@hq.dhs.gov)>

**Sent:** Thursday, April 9, 2020 1:42 PM

**To:** Douglas, Danielle E. (OLA); Brnovich, Mark

**Cc:** Crozer, William F. EOP/WHO; Hyer, Brian

**Subject:** RE: INVITATION: Conference Call with President Donald J. Trump on COVID-19 & Mental Health (April 9 at 2:30 p.m. ET)

Hi Mark,

Thank you for your question. DHS will look into this and get back to you!

+DHS IGA Director, Brian Hyer to look into any funding provided directly to Attorney's General offices for covid related fraud investigations and border security cases

Sincerely,  
Cherie Short

---  
Cherie N. Short  
Deputy Assistant Secretary  
Intergovernmental Affairs  
U.S. Department of Homeland Security  
(202) 893 2941 C

**From:** Douglas, Danielle E. (OLA) <[Danielle.E.Douglas@usdoj.gov](mailto:Danielle.E.Douglas@usdoj.gov)>  
**Sent:** Thursday, April 9, 2020 3:37 PM  
**To:** Brnovich, Mark <[Mark.Brnovich@azag.gov](mailto:Mark.Brnovich@azag.gov)>  
**Cc:** Crozer, William F. EOP/WHO <[William.F.Crozer@who.eop.gov](mailto:William.F.Crozer@who.eop.gov)>; SHORT, CHERIE <[cherie.short@hq.dhs.gov](mailto:cherie.short@hq.dhs.gov)>  
**Subject:** Re: INVITATION: Conference Call with President Donald J. Trump on COVID-19 & Mental Health (April 9 at 2:30 p.m. ET)

**CAUTION:** This email originated from outside of DHS. DO NOT click links or open attachments unless you recognize and/or trust the sender. Contact your component SOC with questions or concerns.

Hi Mark! I will follow up with the grant info!

Thanks,  
Danielle

Danielle Douglas  
Office of Legislative Affairs  
U.S. Department of Justice

On 9 Apr 2020, at 2:40 PM, Brnovich, Mark <[Mark.Brnovich@azag.gov](mailto:Mark.Brnovich@azag.gov)> wrote:

Thanks. I think its going to be a serious issue in states like ours.

---

**From:** Crozer, William F. EOP/WHO [<mailto:William.F.Crozer@who.eop.gov>]  
**Sent:** Thursday, April 09, 2020 11:21 AM  
**To:** Brnovich, Mark  
**Cc:** Douglas, Danielle E. (OLA; [cherie.short@hq.dhs.gov](mailto:cherie.short@hq.dhs.gov))  
**Subject:** RE: INVITATION: Conference Call with President Donald J. Trump on COVID-19 & Mental Health (April 9 at 2:30 p.m. ET)

Adding DOJ and DHS.

AG – we have put out significant guidance. DOJ and DHS can share. I have also put out a guidance tracker we sent this morning.

DOJ can speak to specific grants.

---

**From:** Brnovich, Mark <[Mark.Brnovich@azag.gov](mailto:Mark.Brnovich@azag.gov)>  
**Sent:** Thursday, April 9, 2020 2:15 PM  
**To:** Crozer, William F. EOP/WHO <[William.F.Crozer@who.eop.gov](mailto:William.F.Crozer@who.eop.gov)>  
**Subject:** RE: INVITATION: Conference Call with President Donald J. Trump on COVID-19 & Mental Health (April 9 at 2:30 p.m. ET)

William, can someone address why state election officials are getting so much money with no direction or oversight? In Arizona, we have a Secretary of State who is consistently not defending statutes concerning election integrity and apparently is coordinating with those challenging our laws. Why wasn't any funding provided directly to Attorney's General offices for covid related fraud investigations and border security cases?

---

**From:** Crozer, William F. EOP/WHO [<mailto:William.F.Crozer@who.eop.gov>]  
**Sent:** Wednesday, April 08, 2020 5:00 PM  
**Subject:** INVITATION: Conference Call with President Donald J. Trump on COVID-19 & Mental Health (April 9 at 2:30 p.m. ET)

<image001.png>

Attorneys General –

You are cordially invited to participate in a conference call with President Donald J. Trump, Vice President Mike Pence, and Senior Administration Officials on **Thursday, April 9, 2020 at 2:30 p.m. Eastern Time** for a discussion on the Administration's commitment to serving the American people who are facing mental health questions and challenges as a result of COVID-19. Please note that this is a **principal level** call and the invitation is non-transferable.

**Conference Call with the President, Vice President, & Senior Administration Officials**

**Date:** Thursday, April 9

**Time:** 2:30 p.m. Eastern Time

**RSVP & Call-In Information:** **CLICK HERE**

*\*\*This invitation is non-transferrable\*\**

Below you will find available resources and information from the Substance Abuse and Mental Health Services Administration (SAMHSA), Centers for Disease Control and Prevention (CDC), and the U.S. Department of Veterans Affairs (VA). Additionally, we encourage you to highlight the **President's Coronavirus Guidelines for America – Slow the Spread.**

William F. Crozer

Special Assistant to the President/Deputy Director

White House Office of Intergovernmental Affairs

O: 202-456-8491 | C: 202-881-8545 | E: [William.F.Crozer@who.eop.gov](mailto:William.F.Crozer@who.eop.gov)

---

## **ADDITIONAL RESOURCES**

<image002.png>

**Substance Abuse and Mental Health Services Administration (SAMHSA)**

April 3, SAMHSA announced it will fund \$110 million in emergency grants to provide treatment for substance use disorders/serious mental illness during the coronavirus pandemic. As the Trump administration responds to meet the needs of Americans affected by the coronavirus pandemic, the Substance Abuse and Mental Health Services Administration (SAMHSA) is announcing emergency grants to help Americans dealing with substance use disorders

and/or serious mental illness. The agency has announced it is accepting applications for fiscal year (FY) 2020 Emergency Grants to Address Mental and Substance Use Disorders During COVID-19 (Short Title: Emergency COVID-19). The grants total \$110 million and will provide up to \$2 million for successful state applicants and up to \$500,000 for successful territory and tribal applicants for 16 months. More details [here](#).

**Helpful Resources from Substance Abuse and Mental Health Services Administration (SAMHSA) and Centers for Disease Control and Prevention (CDC)**

**Managing & Recognizing Stress:** The outbreak of COVID-19 may be stressful for people. Fear and anxiety about a disease can be overwhelming and cause strong emotions in adults and children. Coping with stress will make you, the people you care about, and your community stronger. **Sharing the facts** about COVID-19 and understanding the actual risk to yourself and people you care about can make an outbreak less stressful. When you share accurate information about COVID-19 you can help make people feel less stressed and allow you to connect with them. Learn more about **taking care of your emotional health**. Everyone reacts differently to stressful situations. How you respond to the outbreak can depend on your background, the things that make you different from other people, and the community you live in. Substance Abuse and Mental Health Services Administration's (SAMHSA's) Disaster Distress Helpline: 1-800-985-5990 or text TalkWithUs to 66746. (TTY 1-800-846-8517)

**Resources for Parents and Caregivers:** Children and teens react, in part, on what they see from the adults around them. When parents and caregivers deal with the COVID-19 calmly and confidently, they can provide the best support for their children. Parents can be more reassuring to others around them, especially children, if they are better prepared. There are many things you can do to support your child: Take time to talk with your child or teen about the COVID-19 outbreak. Answer questions and **share facts** about COVID-19 in a way that your child or teen can understand. Learn more about **helping children cope**.

**Resources for Responders and Providers:** Responding to COVID-19 can take an emotional toll on you. There are things you can do to reduce secondary traumatic stress (STS) reactions: Acknowledge that STS can impact



anyone helping families after a traumatic event; and learn the symptoms including physical (fatigue, illness) and mental (fear, withdrawal, guilt) Learn more [tips for taking care of yourself](#) during emergency response.

**Resources for Persons Released from Quarantine:** Being separated from others if a healthcare provider thinks you may have been exposed to COVID-19 can be stressful, even if you do not get sick. Everyone feels differently after coming out of quarantine. Some feelings include: Sadness, anger, or frustration because friends or loved ones have unfounded fears of contracting the disease from contact with you, even though you have been determined not to be contagious; and guilt about not being able to perform normal work or parenting duties during quarantine. Children may also feel upset or have other strong emotions if they, or someone they know, has been released from quarantine. [You can help your child cope.](#)

**[U.S. Department of Veterans Affairs Resource – How To Manage Stress and Anxiety During the COVID-19 Outbreak](#)**

Taking care of your well-being, including your mental health, is essential during this time. Everyone reacts differently to stressful situations. Many people may experience stress, fear, anxiety, or feelings of depression. This is normal. There are things that you can do to manage your stress and anxiety. VA has provided resources [here](#).

**From:** [Lumpp, Rachelle](#)  
**To:** [Wright, Jennifer](#)  
**Subject:** PRR2020-2200 FW: Public records request  
**Date:** Friday, October 16, 2020 10:58:10 AM  
**Attachments:** [image001.png](#)  
[image001.png](#)

---

Jen,

Please see request below. I'll ask ISS to pull the emails and give you access to that folder so you can review them.

---

**From:** Conner, Katie  
**Sent:** Friday, October 16, 2020 10:19 AM  
**To:** Lumpp, Rachelle; Anderson, Ryan  
**Subject:** Fwd: Public records request

Sent from my iPhone

Begin forwarded message:

**From:** "Resnik, Brahm"  
**Date:** October 16, 2020 at 10:06:12 AM MST  
**To:** "Conner, Katie"  
**Subject:** Public records request

Good morning Katie,

This is a public records request for documents related to the AG's Elections Integrity Unit. I am requesting:

-Copies of all complaints and supporting documents sent to the EIU.

-Copies of Jennifer Wright's incoming and outgoing emails from Oct. 9, 2020, through Oct. 16, 2020.

This request is pursuant to ARS 39-121, Arizona's inspection of public records law. It is for media use.

KPNX-TV is prepared to pay reasonable costs for locating the requested information and reproducing it. A response

is requested if this request will take longer than 30 days under state statute.

KPNX-TV would prefer delivery of items in digital format. Please provide the requested documents in the order in which they become available.

Please call me at 602 799 0127 when any part of this request is ready.

Thank you!

Best,

Brahm

***Brahm Resnik***  
Anchor/reporter  
Host, "Sunday Square  
Off"  
M: 602 799 0127  
Twitter: @brahmresnik  
Facebook: Brahm Resnik

12 NEWS/KPNX-TV  
200 E. Van Buren Street  
Phoenix, AZ 85004-  
2238





OVERSIGHT

## **Mark Brnovich** Arizona Attorney General

Mark Brnovich was inaugurated as Arizona's Attorney General in 2015 and is now serving his second elected term. A trusted prosecutor with a career dedicated to the pursuit of justice, Mark has been instrumental in restoring public confidence to the Office. Brnovich is also a nationally recognized authority and popular speaker in the areas of federalism, human trafficking and border security. His team has facilitated the return of over \$100 million to Arizona consumers who did not get what they paid for. Mark is currently battling Google's deceptive location tracking practices, fighting for victims' rights to see death penalty sentences carried out and vigorously defending Arizona's election integrity laws.



MARK BRNOVICH  
ATTORNEY GENERAL

OFFICE OF THE ARIZONA ATTORNEY GENERAL  
EXECUTIVE OFFICE

Rachelle Lumppp  
Deputy Public Information  
Officer

May 7, 2021

Josh Bendor  
[jbendor@omlaw.com](mailto:jbendor@omlaw.com)

RE: **PRR-2020-2200-271 (AZ-AG-20-1956)**

Dear Mr. Bendor:

Thank you for contacting the Arizona Attorney General's Office ("AGO"). This letter serves as the response to your public records request dated August 4, 2020.

Request:

"All email communications (including email messages, email attachments, complete email chains, calendar invitations, and calendar attachments) sent or received by (a) Attorney General Mark Brnovich, or anyone communicating on his behalf, such as an assistant or scheduler, or (b) Chief Deputy Joe Kanefield containing any of the following key terms:

Search Terms:

- "Election Integrity
- EIU
- "Election unit"
- "Elections unit"

We also took the liberty of including "Elections Integrity Unit" in our search.

Response:

Some of the responsive records are attached. Additional records are forthcoming. Please note that some records have had personally identifiable information redacted in lieu of withholding records in their entirety.

In the event that the Arizona Attorney General's Office has produced any document containing un-redacted confidential or privileged information, AGO hereby asserts that such disclosure was accidental and does not waive any protections afforded under law.

Please feel free to reach out should you have any questions regarding the records.

Sincerely,

*Rachelle Lumpp*

Deputy Public Information Officer

## Lumpp, Rachelle

---

**From:** Brnovich, Mark  
**Sent:** Thursday, December 24, 2020 10:02 AM  
**To:** DL-Everyone-Statewide AGO  
**Subject:** Winter Newsletter 2020  
**Attachments:** Winter 2020.pdf  
  
**Categories:** Green category

Please take a moment to look over the Fall/Winter 2020 Newsletter. 2020 has been a challenging year, but you all have much to be proud of. Thank you for your commitment to the people of Arizona.  
Happy Holidays and Happy New Year!



2020  
Edition

# THE OPENING STATEMENT

Staff Newsletter  
Arizona Attorney General's Office



Attorney General  
Mark Brnovich

Thank you!

Thank you to all who  
contributed items for this  
issue of  
The Opening Statement.

Please submit your  
newsworthy items to  
Newsletter@azag.gov –  
and don't forget to include  
photographs!

Your participation and  
assistance are greatly  
appreciated.

## Did you know?

Please visit ADOA's  
[Benefits Page](#) to learn  
about Covid-19 testing,  
the Employee Assistance  
Program, Telehealth,  
Wellness and more!

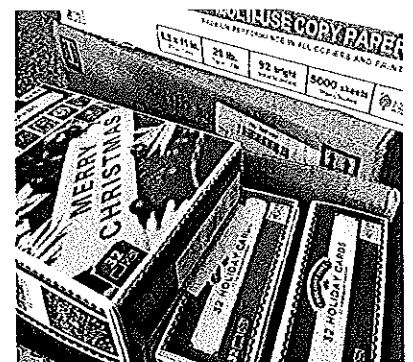
## Facilities Reminder

Stop by the newly  
remodeled Palm  
Mailroom if you need any  
PPE (including masks,  
hand sanitizers and  
sanitizing wipes).

## Cards for Troops

Thank you to everyone  
who took the time to create  
Holiday Cards for the  
troops! Our office sent over  
1,200 cards!

Click [here](#) to watch AG  
Brnovich on KSLX!



## A Message From Attorney General Mark Brnovich

At the end of the year, I've always believed it's important to be with our families, raise a glass with friends and reflect on what is really important in our lives. In 2020, however, even that time honored tradition may look different. Health officials say we should avoid large gatherings of extended family and friends, especially for those at higher risk for COVID 19 due to age and comorbidities. That is both awful and solid advice. It turns out that it's not just the Grinch and fraudsters who are out to steal our holiday cheer.

While family gatherings may look different or even be virtual, we can nevertheless still engage in the part of the Season where we reflect on what's important in our lives. When we do, we are reminded that protecting ourselves and each other is not just something that we do at home, but throughout our career at the Attorney General's Office. From the Supreme Court to the Internet, Election Integrity to Community Shred-a-thons, Family Court to representing State Agencies, and from Law Enforcement to Student Outreach, our team continues to do fantastic work in protecting the public and making our state a better place for all Arizonans.

I know this month's newsletter cannot replace the joy of sharing a home-cooked meal with our families, but perhaps it can provide food for thought and some inspiration regarding the difference we are making. I also hope you know just how much I appreciate all of your efforts during this especially challenging time. I wish everyone Peace and Joy this Holiday Season and good health and cheer as we welcome the New Year.

## A Message From Chief Deputy & Chief of Staff Joe Kanefield



Wiley E. Jones served as Arizona Attorney General from 1915 to 1921. He was our State's second Attorney General and had the dubious honor of serving during the 1918 flu pandemic which lasted from 1918 to 1920 and infected 500 million people, nearly a third of the world's population at the time. Through four devastating waves this flu was one of the most deadly pandemics in human history. Although the State and the Office of the Attorney General were much smaller at the time, General Jones and his team were able to help guide Arizonans through the turmoil and usher in more prosperous times.

We can glean great knowledge and inspiration from history. With General Brnovich's leadership and everyone's help, we have and will continue to do our part to guide Arizona through the current pandemic and follow in the footsteps of our predecessors who overcame similar adversity.

As I have said many times, the people who work at the Attorney General's Office are committed to serving the public with pride and professionalism. We choose to be here because we believe in our mission. It's for this reason more than any other that we have been able to navigate the challenges of protecting the public during this health crisis with the unwavering ability to adapt to what has become the new norm of remote working. Attorney General Brnovich and I thank you again for doing your part to accomplish this mission without missing a beat.

To close, I'll share some trivia about AG Jones who was quite a character. A few months after being defeated by W.J. Galbraith in the election of 1920, AG Jones was bit by a gila monster while staying at the Jones Hotel in Safford, Arizona. To add embarrassment to injury, it was a gila monster that he had brought with him into the hotel in a failed effort to impress some women in the lobby. As the former AG discussed the beauty and virtues of the reptile, it bit into his left middle finger and did not release its grip for more than a minute. Jones couldn't speak for five hours as a result of the swelling in his tongue. Perhaps that was a good thing.

There's no doubt a lesson to be learned from AG Jones' gila monster experience in Safford, but I'll leave that one for you to contemplate. Right now, let's just reflect on his success in assisting Arizona through a pandemic in 1921 ... and how we will do the same in 2021.

With that said, Attorney General Brnovich and I would like to wish you and your families a safe and happy holiday season.

# Operations Division

Let's Celebrate!

In October, Leslie Welch and Brock Heathcotte had an "Unprecedented" wedding! Congratulations to the happy couple!!



Michael Burkett Crist and his wife have a new daughter! Cosima Guinevere was born November 3rd at 9:48am weighing 6 lbs 4 oz, and was 19.75 inches long. Welcome to the world!

# Operations Division

## Mailroom Makeover

In November, the Palm building mailroom underwent a much needed renovation. To make things more convenient, the mail boxes are now located within the mailroom, and we also created an area where employees can stock up on necessary PPE (hand sanitizers, surface wipes, masks and more!).



# State Government Division

## Agency Counsel Section



AAG Caroline Guerrero and husband TJ welcomed beautiful daughter Zara Ada on November 1, 2020. She was 6 pounds, 9 ounces and 19 inches!

AAG Kara Karlson made the news by volunteering to test Moderna's COVID19 vaccine:

*Mesa mom volunteered to test Moderna's COVID-19 vaccine*



*Thousands of Americans have volunteered to test the COVID-19 vaccine, and one of them lives in Mesa. Kara Karlson says she did it to protect her 2-year-old daughter.*

AAG Kelly Gillilan-Gibson's sons, Kellen #45 (2021 graduate) and Cayden #42 (2024 graduate), attend Arizona College Prep and are on its football team. Their team won the Metro East title and they played in the state playoffs.



# State Government Division

## Licensing & Enforcement Section



AAG Sunita Krishna Cairo and her husband Manny welcomed their son Emilio Gael Cairo to their family on July 16, 2020. Baby Emilio joins big sister Indra who is 2. Congratulations to all!

Tanya Martinez joined LES as a legal secretary. Tanya relocated back to Phoenix after spending several years in Gallup, New Mexico, where she worked as an assistant to the Gallup City Attorney and Mayor.

Former AAG and LES Section Chief Monty Lee unexpectedly passed away on September 1, 2020. Monty was a great friend and mentor to the attorneys in LES who had the pleasure of working with him.

The Licensing and Enforcement Section spread holiday cheer by participating in the St. Vincent De Paul's Adopt-a-Family program. LES provided gifts for a family of five from Chandler. The gifts included games, sporting equipment and clothes along with a gift card for groceries. Employees of LES delivered the gifts on December 18th. All of the LES staff enjoyed contributing to such a worthy cause.



## Liability Management Section

Trial Successes:

### ***Keates v. Koile, et al.***

In March, 2020, Senior Litigation Counsels Cynthia Starkey and Tim Watson obtained a defense verdict in the federal district court on behalf of the Department of Child Safety. Thanks to Senior Paralegals Erica Amaral, Kasey Rivera, and Jessica Thompson and Legal Secretaries Lynda Ficarra and Jennifer Navarro for assisting in trial preparation and at trial

### ***Jose H. Peralta v. Collins***

In February, 2020, AAGs Mike Gaughan and Kara Klima obtained a defense verdict in federal district court on behalf of DPS. Plaintiff alleged negligence and constitutional violations arising out of Plaintiff's arrest for suspicion of driving under the influence. After a four day trial, the jury returned a defense verdict on all counts. Thanks to Senior Paralegals Linda Hettich and Yana Sarumov and Legal Secretary Lynda Ficarra.

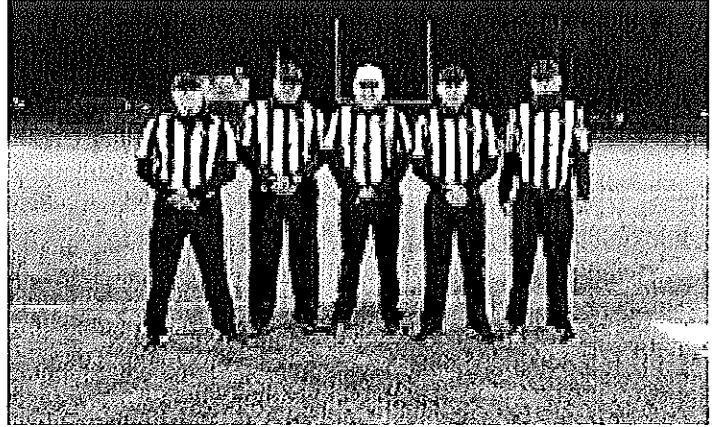
# State Government Division

## Additional Appellate Successes:

In the past year, LMS AAGs, with assistance from paralegals and legal secretaries, successfully defended the State in 17 Appellate cases.

## Personal Accomplishments:

Senior Litigation Counsel Chris Feasel completed his 8th season as a high school football official, acting as line judge for the 2A playoff game between Arizona Lutheran and Wilcox. Feasel, pictured here (far left) began his officiating career in California in the Contra Costa Football Officials Association, where he officiated over games including state powerhouse De La Salle High School. After moving to Arizona in 2016, he became an official with the Arizona Interscholastic Association (“AIA”) and has worked playoff games 2 out of the last 3 years. Anyone interested in becoming an official can contact him at [Christopher.Feasel@azag.gov](mailto:Christopher.Feasel@azag.gov).



## LMS Welcomes New Employees



Ena Narvaez Legal Secretary II	Jose Munoz Legal Secretary II	Michelle Cruz Legal Secretary II	Michelle Roth Legal Secretary II	Tod Brewer Legal Secretary II	Amanda Parks Senior Paralegal
-----------------------------------	----------------------------------	-------------------------------------	-------------------------------------	----------------------------------	----------------------------------



Lindsey Hughes  
AAG



Neil Singh  
AAG



Stephanie Elliott  
AAG



Christopher Feasel  
Sr. Litigation Counsel



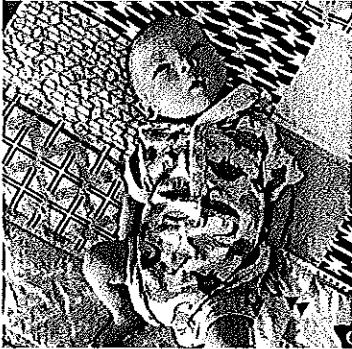
Lawrence Robertson, Jr.  
Sr. Litigation Counsel



# State Government Division

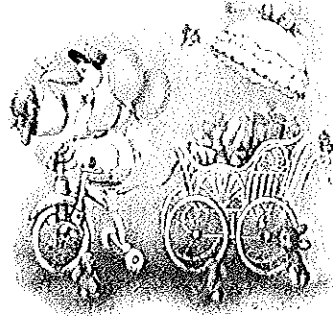
## Natural Resources Section

NRS closed two huge deals this year!



Jack Crestin, born Leap Day, February 29, 2020, to Kevin Crestin and his wife, Christy.

*congratulations*



Melody Rose Rigsby, born July 17, 2020, to Maracia Rigsby and her husband, James.

In addition, NRS assisted the State Land Department to close two substantial deals bringing hundreds of millions of dollars into the State Land Trust to benefit K-12 education. On November 4, 2020, ASLD auctioned 2,800 acres of land east of Apache Junction in return for \$245 million plus a 50% share in future net revenues from development of a master planned community. And on December 9, 2020, ASLD auctioned 1,200 acres of land in north Phoenix west of I-17 in return for \$89 million plus the installation of over \$200 million of infrastructure. The successful bidder, Taiwan Semiconductor Manufacturing Company, is expected to begin construction shortly on a \$12 billion semiconductor plant.

# Civil Litigation Division



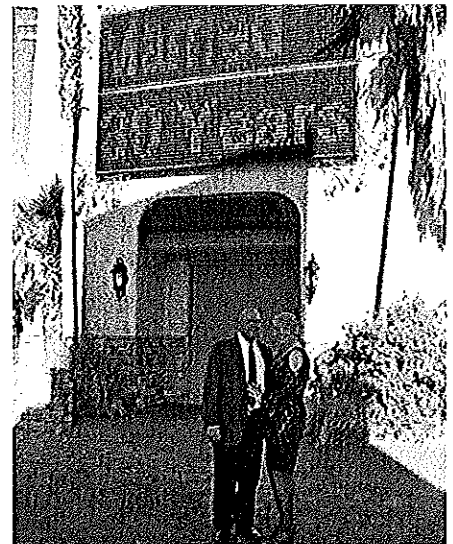
## CLD New Employee



### Marie Elena Cobb, Executive Assistant

Marie has been with the AGO since July 2016 but has been in and around the legal field for 23+ years. Prior to joining CLD in October, Marie was with the Liability Management and Protective Services Sections as a Legal Secretary. Marie is an Arizona native originally from Sierra Vista near Fort Huachuca. She has 2 daughters, Isabelle and Makayla, ages 13 and 10, respectively, and enjoys doing re-enactments in Tombstone, Arizona. In her free time Marie also enjoys photography, geocaching, hiking, crafting, live theatre, singing, jewelry making and anything else that allows her to explore her creative side.

In January, CLD OA Kim Cundiff and husband Tony celebrated their 30th wedding anniversary in Las Vegas with their children.



# Civil Litigation Division

## Bankruptcy Collection & Enforcement Section (BCE)



Kristin McDonald, Assistant Attorney General  
Prior to joining the AGO, Kristin represented institutional mortgage lenders for 10 years in the default servicing industry including foreclosure related matters, bankruptcy, excess proceeds, and title curative litigation. Kristin grew up in the Seattle area and upon moving to AZ in 1997 (Go Sundevils!!) was shocked to learn it was possible to live in sunshine and a warm climate versus constant grey and rain. In her spare time, she enjoys reading – currently binging on Elin Hilderbrand novels, volunteering with Phoenix Children’s Chorus, taking random group fitness classes, and spending time with her husband and 10 year old daughter.

Alexis Galindo, Administrative Assistant, started with BCE in January.

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BCE, on the personal side:

On October 29, Andrea Freeman, Collector III, retired. Even during COVID she was given a proper send off as we thanked her for 25 years of service to the State of Arizona with a buffet of treats, snacks and gifts.



Left to right: Linda Gonzalez; Tiare Viscaina, Frank Armijo; Jill Wieden; Andrea Freeman; Mariah Fondren; Melissa Cordova (holding picture of Heather Suggs who was not able to participate in Andrea’s send-off); Kele Sessions; Gabe Ruiz, Diana Norris, Tina Heer; Jan Jones

# Civil Litigation Division

## Community Outreach & Education Section (COED)

### COED New Employees:



Marle Ethelbah, Community Outreach and Education Coordinator  
Marle started with COED in November. She is an ASU graduate, with a Bachelor's Degree in Social Work. After graduation, she decided to teach English in Japan. This is where she developed a passion for education and public speaking. Upon her return to the United States, Marle worked for agencies that helped at-risk populations. She is excited to work for the Community Outreach section of the Attorney General's Office, because it combines her educational background and passion for helping vulnerable populations. In her spare time, Marle enjoys painting, reading, and spending time with friends and family.

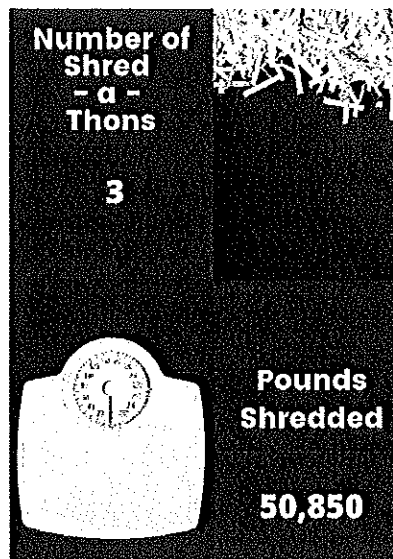
In June of 2020, Community Outreach was excited to learn we would be moving to the Civil Litigation Division. This move allows Community Outreach to work more closely with Consumer Protection, Civil Rights, and the Tobacco Enforcement Unit to help constituents across Arizona.

Since the beginning of the pandemic, Community Outreach, like the rest of the office, had to adapt to a new way of reaching the public. Outreach staff was able to quickly transition to virtual trainings and were able to offer live webinars to the public as well as recorded webinars for the public to watch when convenient. Because of this, Outreach has been able to reach thousands of Arizonans virtually.



# Civil Litigation Division

In addition to virtual learning, in September of 2020 Community Outreach began offering free No Contact Shred-a-thons and Prescription Drug take back events to the public. Because of these events we were able to help over 900 Arizonans shred over 50,000 pounds of documents and recover hundreds of pounds of prescription medications.



# Civil Litigation Division

## Division of Civil Rights Section (DCRS)

### DCRS New Employees:



#### Chris Carlsen, Senior Litigation Counsel

Chris Carlsen rejoined DCRS in April. As an experienced trial and appellate attorney, Chris has worked in private and public practice, primarily litigating civil rights, family law, and personal injury actions. Previously with the Attorney General's Office and while employed with 501(c)(3) non-profit entities, Chris practiced before the Ninth Circuit. In addition to his wealth of knowledge regarding civil and appellate practice, Chris brings to DCRS an expertise in disability law and employment law. Chris also teaches disability law classes at Northern Arizona University.



#### Valerie Grijalva, Compliance Officer

Valerie Grijalva joined DCRS in August as a Compliance Officer. Valerie is an experienced investigator who has worked with some of Arizona's largest State agencies. Valerie's expertise involves working with vulnerable populations in high pressure situations. In her spare time she enjoys spending time with her family and taking family hikes with her dog.

Karla Mejia Rivera, Administrative Assistant, started with DCRS in June.

La-Rae Subay, Compliance Officer II, started with DCRS in October.

Virgil Clark, Compliance Officer I, started with DCRS in June.

Ryan Bishop, Assistant Attorney General, started with DCRS in August.

Sasha Gonzalez, Compliance Officer, started with DCRS in November.

## Civil Litigation Division

DCRS, on the personal side:



On July, 21, the Civil Rights Section welcomed its youngest addition, Vivienne Rai weighing 7 pounds. Congratulations to Compliance Officer Ian Rai and wife Genesis on their beautiful baby girl.



Congratulations to Compliance Officer Gamaliel Vance on his marriage to his longtime girlfriend Desiree on July 25.

In December, two valued DCRS team members will be retiring – Dorothy Jim, Compliance Officer III and Patricia Bianchi, Tucson Compliance Manager. We are grateful to their service to Arizonans, to civil rights, and to the Arizona Attorney General's Office.

# Civil Litigation Division

## DCRS Case Highlights

### ***State of Arizona v. Obrigis, LLC d/b/a O'Brien's Sports Bar***

In February, 2020, DCRS resolved its lawsuit against Obrigis, LLC d/b/a O'Brien's Sports Bar. In its October 25, 2019 lawsuit, DCRS alleged that Obrigis violated the Arizona Americans with Disabilities Act (AzDA) when it refused to serve Bill Larson because of his service animal. Mr. Larson has a brain injury which causes him to experience transient ischemic attacks (referred to as mini-strokes). His American Bulldog service animal, Whopper, is trained to detect the onset of the mini-strokes and alert Mr. Larson so that he may take steps to ensure his safety and the safety of others.

DCRS resolved this matter through Consent Decree. Under the terms of the Consent Decree, Obrigis was required to pay monetary damages of \$7,500 to Mr. Larson and \$2,500 in civil penalties to the State. In addition, Obrigis agreed to create and disseminate policies prohibiting discrimination on the basis of disability and permitting reasonable modifications to its policies as necessary to serve customers with disabilities. The Consent Decree further required that Obrigis pay for and participate in robust training on disability law under AzDA and Title III of the Americans with Disabilities Act.

### ***State of Arizona v. Big Tex Trailer World, Inc. d/b/a Big Tex Trailers***

On May 30, 2019, DCRS filed a lawsuit against employer Big Tex Trailer World, Inc. d/b/a Big Tex Trailers, a company which sells, rents, and services trailers from its three Arizona locations. DCRS alleged that Big Tex violated the Arizona Civil Rights Act (ACRA) when it failed to make reasonable accommodations to the known physical limitations of its employee, Ed Litzinger. DCRS further alleged that Big Tex terminated Litzinger on the basis of his disability in violation of ACRA. Mr. Litzinger, a retired detective, filed a charge of discrimination with DCRS on May 31, 2018. While employed as a Sales Representative in Big Tex's Tucson location, Litzinger underwent hip replacement surgery and returned to work with the assistance of a cane. Litzinger alleged that Big Tex would not reasonably accommodate his return to work condition and subsequently terminated him due to his disability.

DCRS resolved the litigation through a Consent Decree that provided for monetary damages of \$45,000 to Mr. Litzinger and injunctive relief for DCRS including Big Tex's obligation to revise its policies and practices, pay for and participate in mandatory training, and maintain employment records related to its Arizona business operations subject to audit by DCRS.

### ***State of Arizona v. Shree Yogiji d/b/a the Tombstone Grand Hotel and Landmark Hospitality, LLC d/b/a Hampton Inn Sierra Vista***

On October 22, 2020, DCRS filed a lawsuit alleging that that employers Shree Yogiji d/b/a the Tombstone Grand Hotel and Landmark Hospitality, LLC d/b/a Hampton Inn Sierra Vista (collectively, Defendants) violated the Arizona Civil Rights Act (ACRA) when its supervisors harassed their joint employee because of her disability and created a hostile work environment. On October 23, 2019, an aggrieved party and employee of Defendants filed a charge of discrimination with DCRS alleging that her employers subjected her to different terms and conditions of employment and a hostile and intimidating work environment based on her disability. Specifically, the aggrieved party, who has intellectual disabilities and speech delays, alleged that her supervisors repeatedly referred to her in unwelcome and derogatory ways,



## Civil Litigation Division

openly chastised her in employee meetings and in front of guests, shoved her head into a sink until she cried, and poked her between the shoulders so that she would move quicker. After investigating the charge, DCRS issued a reasonable cause determination on September 14, 2020. This matter is currently pending in Maricopa County Superior Court.

### ***State of Arizona v. Solterra of Arizona, LLC d/b/a Solterra La Cholla***

On November 2, 2020, DCRS filed a lawsuit against employer Solterra of Arizona, LLC d/b/a Solterra La Cholla (Solterra), alleging that it violated the Arizona Civil Rights Act when it failed to remedy a hostile work environment based on sex and terminated its employee after she complained about being sexually assaulted by a colleague while at work. On November 24, 2019, DCRS received a charge of discrimination from Solterra's former employee alleging that (1) Solterra subjected her to sexual harassment and a sex-based hostile work environment, (2) Solterra terminated her, and (3) Solterra retaliated against her after she engaged in protected activity. Specifically, the aggrieved party alleged that while at work she was sexually assaulted by a colleague. Additionally, she alleged that the colleague followed her outside the facility while she was on break and attempted to sexually assault her again. The aggrieved party complained to management about the sexual assault and was thereafter terminated. On September 30, 2020, DCRS completed its investigation and issued a reasonable cause determination. It thereafter filed this lawsuit. This matter is currently pending in Maricopa County Superior Court.

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### **Consumer Protection and Advocacy Section (CPA)**

On February 27, (pre-COVID), as part of Consumer Protection Awareness Week, AG Brnovich posed for a picture with CPA staff which includes the Consumer Information & Complaints Unit; Consumer Litigation Unit; Tobacco Enforcement Unit; and Competition, Innovation & Privacy Unit.



# Civil Litigation Division

## CPA New Employees:

WELCOME  
ABOARD



Alex Bernard, Pre-Law Legal Assistant

Alex started with CPA in February after working for the Maricopa County Attorney's Office in the Grand Jury/Probation Violation Bureau. Before the County Attorney's Office, Alex graduated Arizona State University in May 2018 with a degree in Political Science where he received the Moeur Award. In his spare time, Alex loves to hike, read, and spend time with his family.



Leticia Bdeir, Legal Administrative Assistant

Leticia started with CPA in February. She previously worked with The Department of Economic Security as an Administrative Assistant serving as a middle man to State AHCCCS by sending referrals for medical emergencies for Arizona families. Leticia was born and raised in Northern California. She has 4 children and 3 grandchildren. Her fur babies are Aslan (dog) and Sophie (cat). She loves to cook, travel, listen to music and spend time with her husband and family. Leticia is happy to be at the AG's office.



Gabriella Guzman, Administrative Assistant

Gabby started with the Tobacco Enforcement Unit ("TEU") in January. She graduated from Northern Arizona University with a Justice Study degree, emphasis in intelligence and minor in Homeland Security. She has previously worked in child care and more recently, as a customer service representative. Her favorite TV show is The Office and her dogs name is Diamond.

## Civil Litigation Division



Alexes Ramirez, Legal Administrative Assistant

Alexes returned to CPA in November and is excited to be back. She graduated from Southern Utah University with a degree in Sociology. She enjoys traveling, going on walks with her dog, and spending time with her younger sisters.



Dominique Jackson, Legal Assistant II

Dominique started with TEU in March. She graduated in 2017 with a Bachelor of Science in Criminal Justice from New Mexico State University, where she also excelled as a track athlete for the Aggies. After graduation, Dominique returned to Arizona and enrolled at Grand Canyon University, where she is currently pursuing a Masters in Criminal Justice with Emphasis in Legal Studies. Prior to joining the AG's Office, Dominique worked in private practice for a civil litigation firm. Dominique has quickly become an integral member of TEU, supporting the AG's Youth Tobacco Program in our efforts to reduce youth exposure to tobacco products.



Jocelyne Jones, Administrative Assistant

Jocelyn started with the Consumer Information & Complaints Unit ("CIC") in November.

## Civil Litigation Division



Justin Heywood, Pre-Law Legal Assistant

Justin started with CIC in July. He is a native Arizonan who graduated from Arizona State University with a bachelor's in political science and civic and economic thought. In his free time, he enjoys learning new things and finding new experiences, which led him to learn how to juggle and go bungee jumping. He considers himself an ice cream enthusiast, with his favorite flavors being mint chocolate chip and salted caramel.



Christopher Slood, Assistant Attorney General

Christopher started with CPA in November. He is a 2016 University of Arizona Law grad. Prior to joining the Arizona Attorney General's Office, Christopher clerked at the Arizona Court of Appeals, Arizona Supreme Court, and the United States District Court for the District of Arizona. In his spare time, he enjoys hanging out with family and getting outside.

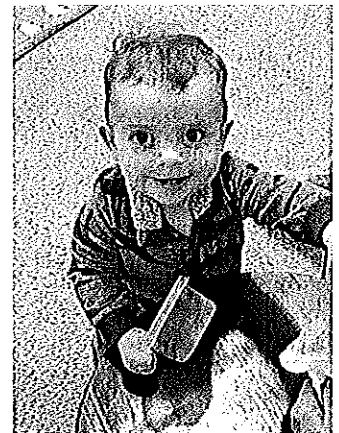
Mitchell Allee, Senior Litigation Counsel, returned to CPA in June.

Syreetta Tyrell, Assistant Attorney General, started with CPA in August.

Laura Dilweg, Senior Litigation Counsel, started with CPA in November.

DCRS, on the personal side:

On February 20 at 4:04pm, Alyse Meislik, Assistant AG, and her husband Matt, welcomed their son Robert ("Robbie") into the world. He weighed in at 8 lbs. 7 oz., 20.5 inches.



## Civil Litigation Division

Senior Lit Counsel Mitchell Allee and wife, Tara, welcomed their son, Harrison William Allee, into the world on October 30. He weighed 8 lbs. 9 ozs.



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### CPA Case Highlights

- As of July 2020, CPA had secured well over \$100 million in restitution for Arizona consumers since Attorney General Mark Brnovich took office in 2015. Significantly, this is more than the total restitution from 2001 to 2014.
- Obtained tens of millions of dollars of relief for consumers who had loans from Santander, one of the nation's largest subprime auto lenders. Santander had provided high-interest loans to consumers that Santander knew were likely to default.
- Sued JUUL Labs and Eon Smoke, alleging that both companies engaged in deceptive and unfair practices in their sales and marketing of vaping products, particularly to youth. The AGO also obtained a permanent injunction banning Eon Smoke from selling certain products in Arizona.
- Obtained an \$11 million settlement with Century Link regarding deceptive and unfair billing and marketing practices, under which Century Link paid nearly \$2 million in refunds to consumers and \$2 million toward fiber-optic infrastructure in Arizona.
- Obtained a consent judgment against Equifax, resolving the multistate investigation into the company's massive 2017 data breach. The multistate settlement included a \$425 million restitution fund, a \$175 million payment to the states, and injunctive relief.
- Sued several former executives of the Chandler-based opioid manufacturer Insys Therapeutics, Inc., including the company's founder, John Kapoor, alleging that the company illegally paid doctors to prescribe its highly addictive opioid medication.
- Sued several members of the Sackler family, who were responsible for operating Purdue Pharma, which the State has alleged violated a consent judgment ordering Purdue not to engage in deceptive marketing of its opioids.

## Civil Litigation Division

- Obtained over \$90,000 in restitution from Dependable Auto, a Tucson-based car dealership that allegedly engaged in a wide variety of unlawful practices.
- Sued Choice Home Warranty, alleging that the company raked in millions of dollars by deceiving and misleading Arizonans about what its home warranties would cover.
- Obtained over \$100,000 in restitution for consumers from a former owner of DIY Neurocare, which sold LED light pads as neuropathy treatments and failed to deliver on its money-back guarantee.
- Sued Valley Delivery, alleging that the company put up fake delivery slips in order to trick new homeowners into giving the company their phone numbers.
- Obtained \$600,000 in a settlement with a Sun City vacuum seller that repeatedly violated the Do Not Call list.
- The Division Chief and members of CPA and the Consumer Information & Complaints Unit participated in a phone bank broadcast by ABC15.
- Secured an Amended Final Judgment with Live Nation after discovering that Live Nation violated terms of a 2010 Consent Judgment related to its merger with Ticketmaster by pulling or threatening to pull its shows from a venue if the venue chose not to use Ticketmaster for its ticketing services. The antitrust judgment contains injunctive terms and an additional five-year monitoring period to prevent Live Nation from engaging in future anti-retaliation and anti-conditioning activities and hold Live Nation accountable for any further violations.
- Filed an antitrust complaint against Taro Pharmaceuticals, Perrigo New York, Fougera Pharmaceuticals (now Sandoz), and 23 more of the nation's largest generic drug manufacturers, alleging a broad conspiracy to artificially inflate and manipulate prices and reduce competition for approximately 80 different generic dermatology drugs.

### **Tobacco Enforcement Unit Highlights:**

#### Youth Volunteer Recognition and Recruitment

- The Counter Strike Youth Tobacco Program usually holds an annual Recognition Ceremony to honor the youth volunteers who donate thousands of hours of time to keep tobacco products out of the hands of Arizona's kids. The Recognition Ceremony is typically hosted by the Arizona Diamondbacks and held at Chase Field with lots of fun and a little pomp and circumstance. Unfortunately, like so many large gatherings this year, the Recognition Ceremony had to be cancelled for the safety of everyone involved. However, the Program could not let this year's group of dedicated volunteers go without recognition. We created certificates for each youth volunteer, signed by the AG, and mailed each youth a package with their certificate, a thank you letter, and an official Counter Strike t-shirt. It was nice to touch base with everyone and let these volunteers know that we did not forget about their contributions!

## Civil Litigation Division

- As we look towards resuming youth tobacco inspections in the near future, the Program has started ramping up youth volunteer recruitment- virtually! We have started reaching out to our school and club partners and scheduling video-conference recruitment presentations. Our Special Agents are becoming Zoom pros as they venture into virtual classrooms! We have had a fantastic response with dozens of new volunteers submitting paperwork. The schools have also been very responsive to presentations in a virtual format. And, while we miss seeing the kids in person, this allows the agents to present to youth all over the state in the same day!

### Non-Participating Manufacturer Adjustment Arbitration Settlement

- The Tobacco Master Settlement Agreement (“MSA”) entitles Arizona to an annual payment of approximately \$100 million. The Tobacco Enforcement Unit goes to great lengths each year to satisfy this diligent enforcement requirement, which requires, among other things, collecting millions of dollars from cigarette manufacturers that have chosen to not join the MSA. These efforts have resulted in a multi-year settlement of the NPM Adjustments for years 2018 – 2022, protecting approximately \$450 Million.

### 2019 Data Clearinghouse Proceeding

- Pursuant to the terms of the Tobacco Non-Participating Manufacturer (NPM) Adjustment settlement, the Settling States and the Participating Manufacturers (PMs) must participate in an annual Data Clearinghouse (DCH) Proceeding, during which BDO USA, a national economics firm, will review state-specific data supplied by the Settling States and PMs to determine if the state in question received Escrow Statute (A.R.S. § 44-7101) compliance on all NPM cigarettes on which state excise tax (SET) was collected. In the event Escrow Statute compliance was not received on all SET-paid NPM cigarettes, the state in question could be subject to an adjustment to its annual Master Settlement Agreement payment if the non-compliance amount goes beyond the safe harbor set forth in the settlement agreement. The 2019 DCH Proceeding began in August 2019. Due to the Tobacco Enforcement Unit’s diligent efforts to enforce the Escrow Statute as to all NPM cigarettes sales in Arizona, BDO USA was able to quickly determine that Arizona has zero non-compliant cigarettes resulting in no adjustment to Arizona’s MSA Payment to be received April 2021.

# Solicitor General's Office

## Fond Farewells and New Faces in Great Places!

### Criminal Appeals

On May 1, 2020 we bid farewell to Criminal Appeals Section Chief, Joe Maziarz. Joe was with the office for 35 years, with the last 8.5 years serving as CAS Section Chief. We would like to give a big thank you to CAS Unit Chief Mike O'Toole for taking on the role of Interim Section Chief until Linley Wilson officially stepped into the position on November 30, 2020. Congratulations, Linley!

CAS also said farewell to Unit Chief Rob Walsh on May 15, 2020. Rob had been in CAS for over 25 years! With Rob leaving, we welcomed back Alice Jones who returned to the office on May 26, 2020 and took over the Unit Chief position. Congratulations, Alice!

On April 21, 2020 we said goodbye to Legal Secretary II, Nancy Romero. In the blink of an eye, Oscar Lopez swiftly learned the ropes and stepped in to that position! On December 4, 2020 we said goodbye to AAG Terry Crist, and on December 16, 2020 we said goodbye to AAG Heather Mosher.

### Capital Litigation

On January 13, 2020 the Capital Litigation Section welcomed two new AAG's, David Ahl and Elizabeth Bingert! Welcome to the AGO David and Elizabeth! On March 16, 2020, CLS said goodbye to Senior Legal Assistant, Stacy Coleman as she reached out for new endeavors!

On April 6, 2020 we were happy to have Jeff Sparks return to the office as a CLS Unit Chief. Welcome back, Jeff! On November 25, 2019, Andrew Reilly transferred from CAS into a Unit Chief position for CLS. Congratulations, Andrew! On September 4, 2020, we said goodbye to AAG Jason Lewis.

### Special Litigation Section

On November 15, 2019 we said goodbye to Deputy Solicitor General, Andrew Pappas as he accepted a position as counsel for the Arizona House of Representatives. On May 18, 2020 we were happy to have Mike Catlett come on board with us as Deputy Solicitor General, and on July 27, 2020 we welcomed Sarah Crank into a Legal Assistant position. Welcome to the AGO, Mike and Sarah!

On September 8, 2020 we bid a fond farewell to Solicitor General/Special Litigation Section Chief Counsel, O.H. Skinner, as he left the office to work on other legal endeavors! And a month later on October 9, 2020, we bid farewell to Deputy Solicitor General/Federalism Unit Chief Rusty Crandell after his appointment to serve as a Maricopa County Superior Court Judge!



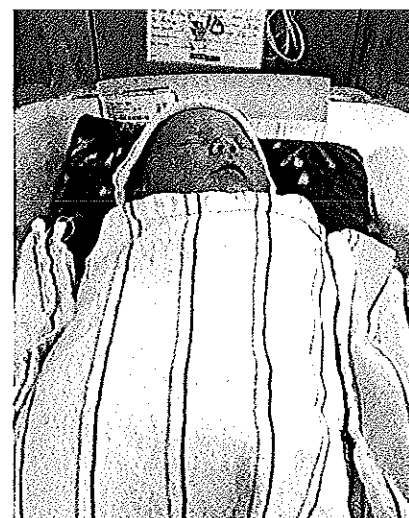
# Solicitor General's Office

## SGO Special Additions

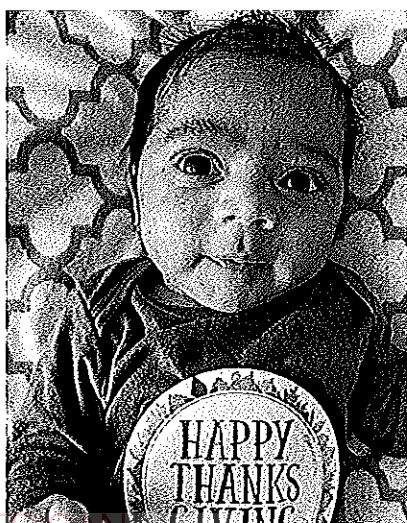
On January 17, 2020, AAG Vineet Shaw and family welcomed twins Zara and Kail!



On April 18, 2020, AAG David Ahl and family welcomed their baby Madelyn Jo!



On June 29, 2020, Civil Appeals Section Chief, Drew Ensign and family welcomed their baby Carter Matthew!



On November 13, 2020, AAG Keena Patel and family welcomed their baby Aavi!

# Criminal Division

## FOUR CRIMINAL DIVISION MEMBERS WIN APAAC HONORS



The Criminal Division would like to recognize the following staff members that were nominated and received 2020 APAAC awards:

Administrator of the Year: FSP Legal Secretary Stacey Canez received APAAC's 2020 Administrator of the Year award. Stacey is a hard-working and dedicated individual who exhibits all the qualities of an exemplary employee. She completes her assignments with diligence and attention-to-detail. Over the past 15 years, Stacey advanced from a student clerk to a lead legal secretary with a great deal of operational skills and responsibilities. She possesses excellent administrative skills and an ability to work well with everyone. Stacey has taken on additional duties and responsibilities to assist others in the Division. She is able to handle Division fiscal matters including travel, procurement and budgetary issues as well as being able to assist the Division Chief as necessary in the absence of the Division OA. During the past year, Stacey has been instrumental in helping with the transition to a new AGO case management system, which has involved many meetings, additional assignments and the creation of training protocols for all employees.



Legal Assistant of the Year: HCFA Senior Legal Assistant Peni Cox received APAAC's 2020 Legal Assistant of the Year award. Peni is known for her tireless dedication and exceptional legal assistance to the attorneys she supports. Peni is tasked with running the HCFA Section in Prescott where she serves as not only a Legal Assistant, but also assists with secretarial and administrative matters as well. For the past nine years, Peni has been an exceptional employee with unwavering dedication to the AGO. She is a key component of the investigation and prosecution team that covers nearly half of the geographic area of the State. Peni is a leader in providing services in the Prescott office and also her assistance to the Phoenix and Tucson HCFA staff. She is always approachable, knowledgeable and is willing to do whatever it takes to get the job done. Thank you, Anne. We appreciate all you do!

David R. White Excellence in Victim Advocacy Award: FSP prosecutor Shawn Steinberg received APAAC's 2020 David R. White Excellence in Victim Advocacy Award. Shawn is a remarkable voice for the crime victims she represents and she deserves special recognition for her work with the victim's family in State v. Luna/Carrasco, a murder case involving two defendants who frequently committed home-invasions in an attempt to steal drugs. When she noticed these dangerous offenders would taunt the next of kin, she made appropriate records with the court, often drawing the ire of the defendants and sometimes their attorneys. When confrontations would occur in the hallway, Shawn skillfully defused the situation and protected the victim's family with the assistance of court security, often times securing the removal of antagonistic persons from the courtroom. Shawn worked closely with the victim advocate and the victim's family to craft plea agreements that reflected the nature of the case, the defendants' criminal histories and relative involvement, and at the same time, ensuring that justice prevailed for the

## Criminal Division

victim. Both defendants pled guilty to the murder. Luna was sentenced to 23 years and Carrasco was sentenced to 17 years in prison. The victim's family was pleased with the outcome and Shawn's hard work helped to minimize the trauma that they experienced in the court process. The family expressed their appreciation for Shawn's hard work and dedication.

Gerda & Kurt Klein Guardian of Freedom Award: FSP Section Chief Blaine Gadow received APAAC's 2020 Gerda & Kurt Klein Guardian of Freedom Award for his prosecution of a human sex trafficking trial. The victim's testimony was necessary for the case to proceed. The victim was very anxious and worried about testifying. Instead of using the procedural tools available to prosecutors such as an arrest warrant to ensure the victim's participation at trial, he empowered her in a multidisciplinary manner through support, empathy and providing options that resulted in her choosing to testify. Thanks to Blaine and his team's ability to empower the victim to testify, justice prevailed. The jury found the defendant guilty on 11 felony counts, including Child Sex Trafficking, Conspiracy, Money Laundering and Sexual Exploitation of a Minor. After the verdict, the victim's name and location had been released on social media by acquaintances of the defendant. Her safety and well-being were a large concern for Blaine while the defendant awaited sentencing. Blaine advocated for the safety and well-being of the victim after she provided testimony. He collaborated with others in the agency to achieve a unique solution to maintain the victim's safety until her transition to Department of Child Safety (DCS) services could be obtained. Blaine is a compassionate prosecutor and is very deserving of this award.



In addition, the Criminal Division would like to recognize the following additional staff members who were nominated for APAAC recognition:

Advocate of the Year: OVS Victim Advocate Evelyn Robles was the AGO's nominee for APAAC's 2020 Advocate of the Year. Evelyn has been employed with the AGO since 2017. Evelyn has a complex case load consisting of fraud, child sexual exploitation, and human trafficking cases in both direct prosecution and appellate cases, also including death penalty cases. Her passion for meeting the needs of survivors of trafficking has positively affected the fight against predators and perpetrators on an international scale. Each victim is an individual often requiring creative advocacy and partnerships atypical for standard prosecution-based advocates. In 2019, Evelyn was an integral part of the successes in the case against Robert Hood. She worked with the trafficking survivor through the investigation and prosecution phases which resulted in the survivor testifying against Hood on her 18th birthday.

These efforts helped to secure a 108-year prison sentence while at the same time helping to find creative ways to serve the survivor post-conviction.

Felony Prosecutor of the Year Award: HCFA Section Chief Steve Duplissis was the AGO's nominee for APAAC's Felony Prosecutor of the Year Award. Under Steve's leadership, HCFA was recognized in 2019 as the second highest performing Medicaid Fraud Unit in the nation for filing criminal indictments. This impressive achievement is unsurprising given Steve's unwavering passion to investigate and prosecute medical professionals who defraud the government and abuse some of Arizona's most vulnerable residents. Steve inspires that same passion in his employees, and they directly benefit from his thoughtful leadership and mentoring. Steve's section oversaw over 100 cases in 2019, ranging from

## Criminal Division

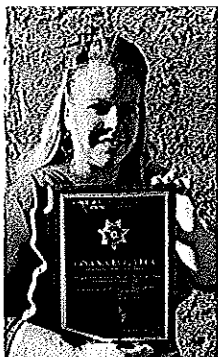
large-scale Medicaid billing fraud to a former doctor's murder-for-hire prosecution. Steve's leadership has made HCFA a model for similar offices across the nation. He is a dedicated prosecutor who cares about the profession, his employees, victims and Arizona's citizens. In fact, the Arizona MFCU team was selected for the Department of Health and Human Services, Office of Inspector General's Award for Excellence in Fighting Fraud, Waste, and Abuse. Steve is an asset to Arizona's prosecution community.

**Rising Star Award:** FSP prosecutor Evan Malady was the AGO's nominee for APAAC's 2020 Rising Star Award. Evan started working in FSP in February 2019. Evan became quickly proficient in his position, developing his skills in directing and managing complex fraud and other investigations. Although only a two-year lawyer, Evan has successfully handled a wide variety of complex fraud cases. He has exceptional organizational skills, communicates well with law enforcement agents, defense attorneys and court staff and is known for working very hard. When Evan joined the Section, he immediately became involved in several high-profile and complex matters. Evan was instrumental in the Paul Petersen AHCCCS-fraud case. He was part of the initial investigation, participated in witness interviews, attended the search warrants and ultimately presented the case to the State Grand Jury. The Petersen case was extremely complex and it consisted of several different criminal investigations across multiple jurisdictions. Evan has handled the complexity of this case with skill and professional maturity. The defendant in this matter had skilled and experienced defense attorneys. Evan diligently worked with them to move the prosecution forward and effectively represent the State's interests. In June 2020, Petersen pled guilty to Fraudulent Schemes and Artifices, Forgery and Fraudulent Schemes and Practices and was sentenced to six years in prison.

### Drug & Racketeering Enforcement Section

The DRG Section would like the welcome to following team members:

05/18/20 AAG Nichole Galusha-Troicke  
06/15/20 AAG Rebecca Kennelly  
07/27/20 Sr. LA Ronnie Danko



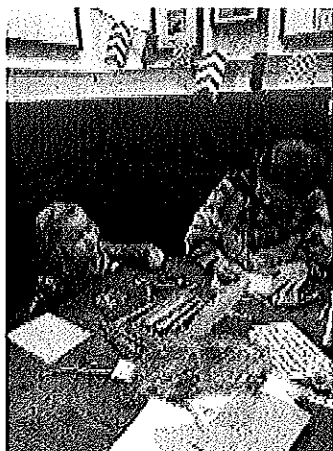
In August, AAG Gina Cucuzella resigned as she accepted a position with the Pinal County Attorney's Office. Good luck Ginal!

In September, SLC Nick Saccone resigned as he accepted a position as a Court Commissioner with the Maricopa County Superior Court. Congrats Honorable Saccone!

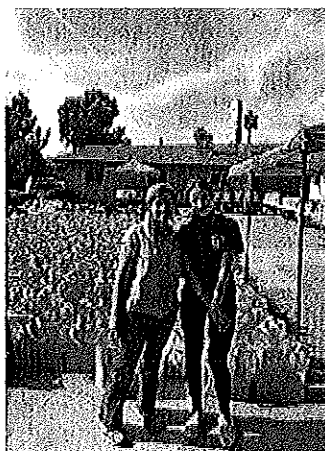


## Criminal Division

AAG Rebecca Jones resolved the case of State v. Angel Bonilla-Hernandez. This case involved a lingering co-defendant on a case where the primary defendants transported five kg of cocaine and were part of a wiretap case. Bonilla-Hernandez had a viable "mere presence" defense and was asking for a class six undesignated plea. Law enforcement was pushing for a prison resolution. The case resolved with a class 4 felony and a three year term of supervised probation, along with a hefty fine. This resolution will allow the defendant to continue working, which will hopefully discourage recidivism



Section Chief Theresa Rassas' daughters Regan (13) and MoMo (4) diligently worked on cards for the troops.



Theresa Rassas and her daughter Regan also volunteered to sort and pack holiday groceries for Feed Our Babies.



SLA Linda Pfohl retired after working nearly eight years in the DRG Section. Linda was extremely knowledgeable and helpful in large, complex wiretap cases. Unfortunately, a retirement party had to be postponed. Linda

After a lot of hard work and testing, AAG Rebecca Jones was chosen to be on the game show Jeopardy! The episode aired on December 10th. She was fortunate to have appeared with Alex Trebek. Great job Rebecca!



# Criminal Division

## Financial Remedies Section

FRS welcomed four new staff during the last several months.

In July 2020, LSII Jennifer Villescas started in FRS and she has smoothly transitioned into her position. She brings 13+ years of criminal and civil legal secretarial experience to FRS, making her an asset to the team.

In September 2020, AAG Elliot Stratton was hired. Elliot received his JD in 2017 and also holds a Master's Degree in Business Administration. For his first three years of practice, Elliot was a judicial staff clerk for federal judges in Florida and Washington, D.C. Elliot was recommended to FRS by our Solicitor General, under whom Elliot performed an internship at the AGO. That recommendation has proved to be well earned as Elliot is already working on some major cases.

Also in September 2020, AAG Mukai "Kai" Amoo transferred from CFPD to FRS. Kai also holds a Master's Degree and brings nine years of experience and a background in family law, estate planning, criminal defense and civil litigation to her position. Her familiarity with civil practice and procedure has given her a running start on the work she is doing in FRS.

In October 2020, AAG Jake Rapp passed the Bar and started with FRS shortly after. Jake interned with FRS in 2018, during which he authored an article on tactical investigations and enforcement remedies against illegal massage parlor businesses for ANOA Magazine. Jake's strong interest in addressing white collar crime made him an ideal candidate for FRS and a welcome addition.

Recent FRS case work has concentrated on fraud victim recovery. This includes completion of the Paul Petersen adoption fraud case and the recovery of nearly \$700,000 for AHCCCS; assistance in the Hacienda Health Care case in completing a settlement agreement under which Hacienda will be re-paying over \$10 million dollars to AHCCCS and a \$1 million dollar fine; and the execution of search and seizure warrants and the initiation of an FRS case on another AHCCCS fraud case in conjunction with the SIS and HCFA sections based on a \$12 million dollar fraud amount.

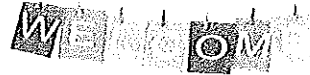
## Fraud & Special Prosecutions Section

The FSP Section would like to welcome the following team members that were hired in the last several months!

06/29/20 – AAG John Hudson  
07/13/20 – AAG Maura Quigley (re-hire!)  
08/24/20 – SLA David Rohe

# Criminal Division

09/21/20 – AAG Carmine Mediate  
09/21/20 – LSI Anna Hunt  
10/05/20 – AAG Tom Maksemous



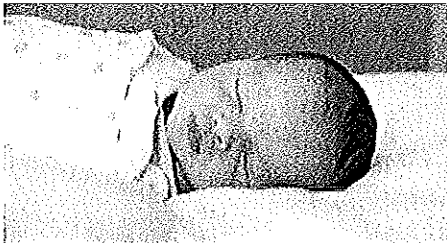
to our team!



In December 2020, AAG Rachel Nava resigned to return to the Arizona Supreme Court as a staff attorney. We wish her well in her new position!



In June 2020, the FSP Section bid farewell to SLA Dominique Rivas.



Welcome Baby George! On June 29th, AAG Tarah White and her husband Patrick welcomed their first child! Congrats!

On October 3rd, LSII Sarah Garrett married her long-time love Heath Karr! They have combined their households and their family has multiplied by four. Congrats Sarah!



In October 2020, the FSP Section said farewell to our friend and colleague SLC Scott Blake. Scott left the AGO to return to the cool pines of Prescott and the friendly confines of the Yavapai County Attorney's Office. Normally, for a long-serving employee like Scott, we would have had a potluck or some kind of gathering to celebrate his service and wish him well, but COVID prevents us from doing that this year. Scott has been a dedicated prosecutor and we thank him for his service and dedication to the mission of the office, and to ethical and honest prosecution in general, setting a great standard for the office. He carried a case heavy load and he will be missed. Good luck Scott!

# Criminal Division

## Healthcare Fraud & Abuse Section



In October 2020, the United States Department of Health and Human Services had their virtual annual awards meeting. Of the 50 state Medicaid Fraud Control Units (MFCU), Arizona's Unit had been chosen and formally awarded the Award for Excellence in Fighting Fraud, Waste and Abuse. In making their announcement, HHS-OIG remarked that the Arizona MFCU obtained an impressive number of case outcomes, with 84 indictments, 70 convictions, and total recoveries of over \$7.5 million. The Unit also opened 239 investigations, with a particular focus on drug diversion cases, which accounted for 115 of those investigations. The Unit employs a staff of 27 that includes attorneys, special agents, and other professionals. The Unit is led by Section Chief Steve Duplissis, who has served as the Unit's director since 2005 and is one of the longest serving directors among the MFCUs. Congrats MFCU Team!!

In September 2020, after a thorough Medicaid fraud investigation into Hacienda Healthcare, Inc., it was determined that the former officers improperly allocated direct and indirect costs, inflated reported expenses and engaged in improper billing during 2013-2018, resulting in an overpayment of at least \$10,895,648 from AHCCCS to Hacienda. SIS SAs and AAGs from HCFA, FSP and FRS worked together to reach a civil settlement with Hacienda. Hacienda is to pay the State more than \$11,000,000 to resolve this case. Congrats Team!

HCFA would like to welcome the following SIS Special Agents assigned to HCFA Units 1 and 2.

SA Kelly Angel started her law enforcement career with the Glendale Police Department. Kelly spent the past eight years with the Tempe Police Department where she served as a Patrol Field Training Officer, DUI Officer, Public Information Officer and IACP Drug Recognition Expert.





## Criminal Division

SA Peter Tran previously served in New York City with the New York County District Attorney's Office as a Detective Investigator for five years where he specialized in financial fraud and organized crime investigations, along with fugitive extraditions. Peter earned his Bachelor's and Master of Science in Criminal Justice from Rochester Institute of Technology.



SA Roy Garrison previously worked for nine years with City of Eloy Police Department in Pinal County where the majority of the time he worked as a General Detective. Roy is a University of Arizona graduate where he majored in Accounting.

Prescott Valley Police Department contacted HCFA-Prescott regarding Emma-Kaye Parrish. Parrish had been employed as a finance manager by a behavioral health facility in Yavapai County. One of Parrish's duties at the facility was paying vendors for goods and services rendered to the AHCCCS funded facility where she worked. Although Parrish would input the information correctly into the facility's financial program, thus indicating that the vendor had been paid, she would manually change the payee on the check to herself or to other entities for her personal expenses. In June 2020, Parrish pled guilty to Theft and Forgery and was later sentenced to three years in prison, followed by five years' supervised probation. She was also ordered to pay restitution to AHCCCS in the amount of \$65,436. Congrats to SA Mark McClain and AAG Courtney Kramer on resolving this case!

### Office of Victim Services

OVS extends a warm welcome to the following staff:

06/15/20 – VA Jill Blass

07/27/20 – VA Amberly Frank



Special thanks to OALaura Lyons, VALinda Carthen and VAAAlbert Fimbres for their excellent work on developing a comprehensive, thoughtful and engaging plan to help the AGO recognize Domestic Violence Awareness month! By helping bring awareness, their plan also was a source of

support to others who may be experiencing or others working in the field of domestic violence. Thanks for the time and effort spent to develop this necessary plan!

The OVS Outreach team worked hard converting its five hour Basic and three hour Advanced victims' rights trainings to engaging, effective Webinars over the last few months. In September 2020, trainings included videos, polling and even a crossword puzzle. Remarkably, the team successfully trained over 800 victims' rights professionals from all 15 counties in just three weeks. Attendee evaluations were overwhelmingly positive for the content and method of delivery.

## Criminal Division



Photo includes Outreach team members Janelle Miller (top right) and Ashtyn Beuchler (bottom right) who presented the criminal appeals process and showed a video of Appeals AAG Michael O'Toole (left) in a Supreme Court Oral Argument.

Office of Victim Services staff has been reading about LEADERSHIP and BUILDING their skills by taking turns leading engaging and enlightening discussions each month. Current and future AGO leaders learning from each other!



Pictured from left to right: Amy Bocks, Evelyn Robles, Kirstin Flores, Briana Bobertz, Kennesha Jackson, Colette Chapman, Ashtyn Buechler, Linda Carthen and Veronica Driz.

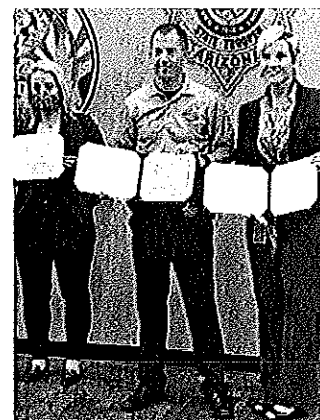
# Criminal Division

On September 26th, OVS Outreach Coordinator Ashtyn Cronk (now Beuchler) got married. Although it was not her original plan, the couple had a small family-only ceremony that was beautiful. Congrats!



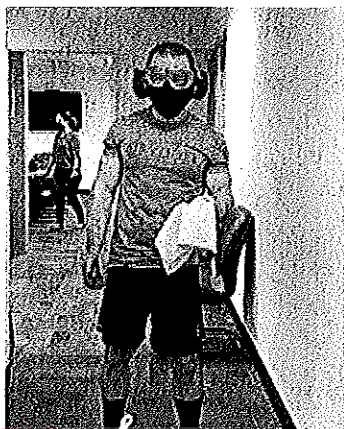
In November 2020, VA Supervisor Evelyn Robles who, as of November, 2020, is a new homeowner! House comes complete with a rooftop terrace sporting a city view! Congrats Evelyn!

OVS Advocate Program Manager, Amy Bocks, was awarded a Director's Unit Citation from the Arizona Department of Public Safety for her volunteer work on the 2019 DPS Annual Memorial 5K in Tucson. She has been part of the main planning committee for more than five years. Although challenging, this year's virtual event ran smoothly thanks to Amy's commitment.



## Southern Arizona White Collar and Criminal Enterprise Section:

Section Chief Nick Klingerman and OA Martita Jimenez (in background) are taking cleaning seriously by sanitizing the entire section.



## Criminal Division



In October 2020, Section Chief Nick Klingerman argued in front of the Arizona Supreme Court in *State v. Goldin*. While bantering with the justices, Nick articulately and persuasively explained to the full court why the appearance of impropriety standard set out on *State v. Gomez* should not apply to imputed disqualification of the entire Tucson office of the AGO. Nick highlighted the strategic nature and timing of defendant's motion to disqualify the office from prosecuting a 20 year old cold case homicide and proposed a new standard of analysis. He stepped back into his old appellate shoes, briefing and preparing tirelessly for oral argument, while continuing to supervise the unit. While a ruling is still pending, Nick won unanimous praise and enthusiasm from his SAWCEE colleagues who eagerly watched a livestream of the arguments! Special thanks to AAG Lindsay St. John as well. Lindsay is the second chair on this case and has provided valuable legal analysis and assistance.

In June 2020, AAG Julia Kaiserman joined the Section. She previously worked for the last 12 years at the Pima County Attorney's Office. While at PCAO, she was a dedicated trial and charging attorney, along with an 88-CRIME Safe School Program Manager. She hit the ground running at the AGO. Welcome, Julia!

In September 2020, SLA Adrienne Gutierrez welcomed her granddaughter, Lucy Grace Gutierrez. Congrats Mimi!



On October 7, 2020, LSII Maria Slinger and family welcomed daughter, Faith Gabrielle Slinger. Big Sister Sienna LOVES her real life baby doll. Congrats!

After an exceptional 20 year career with the AGO, LA PS Allison Bradford decided to retire. The Section has benefited from Allison's experience, institutional knowledge and mentorship. Her "Cheat Sheet" for tracking cases will continue to benefit others after she retires. Allison is a dedicated, thoughtful public servant, who truly cares about her community. Her drive to make Tucson, and Arizona, better showed in her work, with Allison receiving numerous awards during her tenure. Notably, Allison was APAAC's 2018 Legal Assistant of the Year. Congrats Allison! We are excited for your new journey!



# Criminal Division

In November 2020, LSII Jenny Lewis accepted a job offer at Raytheon. It has been great working with Jenny over the past year. We wish her well in her new position!

## Special Investigations Section:

SIS extends a huge welcome to the following staff:

06/15/20	SA Carri Stubblefield
07/27/20	SA Mark Smith
08/10/20	SA John Hillman
09/08/20	SA Peter Tran
09/21/20	SA Desire Urbina
10/05/20	SA Kelly Angel
10/19/20	SA Jeffery Whitbeck
11/16/20	SA Roy Garrison
12/14/20	Eric Marlowe



SA Steven Sussen was recognized as a recipient by the Tucson Police Department for his efforts on behalf of vulnerable children. This achievement is truly representative of his commitment to ensure the safety of those least able to protect themselves. The Awards presentation is scheduled for January 2021. Congrats Steven! We are proud to work with you!



On July 9, 2020, SA Danny Miller and his wife Ramona extended their family. Cameron Arman Miller weighed in at 8lbs 2oz, and was 20.25 inches long. Congrats Danny!

On November 3, 2020, members of the SIS Election Integrity Unit, SA Bill Knuth, SA Annalisa Madsen and Criminal Investigator Don Carroll worked a 16 hour day monitoring a law enforcement hotline that had been established to assist other law enforcement agencies and personnel who were called out to respond to any election or voting fraud matters. Members of the unit were also available to respond to any polling locations or election scenes as needed. Members of the unit have coordinated with various agencies and had the opportunity to resolve several matters. Outstanding work by all involved.

## Criminal Division

SA Annalisa Madsen conducted the investigation into former charter school principal, Harold Cadiz. In September 2020, Cadiz was sentenced to 3.75 years in prison followed by five years' probation and ordered to pay \$2,538,722 in restitution for his role in enrolling fake students to obtain funding from the Arizona Department of Education, the U.S. Department of Education and the U.S. Department of Agriculture. As part of the investigation, the AGO seized hundreds of fraudulent documents. SLC Mary Harriss prosecuted the case. Congrats Team!

After serving 34 years in law enforcement, nine years with the AGO, SA Ron Perreira, is officially retired. SA Perreira has worked tirelessly on many wiretaps and drug related crimes with the AGO. Congrats Ron – you have fought the good fight, you have finished the race! You will be missed at the AGO.



Pictured from left to right: SAS Chad Brink, DPS Detective Richard Campbell, SA Bruce Myers, SA Ron Perreira, DPS Detective Steve Babcock, SA Brady Wilkins and SA Norm Peterson.

In November 2019, former SA John "JT" Walsh passed away unexpectedly. As a former long-standing member of the AGO Running Team, it had been planned to honor JT at the Baker to Vegas Race with a custom designed runner's bib for the 2020 race. However, the 2020 race was canceled due to the pandemic. The AGO Running Team still ordered the bibs in remembrance of our dear friend and colleague. The team will present the bib to JT's wife Franzl who was going to attend the 2020 race in his honor.

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**189**

36TH BAKER TO VEGAS RELAY  
**ARIZONA ATT GEN OFC**

## Lumpp, Rachelle

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**From:** PublicRecords  
**Sent:** Thursday, April 01, 2021 5:32 PM  
**To:** records@americanoversight.org  
**Subject:** PRR2020-2200-270 (AZ-AG-20-1955)  
**Attachments:** Evers, Austin 4-1-21.pdf

**Categories:** Green category

Please see the response to your public records request attached. Thank you.

Rachelle Lumpp  
Public Information Officer  
Arizona Attorney General's Office  
2005 N. Central Avenue  
Phoenix, AZ 85004  
602-542-8330  
[publicrecords@azag.gov](mailto:publicrecords@azag.gov)





MARK BRNOVICH  
ATTORNEY GENERAL

OFFICE OF THE ARIZONA ATTORNEY GENERAL  
EXECUTIVE OFFICE

Rachelle Lumpp  
Deputy Public Information  
Officer

April 1, 2021

American Oversight  
[records@americanoversight.org](mailto:records@americanoversight.org)

RE: PRR-2020-2200-270

Dear Mr. Evers:

Thank you for contacting the Arizona Attorney General's Office ("AGO"). This letter serves as the response to your public records request dated August 4, 2020.

Original Request:

"1. All records containing any charters, by-laws, or other formation documents, policies, procedures, or reports in the possession of (or created, utilized, maintained, received, or distributed by) Arizona's Election Integrity Unit.

2. All records containing any agendas or minutes for any meetings held or planned by Arizona's Election Integrity Unit.

3. All records reflecting the time, date, and location of any meetings held or planned by Arizona's Election Integrity Unit, including meeting notices (internal or public) and calendar invitations and entries. With respect to calendar invitations or entries, to the extent that this information is aggregated and maintained on a single calendar, we would accept as responsive a printout from said calendar containing fields reflecting the location, date, and time of each meeting.

4. All transcripts and audio or video recordings of any meetings held by Arizona's Election Integrity Unit. Please provide all responsive records from August 1, 2019, to the date the search is conducted.."

Response:

The Arizona Attorney General's Office has no responsive records.

Sincerely,

*Rachelle Lumpp*

Deputy Public Information Officer



## Lumpp, Rachelle

---

**From:** Medina, Rick  
**Sent:** Thursday, March 25, 2021 11:17 AM  
**To:** Lumpp, Rachelle  
**Subject:** RE: AG BIO

**Categories:** Green category

Let's go with this:

### **Mark Brnovich** Arizona Attorney General

Mark Brnovich became Arizona's 26<sup>th</sup> Attorney General in January 2015. He was re-elected to a second term in November 2018.

He spent his early career as a prosecutor at the local, state, and federal levels, including serving as an Assistant United States Attorney prosecuting public integrity crimes and criminal activity occurring in Indian Country. He eventually left the U.S. Attorney's Office to serve as the Director of the Arizona Department of Gaming -- a law enforcement agency that works along with Tribal regulators to administer the gaming compacts.

As Attorney General, Mark most recently argued at the United States Supreme Court, to defend Arizona's election integrity laws, including its requirements for in-precinct voting and restrictions on ballot harvesting. His administration has also been actively battling human trafficking and supporting border security. Brnovich is now challenging the Biden Administration's violations of federal immigration laws and the crisis that has been created.

In addition, Brnovich has been instrumental in protecting the liberties of Arizonans and small businesses during the COVID pandemic, upholding religious freedoms, defending the Second Amendment, and securing record levels of restitution for consumers.

Mark's wife Susan, who he met while they were both prosecutors for Maricopa County, was recently appointed by President Trump to serve as a Federal Judge for the District of Arizona. Mark and Susan Brnovich live in Phoenix with their two teenage daughters.

---

**From:** Lumpp, Rachelle  
**Sent:** Thursday, March 25, 2021 9:14 AM  
**To:** Medina, Rick  
**Subject:** RE: AG BIO

Here are a couple diff ones. Thanks!

---

**From:** Medina, Rick  
**Sent:** Thursday, March 25, 2021 9:13 AM  
**To:** Lumpp, Rachelle  
**Subject:** RE: AG BIO

Ok, can you please send me the last versions of the short and regular Bio's that we have used?

Thanks.

---

**From:** Lumpp, Rachelle  
**Sent:** Thursday, March 25, 2021 9:09 AM  
**To:** Medina, Rick; Isaak, Jason; Anderson, Ryan  
**Subject:** AG BIO

I need a bio for the Laughlin event (and the other events he's got coming up). In light of everything that he's been doing recently, we probably need to update.

If you need old ones for reference lmk and I'll send. I do need to get it over to them today.

Thx

Rachelle Lumpp  
Executive Assistant to the Attorney General  
Executive Assistant to the Director of Communications  
Office of the Arizona Attorney General  
2005 N. Central Avenue  
Phoenix, AZ 85004  
602-542-8351 Office  
[rachelle.lumpp@azag.gov](mailto:rachelle.lumpp@azag.gov)



## Lumpp, Rachelle

---

**From:** Isaak, Jason  
**Sent:** Friday, March 19, 2021 12:14 PM  
**To:** Lumpp, Rachelle  
**Cc:** Stefanski, Daniel  
**Subject:** FW: Date at WOA Event

**Importance:** High

**Categories:** Green category

Rachelle –

If you could give her a call when you have a moment to let her know we're working on the calendar and will get back to her, that would be good. One thing you might want to confirm with her is that it would be the AG as a keynote speaker...and that we'll try to get back to her in the next couple biz days.

Thanks!

Jason

---

**From:** Bonnie Ebstyne [<mailto:bjebstyne@> ██████████]  
**Sent:** Friday, March 19, 2021 11:48 AM  
**To:** Isaak, Jason  
**Subject:** Fwd: Date at WOA Event

Sent from my iPhone

Begin forwarded message:

**From:** Bonnie Ebstyne <[bjebstyne@](mailto:bjebstyne@) ██████████>  
**Date:** March 19, 2021 at 11:47:14 AM MST  
**To:** [rachelle.lumpp@azag.gov](mailto:rachelle.lumpp@azag.gov)  
**Subject:** Date at WOA Event

Women of Arizona just held an event with Kelli Ward & Paul Gosar speaking on Election Integrity & what our elected officials from AZ are doing to protect our Founding Principles ( in other words to stop Socialist Democrats takeover!)

Many people we hear from are disgusted with our politics & government & walking away entirely along with their checkbooks!! Others are finding a new urgency in their desire to get involved & join the fight for our country. They need leadership & some assurance that are elected officials are committed to the right cause.

A logical extension of what we explored with Gosar/Ward would be the viewpoint of AG Brnovich. We had originally contacted Treasurer Yee to speak but feel the AG's view would be a higher priority now.

I have three dates to propose: (Hopefully one will be available.)

Mon., April 26

Min., April 19

Thurs., April 22

Friday., April 23

Besides Kimberly Yee, we have heard from Steve Chucri's office that he would be available. I have to commit to venue & speaker pretty soon.

Thank you,

Bonnie Ebstyne

206- [REDACTED]

Sent from my iPhone

## Lumpp, Rachelle

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**From:** Kanefield, Joe  
**Sent:** Monday, March 15, 2021 5:00 PM  
**To:** Roysden, Beau  
**Subject:** FW: Letter in Opposition to H.R. 1, "For the People Act of 2021"  
**Attachments:** 2021-03-15 Letter in Opposition to H.R. 1, For the People Act of 2021.pdf  
  
**Categories:** Green category

Please get this to OH & Tyler. Thx

Joseph Kanefield  
Chief Deputy & Chief of Staff



Attorney General Mark Brnovich  
Desk: 602-542-8080  
[Joe.Kanefield@azag.gov](mailto:Joe.Kanefield@azag.gov)  
<http://www.azag.gov>

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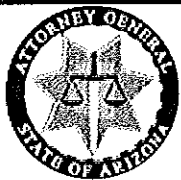
**From:** Flanagan, Allyson  
**Sent:** Monday, March 15, 2021 11:10 AM  
**To:** 'Meg Joseph ([Meg\\_joseph@sinema.senate.gov](mailto:Meg_joseph@sinema.senate.gov))'  
**Subject:** Letter in Opposition to H.R. 1, "For the People Act of 2021"

Good morning Ms. Joseph,

On behalf of General Brnovich and Chief Deputy Joseph Kanefield, please find attached letter regarding H.R. 1, "For the People Act of 2021".

Thank you,

**Allyson Flanagan**  
Executive Assistant to Chief Deputy & Chief of Staff Joe Kanefield  
Office of the Attorney General, State of Arizona



Attorney General Mark Brnovich  
2005 N. Central Avenue, Phoenix, AZ 85004  
☎ 602-542-8017  
[Allyson.Flanagan@azag.gov](mailto:Allyson.Flanagan@azag.gov)  
<http://www.azag.gov>

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MARK BRNOVICH  
ATTORNEY GENERAL

OFFICE OF THE ATTORNEY GENERAL  
STATE OF ARIZONA

March 15, 2021

The Honorable Kyrsten Sinema  
United States Senate  
317 Hart Senate Office Building  
Washington, D.C. 20510

The Honorable Mark Kelly  
United States Senate  
Dirksen Senate Office Suite B40B  
Washington, D.C. 20510

**Letter in Opposition to H.R. 1, "For the People Act of 2021"**

Dear Senators Sinema and Kelly:

Public servants have no duty more sacred than protecting the peoples' right to vote while maintaining the integrity of elections. As the chief legal officer for Arizona, I respectfully urge you to vote "No" on the companion Senate bill to H.R. 1, the *For the People Act of 2021* (the "Act") because it would not expand Arizonans' right to vote, but only eviscerate the integrity of Arizona elections and undermine voter confidence.

For decades, Arizona has enacted commonsense and commonplace laws to not only expand opportunities for people to vote, but also maintain the integrity of our elections. Arizona legislators have struck a careful balance in our election laws, and the Act would undermine those efforts. The Act would subvert Arizona's ability to continue to do so and impede traditional notions of federalism by eradicating virtually all state control of the time, place, and manner of federal elections.

States are considered the "laboratories of democracy," with each state instituting its own unique election systems through their democratic processes. Over the course of the past century, Arizona has carefully crafted and culled election procedures and laws to maximize voter turnout while not only securing the integrity of our elections, but also instilling confidence in our election systems.<sup>1</sup> The Act threatens to bring chaos to Arizona's well-established election procedures without improving access for Arizona voters. And while Arizona has successfully implemented an expansive early voting program, Arizona has invested incredible time and resources over the past three decades to make it work. Forcing nationwide changes to state voting systems at a time

<sup>1</sup> The November 2020 General Election elicited Arizona's largest voter turnout since 1980, with 79.9% registered voters casting a ballot. 2020 Arizona Official General Election Canvass, available at [https://azsos.gov/sites/default/files/2020\\_General\\_State\\_Canvass.pdf](https://azsos.gov/sites/default/files/2020_General_State_Canvass.pdf); 1980 Arizona Official General Election Canvass, available at <https://azsos.gov/sites/default/files/canvass1980gc.pdf>.

when voter confidence is at an all-time low is likely to further erode trust in America's democratic institutions.<sup>2</sup>

Notably, most of the provisions of the Act seeking to expand voting opportunities are already available in Arizona. While the Act mandates no-excuse absentee balloting<sup>3</sup> and requires in-person early voting opportunities,<sup>4</sup> Arizona has permitted no-excuse early voting for three decades<sup>5</sup> and enabled counties to establish in-person early voting centers for nearly as long.<sup>6</sup> Over the years, early voting has been expanded extensively; and in-person early voting is now offered starting 27 days before every statewide and federal election.<sup>7</sup> In fact, Arizona's expansive early voting laws permit voters to request an early ballot up to ten days before an election,<sup>8</sup> or make a one-time, permanent request to receive early ballots by mail for all elections.<sup>9</sup> Like provisions of the Act,<sup>10</sup> Arizona statutorily requires counties to provide voters with postage-paid early ballot return envelopes.<sup>11</sup>

Arizona also makes sensible use of technology by mandating auditable, durable, and voter verifiable paper ballots to be used in conjunction with electronic voting systems.<sup>12</sup> Further, balancing both accessibility and security, Arizona permits use of early ballot drop boxes, but requires implementation of sound security protocols to preserve ballot secrecy and prevent fraud.<sup>13</sup>

Conversely, provisions of the Act would invalidate several of Arizona's commonsense election integrity safeguards; safeguards that mirror recommendations made by former President Jimmy Carter and former Secretary of State James A. Baker III in their 2005 bipartisan Commission on Federal Election Reform (the "Commission") report.<sup>14</sup> The Commission recognized that "[a]bsentee ballots remain the largest source of potential voter fraud"<sup>15</sup> and recommended states prohibit third-parties from handling absentee ballots (a practice known as "ballot harvesting").<sup>16</sup> In 2016, Arizona enacted a sensible law restricting ballot harvesting, a law that I personally defended on March 2, 2021 before the Supreme Court of the United States. The

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<sup>2</sup> <https://news.gallup.com/poll/321665/confidence-accuracy-election-matches-record-low.aspx>; <https://kateto.net/covid19/COVID19%20CONSORTIUM%20REPORT%202029%20ELECTION%20DEC%202020.pdf>; see also <https://news.gallup.com/poll/285608/faith-elections-relatively-short-supply.aspx>.

<sup>3</sup> H.R. 1, Sec. 1621

<sup>4</sup> H.R. 1, Sec. 1611

<sup>5</sup> Arizona Revised Statutes ("A.R.S.") § 16-541 ("Any election called pursuant to the laws of this state shall provide for early voting. Any qualified elector may vote by early ballot.")

<sup>6</sup> S.B. 1003, 43<sup>rd</sup> Leg., 2<sup>nd</sup> Spec. Sess., 1997 Ariz. Legis. Serv. 2<sup>nd</sup> Sp. Sess. Ch. 5 (West).

<sup>7</sup> See generally A.R.S. § 16-542; see also 2019 Elections Procedures Manual, Ch. 2, § II On-Site Early Voting available at [https://azsos.gov/sites/default/files/2019\\_ELECTIONS\\_PROCEDURES\\_MANUAL\\_APPROVED.pdf](https://azsos.gov/sites/default/files/2019_ELECTIONS_PROCEDURES_MANUAL_APPROVED.pdf) (last accessed 3/3/21).

<sup>8</sup> A.R.S. § 16-542(A).

<sup>9</sup> A.R.S. § 16-544.

<sup>10</sup> H.R. 1, Sec. 1623.

<sup>11</sup> A.R.S. § 16-542(C).

<sup>12</sup> H.R. 1, Sec. 1502; A.R.S. § 16-446(B)(4),(7).

<sup>13</sup> 2019 Elections Procedures Manual, Ch. 2, § I Ballot-By-Mail(H) at 60.

<sup>14</sup> Building Confidence in U.S. Elections; Report of the Commission on Federal Election Reform (Sept. 2005). [https://web.archive.org/web/20050919164225/https://www.american.edu/ia/cfer/report/full\\_report.pdf](https://web.archive.org/web/20050919164225/https://www.american.edu/ia/cfer/report/full_report.pdf)

<sup>15</sup> *Id.* at 46.

<sup>16</sup> *Id.* at 47.

Act dispenses with the Commission's recommendations and would override Arizona law, instead requiring Arizona to permit *anyone* to collect an unlimited number of ballots.<sup>17</sup>

Further, one of the five "sturdy" pillars the Commission identified as necessary to "increase voter participation and to assure the integrity of the electoral system,"<sup>18</sup> included use of photo voter identification. In fact, the Commission noted that an "electoral system cannot inspire confidence if no safeguards exist to deter or detect fraud or to confirm the identity of voters."<sup>19</sup> The Act, in complete disregard of these recommendations, would prevent Arizona from requiring any type of photo or non-photo identification from a voter before issuing a ballot. Instead, the Act would allow a voter to receive a ballot by simply signing an attestation affirming identity.<sup>20</sup> The Act would even criminalize good-faith challenges to a voter's identity.<sup>21</sup>

These provisions of the Act would conflict with Arizona's statutory requirement that voters present identification (either photo or two forms of acceptable non-photo identification) prior to receiving a ballot, which was enacted by Arizona voters in 2004.<sup>22</sup> Given the Act's conflict with Arizona's voter-protected<sup>23</sup> identification law, Arizona will necessarily have to create a bifurcated identification and voting system. Voters who attempt to vote without identification will receive a "federal-only" ballot (containing only federal offices) while voters with proper identification will receive a "full-ballot" (including all candidates/issues). Such a bifurcated system will lead to voter confusion and distrust in election administration. The Act would also create an opportunity for widespread voter disenfranchisement, as all safeguards to prevent voter impersonation will be removed.

The Act would also eliminate many of Arizona's commonsense tools to maintain voter registration records, including preventing election officials from moving voters to an inactive status when mail is returned as undeliverable.<sup>24</sup> And it would reduce Arizona's ability to use the multistate Electronic Registration Information Center ("ERIC") system to move voter registrations to an inactive status when individuals are identified as having moved within 6 months of *any* federal election.<sup>25</sup>

In addition to regulating election administration, the Act would also establish a new and comprehensive set of campaign finance laws. Arizona, however, already has a robust set of campaign finance laws that regulate the source, amount, and use of contributions in elections, as well as required disclosures.<sup>26</sup> These laws balance the need to prevent corruption in elections and

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<sup>17</sup> A.R.S. § 16-1005(H); H.R. 1, Sec. 1621.

<sup>18</sup> *Supra* note 13, at 6.

<sup>19</sup> *Supra* note 13, at 18.

<sup>20</sup> H.R. 1, Sec. 1903.

<sup>21</sup> H.R. 1, Sec. 1201.

<sup>22</sup> A.R.S. 16-579(A).

<sup>23</sup> Arizona's constitution prevents the state legislature from repealing or amending "an initiative measure approved by a majority of the votes cast thereon[.]" Ariz. Const. Art. IV, Pt. 1 § 1(6)(B),(C),

<sup>24</sup> H.R. 1, Sec. 1201.

<sup>25</sup> H.R. 1, Sec. 1041; In practice, within 6 months of any federal election prevents election officials from putting any voter on the inactive list from September of the year before a presidential election through Election Day (March Presidential Preference Election, August Primary, through the November General Election) and from February through Election Day during midcycle elections (August Primary through November General Election).

<sup>26</sup> See A.R.S. §§ 16-901 *et seq.*

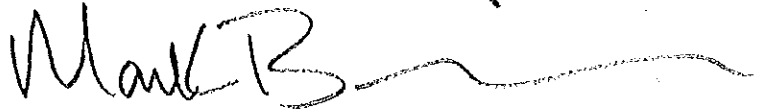


promote transparency with Arizona citizens' constitutional right to freedom of speech and association. The campaign finance provisions in the Act would upset that balance. Notably, while the Act appears aimed at preventing foreign money from influencing federal, state and local elections (including initiatives and referendums), the broad definition of foreign entity combined with the expansive definition of disbursements will prevent many locally controlled entities from so much as tweeting statements that could be construed as promoting, supporting, attacking, or opposing a candidate/issue, "regardless of whether the communication contains express advocacy."<sup>27</sup> Not only would such broad restrictions on political speech be constitutionally suspect, they would do nothing to combat actual corruption or promote transparency.

Finally, since a constitutional amendment adopted by voters in 2000<sup>28</sup>, Arizona has utilized a five-member independent redistricting commission to "foster[] increased competition in individual legislative districts and promot[e] partisan fairness in the state as a whole[.]"<sup>29</sup> The Act would require every state to utilize a fifteen-member commission for drawing congressional boundaries and would impose federal map drawing requirements. Unless Arizona's constitution was amended to reflect a fifteen-member commission for state legislative boundaries, Arizona would be required to create two independent commissions: one with fifteen members for drawing congressional districts<sup>30</sup> and one with five members for drawing state legislative districts.<sup>31</sup> Those two commissions would likely utilize different district drawing standards. With two different commissions and two different map drawing standards, district boundaries for congressional and state legislative districts are likely to have little overlap, burdening election administrators in crafting convenient voting precincts and resulting in unnecessary polling place confusion.

As public officials, there is no higher priority than maintaining the integrity of our elections. The very foundation of our nation and our state rests on the notion that our government is derived from the consent of the governed. Distrust in the elective franchise shakes the core of that foundation and delegitimizes those in power. In Arizona we have laws that allow every voter ample opportunity to vote, free from intimidation, and that prevent disenfranchisement and fraud. Our systems maintain the public's trust and provide for secure elections. Let's keep it that way.

Respectfully,



Mark Brnovich  
Arizona Attorney General

<sup>27</sup> H.R. 1, Sec. 4101-05.

<sup>28</sup> Ariz. Const. Art. IV, Pt. 2 § 1 (14) (requiring Arizona's Independent Redistricting Commission to "establish congressional and legislative districts").

<sup>29</sup> <https://ash.harvard.edu/news/arizona-redistricting-policy-brief>

<sup>30</sup> H.R. 1, Sec. 2400.

<sup>31</sup> Ariz. Const. Art. IV, Pt. 2 § 1.

## Lumpp, Rachelle

---

**From:** Kanefield, Joe  
**Sent:** Monday, March 15, 2021 11:37 AM  
**To:** Anderson, Ryan; Conner, Katie; Medina, Rick; Isaak, Jason; Kredit, Joshua; Paton, Angela  
**Subject:** Fwd: Letter in Opposition to H.R. 1, "For the People Act of 2021"  
**Attachments:** image001.png; 2021-03-15 Letter in Opposition to H.R. 1, For the People Act of 2021.pdf

**Categories:** Green category

FYI

Sent from my iPhone

Begin forwarded message:

**From:** "Flanagan, Allyson" <[Allyson.Flanagan@azag.gov](mailto:Allyson.Flanagan@azag.gov)>  
**Date:** March 15, 2021 at 11:09:58 AM MST  
**To:** [jennifer\\_cox@kelly.senate.gov](mailto:jennifer_cox@kelly.senate.gov)  
**Subject:** Letter in Opposition to H.R. 1, "For the People Act of 2021"

Good morning Ms. Cox,

On behalf of General Brnovich and Chief Deputy Joseph Kanefield, please find attached letter regarding H.R. 1, "For the People Act of 2021".

Thank you,

**Allyson Flanagan**

Executive Assistant to Chief Deputy & Chief of Staff Joe Kanefield  
Office of the Attorney General, State of Arizona

---

Attorney General Mark Brnovich  
2005 N. Central Avenue, Phoenix, AZ 85004  
☎ 602-542-8017  
[Allyson.Flanagan@azag.gov](mailto:Allyson.Flanagan@azag.gov)  
<http://www.azag.gov>

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## Lumpp, Rachelle

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**From:** Attorney General Mark Brnovich <katie.conner@azag.gov>  
**Sent:** Tuesday, March 02, 2021 10:51 AM  
**To:** Lumpp, Rachelle  
**Subject:** AG Brnovich Defends AZ Election Integrity Laws at SCOTUS

**Categories:** Green category

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For Immediate Release: March 2, 2021

Contact: Katie Conner at [Katie.Conner@azag.gov](mailto:Katie.Conner@azag.gov)

### **Attorney General Brnovich Defends Arizona Election Integrity Measures at U.S. Supreme Court**

**WASHINGTON, D.C.** - Attorney General Mark Brnovich argued to protect Arizona's commonsense election integrity laws before the Supreme Court of the United States (SCOTUS) on Tuesday morning. The Attorney General's Office (AGO) is asking the High Court to uphold two Arizona laws that place restrictions on ballot harvesting and prohibit out-of-precinct voting. At the heart of the case is whether states can pass laws to protect the integrity of elections.

"There is no more sacred duty for a public servant than preserving both the people's right to vote and their confidence in the election process," said Attorney General Mark Brnovich. "Arizona's ballot box safeguards are shared by many states, were recommended by a bipartisan commission, and are constitutional because they equally protect us all."

The Democratic National Committee (DNC) has been challenging Arizona's restrictions on out-of-precinct voting and ballot harvesting since 2016.

Since the 1970s, Arizona has required voters who vote in-person to cast ballots at their assigned precinct, where voter rolls can be easily accessed and confirmed. This rational

measure ensures order in our elections, minimizes lines, and prevents anyone from being disenfranchised in local races. Today, the majority of states require people to vote at their assigned precinct.

Arizona also restricts the collection and delivery of ballots by third-parties or political operatives, commonly known as ballot harvesting. The Arizona Legislature passed the law in 2016, with exceptions for family, caregivers, mail carriers, and election officials. In 2015, the City of Phoenix warned of reports of unauthorized individuals claiming to be city officials going door-to-door to collect early ballots. Civil Rights leaders had also raised concerns about elderly and vulnerable communities being targeted by ballot harvesting activists. In December 2020, the AGO indicted two individuals from Yuma County for allegedly engaging in ballot harvesting.

And in 2005, the bipartisan Commission on Federal Election Reform, chaired by former President Jimmy Carter and former Secretary of State James Baker (Carter-Baker Commission), recognized that “absentee ballots remain the largest source of potential voter fraud.” The Carter-Baker Commission recommended that states prohibit third-parties from handling absentee ballots, except for family members, the post office, or election officials (the same exceptions included in the Arizona law).

The DNC claims Arizona's restrictions on ballot harvesting and out-of-precinct voting violate Section 2 of the Voting Rights Act and the ballot harvesting restriction was also enacted with discriminatory intent. Attorney General Brnovich argued Tuesday morning that Arizona's laws were proper under the Voting Rights Act and U.S. Constitution, something even the Biden Justice Department acknowledged in a recent SCOTUS filing.

SCOTUS is expected to make a decision by this Summer.

A transcript of Attorney General Brnovich's opening and closing statements can be viewed here.

#### **BACKGROUND:**

In 2016, the DNC challenged Arizona's laws restricting ballot harvesting and out-of-precinct voting. A federal district court judge ruled in Arizona's favor and upheld the laws. The case was then appealed to a 3-judge panel of the Ninth Circuit Court of Appeals, where the laws were again upheld. The DNC then appealed to a larger group of Ninth

Circuit Court judges, who struck down the laws, a mere four days before the 2016 General Election. AG Brnovich immediately appealed to the U.S. Supreme Court, and the very next day the High Court overruled the Ninth Circuit, reinstating Arizona's ballot harvesting and out-of-precinct laws, pending a full hearing of the merits in the lower court.

In late 2018, a federal district court judge once again upheld Arizona's laws after a 10-day trial. DNC attorneys appealed the case to a 3-judge panel of the Ninth Circuit, who again upheld Arizona's election integrity laws. Once again, the DNC appealed the case to a larger group of Ninth Circuit judges, and in early 2020 the court reversed itself and struck down the laws just as ballots for the Democratic Presidential Preference Election were beginning to be mailed out. AG Brnovich immediately filed for a stay of the decision, and the Ninth Circuit granted the request, leaving Arizona's laws on ballot harvesting and out-of-precinct voting intact.

In April 2020, General Brnovich asked SCOTUS to rule on Arizona's laws being challenged.

In October 2020, SCOTUS agreed to hear Arizona's case, which has garnered an outpouring of support from local and national leaders seeking to maintain the integrity of elections in Arizona and across the country.

###

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## Lumpp, Rachelle

---

**From:** Lumpp, Rachelle  
**Sent:** Tuesday, March 02, 2021 8:46 AM  
**To:** Stoner, Nadine  
**Subject:** RE: AGO newsletter?  
**Attachments:** Winter 2020.pdf  
  
**Categories:** Green category

Here you go! ☺

---

**From:** Stoner, Nadine  
**Sent:** Tuesday, March 02, 2021 8:40 AM  
**To:** Lumpp, Rachelle  
**Subject:** AGO newsletter?

Hi Rachelle,

Do you have the last AGO employee newsletter that you can forward me?

Thank you,

Nadine Stoner  
Law Enforcement Administrator, CRM/SIS



---

Office of the Attorney General  
Special Investigations Section  
2005 N. Central Ave. Phoenix, AZ 85004  
602-542-7903  
[Nadine.Stoner@azag.gov](mailto:Nadine.Stoner@azag.gov)  
<http://www.azag.gov>

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## Lumpp, Rachelle

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**From:** Attorney General Mark Brnovich <katie.conner@azag.gov>  
**Sent:** Monday, March 01, 2021 4:29 PM  
**To:** Lumpp, Rachelle  
**Subject:** Media Advisory: AG Brnovich SCOTUS Election Integrity Oral Argument

**Categories:** Green category

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For Immediate Release: March 1, 2021

Contact: Katie Conner at [Katie.Conner@azag.gov](mailto:Katie.Conner@azag.gov)

### Media Advisory:

## Attorney General Brnovich to Argue before U.S. Supreme Court in Defense of Arizona Election Integrity Laws

**Who:** Attorney General Mark Brnovich will argue before the Supreme Court of the United States (SCOTUS) tomorrow representing the State of Arizona on behalf of two of Arizona's commonsense election integrity laws.

**What:** General Brnovich is asking the High Court to uphold Arizona's laws on ballot harvesting and out-of-precinct voting. At the heart of the case is whether states like Arizona have the authority to enact commonsense election integrity laws such as the two being challenged.

**Where:** Due to the COVID-19 pandemic, oral arguments will be conducted telephonically. The public can monitor on [C-SPAN live here](#).

**When:** Tuesday, March 2, 20201, at 8 AM (MST) / 10 AM (EST).

Press availability tomorrow after arguments conclude and interview requests can be directed to Katie Conner, Director of Media Relations at [Katie.Conner@azag.gov](mailto:Katie.Conner@azag.gov) or by calling (602) 339-5895.

## CASE BACKGROUND:

In 2016, the Democratic National Committee (DNC) challenged Arizona's laws restricting ballot harvesting and out-of-precinct voting. A federal district court judge ruled in Arizona's favor and upheld the laws. The case was then appealed to a 3-judge panel of the Ninth Circuit Court of Appeals, where the laws were again upheld. The DNC then appealed to a larger group of Ninth Circuit Court judges, who struck down the laws, a mere four days before the 2016 General Election. AG Brnovich immediately appealed to the U.S. Supreme Court, and the very next day the High Court overruled the Ninth Circuit, reinstating Arizona's ballot harvesting and out-of-precinct laws, pending a full hearing of the merits in the lower court.

In late 2018, a federal district court judge once again upheld Arizona's laws after a 10-day trial. DNC attorneys appealed the case to a 3-judge panel of the Ninth Circuit, who again upheld Arizona's laws. The DNC again appealed the case to a larger group of Ninth Circuit judges, and in early 2020 the court reversed itself and struck down the laws just as ballots for the Democratic Presidential Preference Election were beginning to be mailed out. AG Brnovich immediately filed for a stay of the decision, and the Ninth Circuit granted the request, leaving Arizona's restrictions on ballot harvesting and out-of-precinct voting intact for the 2020 election cycle.

In April 2020, General Brnovich asked SCOTUS to rule on Arizona's laws being challenged.

In October 2020, SCOTUS agreed to hear Arizona's case.

SCOTUS is expected to make a decision by this Summer.

## ADDITIONAL BACKGROUND:

Since the 1970s, Arizona has required people to cast ballots at their assigned precinct, where voter rolls can be easily accessed and confirmed. Arizona also restricts the collection and delivery of ballots by third-parties or political operatives, commonly known as ballot harvesting. The Arizona Legislature passed the law in 2016, with exceptions for family, caregivers, mail carriers, and election officials.



In 2015, the City of Phoenix warned of reports of unauthorized individuals claiming to be City officials going door-to-door to collect early ballots.

In 2005, the bipartisan Commission on Federal Election Reform, chaired by former President Jimmy Carter and former Secretary of State James Baker, recognized that "absentee ballots remain the largest source of potential voter fraud." The Carter-Baker Commission recommended that states prohibit third-parties from handling absentee ballots, except for family members, the post office, or election officials.

The DNC claims Arizona's restrictions on ballot harvesting and out-of-precinct voting violate Section 2 of the Voting Rights Act and the ballot harvesting restriction was also enacted with discriminatory intent; however, even the Biden Justice Department disputed that claim in a recent SCOTUS filing.

###

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## Lumpp, Rachelle

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**From:** Lumpp, Rachelle  
**Sent:** Monday, March 01, 2021 10:15 AM  
**To:** Isaak, Jason; Diaz, Bethany  
**Cc:** Anderson, Ryan  
**Subject:** RE: Constituent EIU Response FINAL - JK approved

**Categories:** Green category

I talked to Jen, she is going to send us the emails she received and we can send the letter from Jen to the constituents. Bethany, if you want to send the emails you have to me, I don't mind sending the response – or I can share the ones I have w/you if you prefer to send them.

Thanks!

---

**From:** Isaak, Jason  
**Sent:** Monday, March 01, 2021 9:34 AM  
**To:** Diaz, Bethany; Lumpp, Rachelle  
**Cc:** Anderson, Ryan  
**Subject:** Constituent EIU Response FINAL - JK approved

Bethany and Rachelle -

This is the final response letter edited by the team and approved by Joe K. I know Rachelle has some of these that came directly to Mark's email. Not sure if we have others, but I'm not sure how to coordinate this with Jennifer since it will be coming from her.

Let me know if I need or can do anything.

Thanks,  
Jason

PS – here's the sample email this responds to:

Attorney General Mark Brnovich,

I voted for you, and I expect you to DO SOMETHING FOR the PEOPLE! We know the AG Elections Integrity Unit received over 2,000 complaints early in Nov., right after the election, and a report was filed on fraudulent ballots flown into Phoenix Sky Harbor Airport and taken to Maricopa County Tabulation Center which was corroborated with affidavits, and video and audio evidence. Considering this, the thousands of complaints and affidavits, and the statistical data, what have you done about it, Mr. Brnovich? Have you even looked at the wild statistical data, sir? How do you explain it? We are ASKING YOU NICELY.

It's my understanding Jennifer Wright wanted to pursue an investigation and you shut it down. You've led the Legislature on a wild goose chase, bouncing them back and forth with the courts, debating on authority and enforcement of subpoenas JUST WASTING OUR PRECIOUS TIME. How convenient that we weren't able to get an audit before the safe harbor rule, and now the machines have been tampered with. WE ARE LIVID!

Not a phony audit like the last few, a forensic audit of the ballots using kinematic artifact technology, which can verify a minimum of 20 validation points on every ballot. This technology is presently utilized to identify counterfeit currency, bank notes, bonds, stocks, passports, etc. AUDITING VALUABLE THINGS, LIKE OUR VOTE! This is the real audit the Senate would ensure, BECAUSE TGE PEOPLE HAVE DEMANDED IT.

We left you alone mostly, but will not REST until our VOTES and ELECETIONS completely and competently handled! We're not good with a baloney audit like currently underway by the Board of Supervisors. WHY ARE THEY TOUCHING OUR VOTING MATERIAL!?

Please wake up. People understand what is going on. We know about the differences in audits, we know about HL8230 plane and Scott Koch, we know about the tampering with the machines, we know about the Board wasting our time and we know how to get your ass out of office! I am a friend of a Governor Jan Brewer and her son who worked as an atty in YOUR OFFICE so I take this personally.

Until we know our votes count, we are all just kind of willy nilly with no LAW & ORDER. That whole board should be DOING TIME. You are not to be trusted, Mr.AG. Your "Elections Integrity Unit" received \$500K AND WE WANT OUR —ING MONEY BACK.

Not just "TAKING IT" anymore. This is our new job... BABYSITTING OUR ELECTED OFFICIALS.

## Lumpp, Rachelle

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**From:** Conner, Katie  
**Sent:** Wednesday, February 24, 2021 10:24 AM  
**To:** Brnovich, Mark  
**Subject:** Final Oped  
**Attachments:** Ballot Oped Wednesday Latest.docx

**Categories:** Green category

I have a few hesitations on the second to last paragraph of confirmed cases. I am triple checking we have confirmed cases. Let me know if you have any edits. We have a hard copied printed as well.

### Katie Conner

Spokesperson/ Director of Media Relations

---



Office of Attorney General Mark Brnovich  
2005 N. Central Ave., Phoenix, AZ 85004  
Cell: 602-339-5895  
Katie.Conner@azag.gov  
<http://www.azag.gov>

# We Must All Work to Ensure the Integrity of Elections

By Mark Brnovich

There is no more sacred duty for public servants than protecting the peoples' right to vote while maintaining public confidence in the integrity of the results. It's a responsibility that I take very seriously, and I will not waiver as I speak for Arizona at the U.S. Supreme Court. The justices will hear arguments in *Brnovich v. DNC* – a case about preserving two of Arizona's most important election safeguards: restrictions on out-of-precinct voting and ballot harvesting. The decision will impact every election across the country.

All states must adopt rules to ensure the integrity of elections. Since the 1970s, Arizona has required people who choose to cast their ballots in person to vote at their locally assigned precinct, where voter rolls can be easily accessed and confirmed. This ensures order in our elections, minimizes lines, and prevents anyone from being disenfranchised in local races. Today, the majority of states require people to vote at their specific precinct.

Arizona also restricts the collection and delivery of ballots by third-parties or political operatives, commonly known as ballot harvesting. The Arizona Legislature passed the law in 2016 -- which includes exceptions for family, caregivers, mail carriers, and election officials -- after the City of Phoenix warned of reports of unauthorized individuals claiming to be City officials going door-to-door to collect early ballots. Civil Rights leaders had also raised concerns about elderly and vulnerable communities being targeted by ballot harvesting activists. And, just this past December, the Arizona Attorney General's Office, indicted two individuals from Yuma County for allegedly engaging in ballot harvesting.

Of course, everything has to be political so the Democratic National Committee (DNC) filed lawsuits in federal court claiming the laws were a product of intentional discrimination and violated Section 2 of the Voting Rights Act.

After a ten-day trial at the U.S. District Court for Arizona, the restrictions were upheld. That ruling was appealed to the Ninth Circuit Court of Appeals where we won again, until the Court inexplicably reversed itself and now claims the restrictions violate Section 2 of the Voting Rights Act and the Fifteenth Amendment. By that twisted logic, every common sense election-integrity law across the country would be in jeopardy.

What Section 2 of the Voting Rights Act requires is an "equal opportunity for all voters to participate in a State's political processes" and what it bans are "laws that cause substantial disparities in minority voters' opportunities to participate in those processes" and "to elect representatives of one's choice." Upon careful consideration, it becomes clear that the Ninth Circuit erred.

Arizona's election-integrity safeguards do not have a substantial impact on voters simply based on their race. The out-of-precinct policy is lawful because it applies to all voters, equally and it did not cause people of any race to vote in the wrong precinct.

As for Arizona's restrictions on ballot harvesting, it is a practical means of protecting the secrecy of the ballot, and was a key recommendation by a bipartisan commission on federal election reform, co-chaired by former President Jimmy Carter and former Secretary of State James Baker. Just look at who else supports these types of measures. In 2016, the Arizona Latino Republican Association for the Tucson Chapter expressed concerns that elderly people in the Latino community were being taken advantage of by ballot collectors. Likewise, Michael Johnson, an African American who had served on the Phoenix City Council, also expressed concern about ballot collectors misrepresenting themselves as election workers. And during the ten-day trial, Representative Charlene Fernandez, a Democrat representing Yuma, testified that she didn't believe the bill was enacted with the intent to suppress Hispanic voting.

While proponents of ballot harvesting insist it enhances voter participation by assisting those who cannot get to the polls, there are other more secure options readily available in Arizona, including vote-by-mail, vote centers, and secure ballot drop-off locations. In reality, ballot harvesting often exploits vulnerable communities when third-parties not only gather and claim to deliver all ballots, but also "assist" people in filling them out! This opens the door and rolls out the carpet for anyone who may be attempting to commit voter fraud, suppression, or intimidation.

It's also true that some of our country's most high-profile instances of suspected ballot tampering occurred through ballot harvesting in North Carolina, Florida, Missouri, and California (where ballot harvesting is legal). These cases, it is important to note, were not confined to one political party, but instead reflected problems with voting processes that do not respect the proper custody of ballots. There are other states with less publicized, but no less salient concerns.

The High Court is now stepping in to review Arizona's election safeguards, and it will hopefully provide guidance and eliminate future challenges to basic voting laws that make baseless allegations of racial discrimination. One thing that should be clear to everyone is we must avoid even the appearance of impropriety at the polls. All efforts to enhance voting convenience must respect the imperatives of accuracy and confidence in the results. Arizona's common sense precinct based voting system and restrictions on ballot harvesting do both and should be upheld by the U.S. Supreme Court.

## Lumpp, Rachelle

---

**From:** Isaak, Jason  
**Sent:** Monday, February 22, 2021 5:16 PM  
**To:** Kanefield, Joe  
**Subject:** EIU letter

**Categories:** Green category

Joe –

I'll round up with everyone in the AM to get final edits – Angie is already gone...Rick is relooking at it.

We should have both letters ready to get final approval tomorrow AM .

Jason

## Lumpp, Rachelle

---

**From:** Flanagan, Allyson  
**Sent:** Friday, February 19, 2021 4:35 PM  
**To:** Ahler, Paul; Anderson, Kim; Anderson, Ryan; Baskin, Mona; Benjamin, Dena; Bennett, Courtney; Bergin, Daniel; Brnovich, Mark; Browder, Rebekah; Catlett, Michael; Cole, Dave; Conner, Katie; Cooper, Leslie; Daniels, Paula; Diaz, Bethany; du Mee, Matthew; Ensign, Drew; Flanagan, Allyson; Fries, Jerry; Fry, John; Hartwick, Carolyn; Hatcher, TammieJo; Heathcotte, Leslie; Isaak, Jason; Jacobs, David; Johnson, John; Kanefield, Joe; Karlson, Kara; Kredit, Beth; Kredit, Joshua; Lau, Douglas; Lefevre, Edith; LibraryHelpdesk; Lumpp, Rachelle; McCarthy, Eryn; Medina, Rick; Mejia, Catherine; Momich, Jelena; Morgan, Lizette; Northup, Dawn; Paton, Angela; Pineiro, Michael; Ray, Kevin; Roysden, Beau; Sawyer, Kate; Sciarrotta, Joseph; Stevens, John; Wilson, Linley; Wright, Jennifer  
**Subject:** Yellow Sheet 2/19/2021  
**Attachments:** 2-19-21-1.pdf  
**Categories:** Green category

Good afternoon,

Attached you will find today's Yellow Sheet.

-Allyson



# YELLOW SHEET REPORT

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Friday, February 19, 2021

## NEWS NOTES AND GOSSIP

### YOU GET 16 GUESSES WHO IT IS

A Republican lawmaker who was exposed to Covid Thursday and received an initial negative rapid test result today plans to be present in the Senate Monday for crossover week voting, highlighting what many consider to be a major flaw with Fann's rules that senators must be present in the Senate to vote. The problem is magnified particularly when every Republican is necessary to pass a Republican agenda. The Senate's Covid emergency rules allow lawmakers in quarantine to attend committee hearings from home, but they must be physically on the floor or in their offices to cast their floor votes. Fann confirmed to our reporter today that senators cannot cast floor votes from home (representatives can), and initially said she hadn't heard of anybody being exposed at the Senate.



Bills don't automatically die if they don't pass the Senate next week, but delaying votes and sending them to the House after crossover week gives less time for House committees to hear the bills and takes time away from Senate committees hearing House bills in the following weeks, throwing a major wrench in legislative business. The lawmaker in question described having only passing interactions with an employee who works in very close proximity to the senator's office – including occasional masked and distanced meetings – but not enough to meet either the Centers for Disease Control or the Senate's guidelines that define exposure as being within 6 feet of a confirmed or presumed infected person for at least 15 minutes in a single day. Corporate offices, including ours, tend to adopt a more cautious approach, asking people to get tested and quarantine for at least several days before returning to work in person after any confirmed exposure. But that kind of approach could prevent the Senate from functioning because it doesn't allow members to vote from home, as the House does, with permission from the speaker. The Senate told the lawmaker there is no need to even get tested since that lawmaker didn't meet that CDC definition of "exposed," but the lawmaker felt an obligation to get tested nonetheless. The senator would prefer to vote from home if the rules allowed, but said the Senate's rules are reportedly based on constitutional concerns that the House does not share. The Senate's general counsel pointed our reporter to Article IV, Part 2, Sections 8 and 9, that indicate that lawmakers must be present on the floor to vote. However, the constitution also gives the House and Senate the authority to determine their own rules of procedure, and a Senate GOP spokesman said theoretically the Senate could make a rule that someone quarantined with Covid could vote remotely. (The House does not require an active quarantine to allow lawmakers to vote from home.) The Senate allowed its members to vote from home last year near the start of the Covid pandemic. Senate rules this year are written to consider senators' offices as an extension of the floor for the purposes of compelling a quorum. The lawmaker plans to get a second test before Monday and follow safety guidelines, though even a Monday test would only be four days since the senator's last exposure, leaving open the possibility that the person is infected but not still showing it in a test. We debated whether to allow anonymity for the lawmaker, and settled on publishing in the interest of public safety while protecting the senator and staffer's privacy. However, if the lawmaker is spotted on the floor Monday, rather than voting from the office, we may revisit that decision out of an obligation to err on the side of transparency in the middle of a deadly global pandemic.

## DIDN'T YOU HEAR HER THE FIRST 83 TIMES?

Nutt today announced that the House Ethics Committee wouldn't take up Finchem's request to investigate all House Democrats for asking the FBI to investigate him. "Let me reiterate what I wrote on February 12... and again on February 15," she wrote, referencing the 82 complaints against Finchem that she dismissed and the other complaint on Payne and Fillmore. "The ethics committee is not an arena for waging political contests." Finchem filed his complaint against all Democratic members of the House (except Blackwater-Nygren, who wasn't a lawmaker at the time) as well as all of the Senate Democrats, and it's still unclear if Kerr plans to take up his complaints. Nutt also gave a nod to Finchem's claim that Democrats broke federal law by asking the FBI to investigate him. "The ethics committee is not a court of law. So while I express no view on the legal merits of Representative Finchem's claim, I also conclude that the ethics committee should take no action on his complaint at this time."



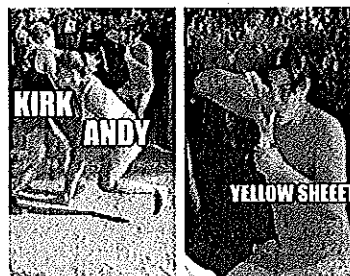
## SUDDENLY, WE HAVE 1,000 FEWER THINGS TO WORRY ABOUT



After yesterday's deadline for bills to be heard in their chamber of origin, more than 1,000 of the 1,822 pieces of legislation introduced this year are dead — at least until they can be resurrected as strikers. Ducey has signed 31 bills thus far, and another five are ready for his signature. Among the many high-profile bills that died of neglect this year is Bolick's H2720 (ballots; election contests; certificates), which gained national attention for the novelty of a lawmaker proposing that the Legislature should get to overturn election results at any point before the inauguration. Fann avoided another fight over women's rights by refusing to assign either Steele's SCR1012 (ratification; equal rights amendment) or Engel's SCR1013 (equal rights; equal protection) to a committee, and she prevented a rerun of last year's bitter House fight over transgender athletes in women's sports by holding on to Rogers' S1637 (biological sex; interscholastic athletics).

## WE'RE TELLING YOU, IT'S GONNA BE A GREAT PRIMARY

Kirk Adams, who still has not confirmed or denied if he's going to run for the US Senate in 2022, took a jab at Biggs in what seems like the opening salvo in the race to take on Kelly. He told our reporter that Kelly is a "formidable statewide candidate" in response to a recent poll (YS, 2/18) and added that he would "encourage Andy to take his new brand of factional populism outside the friendly confines of his 20+ Republican district," referring to CD5, one of the strongest Republican districts in Arizona. Adams ran in that district in 2012, and lost to Matt Salmon in the primary, and was rumored to be eyeing another run in 2016, when Salmon resigned, but that effort never came to fruition after Salmon backed Biggs as his replacement.



## IF RUMORS WERE A TORNADO, WE'D BE IN THE EYE OF IT

Rumors continue to swirl over what the Dem field of candidates will look like for governor in 2022, and Arizona's last Democratic governor might have found her candidate. According to one source, former Gov Janet Napolitano might be trying to draft Phoenix Mayor Kate Gallego to run, viewing her as the Democrats' only hope of winning. Napolitano supporting Gallego may not be surprising to those who know

the two's history. Gallego served under Napolitano while she was governor as her economic development policy advisor – giving Gallego her first big job in politics. Napolitano then stumped for Gallego's consecutive bids for Phoenix Mayor after Stanton resigned ([LINK](#)) ([LINK](#)). The two also share a communications director in Jeanine L'Ecuyer, who joined Gallego's team in August. While most eyes are still on Hobbs, Arizona's top elected Democrat and second highest office holder, some progressive groups are concerned over Hobbs' fundraising ability, said one Dem consultant. "National women's groups like Emily's List are concerned with Hobbs' fundraising history," the source told our reporter. "Especially after [David] Garcia couldn't raise in '18, but Hobbs' profile is way higher now than it was then." The consultant said Hobbs' fundraising will likely pick up and noted that fundraising in '22 will be very different from in 2018. Another Dem railbird told our reporter the rumors about Gallego seeking a bid for governor has had its peaks and valleys on whether she's even interested, but said a lot of her interest could surround what happens in next month's city council run-off elections. If Yassamin Ansari, the progressive candidate, loses to Cinthia Estela ([LINK](#)), Gallego might be more inclined to jump ship from the Mayor's Office, the source told our reporter. That's because Gallego has had shaky relationships with other members of the City Council and desperately needs an ally. Stanton and former Nogales Mayor Marco Lopez are the other major names rumored to run for governor, too. Lopez also notably worked for Napolitano as a policy advisor. A third Dem source said that it wasn't a coincidence that this rumor about Gallego came days after John Oliver made fun of Hobbs ([YS, 2/15](#)). People in DC must already be concerned about Hobbs' national spotlight, the source speculated.

### **FROM THE DESERT TO THE SWAMP?**

One Democratic railbird told our reporter there is increasing chatter in Southern Arizona about Tucson Mayor Regina Romero possibly departing to join the Biden administration as deputy HUD secretary. Romero's name has consistently been floated for a possible appointment, though this is the first time our reporter has heard about the actual position. The source said while Romero hasn't been offered the job, there's increasing chatter about her being on the short list. The Dem Railbird said who will take over the mayoral post, which Romero has only held since 2019, is the \$64,000 question. "I can think of six candidates right off the bat, each of the council members," the source said, adding that former city council member (and possible future city council appointee Karen Uhlich would be a formidable candidate if she ran. Another source pointed to Councilman Richard Fimbres as "the most qualified" noting he served on the state transportation board under Gov Janet Napolitano. "Maybe Steve Farley wants to get back in. He didn't do too well the first time but stranger things can happen," the first source said of the former lawmaker who Romero defeated in the 2019 primary. Romero's office wouldn't confirm nor deny the rumor, saying that it would "obviously be an honor" to be considered, but that she's focused on being mayor.



### **I'LL TAKE ARIZONA POLITICAL HISTORY FOR 500, ALEX**

Romero joining the Biden administration would be a boon to Southern Arizona, another source said, noting that the last Tucsonan to join a presidential administration in a high level post was when George W. Bush appointed Richard Carmona as surgeon general in 2002 (though Grijalva has several times been floated as a possible Secretary of Interior). The railbird noted that the next previous Tucsonan to earn a high-level presidential appointment was Stewart Udall. He was a member of Congress who later became secretary of Interior under presidents Kennedy and Johnson (Moe, his younger brother, took over his congressional

seat.) If Romero does get the gig, she would be following, somewhat, in the footsteps of Terry Goddard, who served as Arizona director for HUD in 1995 until he was elected as AG in 2002.

## **MOVING UP**

Longtime court employee Amy Love left the judiciary to join the Kelly administration. She will serve as Kelly's outreach director, based in Phoenix. Love was the longtime lobbyist with the Arizona Supreme Court until 2019, when she joined the Maricopa County Superior Court as deputy communications director. "My career began 15 years ago at the Arizona Supreme Court and I have spent almost a decade and a half proudly representing the third branch of government," she wrote in an email announcing her departure. "It is hard to imagine doing anything else."

## **·WAKE UP CALL·**

### **Court task force refocuses on disinformation**

*Arizona Capitol Times*

Shortly after the Arizona Supreme Court created a task force on countering disinformation in 2019, its members realized their approach was a losing battle.

### **AG weighs in on governor's emergency powers**

*Arizona Capitol Times*

Arizona lawmakers could take it upon themselves to end a governor's emergency declaration with a concurrent resolution, which doesn't require the governor's signature, but the governor could issue another emergency declaration immediately after termination, says Attorney General Mark Brnovich.

### **Push to change election laws triggers GOP infighting**

*Arizona Capitol Times*

The showdown illustrated a point of contention among Republicans this year.

### **Finchem retaliates, files ethic complaints against Democrats**

*Capitol Media Services*

Freshly cleared of violations by the chair of the House Ethics Committee, Rep. Mark Finchem is now turning the tables on some of his accusers and political foes.

### **Southern AZ officials ask for federal help for asylum seekers released at border**

*Arizona Daily Star*

"We can manage this, but we can't fund it," Tucson councilman says of potential influx of asylum seekers.

### **Report: Arizona continues to trail other states in higher-ed support**

*Cronkite News*

Arizona continues to be one of the worst states in the nation when it comes to funding higher education, still reeling from deep budget cuts that were made during the recession, according to a new national report.

### **Finchem asks for donations to pay off \$15K he owes for 'election integrity hearing'**

*Maricopa Monitor*

Republican Rep. Mark Finchem is asking his followers to give him money so he can pay off the \$15,500 he spent to host an unofficial election integrity hearing in November.

### **Ducey, local governments can enact new emergency orders if legislature repeals old one**

*Arizona Mirror*

Repealing Gov. Doug Ducey's emergency declaration may not go nearly as far as some GOP lawmakers want toward reopening the state and ending the restrictions imposed to combat the COVID-19 outbreak, according to a new opinion issued by Attorney General Mark Brnovich.

**Senate passes subpoena bill as litigation continues in election audit dispute**

*Arizona Mirror*

If a judge rules that the law doesn't give the legislature the authority to subpoena ballots and tabulation machines from Maricopa County so it can conduct an audit into debunked conspiracy theories that the 2020 election was rigged, the Senate took a big step Thursday to grant that power to itself.

**Native Americans 'Left Out in the Cold' Under Trump Press Biden for Action**

*New York Times*

After showing political clout in the 2020 election, tribal communities are hoping for more attention and money to address their long-running problems with poverty, health care and other issues.

**CDC offered helpful guidance to reopen schools. Yet the reaction is mostly crickets**

*Arizona Republic (Opinion, Joanna Allhands)*

There is almost no discussion of implementing the CDC's school reopening recommendations within Arizona, and that's a shame.

**Gov. Ducey should look in the mirror before complaining that Biden didn't consult him**

*Arizona Republic (Opinion, Elvia Diaz)*

Gov. Ducey has no right to criticize Biden on immigration, considering that Ducey did the exact same thing to mayors on COVID-19.

**Cities have used COVID-19 relief money responsibly, but our work isn't done**

*Arizona Republic (Op-ed, Kate Gallego and John Giles)*

An anemic federal relief bill could prolong physical and economic suffering in our communities. That's why we need the American Rescue Plan.

**Don't wait for the underserved to sign up for a COVID-19 vaccine. Go to them**

*Arizona Republic (Op-ed, Ricardo Correa and Dionne Mills)*

Start by going door to door, block by block, to register people. Set up vaccine clinics in locations and during times that work for the communities.

·PRESS RELEASES·

**Media Advisory: View Logic and Accuracy Tests Online on February 22**

**February 19, 2021 (Phoenix)** – The public is invited to view the logic and accuracy tests online for the March 9 City of Goodyear election. The Maricopa County Elections Department is extending this option to the public in light of COVID-19.

Logic and accuracy tests are open to the public and performed before and after every election to certify the accuracy of the county's tabulation equipment and accessible voting devices.

**When:** Monday, February 22 at 1 p.m.

**Where:** The public is welcome to attend. Email [electioninfo@risc.maricopa.gov](mailto:electioninfo@risc.maricopa.gov) for audio and visual access to the online test, or visit our website to view it live [here](#).

**About the Election:** The City of Goodyear is holding an all-mail special election with 10 propositions on the ballot. State law allows jurisdictions to hold all-mail elections. All eligible voters in the city will receive a ballot in the mail even if they are not on the Permanent Early Voter List. Learn more at [Calendar.Maricopa.Vote](#). Find drop box and voting location information at [Locations.Maricopa.Vote](#).

Election Day is Tuesday, March 9.

**Congressman Biggs Sends Letter to Biden Administration about School Reopenings**

**GILBERT, ARIZONA** – Yesterday, Congressman Andy Biggs sent a letter to President Joe Biden, urging him and his administration to follow the science and encourage the CDC to re-evaluate their guidance and work with states to ensure in-person attendance resumes immediately.

[Read the text of the letter](#)

### **Kelly, Sinema: Funding Opportunity Available for Arizona Fire Departments**

*The SAFER Grant Program assists fire departments with staffing and deployment capabilities for emergency responses; application window is open until March 12, 2021*

Arizona Senators Mark Kelly and Kyrsten Sinema announced that the Staffing for Adequate Fire and Emergency Response (SAFER) Program opened for Arizona fire departments to increase the number of trained firefighters in Arizona communities. Kelly and Sinema encourage fire departments and volunteer organizations across the state to apply.

“Our first responders are critical to our state, especially during this pandemic. The SAFER grant program provides Arizona fire departments with funding that will help them continue to keep Arizona families and communities safe,” said Kelly.

“Arizona firefighters risk their lives to keep our communities safe and secure. SAFER grants help our fire departments recruit, hire, and retain firefighters to protect Arizonans. We encourage all eligible Arizona fire departments to apply,” said Sinema.

The SAFER Grant is open to Career and Combination Fire Departments, federally recognized Indian tribe or tribal organizations, and Statewide, local, or nonprofit interest organizations representing the interests of volunteer fighters. The grant enables fire departments to recruit and retain volunteer and career firefighters so fire departments can attain and maintain 24-hour fire department staffing.

Eligible fire departments and volunteer firefighter organizations are encouraged to apply for these funds by March 12, 2021 by 3:00 p.m. Arizona time. Information on the SAFER Grant can be found by going to [Grants.gov](https://www.grants.gov) and [FEMA's website](https://www.fema.gov).

### **ADHS making \$100 million immediately available to counties to support COVID-19 testing CDC funding also can be used for disease surveillance, public health staffing, and more**

**PHOENIX** — The Arizona Department of Health Services (ADHS) is coordinating with local health departments to immediately allocate an initial \$100 million in federal funding intended for staffing, laboratory testing, informatics, disease surveillance, and other activities critical to combating COVID-19.

Arizona received \$418,951,131 as part of the [\\$19 billion allocated to jurisdictions](#) through the existing Centers for Disease Control and Prevention (CDC) Epidemiology and Laboratory Capacity (ELC) cooperative agreement at the end of January. Under its funding agreement with the CDC, ADHS must submit the complete budget by mid-March. Following approval, funding will support projects across the state undertaken from Jan. 15 on. The immediate \$100 million allocation is intended to provide critical funding to local health departments to continue to support testing efforts statewide as ADHS develops the overall budget.

ADHS is making this funding available to counties using a formula of a \$100,000 base amount plus funding based on their percentage of the state's population. Pima County, for example, is eligible for around \$14.4 million of the total \$100 million, while Maricopa County is eligible for around \$60.6 million and Greenlee County around \$230,000. A full list of amounts by county is available below.

This week, ADHS invited county health departments to submit proposals for this funding, which can be used for purposes including but not limited to:

- Strengthening laboratory testing
- Improving surveillance and reporting of electronic health data
- Enhancing workforce capacity
- Advancing the use of laboratory data to enhance investigation, response, and prevention
- Coordinating and engaging with partners

Throughout the pandemic, ADHS has directly funded testing throughout the state, including Arizona State University's saliva-based testing, airport testing, sequencing, serology (antibody) testing for healthcare workers and first responders in partnership with the University of Arizona, and rapid response testing for outbreaks at long-term

care facilities. In addition to supporting county specific testing projects, part of the \$418 million allocated to Arizona will continue to fund these statewide testing programs. This funding is in addition to the CARES Act funding provided directly to local jurisdictions and the state that could be used for testing and other public health activities. For more information on COVID-19 testing in Arizona, please visit [azhealth.gov/COVID19testing](https://azhealth.gov/COVID19testing).

### **Representatives Cobb and Biasiucci Sponsor Bill to Encourage Tech Growth and Protect Consumers from Big Tech Monopolies, Devastating Fees**

**STATE CAPITOL, PHOENIX** – State Representatives Regina Cobb and Leo Biasiucci announced their support for **HB 2005**, legislation that would protect consumers and app developers from devastating fees imposed by big tech monopolies and encourage companies to relocate to Arizona.

To reach consumers, all app developers must go through Apple and Google’s monopoly-controlled app distribution stores. With this monopoly, app developers that offer digital services, like music or games, are forced to exclusively use Apple and Google’s in-app payment processing. Developers are charged a 30% processing tax referred to as the “App Tax” for a service they are forced to use, rather than a traditional payment processing fee of 3%. This tax not only penalizes small app developers but also limits choice for consumers and forces Arizonans to pay more. HB 2005 would allow small app developers to provide payment options to their customers rather than being forced to use solely the dominant platform’s service, freeing them from the “App Tax” and lowering costs for consumers. Additionally, the bill would allow companies that operate in Arizona to apply payment options to any customer across the country, which would create a huge incentive for companies to move here.

“HB 2005 introduces competition into a monopoly,” said Representative Cobb. “The bill provides real savings for Arizona families and developers who are no longer subject to the exorbitant fees. Too often, developers are required to use the big tech payment processing systems or risk being removed from the app store altogether, a hostage situation that costs Arizona consumers and businesses throughout the U.S.”

“Arizonans should not be forced to live under the monopolistic regime implemented by big tech,” said Representative Biasiucci. “They control the access, they control the data, and it’s time to stand up for the companies who are subject to this ridiculous scheme and the everyday Arizonan that subsidizes Apple and Google’s record profits. HB 2005 is a win-win for this state: it creates competition in the marketplace, makes app purchases and subscriptions more affordable, and will bring companies running to Arizona by allowing them to operate in the marketplace more freely.”

HB 2005 will be heard in the House Appropriations on Monday, February 22.

*Regina Cobb and Leo Biasiucci are Republican members of the Arizona House of Representatives serving Legislative District 5, which includes La Paz and Mohave Counties.*

# “QUOTE OF THE DAY”

“Let me reiterate what I wrote on February 12... and again on February 15. The ethics committee is not an arena for waging political contests.”

- *Nutt, in a letter dismissing Finchem’s ethics complaint against House Democrats*



## Lumpp, Rachelle

---

**From:** Isaak, Jason  
**Sent:** Friday, February 19, 2021 10:48 AM  
**To:** Kanefield, Joe  
**Subject:** Jennifer letter re: EIU

**Categories:** Green category

Joe –

I don't see it in my inbox. If she sent you a draft, please forward to me.

Thanks,  
Jason

## Lumpp, Rachelle

---

**From:** Moan, Christina  
**Sent:** Friday, February 19, 2021 8:23 AM  
**To:** Lumpp, Rachelle  
**Subject:** RE: EIU spreadsheet update.

**Categories:** Green category

No problem. Just wanted to update Todd at the meeting today. Have a great Friday.

---

**From:** Lumpp, Rachelle  
**Sent:** Friday, February 19, 2021 8:12 AM  
**To:** Moan, Christina  
**Subject:** Re: EIU spreadsheet update.

I'm still working on it. There are around 3000 complaints I had to organize into categories and input.

Sent from my iPhone

On Feb 19, 2021, at 7:23 AM, Moan, Christina <Christina.Moan@azag.gov> wrote:

I have a meeting with Todd today at 2pm. When your spreadsheet is complete, he wanted to make see if the cases he has on his spreadsheet are on your spreadsheet. I would like to update him on when and if I will be able to look at your spreadsheet..

Thanks

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**From:** Lumpp, Rachelle  
**Sent:** Thursday, February 11, 2021 3:47 PM  
**To:** Moan, Christina  
**Subject:** RE: Voter Fraud Cases. . .

It's just for logging all the election complaints that came into EIU.

I have separated them by complaint category: sharpie; dominion voting machines, absentee ballots, requests for audit etc.

---

**From:** Moan, Christina  
**Sent:** Thursday, February 11, 2021 3:46 PM  
**To:** Lumpp, Rachelle  
**Subject:** RE: Voter Fraud Cases. . .

Is it for active cases or also closed cases or both. What are the fields in your spreadsheet.

---

**From:** Lumpp, Rachelle  
**Sent:** Thursday, February 11, 2021 3:38 PM  
**To:** Moan, Christina  
**Subject:** RE: Voter Fraud Cases. . .

My spreadsheet isn't voter fraud cases – it's election complaints.

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**From:** Moan, Christina  
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**Subject:** Voter Fraud Cases. . .

Can you share your voter fraud spreadsheet with me and/or Todd Lawson ? Todd Lawson has a spreadsheet (HB# 8693626). I was hoping that we are not duplicating work.

Thanks

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**From:** Lumpp, Rachelle  
**Sent:** Thursday, February 11, 2021 3:38 PM  
**To:** Moan, Christina  
**Subject:** RE: Voter Fraud Cases. . .

My spreadsheet isn't voter fraud cases – it's election complaints.

---

**From:** Moan, Christina  
**Sent:** Thursday, February 11, 2021 3:37 PM  
**To:** Lumpp, Rachelle  
**Subject:** Voter Fraud Cases. . .

Can you share your voter fraud spreadsheet with me and/or Todd Lawson ? Todd Lawson has a spreadsheet (HB# 8693626). I was hoping that we are not duplicating work.

Thanks

## Lumpp, Rachelle

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**From:** Lumpp, Rachelle  
**Sent:** Thursday, February 11, 2021 3:47 PM  
**To:** Moan, Christina  
**Subject:** RE: Voter Fraud Cases. . .

**Categories:** Green category

It's just for logging all the election complaints that came into EIU.

I have separated them by complaint category: sharpie; dominion voting machines, absentee ballots, requests for audit etc.

---

**From:** Moan, Christina  
**Sent:** Thursday, February 11, 2021 3:46 PM  
**To:** Lumpp, Rachelle  
**Subject:** RE: Voter Fraud Cases. . .

Is it for active cases or also closed cases or both. What are the fields in your spreadsheet.

---

**From:** Lumpp, Rachelle  
**Sent:** Thursday, February 11, 2021 3:38 PM  
**To:** Moan, Christina  
**Subject:** RE: Voter Fraud Cases. . .

My spreadsheet isn't voter fraud cases – it's election complaints.

---

**From:** Moan, Christina  
**Sent:** Thursday, February 11, 2021 3:37 PM  
**To:** Lumpp, Rachelle  
**Subject:** Voter Fraud Cases. . .

Can you share your voter fraud spreadsheet with me and/or Todd Lawson ? Todd Lawson has a spreadsheet (HB# 8693626). I was hoping that we are not duplicating work.

Thanks

## Lumpp, Rachelle

---

**From:** Madsen, Annalisa  
**Sent:** Monday, February 08, 2021 10:13 AM  
**To:** Brnovich, Mark  
**Subject:** Thank You

**Categories:** Green category

Attorney General Brnovich,

Thank you for the kindly-worded letter and generous Meritorious Leave acknowledging my work on the Election Integrity Unit. They were both a huge surprise and very much appreciated.

Regards,

Annalisa Madsen, CFCI, CECFE  
Special Agent



---

Office of the Attorney General  
Special Investigations Section - Major Fraud Unit 1  
2005 N. Central Ave., Phoenix, AZ 85004  
Desk: 602.542.4975 Fax: 602.542.4882  
<https://fileshare.azag.gov/filedrop/~pYF4lk>

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## Lumpp, Rachelle

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**From:** Lumpp, Rachelle  
**Sent:** Friday, February 05, 2021 4:48 PM  
**Subject:** Yellow Sheet 2-4-21  
**Attachments:** Yellow Sheet 2-4-21.pdf

**Categories:** Green category

Attached please find today's Yellow Sheet.  
Have a great weekend!

Rachelle Lumpp  
Executive Assistant to the Attorney General  
Executive Assistant to the Director of Communications  
Office of the Arizona Attorney General  
2005 N. Central Avenue  
Phoenix, AZ 85004  
602-542-8351 Office  
rachelle.lumpp@azag.gov



## **Lumpp, Rachelle**

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**From:** Flanagan, Allyson  
**Sent:** Thursday, February 04, 2021 5:00 PM  
**To:** Ahler, Paul; Anderson, Kim; Anderson, Ryan; Baskin, Mona; Benjamin, Dena; Bennett, Courtney; Bergin, Daniel; Brnovich, Mark; Catlett, Michael; Cole, Dave; Conner, Katie; Cooper, Leslie; Daniels, Paula; Diaz, Bethany; du Mee, Matthew; Ensign, Drew; Fries, Jerry; Fry, John; Hartwick, Carolyn; Hatcher, TammieJo; Heathcotte, Leslie; Isaak, Jason; Jacobs, David; Johnson, John; Kanefield, Joe; Karlson, Kara; Kredit, Beth; Kredit, Joshua; Lau, Douglas; Lefevre, Edith; LibraryHelpdesk; Lumpp, Rachelle; McCarthy, Eryn; Medina, Rick; Mejia, Catherine; Momich, Jelena; Morgan, Lizette; Northup, Dawn; Paton, Angela; Pineiro, Michael; Ray, Kevin; Roysden, Beau; Sawyer, Kate; Sciarrotta, Joseph; Stevens, John; Wilson, Linley; Wright, Jennifer  
**Subject:** Yellow Sheet 2-4-2021  
**Attachments:** 2-4-21.pdf  
**Categories:** Green category

Good afternoon,

Attached you will find today's Yellow Sheet.

## Lumpp, Rachelle

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**From:** Flanagan, Allyson  
**Sent:** Friday, January 29, 2021 4:21 PM  
**To:** Ahler, Paul; Anderson, Kim; Anderson, Ryan; Baskin, Mona; Benjamin, Dena; Bennett, Courtney; Brnovich, Mark; Catlett, Michael; Cole, Dave; Conner, Katie; Daniels, Paula; Diaz, Bethany; du Mee, Matthew; Ensign, Drew; Flanagan, Allyson; Fries, Jerry; Fry, John; Hartwick, Carolyn; Hatcher, TammieJo; Heathcotte, Leslie; Isaak, Jason; Jacobs, David; Johnson, John; Kanefield, Joe; Karlson, Kara; Kredit, Beth; Kredit, Joshua; Lau, Douglas; Lefevre, Edith; LibraryHelpdesk; Lumpp, Rachelle; McCarthy, Eryn; Medina, Rick; Mejia, Catherine; Momich, Jelena; Morgan, Lizette; Northup, Dawn; Paton, Angela; Pineiro, Michael; Ray, Kevin; Roysden, Beau; Sawyer, Kate; Sciarrotta, Joseph; Stevens, John; Wilson, Linley; Wright, Jennifer  
**Subject:** Yellow Sheet 1/29/2021  
**Attachments:** 1-29-21-1.pdf  
**Categories:** Green category

Good afternoon,

Attached you will find today's Yellow Sheet.

# We Must All Work to Ensure the Integrity of Elections

By Mark Brnovich

There is no more sacred duty for public servants than protecting the peoples' right to vote while maintaining public confidence in the integrity of the results. It's a responsibility that I take very seriously, and I will not waiver as I speak for Arizona at the U.S. Supreme Court. The justices will hear arguments in *Brnovich v. DNC* – a case about preserving two of Arizona's most important election safeguards: restrictions on out-of-precinct voting and ballot harvesting. The decision will impact every election across the country.

All states must adopt rules to ensure the integrity of elections. Since the 1970s, Arizona has required people who choose to cast their ballots in person to vote at their locally assigned precinct, where voter rolls can be easily accessed and confirmed. This ensures order in our elections, minimizes lines, and prevents anyone from being disenfranchised in local races. Today, the majority of states require people to vote at their specific precinct.

Arizona also restricts the collection and delivery of ballots by third-parties or political operatives, commonly known as ballot harvesting. The Arizona Legislature passed the law in 2016 -- which includes exceptions for family, caregivers, mail carriers, and election officials -- after the City of Phoenix warned of reports of unauthorized individuals claiming to be City officials going door-to-door to collect early ballots. Civil Rights leaders had also raised concerns about elderly and vulnerable communities being targeted by ballot harvesting activists. And, just this past December, the Arizona Attorney General's Office, indicted two individuals from Yuma County for allegedly engaging in ballot harvesting.

Of course, everything has to be political so the Democratic National Committee (DNC) filed lawsuits in federal court claiming the laws were a product of intentional discrimination and violated Section 2 of the Voting Rights Act.

After a ten-day trial at the U.S. District Court for Arizona, the restrictions were upheld. That ruling was appealed to the Ninth Circuit Court of Appeals where we won again, until the Court inexplicably reversed itself and now claims the restrictions violate Section 2 of the Voting Rights Act and the Fifteenth Amendment. By that twisted logic, every common sense election-integrity law across the country would be in jeopardy.

What Section 2 of the Voting Rights Act requires is an "equal opportunity for all voters to participate in a State's political processes" and what it bans are "laws that cause substantial disparities in minority voters' opportunities to participate in those processes" and "to elect representatives of one's choice." Upon careful consideration, it becomes clear that the Ninth Circuit erred.

Arizona's election-integrity safeguards do not have a substantial impact on voters simply based on their race. The out-of-precinct policy is lawful because it applies to all voters, equally and it did not cause people of any race to vote in the wrong precinct.

As for Arizona's restrictions on ballot harvesting, it is a practical means of protecting the secrecy of the ballot, and was a key recommendation by a bipartisan commission on federal election reform, co-chaired by former President Jimmy Carter and former Secretary of State James Baker. Just look at who else supports these types of measures. In 2016, the Arizona Latino Republican Association for the Tucson Chapter expressed concerns that elderly people in the Latino community were being taken advantage of by ballot collectors. Likewise, Michael Johnson, an African American who had served on the Phoenix City Council, also expressed concern about ballot collectors misrepresenting themselves as election workers. And during the ten-day trial, Representative Charlene Fernandez, a Democrat representing Yuma, testified that she didn't believe the bill was enacted with the intent to suppress Hispanic voting.

While proponents of ballot harvesting insist it enhances voter participation by assisting those who cannot get to the polls, there are other more secure options readily available in Arizona, including vote-by-mail, vote centers, and secure ballot drop-off locations. In reality, ballot harvesting often exploits vulnerable communities when third-parties not only gather and claim to deliver all ballots, but also "assist" people in filling them out! This opens the door and rolls out the carpet for anyone who may be attempting to commit voter fraud, suppression, or intimidation.

It's also true that some of our country's most high-profile instances of suspected ballot tampering occurred through ballot harvesting in North Carolina, Florida, Missouri, and California (where ballot harvesting is legal). These cases, it is important to note, were not confined to one political party, but instead reflected problems with voting processes that do not respect the proper custody of ballots. There are other states with less publicized, but no less salient concerns.

The High Court is now stepping in to review Arizona's election safeguards, and it will hopefully provide guidance and eliminate future challenges to basic voting laws that make baseless allegations of racial discrimination. One thing that should be clear to everyone is we must avoid even the appearance of impropriety at the polls. All efforts to enhance voting convenience must respect the imperatives of accuracy and confidence in the results. Arizona's common sense precinct based voting system and restrictions on ballot harvesting do both and should be upheld by the U.S. Supreme Court.

## Lumpp, Rachelle

---

**From:** Kredit, Joshua  
**Sent:** Thursday, January 28, 2021 1:48 PM  
**To:** Kanefield, Joe; Roysden, Beau; Wright, Jennifer  
**Cc:** Lefevre, Edith; Anderson, Ryan  
**Subject:** Townsend bill to transfer EIU to auditor general

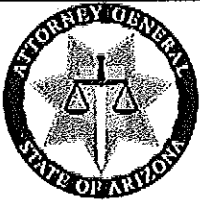
**Categories:** Green category

<https://www.azleg.gov/legtext/55leg/1R/bills/SB1427P.pdf>

Referred to Senate Government

Josh Kredit

Deputy Attorney General for Law & Policy



Attorney General Mark Brnovich  
2005 N. Central Ave  
Phoenix, AZ 85004  
Direct: 602-542-3454  
Cell: 602-339-2082  
[Joshua.Kredit@azag.gov](mailto:Joshua.Kredit@azag.gov)

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## Lumpp, Rachelle

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**From:** Flanagan, Allyson  
**Sent:** Wednesday, January 27, 2021 4:28 PM  
**To:** Ahler, Paul; Anderson, Kim; Anderson, Ryan; Baskin, Mona; Benjamin, Dena; Bennett, Courtney; Brnovich, Mark; Catlett, Michael; Cole, Dave; Conner, Katie; Daniels, Paula; Diaz, Bethany; du Mee, Matthew; Ensign, Drew; Flanagan, Allyson; Fries, Jerry; Fry, John; Hartwick, Carolyn; Hatcher, TammieJo; Heathcotte, Leslie; Isaak, Jason; Johnson, John; Kanefield, Joe; Karlson, Kara; Kredit, Beth; Kredit, Joshua; Lau, Douglas; Lefevre, Edith; LibraryHelpdesk; Lumpp, Rachelle; McCarthy, Eryn; Medina, Rick; Mejia, Catherine; Momich, Jelena; Morgan, Lizette; Northup, Dawn; Paton, Angela; Pineiro, Michael; Ray, Kevin; Roysden, Beau; Sawyer, Kate; Sciarrotta, Joseph; Stevens, John; Wilson, Linley; Wright, Jennifer  
**Subject:** Yellow Sheet 1/27/2021  
**Attachments:** 1-27-21.pdf  
**Categories:** Green category

Good afternoon,

Attached you will find today's Yellow Sheet.

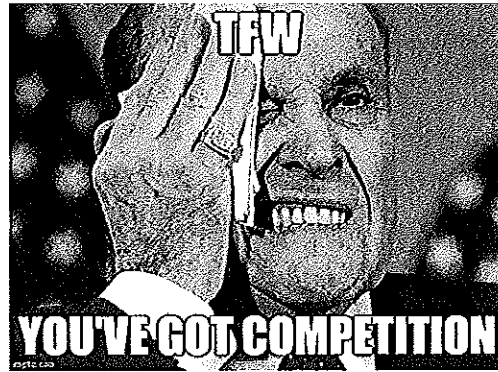
# YELLOW SHEET REPORT

Arizona Capitol Reports © by Arizona Capitol Reports, LLC unless otherwise credited. All rights reserved. Wednesday, January 27, 2021

## ·NEWS NOTES AND GOSSIP·

### THEY COULDN'T AFFORD THE REAL RUDY GIULIANI

The AZGOP has apparently tapped Alex Kolodin as its next general counsel replacing Dennis Wilenchik, who served under Kelli Ward for the past two years. Kolodin laughed when our reporter asked him to confirm the rumor. "How in the world?! How did you hear that?" he asked, before adding, "I am not authorized to comment on that publicly at this time." It's no surprise that Ward would want to scoop him up – Kolodin represented a host of conspiracy-peddling plaintiffs in court and was the lawyer responsible for the SharpieGate lawsuit and multiple attempts to overturn the election. He first came onto the political scene as a challenger to Ugenti-Rita in the LD23 primary last August, a race that he lost by a significant margin. "I've enjoyed having Chairwoman Ward as a client this past election season, and if that rumor is true, it would certainly be a great honor to work for her and on behalf of our party," Kolodin said. One GOP attorney told our reporter, essentially, better Kolodin than them. The lawyer said that Kolodin has become a favorite of Ward's for taking on the lawsuits no other attorney, our source included, is willing to touch. "He's willing to take the garbage, frankly. Even if they paid me well... I wouldn't go anywhere near Kelli Ward," the lawyer said, adding that Ward has been a disaster for the party for many reasons, "not least of which is for her lawsuits."



### YOU DO NOT WANT TO BE CALLED TO PRINCIPAL KIRK'S OFFICE

WHEN YOU GET CALLED INTO KIRK'S OFFICE  
AND SEE A FRESHMAN



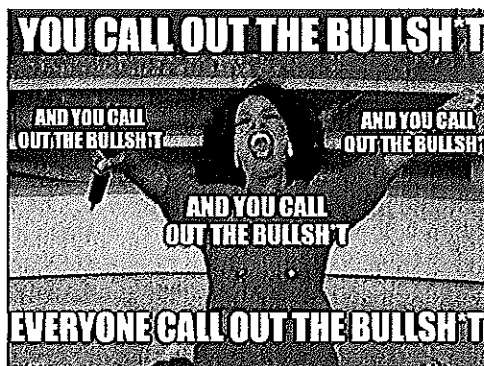
Former House Speaker Kirk Adams said while he has not read the Wendy Rogers ethics complaint in detail, he can confidently say that it's "incredibly important to protect the staff from mistreatment by the members." Adams, who also served as Ducey's chief of staff, said that during his time at the helm of the chamber, he never had to take up an ethics investigation, but still had some "member behavior issues," including one time when two lawmakers nearly came to blows in the member lounge. But he never saw a lawmaker berate their staff in the manner Rogers is accused of doing. "It's rare for members to mistreat staff, particularly in the manner that's been reported," he said. "You have to take action that says,

very very clearly this type of behavior is not tolerated." Since Rogers is elected and not an employee of the Senate, the Senate has fewer tools to handle her harassing and berating a staffer than would be available to a CEO in corporate America, he said. But there's always one tool at the chamber leader's fingertips: A stern scolding. "The first thing that you would do – and I had situations where I had to do this – you bring the member in, and you dress them down. And you say, 'This is unacceptable. You can't do this. You have to knock it off and you have to apologize,'" Adams said. Rogers has still not addressed the complaint publicly, which is out of character for her, based on how she conducts herself on social media, and Fann has not addressed it in detail, saying yesterday that she had a brief conversation with Rogers about it.



## **STEP ONE – CALL OUT HER BULLSH\*T**

Like many conservatives, Adams was dismayed that Kelli Ward won the chairmanship, saying true conservatives must do their part to quiet the noise coming from Ward and her crew of conspiracy theorists by “call[ing] out their bullsh\*t.” That’s been his modus operandi lately, and Adams has been talking to just about any reporter who calls to say that Ward winning the chair again isn’t an end to the Republican Party here, but it’s not a good sign, and it’s not reflective of all Republicans. “You have to let voters know that this is not a Republican brand. Or if they think it is, [explain that] there are a lot of other Republicans who don’t think this way – give us a second look,” he said. “But if we sort of ‘See No Evil, Hear



No Evil’ we don’t want to tick anybody off, then her style of politics becomes the Republican brand.” Republicans are increasingly willing to vote for sufficiently moderate Democrats, such as Sinema and Kelly, and the GOP needs to court “Ducey-Sinema” voters, who are the voters of the future, he said, not simply rely on the fringe that Ward represents. Adams has made no bones about the fact that he thinks Ward is “crazy” and her “conspiracy theories” are “nuts” and said Republicans who still haven’t made a point to come out publicly against Ward and her ilk are still learning to navigate the waters in a post-Trump world. “Others have governing responsibilities that need to be tended to as a first priority. So they’re focused on that,” he said, seemingly hinting at the criticism his former boss has received for not condemning Ward more strongly.

## **SHE’S DOING ALRIGHT NOW**

Talonya Adams, a Black attorney in the Senate successfully sued the chamber for discrimination and landed a \$1 million verdict, is now among the top 10 highest paid employees in the Senate. Our *Yellow Sheet* intern, Cameron Rubner, filed public records request for Senate salaries, which showed that Adams now earns \$113,000, nearly double the \$60,000 she earned per year during her first stint at the Senate. (She was fired after complaining about the pay – which she learned from a previous public records request from our reporter, was nearly \$30,000 less than a Senate Majority policy advisor with a similar committee workload – then reinstated.) The document also shows that a handful of Senate staffers received five-figure raises without any adjustment in their titles in the last year. The only vacant position in the Senate, according to the document is Rogers’ assistant, who said she harassed him so badly he felt scared for his safety and that the Senate forced him to resign. While suffering Rogers’ verbal abuse and feeling her spittle on his face, he was earning \$32,000.

## **NO RUSH, WE’VE GOT TWO YEARS**

Due to Covid and a mixture of Trump-related issues dating back to his fight over whether to count non-citizens, the US Census Bureau data has been delayed until April 30, which will have a trickledown effect on the Arizona IRC’s ability to begin drawing maps. The Census Bureau expected the data to be available around the end of February, but a top bureau official said today that is no longer the case ([LINK](#)). The IRC just named Erika Neuberg as its chair last week and is set to meet again on Feb 2 to plan the process of hiring an executive director and possibly address future hires, such as mapping consultants and legal teams. This IRC was already working far ahead of schedule compared to the last run a decade ago, and it’s unclear how much the Census delay will affect statutory and constitutional deadlines, but the IRC will likely address those questions when it meets next week.

## INDULGE US WITH A TRIP DOWN MEMORY LANE

Yesterday's report noted that the House cited a 2017 attorney general opinion while pledging to fulfil a records request, to the extent possible, about Finchem and former lawmaker Anthony Kern's text messages on their personal phones – but we left out an interesting backstory about that opinion. Back in late 2015, our reporter, and then-*Capitol Times* reporter Rachel Leingang, set out to learn how much of the state's business was being conducted on smartphones, via newer technologies like text messages, social media chats and third-party messenger applications. We filed a public records request with the House, Senate and Ninth Floor asking for electronic messages sent among top state elected officials of both parties and their top staff ([LINK](#)). After four months, House Republicans provided a handful of records. But Biggs, the Senate president at the time, refused, claiming that as long as the communication doesn't happen on a state-provided phone, it's not public record. (Lawmakers and Capitol staffer are issued an official state email address to conduct their business, but they're not issued a state cell phone.) The Senate GOP caucus was alone in flat-out refusing our request. So we asked then-lawmaker Steve Farley to request an Attorney General opinion on the topic, which, predictably, stated, "public officials cannot use private devices and accounts for the purpose of concealing official conduct." Longtime readers will recall this battle over public records happened back when the issue of elected officials' text messages exploded in Arizona after a clean energy watchdog group requested texts from then-Corporation Commissioner Bob Stump. The former commissioner regularly texted with a member of the state's utility consumer group, as well as APS representatives, leaders of dark money organizations and solar representatives, but deleted some of those texts and threw away his old phone, forcing Corp Comm to purchase software that would allow commissioners to plug in their phones every week or two and back up their messages. The Legislature has never adopted such a system, and still does not issue public phones for lawmakers to conduct their public business.



## SHE FOUGHT RUSSELL PEARCE AND WON

Mary Lou Boettcher, a former Republican PC and key figure in the recall of former Senate President Russell Pearce, passed away on Friday. In a Facebook post eulogizing Boettcher, activist Randy Parraz wrote about teaming up to recall Pearce 10 years ago. "At the age of 76, she signed up to be our chairperson in Mesa for the historic effort to recall then Senate President Pearce (and author of SB 1070)," Parraz wrote. "When I told her we wanted to remove Pearce from office and asked her to get involved she said, 'Did I hear you correctly? You want to get rid of Russell Pearce? Yes! I can't stand him.'" They succeeded in collecting enough signatures, and Boettcher later filed a lawsuit ([YS, 9/26/11](#)) to have sham candidate Olivia Cortes thrown off the ballot. While Boettcher – and attorney Tom Ryan – technically lost the case, despite proving Olivia Cortes was a Pearce-plant, they did enough damage to her campaign that Jerry Lewis won the recall election to replace Pearce ([LINK](#)). Boettcher was also a member of the Arizona Education Assn. Both Ryan and Lewis, among others, praised Boettcher in memoriam. "Mary Lou Boettcher was a gentle yet brave giant ... We owe a sincere debt of gratitude to her for her bravery!" Ryan tweeted ([LINK](#)). "She was a gentle, loving, determined, and hardworking soul. I hope I can learn from her example," Lewis responded.

·WAKE UP CALL·

**County supervisors to approve audits of election equipment**

*Capitol Media Services*

Maricopa County supervisors are set to approve two separate audits of election equipment Wednesday in a bid to satisfy questions about security and the 2020 results — and avoid further litigation with the state Senate.

**Trump agreements with Arizona, others, seek to tie Biden's hands on immigration**

*Associated Press*

During the Trump administration's final weeks, the Department of Homeland Security quietly signed agreements with Arizona and at least three other states that threaten to temporarily derail President Biden's efforts to undo his predecessor's immigration policies.

**Despite pandemic's toll, GOP lawmakers want more tax cuts in governor's budget**

*Capitol Media Services*

Democratic lawmakers want more money for pandemic relief.

**Arizona ranks as 'least safe' state in pandemic**

*Payson Roundup*

Arizona remains a national hotspot for the pandemic, but at least new cases have begun to fall from their peak – with a 22% decline in the past two weeks.

**Scottsdale Court Hides Baked Alaska Records After Followers Spam Site**

*Phoenix New Times*

On the same day a Scottsdale judge issued a warrant for the arrest of alt-right troll Baked Alaska, Scottsdale City Court began receiving unusual court filings.

**This Week in COVID: A Year After First Case, COVID-19 Is Leading Killer**

*Phoenix New Times*

It's Tuesday, January 26. More than 732,600 Arizonans have contracted COVID-19 and more than 12,440 have died as a result.

**David Schweikert Says 'Fact Tree' Determined His Votes on 2020 Election Results**

*Phoenix New Times*

After a mob of Donald Trump supporters infamously stormed the Capitol on January 6, Republican Arizona Congressman David Schweikert made some seemingly contradictory decisions.

**McConnell: Sinema told me she won't nix the filibuster**

*The Hill*

Senate Minority Leader Mitch McConnell (R-Ky.) said on Tuesday that Democratic Sen. Kyrsten Sinema (Ariz.) told him directly that she would not support nixing the 60-vote legislative filibuster.

**80-year-old (former) Republican explains why the AZ GOP is going to hell**

*Arizona Republic (Opinion, EJ Montini)*

'I was fed up with the idiocy of many Republican politicians blindly supporting Trump and now apparently being frightened to vote for conviction in the Senate...'

**Reps. Biggs, Gosar and Lesko should resign if Maricopa County election audit comes up clean**

*Arizona Republic (Opinion, Laurie Roberts)*

Maricopa County is prepared to audit the election results. Are Reps. Biggs, Gosar and Lesko – who tried to invalidate their own state's vote – prepared to resign if that audit is clean?

**How to finally get immigration reform done (and do it the right way)**

*Arizona Republic (Opinion, Robert Robb)*

It is good that President Biden wants to make an early run at comprehensive immigration reform. Unfortunately, his proposal isn't a sound start.

**President Joe Biden is ending some private prison contracts. Why not all of them?**

*Arizona Republic (Opinion, Elvia Diaz)*

President Joe Biden is phasing out federal contracts with private prisons but not privately run immigration detention centers. That makes no sense.

**Strip Gov. Doug Ducey of power? That won't improve Arizona's COVID-19 response**

*Arizona Republic (Op-ed, John Kavanagh)*

Plenty of people hate Arizona Gov. Doug Ducey's COVID-19 response. But stripping him of power could backfire -- for both sides of this debate.

**·PRESS RELEASES·**

**Board of Supervisors Approves Extensive Audit of Elections Equipment**

*Goal is to assure voters of election integrity, combat misinformation*

The Maricopa County Board of Supervisors voted unanimously today to authorize a forensic audit of ballot tabulation equipment used in the 2020 elections. The audit is the culmination of a year-long effort by Maricopa County to ensure the accuracy of the federally- and state-certified hardware and software used to count votes (see [2020 Elections Fact Sheet](#) or [multimedia page](#)).

"Maricopa County elections were administered with integrity throughout 2020. That's a fact. Multiple audits to date have proved as much, and multiple court rulings have concurred," said Chairman Jack Sellers. "It's also true that a significant number of voters want the additional assurance that a full forensic audit of tabulation equipment might bring, especially given all the misinformation that spread following the November 3 election. This audit shows our commitment to providing that assurance."

The multi-layered forensic audit will dive into the tabulation equipment to analyze its hacking vulnerability, verify that no malicious malware was installed, and test that tabulators were not sending or receiving information over the internet.

As an added layer of assurance, the county will hire two independent firms certified by the U.S. Elections Assistance Commission, to each independently audit the tabulation equipment: Pro V&V and SLI Compliance.

The first audit will begin on February 2, and the second audit will begin on February 8.

"We're doing the right thing, at the right time, in the right way," said Vice Chairman Bill Gates, District 3. "The audit will be conducted in a way that safeguards private voter information and protects the investment made by county taxpayers in the tabulation equipment. My hope is that the audit results will ensure the residents of Maricopa County have the same confidence in our elections system that we have."

"While I'm confident we ran good elections, I have been passionate about doing this audit," said Supervisor Clint Hickman, District 4. "Every election-related decision and safeguard this Board has made over the past year has had voter and election integrity in mind. The upcoming forensic audit of election equipment will be no different, and I hope it puts to rest the notion that somehow we've got something to hide."

In addition to the software and malware tests, one firm will also perform a logic and accuracy test of the county's tabulation equipment to ensure it accurately counted ballots and confirm that no vote switching occurred.

As an added measure of transparency, the Board hired a reputable Certified Public Accountant firm to review county contracts with Dominion Voting Services and verify that the county leased the tabulation equipment according to state and county procurement regulations.

"I have been publicly supportive of an audit for over a month now and am glad to have this much needed vote," said Supervisor Steve Chuceri, District 2. "Elections are the foundation of our democracy and the most important right we hold as Americans. It is paramount that the public has trust in our elections systems and equipment and that is why I wholeheartedly support an audit to ensure this equipment is above reproach. This thorough audit is what many of my constituents have been asking for. I am pleased we are conducting it and look forward to sharing the results."

Community stakeholders will be an important part of the forensic audit process. Leadership from both the House and Senate, members of all three political parties, and representatives from the Arizona Secretary of State's Office and

Attorney General's Office will be invited to observe. We will also provide availability for media members as well, so they can fulfill their role informing the public.

"It's normal for people to complain about elections when they don't like the results, but people took it a step further this year. They spread lies and conspiracies about how our elections were conducted in an effort to overturn the will of the people," said Supervisor Steve Gallardo, District 5. "I know for a fact we ran three great, safe, and secure elections in 2020. I expect this audit to be the final word."

The results of the forensic audit will be shared publicly.

#### 2020 Elections Fact Sheet

Transparency, accuracy and accountability are paramount to Maricopa County and its Elections Department. In September, the Elections Department met with the chairs of all three county political parties to outline important election dates and areas of involvement for party members. The following is an abridged timeline of steps taken to ensure the integrity of the November General Election:

- **On October 6**, the Elections Department and the Arizona Secretary of State's Office performed a logic and accuracy test on the tabulation equipment. The test date was published in the newspaper, open to the public and observed by political party representatives, city clerks, and school and health care district representatives. The law requires an errorless count before tabulators and software can be used in an election. The tests confirmed the equipment was tabulating ballots accurately, paving the way for the November General Election in which a record number of voters participated and lines at polling sites were kept to a minimum.
- **On November 4**, a hand count audit of election results performed by Maricopa County political parties law found a 100 percent match to the vote tabulation machines. The hand count audit, which is required by law, covered a statistically significant sample of ballots. The hand count was viewable on the Elections Department's website and the results were shared publicly.
- **On November 17**, then-Chairman Clint Hickman sent a letter to all Maricopa County voters addressing some of the misinformation circulating regarding elections. This letter was accompanied by a link to a fact page that provided more detail about election processes and is still available to any interested party.
- **On November 18**, the Elections Department and the Arizona Secretary of State's Office performed a post-election logic and accuracy test on the equipment to ensure it was not changed or tampered with during the election. Members of all three political parties and a representative from the Arizona Attorney General's Office observed the test.
- **On November 20**, the Board held a nearly three-hour public meeting to discuss concerns and questions raised by Maricopa County residents. Only after these questions were answered in a public forum did the Board certify the results of the election. This meeting was broadcast live and is still available for anyone to watch.
- **On December 14**, then-Chairman Clint Hickman and Elections Director Scott Jarrett appeared before the Senate Judiciary Committee and devoted six hours to fully answering questions by legislators.
- **On January 7, 2021**, the U.S. Congress confirmed the results of the Electoral College, finalizing the November 3, 2020 General Election.

Throughout the election, political party observers were present at every Vote Center, followed ballot courier routes and observed signature verification, ballot processing and every minute of tabulation. All rooms with ballots were under 24-7 cameras.

#### **Post-election court challenges**

Many allegations about the November General Election made their way to court and Maricopa County clearly presented the facts to judges at both the local and federal level. Eleven different times complaints about election fraud, manipulation, or tampering in Maricopa County's 2020 election have been brought against this Board. Each case was dismissed by the courts or withdrawn by the plaintiffs.

#### **Additional information about Maricopa County elections equipment**

Election equipment went through extensive testing to receive its federal and state certification. Prior to November, there were no complaints about the accuracy of the county's tabulation equipment, which was also used in elections in March, May and August. The Elections Department also piloted the tabulation equipment in the November 2019 Madison School District election. To verify the accuracy of the equipment, the county also performed a 100 percent hand count of the Madison ballots. There was no discrepancy between the counts.

### Maricopa County Recorder Statement on Forensic Audit

Below is a statement from Maricopa County Recorder Stephen Richer on a forensic audit of Maricopa County's tabulation equipment:

"It was my great honor that voters in November elected me to serve as the 30<sup>th</sup> Maricopa County Recorder. My vision for the office has been consistent: take the politics out of decision-making and focus on competently serving county residents.

A growing public distrust following the November 3 General Election has prompted me to take on a mission to "inspire confidence." Inspire confidence in our public documents; inspire confidence in our voter registration database; inspire confidence in our elections; and, hopefully, be part of a broader movement to inspire confidence in our public institutions.

To this end, since taking office just three weeks ago, I've worked with my partners in election administration, the Board of Supervisors, to design a forensic audit of the election tabulation equipment and software. The Board has statutory authority over the tabulation equipment, and it is therefore ultimately the Board's decision on whether or not to proceed. But I fully support the audit as designed; I applaud the Board's decision to hold a vote, and I will direct the Recorder's Office to assist with the audit where possible.

Such an audit is not required by law. Additionally, no significant problems have been identified by the numerous lawsuits filed and already-performed audits. In fact, the hand count audit of approximately 47,000 votes yielded a 100% match with the machine-tabulated results.

Nonetheless, I believe the Board's audit is needed to build confidence in the election process and to further improve election administration in our county, which is the second largest voting jurisdiction in the United States.

May this be the first step of many over the next four years to inspire confidence in the elections process. The Board of Supervisors joins me in this goal, and we all look forward to serving this County."

### February 3rd is Virtual 'Environmental Day' at the AZ State Capitol

(PHOENIX, AZ) More than 300 people from throughout Arizona will be meeting online for a socially distant Environmental Day at the Capitol to meet with their legislators about key environmental issues, including climate change, water, and funding for parks. This year's theme is "One Planet. One Future. Climate Justice Now!" Participants will include members from more than 20 organizations and at least five Arizona high schools, with each attending scheduled meetings with their local representatives and senators in the Arizona Legislature. Youth leaders will hold a news conference at 11:30 A.M. to read their "love letters to the Earth" and speak about some of the priority bills and issues for the session, including sustainability, climate, and protecting watersheds. **WHO: Legislators, youth, and others from throughout Arizona who care about protecting our environment**

**WHEN: Wednesday, Feb. 3, 8:30 A.M. to 4:00 P.M. \*News Conference at 11:30 A.M.**

**WHERE: Zoom (RSVP for Zoom link and password)**

### FPAA Supports the nomination of Thomas Vilsack as Sec. of Agriculture and Katherine Tai as U.S. Trade Representative

*The Fresh Produce Association of the Americas joins letter in support for nominees in key USDA and USTR positions.* NOGALES, Az. (Jan. 27, 2021) – The Fresh Produce Association of the Americas (FPAA) joined the Food & Agriculture Associations letter addressed to the U.S. Senate Committee on Agriculture, Nutrition, & Forestry and the U.S. Senate Committee on Finance supporting Secretary of Agriculture nominee, Thomas Vilsack and U.S. Trade Representative nominee, Katherine Tai.

Vilsack who has been nominated to serve as Agriculture Secretary in the Biden Administration also served as Secretary of Agriculture during the Obama Administration and has since been involved with the Dairy Export Council. Additionally, Vilsack has a strong background in developing rural communities.

As U.S. Trade Representative, nominee Tai will work closely with President-elect Biden as his principal trade advisor and will also oversee trade negotiations with other countries. Tai has extensive experience in trade negotiations, and she also played a key role in the most recent United States-Mexico-Canada Agreement (USMCA.)

"Both Ms. Tai and Sec. Vilsack have an outstanding knowledge of the intricacies of trade, and the value of building meaningful and productive relationships with their peers in Mexico," said FPAA President Lance Jungmeyer. "These nominees will help fulfill the promise of USMCA."

As the new administration begins its preparations for the next four years, supporting nominees who support trade including tackling non-tariff barriers to trade is of great importance to the FPAA.

**Congressman Biggs Appointed to the House Committee on Oversight and Reform**

GILBERT, ARIZONA -- This week, Congressman Andy Biggs was appointed to serve on the House Committee on Oversight and Reform. Congressman Biggs issued the following statement:

*"I am thankful to Ranking Member, James Comer, and the Republican Steering Committee for appointing me to the House Committee on Oversight and Reform. Over the next two years, House Republicans should use all of our power to hold the Biden administration accountable to the Constitution, the rule of law, and the American people. We must hold the line, and many of these efforts will start in this committee. I look forward to getting to work with my colleagues on this committee, and also continuing on the House Judiciary Committee."*

“QUOTE  
OF THE DAY”

“How in the world?! How did you  
hear that?”

*- Alex Kolodin, on our reporter asking  
if he's the new lawyer for AZGOP*

## Lumpp, Rachelle

---

**From:** Lumpp, Rachelle  
**Sent:** Wednesday, January 27, 2021 2:32 PM  
**To:** Moan, Christina  
**Subject:** RE: PRR2020-2200 -166 FW: NBC News Vote Watch Request: AZ: Vote Fraud / Vote Disenfranchisement #s

**Categories:** Green category

The spreadsheet I'm working on is strictly for any complaints that have come in through EIU. It does not differentiate between complaints and investigations or convictions.

---

**From:** Moan, Christina  
**Sent:** Wednesday, January 27, 2021 2:10 PM  
**To:** Lumpp, Rachelle  
**Subject:** RE: PRR2020-2200 -166 FW: NBC News Vote Watch Request: AZ: Vote Fraud / Vote Disenfranchisement #s

Is this spreadsheet for criminal election cases or for the civil ones also?

---

**From:** Lumpp, Rachelle  
**Sent:** Tuesday, January 26, 2021 5:04 PM  
**To:** Moan, Christina  
**Subject:** RE: PRR2020-2200 -166 FW: NBC News Vote Watch Request: AZ: Vote Fraud / Vote Disenfranchisement #s

It's new

---

**From:** Moan, Christina  
**Sent:** Tuesday, January 26, 2021 4:36 PM  
**To:** Lumpp, Rachelle  
**Subject:** RE: PRR2020-2200 -166 FW: NBC News Vote Watch Request: AZ: Vote Fraud / Vote Disenfranchisement #s

Is this a new spreadsheet or an addition to the one Todd created?

---

**From:** Lumpp, Rachelle  
**Sent:** Tuesday, January 26, 2021 4:18 PM  
**To:** Moan, Christina; Rodriguez, Lisa  
**Subject:** RE: PRR2020-2200 -166 FW: NBC News Vote Watch Request: AZ: Vote Fraud / Vote Disenfranchisement #s

Thanks Christina,

I am working on preparing the voter spreadsheet. I have reviewed and categorized all of the election complaints received from the inception of EIU through November 3, 2020. I will be reviewing the post-election complaints later this week. Once I complete that review, I will be able to prepare the spreadsheet.

---

**From:** Moan, Christina  
**Sent:** Tuesday, January 26, 2021 3:53 PM  
**To:** Rodriguez, Lisa; Lumpp, Rachelle  
**Subject:** RE: PRR2020-2200 -166 FW: NBC News Vote Watch Request: AZ: Vote Fraud / Vote Disenfranchisement #s



I just had a meeting with Todd Lawson on this PRR. This is the request where we had a meeting which resulted that the request could not be completed until a spreadsheet was created to keep better track of voter fraud cases. You were going to ask the requestor for a 6-8 month extension. Not sure what date of the meeting and therefore not sure if we already are at the 6-8 month extension date. Todd is setting up meetings for the spreadsheet but the information in this request is still not available. Todd wanted me to ask you if you communicated to the requestor to resubmit in 6-8 months if that means the request is closed and will reopen when the request is resubmitted or goes it stay open until we have the number of voter fraud cases they requested?

---

**From:** Rodriguez, Lisa  
**Sent:** Monday, January 25, 2021 3:04 PM  
**To:** Lumpp, Rachelle  
**Cc:** Moan, Christina; Rodriguez, Lisa  
**Subject:** RE: PRR2020-2200 -166 FW: NBC News Vote Watch Request: AZ: Vote Fraud / Vote Disenfranchisement #s

I believe Christina is working on this one.

---

**From:** Lumpp, Rachelle  
**Sent:** Monday, January 25, 2021 2:51 PM  
**To:** Rodriguez, Lisa  
**Subject:** FW: PRR2020-2200 -166 FW: NBC News Vote Watch Request: AZ: Vote Fraud / Vote Disenfranchisement #s

Any update on this one?

---

**From:** Lumpp, Rachelle  
**Sent:** Thursday, September 24, 2020 3:49 PM  
**To:** Rodriguez, Lisa  
**Subject:** FW: PRR2020-2200 -166 FW: NBC News Vote Watch Request: AZ: Vote Fraud / Vote Disenfranchisement #s

Pls let me know about this one too. Thx!

---

**From:** Rodriguez, Lisa  
**Sent:** Tuesday, August 25, 2020 10:00 AM  
**To:** Lumpp, Rachelle  
**Cc:** Rodriguez, Lisa; Martinez, Gilda  
**Subject:** RE: PRR2020-2200 -166 FW: NBC News Vote Watch Request: AZ: Vote Fraud / Vote Disenfranchisement #s

No. we need to make this a priority. PRR's are next on my list.

Gilda – There are several elections PRRs that we need to revisit. Let's try to do this week! Lisa

---

**From:** Lumpp, Rachelle  
**Sent:** Tuesday, August 25, 2020 8:07 AM  
**To:** Rodriguez, Lisa  
**Subject:** FW: PRR2020-2200 -166 FW: NBC News Vote Watch Request: AZ: Vote Fraud / Vote Disenfranchisement #s

Any update on this one?

---

**From:** Lumpp, Rachelle  
**Sent:** Wednesday, July 08, 2020 9:19 AM  
**To:** Rodriguez, Lisa  
**Cc:** Ahler, Paul  
**Subject:** PRR2020-2200 -166 FW: NBC News Vote Watch Request: AZ: Vote Fraud / Vote Disenfranchisement #s

Lisa,

I attached a copy of the information we already have, so no need to provide that portion again. Also sending to ACL.  
Thanks!

**From:** Tellez, Anthony (NBCUniversal) [mailto:Anthony.Tellez@nbcuni.com]  
**Sent:** Friday, June 19, 2020 8:36 AM  
**To:** Conner, Katie  
**Cc:** Gardella, Rich (NBCUniversal)  
**Subject:** RE: NBC News Vote Watch Request: AZ: Vote Fraud / Vote Disenfranchisement #s

Hi Katie,

Please see email with NBC News Vote Watch request and questions below.

I will call to follow up in the coming days.

Thank you for your time and consideration,

**Anthony Tellez**  
NBC News/MSNBC Election Vote Watch 2020  
NBC News Washington Bureau  
(917)-455-7863  
[Anthony.tellez@nbcuni.com](mailto:Anthony.tellez@nbcuni.com)



**From:** Gardella, Rich (NBCUniversal)  
**Sent:** Wednesday, June 17, 2020 1:25 PM  
**To:** Gardella, Rich (NBCUniversal) ([Rich.Gardella@nbcuni.com](mailto:Rich.Gardella@nbcuni.com)) <[Rich.Gardella@nbcuni.com](mailto:Rich.Gardella@nbcuni.com)>  
**Subject:** NBC News Vote Watch Request: [xx]: Vote Fraud / Vote Disenfranchisement #s EMAIL

[TO STATE ATTORNEYS GENERAL, SECRETARIES OF STATE, STATE BOARDS OF ELECTION:]

Thank you for all your efforts to administer and to help protect elections during this time of political polarization and of the coronavirus pandemic.

We apologize for adding to your workloads with this request.

**\* If you are not the appropriate entity in your government's administration to provide responses to the below, please forward this request to the appropriate entity in your government's administration. \***

NBC News/MSNBC Vote Watch is contacting Offices of Attorneys General and Secretaries of State/state election administrators to gather direct information on the following questions:

1) What is accurate language to describe the prevalence of vote fraud involving U.S. election voting – and in absentee ballot / vote-by-mail election voting?

2) What is accurate language to describe the prevalence of vote disenfranchisement (intentional or accidental) involving U.S. election voting – and in U.S. absentee ballot / vote-by-mail election voting?

Determining answers to those questions must begin with the gathering of facts.

Towards that end, NBC News/MSNBC Vote Watch requests that you reply to the questions above and below in the coming weeks.

### Vote Fraud

3a) How many reports/complaints of vote fraud involving U.S. election voting has your state received from the beginning of 2016 through now?

3b) How many reports/complaints of vote fraud involving U.S. absentee ballot / vote-by-mail election voting has your state received from the beginning of 2016 through now?

4a) How many cases of possible vote fraud involving U.S. election voting has your state investigated from the beginning of 2016 through now?

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### Vote Disenfranchisement

7a) How many reports/complaints of vote disenfranchisement involving U.S. election voting has your state received from the beginning of 2016 through now?

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#### Additional Request

11) Please provide contact information for the individual(s) and office(s) that investigate each/all the above in your state/commonwealth/district/territory.

Our Vote Watch team members will follow up with you by email and phone in the coming days – until this project is as completed as possible.

We very much appreciate your responses.

Rich Gardella  
Editorial Coordinating Producer  
NBC News/MSNBC Election Vote Watch 2020  
Off-Air Investigative Reporter/Producer  
NBC News Investigative Unit  
NBC News Washington Bureau  
202.885.4655 (Direct) 202.445.3826 (Cell)  
[rich.gardella@nbcuni.com](mailto:rich.gardella@nbcuni.com)



## Lumpp, Rachelle

---

**From:** Lumpp, Rachelle  
**Sent:** Tuesday, January 26, 2021 4:18 PM  
**To:** Moan, Christina; Rodriguez, Lisa  
**Subject:** RE: PRR2020-2200 -166 FW: NBC News Vote Watch Request: AZ: Vote Fraud / Vote Disenfranchisement #s

**Categories:** Green category

Thanks Christina,

I am working on preparing the voter spreadsheet. I have reviewed and categorized all of the election complaints received from the inception of EIU through November 3, 2020. I will be reviewing the post-election complaints later this week. Once I complete that review, I will be able to prepare the spreadsheet.

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**Cc:** Rodriguez, Lisa; Martinez, Gilda  
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NBC News/MSNBC Election Vote Watch 2020  
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**Sent:** Wednesday, June 17, 2020 1:25 PM  
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Our Vote Watch team members will follow up with you by email and phone in the coming days – until this project is as completed as possible.

We very much appreciate your responses.



**Rich Gardella**  
**Editorial Coordinating Producer**  
**NBC News/MSNBC Election Vote Watch 2020**  
Off-Air Investigative Reporter/Producer  
NBC News Investigative Unit  
NBC News Washington Bureau  
202.885.4655 (Direct) 202.445.3826 (Cell)  
[rich.gardella@nbcuni.com](mailto:rich.gardella@nbcuni.com)



## Lumpp, Rachelle

---

**From:** Conner, Katie  
**Sent:** Friday, January 22, 2021 3:30 PM  
**To:** Medina, Rick  
**Subject:** RE:  
**Attachments:** Saturday Remarks.docx

**Categories:** Green category

---

**From:** Medina, Rick  
**Sent:** Friday, January 22, 2021 2:57 PM  
**To:** Conner, Katie  
**Subject:**

## Lumpp, Rachelle

---

**From:** Medina, Rick  
**Sent:** Friday, January 22, 2021 2:57 PM  
**To:** Conner, Katie  
**Attachments:** Saturday Remarks.docx  
  
**Categories:** Green category

## Lumpp, Rachele

---

**From:** Kanefield, Joe  
**Sent:** Tuesday, January 19, 2021 4:00 PM  
**To:** Kredit, Joshua; Anderson, Ryan  
**Cc:** Lefevre, Edith  
**Subject:** RE: attorney general; voter fraud; subpoenas

**Categories:** Green category

This bill references our "voter fraud unit". Is that the language used in the session law creating the EIU? If so, if this bill moves forward, I think the language creating the voter fraud unit needs to be codified.

Joseph Kanefield  
Chief Deputy & Chief of Staff



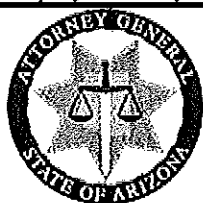
Attorney General Mark Brnovich  
Desk: 602-542-8080  
Joe.Kanefield@azag.gov  
<http://www.azag.gov>

---

**From:** Kredit, Joshua  
**Sent:** Tuesday, January 19, 2021 3:58 PM  
**To:** Kanefield, Joe; Anderson, Ryan  
**Cc:** Lefevre, Edith  
**Subject:** attorney general; voter fraud; subpoenas

<https://www.azleg.gov/legtext/55leg/1R/bills/HB2357P.pdf>

Josh Kredit  
Deputy Attorney General for Law & Policy



Attorney General Mark Brnovich  
2005 N. Central Ave  
Phoenix, AZ 85004  
Direct: 602-542-3454  
Cell: 602-339-2082  
[Joshua.Kredit@azag.gov](mailto:Joshua.Kredit@azag.gov)

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## Lumpp, Rachelle

---

**From:** PublicRecords  
**Sent:** Tuesday, January 19, 2021 1:42 PM  
**To:** Diaz, Bethany; Lumpp, Rachelle  
**Subject:** FW: Public Records Request (AZ-AG-21-0104)  
**Attachments:** AZ-AG-21-0104.pdf

**Categories:** Green category

---

**From:** AO Records  
**Sent:** Tuesday, January 19, 2021 1:42:21 PM (UTC-07:00) Arizona  
**To:** PublicRecords  
**Subject:** Public Records Request (AZ-AG-21-0104)

Dear Public Records Officer:  
Please find attached a request for records under Arizona's Public Records Law.

Sincerely,

--

Olivia Bravo  
Paralegal  
American Oversight  
[records@americanoversight.org](mailto:records@americanoversight.org)  
[www.americanoversight.org](http://www.americanoversight.org) | @weareoversight  
PRR: AZ-AG-21-0104

## Lumpp, Rachele

---

**From:** Kanefield, Joe  
**Sent:** Tuesday, January 19, 2021 9:45 AM  
**To:** Isaak, Jason  
**Subject:** RE: The fault lies with you. All of you.

**Categories:** Black, Green category

That's fine but please coordinate with Jennifer as well as she might also be sending something to folks that complain through the EIU.

Joseph Kanefield  
Chief Deputy & Chief of Staff



Attorney General Mark Brnovich  
Desk: 602-542-8080  
Joe.Kanefield@azag.gov  
<http://www.azag.gov>

---

**From:** Isaak, Jason  
**Sent:** Tuesday, January 19, 2021 9:44 AM  
**To:** Kanefield, Joe  
**Subject:** RE: The fault lies with you. All of you.

Joe –

I'll work with Bethany to make sure we send a customized response unless you suggest something else.

Thanks,  
Jason

---

**From:** Brnovich, Mark  
**Sent:** Monday, January 18, 2021 3:51 PM  
**To:** Isaak, Jason; Kanefield, Joe  
**Subject:** Fwd: The fault lies with you. All of you.

Mark Brnovich  
Arizona Attorney General

Sent from my iPhone

Begin forwarded message:

**From:** LOUANNE SPELLMAN <lspellman48@██████████>  
**Date:** January 18, 2021 at 12:10:47 PM MST  
**To:** chickman@██████████ "Brnovich, Mark" <Mark.Brnovich@azag.gov>,

sricher@[REDACTED]

**Subject: The fault lies with you. All of you.**

I am angry as hell. I have been treated like trash personally by members of the Maricopa County Judicial Branch, and now once again, I am being ignored.

LET ME BE PERFECTLY CLEAR. I DO NOT WISH TO OVERTURN AN ELECTION. I WANT THE TRUTH. AND IF ARIZONA'S GOVERNMENT DOES NOT SEEK TO 100% AUDIT THE VOTING MACHINES AND SEE THE IMAGES AND SIGNATURE MATCH EVERY BALLOT IN MARICOPA COUNTY AND ANY ACTIONS TAKEN TO ACCEPT BALLOTS AFTER CONSTITUTIONALLY-MANDATED TIMELINES AND ANYTHING ELSE THAT WOULD NULLIFY A BALLOT MUST BE DETERMINED OR I, AND I'M GUESSING MULTITUDES OF OTHERS, WILL NOT ACCEPT THE RESULTS. THOSE REPS WHO BACKED DOWN TODAY HAVE ALSO FAILED ALL OF US.

WHY???? WHAT IS EVERYONE SO AFRAID OF? WHY ARE OUR DEMANDS SO FAR-FETCHED? ELECTION INTEGRITY. YOUR INTEGRITY. BOTH CAN BE PROVEN.

THIS DIVISIVENESS LIES WITH THOSE WHO REFUSE TO STAND UP.

YOUR REFUSAL TO ADDRESS OUR CONCERNS WILL FOREVER TAINT THIS ELECTION AND BE ASSURED, ALL FUTURE ELECTIONS.

PEOPLE ARE ANGRY. YOU HAVE THE POWER TO MAKE THIS AUDIT HAPPEN. FAILURE TO DO SO IS A GUARANTEE THAT YOU DON'T CARE ABOUT FREE AND FAIR AND TRANSPARENT ELECTIONS.

DO THE RIGHT THING.

DO THE RIGHT THING.

DO THE RIGHT THING.

OR THIS WILL NEVER END. IT IS ON YOU. 17 STATEHOUSES. WHY WON'T YOU LISTEN???????

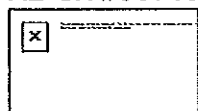
HACKERS. DOMINION. CROSSFIRE HURRICANE. WHY IS IT SO CRAZY? HACKERS IN OUR DEEPEST GOVERNMENT. GROW UP PEOPLE. THEY'RE HERE. THEY'RE GETTING INTO MICROSOFT. YOU'RE LETTING IT HAPPEN.

I DEMAND AN AUDIT. I'LL SAY IT AND I'LL KEEP SAYING IT UNTIL SOMEONE LISTENS.

DO THE RIGHT THING.

LOU ANNE J SPELLMAN, RPR

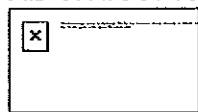
AZ CR #50915



--

LOU ANNE J SPELLMAN, RPR

AZ CR #50915



## Lumpp, Rachele

---

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**To:** Kanefield, Joe  
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**Categories:** Black, Green category

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Thanks,  
Jason

---

**From:** Brnovich, Mark  
**Sent:** Monday, January 18, 2021 3:51 PM  
**To:** Isaak, Jason; Kanefield, Joe  
**Subject:** Fwd: The fault lies with you. All of you.

Mark Brnovich  
Arizona Attorney General

Sent from my iPhone

Begin forwarded message:

**From:** LOUANNE SPELLMAN <lspellman48 [REDACTED]>  
**Date:** January 18, 2021 at 12:10:47 PM MST  
**To:** chickman@[REDACTED] Brnovich, Mark" <Mark.Brnovich@azag.gov>, sricher@[REDACTED]  
**Subject:** The fault lies with you. All of you.

I am angry as hell. I have been treated like trash personally by members of the Maricopa County Judicial Branch, and now once again, I am being ignored. LET ME BE PERFECTLY CLEAR. I DO NOT WISH TO OVERTURN AN ELECTION. I WANT THE TRUTH. AND IF ARIZONA'S GOVERNMENT DOES NOT SEEK TO 100% AUDIT THE VOTING MACHINES AND SEE THE IMAGES AND SIGNATURE MATCH EVERY BALLOT IN MARICOPA COUNTY AND ANY ACTIONS TAKEN TO ACCEPT BALLOTS AFTER CONSTITUTIONALLY-MANDATED TIMELINES AND ANYTHING ELSE THAT WOULD NULLIFY A BALLOT MUST BE DETERMINED OR I, AND I'M GUESSING MULTITUDES OF OTHERS, WILL NOT ACCEPT THE RESULTS. THOSE REPS WHO BACKED DOWN TODAY HAVE ALSO FAILED ALL OF US. WHY???? WHAT IS EVERYONE SO AFRAID OF? WHY ARE OUR DEMANDS SO FAR-FETCHED? ELECTION INTEGRITY. YOUR INTEGRITY. BOTH CAN BE PROVEN.



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OR THIS WILL NEVER END. IT IS ON YOU. 17 STATEHOUSES. WHY WON'T YOU  
LISTEN?????????

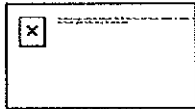
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I DEMAND AN AUDIT. I'LL SAY IT AND I'LL KEEP SAYING IT UNTIL SOMEONE LISTENS.

DO THE RIGHT THING.

LOU ANNE J SPELLMAN, RPR

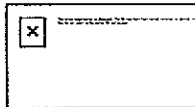
AZ CR #50915



--

LOU ANNE J SPELLMAN, RPR

AZ CR #50915



## Lumpp, Rachelle

---

**From:** Brnovich, Mark  
**Sent:** Monday, January 18, 2021 3:51 PM  
**To:** Isaak, Jason; Kanefield, Joe  
**Subject:** Fwd: The fault lies with you. All of you.

**Categories:** Black, Green category

Mark Brnovich  
Arizona Attorney General

Sent from my iPhone

Begin forwarded message:

**From:** LOUANNE SPELLMAN <lspellman4@██████████>  
**Date:** January 18, 2021 at 12:10:47 PM MST  
**To:** chickman@██████████ "Brnovich, Mark" <Mark.Brnovich@azag.gov>, sricher@██████████  
**Subject:** The fault lies with you. All of you.

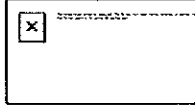
I am angry as hell. I have been treated like trash personally by members of the Maricopa County Judicial Branch, and now once again, I am being ignored. LET ME BE PERFECTLY CLEAR. I DO NOT WISH TO OVERTURN AN ELECTION. I WANT THE TRUTH. AND IF ARIZONA'S GOVERNMENT DOES NOT SEEK TO 100% AUDIT THE VOTING MACHINES AND SEE THE IMAGES AND SIGNATURE MATCH EVERY BALLOT IN MARICOPA COUNTY AND ANY ACTIONS TAKEN TO ACCEPT BALLOTS AFTER CONSTITUTIONALLY-MANDATED TIMELINES AND ANYTHING ELSE THAT WOULD NULLIFY A BALLOT MUST BE DETERMINED OR I, AND I'M GUESSING MULTITUDES OF OTHERS, WILL NOT ACCEPT THE RESULTS. THOSE REPS WHO BACKED DOWN TODAY HAVE ALSO FAILED ALL OF US. WHY???? WHAT IS EVERYONE SO AFRAID OF? WHY ARE OUR DEMANDS SO FAR-FETCHED? ELECTION INTEGRITY. YOUR INTEGRITY. BOTH CAN BE PROVEN. THIS DIVISIVENESS LIES WITH THOSE WHO REFUSE TO STAND UP. YOUR REFUSAL TO ADDRESS OUR CONCERNS WILL FOREVER TAINT THIS ELECTION AND BE ASSURED, ALL FUTURE ELECTIONS. PEOPLE ARE ANGRY. YOU HAVE THE POWER TO MAKE THIS AUDIT HAPPEN. FAILURE TO DO SO IS A GUARANTEE THAT YOU DON'T CARE ABOUT FREE AND FAIR AND TRANSPARENT ELECTIONS. DO THE RIGHT THING. DO THE RIGHT THING. DO THE RIGHT THING. OR THIS WILL NEVER END. IT IS ON YOU. 17 STATEHOUSES. WHY WON'T YOU LISTEN???????

HACKERS. DOMINION. CROSSFIRE HURRICANE. WHY IS IT SO CRAZY? HACKERS IN OUR DEEPEST GOVERNMENT. GROW UP PEOPLE. THEY'RE HERE. THEY'RE GETTING INTO MICROSOFT. YOU'RE LETTING IT HAPPEN.

I DEMAND AN AUDIT. I'LL SAY IT AND I'LL KEEP SAYING IT UNTIL SOMEONE LISTENS. DO THE RIGHT THING.

LOU ANNE J SPELLMAN, RPR

AZ CR #50915



--

LOU ANNE J SPELLMAN, RPR

AZ CR #50915



## Lumpp, Rachelle

---

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**Sent:** Monday, January 18, 2021 3:51 PM  
**To:** Isaak, Jason; Kanefield, Joe  
**Subject:** Fwd: The fault lies with you. All of you.

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Mark Brnovich  
Arizona Attorney General

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**Date:** January 18, 2021 at 12:10:47 PM MST  
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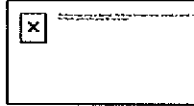
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AZ CR #50915



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AZ CR #50915



**Lumpp, Rachele**

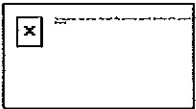
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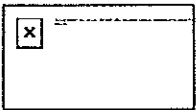
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LOU ANNE J SPELLMAN, RPR  
AZ CR #50915



---  
LOU ANNE J SPELLMAN, RPR  
AZ CR #50915



## Lumpp, Rachelle

---

**From:** Bokat-Lindell, Noah B. <NBokat-Lindell@jenner.com>  
**Sent:** Wednesday, January 13, 2021 1:38 PM  
**To:** Kanefield, Joe; macarvin@jonesday.com; melias@perkinscoie.com  
**Cc:** Amunson, Jessica Ring; Hirsch, Sam; Johnson, Tassity S.; Deutsch, Elizabeth B.; Langlinais, Jonathan Alexander  
**Subject:** Secretary of State Katie Hobbs's Respondent's Brief in 19-1257, Brnovich et al. v. Democratic National Committee, et al., 19-1258, Arizona Republican Party, et al. v. Democratic National Committee, et al.  
**Attachments:** Brnovich v. DNC - Brief of Respondent Arizona Secretary of State Katie Hobbs AS FILED.pdf  
**Categories:** Green category

### Counsel:

40 copies and 1 unbound copy of Secretary of State Katie Hobbs's Respondents' Brief in 19-1257, *Mark Brnovich, Attorney General of Arizona, et al. v. Democratic National Committee, et al.*, 19-1258, *Arizona Republican Party, et al. v. Democratic National Committee, et al.* were sent via Overnight Service to the U.S. Supreme Court, and Overnight and e-mail service to the following parties listed below, this 13th day of January, 2021.

### Case No. and title:

Secretary of State Katie Hobbs's Respondents' Brief in 19-1257, *Mark Brnovich, Attorney General of Arizona, et al. v. Democratic National Committee, et al.*, 19-1258, *Arizona Republican Party, et al. v. Democratic National Committee, et al.*

### Names & email address of individuals served:

Joseph A. Kanefield  
*Chief Deputy and Chief of Staff*  
Office of the Arizona Attorney General  
2005 N. Central Ave.  
Phoenix, AZ 85004  
(602) 542-5025  
[Joe.Kanefield@azag.gov](mailto:Joe.Kanefield@azag.gov)

### *Counsel for State Petitioners*

Michael A. Carvin  
Jones Day  
51 Louisiana Ave., N.W.  
Washington, DC 20001  
(202) 879-7643  
[macarvin@jonesday.com](mailto:macarvin@jonesday.com)

### *Counsel for Petitioners*

*Arizona Republican Party, et al.*

Marc E. Elias  
Counsel of Record  
Bruce V. Spiva  
Elisabeth C. Frost  
Amanda R. Callais  
Lalitha D. Madduri  
Alexander G. Tischenko  
Perkins Coie LLP  
700 Thirteenth Street N.W.  
Suite 800  
Washington, DC 20005-3960  
(202) 654-6200  
[MElias@perkinscoie.com](mailto:MElias@perkinscoie.com)

Sarah R. Gonski  
Perkins Coie LLP  
2901 N. Central Ave  
Suite 2000  
Phoenix, AZ 85012  
(602) 351-8000

Lauren P. Ruben  
Perkins Coie LLP  
1900 Sixteenth Street  
Suite 1400  
Denver, CO 80202  
(303) 291-2385

*Counsel for Democratic National Committee, et al.*

Please let me know if you have any trouble with the attached document.

Sincerely,  
Noah Bokat-Lindell

---

**Noah B. Bokat-Lindell**

Jenner & Block LLP  
1099 New York Avenue, NW  
Suite 900, Washington, DC 20001-4412 | [jenner.com](http://jenner.com)  
+1 202 637 6314 | TEL  
+1 202 550 2438 | MOBILE  
Pronouns: He / Him  
[NBokat-Lindell@jenner.com](mailto:NBokat-Lindell@jenner.com)  
[Download V-Card](#) | [View Biography](#)

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## Lumpp, Rachelle

---

**From:** Lumpp, Rachelle  
**Sent:** Wednesday, January 13, 2021 1:18 PM  
**To:** 'Resnik, Brahm'  
**Cc:** Conner, Katie; Anderson, Ryan  
**Subject:** RE: Public Records Request

**Categories:** Green category

Brahm,

I am working on the EIU complaints. There were approximately 3,000 emails that came into that account between the inception of the EIU and December 11. Each email must first be reviewed (not every email was an actual complaint), categorized (so that we can create a spreadsheet categorizing the complaints for pending requests), and then properly redacted. This will take some time. We are diligently working on getting this completed as soon as practicable.

Thank you.

---

**From:** Resnik, Brahm [mailto:bresnik@12NEWS.COM]  
**Sent:** Monday, January 04, 2021 10:36 AM  
**To:** Lumpp, Rachelle  
**Subject:** RE: Public Records Request

Good morning and happy new year!

I'm following up on this records request sent more than two months ago.

Did I miss a response or is it still being processed?

Best,

Brahm

**From:** Resnik, Brahm <bresnik@12NEWS.COM>  
**Sent:** Friday, October 16, 2020 12:08 PM  
**To:** Lumpp, Rachelle <Rachelle.Lumpp@azag.gov>  
**Subject:** Re: Public Records Request

Since June 30. Thank you!

---

**From:** Lumpp, Rachelle <Rachelle.Lumpp@azag.gov>  
**Sent:** Friday, October 16, 2020 12:05 PM  
**To:** Resnik, Brahm <bresnik@12NEWS.COM>  
**Subject:** Public Records Request

**CAUTION - EXTERNAL EMAIL - Please use caution opening attachments and never share your password.**  
Send suspicious email to [infosec@tegna.com](mailto:infosec@tegna.com).

Brahm,

Please let me know what time frame you are seeking EIU complaints for.

Thanks!

Rachelle Lumpp  
Executive Assistant to the Attorney General

Executive Assistant to the Director of Communications  
Office of the Arizona Attorney General  
2005 N. Central Avenue  
Phoenix, AZ 85004  
602-542-8351 Office  
[rachelle.lumpp@azag.gov](mailto:rachelle.lumpp@azag.gov)



## Lumpp, Rachelle

---

**From:** Catlett, Michael  
**Sent:** Monday, January 11, 2021 5:21 PM  
**To:** Roysden, Beau; Kanefield, Joe; Kredit, Joshua; Wright, Jennifer  
**Subject:** Fw: CV2020-016840 - Maricopa County, et al. v. Fann, et al.  
**Attachments:** Notice of Substitution of Parties.pdf; Opposition to Motion to Intervene (FINAL).pdf; Combined Response to MTD and Reply (FINAL).pdf; AZTurboCourt E-Filing Courtesy Notification; AZTurboCourt E-Filing Courtesy Notification; AZTurboCourt E-Filing Courtesy Notification

**Categories:** Black, Green category

I just received the email below with attachments from Tom Basile in the legislative subpoena action. Attached is (1) a notice substituting Senator Peterson for Farnsworth, (2) an opposition to the Republican electors' motion to intervene, and (3) counterclaimants' combined reply in support of preliminary injunction and response to motion to dismiss.

Mike

---

**From:** Thomas Basile <tom@statecraftlaw.com>  
**Sent:** Monday, January 11, 2021 4:54:50 PM  
**To:** Mary Smith (SUP); Tully, Stephen W.; Thomas Liddy; Jim Barton; jacqueline@bartonmendezsoto.com; Alexander Kolodin; cviskovic@kolodinlaw.com; Catlett, Michael  
**Cc:** Kory Langhofer  
**Subject:** CV2020-016840 - Maricopa County, et al. v. Fann, et al.

All,

Please find attached copies of the following filings, which were submitted via TurboCourt this afternoon:

1. Notice of Substitution of Parties
2. Opposition to Motion to Intervene
3. Combined Response to Maricopa County's Motion to Dismiss & Reply in Support of Motion for Preliminary Injunction.

Thank you.

---

**Thomas Basile**  
**STATECRAFT PLLC**  
649 North Fourth Avenue, First Floor  
Phoenix, Arizona 85003  
Desk: (602) 382-4066  
Cell: (617) 458-6453

This transmission may be protected by the attorney-client privilege or the attorney work product doctrine. If you are not the intended recipient, please delete all copies of the transmission and advise the sender immediately.

## Lumpp, Rachelle

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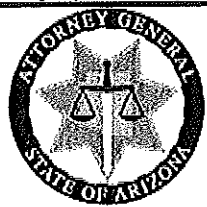
**From:** Kredit, Joshua  
**Sent:** Monday, January 11, 2021 1:38 PM  
**To:** Kanefield, Joe  
**Cc:** Anderson, Ryan  
**Subject:** RE: Great State Of Maricopa v. Arizona State Legislature!

**Categories:** Black, Green category

I'll call Griffin tomorrow once the opening day festivities are done.

Josh Kredit  
Deputy Attorney General for Law & Policy

---



Attorney General Mark Brnovich  
2005 N. Central Ave  
Phoenix, AZ 85004  
Direct: 602-542-3454  
Cell: 602-339-2082  
[Joshua.Kredit@azag.gov](mailto:Joshua.Kredit@azag.gov)

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---

**From:** Kanefield, Joe  
**Sent:** Monday, January 11, 2021 1:37 PM  
**To:** Kredit, Joshua  
**Cc:** Anderson, Ryan  
**Subject:** RE: Great State Of Maricopa v. Arizona State Legislature!

This request hasn't aged well. Do we need to follow up?

Joseph Kanefield  
Chief Deputy & Chief of Staff

---



Attorney General Mark Brnovich  
Desk: 602-542-8080  
[Joe.Kanefield@azag.gov](mailto:Joe.Kanefield@azag.gov)  
<http://www.azag.gov>

---

**From:** Kredit, Joshua  
**Sent:** Saturday, January 02, 2021 2:24 PM  
**To:** Kanefield, Joe  
**Cc:** Anderson, Ryan  
**Subject:** Fwd: Great State Of Maricopa v. Arizona State Legislature!

FYI  
Get [Outlook for iOS](#)

---

**From:** Gail Griffin <griff4333@[REDACTED]>  
**Sent:** Thursday, December 31, 2020 7:15 PM  
**To:** Gail Griffin; Joshua.Kredit@azag.gov  
**Subject:** Fwd: Fw: Great State Of Maricopa v. Arizona State Legislature!

Josh  
This was sent to me by one of my constituents and very active in the Republican Party. Can you review it and provide me a memo from the AG office after reviewing it. I will send you the memo I received from Leg Council. Time is running out so time is of the essence. I appreciate any guidance you can provide.

Thank you  
Gail Griffin  
griff4333@[REDACTED]

[REDACTED] cell

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1.) That it be recognized that ALL of the arguments against Representative Finchem's position turn on whether or not Art. 2 sec. 1 of the US Constitution is supreme in this matter or not. ( lawyers in legislative council or the opinions of the speaker NOTWITHSTANDING ).

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a.) The United States is a Confederation of sovereign states. The United States or Federal head was created by the states. The states have authority over the Federal government in every matter except those that were given to the federal head by the states through the US Constitution. The US Constitution defines and limits the power of the Federal government, but is supreme in every matter that the states assigned to the Federal head.

b.) The sovereign states before the Constitution was ratified did in fact have the status of sovereign nations with the rights and powers to elect representatives as they each saw fit.

c.) The Constitution, by Article II Section 1's inclusion in the Constitution, took a sovereign power of the states, by their consent, and reverted it back to the states with the stipulations contained therein, with supremacy through the supremacy clause. The purpose of this to anyone who knows the principles of the founders obviously is that the states should retain this power of choosing electors as a plenary power without encumbrance FOREVER, as a DUTY to be performed above all else, and NO STATE LEGISLATURE IN THE FUTURE SHOULD EVER BE ABLE TO SHIRK FROM ITS' DUTY IN THIS REGARD or be able to deny that duty for any reason.

State statutes are subordinate to the US Constitution. Color of fraud provides MORE justification for action. Why would the founders take a state power into the constitution and revert it back to them? The answer should be obvious to anyone with commonsense, no less legal pedigree. They obviously intended to make it a state legislative duty, define that duty, and make it so that no state could change or relinquish that duty forever. In other words to insure a Republican form of government, they would not be allowed to relinquish their sovereignty over the federal government in this matter. The opinions of lawyers, judges, or others, be they Republicans or not, be they council to the legislature or not, are null and void by the logic stated above. I would recommend that these attorneys themselves be examined as to why they have adopted false opinions to the contrary. Many it will be found are simply parroting the logic of their progressive law professors and colleagues who hate the constitution and are committed to undermine it as they have been for the last 150 or so years. They

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Ray Ihly  
12/31/2020

----- Forwarded Message -----

From: Thomas Paine - written by Rep Finchem LD11 <azstatesmen@

To: "liberty10950@" <liberty10950@

Sent: Monday, December 28, 2020, 4:14:07 PM MST

Subject: Great State Of Maricopa v. Arizona State Legislature!

## American Post-Gazette

Distributed by COMMON SENSE in Arizona  
December 28, 2020

### 1. Legislative authority; initiative and referendum

*Section 1. (1) Senate; house of representatives; reservation of power to people. The legislative authority of the state shall be vested in the legislature, consisting of a senate and a house of representatives, but the people reserve the power to propose laws and amendments to the constitution and to enact or reject such laws and amendments at the polls, independently of the legislature; and they also reserve, for use at their own option, the power to approve or reject at the polls any act, or item, section, or part of any act, of the legislature*

Hon. Mark Finchem, LD-11  
Arizona House of Representatives  
Chairman, Federal Relations Committee  
54th Legislature

### Legal Theory Brief Addressing Uncertifiable Elections

**Facts:** Under Arizona Revised Statutes there are a number of restrictions that past Arizona Legislatures have enacted to provide an orderly and expedited process for uncontested elections. Ordinarily, each Arizona county administers its own election, certifies the result and notifies the Secretary of State of the result. In the case of the Presidential Election, and in normal order, the Secretary of State notifies the Governor, and the State's 11 Electoral Votes are released to the winning candidate. In the case of the 2020 Arizona Election however, fraud of many sorts has been identified, including counterfeit ballots mailed to unregistered voters, pre-loading of "vote tics" on some tabulation machines, dead voters voting, and most prevalent of all, real-time "vote tic" realignment from one candidate to another.

**Issue:** Whether the Arizona Legislature is bound by the State Constitution and State Statutes restricting a call to Special Session, or whether the duty to direct the appointment of electors delegated to the State Legislatures under Article II of the United States Constitution supersedes the state restraints as the "supreme law of the land" under Article VI?

**Rule:** Under Article II, Section 1, "Each State shall appoint, in such Manner as the Legislature thereof may direct, a Number of Electors, equal to the whole Number of Senators and Representatives to which the State may be entitled in the Congress" (At Pa. 2). Under Article VI, "This Constitution, and the Laws of the United States which

shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; ...” (At Pa. 2). Article IV, Section 4, guarantees each state a republican form of government, the foundation of which is self-governance through free and fair elections accurately reflecting the will of the people.

**Analysis:** There are many laws in Arizona that govern an uncontested, normal order, Federal Office Election. The election for Electoral College Electors, United States Senate, and Congressional Representation are the offices addressed in this analysis. The House of Representatives Legal Counsel analysis of pertinent statutes (found in references) notwithstanding, the essential question at hand follows a fact pattern that Arizona has never faced, and which the Arizona Revised Statutes are silent on. When the Legislature is made aware that sufficient fraud in the election of Federal officials exists, so as to call into question the legitimacy of the election, is the Legislature bound by pertinent state statutes and prevented from stopping a fraudulent election to proceed to its logical conclusion? Arizona law is silent on actions that the Legislature may engage in to ensure a fair and impartial election.

However, the United States Constitution, the supreme law of the land, is not. Article II, Section 1, paragraph 2, grants plenary authority to determine how electors are appointed to the State Legislatures. As articulated by retired North Carolina Supreme Court Chief Justice Mark Martin, “the Constitution grants no role in directing the appointment of electors to the state’s executive or judicial branches. It is the plenary authority and obligation of the Legislature to do so. Since this authority and obligation is placed solely upon the Legislature by the highest law of the land, the Legislatures are not impeded by state statutes in fulfilling this duty.” Indeed, in light of the Supremacy Clause, it would be disingenuous to argue that state procedural requirements prevent the Arizona Legislature from fulfilling its duty under the United States Constitution. This means that the Legislature may be called to Special Session with a simple majority of members (31 in the House of Representatives and 16 in the Senate) to fulfill its Constitutional duty to direct the appointment of electors and ensure a republican form of government in Arizona.

Once in session, the normal order of business in the House and Senate is in place, including notice of hearings, hearings to accept evidence and testimony, generation of legislative findings, generation of resolution(s), and debate to pass or defeat resolutions whether or not to approve Electors.

An essential question that cannot be overlooked or assumed is the level of cooperation that Legislators will offer. There are in the body individuals who were not reelected and are so partisan that they will likely not avail themselves to act. This devolves to a Committee Hearing only, that will provide a venue for the hearing of grievances, testimony and the presentation of other forms evidence. The nature of the evidence presented to the Committee will determine whether the larger body is compelled to act pursuant to its Constitutional authority.

**Conclusion:** Under the plenary authority reserved to State Legislatures by the Constitution of the United States, the Arizona Legislature may indeed call itself into Special Session without interference from the Executive or Judicial branches so as to

fulfill its Constitutional duties. Moreover, the State Legislature cannot be tethered to a State Constitution provision or statute that interferes with the discharge of such duty, specifically a requirement for a two-thirds majority to call a special session. And, when there is reasonable suspicion that election fraud has occurred, the Legislature has the duty to call itself into session to hear testimony and accept other forms of evidence to prove or disprove the alleged election fraud. Where the evidence of fraud is so compelling that it calls into question the legitimacy of an election, the Legislature is duty bound to direct the appropriate appointment of Electors. In the matter of the 2020 Electoral College Electors, time is of the essence. If the election is proven to be illegitimate, the Legislature has the solemn Constitutional duty to take appropriate action to ensure the will of the people is accurately reflected through the reclamation of Electors where appropriate.

*Representative Mark Finchem, Legislative District 11, 54th Legislature, is a Legislative Fellow in Residence at the James Rogers School of Law, University of Arizona, Tucson, AZ.*

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A. A.R.S. § 16-602 requires each county officer in charge of an election to conduct a hand count according to a statutory process, as well as the hand count procedures established by the Secretary of State in the Election Procedures Manual. Once that hand count is complete, the county can conduct another one only if the first hand count produces a certain margin of discrepancy. Maricopa County's hand count produced zero discrepancies. Consequently, the county considers that the official count by statute.

**Q. Can the Legislature demand that Maricopa County hand count the votes cast at five or even 100 percent of the county's vote centers?**

A. A.R.S. § 16-602 and the Election Procedures Manual require counties to hand count the votes cast in at least two percent of the precincts or vote centers in the



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A. The Attorney General's Office informally opined that these provisions do not conflict, because (among other reasons) A.R.S. § 16-602 states that "[t]he hand count shall be conducted as prescribed in this section and in accordance with hand count procedures established by the secretary of state in the official instructions and procedures manual adopted pursuant to § 16-452"—that is, the Election Procedures Manual. The EPM has addressed hand counts of ballots cast at vote centers since 2012. This issue is currently being litigated in Arizona Republican Party v. Fontes (No. CV2020-014553).

**Q. Can the Legislature force a statewide or countywide recount?**

A. A.R.S. § 16-661 et seq. provide for a recount only when the canvass of returns shows a specified, narrow margin of victory, but no race in Arizona is within any of those statutory margins. Additionally, A.R.S. § 16-671 et seq. authorize election contests, including on grounds that votes were cast illegally or counted erroneously (A.R.S. § 16-672(A)(4)-(5)). No such election contest has been filed so far.

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**Q. What election-integrity measures has the Legislature enacted recently?**

A. To take just a few examples, since 2019, the Legislature has enacted election-integrity measures that:

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- advanced the deadline for issuing an Election Procedures Manual in order to provide election officials ample time to review and implement the policies and procedures the EPM establishes (HB2238—Townsend, 2019);
- required voters to present a valid form of identification before they are given a ballot (SB1072—Ugenti-Rita, 2019);
- required the county recorders to report the number of persons who are registered to vote but have not presented proof of citizenship, and—after each general election—the number of federal-only ballots cast (HB2039—Townsend, 2019); and
- established emergency voting procedures, along with additional guidelines to combat voter fraud (SB1090—Ugenti-Rita, 2019).

**Q. What other election-integrity measures are in place?**

A. Over decades, the Republican-led Legislature has built an electoral system in Arizona that is efficient, reliable, transparent, and secure. Among the many election-integrity measures already in place are laws:

- governing the procedures for opening, exhibits, locking, removal, and reopening of ballot boxes (A.R.S. § 16-564);
  - requiring that voting or marking devices be sealed after the polls close, and that unused ballots be sealed for return to the board of supervisors or other officer in charge of elections (A.R.S. § 16-566(B));
  - mandating that voting machines be in full view of all election officers and observers at the polling place (A.R.S. § 16-570(B));
  - requiring, after the polls close, that sealed ballot boxes be delivered by two election board members from different political parties to a counting place, and allowing county party chairmen to designate a party member to accompany the ballots (A.R.S. § 16-608);
  - prescribing detailed procedures for ensuring that votes are tabulated in a transparent manner, including live video recording of the custody of all ballots while they are present in a tabulation room (A.R.S. § 16-621);
- prohibiting ballot harvesting and other practices that compromise ballot integrity (A.R.S. § 16-1005)

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## Lumpp, Rachelle

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**From:** Kanefield, Joe  
**Sent:** Monday, January 11, 2021 1:37 PM  
**To:** Kredit, Joshua  
**Cc:** Anderson, Ryan  
**Subject:** RE: Great State Of Maricopa v. Arizona State Legislature!

**Categories:** Black, Green category

This request hasn't aged well. Do we need to follow up?

Joseph Kanefield  
Chief Deputy & Chief of Staff



Attorney General Mark Brnovich  
Desk: 602-542-8080  
Joe.Kanefield@azag.gov  
<http://www.azag.gov>

---

**From:** Kredit, Joshua  
**Sent:** Saturday, January 02, 2021 2:24 PM  
**To:** Kanefield, Joe  
**Cc:** Anderson, Ryan  
**Subject:** Fwd: Great State Of Maricopa v. Arizona State Legislature!

FYI  
Get [Outlook for iOS](#)

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**From:** Gail Griffin <griff4333@gmail.com>  
**Sent:** Thursday, December 31, 2020 7:15 PM  
**To:** Gail Griffin; Joshua.Kredit@azag.gov  
**Subject:** Fwd: Fw: Great State Of Maricopa v. Arizona State Legislature!

Josh  
This was sent to me by one of my constituents and very active in the Republican Party. Can you review it and provide me a memo from the AG office after reviewing it. I will send you the memo I received from Leg Council. Time is running out so time is of the essence. I appreciate any guidance you can provide.

Thank you  
Gail Griffin  
griff4333@

cell

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A. Over decades, the Republican-led Legislature has built an electoral system in Arizona that is efficient, reliable, transparent, and secure. Among the many election-integrity measures already in place are laws:

- governing the procedures for opening, exhibits, locking, removal, and reopening of ballot boxes ([A.R.S. § 16-564](#));
  - requiring that voting or marking devices be sealed after the polls close, and that unused ballots be sealed for return to the board of supervisors or other officer in charge of elections ([A.R.S. § 16-566\(B\)](#));
  - mandating that voting machines be in full view of all election officers and observers at the polling place ([A.R.S. § 16-570\(B\)](#));
  - requiring, after the polls close, that sealed ballot boxes be delivered by two election board members from different political parties to a counting place, and allowing county party chairmen to designate a party member to accompany the ballots ([A.R.S. § 16-608](#));
  - prescribing detailed procedures for ensuring that votes are tabulated in a transparent manner, including live video recording of the custody of all ballots while they are present in a tabulation room ([A.R.S. § 16-621](#));
- prohibiting ballot harvesting and other practices that compromise ballot integrity ([A.R.S. § 16-1005](#))

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## Lumpp, Rachelle

---

**From:** Roysden, Beau  
**Sent:** Tuesday, January 05, 2021 11:42 AM  
**To:** gjernigan@azleg.gov  
**Cc:** Kanefield, Joe; Kredit, Joshua  
**Subject:** FW: Wisconsin Voters Alliance, et al. v. Vice President Michael Richard Pence, et al.  
**Attachments:** 20210104123550121.pdf; Wisconsin Voters Alliance PI mem opinion.pdf; Wisconsin Voters Alliance Complaint.pdf

**Categories:** Green category

Greg,

I'm forwarding this to you. Sorry I left you off my initial email.

Beau

---

**From:** Roysden, Beau  
**Sent:** Tuesday, January 5, 2021 11:32 AM  
**To:** Anni Foster (afoster@az.gov); Andrew Pappas (APappas@azleg.gov)  
**Cc:** Kanefield, Joe; Kredit, Joshua  
**Subject:** Wisconsin Voters Alliance, et al. v. Vice President Michael Richard Pence, et al.

Anni and Andrew,

Attached is a scan of a cover letter and electronic copy of a complaint that we received that names Governor Ducey and Messrs. Bowers and Gray, all in their official capacities, as defendants. It seeks solely declaratory and injunctive relief. Plaintiffs also sought a preliminary injunction, which the District Court denied yesterday (order attached).

AGO is not representing these defendants in these suits, so I am forwarding these to you as counsel for the governor and majority in the house of representatives.

There are other materials such as summonses, etc. and a thumb drive. Please let me know if you would like us to send these to you or if you have any questions.

Sincerely,  
Beau Roysden  
Arizona Attorney General Mark Brnovich's Office  
602-542-8958 (direct)

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Arizona Attorney General Mark Brnovich's Office  
602-542-8958 (direct)

## Lumpp, Rachele

---

**From:** Kanefield, Joe  
**Sent:** Monday, January 04, 2021 1:34 PM  
**To:** Johnson, John  
**Subject:** Re: where are you guys with this  
  
**Categories:** Green category

Yes. Thanks John!

Sent from my iPad

On Jan 4, 2021, at 1:28 PM, Johnson, John <John.Johnson@azag.gov> wrote:

Hello Mr. Kanefield,

I have been advised that we were not involved in this investigation. Is it OK to let Katie know?  
Please let me know. Thanks.

John

John Johnson  
Division Chief Counsel  
Office of the Attorney General Mark Brnovich  
Criminal Division  
2005 N. Central Ave.  
Phoenix, AZ 85004  
Phone: 602-542-8482  
John.Johnson@azag.gov

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---

**From:** Conner, Katie <Katie.Conner@azag.gov>  
**Sent:** Monday, January 4, 2021 9:02:04 AM  
**To:** Kanefield, Joe <Joe.Kanefield@azag.gov>; Johnson, John <John.Johnson@azag.gov>; Gadow, Blaine <Blaine.Gadow@azag.gov>  
**Cc:** Anderson, Ryan <Ryan.Anderson@azag.gov>  
**Subject:** FW: where are you guys with this

Good morning,

This reporter is asking about a search warrant served at a Fountain Hills home in November for alleged stolen voter information. The AZ Central article I read said the FBI was handling. I was going to send the reporter over there but wanted to make sure we weren't involved. Thank you!

**From:** Terri Jo Neff [mailto:cjw\_media@yahoo.com]  
**Sent:** Thursday, December 31, 2020 5:06 PM  
**To:** Conner, Katie; Anderson, Ryan  
**Subject:** where are you guys with this

- 1) Is your Election Integrity Unit involved
- 2) If not, is any part of your office involved in the investigation?
- 3) and if either 1 or 2, what's the status?

On the morning of November 5, as the 2020 election hung in the balance, Arizona federal agents raided a two-story house in Fountain Hills, Maricopa County, a county that had become a key battleground in the presidential race. The agents were looking for evidence of a cyberattack on an unnamed organization and stolen voter data. They left with eight hard drives, three computers and a bag of USB sticks. The resident of the property, a 56-year-old IT expert named Elliot Kerwin, was served the warrant. He is not yet facing charges and was unreachable for comment at the time of publication. There is no indication that anything other than voters' information, which can be acquired for a few hundred dollars in Arizona counties, was taken from the affected office.

**Terri Jo Neff**  
520-508-3660

<https://arizonadailyindependent.com/author/terrijoneffadi/>

## Lumpp, Rachele

---

**From:** Johnson, John  
**Sent:** Monday, January 04, 2021 1:29 PM  
**To:** Kanefield, Joe  
**Subject:** Fwd: where are you guys with this

**Categories:** Green category

Hello Mr. Kanefield,

I have been advised that we were not involved in this investigation. Is it OK to let Katie know? Please let me know. Thanks.

John

John Johnson  
Division Chief Counsel  
Office of the Attorney General Mark Brnovich  
Criminal Division  
2005 N. Central Ave.  
Phoenix, AZ 85004  
Phone: 602-542-8482  
John.Johnson@azag.gov

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**Subject:** FW: where are you guys with this

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**Terri Jo Neff**  
520-508-3660

<https://arizonadailyindependent.com/author/terrijoneffadi/>

## Lumpp, Rachelle

---

**From:** Kredit, Joshua  
**Sent:** Saturday, January 02, 2021 2:24 PM  
**To:** Kanefield, Joe  
**Cc:** Anderson, Ryan  
**Subject:** Fwd: Great State Of Maricopa v. Arizona State Legislature!

**Categories:** Black, Green category

FYI  
Get [Outlook for iOS](#)

---

**From:** Gail Griffin <griff4333@[REDACTED]>  
**Sent:** Thursday, December 31, 2020 7:15 PM  
**To:** Gail Griffin; Joshua.Kredit@azag.gov  
**Subject:** Fwd: Fw: Great State Of Maricopa v. Arizona State Legislature!

Josh

This was sent to me by one of my constituents and very active in the Republican Party. Can you review it and provide me a memo from the AG office after reviewing it. I will send you the memo I received from Leg Council. Time is running out so time is of the essence. I appreciate any guidance you can provide.

Thank you  
Gail Griffin  
griff4333@[REDACTED]

cen

I like this position from Finchem. Posted it on FB and added the following commentary:

Representative Finchem makes a VERY good case. I applaud him and urge all of our State Senators and Legislators to follow his lead on this. In my opinion, having studied the federalist papers and writings of the founders for years, it is OBVIOUS that their rightful intent would be that both of the following in addition to Rep. Finchem's position apply:

- 1.) That it be recognized that ALL of the arguments against Representative Finchem's position turn on whether or not Art. 2 sec. 1 of the US Constitution is supreme in this matter or not. ( lawyers in legislative council or the opinions of the speaker NOTWITHSTANDING ).
- 2.) In this matter the US Constitution is supreme and governing based on the following reasoning:
  - a.) The United States is a Confederation of sovereign states. The United States or Federal head was created by the states. The states have authority over the Federal government in every matter except those that were given to the federal head by the states through the US Constitution. The US Constitution defines and limits the power of the Federal government, but is supreme in every matter that the states assigned to the Federal head.
  - b.) The sovereign states before the Constitution was ratified did in fact have the status of sovereign nations with the rights and powers to elect representatives as they each saw fit.
  - c.) The Constitution, by Article II Section 1's inclusion in the Constitution, took a sovereign power of the states, by their consent, and reverted it back to the states with the stipulations contained therein, with supremacy through the supremacy clause. The purpose of this to anyone who knows the principles of the founders obviously is that the states should retain this power of choosing electors as a plenary power without encumbrance FOREVER, as a DUTY to be performed above all else, and NO STATE LEGISLATURE IN

THE FUTURE SHOULD EVER BE ABLE TO SHIRK FROM ITS' DUTY IN THIS REGARD or be able to deny that duty for any reason.

State statutes are subordinate to the US Constitution. Color of fraud provides MORE justification for action. Why would the founders take a state power into the constitution and revert it back to them? The answer should be obvious to anyone with commonsense, no less legal pedigree. They obviously intended to make it a state legislative duty, define that duty, and make it so that no state could change or relinquish that duty forever. In other words to insure a Republican form of government, they would not be allowed to relinquish their sovereignty over the federal government in this matter. The opinions of lawyers, judges, or others, be they Republicans or not, be they council to the legislature or not, are null and void by the logic stated above. I would recommend that these attorneys themselves be examined as to why they have adopted false opinions to the contrary. Many it will be found are simply parroting the logic of their progressive law professors and colleagues who hate the constitution and are committed to undermine it as they have been for the last 150 or so years. They are in fact promulgating falsehoods to the benefit of foreign and financial powers, who are in fact the domestic enemy, the enemy within. They need to be educated and defeated.

Ray Ihly  
12/31/2020

----- Forwarded Message -----

From: Thomas Paine - written by Rep Finchem LD11 <azstatesmen@ [REDACTED]>  
To: "liberty10950@[REDACTED]" <liberty10950@[REDACTED]>  
Sent: Monday, December 28, 2020, 4:14:07 PM MST  
Subject: Great State Of Maricopa v. Arizona State Legislature!

## American Post-Gazette

Distributed by COMMON SENSE in Arizona  
December 28, 2020

### *1. Legislative authority; initiative and referendum*

*Section 1. (1) Senate; house of representatives; reservation of power to people. The legislative authority of the state shall be vested in the legislature, consisting of a senate and a house of representatives, but the people reserve the power to propose laws and amendments to the constitution and to enact or reject such laws and amendments at the polls, independently of the legislature; and they also reserve, for use at their own option, the power to approve or reject at the polls any act, or item, section, or part of any act, of the legislature*

Hon. Mark Finchem, LD-11  
Arizona House of Representatives  
Chairman, Federal Relations Committee  
54th Legislature

### **Legal Theory Brief Addressing Uncertifiable Elections**

**Facts:** Under Arizona Revised Statutes there are a number of restrictions that past Arizona Legislatures have enacted to provide an orderly and expedited process for uncontested elections. Ordinarily, each Arizona county administers its own election, certifies the result and notifies the Secretary of State of the result. In the case of the Presidential Election, and in normal order, the Secretary of State notifies the Governor, and the State's 11 Electoral Votes are released to the winning candidate. In the case of the 2020 Arizona Election however, fraud of many sorts has been identified, including counterfeit ballots mailed to unregistered voters, pre-loading of "vote tics" on some tabulation machines, dead voters voting, and most prevalent of all, real-time "vote tic" realignment from one candidate to another.

**Issue:** Whether the Arizona Legislature is bound by the State Constitution and State Statutes restricting a call to Special Session, or whether the duty to direct the appointment of electors delegated to the State Legislatures under Article II of the United States Constitution supersedes the state restraints as the “supreme law of the land” under Article VI?

**Rule:** Under Article II, Section 1, “Each State shall appoint, in such Manner as the Legislature thereof may direct, a Number of Electors, equal to the whole Number of Senators and Representatives to which the State may be entitled in the Congress” (At Pa. 2). Under Article VI, “This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; ...” (At Pa. 2). Article IV, Section 4, guarantees each state a republican form of government, the foundation of which is self-governance through free and fair elections accurately reflecting the will of the people.

**Analysis:** There are many laws in Arizona that govern an uncontested, normal order, Federal Office Election. The election for Electoral College Electors, United States Senate, and Congressional Representation are the offices addressed in this analysis. The House of Representatives Legal Counsel analysis of pertinent statutes (found in references) notwithstanding, the essential question at hand follows a fact pattern that Arizona has never faced, and which the Arizona Revised Statutes are silent on. When the Legislature is made aware that sufficient fraud in the election of Federal officials exists, so as to call into question the legitimacy of the election, is the Legislature bound by pertinent state statutes and prevented from stopping a fraudulent election to proceed to its logical conclusion? Arizona law is silent on actions that the Legislature may engage in to ensure a fair and impartial election.

However, the United States Constitution, the supreme law of the land, is not. Article II, Section 1, paragraph 2, grants plenary authority to determine how electors are appointed to the State Legislatures. As articulated by retired North Carolina Supreme Court Chief Justice Mark Martin, “the Constitution grants no role in directing the appointment of electors to the state’s executive or judicial branches. It is the plenary authority and obligation of the Legislature to do so. Since this authority and obligation is placed solely upon the Legislature by the highest law of the land, the Legislatures are not impeded by state statutes in fulfilling this duty.” Indeed, in light of the Supremacy Clause, it would be disingenuous to argue that state procedural requirements prevent the Arizona Legislature from fulfilling its duty under the United States Constitution. This means that the Legislature may be called to Special Session with a simple majority of members (31 in the House of Representatives and 16 in the Senate) to fulfill its Constitutional duty to direct the appointment of electors and ensure a republican form of government in Arizona.

Once in session, the normal order of business in the House and Senate is in place, including notice of hearings, hearings to accept evidence and testimony, generation of legislative findings, generation of resolution(s), and debate to pass or defeat resolutions whether or not to approve Electors.

An essential question that cannot be overlooked or assumed is the level of cooperation

that Legislators will offer. There are in the body individuals who were not reelected and are so partisan that they will likely not avail themselves to act. This devolves to a Committee Hearing only, that will provide a venue for the hearing of grievances, testimony and the presentation of other forms evidence. The nature of the evidence presented to the Committee will determine whether the larger body is compelled to act pursuant to its Constitutional authority.

**Conclusion:** Under the plenary authority reserved to State Legislatures by the Constitution of the United States, the Arizona Legislature may indeed call itself into Special Session without interference from the Executive or Judicial branches so as to fulfill its Constitutional duties. Moreover, the State Legislature cannot be tethered to a State Constitution provision or statute that interferes with the discharge of such duty, specifically a requirement for a two-thirds majority to call a special session. And, when there is reasonable suspicion that election fraud has occurred, the Legislature has the duty to call itself into session to hear testimony and accept other forms of evidence to prove or disprove the alleged election fraud. Where the evidence of fraud is so compelling that it calls into question the legitimacy of an election, the Legislature is duty bound to direct the appropriate appointment of Electors. In the matter of the 2020 Electoral College Electors, time is of the essence. If the election is proven to be illegitimate, the Legislature has the solemn Constitutional duty to take appropriate action to ensure the will of the people is accurately reflected through the reclamation of Electors where appropriate.

*Representative Mark Finchem, Legislative District 11, 54th Legislature, is a Legislative Fellow in Residence at the James Rogers School of Law, University of Arizona, Tucson, AZ.*

References and Notations: Post-election Questions prepared by House Counsel.

**Q. Can the Arizona Legislature select different presidential electors?**

A. Under Arizona law (A.R.S. § 16-212), voters elect the State's presidential electors on Election Day. Because the electors already have been elected, the Legislature cannot retroactively change the selection method for the November 2020 election.

**Q. Can Arizona's presidential electors cast their electoral college votes for whichever candidate they prefer?**

A. After statutory changes made in 2017, A.R.S. § 16-212 requires presidential electors to cast their electoral college votes for the candidates for president and vice president who jointly received the most votes according to the statewide canvass. An elector who knowingly refuses to do so automatically is removed from office. Representative Kern was the prime sponsor of the bill that made these changes, which received near-unanimous support from Republicans in both the House and the Senate.

**Q. Can the Legislature force a statewide or countywide hand count now?**

A. A.R.S. § 16-602 requires each county officer in charge of an election to conduct a hand count according to a statutory process, as well as the hand count procedures

established by the Secretary of State in the Election Procedures Manual. Once that hand count is complete, the county can conduct another one only if the first hand count produces a certain margin of discrepancy. Maricopa County's hand count produced zero discrepancies. Consequently, the county considers that the official count by statute.

**Q. Can the Legislature demand that Maricopa County hand count the votes cast at five or even 100 percent of the county's vote centers?**

A. A.R.S. § 16-602 and the Election Procedures Manual require counties to hand count the votes cast in at least two percent of the precincts or vote centers in the county, or two precincts or vote centers, whichever is greater. So, before its hand count occurred, Maricopa County could have decided to hand count five percent or even 100 percent of the votes cast in the county's vote centers. But it was not required to do so, and once the hand count was complete and showed no discrepancies, the law did not authorize Maricopa County to expand its hand count to include additional vote centers.

**Q. A.R.S. § 16-602 requires a hand count of the votes cast in two or two percent of precincts, but the Election Procedures Manual says that counties that use vote centers can hand count the votes cast in two or two percent of vote centers. Do these provisions conflict?**

A. The Attorney General's Office informally opined that these provisions do not conflict, because (among other reasons) A.R.S. § 16-602 states that "[t]he hand count shall be conducted as prescribed in this section and in accordance with hand count procedures established by the secretary of state in the official instructions and procedures manual adopted pursuant to § 16-452"—that is, the Election Procedures Manual. The EPM has addressed hand counts of ballots cast at vote centers since 2012. This issue is currently being litigated in Arizona Republican Party v. Fontes (No. CV2020-014553).

**Q. Can the Legislature force a statewide or countywide recount?**

A. A.R.S. § 16-661 et seq. provide for a recount only when the canvass of returns shows a specified, narrow margin of victory, but no race in Arizona is within any of those statutory margins. Additionally, A.R.S. § 16-671 et seq. authorize election contests, including on grounds that votes were cast illegally or counted erroneously (A.R.S. § 16-672(A)(4)–(5)). No such election contest has been filed so far.

**Q. Can the Legislature force an additional audit of the Dominion Voting Systems machines?**

A. Arizona law includes many safeguards for ensuring the reliability and integrity of the voting equipment that is used here. For example, under A.R.S. § 16-442 and the Election Procedures Manual, a new voting system must be certified by a Voting System Test Laboratory accredited in accordance with federal law, the federal Election Assistance Commission, and the Secretary of State, based on a recommendation from the state Election Equipment Certification Committee. Additionally, A.R.S. § 16-449 and the EPM require extensive testing of voting equipment both before and after the election. That testing is open to designated political party representatives, candidates, government officials, the public, and the press. None of the testing of Maricopa

County's tabulation equipment has revealed any tabulation errors, and no law authorizes the Legislature to require additional testing now.

**Q. What is the status of the election lawsuits?**

A. The Trump campaign dropped its lawsuit against the Secretary of State and Maricopa County officials last Friday. Two lawsuits remain pending in Maricopa County Superior Court: Arizona Republican Party v. Fontes (No. CV2020-014553), in which the plaintiff asserts that Arizona law requires counties to hand count ballots cast in at least two percent of precincts, not vote centers; and Aguilera v. Fontes (No. CV2020-014562), in which one voter claims she was denied the right to vote, and a second voter claims he was denied the right to have his vote counted. Neither pending lawsuit alleges that fraud occurred, and the Trump campaign repeatedly disavowed claims that it did.

**Q. What election-integrity measures has the Legislature enacted recently?**

A. To take just a few examples, since 2019, the Legislature has enacted election-integrity measures that:

- permitted the use of new ballot counting and processing equipment in order to increase the speed and accuracy of tabulating ballots and resolving discrepancies (SB1135—E. Farnsworth, 2020);
- advanced the deadline for issuing an Election Procedures Manual in order to provide election officials ample time to review and implement the policies and procedures the EPM establishes (HB2238—Townsend, 2019);
- required voters to present a valid form of identification before they are given a ballot (SB1072—Ugenti-Rita, 2019);
- required the county recorders to report the number of persons who are registered to vote but have not presented proof of citizenship, and—after each general election—the number of federal-only ballots cast (HB2039—Townsend, 2019); and
- established emergency voting procedures, along with additional guidelines to combat voter fraud (SB1090—Ugenti-Rita, 2019).

**Q. What other election-integrity measures are in place?**

A. Over decades, the Republican-led Legislature has built an electoral system in Arizona that is efficient, reliable, transparent, and secure. Among the many election-integrity measures already in place are laws:

- governing the procedures for opening, exhibits, locking, removal, and reopening of ballot boxes (A.R.S. § 16-564);
  - requiring that voting or marking devices be sealed after the polls close, and that unused ballots be sealed for return to the board of supervisors or other officer in charge of elections (A.R.S. § 16-566(B));
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  - requiring, after the polls close, that sealed ballot boxes be delivered by two election board members from different political parties to a counting place, and allowing county party chairmen to designate a party member to accompany the ballots (A.R.S. § 16-608);
  - prescribing detailed procedures for ensuring that votes are tabulated in a transparent manner, including live video recording of the custody of all ballots while they are present in a tabulation room (A.R.S. § 16-621);
- prohibiting ballot harvesting and other practices that compromise ballot integrity (A.R.S. § 16-1005)

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## Lumpp, Rachele

---

**From:** Conner, Katie  
**Sent:** Monday, December 28, 2020 9:47 AM  
**To:** 'Griselda Zetino'  
**Subject:** RE: Two Individuals Accused of Ballot Harvesting

**Categories:** Green category

Good morning Griselda,  
I hope you are doing well!  
I apologize but we can't comment any further on the ballot harvesting case than the press release at this time.

I can check to see if we have anything else brewing this week or upcoming plans for the New Year. We might put out a press release about those annoying third-party robocalls trying to sell people an extended car warranty. If this interests you, just let me know!

---

**From:** Griselda Zetino [mailto:gzetino@ktar.com]  
**Sent:** Monday, December 28, 2020 9:21 AM  
**To:** Conner, Katie  
**Subject:** RE: Two Individuals Accused of Ballot Harvesting

Good morning Katie,

I hope you had a wonderful Christmas. I'm reaching out to see if Mr. Brnovich is available for a phone or Zoom (preferred) interview on this today. We could also take this time to discuss any plans or things that his office has coming up for the new year.

Please let me know if we can make this happen today.

Thank you!

**GRISELDA ZETINO**  
News Reporter



[gzetino@ktar.com](mailto:gzetino@ktar.com)

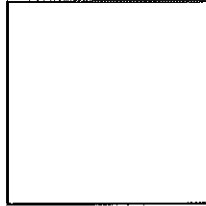
Newsroom: 602-263-5556

Work Cell: 480-521-5758

Personal Cell: 480-255-1324

Follow me on Twitter: @GriseldaZetino

**From:** Attorney General Mark Brnovich [mailto:katie.conner@azag.gov]  
**Sent:** Wednesday, December 23, 2020 2:44 PM  
**To:** Griselda Zetino  
**Subject:** Two Individuals Accused of Ballot Harvesting



**For Immediate Release:** December 23, 2020

**Contact:** Katie Conner (602) 339-5895 or [Katie.Conner@azag.gov](mailto:Katie.Conner@azag.gov)

## **Two Individuals Accused of Ballot Harvesting in Yuma County**

**YUMA** - Attorney General Mark Brnovich announced that a State Grand Jury indicted Guillermina Fuentes and Alma Juarez, both of San Luis, Arizona, for 1 count each of Ballot Abuse, also known as "ballot harvesting."

The indictment alleges that during the August 2020 Primary Election, Fuentes and Juarez knowingly collected four voted ballots from another person, in violation of Arizona law. The early ballots were deposited into a ballot box on Election Day, and were processed and counted by the Yuma County Recorder during the election. Arizona law only provides for a family member, household member, or caregiver of the voter to collect voted or unvoted early ballots from another person.

Ballot abuse under Arizona law is a class 6 felony and each defendant faces up to two years in prison and a \$150,000 fine.

This investigation was conducted by the Arizona Attorney General's Office Special Investigations Section, Election Integrity Unit, Special Agent Bill Knuth.

Assistant Attorney General Todd Lawson is prosecuting this case.

All defendants are presumed innocent until proven guilty in a court of law.

No booking photographs are available.

Copy of filing [here](#).

###

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You are receiving this email because you subscribed on our website [azag.gov](http://azag.gov) or are a member of our Press List.

**Our mailing address is:**

Attorney General's Office

2005 N. Central Ave.

Phoenix, AZ 85004

[Add us to your address book](#)

[unsubscribe from this list](#) | [update subscription preferences](#)

▪

## Lumpp, Rachelle

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**From:** Brnovich, Mark  
**Sent:** Thursday, December 24, 2020 10:07 AM  
**To:** DL-Everyone-Statewide AGO  
**Subject:** Winter Newsletter 2020  
**Attachments:** Winter 2020.pdf

**Categories:** Green category

Please take a moment to look over the Fall/Winter 2020 Newsletter. 2020 has been a challenging year, but you all have much to be proud of. Thank you for your commitment to the people of Arizona.  
Happy Holidays and Happy New Year!

## Lumpp, Rachelle

---

**From:** TurboCourt Customer Service <CustomerService@TurboCourt.com>  
**Sent:** Monday, January 11, 2021 4:50 PM  
**To:** tom@statecraftlaw.com  
**Subject:** AZTurboCourt E-Filing Courtesy Notification

PLEASE DO NOT REPLY TO THIS EMAIL.

A party in this case requested that you receive an AZTurboCourt Courtesy Notification.

AZTurboCourt Form Set #5317426 has been delivered to Maricopa County - Superior Court.

You will be notified when these documents have been processed by the court.

Here are the filing details:

Case Number: CV2020016840 (Note: If this filing is for case initiation, you will receive a separate notification when the case # is assigned.)

Filed By: Thomas J Basile

AZTurboCourt Form Set: #5317426

Delivery Date and Time: Jan 11, 2021 4:49 PM MST

Forms:

Summary Sheet (This summary sheet will not be filed with the court. This sheet is for your personal records only.)

Attached Documents:

Response: Combined Response to Motion to Dismiss and Reply ISO Motion for Preliminary Injunction

E-Service notification was sent to the following recipient(s):

Alex Kolodin at alexander.kolodin@kolodinlaw.com

Jacqueline Soto at jacqueline@bartonmendezsoto.com

Jim Barton at james@bartonmendezsoto.com

Kory Langhofer at kory@statecraftlaw.com

Steve Tully at stully@hinshawlaw.com

Tom Liddy at liddyt@mcao.maricopa.gov

## **Lumpp, Rachelle**

---

**From:** TurboCourt Customer Service <CustomerService@TurboCourt.com>  
**Sent:** Monday, January 11, 2021 4:44 PM  
**To:** tom@statecraftlaw.com  
**Subject:** AZTurboCourt E-Filing Courtesy Notification

PLEASE DO NOT REPLY TO THIS EMAIL.

A party in this case requested that you receive an AZTurboCourt Courtesy Notification.

AZTurboCourt Form Set #5317424 has been delivered to Maricopa County - Superior Court.

You will be notified when these documents have been processed by the court.

Here are the filing details:

Case Number: CV2020016840 (Note: If this filing is for case initiation, you will receive a separate notification when the case # is assigned.)

Filed By: Thomas J Basile

AZTurboCourt Form Set: #5317424

Delivery Date and Time: Jan 11, 2021 4:43 PM MST

Forms:

Summary Sheet (This summary sheet will not be filed with the court. This sheet is for your personal records only.)

Attached Documents:

Response: President Fann and Chairman Petersen's Opposition to Motion to Intervene

E-Service notification was sent to the following recipient(s):

Alex Kolodin at alexander.kolodin@kolodinlaw.com

Jacqueline Soto at jacqueline@bartonmendezsoto.com

Jim Barton at james@bartonmendezsoto.com

Kory Langhofer at kory@statecraftlaw.com

Steve Tully at stully@hinshawlaw.com

Tom Liddy at liddy@mcao.maricopa.gov

## *Censorship and Cancel Culture are Among the Biggest Threats We Face*

- There are a lot of outrageous things going on in our State and Country ... far more than I could possibly address in the short time slot I have here. These are very challenging times and I would like to spend the precious minutes that I have with you today discussing a few of my primary concerns – including the preservation of Arizona’s election integrity laws, and the growing Censorship and Cancel Culture that is attempting to silence Conservative Voices in our State.
- The Attorney General’s Office has an Election Integrity Unit that we created alongside the legislature, in 2019 to respond to complaints and maintain public confidence in our elections – no easy task right now.
- One of the reasons I believe we didn’t have as many problems as some other states though was because of our work *before* the election. We were busy defending Arizona’s election integrity measures against last-minute lawsuits by democratic groups. We jumped in to fight 6 cases because our Secretary of State decided not to defend the law – on topics ranging from voter registration and petition circulators to post election-day ballot curing.

In a few months from now, I’m going to be standing before the U.S. Supreme Court arguing perhaps our biggest case called Brnovich vs. DNC ... to defend Arizona’s restrictions on ballot harvesting. Other states are watching this case closely as it will likely have widespread implications and I will keep you posted.

- Of course there are other areas of the law where just getting our day in court is an arduous process, like our continued concerns with the operation of Arizona’s Higher Education Establishment.
- Many of you may recall that I sued the Arizona Board of Regents to stop them from illegally providing in-state tuition to those in the DACA program.

- We won that case at the State Appeals Court, and yet the Universities defied Arizona voters and the court -- by continuing to provide in-state tuition for those who did not qualify for it, pending their appeal to the AZ Supreme Court. We fought and won again at the Supreme Court, and were successful in upholding the law.
- When I was here last, I let you know that we were filing suits against the university practices of crony capitalism and sky-rocketing tuition. Well, we had to fight all the way to the Arizona Supreme Court again, because the universities dodged the merits of our complaints by arguing the AG doesn't have legal authority to defend our state constitution.
- Our Office held firm ... but every other state-wide officer and the chamber of commerce opposed me in bringing these complaints.
- We received a partial victory at the Supreme Court keeping portions of our lawsuit alive ... but unfortunately the Court determined the AG doesn't have authority to bring these complaints unless the legislature grants it.
- Think about that: the Attorney General – an independently elected constitutional officer -- doesn't have the legal authority to sue government agencies to enforce the Constitution. If I cannot stick up for the taxpayers of Arizona, who will? And, if the Universities can silence a conservative AG, you know they can silence many other well-meaning people too.
- Let me list just a few who have been recent victims of Censorship and Cancel Culture of our Higher Education Establishments:
  - ASU fired a student from a radio show for sharing a NY Post story -- on her personal Twitter account -- regarding the truth behind an out-of-state police involved shooting. Some other students took offense to this so the University decided that she had to be fired.



- When the Walter Cronkite School of Journalism hired a new dean, her tenure was terminated almost instantly after she posted a tweet praying “for the good police officers who keep us safe.” Activists called her tweet “racist” and accused her of “microaggressions.”
- When Cronkite News published a poll following the looting in Scottsdale, progressive students complained the poll’s language was too friendly to police officers — so Cronkite News deleted the poll and apologized for causing “divisiveness.”
- In addition to its Cancel Culture, ASU also gave \$1 million dollars in taxpayer funds to New America, a left-leaning think-tank led by liberals in Washington, D.C. This group has received millions of dollars from Big Tech— and it accepted \$1M from ASU so that Michael Crow could sit on the Board and rub elbows with former Hillary Clinton staffers and columnists from the New York Times, The Atlantic, and the cable TV hosts at CNN. Remember that next time they say there’s no way they can lower tuition.
- So what is really going with all this increasing Censorship and Cancel Culture? In his classic novel 1984, George Orwell warned us about the State: **‘He who controls the past controls the future. He who controls the present controls the past.’**
- Well, it appears that just like my high school class, the Big Tech giants have read George Orwell – and these companies are undeniably the bullies of today’s most vibrant Public Squares. Something needs be done.
- So Arizona was the first state to file suit against Google over its gathering and handling of personal information. We also know that their lack of competition reduces quality of services and stifles innovation.

- I am proud to be a leader in pushing back against technology oligarchs who are leading the charge for Censorship. The U.S. Congress and government agencies have cozied up to Big Tech and allowed these companies to have too much influence and power in our lives.
- Silicon Valley should not be given control over free speech. In our separate lawsuit against Facebook, we assert the company is “de-platforming” emerging competitive threats. We contend Facebook is eroding consumer data and privacy protections when it purchases competitors like Instagram.
- And now, it’s moved beyond killing the competition. Big Tech bosses are silencing opinions they find unsavory. It is Censorship and Cancel Culture run amok -- when they brazenly shut down the accounts of our highest public officials, or suppress scandalous stories just before a national election. This must be corrected.
- What do Undermining Election Integrity Safeguards, and practicing Censorship and Cancel Culture have in common? They are all about control and manipulation ...and we must bring it to an end.
- I will leave you this morning with an encouraging truth. While these are difficult times and we have a lot of work to do ... Ad hominem attacks – from personal shaming to public shunning -- are the last resorts of exhausted minds. In our defense of free thought and speech, we will be the ones upholding truth, our Constitution and the apex of the political high ground.
- Thank you all.

## ***Censorship and Cancel Culture are Among the Biggest Threats We Face***

- There are a lot of outrageous things going on in our State and Country ... far more than I could possibly address in the short time slot I have here.
- These are very challenging times and I would like to spend the precious minutes that I have with you today discussing a few of my primary concerns – including the preservation of Arizona’s election integrity laws, and the growing Censorship and Cancel Culture that is attempting to silence Conservative Voices in our State.
- The Attorney General’s Office has an Election Integrity Unit that we created alongside the legislature, in 2019 to respond to complaints and restore public confidence in our elections – which no easy task right now.
- One of the reasons I believe we didn’t have as many problems as some other states was because of our work **before** the election. We were busy defending Arizona’s laws against last-minute lawsuits by democratic groups. We jumped into fight **6 cases** because our Secretary of State wouldn’t defend the law...even though that’s what she was elected to do. *I guess she was too busy tweeting about “Cracken” or taunting Trump supporters.*
- But it wasn’t just the Secretary of State. Remember Recorder Fontes – also commonly known as Captain Chaos? He tried to send out ballots to every voter in Maricopa County during the Democratic Preference Election – even if they hadn’t requested it!
- It doesn’t take an attorney to know – that’s flat out illegal! I said ENOUGH because, (pause) once again, \*no one else would. Our office got a temporary restraining order just in the nick of time to stop Fontes’ from hatching his plan.

- In a few months from now, I'm going to be standing before the U.S. Supreme Court arguing perhaps our biggest election integrity cases called *Brnovich vs. DNC* ... regarding restrictions on ballot harvesting. Other states are watching closely as this case will likely have widespread implications. I will keep you posted.
- Of course there are other areas of the law where just getting our day in court is an arduous process, like our continued concerns with the operation of Arizona's Higher Education Establishment.
- Many of you may recall that I sued the Arizona Board of Regents to stop them from illegally providing in-state tuition to those who didn't qualify, many were in the DACA program.
- We won that case at the State Appeals Court, and yet the Universities defied Arizona voters and the court -- by continuing to provide in-state tuition. We fought and won \*\*\***again** at the Arizona Supreme Court, and were successful in upholding the law.
- When I was here last, I let you know that we were filing suits against the university practices of crony capitalism and sky-rocketing tuition. Well, we had to fight all the way to the Arizona Supreme Court again, because the universities dodged the merits of our complaints by arguing the AG doesn't have legal authority to defend our state constitution.
- We received a partial victory at the Supreme Court keeping portions of our lawsuit alive ... but unfortunately the Court determined the AG doesn't have authority to bring these complaints unless the legislature grants it.
- Think about that: the Attorney General – an independently elected constitutional officer -- doesn't have the legal authority to sue government agencies to enforce the Constitution. If I cannot stick up for the taxpayers of Arizona, who will? And, if the Universities can

silence a conservative AG, you know they can silence many other well-meaning people too.

- Let me list just a few who have been recent victims of Censorship and Cancel Culture of our Higher Education Establishments:
- ASU fired a student from a radio show for sharing a NY Post story -- on her \*personal Twitter account -- regarding the truth behind an out-of-state police involved shooting. Some other students took offense to this so the University decided that she had to be fired.
- When the Walter Cronkite School of Journalism hired a new dean, her tenure was terminated almost instantly after she posted a tweet praying “for the good police officers who keep us safe.” Activists called her tweet “racist” and accused her of “microaggressions.”
- In addition to its Cancel Culture, ASU also gave \$1 million dollars in taxpayer funds to New America, a left-leaning think-tank led by liberals in Washington, D.C. This group has received millions of dollars from Big Tech— and it accepted \$1M from ASU so that Michael Crow could sit on the Board and rub elbows with former Hillary Clinton staffers and columnists from the New York Times, The Atlantic, and the cable TV hosts at CNN. Remember that next time they say there’s no way they can lower tuition.
- So what is really going with all this increasing Censorship and Cancel Culture? In his classic novel 1984, George Orwell warned us about the State: **‘He who controls the past controls the future. He who controls the present controls the past.’**
- Well, it appears that just like my high school class, the Big Tech giants have read George Orwell – and these companies are undeniably the bullies of today’s most vibrant Public Squares. Something needs be done.

- So Arizona was the first state to file suit against Google over its gathering and handling of personal information. We also know that their lack of competition reduces quality of services and stifles innovation.
- I am proud to be a leader in pushing back against technology oligarchs who are leading the charge for Censorship. The U.S. Congress and government agencies have cozied up to Big Tech and allowed these companies to have too much influence and power in our lives.
- Silicon Valley should not be given control over free speech. In our separate lawsuit against Facebook, we assert the company is “de-platforming” emerging competitive threats. We contend Facebook is eroding consumer data and privacy protections when it purchases competitors like Instagram.
- And now, it’s moved beyond killing the competition. Big Tech bosses are silencing opinions they find unsavory. It is Censorship and Cancel Culture run amok -- they brazenly shut down the accounts of our highest public officials, or suppress scandalous stories just before a national election. This must be corrected.
- What do Undermining Election Integrity Safeguards, and practicing Censorship and Cancel Culture have in common? They are all about control and manipulation ...and we must bring it to an end.
- I will leave you this morning with an encouraging truth. While these are difficult times and we have a lot of work to do ... Ad hominem attacks – from personal shaming to public shunning -- are the last resorts of exhausted minds.
- In our defense of free thought and speech, we will be the ones upholding truth, our Constitution and the apex of the political high ground. Thank you all.

## Lumpp, Rachelle

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**From:** TurboCourt Customer Service <CustomerService@TurboCourt.com>  
**Sent:** Monday, January 11, 2021 4:40 PM  
**To:** tom@statecraftlaw.com  
**Subject:** AZTurboCourt E-Filing Courtesy Notification

PLEASE DO NOT REPLY TO THIS EMAIL.

A party in this case requested that you receive an AZTurboCourt Courtesy Notification.

AZTurboCourt Form Set #5317236 has been delivered to Maricopa County - Superior Court.

You will be notified when these documents have been processed by the court.

Here are the filing details:

Case Number: CV2020016840 (Note: If this filing is for case initiation, you will receive a separate notification when the case # is assigned.)

Filed By: Thomas J Basile

AZTurboCourt Form Set: #5317236

Delivery Date and Time: Jan 11, 2021 4:39 PM MST

Forms:

Summary Sheet (This summary sheet will not be filed with the court. This sheet is for your personal records only.)

Attached Documents:

Notice: Notice of Substitution of Parties

E-Service notification was sent to the following recipient(s):

Alex Kolodin at alexander.kolodin@kolodinlaw.com

Jacqueline Soto at jacqueline@bartonmendezsoto.com

Jim Barton at james@bartonmendezsoto.com

Kory Langhofer at kory@statecraftlaw.com

Steve Tully at stully@hinshawlaw.com

Tom Liddy at liddy@mcao.maricopa.gov



649 North Fourth Avenue, First Floor  
Phoenix, Arizona 85003  
(602) 382-4078

Kory Langhofer, Ariz. Bar No. 024722  
[kory@statecraftlaw.com](mailto:kory@statecraftlaw.com)

Thomas Basile, Ariz. Bar. No. 031150  
[tom@statecraftlaw.com](mailto:tom@statecraftlaw.com)

*Attorneys for Defendants/Plaintiffs-in  
Counterclaim Arizona Senate President  
Karen Fann and Senate Judiciary  
Committee Chairman Warren Petersen*

**IN THE SUPERIOR COURT FOR THE STATE OF ARIZONA  
IN AND FOR THE COUNTY OF MARICOPA**

No. CV2020-016840

MARICOPA COUNTY; CLINT HICKMAN,  
in his official capacity as Chairman of the  
Maricopa County Board of Supervisors; and  
JACK SELLERS, STEVE CHUCRI, BILL  
GATES, and STEVE GALLARDO, in their  
official capacities as Members of the Maricopa  
County Board of Supervisors,

Plaintiffs,

v.

KAREN FANN, in her official capacity as  
President of the Arizona Senate; WARREN  
PETERSEN, in his official capacity as  
Chairman of the Arizona Senate Judiciary  
Committee; RICK GRAY, in his official  
capacity as Vice Chairman of the Arizona  
Senate Judiciary Committee; SONNY  
BORRELLI, VINCE LEACH, LUPE  
CONTRERAS, ANDREA DALESSANDRO,  
and MARTIN QUEZADA, in their official  
capacities as the Members of the Arizona  
Senate Judiciary Committee,

**NOTICE OF SUBSTITUTION OF  
PARTIES**

(Assigned to the Hon. Timothy  
Thomason)



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Defendants.

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KAREN FANN, in her official capacity as President of the Arizona Senate; WARREN PETERSEN, in his official capacity as Chairman of the Arizona Senate Judiciary Committee,

Plaintiffs-in-Counterclaim,

v.

MARICOPA COUNTY BOARD OF SUPERVISORS, the governing body of Maricopa County, Arizona; JACK SELLERS, in his official capacity as a member of the Maricopa County Board of Supervisors; STEVE CHUCRI, in his official capacity as a member of the Maricopa County Board of Supervisors; BILL GATES, in his official capacity as a member of the Maricopa County Board of Supervisors; CLINT HICKMAN, in his official capacity as a member of the Maricopa County Board of Supervisors; and STEVE GALLARDO, in his official capacity as a member of the Maricopa County Board of Supervisors,

Defendants-in-Counterclaim.



1 The first regular session of the Fifty-Fifth Arizona Legislature commenced on  
2 January 11, 2021. See Ariz. Const. art. IV, pt. 2, § 3.

3 Pursuant to Arizona Rule of Civil Procedure 25(d), notice is hereby given that  
4 Warren Petersen, in his official capacity as Senator for Legislative District 12 and Chairman  
5 of the Senate Judiciary Committee, is automatically substituted for former Senator and  
6 Judiciary Committee Chairman Eddie Farnsworth as a defendant in the main action and as  
7 a plaintiff in the Counterclaim.

8  
9 RESPECTFULLY SUBMITTED this 11th day of January, 2021.

10 STATECRAFT PLLC

11  
12 By: /s/Thomas Basile  
13 Kory Langhofer  
14 Thomas Basile  
15 649 North Fourth Avenue, First Floor  
16 Phoenix, Arizona 85003

17 *Attorneys for Defendants/Plaintiffs in*  
18 *Counterclaim Arizona Senate President*  
19 *Karen Fann and Senate Judiciary*  
20 *Committee Chairman Warren Petersen*

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1 CERTIFICATE OF SERVICE

2 I hereby certify that on January 11, 2021, I electronically transmitted the attached  
3 document to the Clerk's Office using the TurboCourt System for filing and transmittal of  
4 a Notice of Electronic Filing to the following TurboCourt registrants:  
5

6 Steven W. Tully  
7 **Hinshaw & Culbertson LLP**  
8 2375 East Camelback Road, Suite 750  
9 Phoenix, Arizona 85016  
10 stully@hinshawlaw.com

11 Thomas P. Liddy, Deputy County Attorney  
12 **Maricopa County Attorney's Office**  
13 225 West Madison Street  
14 Phoenix, Arizona 85003  
15 liddyt@mcao.maricopa.gov  
16 *Attorneys for the Plaintiffs/Defendants in Counterclaim*

17 James Barton  
18 Jacqueline Mendez Soto  
19 **Barton Mendez Soto PLLC**  
20 401 West Baseline Road, Suite 205  
21 Tempe, Arizona 85283  
22 james@bartonmendezsoto.com  
23 jacqueline@bartonmendezsoto.com  
24 *Attorneys for the Democratic Members of the Senate Judiciary Committee*

25  
26  
27  
28  
By: /s/Thomas Basile  
Thomas Basile



January 19, 2021

VIA EMAIL

Deputy Public Information Officer  
Attorney General's Office  
2005 N Central Ave.  
[publicrecords@azag.gov](mailto:publicrecords@azag.gov)

**Re: Public Records Request**

Dear Public Records Officer:

Pursuant to the Arizona Public Records Law, A.R.S. §§ 39-121 et seq., American Oversight makes the following request for records.

**Requested Records**

American Oversight requests that the Attorney General's Office promptly produce the following records:

1. All email communications (including emails, complete email chains, calendar invitations, and attachments thereto) and text message threads/conversations between (a) any of the state officials listed in Column A below, and (b) any of the external individuals identified in Column B below:

Column A: Arizona State Officials	Column B: External Individuals
<ol style="list-style-type: none"> <li>1. Mark Brnovich, Attorney General</li> <li>2. Rachelle Lump, Executive Assistant</li> <li>3. Joe Kanefield, Chief Deputy &amp; Chief of Staff</li> <li>4. Alyson Flanagan, Executive Assistant</li> <li>5. Jason Isaak, Advisor to the Attorney General</li> <li>6. Ryan Anderson, Director of Communications</li> <li>7. Katie Conner, Director of Media Relations</li> </ol>	<ol style="list-style-type: none"> <li>1. Adam Piper, Executive Director (including, but not limited to, at <a href="mailto:apiper@republicanags.com">apiper@republicanags.com</a> or <a href="mailto:adampiper1@gmail.com">adampiper1@gmail.com</a>)</li> <li>2. Chris Carr, Georgia Attorney General (including, but not limited to, at <a href="mailto:agcarr@law.ga.gov">agcarr@law.ga.gov</a> or <a href="mailto:ccarr@law.ga.gov">ccarr@law.ga.gov</a>)</li> <li>3. Eric Schmitt, Missouri Attorney General (including, but not limited to, at <a href="mailto:ag@ago.mo.gov">ag@ago.mo.gov</a>)</li> <li>4. Steve Marshall, Alabama Attorney General (including, but not limited to, at <a href="mailto:steve.marshall@alabamaag.gov">steve.marshall@alabamaag.gov</a>)</li> <li>5. Any employee or representative of the Republican Attorneys General</li> </ol>



	<p>Association (including, but not limited to, anyone communicating from an email address ending in @republicanags.com)</p> <p>6. Any employee or representative of the Rule of Law Defense Fund (including, but not limited to, anyone communicating from an email address ending in @rldf.org or @ruleoflawdefensefund.org)</p>
--	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

2. All (a) email communications (including emails, complete email chains, calendar invitations, and attachments thereto) sent by and (b) text message threads/conversations sent or received by any of the individuals specified in Column A, above, that contain any of the key terms listed below:

Key Terms:

- i. "Rule of Law"
- ii. RLDF
- iii. "Republican Attorneys General Association"
- iv. RAGA
- v. "Save America"
- vi. "stop the steal"
- vii. Patriot
- viii. Patriots
- ix. "election fraud"
- x. "integrity of our election"
- xi. "election integrity"
- xii. Rally
- xiii. MAGA
- xiv. "great again"
- xv. Piper

For item 2(a) of this request, in an effort to accommodate your office and reduce the number of potentially responsive records to be processed and produced, American Oversight has limited its request to emails sent by the specified officials in the Office of the Attorney General. To be clear, however, American Oversight still requests that complete email chains be produced, displaying both sent and received messages. This means, for example, that both Attorney General Brnovich's response to an email containing one of the key terms listed above and the initial received message are responsive to this request and should be produced.

For item 2(b) of this request, American Oversight requests that complete text message threads/conversations be produced. This means, for example, that if Attorney General Brnovich sent or received a text message containing any of the key terms listed above, American Oversight requests that the complete text

conversation for the timeframe listed below should be produced, and not just the message containing the key term.

For both items of this request, please provide all responsive records from November 3, 2020, to the date the search is conducted.

### Statement of Noncommercial Purpose

This request is made for noncommercial purposes. American Oversight seeks records with the potential to shed light on whether and to what extent officials in the Attorney General's Office were aware of robocalls reportedly made by the Rule of Law Defense Fund urging supporters to travel to Washington, D.C., to "fight" Congress over President Trump's election fraud claims. This matter is a subject of substantial public interest in Arizona and nationwide.<sup>1</sup> Records with the potential to shed light on this matter would contribute significantly to public understanding of operations of the government.

Because American Oversight is a 501(c)(3) nonprofit, this request is not in American Oversight's financial interest and is not made for a commercial purpose. American Oversight's mission is to promote transparency in government, to educate the public about government activities, and to ensure the accountability of government officials. American Oversight uses the information gathered, and its analysis of it, to educate the public through reports, press releases, or other media. American Oversight also makes materials it gathers available on its public website and promotes their availability on social media platforms, such as Facebook and Twitter.<sup>2</sup>

Because this request is made for noncommercial purposes, American Oversight requests that any fees charged in connection with processing this request be limited to copying

---

<sup>1</sup> Andrea Salcedo, *Republican AGs Group Sent Robocalls Urging Protestors to the Capitol. GOP Officials Now Insist They Didn't Know About It.*, Wash. Post (Jan. 11, 2021, 7:30AM), <https://www.washingtonpost.com/nation/2021/01/11/gop-robocalls-trump-rally-capitol/>; Lindsay Walker, *Arizona Capitol Increases Security After U.S. Capitol Riots*, Patch (Jan. 12, 2021, 5:29PM), <https://patch.com/arizona/phoenix/arizona-capitol-increases-security-after-u-s-capitol-riots>.

<sup>2</sup> American Oversight currently has approximately 15,600 page likes on Facebook and 105,900 followers on Twitter. American Oversight, Facebook, <https://www.facebook.com/weareoversight/> (last visited Jan. 8 2021); American Oversight (@weareoversight), Twitter, <https://twitter.com/weareoversight> (last visited Jan. 8, 2021).

and postage charges, if applicable.<sup>3</sup> Please notify American Oversight of any anticipated fees or costs in excess of \$100 prior to incurring such costs or fees.

### **Guidance Regarding the Search & Processing of Requested Records**

In connection with its request for records, American Oversight provides the following guidance regarding the scope of the records sought and the search and processing of records:

- Please search all locations and systems likely to have responsive records, regardless of format, medium, or physical characteristics. For instance, if the request seeks “communications,” please search all locations likely to contain communications, including relevant hard-copy files, correspondence files, appropriate locations on hard drives and shared drives, emails, text messages or other direct messaging systems (such as iMessage, WhatsApp, Signal, or Twitter direct messages), voicemail messages, instant messaging systems such as Lync or ICQ, and shared messages systems such as Slack.
- Our request for records includes any attachments to those records or other materials enclosed with those records when they were previously transmitted. To the extent that an email is responsive to our request, our request includes all prior messages sent or received in that email chain, as well as any attachments to the email.
- Please search all relevant records or systems containing records regarding agency business. Do not exclude records regarding agency business contained in files, email accounts, or devices in the personal custody of your officials, such as personal email accounts or text messages.
- If any records are withheld in full or in part, pursuant to A.R.S. § 39-121.01(D)(2), please provide an index of records or categories of records that have been withheld and the reasons the records or categories of records have been withheld.
- In the event some portions of the requested records are properly exempt from disclosure, please disclose any reasonably segregable non-exempt portions of the requested records. If a request is denied in whole, please state specifically why it is not reasonable to segregate portions of the record for release.
- Please take appropriate steps to ensure that records responsive to this request are not deleted by the agency before the completion of processing for this request. If records potentially responsive to this request are likely to be located on systems where they are subject to potential deletion, including on a scheduled

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<sup>3</sup> A.R.S. § 39-121.01(D)(1); *see also Hanania v. City of Tucson*, 128 Ariz. 135, 624 P.2d 332 (Ct. App. 1980). Furthermore, because this request is for noncommercial purposes, additional fees provided for under A.R.S. § 39-121.03(A) are not applicable and should not be assessed.

basis, please take steps to prevent that deletion, including, as appropriate, by instituting a litigation hold on those records.

### **Conclusion**

If you have any questions regarding how to construe this request for records or believe that further discussions regarding search and processing would facilitate a more efficient production of records of interest to American Oversight, please do not hesitate to contact American Oversight to discuss this request. American Oversight welcomes an opportunity to discuss its request with you before you undertake your search or incur search or duplication costs. By working together at the outset, American Oversight and your agency can decrease the likelihood of costly and time-consuming litigation in the future.

Where possible, please provide responsive material in an electronic format by email. Alternatively, please provide responsive material in native format or in PDF format on a USB drive. Please send any responsive material being sent by mail to American Oversight, 1030 15th Street NW, Suite B255, Washington, DC 20005. If it will accelerate release of responsive records to American Oversight, please also provide responsive material on a rolling basis.

We share a common mission to promote transparency in government. American Oversight looks forward to working with your agency on this request. If you do not understand any part of this request, please contact Khahilia Shaw at [records@americanoversight.org](mailto:records@americanoversight.org) or 202.539.6507.

Sincerely,



Austin R. Evers  
Executive Director  
American Oversight



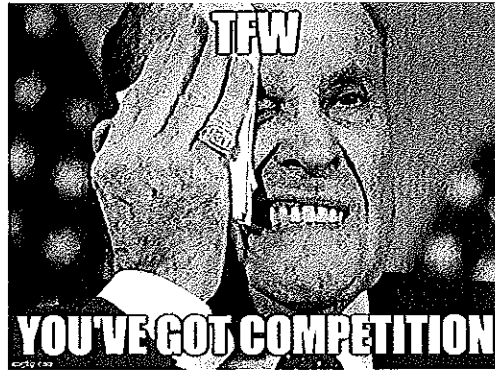
# YELLOW SHEET REPORT

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## ·NEWS NOTES AND GOSSIP·

### THEY COULDN'T AFFORD THE REAL RUDY GIULIANI

The AZGOP has apparently tapped Alex Kolodin as its next general counsel replacing Dennis Wilenchik, who served under Kelli Ward for the past two years. Kolodin laughed when our reporter asked him to confirm the rumor. "How in the world?! How did you hear that?" he asked, before adding, "I am not authorized to comment on that publicly at this time." It's no surprise that Ward would want to scoop him up – Kolodin represented a host of conspiracy-peddling plaintiffs in court and was the lawyer responsible for the SharpieGate lawsuit and multiple attempts to overturn the election. He first came onto the political scene as a challenger to Ugenti-Rita in the LD23 primary last August, a race that he lost by a significant margin. "I've enjoyed having Chairwoman Ward as a client this past election season, and if that rumor is true, it would certainly be a great honor to work for her and on behalf of our party," Kolodin said. One GOP attorney told our reporter, essentially, better Kolodin than them. The lawyer said that Kolodin has become a favorite of Ward's for taking on the lawsuits no other attorney, our source included, is willing to touch. "He's willing to take the garbage, frankly. Even if they paid me well... I wouldn't go anywhere near Kelli Ward," the lawyer said, adding that Ward has been a disaster for the party for many reasons, "not least of which is for her lawsuits."



### YOU DO NOT WANT TO BE CALLED TO PRINCIPAL KIRK'S OFFICE

WHEN YOU GET CALLED INTO KIRK'S OFFICE  
AND SEE A FRESHMAN

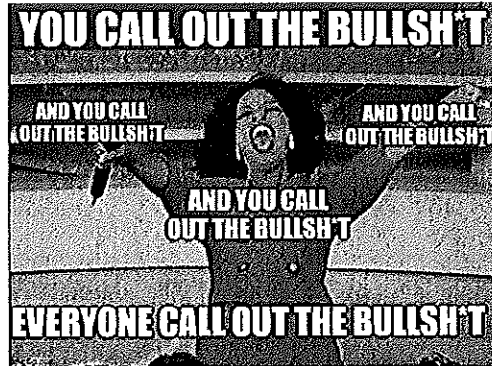


Former House Speaker Kirk Adams said while he has not read the Wendy Rogers ethics complaint in detail, he can confidently say that it's "incredibly important to protect the staff from mistreatment by the members." Adams, who also served as Ducey's chief of staff, said that during his time at the helm of the chamber, he never had to take up an ethics investigation, but still had some "member behavior issues," including one time when two lawmakers nearly came to blows in the member lounge. But he never saw a lawmaker berate their staff in the manner Rogers is accused of doing. "It's rare for members to mistreat staff, particularly in the manner that's been reported," he said. "You have to take action that says,

very very clearly this type of behavior is not tolerated." Since Rogers is elected and not an employee of the Senate, the Senate has fewer tools to handle her harassing and berating a staffer than would be available to a CEO in corporate America, he said. But there's always one tool at the chamber leader's fingertips: A stern scolding. "The first thing that you would do – and I had situations where I had to do this – you bring the member in, and you dress them down. And you say, 'This is unacceptable. You can't do this. You have to knock it off and you have to apologize,'" Adams said. Rogers has still not addressed the complaint publicly, which is out of character for her, based on how she conducts herself on social media, and Fann has not addressed it in detail, saying yesterday that she had a brief conversation with Rogers about it.

## **STEP ONE – CALL OUT HER BULLSH\*T**

Like many conservatives, Adams was dismayed that Kelli Ward won the chairmanship, saying true conservatives must do their part to quiet the noise coming from Ward and her crew of conspiracy theorists by “call[ing] out their bullsh\*t.” That’s been his modus operandi lately, and Adams has been talking to just about any reporter who calls to say that Ward winning the chair again isn’t an end to the Republican Party here, but it’s not a good sign, and it’s not reflective of all Republicans. “You have to let voters know that this is not a Republican brand. Or if they think it is, [explain that] there are a lot of other Republicans who don’t think this way – give us a second look,” he said. “But if we sort of ‘See No Evil, Hear No Evil’ we don’t want to tick anybody off, then her style of politics becomes the Republican brand.” Republicans are increasingly willing to vote for sufficiently moderate Democrats, such as Sinema and Kelly, and the GOP needs to court “Ducey-Sinema” voters, who are the voters of the future, he said, not simply rely on the fringe that Ward represents. Adams has made no bones about the fact that he thinks Ward is “crazy” and her “conspiracy theories” are “nuts” and said Republicans who still haven’t made a point to come out publicly against Ward and her ilk are still learning to navigate the waters in a post-Trump world. “Others have governing responsibilities that need to be tended to as a first priority. So they’re focused on that,” he said, seemingly hinting at the criticism his former boss has received for not condemning Ward more strongly.



## **SHE’S DOING ALRIGHT NOW**

Talonya Adams, a Black attorney in the Senate successfully sued the chamber for discrimination and landed a \$1 million verdict, is now among the top 10 highest paid employees in the Senate. Our *Yellow Sheet* intern, Cameron Rubner, filed public records request for Senate salaries, which showed that Adams now earns \$113,000, nearly double the \$60,000 she earned per year during her first stint at the Senate. (She was fired after complaining about the pay – which she learned from a previous public records request from our reporter, was nearly \$30,000 less than a Senate Majority policy advisor with a similar committee workload – then reinstated.) The document also shows that a handful of Senate staffers received five-figure raises without any adjustment in their titles in the last year. The only vacant position in the Senate, according to the document is Rogers’ assistant, who said she harassed him so badly he felt scared for his safety and that the Senate forced him to resign. While suffering Rogers’ verbal abuse and feeling her spittle on his face, he was earning \$32,000.

## **NO RUSH, WE’VE GOT TWO YEARS**

Due to Covid and a mixture of Trump-related issues dating back to his fight over whether to count non-citizens, the US Census Bureau data has been delayed until April 30, which will have a trickledown effect on the Arizona IRC’s ability to begin drawing maps. The Census Bureau expected the data to be available around the end of February, but a top bureau official said today that is no longer the case ([LINK](#)). The IRC just named Erika Neuberg as its chair last week and is set to meet again on Feb 2 to plan the process of hiring an executive director and possibly address future hires, such as mapping consultants and legal teams. This IRC was already working far ahead of schedule compared to the last run a decade ago, and it’s unclear how much the Census delay will affect statutory and constitutional deadlines, but the IRC will likely address those questions when it meets next week.

## INDULGE US WITH A TRIP DOWN MEMORY LANE

Yesterday's report noted that the House cited a 2017 attorney general opinion while pledging to fulfil a records request, to the extent possible, about Finchem and former lawmaker Anthony Kern's text messages on their personal phones – but we left out an interesting backstory about that opinion. Back in late 2015, our reporter, and then-*Capitol Times* reporter Rachel Leingang, set out to learn how much of the state's business was being conducted on smartphones, via newer technologies like text messages, social media chats and third-party messenger applications. We filed a public records request with the House, Senate and Ninth Floor asking for electronic messages sent among top state elected officials of both parties and their top staff ([LINK](#)). After four months, House Republicans provided a handful of records. But Biggs, the Senate president at the time, refused, claiming that as long as the communication doesn't happen on a state-provided phone, it's not public record. (Lawmakers and Capitol staffer are issued an official state email address to conduct their business, but they're not issued a state cell phone.) The Senate GOP caucus was alone in flat-out refusing our request. So we asked then-lawmaker Steve Farley to request an Attorney General opinion on the topic, which, predictably, stated, "public officials cannot use private devices and accounts for the purpose of concealing official conduct." Longtime readers will recall this battle over public records happened back when the issue of elected officials' text messages exploded in Arizona after a clean energy watchdog group requested texts from then-Corporation Commissioner Bob Stump. The former commissioner regularly texted with a member of the state's utility consumer group, as well as APS representatives, leaders of dark money organizations and solar representatives, but deleted some of those texts and threw away his old phone, forcing Corp Comm to purchase software that would allow commissioners to plug in their phones every week or two and back up their messages. The Legislature has never adopted such a system, and still does not issue public phones for lawmakers to conduct their public business.



## SHE FOUGHT RUSSELL PEARCE AND WON

Mary Lou Boettcher, a former Republican PC and key figure in the recall of former Senate President Russell Pearce, passed away on Friday. In a Facebook post eulogizing Boettcher, activist Randy Parraz wrote about teaming up to recall Pearce 10 years ago. "At the age of 76, she signed up to be our chairperson in Mesa for the historic effort to recall then Senate President Pearce (and author of SB 1070)," Parraz wrote. "When I told her we wanted to remove Pearce from office and asked her to get involved she said, 'Did I hear you correctly? You want to get rid of Russell Pearce? Yes! I can't stand him.'" They succeeded in collecting enough signatures, and Boettcher later filed a lawsuit ([YS, 9/26/11](#)) to have sham candidate Olivia Cortes thrown off the ballot. While Boettcher – and attorney Tom Ryan – technically lost the case, despite proving Olivia Cortes was a Pearce-plant, they did enough damage to her campaign that Jerry Lewis won the recall election to replace Pearce ([LINK](#)). Boettcher was also a member of the Arizona Education Assn. Both Ryan and Lewis, among others, praised Boettcher in memoriam. "Mary Lou Boettcher was a gentle yet brave giant ... We owe a sincere debt of gratitude to her for her bravery!" Ryan tweeted ([LINK](#)). "She was a gentle, loving, determined, and hardworking soul. I hope I can learn from her example," Lewis responded.

·WAKE UP CALL·

**County supervisors to approve audits of election equipment**

*Capitol Media Services*

Maricopa County supervisors are set to approve two separate audits of election equipment Wednesday in a bid to satisfy questions about security and the 2020 results — and avoid further litigation with the state Senate.

**Trump agreements with Arizona, others, seek to tie Biden's hands on immigration**

*Associated Press*

During the Trump administration's final weeks, the Department of Homeland Security quietly signed agreements with Arizona and at least three other states that threaten to temporarily derail President Biden's efforts to undo his predecessor's immigration policies.

**Despite pandemic's toll, GOP lawmakers want more tax cuts in governor's budget**

*Capitol Media Services*

Democratic lawmakers want more money for pandemic relief.

**Arizona ranks as 'least safe' state in pandemic**

*Payson Roundup*

Arizona remains a national hotspot for the pandemic, but at least new cases have begun to fall from their peak — with a 22% decline in the past two weeks.

**Scottsdale Court Hides Baked Alaska Records After Followers Spam Site**

*Phoenix New Times*

On the same day a Scottsdale judge issued a warrant for the arrest of alt-right troll Baked Alaska, Scottsdale City Court began receiving unusual court filings.

**This Week in COVID: A Year After First Case, COVID-19 Is Leading Killer**

*Phoenix New Times*

It's Tuesday, January 26. More than 732,600 Arizonans have contracted COVID-19 and more than 12,440 have died as a result.

**David Schweikert Says 'Fact Tree' Determined His Votes on 2020 Election Results**

*Phoenix New Times*

After a mob of Donald Trump supporters infamously stormed the Capitol on January 6, Republican Arizona Congressman David Schweikert made some seemingly contradictory decisions.

**McConnell: Sinema told me she won't nix the filibuster**

*The Hill*

Senate Minority Leader Mitch McConnell (R-Ky.) said on Tuesday that Democratic Sen. Kyrsten Sinema (Ariz.) told him directly that she would not support nixing the 60-vote legislative filibuster.

**80-year-old (former) Republican explains why the AZ GOP is going to hell**

*Arizona Republic (Opinion, EJ Montini)*

'I was fed up with the idiocy of many Republican politicians blindly supporting Trump and now apparently being frightened to vote for conviction in the Senate...'

**Reps. Biggs, Gosar and Lesko should resign if Maricopa County election audit comes up clean**

*Arizona Republic (Opinion, Laurie Roberts)*

Maricopa County is prepared to audit the election results. Are Reps. Biggs, Gosar and Lesko — who tried to invalidate their own state's vote — prepared to resign if that audit is clean?

**How to finally get immigration reform done (and do it the right way)**

*Arizona Republic (Opinion, Robert Robb)*

It is good that President Biden wants to make an early run at comprehensive immigration reform. Unfortunately, his proposal isn't a sound start.

### **President Joe Biden is ending some private prison contracts. Why not all of them?**

*Arizona Republic (Opinion, Elvia Diaz)*

President Joe Biden is phasing out federal contracts with private prisons but not privately run immigration detention centers. That makes no sense.

### **Strip Gov. Doug Ducey of power? That won't improve Arizona's COVID-19 response**

*Arizona Republic (Op-ed, John Kavanagh)*

Plenty of people hate Arizona Gov. Doug Ducey's COVID-19 response. But stripping him of power could backfire – for both sides of this debate.

## **·PRESS RELEASES·**

### **Board of Supervisors Approves Extensive Audit of Elections Equipment**

*Goal is to assure voters of election integrity, combat misinformation*

The Maricopa County Board of Supervisors voted unanimously today to authorize a forensic audit of ballot tabulation equipment used in the 2020 elections. The audit is the culmination of a year-long effort by Maricopa County to ensure the accuracy of the federally- and state-certified hardware and software used to count votes (see [2020 Elections Fact Sheet](#) or [multimedia page](#)).

"Maricopa County elections were administered with integrity throughout 2020. That's a fact. Multiple audits to date have proved as much, and multiple court rulings have concurred," said Chairman Jack Sellers. "It's also true that a significant number of voters want the additional assurance that a full forensic audit of tabulation equipment might bring, especially given all the misinformation that spread following the November 3 election. This audit shows our commitment to providing that assurance."

The multi-layered forensic audit will dive into the tabulation equipment to analyze its hacking vulnerability, verify that no malicious malware was installed, and test that tabulators were not sending or receiving information over the internet.

As an added layer of assurance, the county will hire two independent firms certified by the U.S. Elections Assistance Commission, to each independently audit the tabulation equipment: Pro V&V and SLI Compliance.

The first audit will begin on February 2, and the second audit will begin on February 8.

"We're doing the right thing, at the right time, in the right way," said Vice Chairman Bill Gates, District 3. "The audit will be conducted in a way that safeguards private voter information and protects the investment made by county taxpayers in the tabulation equipment. My hope is that the audit results will ensure the residents of Maricopa County have the same confidence in our elections system that we have."

"While I'm confident we ran good elections, I have been passionate about doing this audit," said Supervisor Clint Hickman, District 4. "Every election-related decision and safeguard this Board has made over the past year has had voter and election integrity in mind. The upcoming forensic audit of election equipment will be no different, and I hope it puts to rest the notion that somehow we've got something to hide."

In addition to the software and malware tests, one firm will also perform a logic and accuracy test of the county's tabulation equipment to ensure it accurately counted ballots and confirm that no vote switching occurred.

As an added measure of transparency, the Board hired a reputable Certified Public Accountant firm to review county contracts with Dominion Voting Services and verify that the county leased the tabulation equipment according to state and county procurement regulations.

"I have been publicly supportive of an audit for over a month now and am glad to have this much needed vote," said Supervisor Steve Chucuri, District 2. "Elections are the foundation of our democracy and the most important right we hold as Americans. It is paramount that the public has trust in our elections systems and equipment and that is why I wholeheartedly support an audit to ensure this equipment is above reproach. This thorough audit is what many of my constituents have been asking for. I am pleased we are conducting it and look forward to sharing the results."

Community stakeholders will be an important part of the forensic audit process. Leadership from both the House and Senate, members of all three political parties, and representatives from the Arizona Secretary of State's Office and

Attorney General's Office will be invited to observe. We will also provide availability for media members as well, so they can fulfill their role informing the public.

"It's normal for people to complain about elections when they don't like the results, but people took it a step further this year. They spread lies and conspiracies about how our elections were conducted in an effort to overturn the will of the people," said Supervisor Steve Gallardo, District 5. "I know for a fact we ran three great, safe, and secure elections in 2020. I expect this audit to be the final word."

The results of the forensic audit will be shared publicly.

#### 2020 Elections Fact Sheet

Transparency, accuracy and accountability are paramount to Maricopa County and its Elections Department. In September, the Elections Department met with the chairs of all three county political parties to outline important election dates and areas of involvement for party members. The following is an abridged timeline of steps taken to ensure the integrity of the November General Election:

- On October 6, the Elections Department and the Arizona Secretary of State's Office performed a logic and accuracy test on the tabulation equipment. The test date was published in the newspaper, open to the public and observed by political party representatives, city clerks, and school and health care district representatives. The law requires an errorless count before tabulators and software can be used in an election. The tests confirmed the equipment was tabulating ballots accurately, paving the way for the November General Election in which a record number of voters participated and lines at polling sites were kept to a minimum.
- On November 4, a hand count audit of election results performed by Maricopa County political parties law found a 100 percent match to the vote tabulation machines. The hand count audit, which is required by law, covered a statistically significant sample of ballots. The hand count was viewable on the Elections Department's website and the results were shared publicly.
- On November 17, then-Chairman Clint Hickman [sent a letter to all Maricopa County voters](#) addressing some of the misinformation circulating regarding elections. This letter was accompanied by a link to a [fact page](#) that provided more detail about election processes and is still available to any interested party.
- On November 18, the Elections Department and the Arizona Secretary of State's Office performed a post-election logic and accuracy test on the equipment to ensure it was not changed or tampered with during the election. Members of all three political parties and a representative from the Arizona Attorney General's Office observed the test.
- On November 20, the Board held a nearly three-hour public meeting to discuss concerns and questions raised by Maricopa County residents. Only after these questions were answered in a public forum did the Board certify the results of the election. [This meeting was broadcast live and is still available for anyone to watch.](#)
- On December 14, then-Chairman Clint Hickman and Elections Director Scott Jarrett appeared before the Senate Judiciary Committee and devoted six hours to fully answering questions by legislators.
- On January 7, 2021, the U.S. Congress confirmed the results of the Electoral College, finalizing the November 3, 2020 General Election.

Throughout the election, political party observers were present at every Vote Center, followed ballot courier routes and observed signature verification, ballot processing and every minute of tabulation. All rooms with ballots were under 24-7 cameras.

#### **Post-election court challenges**

Many allegations about the November General Election made their way to court and Maricopa County clearly presented the facts to judges at both the local and federal level. Eleven different times complaints about election fraud, manipulation, or tampering in Maricopa County's 2020 election have been brought against this Board. Each case was dismissed by the courts or withdrawn by the plaintiffs.

#### **Additional information about Maricopa County elections equipment**

Election equipment went through extensive testing to receive its federal and state certification. Prior to November, there were no complaints about the accuracy of the county's tabulation equipment, which was also used in elections in March, May and August. The Elections Department also piloted the tabulation equipment in the November 2019 Madison School District election. To verify the accuracy of the equipment, the county also performed a 100 percent hand count of the Madison ballots. There was no discrepancy between the counts.

### Maricopa County Recorder Statement on Forensic Audit

Below is a statement from Maricopa County Recorder Stephen Richer on a forensic audit of Maricopa County's tabulation equipment:

"It was my great honor that voters in November elected me to serve as the 30<sup>th</sup> Maricopa County Recorder. My vision for the office has been consistent: take the politics out of decision-making and focus on competently serving county residents.

A growing public distrust following the November 3 General Election has prompted me to take on a mission to "inspire confidence." Inspire confidence in our public documents; inspire confidence in our voter registration database; inspire confidence in our elections; and, hopefully, be part of a broader movement to inspire confidence in our public institutions.

To this end, since taking office just three weeks ago, I've worked with my partners in election administration, the Board of Supervisors, to design a forensic audit of the election tabulation equipment and software. The Board has statutory authority over the tabulation equipment, and it is therefore ultimately the Board's decision on whether or not to proceed. But I fully support the audit as designed; I applaud the Board's decision to hold a vote, and I will direct the Recorder's Office to assist with the audit where possible.

Such an audit is not required by law. Additionally, no significant problems have been identified by the numerous lawsuits filed and already-performed audits. In fact, the hand count audit of approximately 47,000 votes yielded a 100% match with the machine-tabulated results.

Nonetheless, I believe the Board's audit is needed to build confidence in the election process and to further improve election administration in our county, which is the second largest voting jurisdiction in the United States.

May this be the first step of many over the next four years to inspire confidence in the elections process. The Board of Supervisors joins me in this goal, and we all look forward to serving this County."

### February 3rd is Virtual 'Environmental Day' at the AZ State Capitol

(PHOENIX, AZ) More than 300 people from throughout Arizona will be meeting online for a socially distant Environmental Day at the Capital to meet with their legislators about key environmental issues, including climate change, water, and funding for parks. This year's theme is "One Planet. One Future. Climate Justice Now!" Participants will include members from more than 20 organizations and at least five Arizona high schools, with each attending scheduled meetings with their local representatives and senators in the Arizona Legislature. Youth leaders will hold a news conference at 11:30 A.M. to read their "love letters to the Earth" and speak about some of the priority bills and issues for the session, including sustainability, climate, and protecting watersheds. **WHO: Legislators, youth, and others from throughout Arizona who care about protecting our environment**

**WHEN: Wednesday, Feb. 3, 8:30 A.M. to 4:00 P.M. \*News Conference at 11:30 A.M.**

**WHERE: Zoom (RSVP for Zoom link and password)**

### FPAA Supports the nomination of Thomas Vilsack as Sec. of Agriculture and Katherine Tai as U.S. Trade Representative

*The Fresh Produce Association of the Americas joins letter in support for nominees in key USDA and USTR positions.* NOGALES, Az. (Jan. 27, 2021) – The Fresh Produce Association of the Americas (FPAA) joined the Food & Agriculture Associations letter addressed to the U.S. Senate Committee on Agriculture, Nutrition, & Forestry and the U.S. Senate Committee on Finance supporting Secretary of Agriculture nominee, Thomas Vilsack and U.S. Trade Representative nominee, Katherine Tai.

Vilsack who has been nominated to serve as Agriculture Secretary in the Biden Administration also served as Secretary of Agriculture during the Obama Administration and has since been involved with the Dairy Export Council. Additionally, Vilsack has a strong background in developing rural communities.

As U.S. Trade Representative, nominee Tai will work closely with President-elect Biden as his principal trade advisor and will also oversee trade negotiations with other countries. Tai has extensive experience in trade negotiations, and she also played a key role in the most recent United States-Mexico-Canada Agreement (USMCA.)

"Both Ms. Tai and Sec. Vilsack have an outstanding knowledge of the intricacies of trade, and the value of building meaningful and productive relationships with their peers in Mexico," said FPAA President Lance Jungmeyer. "These nominees will help fulfill the promise of USMCA."

As the new administration begins its preparations for the next four years, supporting nominees who support trade including tackling non-tariff barriers to trade is of great importance to the FPAA.

### **Congressman Biggs Appointed to the House Committee on Oversight and Reform**

**GILBERT, ARIZONA** – This week, Congressman Andy Biggs was appointed to serve on the House Committee on Oversight and Reform. Congressman Biggs issued the following statement:

*"I am thankful to Ranking Member, James Comer, and the Republican Steering Committee for appointing me to the House Committee on Oversight and Reform. Over the next two years, House Republicans should use all of our power to hold the Biden administration accountable to the Constitution, the rule of law, and the American people. We must hold the line, and many of these efforts will start in this committee. I look forward to getting to work with my colleagues on this committee, and also continuing on the House Judiciary Committee."*

## “QUOTE OF THE DAY”

“How in the world?! How did you hear that?”

*- Alex Kolodin, on our reporter asking if he's the new lawyer for AZGOP*



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*Attorneys for Plaintiffs*

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

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Case No. \_\_\_\_\_

WISCONSIN VOTERS ALLIANCE  
E3530 Townline Road  
Kewaunee, Wisconsin 54216;

PENNSYLVANIA VOTERS ALLIANCE  
1621 Huddel Avenue Lower  
Chichester, Pennsylvania, 19061;

GEORGIA VOTERS ALLIANCE  
151 Main Street  
Senior, Georgia 30276;

ELECTION INTEGRITY FUND  
1715 Northumberland Drive  
Rochester Hills, Michigan 48309;

ARIZONA VOTER INTEGRITY ALLIANCE  
8019 East Tuckey Lane  
Scottsdale, Arizona 85250;

LYNIE STONE  
10410 East Prince Road  
Tucson, Arizona 85749;

BARON BENHAM  
8019 East Tuckey Lane  
Scottsdale, Arizona 85250;

DEBI HAAS  
5530 Rivers Edge Drive  
Commerce, Michigan 48382;

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BRENDA SAVAGE  
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MATTHEW DADICH  
1621 Huddel Avenue  
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JOHN WOOD  
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REPRESENTATIVE WARREN PETERSON  
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REPRESENTATIVE MATTHEW MADDOCK  
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REPRESENTATIVE DAIRE RENDON,  
4833 River Wood Road  
Lake City, Michigan 49651;

REPRESENTATIVE DAVID STEFFEN  
715 Olive Tree Court  
Green Bay, Wisconsin 54313;

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REPRESENTATIVE JEFF L. MURSAU

4 Oak Street  
Crivitz, Wisconsin 54114;

SENATOR WILLIAM T. LIGON

90 Bluff Road South  
White Oak, Georgia 31568; and

SENATOR BRANDON BEACH

3100 Brierfield Road  
Alpharetta, GA 30004

Plaintiffs,

v.

VICE PRESIDENT MICHAEL RICHARD PENCE,  
in his official capacity as President of the United States Senate,  
Office of the Vice President  
1600 Pennsylvania Avenue, N.W.  
Washington, DC 20500;

U.S. HOUSE OF REPRESENTATIVES,  
U.S. Capitol  
First St SE  
Washington, DC 20004;

U.S. SENATE,  
U.S. Capitol  
First St SE  
Washington, DC 20004;

ELECTORAL COLLEGE,  
U.S. Capitol  
First St SE  
Washington, DC 20004;

GOVERNOR TOM WOLF OF PENNSYLVANIA,  
in his official capacity,  
508 Main Capitol Building  
Harrisburg, PA 17120;

SPEAKER BRYAN CARTER OF THE PENNSYLVANIA  
HOUSE OF REPRESENTATIVES, in his official capacity,  
139 Main Capitol Building  
PO Box 202100  
Harrisburg, PA 17120-2100;

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SENATE MAJORITY LEADER JAKE CORMAN  
OF THE PENNSYLVANIA SENATE,  
in his official capacity,  
Senate Box 203034  
Harrisburg, PA 17120-3034;

GOVERNOR GRETCHEN WHITMER OF MICHIGAN,  
in her official capacity,  
111 S Capitol Avenue  
Lansing, Michigan 48933;

SPEAKER LEE CHATFIELD OF THE MICHIGAN  
HOUSE OF REPRESENTATIVES,  
in his official capacity,  
124 N Capitol Avenue  
Lansing, Michigan 48933;

SENATE MAJORITY LEADER MIKE SHIRKEY  
OF THE MICHIGAN SENATE,  
in his official capacity,  
S-102 Capitol Building  
Lansing, Michigan 48933;

GOVERNOR TONY EVERS OF WISCONSIN,  
in his official capacity,  
P.O. Box 7863  
Madison, Wisconsin 53707;

SPEAKER ROBIN VOS OF THE WISCONSIN  
STATE ASSEMBLY,  
in his official capacity,  
960 Rock Ridge Road  
Burlington, Wisconsin 53105;

SENATE MAJORITY LEADER HOWARD MARKLEIN  
OF THE WISCONSIN SENATE,  
in his official capacity,  
PO Box 7882  
Madison, Wisconsin 53707;

GOVERNOR BRIAN KEMP OF GEORGIA,  
in his original capacity,  
111 State Capitol  
Atlanta, Georgia 30334;

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SPEAKER DAVID RALSTON OF THE GEORGIA HOUSE  
OF REPRESENTATIVES,  
in his official capacity,  
332 State Capitol  
Atlanta, Georgia 30334;

PRESIDENT PRO TEMPORE BUTCH MILLER OF THE  
GEORGIA SENATE,  
in his official capacity,  
321 State Capitol  
Atlanta, Georgia 30334;

GOVERNOR DOUG DUCEY OF ARIZONA,  
in his official capacity,  
1700 W. Washington Street  
Phoenix, Arizona 85007;

SPEAKER RUSSELL BOWERS OF THE  
ARIZONA HOUSE OF REPRESENTATIVES,  
in his official capacity,  
1700 West Washington  
Room 223  
Phoenix, Arizona 85007; and

SENATE MAJORITY LEADER RICK GRAY  
OF THE ARIZONA SENATE,  
in his official capacity,  
1700 West Washington  
Room 301  
Phoenix, Arizona 85007,

Defendants.

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## COMPLAINT

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The above-named Plaintiffs Wisconsin Voters Alliance, Pennsylvania Voters Alliance,  
Georgia Voters Alliance, Election Integrity Fund, Arizona Election Integrity Alliance, Lynie Stone,  
Baron Benham, Debi Haas, Brenda Savage, Matthew Dadich, Leah Hoopes, Ron Heuer, Richard W.  
Kucksdorf, Debbie Jacques, John Wood, Sonny Borrelli, Warren Peterson, Matthew Maddock,

Daire Rendon, David Steffen, Jeff L. Mursau, William T. Ligon and Brandon Beach, for their complaint allege as follows:

## INTRODUCTION

### A. State Legislatures are Prohibited from Fulfilling Their Constitutional Responsibility.

This lawsuit seeks protection of voters' rights in Presidential elections. Voters in Presidential elections have a constitutional right to have their respective state legislatures meet after the election and certify their votes and, based on the votes, certify the Presidential electors whose votes are counted in Congress to elect the President and Vice President.

In drafting Article II, the Framers of the Constitution reasoned state legislatures should select Presidential electors so as "to afford as little opportunity as possible to tumult and disorder" and to place "every practicable obstacle [to] cabal, intrigue, and corruption," including "foreign powers" that might try to insinuate themselves into our elections.<sup>1</sup>

Article II limited Congress's role in selecting the President and provided no constitutional role for Governors. Yet, at present state legislatures are unable to meet. This inability to meet has existed from election day and continues through various congressionally set deadlines for the appointment of presidential electors and the counting of presidential elector votes. The states legislatures of Pennsylvania, Michigan, Wisconsin, Georgia and Arizona ("Defendant States") are unable to review the manner in which the election was conducted, are prevented from exercising their investigative powers and are unable to vote, debate or as a body speak to the conduct of the election. In sum, State legislatures are impotent to respond to what happened in the November 3, 2020 election.

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<sup>1</sup> Hamilton, Alexander. Federalist No. 68, at 410-11 (C. Rossiter, ed. 1961).

This impotency is caused by the ministerial functions of Congress and the Vice President regarding the counting of the Presidential Elector’s votes and also by state law prohibiting the legislative body from meeting without a supermajority or governor or leadership agreement during a time they can respond to what happened in the election. Accordingly, even if the state legislatures were aware of clear fraud by the executive branch – the state legislatures could not meet unless a supermajority, or a governor, or legislative leadership agreed they should meet.

This wholesale delegation of legislative authority operates contrary to the Constitution by inviting “cabal, intrigue and corruption” rather than operating to prevent the same. State legislative bodies have been relegated to observing the ministerial functions of a small group of executive officials who have refused various requests by legislators to be called into special session. Consequently, the legislative bodies as a whole of Defendant States have not engaged in any open discussion, review, investigation, or debate regarding the 2020 general election.

**B. A Cabal of Public-Private Partnerships Directed the Manner of the Election Contrary to State Law Creating Disorder the State Legislatures were Unable to Address.**

The management of elections is a core government function of Congress and state legislatures whose responsibilities are constitutionally defined.<sup>2</sup> “Safeguarding the integrity of the electoral process is a fundamental task of the Constitution, and [the courts] must be keenly sensitive to signs that its validity may be impaired.”<sup>3</sup>

This is especially so when state legislatures have abrogated their responsibilities through the improper delegation of their authority and when a cabal of state and local executives have partnered with private interests to undermine state statutes and plans designed to protect the integrity of the election.

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<sup>2</sup> U.S. Const. Art. II, Section 1, Cl. 1; U.S. Const. Art. 4, Section 1, Cl. 1.

<sup>3</sup> *Johnson v. FCC*, 829 F.2d 157, 163 (D.C. Cir. 1987).

“Confidence in the integrity of our electoral processes is essential to the functioning of our participatory democracy”<sup>4</sup> and due to the wholesale delegation of legislative responsibility only judicial action restoring legislative authority can check unlawful conduct by the involved state executives.

**C. Unprecedented Private Monies Purchased Local Election Offices and Dictated Election Management Encouraging the Evasion of State Laws and Government Partisan Involvement.**

On March 27, 2020 President Trump signed into law the Coronavirus Aid, Relief, and Economic Security Act (CARES) which provided \$400 million to states to manage the 2020 elections during the pandemic.<sup>5</sup> This funding joined previous monies provided by the Help America Vote Act (HAVA) to afford states sufficient federal funding to assist in managing the election.

The CARES Act funding, however, was exceeded by one individual who passed \$400 million to local and state executives through a private charity that dictated how the recipient local government officials would manage the election.<sup>6</sup>

These dictates included the unprecedented use of drop boxes, mobile ballot retrieval, the location and number of polling places or satellite locations, and the consolidation of urban counting centers. Election judges, inspectors and poll workers were paid by these private funds and the tabulating machines purchased with private monies.<sup>7</sup>

The private funds flowed through the Center for Tech and Civic Life (CTCL) and were targeted to facilitate voter turnout of certain demographics in geographic areas dominated by one political

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<sup>4</sup> *Purcell v. Gonzalez*, 549 U.S. 1, 4 (2006).

<sup>5</sup> Coronavirus Aid, Relief & Econ. Security Act, Pub. L. 116-136, §15003, 134 Stat. 281, 531.

<sup>6</sup> *Mark Zuckerberg donated \$400M to help local election offices during pandemic*, INDEPENDENT, Nov. 11, 2020. <https://www.independent.co.uk/news/world/americas/mark-zuckerberg-donation-election-facebook-covid-b1721007.html>.

<sup>7</sup> *Id.*



party.<sup>8</sup> CTCL recruited specific cities to apply for the grants and provided grants to select cities to assist those cities in their grant applications.<sup>9</sup>

The funding to local election officials in Democratic strongholds was provided simultaneously with executive decisions to close in-person voting locations in areas not receiving CTCL grants. The CTCL funding and local executive official acceptance created a two-tier election system in which geographic areas benefitting one political party were flush with cash used to increase voter opportunities and turnout, including one city's no-bid purchase of a \$250,000 Winnebago for local voter turnout efforts. The geographic areas dominated by the other party, however, experienced greater difficulty voting due to COVID emergency orders.<sup>10</sup>

For example, CTCL provided funds to 100% of the Pennsylvania counties carried by Hillary Clinton in 2016, including over \$10 million to Philadelphia County.<sup>11</sup> The charity required the heavily Democratic county to establish 800 "satellite" voting locations and implement the drop box collection of ballots. In neighboring Democratic Delaware County, Pennsylvania one drop box was available for every 4,000 voters and one drop box was placed for every four-square-miles.

On the other hand, President Trump carried 59 of 67 Pennsylvania counties in 2016. CTCL contributed to 22% of those counties providing much smaller grants. There was one drop box for every 72,000 voters and every 1,159 square-miles in those counties.

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<sup>8</sup> See, e.g., (city of Philadelphia grant communications), *Unconstitutional? Wisconsin city election officials sought private money to register voters*, <https://justthenews.com/politics-policy/elections/documents-show-wi-municipal-authorities-sought-use-grant-money-voter>; City of Green Bay – Center for Tech and Civic Life grant agreement (July 24, 2020).

<sup>9</sup> See Approval by Center for Tech and Civic Life of grant request for City of Racine, App. 247-48; see also Petition for Permanent Injunction and Declaratory Judgment on behalf of the State of Louisiana, App. 1504-1536.

<sup>10</sup> See Grant Spending Approval by City of Racine for Purchase of Winnebago, App. 1492; see also Carlson Report, App. 31-38.

<sup>11</sup> See Approval by Center for Tech and Civic Life of grant request for City of Philadelphia, App. 1493-1503.

CTCL funding produced similar results in the other Defendant States. Moreover, the use of drop boxes materially breached the chain of custody of ballots. For example, ballot transfer forms in Cobb County, Georgia show 78% of the 89,000 absentee ballots were not transported as Georgia election rules require.<sup>12</sup> Additionally, the use of drop boxes and changes in the signature comparison requirements for absentee ballots were approved by the Georgia Secretary of State without legislative approval.<sup>13</sup>

The presence of CTCL funds in other states facilitated conduct contrary to state law as well. In Wisconsin, at CTCL's request, five cities used CTCL seed monies to draft the "Wisconsin Safe Voting Plan 2020," so named despite the failure of the city leaders to include any other Wisconsin election officials. The plan, and communications relating to the plan, provided for extensive voter turnout efforts, considered state voter identification laws an obstacle and required the use of drop boxes, curbside voting and salaries for additional staffing.<sup>14</sup>

CTCL funding was used to "dramatically expand voter and community education and outreach, particularly to historically disenfranchised residents."<sup>15</sup>

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<sup>12</sup> *Ballot Transfer Forms Show 78 Percent of 89,000 Absentee Ballots from Drop Boxes in Cobb County, Georgia Were Not Transported to the Registrar Immediately As the Election Code Requires – The Georgia Star News*, <https://georgiastarnews.com/2020/12/11/ballot-transfer-forms-show-78-percent-of-89000-absentee-ballots-from-drop-boxes-in-cobb-county-were-not-transported-to-registrar-immediately-as-election-code-rule-requires/>.

<sup>13</sup> *Georgia Secretary of State and State Election Board Changed Absentee Ballot Signature Verification and Added Drop Boxes Without State Legislature's Approval*, <https://georgiastarnews.com/2020/12/16/georgia-secretary-of-state-and-state-election-board-changed-absentee-ballot-signature-verification-and-added-drop-boxes-without-state-legislatures-approval/>.

<sup>14</sup> *Wisconsin Safe Voting Plan 2020*, at 4 (submitted to the Center for Tech and Civic Life by the cities of Green Bay, Kenosha, Madison, Milwaukee and Racine)(June 15, 2020). The report states "[v]oting absentee by mail has been complicated by a fairly recent imposition of state law requiring voters to provide an image of their valid photo ID prior to first requesting an absentee ballot." *Id.*, at 6. The CTCL funding provided "voter navigators" and professional" witnesses to increase turnout and \$2.5 million to "overcome these particular barriers." *Id.* at 8-11. The cities received over \$2 million for additional staffing, including pay for poll workers, election "chief inspectors." *Id.*, at 11-12 and 18-19. An additional \$216,500 was provided for drop boxes. *Id.*, at 10-11.

<sup>15</sup> *Id.*, at 13.

CTCL funding enabled urban areas in defendant states to consolidate counting facilities. This consolidation precipitated the exclusion of Republican officials from the ability to view the management, handling and counting of absentee and mail-in ballots.

Election transparency is a prophylactic to fraud. Each defendant state has laws requiring members of both major political parties be present in the location of the receipt, management and counting of ballots. Such common-sense policy is necessary due to the significant afforded election officials.

Local election officials determine the ballots to be received, the ballots eligible to be counted and supervise the count of the ballots. Legislatures have wisely determined the best way to bring accountability to such decisions is to require the participation, or at least the observation, of both political parties.

Yet, these laws were not followed. In Wayne County, Michigan, CTCL paid poll workers boarded up the windows to the counting facility to prevent observation.<sup>16</sup> Inside Detroit's *TCF Center*, election inspectors were receiving, counting and "curing" absentee ballots. The "curing" process involves discerning the voting intent of an absent voter and reflecting that intent on a newly ballot which is then cast and counted.

Michigan law requires representatives of both major political parties to view the process and then sign a form stating the "curing" was completed consistent with voter intent.<sup>17</sup> Yet, Republican inspectors were not appointed in Wayne County. Moreover, Republican poll watchers were kept at such a distance in the cavernous TCF Center they were unable to view the conduct of the inspectors

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<sup>16</sup> *There's a Simple Reason Workers Covered Windows at a Detroit Vote-Counting Site*, THE NEW YORK TIMES (Nov. 5, 2020) (<https://www.nytimes.com/2020/11/05/technology/michigan-election-ballot-counting.html>, retrieved Dec. 20, 2020) (windows covered to prevent "photographs").

<sup>17</sup> *See Mich. Comp. Laws* §168.674(2) (Thomson/West 2006).

at the 134 counting tables operating in the center.<sup>18</sup> City election officials later argued that allowing republicans in the “place” of the counting satisfied state law despite the “place” these poll watchers were required to stand was so remote they could not observe the activity of the democrat party officials.

Urban election officials in other Defendant States which received CTCL funding also restricted or prohibited Republican poll watchers from viewing the receipt, management, curing and counting of ballots.<sup>19</sup> Local election officials in each state represented here received significant funds from CTCL and each also engaged in election improprieties with local officials acting contrary to state law.

State hostility to Republican participation in reviewing the management of the 2020 general election manifested in threats to Republican officeholders and their counsel in Michigan. On December 14, 2020 Governor Gretchen Whitmer mobilized the state police to secure the state capitol to prevent Republican legislators entry to the building while allowing Democrat legislators to enter.<sup>20</sup>

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<sup>18</sup> See, e.g., *Watch, Detroit Absentee Ballot Counting Chaos As Workers Block Windows, Bar Observers*, BREITBART (Nov. 4, 2020) (<https://www.breitbart.com/politics/2020/11/04/watch-detroit-absentee-ballot-counting-chaos-as-workers-block-windows-bar-observers/>, retrieved Dec. 12, 2020); *Chaos erupts at TCF Center as Republican vote challengers cry foul in Detroit*, DETROIT FREE PRESS (Nov. 4, 2020) (<https://www.freep.com/story/news/politics/elections/2020/11/04/tcf-center-challengers-detroit-michigan/6164715002/>, retrieved Dec. 20, 2020).

<sup>19</sup> See, e.g., Affidavit of Gregory Stenstrom (date); ‘The Steal is On’ in Pennsylvania: Poll Watchers Denied Access, Illegal Campaigning at Polling Locations, Breitbart (Nov. 3, 2020) (<https://www.breitbart.com/politics/2020/11/03/the-steal-is-on-in-pennsylvania-poll-watchers-denied-access-illegal-campaigning-at-polling-locations/>, retrieved Dec. 20, 2020);

<sup>20</sup> Michigan governor Gretchen Whitmer and legislative leadership initially claimed COVID-19 necessitated the closing of the Michigan capitol building on December 14, 2020, the congressional deadline for the certification of the presidential electors. *Shirkey: ‘Bad Judgment’ to keep Michigan Capitol closed during electors meeting*, <https://www.detroitnews.com/story/news/politics/2020/12/14/shirkey-bad-judgment-capitol-closed-during-elector-meeting/6536863002/>. Later, Governor Whitmer claimed the closing occurred due to a security threat. *Michigan State House, Senate close over ‘threats of violence’ during Electoral College Meeting*, December 14, 2020, <https://www.usatoday.com/story/news/politics/2020/12/14/michigan-legislative-buildings->

Moreover, Democrat Michigan Attorney General Dana Nessel announced she was criminally investigating Republican legislators who voiced concerns regarding the election outcome and threatened those officials with criminal prosecution for “bribery, perjury, and conspiracy.”<sup>21</sup>

General Nessel also tweeted a claim “GOP efforts to overturn President Trump’s electoral defeat...and [t]hreats against election officials are domestic terrorism. My message to them is ‘We are looking for you. We will find you. You will be held accountable.’”<sup>22</sup> The Michigan State Police whom the Governor ordered to bar Republicans from entering the capitol on the fourteenth<sup>23</sup>, however, announced they “did not recommend the closure of legislative offices ahead of the Electoral College meeting and they were not aware of ‘any credible threats of violence related to Michigan....’”<sup>24</sup>

General Nessel continued her threats with calls for ethics investigations of Republican attorneys. She also chilled free speech during the election by issuing “cease-and-desist letters” to political organizations engaged in political speech.<sup>25</sup>

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closed-security-concerns-covid-19/6536919002/, see also <https://www.npr.org/sections/biden-transition-updates/2020/12/14/946243439/michigan-gov-whitmer-addresses-security-threat-to-electoral-college-vote>. Despite both claims, Democrats were allowed in the state capitol on December 14, 2020 while republican legislators were prohibited from entering. <https://www.prnewswire.com/news-releases/got-freedom-video-shows-police-preventing-gop-electors-in-michigan-from-performing-lawful-duties-301192474.html>. The Michigan State Police, however, revealed that they acted on the Governor’s orders and that the state police were not aware of any credible threat to the capitol or its occupants. <https://nbc25news.com/news/local/michigan-house-and-senate-offices-closed-tomorrow-because-of-safety-concerns>.

<sup>21</sup> *Michigan attorney general ponders criminal probes of state and local officials who bend to Trump’s will on overturning election results*, [https://www.washingtonpost.com/politics/michigan-attorney-general-canvassing-board-lawmakers/2020/11/20/87d19ce6-2b65-11eb-8fa2-06e7cbb145e0\\_story.html](https://www.washingtonpost.com/politics/michigan-attorney-general-canvassing-board-lawmakers/2020/11/20/87d19ce6-2b65-11eb-8fa2-06e7cbb145e0_story.html).

<sup>22</sup> <https://twitter.com/dananessel/status/1338494176883847170>.

<sup>23</sup> *Live Update: Denied to Perform Constitutional Duty in Michigan*, GOT FREEDOM? (December 14, 2020)(<https://www.youtube.com/watch?v=6nH6ZvfAD2w>, (video of entry denial)).

<sup>24</sup> *State Police say there were not aware of any credible threats to the capitol on Monday*, <https://nbc25news.com/news/local/michigan-house-and-senate-offices-closed-tomorrow-because-of-safety-concerns>.

<sup>25</sup> *Nessel issues cease-desist letters to those spreading misinformation during election*, <https://www.wxyz.com/news/election-2020/nessel-issues-cease-and-desist-letters-to-those-spreading-misinformation-during-election>.

Accordingly, the Plaintiffs who are voter groups, voters and state legislators in Pennsylvania, Michigan, Wisconsin, Georgia and Arizona file this complaint seeking to restore the constitutional authority and duty of the legislative bodies of their respective states in the selection of presidential electors to correct “the tumult and disorder”<sup>26</sup> and lawlessness

The federal laws regarding the Presidential electors, codified at 3 U.S.C. §§ 5, 6 and 15 are constitutionally unauthorized and violate Presidential voters’ rights to state legislative post-election certification. Article II of the Constitution establishes a non-delegable process where at least state legislative post-election certification of the state’s Presidential electors is constitutionally required for Presidential elector votes to be counted in the election of the President and Vice President. In contradiction, the federal laws, particularly 3 U.S.C. §§ 5 and 6, establish a different process where Presidential electors are designated by the Governor of each Defendant State without state legislative post-election certification. Then, 3 U.S.C. § 15 authorizes the Vice President and Congress to count those votes in contradiction of the constitutional obligation to only count votes of Presidential electors who have state legislative post-election certification.

Further, the Defendant States have legally acquiesced to the federal laws by enacting statutes transferring post-election certification from the state legislatures to state executive branch officials: Ariz. Rev. Stat. § 16-212 (B) (Arizona Secretary of State), Ga. Code Ann. § 21-2-499 (B) (Georgia Secretary of State and Governor), Mich. Comp. Laws Ann. § 168.46 (Michigan State Board of Canvassers and Governor), Wis. Stat. § 7.70 (5) (b) (Wisconsin Elections Commission); and 25 Pa. Cons. Stat. § 3166 (Secretary of Commonwealth and Governor). These state laws also violate Article II which establishes the state legislative prerogative to post-election certification of Presidential votes and of Presidential electors.

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<sup>26</sup> Federalist No. 68, at 410-11.

Plaintiffs hope a constitutional crisis can be avoided. There is time before the January 20, 2021 inaugural of the President and Vice President for the Court to require the state legislatures to meet and consider post-election certification of the Presidential electors. The people's representatives comprising the state legislatures of the respective states must be afforded the opportunity to act as a whole to fulfill their constitutional responsibilities and to restore faith in the election process.

Moreover, this Court has continuing jurisdiction, after this Presidential election, because the federal laws and state laws violating Article II have continuing force applied to future Presidential elections.

## JURISDICTION

1. The Court has jurisdiction under 28 U.S.C § 1331 (federal question), 28 U.S.C. § 1343 (civil rights and elective franchise), 28 U.S.C. § 2201 (declaratory judgment), 28 U.S.C. § 1651 (“All Writs Act”), 42 U.S.C. § 1983 (civil rights) and D.C. Code § 16-3501, et seq (ouster of national officials).

2. The Court has venue under 28 U.S.C. § 1391 because many of the Defendants reside or are located in the District of Columbia and a substantial part of the events or omissions giving rise to the claim occurred or will occur there.

## PARTIES

### A. Plaintiffs

3. Plaintiffs Wisconsin Voters Alliance, Pennsylvania Voters Alliance, Georgia Voters Alliance, Election Integrity Forum and Arizona Election Integrity Alliance are election integrity entities and associations which have a purpose of promoting election integrity in Pennsylvania,

Wisconsin, Georgia, Michigan and Arizona, respectively. They do not support any particular candidate for any public office.

4. Plaintiffs Lynie Stone and Baron Benham are residents, voters and taxpayers of Arizona. They are members of the Arizona Election Integrity Alliance.

5. Plaintiffs Debi Haas and Brenda Savage are residents, voters and taxpayers of Michigan. They are members of the Election Integrity Forum.

6. Plaintiffs Matthew Dadich and Leah Hoopes are residents, voters and taxpayers of Pennsylvania. They are members of the Pennsylvania Voters Alliance.

7. Plaintiffs Ron Hueur, Richard W. Kucksdorf and Debbie Jacques are residents, voters and taxpayers of Wisconsin. They are members of the Wisconsin Voters Alliance.

8. Plaintiff John Wood is a resident, voter and taxpayer of Georgia. He is a member of the Georgia Voters Alliance.

9. Plaintiff Senator Sonny Borrelli member of the Arizona Senate.

10. Plaintiff Representative Warren Peterson is a member of the Arizona House of Representatives.

11. Plaintiff Representative Matthew Maddock is a member of the Michigan House of Representatives.

12. Plaintiff Representative Daire Rendon is a member of the Michigan House of Representatives.

13. Plaintiff Representative David Steffen is a member of the Wisconsin State Assembly.

14. Plaintiff Representative Jeff L. Mursau is a member of the Wisconsin State Assembly.

15. Plaintiff Senator William T. Ligon is a member of the Georgia Senate.

16. Plaintiff Senator Brandon Beach is a member of the Georgia Senate.



17. All of the individual Plaintiffs are residents, voters and taxpayers of their respective states.

18. All of the individual Plaintiffs voted in the November 3, 2020 election for President and Vice President and plan to vote in future Presidential elections.

**B. Defendants**

19. Vice President Michael Richard Pence is a Defendant sued in his official capacity as President of the United States Senate. As such, Pence is identified as having legal obligations under the Constitution and federal law regarding opening and counting the ballots of Presidential electors for President and Vice President.

20. The U.S House of Representatives, U.S. Senate, and Electoral College are Defendants. They are constituted under the Constitution and federal law.

21. Governor Tom Wolf of Pennsylvania is a Defendant sued in his official capacity. He has legal responsibilities under federal and state law in post-election certification of Presidential electors.

22. Speaker Bryan Carter of the Pennsylvania House of Representatives and Senate Majority Leader Jake Corman of the Pennsylvania Senate, are sued in their official capacities. They and their respective houses of their state legislature have legal responsibilities under federal and state law in post-election certification of Presidential electors.

23. Governor Gretchen Whitmer of Michigan is a Defendant sued in her official capacity. She has legal responsibilities under federal and state law in post-election certification of Presidential electors.

24. Speaker Lee Chatfield of the Michigan House of Representatives and Senate Majority Leader Mike Shirkey of the Michigan Senate are sued in their official capacities. They and their

respective houses of their state legislature have legal responsibilities under federal and state law in post-election certification of Presidential electors.

25. Governor Tony Evers of Wisconsin is a Defendant sued in his official capacity. He has legal responsibilities under federal and state law in post-election certification of Presidential electors.

26. Speaker Robin Vos of the Wisconsin State Assembly and Senate Majority Leader Howard Marklein of the Wisconsin Senate are sued in their official capacities. They and their respective houses of their state legislature have legal responsibilities under federal and state law in post-election certification of Presidential electors.

27. Governor Brian Kemp of Georgia is a Defendant sued in his official capacity. He has legal responsibilities under federal and state law in post-election certification of Presidential electors.

28. Speaker David Ralston of the Georgia House of Representatives and President Pro Tempore Butch Miller of the Georgia Senate are sued in their official capacities. They and their respective houses of their state legislature have legal responsibilities under federal and state law in post-election certification of Presidential electors.

29. Governor Doug Ducey of Arizona is a Defendant sued in his official capacity. He has legal responsibilities under federal and state law in post-election certification of Presidential electors.

30. Speaker Russell Bowers of the Arizona House of Representative and Senate Majority Leader Rick Gray of the Arizona Senate are sued in their official capacities. They and their respective houses of their state legislature have legal responsibilities under federal and state law in post-election certification of Presidential electors.

## STANDING

31. As voters, the Plaintiffs have legal standing to bring these constitutional claims to ensure that Presidential elections are constitutionally conducted by Defendants.<sup>27</sup>

32. The Plaintiffs claim that Article II of the U.S. Constitution provides a voter a constitutional right to the voter's Presidential vote being certified as part of the state legislature's post-election certification of Presidential electors. Absence such certification, the Presidential electors' votes from that state cannot be counted by the federal Defendants toward the election of President and Vice President. Because the Plaintiffs' votes are not counted as part of the constitutionally-required state legislative post-election certification of Presidential electors, the Defendants are causing the Plaintiffs to be disenfranchised. *See Batan v. McMaster*, 967 F.3d 345, 352–53 (4th Cir. 2020) (voters who vote in Presidential elections have standing on claims of government causing disenfranchisement).

33. When Defendants violate the Constitution as it relates to Presidential elections in the Defendant, all voters in Presidential elections suffer an injury-in-fact caused by the Defendants. Voters in a Presidential election, in this instance, have an injury-in-fact different than the public because when they voted and they had an interest that the election in which they voted is constitutionally-conducted. The same is true of future elections. Finally, the Court can redress the Plaintiffs' injuries by issuing a declaratory judgment and accompanying injunction to enjoin the Defendants' unconstitutional conduct.

34. As voters, each Plaintiff has a fundamental right to vote.<sup>28</sup> Thus, each Plaintiff has a recognized protectable interest. As the U.S. Supreme Court has long recognized, a person's right to

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<sup>27</sup> *See Lujan v. Defenders of Wildlife*, 504 U.S. 555, 560–61 (U.S. 1992).

<sup>28</sup> *Reynolds v. Sims*, 377 U.S. 533, 554–55, 562 (1964).

vote is “individual and personal in nature.”<sup>29</sup> Thus, “voters who allege facts showing disadvantage to themselves as individuals have standing to sue” to remedy that disadvantage.<sup>30</sup> “Safeguarding the integrity of the electoral process is a fundamental task of the Constitution, and [the courts] must be keenly sensitive to signs that its validity may be impaired.”<sup>31</sup> “Confidence in the integrity of our electoral processes is essential to the functioning of our participatory democracy.”<sup>32</sup>

35. By federal and state election laws, the federal and state governments have agreed to protect the fundamental right to vote by maintaining the integrity of an election contest as fair, honest, and unbiased to maintain the structure of the democratic process.<sup>33</sup> The voters, in turn, agree to accept the government’s announcement of the winner of an election contest, including federal elections, to maintain the integrity of the democratic system of the United States. “No right is more precious in a free country than that of having a voice in the election of those who make the laws under which, as good citizens, we must live.”<sup>34</sup> But the right to vote is the right to participate in an electoral process that is necessarily structured to maintain the integrity of the democratic system.”<sup>35</sup>

36. This arrangement constitutes a “social contract” between the voter and the government as an agreement among the people of a state about the rules that will define their government.<sup>36</sup> Social contract theory provided the background against which the Constitution was adopted. “Because of this social contract theory, the Framers and the public at the time of the

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<sup>29</sup> *Id.* 377 U.S. at 561.

<sup>30</sup> *Gill v. Whitford*, 138 S. Ct. 1916, 1929 (2018).

<sup>31</sup> *Johnson v. FCC*, 829 F.2d 157, 163 (D.C. Cir. 1987).

<sup>32</sup> *Purcell v. Gonzalez*, 549 U.S. 1, 4 (2006).

<sup>33</sup> *Timmons v. Twin Cities Area New Party*, 520 U.S. 351, 364 (1997) (“States certainly have an interest in protecting the integrity, fairness, and efficiency of their ballots and election processes as means for electing public officials.”).

<sup>34</sup> *Burdick v. Takushi*, 504 U.S. 428, 441 (1992) quoting *Wesberry v. Sanders*, 376 U.S. 1, 17 (1964).

<sup>35</sup> *Id.* (citations omitted).

<sup>36</sup> *Dumonde v. U.S.*, 87 Fed. Cl. 651, 653 (Fed. Cl. 2009) (“Historically, the Constitution has been interpreted as a social contract between the Government and people of the United States,” citing *Marbury v. Madison*, 1 Cranch 137, 5 U.S. 137, 176 (1803).

revolution and framing conceived governments as resulting from an agreement among people to provide a means for enforcing existing rights.”<sup>37</sup> “The aim of a social contract theory is to show that members of some society have reason to endorse and comply with the fundamental social rules, laws, institutions, and/or principles of that society. Put simply, it is concerned with public justification, i.e., ‘of determining whether or not a given regime is legitimate and therefore worthy of loyalty.’”<sup>38</sup>

37. The uniformity of election laws is part of that contract to protect the right to vote. Hence, the right to vote is intertwined with the integrity of an election process. The loss of the integrity of the election process renders the right to vote meaningless.<sup>39</sup> Here, the Defendant States’ election irregularities and improprieties so exceed the razor-thin margins to cast doubt on the razor-thin margins of victory and, thus, threaten the social contract itself.

38. The same will happen in future elections too if it is not stopped.

39. The Article II social contract with the voters is, in part, the assurance of their state legislature voting for post-election certification of Presidential electors. Arising from the social contract is the integrity of the election process to protect the voter’s right to vote. In the state legislatures perpetually delegating post-election certification of Presidential electors to election officials—as a core government function—the state legislatures, required by federal law, delegated

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<sup>37</sup> Greg Serienko, *Social Contract Neutrality and the Religion Clauses of the Federal Constitution*, 57 Ohio St. L. J. 1263, 1269.

<sup>38</sup> *Contemporary Approaches to the Social Contract*, <https://plto.stanford.edu/entries/contractarianism-contemporary/> (last visited Dec. 21, 2020).

<sup>39</sup> “Legitimacy is the crucial currency of government in our democratic age. Only elections that are transparent and fair will be regarded as legitimate...But elections without integrity cannot provide the winners with legitimacy, the losers with security and the public with confidence in their leaders and institutions.” <https://www.kofiannanfoundation.org/supporting-democracy-and-elections-with-integrity/uganda-victory-without-legitimacy-is-no-victory-at-all/> (Last visited Dec. 8, 2020).

post-election certification to state executive branch officials when Article II requires the state legislatures to conduct post-election certification of every voter's vote.

40. This social contract is what is personally at risk for the Plaintiffs in the outcome of the controversy.<sup>40</sup> As much as the government has a compelling interest in fair and honest elections with accompanying laws and regulations to ensure that objective to preserve the democratic system of government, so too the voter has an interest in state and local election officials violating the election laws in favor of a pre-determined result.

41. Furthermore, the voter has a compelling interest in the maintenance of a democratic system of government under the Ninth Amendment through the election process, beyond controversies regarding governmental attempts to interfere with the right to vote. Here, the voter did not enter into a contract with the state election official to give them discretion for state election irregularities and improprieties—of any kind—regardless of how benign they might be. The voter's social contract is with the state legislature—who under Article II must conduct post-election certification of the Presidential electors. The Article II requirement of the state legislature casting a post-election certification vote for Presidential electors is the voters' constitutional "insurance policy" against the risk of state and local election officials engaging in election irregularities and improprieties in favor of a pre-determined outcome.

42. The voters have been willing to accept laws and regulations imposed upon an election process to serve the government's compelling interest in the integrity of that process. So, while it is fair to create public governmental regulatory schemes to promote the compelling interests to protect the right to vote, and therefore, a voter's right of associational choices under the First

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<sup>40</sup> *Gill*, 138 S.Ct. at 1923.

Amendment,<sup>41</sup> those rights are infringed when the state legislatures abdicate the constitutionally-required role of post-election certification of Presidential electors.<sup>42</sup>

43. For federal elections, state legislatures under Article II have no authority to delegate post-election certification of Presidential electors to state executive branch officials. Yet, they did. That is the harm for the voters. It is the Electors Clause that gives state legislatures the exclusive right to post-election certification of Presidential electors—not state executive branch officials.

44. This lawsuit is not about voter fraud. The harm here is the loss of a voter remedy under Article II conducted as a core *governmental* function under federal and state election laws to ensure the integrity of the election. In turn, the acceptance of the outcome without state legislative post-election certification of Presidential electors interferes with the social contract between the voter and the government—causing injury to the voter.

## BACKGROUND

### A. Legal background

45. Under the Supremacy Clause, the “Constitution, and the laws of the United States which shall be made in pursuance thereof . . . shall be the supreme law of the land.”<sup>43</sup>

46. “The individual citizen has no federal constitutional right to vote for electors for the President of the United States unless and until the state legislature chooses a statewide election as the means to implement its power to appoint members of the electoral college.”<sup>44</sup>

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<sup>41</sup> *Anderson v. Celebrezze*, 460 U.S. 780, 788–89 (1983).

<sup>42</sup> *Id.*

<sup>43</sup> U.S. Const. Art. VI, cl. 2.

<sup>44</sup> *Bush v. Gore*, 531 U.S. 98, 104 (citing U.S. CONST. art. II, § 1).

47. State legislatures have plenary power to set the process for appointing presidential electors: “Each State shall appoint, in such Manner as the Legislature thereof may direct, a Number of Electors.”<sup>45</sup>

48. At the time of the Founding, most States did not appoint electors through popular statewide elections. In the first presidential election, six of the ten States that appointed electors did so by direct legislative appointment.<sup>46</sup>

49. In the second presidential election, nine of the fifteen States that appointed electors did so by direct legislative appointment.<sup>47</sup>

50. In the third presidential election, nine of sixteen States that appointed electors did so by direct legislative appointment. *Id.* at 31. This practice persisted in lesser degrees through the Election of 1860.

51. Though “[h]istory has now favored the voter,” *Bush*, 531 U.S. at 104, “there is no doubt of the right of the legislature to resume the power [of appointing presidential electors] at any time, for *it can neither be taken away nor abdicated.*”<sup>48</sup>

52. Given the State legislatures’ constitutional primacy in selecting presidential electors, the ability to set rules governing the casting of ballots and counting of votes cannot be usurped by other branches of state government—nor the federal government.

53. The Framers of the Constitution decided to select the President through the Electoral College “to afford as little opportunity as possible to tumult and disorder” and to place

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<sup>45</sup> U.S. Const. Art. II, §1, cl. 2; *see also Bush v. Gore*, 531 U.S. at 104 (“[T]he state legislature’s power to select the manner for appointing electors is plenary.” (emphasis added)).

<sup>46</sup> *McPherson v. Blacker*, 146 U.S. 1, 29-30 (1892).

<sup>47</sup> *Id.* at 32.

<sup>48</sup> *McPherson*, 146 U.S. at 35 (emphasis added); *cf.* 3 U.S.C. § 2 (“Whenever any State has held an election for the purpose of choosing electors, and has failed to make a choice on the day prescribed by law, the electors may be appointed on a subsequent day in such a manner as the legislature of such State may direct.”).



“every practicable obstacle [to] cabal, intrigue, and corruption,” including “foreign powers” that might try to insinuate themselves into our elections.<sup>49</sup> Federalist No. 68, at 410-11 (C. Rossiter, ed. 1961) (Madison, J.).

54. The Plaintiffs constitutional claims in this lawsuit are principally based on one sentence in Article II of the U.S. Constitution. The sentence has eighty-five words. The constitutional sentence provides:

He shall hold his office during the term of four years, and, together with the Vice President, chosen for the same term, be elected, as follows: Each state shall appoint, in such manner as the Legislature thereof may direct, a number of electors, equal to the whole number of Senators and Representatives to which the State may be entitled in the Congress: but no Senator or Representative, or person holding an office of trust or profit under the United States, shall be appointed an elector.

55. The Plaintiffs’ claims, based on this constitutional, imperative, sentence, are that post-election certification of Presidential votes and post-election certification of Presidential electors are exclusively state legislative decisions; accordingly, Governors, federal courts and state courts have no constitutionally-permitted role in post-election certifications of Presidential votes and of Presidential electors.

56. Accordingly, the Plaintiffs claim that 3 U.S.C. § 5, 6 and 15 and state laws (such as Ariz. Rev. Stat. § 16-212 (B), Ga. Code Ann. § 21-2-499 (B), Mich. Comp. Laws § 168.46, Wis. Stat. § 7.70 (5) (b) and 25 Pa. Cons. Stat. § 3166) eviscerating these state legislative prerogatives, every four years, are unconstitutional.

57. Under Article II, Congress lacks legal authority to enact laws interfering with the state-by-state state legislative post-election certifications of Presidential votes and of Presidential electors as it has done with 3 U.S.C. §§ 5, 6 and 15. There are textual and structural arguments for

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<sup>49</sup> See, *supra*, Note 14.

these federal statutes being unconstitutional.<sup>50</sup> The Plaintiffs claim that 3 U.S.C. §§ 5, 6 and 15 are unconstitutional interferences with the state legislative prerogatives guaranteed by the Constitution.

58. Analogously, under Article II, the state legislatures lack legal authority to enact state laws which are a perpetual and wholesale delegation of post-election certifications of Presidential votes and of Presidential electors to state executive branch officials—as they have done in Ariz. Rev. Stat. § 16-212 (B) (Arizona Secretary of State), Ga. Code Ann. § 21-2-499 (B) (Georgia Secretary of State and Governor), Mich. Comp. Laws Ann. § 168.46 (Michigan State Board of Canvassers and Governor), Wis. Stat. § 7.70 (5) (b) (Wisconsin Elections Commission); and 25 Pa. Cons. Stat. § 3166 (Secretary of Commonwealth and Governor).

59. Article II, and its non-delegation doctrine, left it to the state legislatures to “direct” post-election certification of Presidential electors—not to “delegate” post-election certifications, perpetually and in a wholesale fashion, to state executive branch officials as a ministerial duty. There are textual and structural arguments for these state statutes being unconstitutional. Plaintiffs claim that Ariz. Rev. Stat. § 16-212 (B), Ga. Code Ann. § 21-2-499 (B), Mich. Comp. Laws Ann. § 168.46, Wis. Stat. § 7.70 (5) (b), 25 Pa. Cons. Stat. § 3166 are unconstitutional delegation of the state legislative prerogatives of post-election certifications of Presidential votes and of Presidential electors.

60. Further, the state constitutions of the Defendant States do not require the state legislature to meet for post-election certification of the Presidential electors. Arizona’s, Georgia’s and Pennsylvania’s Constitutions have the state legislature adjourned until January 2021.<sup>51</sup> Michigan’s

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<sup>50</sup> Vasan Kesavan, *Is the Electoral Count Act Unconstitutional*, 80 N.C. L. Rev. 1653, 1696-1793 (2002).

<sup>51</sup> Ariz. Const. Art. IV, Part 2, Sec. 3; Ga. Const. Art. III, § IV, ¶ 1(a). Pa. Const. Art. II, § 4.

and Wisconsin's Constitutions permit the state legislature to be in session, but do not require a joint session of the state legislature to affirmatively vote for Presidential post-election certifications.<sup>52</sup>

61. Based on this legal background, Plaintiffs claim, under the Article II, that if there is no state legislative post-election certifications of Presidential votes and of Presidential electors in the Defendant States, then those Defendant States' Presidential electors votes, not so certified, cannot be counted by the federal Defendants for President and Vice President under Article II.

**B. The Defendants, except state legislatures, are involved in post-election certifications of Presidential votes and of Presidential electors or counting their ballots to elect the President and Vice President.**

62. Under 3 U.S.C. §§ 5, 6 and 12, each of the Defendants, except the state legislatures, have a role to play in state post-election certifications of Presidential votes and of a state's Presidential electors or counting of the Presidential Electors' votes.

63. Under 3 U.S.C. § 15, "Congress shall be in session on the sixth day of January succeeding every meeting of electors. The Senate and House of Representatives shall meet in the Hall of the House of Representatives at the hour of 1 o'clock in the afternoon on that day."

64. Under 3 U.S.C. § 15, Vice President Michael Richard Pence is the presiding officer on January 6, 2021: "and the President of the Senate shall be their presiding officer."

65. Vice President Pence, the U.S. Senate and the U.S. House of Representatives are Defendants presume under 3 U.S.C. §§ 5 and 6, that each state's Presidential elector votes because they are designated by the Governor of each Defendant State can be counted without state legislative post-election certification.

66. 3 U.S.C. § 5 provides:

If any State shall have provided, by laws enacted prior to the day fixed for the appointment of the electors, for its final determination of any controversy or contest concerning the appointment of all or any of the electors of such State, by judicial or

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<sup>52</sup> Mich. Const. Art. IV, § 13; Wis. Const. Art. IV, § 11.

other methods or procedures, and such determination shall have been made at least six days before the time fixed for the meeting of the electors, such determination made pursuant to such law so existing on said day, and made at least six days prior to said time of meeting of the electors, shall be conclusive, and shall govern in the counting of the electoral votes as provided in the Constitution, and as hereinafter regulated, so far as the ascertainment of the electors appointed by such State is concerned.

67. 3 U.S.C. § 6 provides:

It shall be the duty of the executive of each State, as soon as practicable after the conclusion of the appointment of the electors in such State by the final ascertainment, under and in pursuance of the laws of such State providing for such ascertainment, to communicate by registered mail under the seal of the State to the Archivist of the United States a certificate of such ascertainment of the electors appointed, setting forth the names of such electors and the canvass or other ascertainment under the laws of such State of the number of votes given or cast for each person for whose appointment any and all votes have been given or cast; and it shall also thereupon be the duty of the executive of each State to deliver to the electors of such State, on or before the day on which they are required by section 7 of this title to meet, six duplicate-originals of the same certificate under the seal of the State; and if there shall have been any final determination in a State in the manner provided for by law of a controversy or contest concerning the appointment of all or any of the electors of such State, it shall be the duty of the executive of such State, as soon as practicable after such determination, to communicate under the seal of the State to the Archivist of the United States a certificate of such determination in form and manner as the same shall have been made; and the certificate or certificates so received by the Archivist of the United States shall be preserved by him for one year and shall be a part of the public records of his office and shall be open to public inspection; and the Archivist of the United States at the first meeting of Congress thereafter shall transmit to the two Houses of Congress copies in full of each and every such certificate so received at the National Archives and Records Administration.

68. The Plaintiffs claim that the presumption is constitutionally incorrect; under Article II, Defendants Vice President Pence, the U.S. House of Representatives and the United States Senate can only open up and count Presidential elector ballots if the state legislature has affirmatively voted to certify the Presidential electors; otherwise, the votes of the Presidential electors cannot be counted. The Plaintiffs claim that the Vice President and U.S. Congress act unconstitutionally in this election and future elections when they count votes of Presidential electors where the respective state legislature has not affirmatively voted in favor of post-election certification.

69. Similarly, the Defendant States' executives, Governor Tom Wolf of Pennsylvania, Governor Gretchen Whitmer of Michigan, Governor Tony Evers of Wisconsin, Governor Brian Kemp of Georgia, and Governor Doug Ducey of Arizona under 3 U.S.C. § 6 and their respective state's laws, have designated the Presidential electors under the assumption that state executive branch certification is all that is required.<sup>53</sup>

70. But, Governor Tom Wolf of Pennsylvania, Governor Gretchen Whitmer of Michigan, Governor Tony Evers of Wisconsin, Governor Brian Kemp of Georgia, and Governor Doug Ducey of Arizona are constitutionally mistaken because the designated by the Governor of each Defendant State cannot cure that the Presidential electors are without state legislative post-election certification. Until the state legislature certifies the Presidential electors, the respective Governor's designation under 3 U.S.C. § 6 and their respective state's laws have no legal effect.

71. Absent the state legislative post-election certification required by Article II, the Governor's designation of Presidential electors has no legal effect because their votes cannot be counted by the Vice President, U.S. Senate and U.S. House of Representatives.

72. Finally, Article II requires the Defendants' state legislative leaders to act to vote on post-election certification of the Presidential electors. But, instead, the state legislatures violate this constitutional duty because of their state laws which are a perpetual and wholesale delegation of post-election certifications to state executive branch officials—as they have done in Ariz. Rev. Stat. § 16-212 (B) (Arizona Secretary of State), Ga. Code Ann. § 21-2-499 (B) (Georgia Secretary of State and Governor), Mich. Comp. Laws Ann. § 168.46 (Michigan State Board of Canvassers and Governor), Wis. Stat. § 7.70 (5) (b) (Wisconsin Elections Commission); and 25 Pa. Cons. Stat. § 3166 (Secretary of Commonwealth and Governor).

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<sup>53</sup> See 25 Pa. Cons. Stat. § 3166; Mich. Comp. Laws Ann. § 168.46; W.S.A. § 7.70; Ga. Code Ann., § 21-2-499(b); Ariz. Rev. Stat. § 16-212.

73. The Plaintiffs claim that Article II, and its non-delegation doctrine, permanently left it to the state legislatures to “direct” post-election certifications of Presidential votes and of Presidential electors, not to delegate post-election certifications, perpetually and in a wholesale fashion, to state executive branch officials as a ministerial duty.

74. In this way, the Defendant States’ legislative leaders, including Speaker Bryan Carter of the Pennsylvania House of Representatives, Senate Majority Leader Jake Corman of the Pennsylvania Senate, Speaker Lee Chatfield of the Michigan House of Representatives, Senate Majority Leader Mike Shirkey of the Michigan Senate, Speaker Robin Vos of the Wisconsin State Assembly, Senate Majority Leader Howard Marklein of the Wisconsin Senate, Speaker David Ralston of the Georgia House of Representatives, Senate President Pro Tempore Butch Miller of the Georgia Senate, Speaker Russell Bowers of the Arizona House of Representatives, and Senate Majority Leader Rick Gray of the Arizona Senate are violating their duties under Article II by not voting on post-election certification of the Presidential electors so their votes can constitutionally count.

75. State legislative post-election certifications of Presidential votes and of Presidential electors are part of constitutionally-protected voting rights. Everyone who votes—distinguishable from those who don’t—have a constitutionally-protected interest in state legislative post-election certification of Presidential electors. The Defendants violate those voting rights by counting ballots of Presidential electors without the constitutionally-required state legislative post-election certification.

**C. Presidential post-election court proceedings—like the 2000 *Bush v. Gore* litigation, the 2020 Texas original action and the 2020 thirty post-election lawsuits in Defendant States—are in constitutional error and unnecessarily politicize the federal and state courts in a national way.**

76. The Presidential post-election court proceedings—like the 2000 *Bush v. Gore* litigation, the 2020 Texas original action and the 2020 thirty post-election lawsuits in Defendant

States—are in constitutional error and unnecessarily politicize the federal and state courts—and in a nationwide way. Under Article II, all of those Presidential post-election cases should have been dismissed for lack of jurisdiction—and the plaintiffs should have been instructed to file their Presidential election contests with their respective state legislatures.

77. The Defendant States have election contest or recount laws, which apply to Presidential elections, but unconstitutionally preclude state legislative post-election certifications of Presidential votes and Presidential electors: Ariz. Rev. Stat. § 16-672; Ga. Code Ann. § 21-2-521; Mich. Comp. Laws § 168.862; Wis. Stat. § 9.01; and 25 Pa. Cons. Stat. § 3351.

78. Interestingly, the Pennsylvania laws have a state legislative post-election certification process for its Governor and Lieutenant Governor elections—but not for President and Vice President. 25 Pa. Cons. Stat. § 3312, et seq.

**D. In 2000, the U.S. Supreme Court engaged in a Presidential post-election litigation in Florida.**

79. In 2000, the U.S. Supreme Court engaged in Presidential post-election litigation in Florida. *Bush v. Gore*, 531 U.S. 98 (2000).

80. Plaintiffs claim, under Article II, that this post-election case in 2000 likely should have been dismissed for lack of jurisdiction with instructions for the Plaintiffs to file their election claims with the Florida state legislature.

**E. In 2020, approximately thirty post-election lawsuits are filed in Defendants States regarding election official errors and improprieties.**

81. Approximately thirty post-election lawsuits regarding Pennsylvania, Michigan, Wisconsin, Georgia and Arizona election official errors and improprieties were filed.<sup>54</sup>

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<sup>54</sup>See “Postelection lawsuits related to the 2020 United States presidential election,” found at [https://en.wikipedia.org/wiki/Postelection\\_lawsuits\\_related\\_to\\_the\\_2020\\_United\\_States\\_presidential\\_election#Wood\\_v.\\_Raffensperger](https://en.wikipedia.org/wiki/Postelection_lawsuits_related_to_the_2020_United_States_presidential_election#Wood_v._Raffensperger) (last visited: Dec. 15, 2020). This complaint’s citations to the appendix, principally, detail lawsuit allegations found in these Pennsylvania, Michigan, Wisconsin, Georgia and

82. Plaintiffs claim, under Article II, that these post-election cases should have been dismissed for lack of jurisdiction with instructions that the Plaintiffs should file such claims with their respective state legislatures in Pennsylvania, Michigan, Wisconsin, Georgia and Arizona.

**F. In 2020, Texas sued Pennsylvania, Michigan, Wisconsin and Georgia in the U.S. Supreme Court to adjudicate election irregularities and improprieties.**

83. On December 7, 2020, Texas filed an original action in the U.S. Supreme Court, Case No. 20O155, against Pennsylvania, Michigan, Wisconsin and Georgia for election irregularities and improprieties. On December 9, Missouri and 16 other states filed a motion for leave to file an amicus curiae brief in support of Texas. On December 10, U.S. Representative Mike Johnson and 105 other members submitted a motion for leave to file amicus brief in support of Texas. On December 11, the U.S. Supreme Court dismissed the original action in a text order:

The State of Texas’s motion for leave to file a bill of complaint is denied for lack of standing under Article III of the Constitution. Texas has not demonstrated a judicially cognizable interest in the manner in which another State conducts its elections. All other pending motions are dismissed as moot. Statement of Justice Alito, with whom Justice Thomas joins: In my view, we do not have discretion to deny the filing of a bill of complaint in a case that falls within our original jurisdiction. See *Arizona v. California*, 589 U. S. \_\_\_ (Feb. 24, 2020) (Thomas, J., dissenting). I would therefore grant the motion to file the bill of complaint but would not grant other relief, and I express no view on any other issue.<sup>55</sup>

84. Plaintiffs claim, under Article II, that this post-election case filed in the U.S. Supreme Court should have been dismissed for lack of jurisdiction with instructions that voter in each state could file their respective claims with their respective state legislatures in Pennsylvania, Michigan, Wisconsin and Georgia.

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Arizona lawsuits alleging election official errors and improprieties. In Defendants’ states, voter allegations exist which allege that the election officials’ errors and improprieties exceed the razor-thin margins of Presidential contests—as further herein.

<sup>55</sup> Plaintiffs agree that the State of Texas lacked standing, but the original action itself begs the question, “Is the U.S. Supreme Court the final adjudicator for certification of Presidential electors?” The Plaintiffs’ answer is no; the respective state legislatures are the final determiner of post-election certifications of Presidential votes and of Presidential electors—and, in a non-delegable way.



**G. The Presidential electors for Biden and Trump in the Defendant States voted on December 14, but none of the Presidential Electors received state legislative post-election certification.**

85. Under 3 U.S.C. §§ 5 and 6, the Presidential electors for Biden and Trump met and voted in their Defendant States on December 14.

86. The Presidential electors for Biden in the Defendant States were certified by state executive branch officials in the Defendant States under 3 U.S.C. §§ 5 and 6 and the respective state laws.

87. Neither the Presidential electors for Biden nor the Presidential electors for Trump in the Defendant States received a state legislative post-election affirmative vote for certification.

88. The Presidential electors for Biden in the Defendant States voted for Biden as President and Harris as Vice President.

89. The Presidential electors for Trump in the Defendant States voted for Trump as President and Pence as Vice President.<sup>56</sup>

90. Plaintiffs claim that none of these Presidential electors' votes should be counted by federal Defendants in the election of President and Vice President until the Presidential electors receive from their respective state legislatures an affirmative vote for post-election certification.

**H. Under federal and state law, in the Defendant States, the respective state legislatures do not vote on post-election certification of Presidential electors.**

91. Congress has enacted 3 U.S.C. §§ 5, 6 and 15 which significantly restrict state legislatures' constitutional prerogative to post-election certification of Presidential electors.

92. In turn, the state legislatures in the Defendant States have enacted state laws which are a perpetual and wholesale delegation of post-election certification to state executive branch officials—as they have done in Ariz. Rev. Stat. § 16-212 (B) (Arizona Secretary of State), Ga. Code

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<sup>56</sup> See Michigan Trump Electors Certificate, *Appendix* 1471.

Ann. § 21-2-499 (B) (Georgia Secretary of State and Governor), Mich. Comp. Laws Ann. § 168.46 (Michigan State Board of Canvassers and Governor), Wis. Stat. § 7.70 (5) (b) (Wisconsin Elections Commission); and 25 Pa. Cons. Stat. § 3166 (Secretary of Commonwealth and Governor).

93. Further, the state constitutions of the Defendant States fail to require the state legislature to meet for post-election certification of the Presidential electors in violation of state legislative constitutional duties under Article II of the U.S. Constitution. Arizona's, Georgia's and Pennsylvania's Constitutions have the state legislature adjourned until January 2021.<sup>57</sup> Michigan's and Wisconsin's Constitutions permit the state legislature to be in session, but do not require a joint session of the state legislature to affirmatively vote for post-election certification of Presidential electors.<sup>58</sup>

**I. Voters' allegations in each of the Defendant States—alleging election officials' absentee ballot errors and improprieties exceed Presidential vote margins—are constitutionally resolved by state legislative post-certifications of Presidential votes and Presidential electors—not in this Court or any other court.**

94. Plaintiffs allege that voters allege in each of the Defendant States that election officials' absentee ballot errors and improprieties exceed Presidential vote margins.

95. The Defendant States' voters' claims should be constitutionally resolved by state legislative post-certifications of Presidential votes and Presidential electors—as Article II requires.

96. None of the voters' allegations in each of the Defendant States—that is the allegations stated further below—should be adjudicated in this Court or any other Court, because it is the exclusive constitutional prerogative of the state legislatures to determine post-election certifications of Presidential votes and of Presidential electors.

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<sup>57</sup> Ariz. Const. Art. IV, Part 2, Sec. 3; Ga. Const. Art. III, § IV, ¶ 1(a). Pa. Const. Art. II, § 4.

<sup>58</sup> Mich. Const. Art. IV, § 13; Wis. Const. Art. IV, § 11.

**J. Defendant States' voters allege Zuckerberg moneys gifted to urban election officials in Defendant States who violated absentee ballot security measures.**

97. Defendant States' voters have alleged, in 2020, a systematic effort was launched in Defendant States, using \$350,000,000 in private money sourced to Mark Zuckerberg, the Facebook billionaire, to illegally circumvent absentee voting laws to cast tens of thousands of illegal absentee ballots.<sup>59</sup>

98. Defendants States' votes have alleged that the Zuckerberg-funded private organization, the Center for Technology and Civic Life (CTCL), gifted millions of dollars to election officials in Democratic Party urban strongholds in Georgia, Wisconsin, Pennsylvania, Michigan and Arizona in order for those cities to facilitate the use of absentee voting: Fulton County (GA), Milwaukee (WI), Madison (WI), Philadelphia (PA), Wayne County (MI) and Maricopa County (AZ).<sup>60</sup>

99. Defendant States' voters have alleged that in these counties and cities receiving CTCL funds, election officials adopted various respective policies and customs eviscerating state law absentee ballot security measures such as witness address, name and signature requirements and voter address, name and signature requirements.<sup>61</sup>

100. Defendant States' voters have alleged that these urban election officials also used the CTCL funds for absentee ballot drop boxes treating urban voters preferentially to small-town and rural voters.<sup>62</sup>

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<sup>59</sup> See App. 21-30; 31-38; and 1079-1112.

<sup>60</sup> *Id.*

<sup>61</sup> *Id.*

<sup>62</sup> *Id.*

**K. The government's pre-election certification error rate of voting system's software and hardware is 0.0008%.**

101. The federal government has a pre-election standard for state voting system's software and hardware.<sup>63</sup>

102. Under federal law, this maximum-acceptable error rate is one in 500,000 ballot positions, or, alternatively one in 125,000 ballots—0.0008 %.<sup>64</sup>

103. Section 3.2.1 of the voting systems standards issued by the Federal Elections Commission (FEC) which were in effect on the date of the enactment of the Help America Vote Act (HAVA) provides that the voting system shall achieve a maximum acceptable error rate in the test process of one in 500,000 ballot positions.<sup>65</sup>

104. A ballot position is every possible selection on the ballot, to include empty spaces. As stated in the voting systems standards (VSS), “[t]his rate is set at a sufficiently stringent level such that the likelihood of voting system errors affecting the outcome of an election is exceptionally remote even in the closest of elections.”<sup>66</sup>

105. An update to the FEC VSS was made by the Election Assistance Commission (EAC) to enhance the FEC VSS standards, which each state has adopted by law.<sup>67</sup>

106. The FEC VSS standard provides for an error rate of one in 125,000 ballots (0.0008%) as an alternative to the one in 500,000 ballot positions to make it easier to calculate the error rate.<sup>68</sup>

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<sup>63</sup> See Expert Report of Dennis Nathan Cain (I), App. 52-59; 1411-1418.

<sup>64</sup> *Id.*

<sup>65</sup> *Id.*

<sup>66</sup> *Id.*

<sup>67</sup> *Id.*

<sup>68</sup> *Id.*

107. The FEC standards, which are incorporated into the Help America Vote Act § 301(a)(5), require that all systems be tested in order to certify that they meet the maximum-acceptable error rate set by federal law.<sup>69</sup>

**L. Voters' allegations in each of the Defendant States support that election officials' absentee ballot errors and improprieties exceed Presidential vote margins.**

108. The use of absentee and mail-in ballots skyrocketed in 2020, not only as a public-health response to the COVID-19 pandemic but also at the urging of mail-in voting's proponents, and most especially executive branch officials in Defendant States. According to the Pew Research Center, in the 2020 general election, a record number of votes—about 65 million—were cast via mail compared to 33.5 million mail-in ballots cast in the 2016 general election—an increase of more than 94 percent.<sup>70</sup>

109. In the wake of the contested 2000 election, the bipartisan Jimmy Carter-James Baker commission identified absentee ballots as “the largest source of potential voter fraud.”<sup>71</sup>

110. Concern over the use of mail-in ballots is not novel to the modern era,<sup>72</sup> but it remains a *current* concern.<sup>73</sup>

111. Absentee and mail-in voting are the primary opportunities for unlawful ballots to be cast.

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<sup>69</sup> *Id.*

<sup>70</sup> Desilver, Drew. Most mail and provisional ballots got counted in past U.S. elections – but many did not. Pew Research Center. 10 November 2020. <https://www.pewresearch.org/fact-tank/2020/11/10/most-mail-and-provisional-ballots-got-counted-in-past-u-s-elections-but-many-did-not/> Accessed 12.18.20.

<sup>71</sup> *Building Confidence in U.S. Elections: Report of the Commission on Federal Elections*, at 46 (Sept. 2005).

<sup>72</sup> Dustin Waters, *Mail-in Ballots Were Part of a Plot to Deny Lincoln Reelection in 1864*, Wash. Post (Aug. 22, 2020)

<sup>73</sup> *Crawford v. Marion Cty. Election Bd.*, 553 U.S. 181, 194-96 & n.11 (2008); see also Texas Office of the Attorney General, *AG Paxton Announces Joint Prosecution of Gregg County Organized Election Fraud in Mail-In Balloting Scheme* (Sept. 24, 2020); Harriet Alexander & Ariel Zilber, *Minneapolis police opens investigation into reports that Ilhan Omar's supporters illegally harvested Democrat ballots in Minnesota*, Daily Mail, Sept. 28, 2020.

112. Defendant States voters allege that as a result of expanded absentee and mail-in voting in Defendant States, combined with Defendant States' unconstitutional modification of statutory protections designed to ensure ballot integrity, Defendant States created a massive opportunity for fraud.

113. Defendant States voters allege that the Defendant States have made it difficult or impossible to separate the constitutionally tainted mail-in ballots from all mail-in ballots.

114. Defendant States voters allege that rather than augment safeguards against illegal voting in anticipation of the millions of additional mail-in ballots flooding their States, Defendant States materially weakened, or did away with, security measures, such as witness or signature verification procedures, required by their respective legislatures. Their legislatures established those commonsense safeguards to prevent—or at least reduce—fraudulent mail-in ballots.

115. Defendant States voters allege, in Defendant States, that Democrat voters voted by mail at two to three times the rate of Republicans. Thus, the Democratic candidate for President thus greatly benefited from this unconstitutional usurpation of legislative authority, and the weakening of legislative mandated ballot security measures.

116. Defendant States voters allege that the outcome of the Electoral College vote is directly affected by the constitutional violations committed by Defendant States. Defendant States violated the Constitution in the process of appointing presidential electors by unlawfully abrogating state election laws designed to protect the integrity of the ballots and the electoral process, and those violations proximately caused the unconstitutional appointment of presidential electors.

117. Plaintiffs will therefore be injured if Defendant States' unlawful certification of these Presidential electors, because the Presidential electors have not received state legislative post-election certification, is allowed to stand.

**1. Commonwealth of Pennsylvania voters allege election official errors and improprieties which exceed the Presidential vote margin.<sup>74</sup>**

118. Commonwealth of Pennsylvania voters allege election official errors and improprieties which exceed the Presidential vote margin.

119. Pennsylvania has 20 electoral votes, with a statewide vote tally currently estimated at 3,363,951 for President Trump and 3,445,548 for former Vice President Biden, a margin of 81,597 votes.<sup>75</sup>

120. Pennsylvania voters have alleged the number of votes affected by the various constitutional violations exceeds the margin of votes separating the candidates.

121. By letter dated December 13, 2019, the Auditor General of the Commonwealth of Pennsylvania, Eugene A. DePasquale, issued to the Governor of the Commonwealth of Pennsylvania a Performance Audit Report of the Pennsylvania Department of State's Statewide Uniform Registry of Electors.<sup>76</sup>

122. The Performance Audit Report was conducted pursuant to an Interagency Agreement between the Pennsylvania Department of State and the Pennsylvania Department of the Auditor General.

123. The Performance Audit Report contained seven Findings, to wit:

- i. Finding One: As a result of the Department of State's denial of access to critical documents and excessive redaction of documentation, the Department of the Auditor General was severely restricted from meeting its audit objectives in an audit which the Department of State itself had requested.

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<sup>74</sup> See Timeline of Electoral Policy Activities, Issues, and Litigation Pennsylvania, Michigan, Wisconsin, Georgia, Arizona, and Nevada August 2003 to November 2020, App. 1-20 (demonstrating full extent of inappropriate activities).

<sup>75</sup> WNWP 2020 Pennsylvania Election Results. <https://www.wnep.com/elections> (last visited Dec. 18, 2020).

<sup>76</sup> See Auditor General's Performance Audit Report, App. 413-604; *see also* App. 397-412.

- ii. Finding Two: Data analysis identified tens of thousands of potential duplicate and inaccurate voter records, as well as voter records for nearly three thousand potentially deceased voters that had not been removed from the SURE system.
- iii. Finding Three: The Department of State much implement leading information technology security practices and information technology general controls to protect the SURE system and ensure the reliability of voter registration.
- iv. Finding Four: Voter record information is inaccurate due to weakness in the voter registration application process and the maintenance of voter records in the SURE system.
- v. Finding Five: Incorporating edit checks and other improvements into the design of the replacement system for SURE will reduce data errors and improve accuracy.
- vi. Finding Six: A combination of a lack of cooperation by certain county election offices and PennDOT, as well as source documents not being available for seventy percent of our test sample, resulted in our inability to form any conclusions as to the accuracy of the entire population of voter records maintained in the SURE system.
- vii. Finding Seven: The Department of State should update current job aids and develop additional job aids and guidance to address issues such as duplicate voter records, records of potentially deceased voters on the voter rolls, pending applications, and records retention. See Auditor General's Performance Audit Report.<sup>77</sup>

124. In addition to the Findings, the Performance Audit Report contained specific detailed Recommendations to correct the significant deficiencies identified in the Findings of the Performance Audit Report.

125. In 2018, Secretary Boockvar was quoted as stating "Rock the Vote's web tool was connected to our system, making the process of registering through their online programs, and those of their partners, seamless for voters across Pennsylvania."<sup>78</sup>

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<sup>77</sup> *Supra*.

<sup>78</sup> *Rock the Vote, 2018 Annual Report*, pg. 12. <https://www.rockthevote.org/wp-content/uploads/Rock-the-Vote-2018-Annual-Report.pdf>. (last visited Dec. 18, 2020).



126. In addition, Plaintiffs have obtained a sworn Affidavit from Jesse Richard Morgan, who was contracted to haul mail for the United States Postal Service within the Commonwealth of Pennsylvania. Mr. Morgan's Affidavit alleges that he was directed to transport from New York to Pennsylvania what he believes to be completed Pennsylvania ballots in the 2020 General Election.<sup>79</sup>

127. Plaintiffs based on Pennsylvania voters' allegations that this matter is currently under investigation by various entities and that such investigation is essential to the determination of whether or not approximately 200,000 ballots were delivered into the Pennsylvania System improperly or illegally. Pending such determination, there is no possible way that the validity of Pennsylvania's Presidential Election could possibly be certified by anyone.

128. Based on Pennsylvania voters' allegations, there is evidence of possible back-dating of ballots in the United States Postal facility at Erie, Pennsylvania. And, further, Francis X. Ryan's Report, discussed in detail below, evidences thousands of questionable or improper ballots cast in the 2020 Presidential Election in Pennsylvania.<sup>80</sup>

129. In addition, Plaintiffs have obtained a Declaration from Ingmar Njus in support of Mr. Morgan's Affidavit.<sup>81</sup>

130. Based on Pennsylvania voters' allegations, in the run-up to the election, the Pennsylvania Supreme Court usurped the powers of the General Assembly when it permitted county boards of election to accept hand-delivered mail-in ballots at locations other than the respective offices of the boards of election, including through the use of drop-boxes arbitrarily located

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<sup>79</sup> See Jesse Richard Morgan Declaration, App. 152-179; 605-632; *see also* Declaration of Leslie J. Brabandt, App. 187-189; *see also* Expert Declaration of Roland Smith, App. 190-200.

<sup>80</sup> See Francis X. Ryan Declaration, App. 660-666. For additional evidence, see App. 667-834.

<sup>81</sup> See Ingmar Njus Declaration, App. 183-186; 633-636.

throughout the county; and, when it extended the deadline for receipt of absentee and mail-in ballots by three days from 8:00 p.m. on Election Day to 5:00 p.m. on November 6, 2020.<sup>82</sup>

131. In the same Opinion, the Court held that "although the Election Code provides the procedure for casting and counting a vote by mail, it does not provide for the 'notice and opportunity to cure' ..."<sup>83</sup>

132. The Court went on to state "... we agree that the decision to provide a 'notice and opportunity to cure' procedure ... is one best suited for the Legislature."<sup>84</sup>

133. Of note, Secretary Boockvar agreed with the Court that Pennsylvania's Election Code does not provide a notice and opportunity to cure procedure.

134. Based on Pennsylvania voters' allegations, despite the lack of any statutory authorization or legal authority, county boards of elections in democratic counties, such as, Montgomery County, routinely helped identify, facilitate and permitted electors to alter their defective absentee and mail-in ballots in violation of Pennsylvania's Election Code.<sup>85</sup>

135. In an October 31, 2020, e-mail, Frank Dean, Director of Mail-in Elections of Montgomery County emailed the latest list of confidential elector information to two other Montgomery County election officials, Lee Soltysiak and Josh Stein, and wrote:

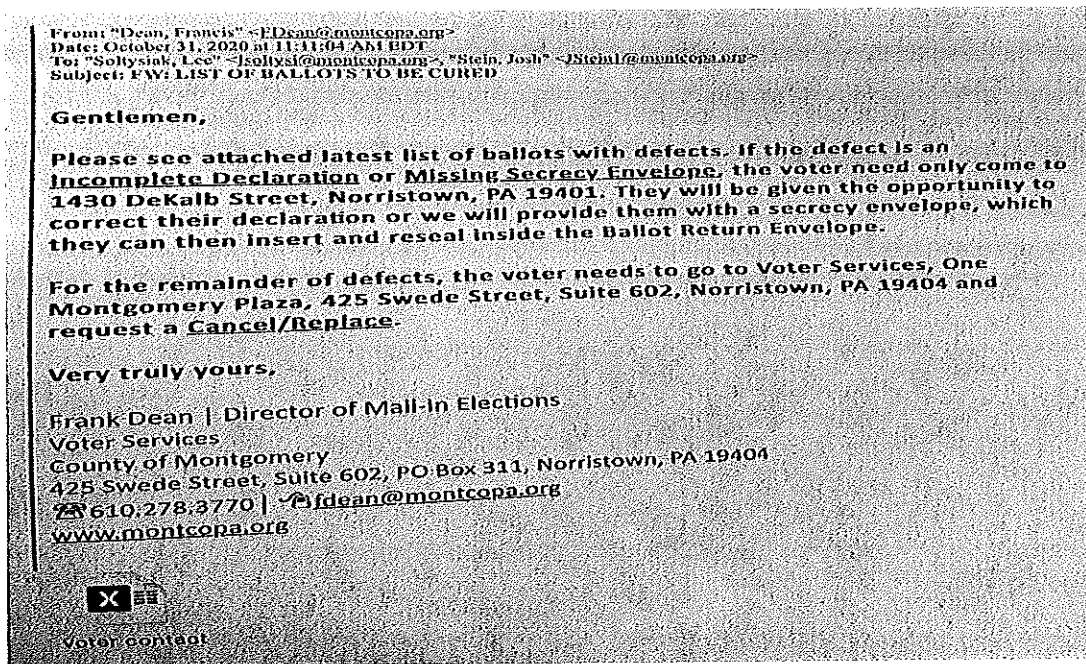
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<sup>82</sup> *Pennsylvania Democratic Party v. Boockvar*, No. 133 MM 2020, 2020 WL 5554644, at \*20 (Pa. Sept. 17, 2020); *see also In re: November 3, 2020 General Election*, 2020 WL 6252803, at \*7 (Pa. Oct. 23, 2020).

<sup>83</sup> *Id.* at 20.

<sup>84</sup> *Id.* at 20.

<sup>85</sup> *See* Carlson Report on Voter Suppression through Executive and Administrative Actions, App. 31-38.



136. Based on Pennsylvania voters' allegations, there is no authority within Pennsylvania's Election Code that authorizes election officials to manually alter the information contained within the SURE system for the purposes described by Director Dean.

137. In order to cancel or replace an elector's absentee or mail-in ballot, election officials would be required to manually alter or override the information contained in the Commonwealth's Statewide Uniform Registry of Electors ("SURE").

138. Based on Pennsylvania voters' allegations, there is no authority within Pennsylvania's Election Code that authorizes election officials to cancel and/or replace an elector's absentee or mail-in ballot as described by Director Dean.

139. Further, based on Pennsylvania voters' allegations, in violation of electors' right to secrecy in their ballots, election officials in democratic counties, such as Montgomery County, used the information gathered through their inspection of the ballot envelopes to identify the names of electors who had cast defective absentee or mail-in ballot envelopes.<sup>86</sup>

<sup>86</sup> *Art. VII, Error! Main Document Only. §4 PA Const.*

140. Based on Pennsylvania voters' allegations, the Excel spreadsheet attached to Director Dean's October 31, 2020, e-mail notes that when mail-in or absentee ballot envelopes were found to be defective, some electors were provided with the opportunity to alter their ballot envelopes.

141. Based on Pennsylvania voters' allegations, the photograph below shows some of the thousands of absentee and mail-in ballots pre-canvassed by the Montgomery County Board of Elections in violation of the Election Code.<sup>87</sup> These defective ballots were not secured in any way and were easily accessible to the public.<sup>88</sup>



142. Further, based on Pennsylvania voters' allegations, the next picture shows page 1 or 124 pages that include thousands of defective ballot envelopes that Montgomery County elections officials were trying to "cure" in violation of Pennsylvania's Election Code and Constitution.

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<sup>87</sup> This "Ballots for Sale" photo was taken on 11/01/2020 by Robert Gillies during a tour of the Montgomery County mail-in ballot storage and canvass facility.

<sup>88</sup> See Expert Declaration of Gregory Moulthrop, App. 48-51.

A	B	C	D	E	F	G	H	I	J	K	L	M
1	10/21/20 14:15:37	10/21/20 14:40:18	absentee	00511826-45	131003-1	York	Cola	631 Green St.	Northampton, PA 18063	No secrecy envelope		
2	10/21/20 14:40:35	10/21/20 14:41:35	absentee	00509115-44	131711-1	W	LA VITA	1231 E Oak St	Lancaster, PA 17303	No secrecy envelope		
3	10/21/20 14:43:47	10/21/20 14:41:44	absentee	00181587-45	010105-3	York	Cola	819 Popplewood Road	Academy, PA 19302	Incomplete Declaration		
4	10/21/20 14:41:41	10/21/20 14:41:16	absentee	01092093-45	401103-1	York	TRACIA	609 Oak Road	Marion Station, PA 19068	No secrecy envelope		
5	10/21/20 14:41:54	10/21/20 14:41:44	absentee	01523185-45	300051-1	York	Thomas	378 Popplewood	Harrisburg, PA 17106	Incomplete Declaration		
6	10/21/20 14:41:55	10/21/20 14:45:13	absentee	01542115-44	410105-1	York	MICHAEL	1012 E Howard Ct	King of Prussia, PA 19346	No secrecy envelope		
7	10/21/20 14:44:41	10/21/20 14:45:50	absentee	01535573-44	400011-1	DA	SUNIL	233 Wicks Rd APT 401	Washington Vly, PA 19080	Incomplete Declaration		
8	10/21/20 14:45:31	10/21/20 14:45:31	absentee	00594152-45	100300-1	York	ADRIAN	100 West Ave Apt 2401	North Wales, PA 19384	No secrecy envelope		
9	10/21/20 14:45:31	10/21/20 14:47:11	absentee	01571183-45	400008-1	York	LONG T	1115 Oatman Ln	North Wales, PA 19384	No secrecy envelope		
10	10/21/20 14:46:39	10/21/20 14:47:35	absentee	00181356-45	400005-1	York	VEJETA	201 Madison Ct	North Wales, PA 19384	Incomplete Declaration		
11	10/21/20 14:47:11	10/21/20 14:48:11	absentee	00687326-1	160008-1	Hong	James	1011 York St	North Wales, PA 19384	No secrecy envelope		
12	10/21/20 14:49:25	10/21/20 14:49:03	absentee	00481315-44	300031-1	York	BOBBI	3183 York Rd APT 205	Williamstown, PA 19380	Incomplete Declaration		
13	10/21/20 14:49:09	10/21/20 14:50:06	absentee	00532383-46	310002-1	Scholar	Garrett	111 E Southton Ln	Williamsport, PA 17751	No secrecy envelope		
14	10/21/20 14:49:10	10/21/20 14:50:11	absentee	00562118-45	160011-1	Palmer	Robert	204 Strickley Pl	Mechanic, PA 19072	No secrecy envelope		
15	10/21/20 14:50:41	10/21/20 14:51:35	absentee	00511338-46	010103-1	York	ROBERT	11455 Sandhill Ave Ed 218	Gettysburg, PA 17325	Incomplete Declaration		
16	10/21/20 14:51:30	10/21/20 14:51:31	absentee	00507063-46	310014-1	York	ANDREW	1107 Greenhill Ave Ed 4	Amherst, PA 17003	No secrecy envelope		
17	10/21/20 14:51:31	10/21/20 14:54:54	absentee	00573105-45	400011-1	York	JOHN	26 North Ave	Gettysburg, PA 17325	Processed		
18	10/21/20 14:54:06	10/21/20 14:54:06	absentee	00573105-45	400011-1	York	JOHN	26 North Ave	Gettysburg, PA 17325	Processed		
19	10/21/20 14:54:06	10/21/20 14:54:06	absentee	00573105-45	400011-1	York	JOHN	26 North Ave	Gettysburg, PA 17325	Processed		
20	10/21/20 14:54:06	10/21/20 14:54:06	absentee	00573105-45	400011-1	York	JOHN	26 North Ave	Gettysburg, PA 17325	Processed		
21	10/21/20 14:54:06	10/21/20 14:54:06	absentee	00573105-45	400011-1	York	JOHN	26 North Ave	Gettysburg, PA 17325	Processed		
22	10/21/20 14:54:06	10/21/20 14:54:06	absentee	00573105-45	400011-1	York	JOHN	26 North Ave	Gettysburg, PA 17325	Processed		
23	10/21/20 14:54:06	10/21/20 14:54:06	absentee	00573105-45	400011-1	York	JOHN	26 North Ave	Gettysburg, PA 17325	Processed		
24	10/21/20 14:54:06	10/21/20 14:54:06	absentee	00573105-45	400011-1	York	JOHN	26 North Ave	Gettysburg, PA 17325	Processed		
25	10/21/20 14:54:06	10/21/20 14:54:06	absentee	00573105-45	400011-1	York	JOHN	26 North Ave	Gettysburg, PA 17325	Processed		
26	10/21/20 14:54:06	10/21/20 14:54:06	absentee	00573105-45	400011-1	York	JOHN	26 North Ave	Gettysburg, PA 17325	Processed		
27	10/21/20 14:54:06	10/21/20 14:54:06	absentee	00573105-45	400011-1	York	JOHN	26 North Ave	Gettysburg, PA 17325	Processed		
28	10/21/20 14:54:06	10/21/20 14:54:06	absentee	00573105-45	400011-1	York	JOHN	26 North Ave	Gettysburg, PA 17325	Processed		
29	10/21/20 14:54:06	10/21/20 14:54:06	absentee	00573105-45	400011-1	York	JOHN	26 North Ave	Gettysburg, PA 17325	Processed		
30	10/21/20 14:54:06	10/21/20 14:54:06	absentee	00573105-45	400011-1	York	JOHN	26 North Ave	Gettysburg, PA 17325	Processed		
31	10/21/20 14:54:06	10/21/20 14:54:06	absentee	00573105-45	400011-1	York	JOHN	26 North Ave	Gettysburg, PA 17325	Processed		
32	10/21/20 14:54:06	10/21/20 14:54:06	absentee	00573105-45	400011-1	York	JOHN	26 North Ave	Gettysburg, PA 17325	Processed		
33	10/21/20 14:54:06	10/21/20 14:54:06	absentee	00573105-45	400011-1	York	JOHN	26 North Ave	Gettysburg, PA 17325	Processed		
34	10/21/20 14:54:06	10/21/20 14:54:06	absentee	00573105-45	400011-1	York	JOHN	26 North Ave	Gettysburg, PA 17325	Processed		
35	10/21/20 14:54:06	10/21/20 14:54:06	absentee	00573105-45	400011-1	York	JOHN	26 North Ave	Gettysburg, PA 17325	Processed		
36	10/21/20 14:54:06	10/21/20 14:54:06	absentee	00573105-45	400011-1	York	JOHN	26 North Ave	Gettysburg, PA 17325	Processed		
37	10/21/20 14:54:06	10/21/20 14:54:06	absentee	00573105-45	400011-1	York	JOHN	26 North Ave	Gettysburg, PA 17325	Processed		
38	10/21/20 14:54:06	10/21/20 14:54:06	absentee	00573105-45	400011-1	York	JOHN	26 North Ave	Gettysburg, PA 17325	Processed		
39	10/21/20 14:54:06	10/21/20 14:54:06	absentee	00573105-45	400011-1	York	JOHN	26 North Ave	Gettysburg, PA 17325	Processed		
40	10/21/20 14:54:06	10/21/20 14:54:06	absentee	00573105-45	400011-1	York	JOHN	26 North Ave	Gettysburg, PA 17325	Processed		
41	10/21/20 14:54:06	10/21/20 14:54:06	absentee	00573105-45	400011-1	York	JOHN	26 North Ave	Gettysburg, PA 17325	Processed		
42	10/21/20 14:54:06	10/21/20 14:54:06	absentee	00573105-45	400011-1	York	JOHN	26 North Ave	Gettysburg, PA 17325	Processed		
43	10/21/20 14:54:06	10/21/20 14:54:06	absentee	00573105-45	400011-1	York	JOHN	26 North Ave	Gettysburg, PA 17325	Processed		
44	10/21/20 14:54:06	10/21/20 14:54:06	absentee	00573105-45	400011-1	York	JOHN	26 North Ave	Gettysburg, PA 17325	Processed		
45	10/21/20 14:54:06	10/21/20 14:54:06	absentee	00573105-45	400011-1	York	JOHN	26 North Ave	Gettysburg, PA 17325	Processed		
46	10/21/20 14:54:06	10/21/20 14:54:06	absentee	00573105-45	400011-1	York	JOHN	26 North Ave	Gettysburg, PA 17325	Processed		

143. Based on Pennsylvania voters' allegations, in a further effort to circumvent Pennsylvania's Election Code and the prohibition against efforts to "cure" absentee and mail-in ballot envelopes, Secretary Boockvar, issued guidance, through Jonathan Marks, the Deputy Secretary of Elections and Commissions, just hours before Election Day directing county boards of elections to provide electors who have cast defective absentee or mail-in ballots with provisional ballots and to promptly update the SURE system.

144. The Deputy Secretary for Elections and Commissions issued an email which stated:

Sent: Monday, November 2, 2020 8:38 PM  
To: Marks, Jonathan  
Subject: Important DOS Email - Clarification regarding Ballots Set Aside During Pre-canvass

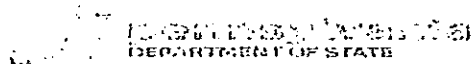
\*\*\* This is an external email. Please use caution when clicking on links and downloading attachments \*\*\*

Dear County Election Directors,

The Department of State has been asked whether county boards of elections can provide information to authorized representatives and representatives of political parties during the pre-canvass about voters whose absentee and mail-in ballots have been rejected. The Department issued provisional ballot guidance on October 21, 2020, that explains that voters whose completed absentee or mail-in ballots are rejected by the county board for reasons unrelated to voter qualifications may be issued a provisional ballot. To facilitate communication with these voters, the county boards of elections should provide information to party and candidate representatives during the pre-canvass that identifies the voters whose ballots have been rejected and should promptly update the SURE system.

Kind regards,

Jonathan M. Marks  
Deputy Secretary for Elections & Commissions  
Pennsylvania Department of State  
302 North Office Building | Harrisburg, PA 17120  
☎ 717.783.2035 📠 717.787.1734  
✉ jmarks@pa.gov



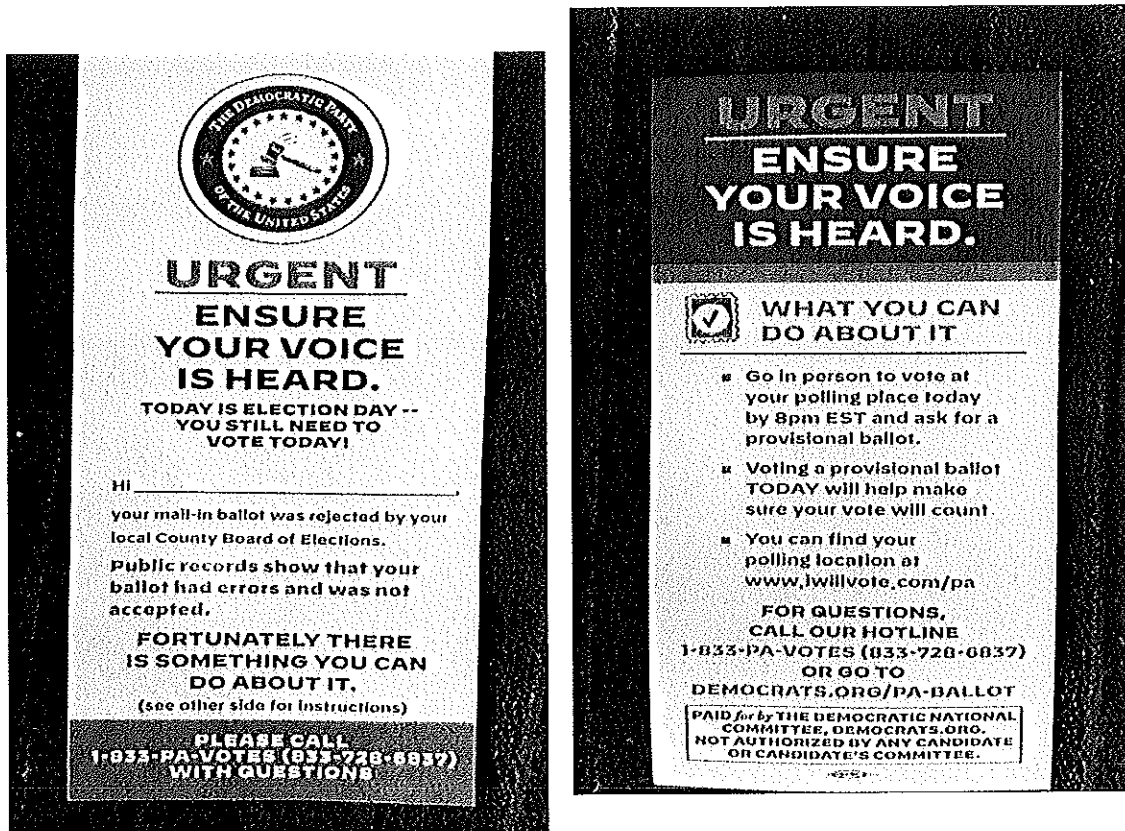
145. Based on Pennsylvania voters' allegations, in order to obtain a provisional ballot on Election Day, an elector who previously requested an absentee or mail-in ballot must sign an affidavit stating "I do solemnly swear or affirm that my name is ... and that this is the only ballot that I cast in this election."<sup>89</sup>

146. Based on Pennsylvania voters' allegations, if an elector has already submitted an absentee or mail-in ballot and that ballot was received by his or her county board of elections, the elector cannot truthfully affirm that the provisional ballot is the only ballot cast by them in the election. The provisional ballot would in fact be a second ballot cast by the elector.

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<sup>89</sup> 25 Pa. Cons. Stat. §3146.8; 25 Pa. Cons. Stat. §3050.

147. Based on Pennsylvania voters' allegations, Secretary Boockvar's actions appear conveniently timed with the actions of the Democratic Party who apparently considered the matter to be URGENT.



148. Based on Pennsylvania voters' allegations, Deputy Secretary Marks issued his email at 8:38 p.m. on November 2, 2020, on the eve of Election Day. Under the Election Code, provisional ballots are only used on Election Day. Less than twelve hours after Deputy Secretary Marks' email, the Democratic Party had printed handbills telling electors "Public records show that your ballot had errors and was not accepted." and to "Go in person to vote at your polling place today by 8:00 EST and ask for a provisional ballot."

149. Based on Pennsylvania voters' allegations, the effect to utilize provisional ballots to "cure" defective absentee and mail-in ballots is in clear violation of Pennsylvania's Election Code. The number of provisional ballots cast in Pennsylvania is approximately 90,000 which is significantly higher than previous General Elections.

150. Further, based on Pennsylvania voters' allegations, it is not clear what Deputy Secretary Marks intended when he stated "To facilitate communication with these voters, the county boards of elections should provide information to party and candidate representatives during the pre-canvassing that identifies the voters whose ballots have been rejected and should promptly update the SURE system."

151. Based on Pennsylvania voters' allegations, Pennsylvania's Election Code makes no provision for the acceptance or rejection of ballots during the pre-canvassing process, nor does the Election Code provide boards of elections with the authority to "update the SURE system" so that an electors who previously submitted an absentee or mail-in ballot may vote with a provisional ballot.

152. The Pennsylvania Supreme Court ruled that county boards of elections are prohibited from using signature comparison to challenge and reject absentee or mail-in ballots.<sup>90</sup>

153. Based on Pennsylvania voters' allegations, the Court's decision is contrary to the applicable provisions of Pennsylvania's Election Code.

154. In addition, the Pennsylvania Supreme Court ruled that county boards of elections could prevent and exclude designated representatives of the candidates and political parties, who are authorized by the Election Code to observe the pre-canvassing and canvassing of ballots, from being in the room during pre-canvassing and canvassing of ballots.<sup>91</sup>

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<sup>90</sup> *In Re: November 3, 2020, General Election*, 149 MM 2020 (Oct. 23, 2020).

<sup>91</sup> *See In Re: Canvassing Observation*, 30 EAP 2020 (Nov. 17, 2020).



155. Based on Pennsylvania voters' allegations, in predominantly Democratic counties, such as Philadelphia, Delaware and Montgomery Counties, authorized representative of the candidates and the Republican Party attempted to observe the actions of election officials; however, the authorized representatives were routinely denied the access necessary to properly observe the handling of ballot envelopes and ballots during the pre-canvassing and canvassing process.

156. Plaintiffs have obtained a sworn Affidavit from Gregory Stenstrom, who was appointed by the Delaware County Republican Party to observe the election process within Delaware County. Mr. Stenstrom attests to numerous election code violations by the Delaware County Board of Elections. Plaintiffs have numerous other Declarations regarding similar election code violations in other predominantly Democratic counties.<sup>92</sup>

157. Based on Pennsylvania voters' allegations, absentee and mail-in ballots are required to be canvassed in accordance with subsection (g) of Section 3146.8 - Canvassing of official absentee and mail-in ballots.<sup>93</sup>

158. Based on Pennsylvania voters' allegations, Pennsylvania's Election Code defines the term "pre-canvass" to mean "the inspection and opening of all envelopes containing official absentee ballots or mail-in ballots, the removal of such ballots from the envelopes and the counting, computing and tallying of the votes reflected on the ballots. The term does not include the recording or publishing of the votes reflected on the ballots."<sup>94</sup>

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<sup>92</sup> See Gregory Stenstrom Declaration, Appendix pgs. 129-151; 637-659; see Expert Opinion of Anthony J. Couchenor, App. 42-47; see also expert opinion of Jovan Hutton Pulitzer, App. 90-118.

<sup>93</sup> 25 Pa. Cons. Stat. §3146.8(g) (1)(i-ii) & (1.1).

<sup>94</sup> 25 Pa. Cons. Stat. § 2602(q.1).

159. Prior to any pre-canvassing meeting, county boards of elections are required to provide at least forty-eight hours' notice by publicly posting a notice of a pre-canvass meeting on its publicly accessible Internet website.<sup>95</sup>

160. Each candidate and political party is entitled to have one designated and authorized representative in the room any time absentee and mail-in ballots are being canvassed by a board of elections.<sup>96</sup>

161. The candidates' watchers or other representatives are permitted to be present any time the envelopes containing absentee and mail-in ballots are opened.<sup>97</sup>

162. The candidates and political parties are entitled to have watchers present any time there is canvassing of returns.<sup>98</sup>

163. Based on Pennsylvania voters' allegations, in predominantly Democratic counties, such as Montgomery, election would weigh absentee and mail-in ballot envelopes to determine whether secrecy envelopes were contained within the outer envelopes. Election officials would also review and inspect the absentee and mail-in ballot envelopes to determine whether they complied with the requirements of the Election Code.

164. Based on Pennsylvania voters' allegations, this pre-canvassing of ballot envelopes is in direct violation of Pennsylvania's Election Code.

165. Based on Pennsylvania voters' allegations, under the Election Code, county boards of elections are required, upon receipt of sealed official absentee and mail-in ballot envelopes, to

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<sup>95</sup> 25 Pa. Cons. Stat. § 3146.8(g)(1.1).

<sup>96</sup> 25 Pa. Cons. Stat. §3146.8(g)(2).

<sup>97</sup> 25 Pa. Cons. Stat. §3146.8.

<sup>98</sup> 25 Pa. Cons. Stat. §2650(a).

"safely keep the ballots in sealed or locked containers until they are to be canvassed by the county board of elections."<sup>99</sup>

166. County boards of elections are prohibited from pre-canvassing absentee and mail-in ballots prior to 7:00 a.m. of Election Day.<sup>100</sup>

167. As such, from the time ballot envelopes are received by county boards of elections through 7:00 a.m. on Election Day, the ballot envelopes are to be safely kept in sealed or locked containers.<sup>101</sup> Stated in a different way, county boards of elections are not permitted to remove absentee and mail-in ballot envelopes from their sealed or locked containers until the ballots are pre-canvassed at 7:00 a.m. on Election Day.

168. Based on Pennsylvania voters' allegations, the Pennsylvania Supreme Court ruled that county boards of elections were not required to enforce or follow Pennsylvania's Election Code requirements for absentee and mail-in ballot envelopes, including the requirements related to elector signatures, addresses, dates, and signed declarations.<sup>102</sup>

169. During pre-canvassing, county boards of elections are required to examine each ballot cast to determine if the declaration envelope is properly completed and to compare the information with the information contained in the Registered Absentee and Mail-in Voters File.<sup>103</sup>

170. Only then are county boards of elections authorized to open the outer envelope of every unchallenged absentee or mail-in envelope in such a manner so as not to destroy the declaration executed thereon.<sup>104</sup>

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<sup>99</sup> 25 Pa. Cons. Stat. § 3146.8(a).

<sup>100</sup> 25 Pa. Cons. Stat. § 3146.8(g)(1.1.)

<sup>101</sup> 25 Pa. Cons. Stat. § 3146.8(a).

<sup>102</sup> *In Re: Canvass of Absentee and Mail-in Ballots of November 3, 2020 General Election, 31 EAP 2020 (Nov. 23, 2020).*

<sup>103</sup> 25 Pa. Cons. Stat. § 3146.8(g)(3).

<sup>104</sup> 25 Pa. Cons. Stat. § 3146.8(g)(4)(i).

171. Based on Pennsylvania voters' allegations, in predominantly Democratic counties, such as Allegheny County, election officials disregarded the requirements of the Election Code and counted absentee and mail-in ballot ballots with defective elector signatures, addresses, dates, and signed declarations.<sup>105</sup> In other counties, such as Westmoreland, such ballots were not counted by the county board of elections.

172. In addition to substantial evidence of the violations of Pennsylvania's Election Code, as set forth above, Plaintiffs have produced an expert report authored by Francis X. Ryan who could testify and identify significant and dispositive discrepancies and errors which call into questions the results of the Presidential Election in Pennsylvania.<sup>106</sup>

173. Based on Pennsylvania voters' allegations, as described above, the 2020 General Election in Pennsylvania was fraught with numerous violations of Pennsylvania's Election Code perpetrated by predominantly Democratic county election officials. In addition, there are countless documented election irregularities and improprieties that prevent an accurate accounting of the election results in the Presidential election.

174. Based on Pennsylvania voters' allegations, many of the irregularities directly relate to the county boards of elections' handling of absentee and mail-in ballots; the pre-canvassing and canvassing of ballots; the failure to permit legally appropriate and adequate oversight and transparency of the process; and, the failure to maintain and secure ballot integrity and security throughout the election process.

175. Based on Pennsylvania voters' allegations, as such, the 2020 General Election results are so severely flawed that it is impossible to certify the accuracy of the purported results.

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<sup>105</sup> *In Re: Canvass of Absentee and Mail-in Ballots of November 3, 2020 General Election, 31 EAP 2020 (Nov. 23, 2020).*

<sup>106</sup> *See* Francis X. Ryan Declaration, App. 660-666. For additional evidence see App. 667-834.

176. Based on analysis by data analyst Matthew Braynard and Professor Steven J. Miller, in Pennsylvania, the government data shows election officials’ absentee ballot errors of 121,297 far exceed the margin of victory of 81,749.<sup>107</sup>

177. According to the Braynard-Miller analysis, the government data shows election officials’ absentee ballot error rate of at least 1.43% which far exceeds federal law’s pre-election certification error rate for voting systems’ hardware and software of 0.0008%.<sup>108</sup>

Pennsylvania Voter Election Contest			
	Margin +81,749		
Type of error*	Description		Margin
1) Unlawful Ballots	Estimate of ballots requested in the name of a registered Republican by someone other than that person <sup>109</sup>	53,909	
2) Legal Votes Not Counted	Estimate of Republican ballots that the requester returned but were not counted <sup>110</sup>	44,892	
Total Votes: 98,801	Error Rate (Compared to Total Vote)		1.43%
3) Illegal Votes Counted	Electors voted where they did not reside <sup>111</sup>	14,328	
4) Illegal Votes Counted	Out of State Residents Voting in State <sup>112</sup>	7,426	
5) Illegal Votes Counted	Double Votes <sup>113</sup>	742	
TOTAL			121,297
	Of total votes cast 6,924,006		

\*May overlap.

<sup>107</sup> See Chart and Pennsylvania Declaration of Matthew Braynard, App. 1331-1340 ¶3.

<sup>108</sup> See Expert Report of Dennis Nathan Cain (III), App. 1433-1445.

<sup>109</sup> See Declaration of Steven J. Miller, App. 1325-1330.

<sup>110</sup> *Id.*

<sup>111</sup> See Pennsylvania Declaration of Matthew Braynard, App. 1331-1340 ¶3.

<sup>112</sup> See Pennsylvania Declaration of Matthew Braynard, App. 1331-1340.

<sup>113</sup> See Pennsylvania Declaration of Matthew Braynard, App. 1331-1340 ¶4.

**2. State of Georgia voters allege election official errors and improprieties which exceed the Presidential vote margin.<sup>114</sup>**

178. State of Georgia voters allege election official errors and improprieties which exceed the Presidential vote margin.

179. Georgia has 16 electoral votes, with a statewide vote tally currently estimated at 2,458,121 for President Trump and 2,472,098 for former Vice President Biden, a margin of approximately 12,670 votes.

180. The number of votes affected by the various constitutional violations exceeds the margin of votes dividing the candidates.

181. Based on Georgia voters' allegations, Georgia's Secretary of State, Brad Raffensperger, without legislative approval, unilaterally abrogated Georgia's statute governing the signature verification process for absentee ballots.<sup>115</sup>

182. O.C.G.A. § 21-2-386(a)(2) prohibits the opening of absentee ballots until after the polls open on Election Day: In April 2020, however, the State Election Board adopted Secretary of State Rule 183-1-14-0.9-.15, Processing Ballots Prior to Election Day.

183. Based on Georgia voters' allegations, that rule purports to authorize county election officials to begin processing absentee ballots up to three weeks before Election Day.

184. Based on Georgia voters' allegations, Georgia law authorizes and requires a single registrar or clerk—after reviewing the outer envelope—to reject an absentee ballot if the voter failed to sign the required oath or to provide the required information, the signature appears invalid, or the

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<sup>114</sup> For full extent of inappropriate activities, *see* Timeline of Electoral Policy Activities, Issues, and Litigation Pennsylvania, Michigan, Wisconsin, Georgia, Arizona, and Nevada August 2003 to November 2020, *Appendix* 1-20.

<sup>115</sup> *See* Expert Declaration of Harry Haury, *Appendix* 69-89.

required information does not conform with the information on file, or if the voter is otherwise found ineligible to vote.<sup>116</sup>

185. Georgia law provides absentee voters the chance to “cure a failure to sign the oath, an invalid signature, or missing information” on a ballot’s outer envelope by the deadline for verifying provisional ballots (*i.e.*, three days after the election).<sup>117</sup> To facilitate cures, Georgia law requires the relevant election official to notify the voter in writing: “The board of registrars or absentee ballot clerk shall promptly notify the elector of such rejection, a copy of which notification shall be retained in the files of the board of registrars or absentee ballot clerk for at least two years.”<sup>118</sup>

186. Based on Georgia voters’ allegations, on March 6, 2020, in *Democratic Party of Georgia v. Raffensperger*, No. 1:19-cv-5028-WMR (N.D. Ga.), Georgia’s Secretary of State entered a Compromise Settlement Agreement and Release with the Democratic Party of Georgia (the “Settlement”) to materially change the statutory requirements for reviewing signatures on absentee ballot envelopes to confirm the voter’s identity by making it far more difficult to challenge defective signatures<sup>119</sup> beyond the express mandatory procedures.<sup>120</sup>

187. Based on Georgia voters’ allegations, among other things, before a ballot could be rejected, the Settlement required a registrar who found a defective signature to now seek a review by two other registrars, and only if a majority of the registrars agreed that the signature was defective could the ballot be rejected but not before all three registrars’ names were written on the ballot envelope along with the reason for the rejection. These cumbersome procedures are in direct

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<sup>116</sup> O.C.G.A. § 21-2-386(a)(1)(B)-(C).

<sup>117</sup> O.C.G.A. §§ 21-2-386(a)(1)(C), 21-2-419(c)(2).

<sup>118</sup> O.C.G.A. § 21-2-386(a)(1)(B).

<sup>119</sup> See Expert Report of A.J. Jaghori, *Appendix* 39-41. See Settlement Agreement, *Appendix* 1222-1229.

<sup>120</sup> O.C.G.A. § 21-2-386(a)(1)(B).

conflict with Georgia's statutory requirements, as is the Settlement's requirement that notice be provided by telephone (*i.e.*, not in writing) if a telephone number is available. Finally, the Settlement purports to require election officials to consider issuing guidance and training materials drafted by an expert retained by the Democratic Party of Georgia.

188. Based on Georgia voters' allegations, Georgia's legislature has not ratified these material changes to statutory law mandated by the Compromise Settlement Agreement and Release, including altered signature verification requirements and early opening of ballots. The relevant legislation that was violated by Compromise Settlement Agreement and Release did not include a severability clause.

189. Based on Georgia voters' allegations, this unconstitutional change in Georgia law materially benefitted former Vice President Biden. According to the Georgia Secretary of State's office, former Vice President Biden had almost double the number of absentee votes (65.32%) as President Trump (34.68%).

190. Based on Georgia voters' allegations, specifically, there were 1,305,659 absentee mail-in ballots submitted in Georgia in 2020. There were 4,786 absentee ballots rejected in 2020. This is a rejection rate of .37%. In contrast, in 2016, the 2016 rejection rate was 6.42% with 13,677 absentee mail-in ballots being rejected out of 213,033 submitted, which more than *seventeen times greater* than in 2020.<sup>121</sup>

191. Based on Georgia voters' allegations, if the rejection rate of mailed-in absentee ballots remained the same in 2020 as it was in 2016, there would be 83,517 less tabulated ballots in 2020. The statewide split of absentee ballots was 34.68% for Trump and 65.2% for Biden. Rejecting at the higher 2016 rate with the 2020 split between Trump and Biden would decrease Trump votes

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<sup>121</sup> See Charles J. Cicchetti Declaration at ¶ 24, *Appendix* pgs. 1315-1324.



by 28,965 and Biden votes by 54,552, which would be a net gain for Trump of 25,587 votes. This would be more than needed to overcome the Biden advantage of 12,670 votes, and Trump would win by 12,917 votes. Regardless of the number of ballots affected, however, the non-legislative changes to the election rules violated Article II.

192. Further, based on Georgia voters' allegations, the Zuckerberg-funded absentee drop boxes caused a disparate impact in Georgia.<sup>122</sup>

193. Georgia is comprised of 159 counties. In 2016, Hillary Clinton garnered 1,877,963 votes in the state of Georgia.<sup>123</sup> Clinton won four counties in major population centers, Fulton (297,051), Cobb (160,121), Gwinnett (166,153), and Dekalb Counties (251,370).<sup>124</sup> These four counties represented 874,695 votes for Hillary Clinton.<sup>125</sup>

194. Georgia has 300 total drop boxes for electors to submit absentee ballots.<sup>126</sup>

195. In 2020, Georgia counties utilized CTCL funding to install additional drop boxes in areas that would make it easier for voters to cast their absentee ballot. The four counties won by the Clinton campaign contain a plurality of the drop boxes.

196. Fulton County was home to 39 drop boxes<sup>127</sup>, Cobb County provided 16 drop boxes,<sup>128</sup> 23 drop boxes in Gwinnett County<sup>129</sup>, and Dekalb County has 34 boxes.<sup>130</sup>

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<sup>122</sup> See App. 1168-1234; 1477-1491.

<sup>123</sup> Georgia Election Results 2016 – The New York Times (nytimes.com)

<sup>124</sup> Georgia Election Results 2016 – The New York Times (nytimes.com)

<sup>125</sup> Georgia Election Results 2016 – The New York Times (nytimes.com)

<sup>126</sup> <https://georgiapeanutgallery.org/2020/09/28/drop-box-locations-for-november-3-2020-election/>

<sup>127</sup> Fulton County nearly doubles number of ballot drop off boxes (fox5atlanta.com)

<sup>128</sup> <https://www.cobbcounty.org/elections/news/6-additional-absentee-ballot-drop-boxes-available-september-23rd>

<sup>129</sup> [https://www.gwinnettcounty.com/static/departments/elections/2020\\_Election/pdf/BallotDropBoxMap\\_2020.pdf](https://www.gwinnettcounty.com/static/departments/elections/2020_Election/pdf/BallotDropBoxMap_2020.pdf)

<sup>130</sup> <https://www.dekalbcountyga.gov/sites/default/files/users/user304/DeKalb%20Dropbox%20Locations%20103120%20V7.pdf>

197. These four localities account for 112 drop boxes, spread out over 1,587 square miles.<sup>131</sup> Meaning, voters in these four Clinton strongholds have one drop box for every 14 square miles. Meanwhile, in the remaining 155 counties, spread out over 55,926 square miles, a republican voter will find one drop box for every 294 square miles.

198. Based on Georgia voters’ allegations, the effect of this unconstitutional change in Georgia election law, which made it more likely that ballots without matching signatures would be counted, had a material impact on the outcome of the election.<sup>132</sup>

199. Finally, in Georgia, analysis of government data by data analyst Matthew Braynard and Professor Qianying (Jennie) Zhang shows election officials’ absentee ballot errors of 204,143 far exceed the margin of victory of 12,670.<sup>133</sup>

200. And, the Braynard-Zhang analysis of the government data shows election officials’ absentee ballot error rate of at least 1.28% which far exceeds federal law’s pre-election certification error rate for voting systems’ hardware and software of 0.0008%.<sup>134</sup>

Georgia Voter Election Contest  
Margin +12,670

Type of error*	Description	Margin
1) Unlawful Ballots	Estimate of the minimum number of absentee ballots requested which were not requested by the person identified in the state’s database <sup>135</sup>	20,431
		43,688

<sup>131</sup> The areas for the respective counties are: Fulton 534 square miles; Cobb 345 square miles; Gwinnett 437 square miles; and DeKalb 271 square miles.

<sup>132</sup> See Appendix 1235-1311.

<sup>133</sup> See Chart and Georgia Expert Report of Matthew Braynard, *Appendix* pgs. 1350-1374.

<sup>134</sup> See Expert Report of Dennis Nathan Cain (III), *Appendix* 1433-1445.

<sup>135</sup> See Georgia Expert Report of Qianying (Jennie) Zhang, *Appendix* pgs. 1341-1349 ¶ 1.

2) Legal Votes Not Counted	Estimate of the minimum number of absentee ballots that the requester returned but were not counted <sup>136</sup>	
Category 1 & 2 Total Votes: 64,119	Error Rate (Compared to Total Vote)	1.28%
3) Illegal Votes Counted	Electors voted where they did not reside <sup>137</sup>	138,221
4) Illegal Votes Counted	Out of state residents voting in Georgia <sup>138</sup>	20,312
5) Illegal Votes Counted	Double Votes <sup>139</sup>	395
TOTAL		204,143
	of total votes cast 4,998,482	

\*May overlap.

**3. State of Michigan voters allege election official errors and improprieties which exceed the Presidential vote margin.<sup>140</sup>**

201. State of Michigan voters allege election official errors and improprieties which exceed the Presidential vote margin.

<sup>136</sup> See Georgia Expert Report of Qianying (Jennie) Zhang, Appendix pgs. 1341-1349.

<sup>137</sup> See Georgia Expert Report of Matthew Braynard, Appendix pgs. 1350-1374. ¶3.

<sup>138</sup> See Georgia Expert Report of Matthew Braynard, Appendix pgs. 1350-1374.

<sup>139</sup> See Georgia Expert Report of Matthew Braynard, Appendix pgs. 1350-1374. ¶4.

<sup>140</sup> For full extent of inappropriate activities See Timeline of Electoral Policy Activities, Issues, and Litigation Pennsylvania, Michigan, Wisconsin, Georgia, Arizona, and Nevada August 2003 to November 2020, Appendix 1-20.

202. Michigan has 16 electoral votes, with a statewide vote tally currently estimated at 2,650,695 for President Trump and 2,796,702 for former Vice President Biden, a margin of 146,007 votes. In Wayne County, Mr. Biden's margin (322,925 votes) significantly exceeds his statewide lead.

203. Based on Michigan voters' allegations, the number of votes affected by the various constitutional violations exceeds the margin of votes dividing the candidates.

204. Michigan law generally allows the public the right to observe the counting of ballots. See MCL 168.765a(12) (“At all times, at least 1 election inspector from each major political party must be present at the absent voter counting place and the policies and procedures adopted by the secretary of state regarding the counting of absent voter ballots must be followed.”).

205. The Michigan Constitution provides all lawful voters with “[t]he right to have the results of statewide elections audited, in such a manner as prescribed by law, to ensure the accuracy and integrity of elections.”<sup>141</sup>

206. Indeed, “[a]ll rights set forth in this subsection shall be self-executing. This subsection shall be liberally construed in favor of voters' rights in order to effectuate its purposes.”<sup>142</sup>

207. The public's right to observe applies to counting both in-person and absentee ballots.<sup>143</sup>

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<sup>141</sup> Mich. Const. 1963, art 2, § 4(1)(h).

<sup>142</sup> *Id.* (emphasis added).

<sup>143</sup> Regrettably, Defendants and their agents have exclusive possession of the ballots, ballot boxes, and other indicia of voting irregularities so a meaningful audit cannot timely occur. Normally, “[a] person requesting access to voted ballots is entitled to a response from the public body within 5 to 10 business days; however, the public body in possession of the ballots may not provide access for inspection or copying until 30 days after certification of the election by the relevant board of canvassers.” Op. Atty. Gen. 2010, No. 7247, 2010 WL 2710362.

208. Based on Michigan voters' allegations, Michigan's election officials failed to grant meaningful observation opportunities to the public over the absentee ballots.<sup>144</sup>

209. Wayne County is the most populous county in Michigan.

210. Detroit is the largest city in Wayne County.

211. Based on Michigan voters' allegations, the City of Detroit's observation procedures, for example, failed to ensure transparency and integrity as it did not allow the public to see election officials during key points of absentee ballot processing in the AVCBs at TCF Arena (f/k/a Cobo Hall). *Id.*

212. Based on Michigan voters' allegations, these irregularities were repeated elsewhere in Wayne County, including in Canton Township, and throughout the State.<sup>145</sup>

213. Based on Michigan voters' allegations, for instance, when absentee ballots arrived, the ballots should have been in an envelope, signed, sealed (and delivered) by the actual voter. Often it was not.

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<sup>144</sup> See Michigan Petitioners Appendix, Appendix 835; Affidavit of Andrew John Miller, *Appendix* 1313-1314 at ¶12; Affidavit of Angelic Johnson, *Appendix* 860-861 at ¶12; Affidavit of Zachary C. Larsen, *Appendix* 836-845 at ¶¶37-55; Affidavit of G Kline Preston IV, *Appendix* 886-889 at ¶8; Affidavit of Articia Boomer, *Appendix* 897-900 at ¶21; Affidavit of Phillip O'Halloran, *Appendix* 901-910 at ¶¶18-19; Affidavit of Robert Cushman, Appendix 928-930 at ¶3; Affidavit of Jennifer Seidl, Appendix 931-938 at ¶6; Affidavit of Andrew Sitto, Appendix 890-893 at ¶¶23; Affidavit of Kristina Karamo, Appendix 894-896 at ¶5; Affidavit of Jennifer Seidl, Appendix 931-938 at ¶35, 932 at ¶42; Affidavit of Cassandra Brown Appendix 939-944 at ¶33; Affidavit of Adam di Angeli, Appendix 951-967 at ¶30; Affidavit of Kayla Toma Appendix 977-983 at ¶¶14-15, 978 at ¶21, 979 at ¶¶31-32; Affidavit of Matthew Mikolajczak, Appendix 985-991; Affidavit of Braden Giacobazzi, Appendix 995-1000 at ¶¶3, 5, 996 at ¶8; Affidavit of Kristy Klamer Appendix 1006-1009 at ¶¶4-5, 1007 at ¶¶6-9.

<sup>145</sup> See, generally, Affidavits of Cassandra Brown Appendix 939-944 at ¶34; Lucille Ann Huizinga, Appendix 1016-1020 at ¶31; Laurie Ann Knott, Appendix 1010-1015 at ¶¶34-35; Marilyn Jean Nowak Appendix 1021-1023 at ¶17; Marlene K. Hager, Appendix 1024-1027 at ¶¶19-23; and Sandra Sue Workman Appendix 1028-1032 at ¶33 (allegedly sending ballots from Grand Rapids to TCF Center to be processed and counted).

214. Based on Michigan voters' allegations, ballots were taken from their envelopes and inspected to determine whether any deficiencies would obstruct the ballot from being fed through a tabulation machine. If any deficiencies existed (or were created by tampering), the ballot was hand duplicated.

215. Based on Michigan voters' allegations, Democrat officials and election workers repeatedly scanned ballots in high-speed scanners, often counting the same ballot more than once.<sup>146</sup>

216. Based on Michigan voters' allegations, the evidence will also show that these hand duplication efforts ignored the legislative mandate to have one person from each major party sign every duplicated vote (*i.e.*, one Republican and one Democrat had to sign each "duplicated" ballot and record it in the official poll book).

217. Based on Michigan voters' allegations, several poll watchers, inspectors, and other whistleblowers witnessed the surge of unlawful practices described above.<sup>147</sup>

218. Based on Michigan voters' allegations, these unlawful practices provided cover for careless or unscrupulous officials or workers to mark choices for any unfilled elections or questions on the ballot, potentially and substantially affecting down ballot races where there are often significant undervotes, or causing the ballots to be discarded due to overvotes.

**a. Michigan Voters Allege Election Malfeasance at the TCF Center Shows Widespread Problems.<sup>148</sup>**

219. Based on Michigan voters' allegations, there were many issues of mistake, fraud, and other malfeasance at the TCF Center during the Election and during the counting process

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<sup>146</sup> Affidavit of Articia Boomer, Appendix 897-899 at ¶¶10-11, 13; Affidavit of William Carzon, Appendix 973-976 at ¶8; Affidavit of Matthew Mikolajczak Appendix 985-991; Affidavit of Melissa Carone, Appendix 992-994 at ¶¶3-4.

<sup>147</sup> Affidavit of Melissa Carone, Appendix 992-994 at ¶9.

<sup>148</sup> See Expert Declaration of Dennis Nathan Cain (II), *Appendix* 60-68.

thereafter.<sup>149</sup>

220. Based on Michigan voters' allegations, on election day, election officials at the TCF Center systematically processed and counted ballots from voters whose names failed to appear in either the Qualified Voter File ("QVF") or in the supplemental sheets. When a voter's name could not be found, the election worker assigned the ballot to a random name already in the QVF to a person who had not voted.<sup>150</sup>

221. Based on Michigan voters' allegations, on election day, election officials at the TCF Center instructed election workers to not verify signatures on absentee ballots, to backdate absentee ballots, and to process such ballots regardless of their validity.<sup>151</sup>

222. Based on Michigan voters' allegations, after the statutory deadlines passed and local officials had announced the last absentee ballots had been received, another batch of unsecured and unsealed ballots, without envelopes, arrived in unsecure trays at the TCF Center.

223. Based on Michigan voters' allegations, there were tens of thousands of these late-arriving absentee ballots, and apparently every ballot was counted and attributed only to Democratic candidates.<sup>152</sup>

224. Based on Michigan voters' allegations, election officials at the TCF Center instructed election workers to process ballots that appeared after the election deadline and to inaccurately report or backdate those ballots as having been received before the November 3, 2020, deadline.<sup>153</sup>

225. Based on Michigan voters' allegations, election officials at the TCF Center

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<sup>149</sup> See Affidavit of Senator Ruth Johnson, *Appendix* at 849-850.

<sup>150</sup> See Affidavit of Zachary C. Larsen, *Appendix* 836-845 at ¶33; Affidavit of Robert Cushman, *Appendix* 928-930 at ¶7.

<sup>151</sup> See Affidavit of Jessie Jacobs, *Appendix* 846-848 at ¶15.

<sup>152</sup> See Affidavit of John McGrath *Appendix* 968-972 at ¶8.

<sup>153</sup> See Affidavit of Jessie Jacobs, *Appendix* 846-848 at ¶17.

systematically used inaccurate information to process ballots.<sup>154</sup>

226. Based on Michigan voters' allegations, many times, the election workers overrode the software by inserting new names into the QVF after the election deadline or recording these new voters as having a birthdate of "1/1/1900," which is the "default" birthday.<sup>155</sup>

227. Based on Michigan voters' allegations, each day before the election, City of Detroit election workers and employees coached voters to vote for Joe Biden and the Democratic Party candidates.<sup>156</sup>

228. Based on Michigan voters' allegations, these workers, employees, and so-called consultants encouraged voters to vote a straight Democratic Party ticket. These election workers went over to the voting booths with voters to watch them vote and to coach them as to which candidates they should vote for.<sup>157</sup>

229. Based on Michigan voters' allegations, before and after the statutory deadline, unsecured ballots arrived at the TCF Center loading garage, loose on the floor not in sealed ballot boxes—with no chain of custody and often with no secrecy envelopes.<sup>158</sup>

230. Based on Michigan voters' allegations, election officials and workers at the TCF Center duplicated ballots by hand without allowing poll challengers to check if the duplication was accurate.<sup>159</sup>

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<sup>154</sup> Affidavit of Cassandra Brown, Appendix 939-944 at ¶33.

<sup>155</sup> See Affidavit of John McGrath Appendix 968-972 at ¶8; Affidavit of Kristina Karamo Appendix 894-896 at ¶6; Affidavit of Robert Cushman, Appendix 928-930 at ¶¶10-12, 929 at ¶16; Affidavit of Jennifer Seidl, Appendix 931-938 at ¶¶52-53; Affidavit of Braden Giacobazzi Appendix 995-1000 at ¶10; Affidavit of Kristy Klamer Appendix 1006-1009 at ¶13.

<sup>156</sup> See Affidavit of Jessy Jacobs, Appendix 846-848 at ¶8.

<sup>157</sup> See Affidavit of Jessy Jacobs, Appendix 846-848 at ¶8.

<sup>158</sup> Affidavit of Articia Boomer, Appendix 897-900 at ¶8, 898 at ¶¶9, 18.

<sup>159</sup> See Affidavit Andrew Sitto, Appendix 890-893 at ¶9; Affidavit of Phillip O'Halloran Appendix 901-910 at ¶22; Affidavit of Cynthia O'Halloran Appendix 911-914; Affidavit of Eugene Dixon, Appendix 947-948 at ¶5; Affidavit of Jason Humes Appendix 918-922.



231. Based on Michigan voters' allegations, election officials repeatedly obstructed poll challengers from observing.<sup>160</sup>

232. Based on Michigan voters' allegations, election officials violated the plain language of the law MCL 168.765a by permitting thousands of ballots to be filled out by hand and duplicated on site without oversight from bipartisan poll challengers.

233. Based on Michigan voters' allegations, after poll challengers started uncovering the statutory violations at the TCF Center, election officials and workers locked credentialed challengers out of the counting room so they could not observe the process, during which time tens of thousands of ballots, if not more, were improperly processed.<sup>161</sup>

**b. Michigan voters Allege Suspicious Funding and Training of Election Workers**

234. Based on Michigan voters' allegations, in September, the Detroit City council approved a \$1 million contract for the staffing firm P.I.E. Management, LLC to hire up to 2,000 workers to work the polls and to staff the ballot counting machines at the TCF Center. P.I.E. Management, LLC is owned and controlled by a Democratic Party operative.

235. Based on Michigan voters' allegations, a week after approval, P.I.E. Management, LLC began advertising for workers, stating, "Candidates must be 16 years or older. Candidates are required to attend a 3-hour training session before the General Election. The position offers two shifts and pay-rates: 1) From 7 am to 7 pm at \$600.00; and 2) From 10 pm to 6 am at \$650."

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<sup>160</sup> See Affidavit of Zachary C. Larsen, Appendix 836-845 at ¶¶37-55; Affidavit of Janice Hermann, Appendix 915-917 at ¶5; Affidavit of Jennifer Seidl, Appendix 931-938 at ¶29, 932 at ¶42; Affidavit of Cassandra Brown, Appendix 939-944 at ¶33.

<sup>161</sup> See Affidavit of Zachary C. Larsen, Appendix 836-845 at ¶¶37-55; Affidavit of Janice Hermann, Appendix 915-917 at ¶5; Affidavit of Jennifer Seidl, Appendix 931-938 at ¶29, 932 at ¶32, 933 at ¶42; Affidavit of Cassandra Brown, Appendix 939-944 at ¶¶33; Affidavit of Anna England, Appendix 949-950 at ¶¶5,7; Affidavit of Matthew Mikolajczak Appendix 985-991; Affidavit of Braden Giacobazzi, Appendix 995-1000 at ¶6.

Consequently, these temporary workers were earning at least \$50 per hour—far exceeding prevailing rates at most rural communities.

236. Based on Michigan voters' allegations, the evidence exists to show that this money and much more came from a single private source: Mark Zuckerberg and his spouse, through the charity called Center for Tech and Civic Life (CTCL), which paid over \$400 million nationwide to Democrat-favoring election officials and municipalities.<sup>162</sup>

237. Based on Michigan voters' allegations, the improper private funding to Michigan exceeded \$9.8 million.<sup>163</sup>

**c. Michigan Voter Allege Forging Ballots on the QVF**

238. Based on Michigan voters' allegations, whistleblowers observed election officials processing ballots at the TCF Center without confirming that the voter was eligible to vote.<sup>164</sup>

239. Based on Michigan voters' allegations, whistleblowers observed election officials assigning ballots to different voters, causing a ballot being counted for a non-eligible voter by assigning it to a voter in the QVF who had not yet voted.<sup>165</sup>

**d. Michigan Voters Allege Changing Dates on Ballots**

240. All lawful absentee ballots were supposed to be in the QVF system by 9:00 p.m. on November 3, 2020.

241. This deadline had to be met to ensure an accurate final list of absentee voters who returned their ballots before the statutory deadline of 8:00 p.m. on November 3, 2020.

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<sup>162</sup> See, generally, Expert Report of James Carlson, Appendix pgs. 21-30.

<sup>163</sup> See Expert Report of James Carlson, Appendix pgs. 1079-1111.

<sup>164</sup> See Affidavit of Zachary C. Larsen, Appendix 836-845 at ¶12.

<sup>165</sup> See Affidavit of John McGrath Appendix 968-972 at ¶8; Affidavit of Kristina Karamo Appendix 894-896 at ¶6; Affidavit of Robert Cushman, Appendix 928-930 at ¶¶10-12, 929 at ¶16; Affidavit of Jennifer Seidl, Appendix 931-938 at ¶¶52-53; Affidavit of Braden Giacobazzi Appendix 995-1000 at ¶10; Affidavit of Kristy Klamer Appendix 1006-1009 at ¶13.

242. To have enough time to process the absentee ballots, election officials told polling locations to collect the absentee ballots from the drop-boxes every hour on November 3, 2020.

243. Based on Michigan voters' allegations, on November 4, 2020, a City of Detroit election whistleblower at the TCF Center was told to improperly pre-date the receive date for absentee ballots that were not in the QVF as if they had been received on or before November 3, 2020. The Whistleblower swore she was told to alter the information in the QVF to inaccurately show that the absentee ballots had been timely received. She estimates that this was done to thousands of ballots.<sup>166</sup>

**e. Michigan Voters allege Double Voting.**

244. Based on Michigan voters' allegations, an election worker in the City of Detroit observed several people who came to the polling place to vote in-person, but they had already applied for an absentee ballot.<sup>167</sup>

245. Based on Michigan voters' allegations, election officials allowed these people to vote in-person, and they did not require them to return the mailed absentee ballot or sign an affidavit that the voter lost or "spoiled" the mailed absentee ballot as required by law and policy.

246. Based on Michigan voters' allegations, this illicit process allowed people to vote in person and to send in an absentee ballot, thereby voting twice. This "double voting" was made possible by the unlawful ways in which election officials were counting and inputting ballots at the TCF Center from across the City's several polling places.

247. Based on Michigan voters' allegations, the Secretary of State's absentee ballot scheme exacerbated this "double voting," as set forth further in this Petition.<sup>168</sup>

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<sup>166</sup> See Affidavit of Jessy Jacobs, Appendix 846-848 at ¶17.

<sup>167</sup> See Affidavit of Jessy Jacobs, Appendix 846-848 at ¶10; Affidavit of Anna England, Appendix 949-950 at ¶45.

<sup>168</sup> See, also, Expert Report of Matthew Braynard, Appendix 1112-1122 at ¶6.

**f. Michigan Voters Allege Problems With First Wave of New Ballots at TCF Center.**

248. Based on Michigan voters' allegations, early in the morning of November 4, 2020, tens of thousands of ballots were suddenly brought into the counting room at the TCF Center through the back door.<sup>169</sup>

249. Based on Michigan voters' allegations, these new ballots were brought to the TCF Center by vehicles with out-of-state license plates.<sup>170</sup>

250. Based on Michigan voters' allegations, whistleblowers claim that all of these new ballots were cast for Joe Biden.<sup>171</sup>

251. Based on Michigan voters' allegations, these ballots still do not share or have the markings establishing the proper chain of custody from valid precincts and clerks and are among the approximately 70% of unmatched AVCB errors identified by Palmer and Hartmann.

**g. Michigan Voters Allege Problems With Second Wave of New Ballots at TCF Center.**

252. Based on Michigan voters' allegations, the ballot counters needed to check every ballot to confirm that the name on the ballot matched the name on the electronic poll list—the list of all persons who had registered to vote on or before November 1, 2020 (the QVF).

253. Based on Michigan voters' allegations, the ballot counters were also provided with supplemental sheets which had the names of all persons who had registered to vote on either November 2, 2020 or November 3, 2020.

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<sup>169</sup> See Affidavit of John McGrath Appendix 968-972 at ¶4 (around 3:00 a.m.); Affidavit of Articia Boomer, Appendix 897-900 at ¶18 (around 4:00 a.m.); Affidavit of William Carzon, Appendix 973-976 at ¶11 (around 4:00 a.m.); Affidavit Andrew Sitto, Appendix 890-893 at ¶16 (alleges about 4:30 a.m.).

<sup>170</sup> See Affidavit of Andrew Sitto, Appendix 890-893 at ¶15.

<sup>171</sup> See Affidavit of Andrew Sitto, Appendix 890-893 at ¶¶17-18.

254. Based on Michigan voters' allegations, the validation process for a ballot requires the name on the ballot match with a registered voter on either the QVF or the supplemental sheets.

255. Based on Michigan voters' allegations, at around 9:00 p.m. on Wednesday, November 4, 2020, several more boxes of ballots were brought to the TCF Center. This was a second wave of new ballots.

256. Based on Michigan voters' allegations, election officials instructed the ballot counters to use the "default" date of birth of January 1, 1900, on all of these newly appearing ballots.<sup>172</sup>

257. Based on Michigan voters' allegations, none of the names on these new ballots corresponded with any registered voter on the QVF or the supplemental sheets.<sup>173</sup>

258. Based on Michigan voters' allegations, despite election rules requiring all absentee ballots to be inputted into the QVF system before 9:00 p.m. the day before, election workers inputted these new ballots into the QVF, manually adding each voter to the list *after* the deadline.

259. Based on Michigan voters' allegations, almost all of these new ballots were entered into the QVF using the "default" date of birth of January 1, 1900.<sup>174</sup>

260. Based on Michigan voters' allegations, these newly received ballots were either fabricated or apparently cast by persons who were not registered to vote before the polls closed at 8:00 p.m. on election day.

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<sup>172</sup> See Affidavit of John McGrath Appendix 968-972 at ¶8; Affidavit of Kristina Karamo Appendix 894-896 at ¶6; Affidavit of Robert Cushman, Appendix 928-930 at ¶¶10-12, 929 at ¶16; Affidavit of Jennifer Seidl, Appendix 931-938 at ¶¶52-53; Affidavit of Braden Giacobazzi Appendix 995-1000 at ¶10; Affidavit of Kristy Klamer Appendix 1006-1009 at ¶13.

<sup>173</sup> See Affidavit of John McGrath, Appendix 968-972 at ¶¶7, 14, 969 at ¶¶16-18.

<sup>174</sup> See Affidavit of John McGrath, Appendix 968-972 at ¶8; Affidavit of Kristina Karamo, Appendix 894-896 at ¶6; Affidavit of Robert Cushman, Appendix 928-930 at ¶¶10-12, 929 at ¶16; Affidavit of Jennifer Seidl, Appendix 931-938 at ¶¶52-53; Affidavit of Braden Giacobazzi, Appendix 995-1000 at ¶10; Affidavit of Kristy Klamer, Appendix 1006-1009 at ¶13.

261. Based on Michigan voters' allegations, these ballots still do not share or have the markings establishing the proper chain of custody from valid precincts and clerks and are among the approximately 70% of unmatched AVCB errors identified by Palmer and Hartmann.<sup>175</sup>

262. Based on Michigan voters' allegations, this means there were more votes tabulated than there were ballots in over 71% of the 134 AVCBs in Detroit. That equates to over 95 AVCB being significantly "off." *Id.*

263. Based on Michigan voters' allegations, according to public testimony before the state canvassers on November 23, City of Detroit Election Consultant Daniel Baxter admitted in some instances the imbalances exceeded 600 votes per AVCB. He did not reveal the total disparity.

**h. Michigan Voters Allege a Concealment of the Malfeasance in Violation of Michigan law.**

264. Based on Michigan voters' allegations, many election challengers were denied access to observe the counting process by election officials at the TCF Center.<sup>176</sup>

265. Based on Michigan voters' allegations, after denying access to the counting rooms, election officials at the TCF Center used large pieces of cardboard to block the windows to the counting room, thereby preventing anyone from watching the ballot counting process.<sup>177</sup>

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<sup>175</sup> See *generally* Affidavits of Monica Palmer and William Hartman, Appendix 851-859 at ¶6 and 852 at ¶14.

<sup>176</sup> See Affidavit of Angelic Johnson, Appendix 860-861 at ¶12; Affidavit of Zachary C. Larsen, Appendix 836-845 at ¶¶37-55; Affidavit of G Kline Preston IV, Appendix 886-889 at ¶8; Affidavit of Articia Boomer, Appendix 897-900 at ¶21; Affidavit of Phillip O'Halloran, Appendix 901-910 at ¶¶18-19; Affidavit of Robert Cushman, Appendix 928-930 at ¶3; Affidavit of Jennifer Seidl, Appendix 931-938 at ¶6; Affidavit of Andrew Sitto, Appendix 890-893 at ¶23; Affidavit of Kristina Karamo, Appendix 894-896 at ¶5; Affidavit of Jennifer Seidl, Appendix 931-938 at ¶35, 932 at ¶42; Affidavit of Cassandra Brown Appendix 939-944 at ¶33; Affidavit of Adam di Angeli Appendix 951-967 at ¶30; Affidavit of Kayla Toma Appendix 977-983 at ¶¶14-15, 979 at ¶21, 980 at ¶¶31-32; Affidavit of Matthew Mikolajczak Appendix 985-991; Affidavit of Braden Giacobazzi Appendix 995-1000 at ¶¶3, 5, 996 at ¶8; Affidavit of Kristy Klamer Appendix 1006-1009 at ¶¶4-5, 1007 at ¶¶6-9.

<sup>177</sup> See Affidavit of Zachary C. Larsen, Appendix 836-845 at ¶52; Affidavit of John McGrath Appendix 968-972 at ¶10; Affidavit of Andrew Sitto, Appendix 890-893 at ¶22.

266. Based on Michigan voters' allegations, election officials have continued to conceal their efforts by refusing meaningful bipartisan access to inspect the ballots. Even if Republicans were involved in oversight roles by statute (such as with the Wayne County Canvassing Board), the Republican members have been harassed, threatened, and doxed (including publicly revealing where their children go to school) to pressure them to capitulate and violate their statutory duties. This conduct is beyond the pale and shocking to the conscience.<sup>178</sup>

**i. Michigan voters allege unsecured QVF Access further Violating MCL 168.765a, *et seq.***

267. Based on Michigan voters' allegations, whenever an absentee voter application or in-person absentee voter registration was finished, election workers at the TCF Center were instructed to input the voter's name, address, and date of birth into the QVF system.

268. Based on Michigan voters' allegations, the QVF system can be accessed and edited by any election processor with proper credentials in the State of Michigan at any time and from any location with Internet access.

269. Based on Michigan voters' allegations, this access permits anyone with the proper credentials to edit when ballots were sent, received, and processed from any location with Internet access.

270. Based on Michigan voters' allegations, many of the counting computers within the counting room had icons that revealed that they were connected to the Internet.

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<sup>178</sup> See Affidavit of William Hartman; Appendix 851-856 at ¶8; Affidavit of Monica Palmer, Appendix 857-859 at ¶¶18-22, and 24; Affidavit of Dr. Phillip O'Halloran, Appendix 901-910 at ¶24-25; Affidavit of Jennifer Seidl, Appendix 931-938 at ¶23, 932 at ¶¶27, 30-31, 933 at ¶¶36-37; Affidavit of Eugene Dixon, Appendix 947-48 at ¶9; Affidavit of Matthew Mikolajczak, Appendix 985-991; Affidavit of Mellissa Carone Appendix 992-994 at ¶12; Affidavit of Braden Giacobazzi, Appendix 995-1000 at ¶3, 996 at ¶7, 997 at 12, 998 at ¶¶12-14; Affidavit of Kaya Toma Appendix 977-983 at ¶15; Affidavit of Kristy Klamer Appendix 1009-1009 at ¶¶4-5, 1010 at ¶¶6-9.

271. Based on Michigan voters' allegations, Secretary of State Benson executed a contract to give a private partisan group, Rock the Vote, unfettered real-time access to Michigan's QVF.<sup>179</sup>

272. Based on Michigan voters' allegations, Benson sold or gave Michigan citizens' private voter information to private groups in furtherance of her own partisan goals.

273. Based on Michigan voters' allegations, Benson and the State repeatedly concealed this unlawful contract and have refused to tender a copy despite several lawful requests for the government contract under FOIA.

274. Based on Michigan voters' allegations, improper access to the QVF was one of the chief categories of serious concern identified by the Michigan Auditor General's Report.<sup>180</sup>

275. Based on Michigan voters' allegations, a poll challenger witnessed tens of thousands of ballots, and possibly more, being delivered to the TCF Center that were not in any approved, sealed, or tamper-proof container.

276. Based on Michigan voters' allegations, large quantities of ballots were delivered to the TCF Center in what appeared to be mail bins with open tops.<sup>181</sup> See the photo of the TCF Center below:

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<sup>179</sup> See Rock the Vote Agreement, Appendix 1152-1167.

<sup>180</sup> See Appendix pgs. 1039-1078 at material finding #2

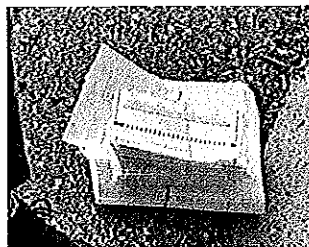
<sup>181</sup> See Affidavit of Daniel Gustafson, Appendix 945-946 at ¶¶4-6.





277. Based on Michigan voters' allegations, these ballot bins and containers did not have lids, were unsealed, and could not have a metal seal.<sup>182</sup>

278. Based on Michigan voters' allegations, some ballots were found unsecured on the public sidewalk outside the Department of Elections in the City of Detroit, reinforcing the claim that boxes of ballots arrived at the TCF Center unsealed, with no chain of custody, and with no official markings. A photograph of ballots found on the sidewalk outside the Department of Elections appears below:



279. Based on Michigan voters' allegations, the City of Detroit held a drive-in ballot drop off where individuals would drive up and drop their ballots into an unsecured tray. No verification

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<sup>182</sup> See Affidavit of Rhonda Webber, Appendix 877-879 at ¶3.

was done. This was not a secured drop-box with video surveillance. To encourage this practice, free food and beverages were provided to those who dropped off their ballots using this method.<sup>183</sup>

**j. Michigan Voters Allege a Breaking of the Seal of Secrecy Undermines Constitutional Liberties under Michigan Constitution Art 2, § 4(1)(a).**

280. Based on Michigan voters' allegations, many times, election officials at the TCF Center broke the seal of secrecy for ballots to check which candidates the individual voted for on his or her ballot, thereby violating the voter's expectation of privacy.<sup>184</sup>

281. Based on Michigan voters' allegations, voters in Michigan have a constitutional right to open elections, and the Michigan Legislature provided them the right to vote in secret. The election officials' conduct, together with others, violates both of these hallmark principles.<sup>185</sup>

282. Based on Michigan voters' allegations, in Michigan, it is well-settled that the election process is supposed to be transparent and the voter's ballot secret, not the other way around.

283. Based on Michigan voters' allegations, the election officials' absentee ballot scheme has improperly revealed voters' preferences exposing Petitioners' and similarly-situated voters to dilution or spoliation while simultaneously obfuscating the inner workings of the election process.

284. Based on Michigan voters' allegations, now the Michigan election officials seek to perform an "audit" on themselves.

**k. Michigan Voters Allege Statewide Irregularities Over Absentee Ballots Reveal Widespread Mistake or Fraud.**

285. When a person requested an absentee ballot either by mail or in-person, that person needed to sign the absentee voter application.

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<sup>183</sup> See Affidavit of Cynthia Cassell Appendix 862-876 at ¶3 and 863 ¶¶9-10.

<sup>184</sup> See Affidavit of Zachary C. Larsen; Appendix 836-845 at ¶16-18, 20.

<sup>185</sup> See Affidavit of Jennifer Seidl, Appendix 931-938 at ¶18.

286. When the voter returned their absentee ballot to be counted, the voter was required to sign the outside of the envelope that contained the ballot.

287. Election officials who process absentee ballots are required to compare the signature on the absentee ballot application with the signature on the absentee ballot envelope.<sup>186</sup>

288. Based on Michigan voters' allegations, election officials at the TCF Center, for example, instructed workers not to validate or compare signatures on absentee ballot applications and absentee ballot envelopes to ensure their authenticity and validity.<sup>187</sup>

289. Michigan law requires absentee votes to be counted by election inspectors in a particular manner. It requires, in relevant part:

(10) The oaths administered under subsection (9) must be placed in an envelope provided for the purpose and sealed with the red state seal. Following the election, the oaths must be delivered to the city or township clerk. Except as otherwise provided in subsection (12), a person in attendance at the absent voter counting place or combined absent voter counting place shall not leave the counting place after the tallying has begun until the polls close. Subject to this subsection, the clerk of a city or township may allow the election inspectors appointed to an absent voter counting board in that city or township to work in shifts. A second or subsequent shift of election inspectors appointed for an absent voter counting board may begin that shift at any time on election day as provided by the city or township clerk. However, an election inspector shall not leave the absent voter counting place after the tallying has begun until the polls close. If the election inspectors appointed to an absent voter counting board are authorized to work in shifts, at no time shall there be a gap between shifts and the election inspectors must never leave the absent voter ballots unattended. At all times, at least 1 election inspector from each major political party must be present at the absent voter counting place and the policies and procedures adopted by the secretary of state regarding the counting of absent voter ballots must be followed. A person who causes the polls to be closed or who discloses an election result or in any manner characterizes how any ballot being counted has been voted in a voting precinct before the time the polls can be legally closed on election day is guilty of a felony.<sup>188</sup>

290. Under MCL 168.31, the Secretary of State can issue instructions and rules consistent with Michigan statutes and the Constitution that bind local election authorities. Likewise, under

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<sup>186</sup> See Affidavit of Jennifer Seidl, Appendix 931-938 at ¶60.

<sup>187</sup> See Affidavit of Jessie Jacobs, Appendix 846-848 at ¶15.

<sup>188</sup> MCL 168.765a (10) (emphasis added).

MCL 168.765a(13), the Secretary can develop instructions consistent with the law for the conduct of Absent Voter Counting Boards (“AVCB”) or combined AVCBs. “The instructions developed under [] subsection [13] are binding upon the operation of an absent voter counting board or combined absent voter counting board used in an election conducted by a county, city, or township.”<sup>189</sup>

291. Benson also promulgated an election manual that requires bipartisan oversight:

Each ballot rejected by the tabulator must be visually inspected by an election inspector to verify the reason for the rejection. If the rejection is due to a false read the ballot must be duplicated by two election inspectors who have expressed a preference for different political parties. Duplications may not be made until after 8 p.m. in the precinct (place the ballot requiring duplication in the auxiliary bin). At an AV counting board duplications can be completed throughout the day. NOTE: The Bureau of Elections has developed a video training series that summarizes key election day management issues, including a video on Duplicating Ballots. These videos can be accessed at the Bureau of Elections web site at [www.michigan.gov/elections](http://www.michigan.gov/elections); under “Information for Election Administrators”; Election Day Management Training Videos. Election Officials Manual, Michigan Bureau of Elections, Chapter 8, last revised October 2020.<sup>190</sup>

292. Based on Michigan voters’ allegations, election officials at the TCF Center flouted § 168.765a because there were not, at all times, at least one inspector from each political party at the absentee voter counting place. Rather, the many tables assigned to precincts under the authority of the AVCB were staffed by inspectors for only one party. Those inspectors alone were deciding on the processing and counting of ballots.<sup>191</sup>

293. Based on Michigan voters’ allegations, this processing included the filling out of brand new “cure” or “duplicate” ballots. The process the election officials sanctioned worked in this way. When an absentee ballot was processed and approved for counting, it was fed into a counting machine. Some ballots were rejected—that is, they were a “false read”—because of tears, staining

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<sup>189</sup> MCL 168.765a(13).

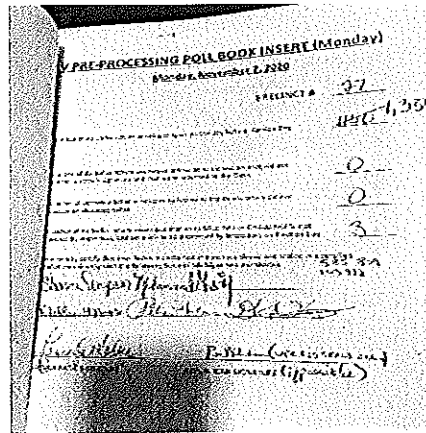
<sup>190</sup> [https://www.michigan.gov/documents/sos/VIII\\_Absent\\_Voter\\_County\\_Boards\\_265998\\_7.pdf](https://www.michigan.gov/documents/sos/VIII_Absent_Voter_County_Boards_265998_7.pdf) (emphasis added).

<sup>191</sup> See Affidavit of Jennifer Seidl, Appendix 931-938 at ¶9; Affidavit of Eugene Dixon, Appendix 947-948 at ¶5; Affidavit of Melissa Carone, Appendix 992-994 at ¶5.

(such as coffee spills), over-votes, and other errors. In some of these cases, inspectors could visually inspect the rejected ballot and determine what was causing the machine to find a “false read.” When this happened, the inspectors could duplicate the ballot, expressing the voter’s intent in a new ballot that could then be fed into the machine and counted.

294. Under § 168.765a and the Secretary of State’s controlling manual, as cited above, an inspector from each major party must be present and must sign to show that they approve of the duplication.

295. Based on Michigan voters’ allegations, rather than following this controlling mandate, the AVCB was allowing a Democratic Party inspector only to fill out a duplicate. Republicans would sign only “if possible.”<sup>192</sup> A photograph evidencing this illicit process appears below:



296. Based on Michigan voters’ allegations, the TCF Center election officials allowed hundreds or thousands of ballots to be “duplicated” solely by the Democratic Party inspectors and then counted in violation of Michigan election law.<sup>193</sup>

<sup>192</sup> See Affidavit of Patricia Blackmer, Appendix 923-927 at ¶11.

<sup>193</sup> See Affidavit of Zachary C. Larsen, Appendix 836-845 at ¶¶37-55; Affidavit of Janice Hermann, Appendix 915-917 at ¶¶4-5; Affidavit of Jennifer Seidl, Appendix 931-938 at ¶29, 933 at ¶42; Affidavit of Cassandra Brown, Appendix 939-944 at ¶¶33; Affidavit of Phillip O’Halloran, Appendix 901-910 at ¶22; Affidavit of Anna England, Appendix 949-950 at ¶8.

297. Based on Michigan voters' allegations, according to eyewitness accounts, election officials at the TCF Center habitually and systematically disallowed election inspectors from the Republican Party to be present in the voter counting place and refused access to election inspectors from the Republican party to be within a close enough distance from the absentee voter ballots to see for whom the ballots were cast.

298. Based on Michigan voters' allegations, election officials at the TCF Center refused entry to official election inspectors from the Republican Party into the counting place to observe the counting of absentee voter ballots. Election officials even physically blocked and obstructed election inspectors from the Republican party by adhering large pieces of cardboard to the transparent glass doors so the counting of absent voter ballots was not viewable.<sup>194</sup>

299. Based on Michigan voters' allegations, absentee ballots from military members, who tend to vote Republican in the general elections, were counted separately at the TCF Center. All (100%) of the military absentee ballots had to be duplicated by hand because the form of the ballot was such that election workers could not run them through the tabulation machines used at the TCF Center.<sup>195</sup>

300. Based on Michigan voters' allegations, these military ballots were supposed to be the last ones counted, but there was another large drop of ballots that occurred during the counting of the military absentee ballots.<sup>196</sup>

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<sup>194</sup> See Affidavit of Zachary C. Larsen, Appendix 836-845 at ¶¶37-55; Affidavit of Janice Hermann, Appendix 915-917 at ¶5; Affidavit of Jennifer Seidl, Appendix 931-938 at ¶29, 932 at ¶32, 933 at ¶42; Affidavit of Cassandra Brown, Appendix 939-944 at ¶¶33; Affidavit of Anna England, Appendix 949-950 at ¶¶5,7; Affidavit of Matthew Mikolajczak, Appendix 985-991; Affidavit of Braden Giacobazzi, Appendix 995-1000 at ¶6.

<sup>195</sup> See Affidavit of Janice Hermann, Appendix 915-917 at ¶16.

<sup>196</sup> *Id.* see also, Affidavit of Robert Cushman, Appendix 928-930 at ¶¶4-5.

301. Based on Michigan voters' allegations, the military absentee ballot count at the TCF Center occurred after the Republican challengers and poll watchers were kicked out of the counting room.<sup>197</sup>

302. The Michigan Legislature also requires City Clerks to post the following absentee voting information anytime an election is conducted that involves a state or federal office:

- a. The clerk must post before 8:00 a.m. on Election Day: 1) the number of absent voter ballots distributed to absent voters 2) the number of absent voter ballots returned before Election Day and 3) the number of absent voter ballots delivered for processing.
- b. The clerk must post before 9:00 p.m. on Election Day: 1) the number of absent voter ballots returned on Election Day 2) the number of absent voter ballots returned on Election Day which were delivered for processing 3) the total number of absent voter ballots returned both before and on Election Day and 4) the total number of absent voter ballots returned both before and on Election Day which were delivered for processing.
- c. The clerk must post immediately after all precinct returns are complete: 1) the total number of absent voter ballots returned by voters and 2) the total number of absent voter ballots received for processing.<sup>198</sup>

303. Based on Michigan voters' allegations, the clerk for the City of Detroit failed to post by 8:00 a.m. on "Election Day" the number of absentee ballots distributed to absent voters and failed to post before 9:00 p.m. the number of absent voter ballots returned both before and on "Election Day."

304. According to Michigan Election law, all absentee voter ballots must be returned to the clerk before polls close at 8 p.m.<sup>199</sup> Any absentee voter ballots received by the clerk after the close of the polls on election day should not be counted.

305. The Michigan Legislature allows for early counting of absentee votes before the closings of the polls for large jurisdictions, such as the City of Detroit and Wayne County.

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<sup>197</sup> *Id.* Affidavit of Jennifer Seidl, Appendix 931-938 at ¶42.

<sup>198</sup> *See* MCL 168.765(5).

<sup>199</sup> MCL 168.764a.

306. Based on Michigan voters' allegations, receiving tens of thousands more absentee ballots in the early morning hours after Election Day and after the counting of the absentee ballots had already concluded, without proper oversight, with tens of thousands of ballots attributed to just one candidate, Joe Biden, confirms that election officials failed to follow proper election protocols and established Michigan election law.<sup>200</sup>

307. Based on Michigan voters' allegations, missing the statutory deadline proscribed by the Michigan Legislature for turning in the absentee ballot or timely updating the QVF invalidates the vote under Michigan Election Law and the United States Constitution.

308. Based on Michigan voters' allegations, poll challengers observed election workers and supervisors writing on ballots themselves to alter them, apparently manipulating spoiled ballots by hand and then counting the ballots as valid, counting the same ballot more than once, adding information to incomplete affidavits accompanying absentee ballots, counting absentee ballots returned late, counting unvalidated and unreliable ballots, and counting the ballots of "voters" who had no recorded birthdates and were not registered in the QVF or on any supplemental sheets.<sup>201</sup>

**I. Michigan Voters Allege that Flooding the Election with Absentee Ballots was Improper.**

309. Michigan does not permit "mail-in" ballots *per se*, and for good reason: mail-in ballots facilitate fraud and dishonest elections.<sup>202</sup>

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<sup>200</sup> See Affidavit of John McGrath Appendix 968-972 at ¶4; Affidavit of Robert Cushman, Appendix 928-930 at ¶14.

<sup>201</sup> See Affidavit of Angelic Johnson Appendix 860-861 at ¶7; Affidavit of Adam di Angeli Appendix 951-967 at ¶61; see also, Affidavit of John McGrath, *supra*; Affidavit of Kristina Karamo, *supra*; Affidavit of Robert Cushman, *supra*; Affidavit of Jennifer Seidl, *supra*; Affidavit of Braden Giacobazzi, *supra*; Affidavit of Kristy Klamer, *supra*.

<sup>202</sup> See, e.g., *Veasey v Abbott*, 830 F3d 216, 256, 263 (5<sup>th</sup> Cir. 2016) (observing that "mail-in ballot fraud is a significant threat—unlike in-person voter fraud," and comparing "in-person voting—a form of



310. Based on Michigan voters' allegations, Secretary of State Benson's absentee ballot scheme, as explained above, achieved the same purpose as mail-in ballots—contrary to Michigan law. In the most charitable light, this was profoundly naïve and cut against the plain language and clear intent of the Michigan Legislature to limit fraud. More cynically, this was an intentional effort to favor her preferred candidates.

311. Based on Michigan voters' allegations, Benson put this scheme in place because it is generally understood that Republican voters were more likely to vote in-person. This trend has been true for decades and proved true with this Election too.<sup>203</sup>

312. Based on Michigan voters' allegations, to counter this (*i.e.*, the fact that Republicans are more likely than Democrats to vote in-person), Benson implemented a scheme to permit mail-in voting, leading to this dispute and the absentee ballot scheme that unfairly favored Democrats over Republicans.

313. Based on Michigan voters' allegations, in her letter accompanying her absentee ballot scheme, Benson misstated, "You have the right to vote by mail in every election." Playing on the fears created by the current pandemic, Benson encouraged voting "by email," stating, "During the outbreak of COVID-19, it also enables you to stay home and stay safe while still making your voice heard in our elections."<sup>204</sup>

314. Based on Michigan voters' allegations, prior to Election Day, the Democratic Party's propaganda was to push voters to vote by mail and to vote early. Democratic candidates used the fear of the current pandemic to promote this agenda—an agenda that would benefit Democratic

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voting with little proven incidence of fraud" with "mail-in voting, which the record shows is far more vulnerable to fraud").

<sup>203</sup> See Expert Report of John McLaughlin, Appendix 1135-1146.

<sup>204</sup> Affidavit of Christine Muise, Appendix 880-886 at ¶2, Ex A.

Party candidates. For example, on September 14, 2020, the Democratic National Committee announced the following:

Today Biden for President and the Democratic National Committee are announcing new features on IWillVote.com—the DNC’s voter participation website—that will help voters easily request and return their ballot by mail, as well as learn important information about the voting process in their state as they make their plan to vote.

Previously, an individual could use the site to check or update their registration and find voting locations. Now the new user experience will also guide a voter through their best voting-by-mail option . . . .<sup>205</sup>

According to the Associated Press:

“We have to make it easier for everybody to be able to vote, particularly if we are still basically in the kind of lockdown circumstances we are in now,” Biden told about 650 donors. “But that takes a lot of money, and it’s going to require us to provide money for states and insist they provide mail-in ballots.”<sup>206</sup>

315. Based on Michigan voters’ allegations, similar statements were repeatedly publicly on the Secretary of State’s website:

Voters are encouraged to vote at home with an absentee ballot and to return their ballot as early as possible by drop box, in person at their city or township clerk’s office, or well in advance of the election by mail.<sup>207</sup>

316. The Michigan Legislature set forth detailed requirements for absentee ballots, and these requirements are necessary to prevent voter fraud because it is far easier to commit fraud via an absentee ballot than when voting in person.<sup>208</sup> Michigan law plainly limits the ways you may get an absentee ballot:

(1) Subject to section 761(3), at any time during the 75 days before a primary or special primary, but not later than 8 p.m. on the day of a primary or special primary, *an elector may apply for an absent voter ballot. The elector shall apply in person or by mail with the clerk of*

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<sup>205</sup> (available at <https://democrats.org/news/biden-for-president-dnc-announce-new-vote-by-mail-features-on-iwillvote-com/> (last visited Dec. 21, 2020)).

<sup>206</sup> (available at <https://apnews.com/article/6cf3ca7d5a174f2f381636cb4706f505> (last visited Nov. 17, 2020)).

<sup>207</sup> [https://www.michigan.gov/sos/0,4670,7-127-1633\\_101996---,00.html](https://www.michigan.gov/sos/0,4670,7-127-1633_101996---,00.html) (emphasis added).

<sup>208</sup> See, e.g., *Griffin v Roupas*, 385 F3d 1128, 1130-31 (CA7, 2004) (“Voting fraud is a serious problem in U.S. elections generally . . . and it is facilitated by absentee voting”).

the township or city in which the elector is registered. The clerk of a city or township shall not send by first-class mail an absent voter ballot to an elector after 5 p.m. on the Friday immediately before the election. Except as otherwise provided in section 761(2), the clerk of a city or township shall not issue an absent voter ballot to a registered elector in that city or township after 4 p.m. on the day before the election. An application received before a primary or special primary may be for either that primary only, or for that primary and the election that follows. An individual may submit a voter registration application and an absent voter ballot application at the same time if applying in person with the clerk or deputy clerk of the city or township in which the individual resides. Immediately after his or her voter registration application and absent voter ballot application are approved by the clerk or deputy clerk, the individual may, subject to the identification requirement in section 761(6), complete an absent voter ballot at the clerk's office.

(2) Except as otherwise provided in subsection (1) and subject to section 761(3), at any time during the 75 days before an election, but not later than 8 p.m. on the day of an election, an elector may apply for an absent voter ballot. *The elector shall apply in person or by mail with the clerk of the township, city, or village in which the voter is registered.* The clerk of a city or township shall not send by first-class mail an absent voter ballot to an elector after 5 p.m. on the Friday immediately before the election. Except as otherwise provided in section 761(2), the clerk of a city or township shall not issue an absent voter ballot to a registered elector in that city or township after 4 p.m. on the day before the election. An individual may submit a voter registration application and an absent voter ballot application at the same time if applying in person with the clerk or deputy clerk of the city or township in which the individual resides. Immediately after his or her voter registration application and absent voter ballot application are approved by the clerk, the individual may, subject to the identification requirement in section 761(6), complete an absent voter ballot at the clerk's office.

(3) An application for an absent voter ballot under this section may be made in any of the following ways:

- (a) By a written request signed by the voter.
- (b) On an absent voter ballot application form provided for that purpose by the clerk of the city or township.
- (c) On a federal postcard application.

(4) An applicant for an absent voter ballot shall sign the application. Subject to section 761(2), a clerk or assistant clerk shall not deliver an absent voter ballot to an applicant who does not sign the application. A person shall not be in possession of a signed absent voter ballot application except for the applicant; a member of the applicant's immediate family; a person residing in the applicant's household; a person whose job normally includes the handling of mail, but only during the course of his or her employment; a registered elector requested by the applicant to return the application; or a clerk, assistant of the clerk, or other authorized election official. A registered elector who is requested by the applicant to return his or her absent voter ballot application shall sign the certificate on the absent voter ballot application.

(5) The clerk of a city or township shall have absent voter ballot application forms *available in the clerk's office* at all times and shall furnish an absent voter ballot application form to anyone *upon a verbal or written request*.<sup>209</sup>

317. Based on Michigan voters' allegations, the Secretary of State sent *unsolicited* absentee ballot applications to every household in Michigan with a registered voter, no matter if the voter was still alive or lived at that address.

318. Based on Michigan voters' allegations, the Secretary of State also sent absentee ballot requests to non-residents who were temporarily living in Michigan, such as out-of-state students who are unregistered to vote in Michigan.

319. Based on Michigan voters' allegations, in many instances, the Secretary of State's absentee ballot scheme led to the Secretary of State sending ballot requests to individuals who did *not* request them.<sup>210</sup>

**m. Michigan Voters Allege that Expert Analysis of these Statutory Violations Reveals Widespread Inaccuracies and Loss of Election Integrity.**

320. Data analyst Matthew Braynard analyzed the State's database for the Election and related data sets, including its own call center results.<sup>211</sup>

321. Dr. Zhang, a statistician, analyzed the data to extrapolate the datasets statewide.<sup>212</sup>

**n. Unlawful unsolicited ballots cast in General Election**

322. Braynard opined to a reasonable degree of scientific certainty that out of the 3,507,410 individuals who the State's database identifies as applying for and the State sending an

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<sup>209</sup> MCL 168.759 (emphasis added).

<sup>210</sup> See Affidavit of Christine Muise, Appendix 880-885 at ¶¶3. Affidavit of Rena M. Lindevaldesen, Appendix 1001-1005 at ¶¶1,3 and 1002 ¶5.

<sup>211</sup> See, generally, Expert Report of Matthew Braynard, Appendix 1112-1122.

<sup>212</sup> See, generally, Expert Report of Dr. Quanying "Jennie" Zhang, Appendix 1123-1134.

absentee ballot, that in his sample of this universe, 12.23% of those absentee voters that did not request an absentee ballot to the clerk's office.<sup>213</sup>

323. These data extrapolate with 99% confidence interval that between 326,460 and 531,467 of the absentee ballots the State issued that were counted were not requested by an eligible State voter (unsolicited).<sup>214</sup>

**o. Unsolicited ballots not cast in General Election**

324. Out of the 139,190 individuals who the State's database identifies as having not requested (unsolicited) and not returned an absentee ballot, 24.14% of these absentee voters in the State did not request an absentee ballot.<sup>215</sup>

325. These data extrapolate with 99% confidence interval that between 28,932 and 38,409 of the absentee ballots the State issued were not requested by an eligible State voter (unsolicited).<sup>216</sup>

326. Using the most conservative boundary, taken together, these data suggest Michigan election officials violated Michigan Election Law by sending unsolicited ballots to at least 355,392 people.<sup>217</sup>

**p. Absentee ballots were also cast but not properly counted (improperly destroyed or spoiled)**

327. Out of the 139,190 individuals who the State's database identifies as having not returned an absentee ballot, 22.95% of those absentee voters did in fact mail back an absentee ballot to the clerk's office.<sup>218</sup>

328. This suggests many ballots were destroyed or not counted.

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<sup>213</sup> See Expert Report of Matthew Braynard, Appendix 1112-1122 at ¶1.

<sup>214</sup> Expert Report of Dr. Quanying "Jennie" Zhang, Appendix 1123-1134 at ¶1.

<sup>215</sup> See Expert Report of Matthew Braynard, Appendix 1112-1122 at ¶2.

<sup>216</sup> Expert Report of Dr. Quanying "Jennie" Zhang, Appendix 1123-1134 at ¶2.

<sup>217</sup> *Id.* See also, Affidavit of Sandra Sue Workman, Appendix 1028-1032 at ¶28.

<sup>218</sup> See Expert Report of Matthew Braynard, Appendix 1112-1122 at ¶3.

329. These data extrapolate with 99% confidence interval that between 29,682 and 39,048 of absentee ballots that voters returned but were not counted in the State's official records.<sup>219</sup>

330. Out of the 51,302 individuals that had changed their address before the election who the State's database shows as having voted, 1.38% of those individuals denied casting a ballot.<sup>220</sup>

331. This suggests that bad actors exploited election officials' unlawful practice of sending unsolicited ballots and improperly harvested ballots on a widespread scale.

332. Indeed, by not following the anti-fraud measures mandated by the Michigan Legislature, the Secretary of State's absentee ballot scheme invited the improper use of absentee ballots and promoted such unlawful practices as ballot harvesting.<sup>221</sup>

333. Using the State's databases, the databases of the several states, and the NCOA database, at least 13,248 absentee or early voters were not residents of Michigan when they voted.<sup>222</sup>

334. Of absentee voters surveyed and when comparing databases of the several states, at least 317 individuals in Michigan voted in more than one state.<sup>223</sup>

**q. Election officials ignored other statutory signature requirements**

335. The Secretary of State also sent ballots to people who requested ballots online, but failed to sign the request.<sup>224</sup>

336. As of October 7, 2020, Brater admits sending at least 74,000 absentee ballots without a signed request as mandated by the Michigan Legislature.<sup>225</sup>

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<sup>219</sup> Expert Report of Dr. Quanying "Jennie" Zhang, Appendix 1123-1134 at ¶3.

<sup>220</sup> *Id.* at ¶4.

<sup>221</sup> See Affidavit of Rhonda Weber, Appendix 877-879 at ¶7.

<sup>222</sup> See Expert Report of Matthew Braynard, Appendix 1112-1122 at ¶5.

<sup>223</sup> See Expert Report of Matthew Braynard, Appendix 1112-1122 at ¶6.

<sup>224</sup> See adverse Affidavit of Jonathan Brater, Head of Elections Appendix 1147-1151 at ¶10.

<sup>225</sup> *Id.*

337. By the Election, we must infer that the actual number of illegal ballots sent was much higher.

338. According to state records, another 35,109 absentee votes counted by Benson listed no address.<sup>226</sup>

339. As a result of the absentee ballot scheme, the Secretary of State improperly flooded the election process with absentee ballots, many of which were fraudulent.

340. The Secretary of State's absentee ballot scheme violated the checks and balances put in place by the Michigan Legislature to ensure the integrity and purity of the absentee ballot process and thus the integrity and purity of the 2020 general election.<sup>227</sup>

341. Without limitation, according to state records, 3,373 votes counted in Michigan were ostensibly from voters 100 years old or older.<sup>228</sup>

342. According to census data, however, there are only about 1,747 centenarians in Michigan,<sup>229</sup> and of those, we cannot assume a 100% voting rate.<sup>230</sup>

343. According to state records, at least 259 absentee ballots counted listed their official address as "email" or "accessible by email," which are unlawful *per se* and suggests improper ballot harvesting.<sup>231</sup>

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<sup>226</sup> See Braynard Report, *supra*.

<sup>227</sup> See, generally, Affidavits of Lucille Ann Huizinga, Appendix 1016-1020 at ¶¶31; Laurie Ann Knott, Appendix 1010-1015 at ¶¶34-35; Marilyn Jean Nowak Appendix 1021-1023 at ¶17; Marlene K. Hager, Appendix 1024-1027 at ¶¶19-23; and Sandra Sue Workman Appendix 1028-1032 at ¶33.

<sup>228</sup> See Braynard, *supra*.

<sup>229</sup> Based on the US Census, 0.0175 percent of Michigan's population is 100 years or older (1,729 centenarians of the total of 9,883,640 people in Michigan in 2010). Census officials estimated Michigan's population at 9,986,857 as of July 2019, which puts the total centenarians at 1,747 or fewer. Source:

<https://www.census.gov/content/dam/Census/library/publications/2012/dec/c2010sr-03.pdf>

<sup>230</sup> See McLaughlin, *supra*.

<sup>231</sup> See Braynard, *supra*.

344. According to state records, at least 109 people voted absentee from the Center for Forensic Psychiatry at 8303 PLATT RD, SALINE, MI 48176 (not necessarily ineligible felons, but the State does house the criminally insane at this location), which implies improper ballot harvesting.

345. According to state records, at least 63 people voted absentee at PO BOX 48531, OAK PARK, MI 48237, which is registered to a professional guardian and implies improper ballot harvesting.

346. When compared against the national social security and deceased databases, at least 9 absentee voters in Michigan are confirmed dead as of Election Day, which invalidates those unlawful votes.<sup>232</sup>

347. Taken together, these irregularities far exceed common sense requirements for ensuring accuracy and integrity.

**r. Election officials did not fix other recent errors or serious irregularities either.**

348. These are the same types of serious concerns raised by the Michigan Auditor General in December 2019.<sup>233</sup>

349. The Auditor General specifically found several violations of MCL 168.492:

- i. 2,212 Electors voted more than once;
- ii. 230 voters were over 122 years old;<sup>234</sup> *Id.*
- iii. Unauthorized users had access to QVF; *Id.*; and
- iv. Clerk and Elected Officials had not completed required training.<sup>235</sup>

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<sup>232</sup> See Braynard, *supra*.

<sup>233</sup> Appendix 1039-1078.

<sup>234</sup> The oldest living person confirmed by the *Guinness Book of World Records* is 117 years old and she lives in Japan, not Michigan.

<sup>235</sup> *Id.*



350. The Auditor General found election officials had not completed required training to obtain or retain accreditation in 14% of counties, 14% of cities, and 23% of townships.<sup>236</sup>

351. The Auditor General found 32 counties, 83 cities, and 426 townships where the clerk had not completed initial accreditation training or, if already accredited, all continuing education training as required by law.<sup>237</sup>

352. The Auditor General found 12 counties, 38 cities, and 290 townships where the clerk had not completed the initial accreditation or continuing education training requirements and no other local election official had achieved full accreditation.<sup>238</sup>

353. Not only were the Auditor General's red flags ignored by Benson, but she arguably made them worse through her absentee ballot scheme.

354. This not only suggests malfeasance, but the scheme precipitated and revealed manifest fraud and exploitation at a level Michigan has never before encountered in its elections.

355. The abuses permitted by the Secretary of State's ballot scheme were on display at the TCF Center, and elsewhere throughout the State.

356. Because this absentee ballot scheme applied statewide, it undermined the integrity and purity of the general election statewide, and it dilutes the lawful votes of millions of Michigan voters.

**s. Michigan Voters Allege Flooding Local Election Officials with Private Money**

357. Based on Michigan voters' allegations, inappropriate secrecy and lack of transparency began months before Election Day with an unprecedented and orchestrated infusion of hundreds of millions of dollars into local governments nationwide.

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<sup>236</sup> *Id.*

<sup>237</sup> *Id.*

<sup>238</sup> *Id.*

358. Based on Michigan voters' allegations, more than \$9.8 million in private money was poured into Michigan to create an unfair, two-tier election system in Michigan.<sup>239</sup>

359. Based on Michigan voters' allegations, the 2020 election saw the evisceration of state statutes designed to treat voters equally, thereby causing disparate treatment of voters and thus violating the constitutional rights of millions of Michiganders and Americans citizens.

360. Based on Michigan voters' allegations, to date, investigations have uncovered more than \$400 million funneled through a collection of non-profits directly to local government coffers nationwide dictating to these local governments how they should manage the election, often contrary to state law.<sup>240</sup>

361. Based on Michigan voters' allegations, these funds were mainly used to: 1) pay "ballot harvesters" bounties, 2) fund mobile ballot pick up units, 3) deputize and pay political activists to manage ballots; 4) pay poll workers and election judges (a/k/a inspectors or adjudicators); 5) establish drop-boxes and satellite offices; 6) pay local election officials and agents "hazard pay" to recruit cities recognized as Democratic Party strongholds to recruit other cities to apply for grants from non-profits; 7) consolidate AVCBs and counting centers to facilitate the movement of hundreds of thousands of questionable ballots in secrecy without legally required bi-partisan observation; 8) implement a two-tier ballot "curing" plan that unlawfully counted ballots in Democrat Party strongholds and spoiled similarly situated ballots in Republican Party areas; and 9) subsidized and designed a scheme to remove the poll watchers from one political party so that the critical responsibility of determining the accuracy of the ballot and the integrity of the count could be done without oversight.

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<sup>239</sup> See Carlson Report, *supra*.

<sup>240</sup> See Carlson Report, *supra*.

362. The Help America Vote Act of 2002 (HAVA) controls how money is spent under federal law. See 42 USC 15301, *et seq*; see also, MCL 168.18. In turn, Congress used HAVA to create the non-regulatory Election Assistance Commission (EAC), which was delegated the responsibility of providing information, training standards, and funding management to states. The mechanism for administering HAVA is legislatively adopted state HAVA Plans.

363. Michigan's HAVA Plan is undisputed.<sup>241</sup>

364. Based on Michigan voters' allegations, these private funds exceeded the federal government's March 2020 appropriation under HAVA and CARES Acts to help local governments manage the general election during the pandemic.

365. Based on Michigan voters' allegations, as these unmonitored funds flowed through the pipeline directly to hand-picked cities, the outlines of two-tiered treatment of the American voter began to take place. Local governments in Democrat Party strongholds were flush with cash to launch public-private coordinated voter registration drives allowing private access directly to government voter registration files, access to early voting opportunities, the provision of incentives such as food, entertainment, and gifts for early voters, and the off-site collection of ballots. Outside the urban core and immediate suburbs, unbiased election officials were unable to start such efforts for lack of funding.

366. Based on Michigan voters' allegations, difficult to trace private firms funded this scheme through private grants, which dictated methods and procedures to local election officials and where the grantors retained the right to "claw-back" all funds if election officials failed to reach privately set benchmarks—thus entangling the private-public partnership in ways that demand transparency—yet none has been given.

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<sup>241</sup> See Certified Michigan HAVA State Plan of 2003, Terri Lynn Land Secretary, FR Vol. 69. No. 57 March 24 2004.

367. Based on Michigan voters' allegations, the state officials implicated, and the private interests involved, have refused repeated demands for the release of communications outlining the rationale and plan behind spending more than \$400 million provided directly to various election officials before the 2020 general election.

368. Based on Michigan voters' allegations, these funds greased the skids of Democrat-heavy areas violating mandates of the Michigan Legislature, the Michigan HAVA Plan, the dictates of Congress under HAVA, and equal protection and Separation of Powers demanded under the United States Constitution.

369. Based on Michigan voters' allegations, in Michigan specifically, CTCL had awarded eleven grants as of the time of this survey. CTCL funded cities were:

- i. Detroit (\$3,512,000);
- ii. Lansing (\$443,742);
- iii. East Lansing (\$43,850);
- iv. Flint (\$475,625);
- v. Ann Arbor (\$417,000);
- vi. Muskegon (\$433,580);
- vii. Pontiac (\$405,564);
- viii. Romulus (\$16,645);
- ix. Kalamazoo (\$218,869); and
- x. Saginaw (\$402,878).<sup>242</sup>

370. In the 2016 election, then candidate Donald Trump only won Saginaw; then candidate Hillary Clinton won the remaining cities.

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<sup>242</sup> See Expert Report of James Carlson, Appendix 1079-1111. (last updated November 25, 2020).

371. Based on Michigan voters' allegations, in 2020, CTCL funneled \$9,451,235 (95.7%) to the ten jurisdictions where candidate Clinton won and only \$402,878 (4.3%) to where candidate Trump won.<sup>243</sup>

t. **Michigan Voters Allege Unacceptable Antrim County Machine Error Rate.**

372. Based on Michigan voters' allegations, Antrim County, Michigan, reported errors arising from the November 3, 2020 election.

373. Based on Michigan voters' allegations, a report regarding Antrim County, Michigan, alleges that Dominion Voting Systems, the election technology used by Antrim County and elsewhere, "is intentionally and purposefully designed with inherent errors to create systemic fraud and influence election results." It's unclear how Allied Security Operations Group (ASOG) reached this conclusion, however.<sup>244</sup>

374. Based on Michigan voters' allegations, likewise, the report, authored by Russell James Ramsland, Jr., who is part of ASOG's management team, says the group found an "error rate" of 68% when examining "the tabulation log" of the server for Antrim County. It's also unclear what the "error rate" data refers to specifically and how it impacts the results.<sup>245</sup>

375. Based on Michigan voters' allegations, "The results of the Antrim County 2020 election are not certifiable," Ramsland wrote. "This is a result of machine and/or software error, not human error."<sup>246</sup>

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<sup>243</sup> *Id.*

<sup>244</sup> See Expert Report of Russell J. Ramsland, Jr., *Appendix* 1146-1168. See Expert Opinion of Anthony J. Couchenor, *Appendix* 42-47. See Expert Opinion of Dr. Navid Keshavarz-Nia, *Appendix* 119-128.

<sup>245</sup> *Id.*

<sup>246</sup> See Ramsland Report, *Appendix* pg. 2 ¶ 7.

**u. Michigan Voters Allege Absentee Ballot Errors.**

376. As mentioned above, the Braynard-Zhang analysis, in Michigan, based on the government data shows election officials’ absentee ballot errors of 548,016 far exceed the margin of victory of 148,152.

377. The Braynard-Zhang analysis of the government data shows election officials’ absentee ballot error rate of at least 6.05% which far exceeds federal law’s pre-election certification error rate for voting systems’ hardware and software of 0.0008%.<sup>247</sup>

Michigan Voter Election Contest		
Michigan Margin +148,152		
Type*	Description	Margin
1) Unlawful Ballots	Unsolicited Ballots <sup>248</sup>	355,392
Category 1	Error Rate (Based on Total Votes)	6.05%
2) Illegal Votes Counted	Estimate of ballots requested in the name of a registered voter. Registered Voter did not request ballot	27,825
3) Legal Votes Not Counted	Estimate of ballots that the requester returned but were not counted <sup>249</sup>	29,682
Category 2 and 3 <sup>250</sup> Total Votes: 53,968	Error Rate (Based on Total Votes)	0.97%
4) Illegal Votes Counted	Electors with no address. <sup>251</sup>	35,109
5) Illegal Votes Counted		259

<sup>247</sup> See Expert Report of Dennis Nathan Cain (III), *Appendix* 1433-1445.

<sup>248</sup> The number of unsolicited ballots come from the combination of 326,460 absentee ballots issued by the State but not requested by an eligible State voter and the 28,932 absentee ballots the State claims were not returned but who claim they in fact mailed their absentee ballot back. Both of these numbers are the conservative end of Dr. Zhang’s 99% confidence interval. Expert Report of Dr. Quanying “Jennie” Zhang, *Appendix* 1123-1134 at ¶2-3.

<sup>249</sup> Expert Report of Dr. Quanying “Jennie” Zhang, *Appendix* 1123-1134 at ¶3.

<sup>250</sup> Categories 2 and 3 are mutually exclusive.

<sup>251</sup> See Expert Report of Matthew Braynard, *Appendix* 1112-1122.

	Electors voted listing email only <sup>252</sup>	
6) Unlawful Ballots	No signature required to obtain ballot <sup>253</sup>	74,000
7) Illegal Votes Counted	Absentee or Early Voters Not Residents when they voted <sup>254</sup>	13,248
8) Illegal Votes Counted	Double Votes (Voted in multiple states) <sup>255</sup>	317
TOTAL		548,016
	Of total votes cast in MI: 5,547,053	

**4. State of Wisconsin voters allege election official errors and improprieties which exceed the Presidential vote margin.<sup>256</sup>**

378. State of Wisconsin voters allege election official errors and improprieties which exceed the Presidential vote margin.

376. Wisconsin has 10 electoral votes, with a statewide vote tally currently estimated at 1,610,151 for President Trump and 1,630,716 for former Vice President Biden (*i.e.*, a margin of 20,565 votes). In two counties, Milwaukee and Dane, Mr. Biden’s margin (364,298 votes) significantly exceeds his statewide lead.

379. In the 2016 general election some 146,932 mail-in ballots were returned in Wisconsin out of more than 3 million votes cast. In stark contrast, 1,275,019 mail-in ballots, nearly a 900 percent increase over 2016, were returned in the November 3, 2020 election.

380. Based on Wisconsin voters’ allegations, on November 30, 2020, Governor Tony Evers certified Joe Biden’s victory in Wisconsin in a Certificate of Ascertainment, soon after he received a certification from Ann Jacobs, chairwoman of the Wisconsin Election Commission.

<sup>252</sup> See Expert Report of Matthew Braynard, Appendix 1112-1122.

<sup>253</sup> See Declaration of Jonathan Brater, Appendix 1147-1151 at ¶ 10.

<sup>254</sup> See Expert Report of Matthew Braynard, Appendix 1112-1122 at ¶ 5.

<sup>255</sup> See Expert Report of Matthew Braynard, Appendix 1112-1122 at ¶ 6.

<sup>256</sup> For full extent of inappropriate activities See Timeline of Electoral Policy Activities, Issues, and Litigation Pennsylvania, Michigan, Wisconsin, Georgia, Arizona, and Nevada August 2003 to November 2020, *Appendix 1-20*.

Jacobs signed a statement of canvass to confirm who won the election. The Wisconsin Election Commission was due to meet on Tuesday, December 1, 2020. Republican Commissioners Dean Knudson had requested that Jacobs wait until Tuesday, when the Commission was to meet, to determine the results, the statutory deadline.<sup>257</sup>

381. Based on Wisconsin voters' allegations, by certifying the election on her own, Jacobs usurped power that belongs to the Wisconsin Election Commission. Wisconsin Statutes § 7.70 sets forth the proper procedure for certifying Wisconsin's election results. The chairperson is required to examine the certified statements of the county board of canvassers, and obtain input from the county boards if it appears material mistakes have been made. Thereafter, under § 7.70(3)(d), the chairperson is to "examine and make a statement of the total number of votes cast at any election for the offices involved in the election for president and vice president..." Under § 7.70(3)(f), these statements are to show the "persons' names receiving votes" and "the whole number of votes given to each..." § 7.70(3)(g) states that following "each other election [other than a primary election] the chairperson of the commission or the chairperson's designee shall prepare a statement certifying the results of the election and shall attach to the statement a certificate of determination which shall indicate the names of persons who have been elected to any state or national office .... The chairperson of the commission or the chairperson's designee shall deliver each statement and determination to the commission."<sup>258</sup>

382. Based on Wisconsin voters' allegations, Wisconsin Statutes § 7.70(5)(b) states what is supposed to come next in a presidential election. "For presidential electors, *the commission* shall prepare a certificate showing the determination of the results of the canvass and the names of the

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<sup>257</sup> See Supplement to Emergency Petition, *Appendix* 384-396. See Also Wisconsin Elections Committee Letter, *Appendix* 1469-1470.

<sup>258</sup> See Wisconsin Finance Committee E-mails and Wisconsin Republican Presidential Elector Signatures, *Appendix* 1473-1476.



persons elected, and the governor shall sign, affix the great seal of the state, and transmit the certificate by registered mail to the U.S. administrator of general services. The governor shall also prepare 6 duplicate originals of such certificate and deliver them to one of the presidential electors on or before the first Monday after the 2nd Wednesday in December.” (emphasis supplied).

383. Based on Wisconsin voters’ allegations, as set forth clearly in the statute, Wisconsin law requires the chairperson of the commission to prepare a certificate of the votes received by each candidate in the presidential election, and transmit these results to the commission. Thereafter, the commission is required to prepare a certificate showing the names of the persons elected, and transmit this certificate to the governor. Only then is the governor authorized to transmit this certificate to the U.S. administrator of general services.

384. Based on Wisconsin voters’ allegations, Chairwoman Jacobs certified these results, without authority, before the Wisconsin Election Commission meeting, in an attempt to bypass the Wisconsin Election Commission, who had a lawful duty to examine and certify the results for themselves. Chairwoman Jacobs’ certification is a usurpation of the statutory authority of the Wisconsin Election Commission. Furthermore, the Governor’s Certificate of Ascertainment, based on Chairwoman Jacobs’ certification, rather than the lawful certification of the Commission, is a usurpation of authority, and is legally null and void.

385. Further, based on Wisconsin voters’ allegations, Wisconsin statutes guard against fraud in absentee ballots: “[V]oting by absentee ballot is a privilege exercised wholly outside the traditional safeguards of the polling place. The legislature finds that the privilege of voting by absentee ballot must be carefully regulated to prevent the potential for fraud or abuse[.]”<sup>259</sup>

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<sup>259</sup> Wis. Stat. § 6.84(1).

386. Based on Wisconsin voters' allegations, in direct contravention of Wisconsin law, leading up to the 2020 general election, the Wisconsin Elections Commission ("WEC") and other local officials unconstitutionally modified Wisconsin election laws—each time taking steps that weakened, or did away with, established security procedures put in place by the Wisconsin legislature to ensure absentee ballot integrity.<sup>260</sup>

387. Based on Wisconsin voters' allegations, for example, the WEC undertook a campaign to position hundreds of drop boxes to collect absentee ballots—including the use of unmanned drop boxes.

388. Based on Wisconsin voters' allegations, the mayors of Wisconsin's five largest cities—Green Bay, Kenosha, Madison, Milwaukee, and Racine, which all have Democrat majorities—joined in this effort, and together, developed a plan use purportedly "secure drop-boxes to facilitate return of absentee ballots." Wisconsin Safe Voting Plan 2020, at 4 (June 15, 2020).<sup>261</sup>

389. Based on Wisconsin voters' allegations, it was alleged in an action filed in United States District Court for the Eastern District of Wisconsin that over five hundred unmanned, illegal, absentee ballot drop boxes were used in the Presidential election in Wisconsin.

390. Based on Wisconsin voters' allegations, however, the use of any drop box, manned or unmanned, is directly prohibited by Wisconsin statute. The Wisconsin legislature specifically described in the Election Code "Alternate absentee ballot site[s]" and detailed the procedure by which the governing body of a municipality may designate a site or sites for the delivery of absentee ballots "other than the office of the municipal clerk or board of election commissioners as the

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<sup>260</sup> See *Appendix* 201-269; 378-383.

<sup>261</sup> See *Appendix* pgs. 270-290; 291-346.

location from which electors of the municipality may request and vote absentee ballots and to which voted absentee ballots shall be returned by electors for any election.”<sup>262</sup>

391. Based on Wisconsin voters’ allegations, any alternate absentee ballot site “shall be staffed by the municipal clerk or the executive director of the board of election commissioners, or employees of the clerk or the board of election commissioners.”<sup>263</sup> Likewise, Wis.Stat. 7.15(2m) provides, “[i]n a municipality in which the governing body has elected to establish an alternate absentee ballot site under s. 6.855, the municipal clerk shall operate such site as though it were his or her office for absentee ballot purposes and shall ensure that such site is adequately staffed.”

392. Based on Wisconsin voters’ allegations, thus, the unmanned absentee ballot drop-off sites are prohibited by the Wisconsin Legislature as they do not comply with Wisconsin law expressly defining “[a]lternate absentee ballot site[s].”<sup>264</sup>

393. Based on Wisconsin voters’ allegations, in addition, the use of drop boxes for the collection of absentee ballots, positioned predominantly in Wisconsin’s largest cities, is directly contrary to Wisconsin law providing that absentee ballots may only be “mailed by the elector, or delivered *in person* to the municipal clerk issuing the ballot or ballots.”<sup>265</sup>

394. Based on Wisconsin voters’ allegations, The fact that other methods of delivering absentee ballots, such as through unmanned drop boxes, are *not* permitted is underscored by Wis. Stat. § 6.87(6) which mandates that, “[a]ny ballot not mailed or delivered as provided in this subsection may not be counted.” Likewise, Wis. Stat. § 6.84(2) underscores this point, providing that Wis. Stat. § 6.87(6) “shall be construed as mandatory.” The provision continues—“Ballots cast in contravention of the procedures specified in those provisions may not be counted. *Ballots counted in*

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<sup>262</sup> Wis. Stat. 6.855(1).

<sup>263</sup> Wis. Stat. 6.855(3).

<sup>264</sup> Wis. Stat. 6.855(1), (3).

<sup>265</sup> Wis. Stat. § 6.87(4)(b)1 (emphasis added).

*contravention of the procedures specified in those provisions may not be included in the certified result of any election.*<sup>266</sup>

395. Based on Wisconsin voters' allegations, as a result of the Zuckerberg-funded absentee drop boxes, the Milwaukee County and Dane County had 1 drop box for every 30.7 square miles. But, the rest of Wisconsin had 1 drop box for every 145 square miles. Wisconsin localities provided approximately 514 ballot drop boxes leading up to the 2020 election.<sup>267</sup>

396. In 2016, Hillary Clinton received 1,382,536 votes in Wisconsin.<sup>268</sup> Of those 1.3M votes, Milwaukee and Dane Counties accounted for 506,519<sup>269</sup> of Clinton's votes.<sup>270</sup>

397. Wisconsin is a total of 65,498 square miles. Milwaukee and Dane Counties represent a combined 2,427 square miles. These two counties received about one-sixth of the total number of ballot drop boxes with 79 boxes. Milwaukee received 25 drop boxes, while Dane County (Madison) had 54 drop boxes.<sup>271</sup> This left the rest of the state with 435 ballot drop boxes.<sup>272</sup>

398. Voters in Hillary Clinton's two largest counties: Milwaukee and Dane, where she received 506,519 votes, received 79 drop boxes spread out over a combined 2,427 square miles, or 1 drop box for every 30.7 square miles. Meanwhile, voters in the rest of the state received 435 drop

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<sup>266</sup> Wis. Stat. § 6.84(2) (emphasis added).

<sup>267</sup> <https://www.wisconsinwatch.org/2020/10/wisconsin-absentee-ballot-drop-box-search/>. See Expert Declaration of Dennis Nathan Cain (II), *Appendix* 60-68. See Also *Appendix* 353-377.

<sup>268</sup> <https://www.nytimes.com/elections/2016/results/wisconsin-president-clinton-trump>

<sup>269</sup> <https://www.nytimes.com/elections/2016/results/wisconsin-president-clinton-trump>

<sup>270</sup> The next eight largest Wisconsin counties gave Hillary Clinton an additional 346,352 votes.

<https://www.nytimes.com/elections/2016/results/wisconsin-president-clinton-trump>  
Waukesha (Milwaukee area) had 5 drop boxes, Brown County (Green Bay) had 13 drop boxes, 13 in Racine, Outagamie 5, Winnebago 5, Kenosha 8, Rock 26, Marathon 10.<sup>270</sup>

Wisconsin has sixteen counties with over 100k residents: Milwaukee, Dane (Madison), Waukesha, Brown (Green Bay), Racine, Outagamie, Winnebago, Kenosha, Rock, Washington, Marathon, La Crosse, Sheboygan, Eau Claire, Walworth, Fond du Lac.<sup>270</sup>

<sup>271</sup> <https://www.wisconsinwatch.org/2020/10/wisconsin-absentee-ballot-drop-box-search/>

<sup>272</sup> 514-79 = 435

boxes to cover 63,071 square miles, meaning that the rest of Wisconsin had a single drop box for every 145 square miles.

399. Based on Wisconsin voters' allegations, these were not the only Wisconsin election laws that the WEC violated in the 2020 general election. The WEC and local election officials also took it upon themselves to encourage voters to unlawfully declare themselves "indefinitely confined"—which under Wisconsin law allows the voter to avoid security measures like signature verification and photo ID requirements.

400. Specifically, registering to vote by absentee ballot requires photo identification, except for those who register as "indefinitely confined" or "hospitalized."<sup>273</sup> Registering for indefinite confinement requires certifying confinement "because of age, physical illness or infirmity or [because the voter] is disabled for an indefinite period."<sup>274</sup> Should indefinite confinement cease, the voter must notify the county clerk,<sup>275</sup> who must remove the voter from indefinite-confinement status.<sup>276</sup>

401. Wisconsin election procedures for voting absentee based on indefinite confinement enable the voter to avoid the photo ID requirement and signature requirement.<sup>277</sup>

402. Based on Wisconsin voters' allegations, on March 25, 2020, in clear violation of Wisconsin law, Dane County Clerk Scott McDonnell and Milwaukee County Clerk George Christensen both issued guidance indicating that all voters should mark themselves as "indefinitely confined" because of the COVID-19 pandemic.<sup>278</sup>

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<sup>273</sup> Wis. Stat. § 6.86(2)(a), (3)(a).

<sup>274</sup> *Id.* § 6.86(2)(a).

<sup>275</sup> *Id.*

<sup>276</sup> *Id.* § 6.86(2)(b).

<sup>277</sup> *Id.* § 6.86(1)(ag)/(3)(a)(2).

<sup>278</sup> See Appendix pgs. 347-349.

403. Based on Wisconsin voters' allegations, believing this to be an attempt to circumvent Wisconsin's strict voter ID laws, the Republican Party of Wisconsin petitioned the Wisconsin Supreme Court to intervene. On March 31, 2020, the Wisconsin Supreme Court unanimously confirmed that the clerks' "advice was legally incorrect" and potentially dangerous because "voters may be misled to exercise their right to vote in ways that are inconsistent with WISC. STAT. § 6.86(2)."

404. Based on Wisconsin voters' allegations, on May 13, 2020, the Administrator of WEC issued a directive to the Wisconsin clerks prohibiting removal of voters from the registry for indefinite-confinement status if the voter is no longer "indefinitely confined."

405. Based on Wisconsin voters' allegations, the WEC's directive violated Wisconsin law. Specifically, WISC. STAT. § 6.86(2)(a) specifically provides that "any [indefinitely confined] elector [who] is no longer indefinitely confined ... shall so notify the municipal clerk." WISC. STAT. § 6.86(2)(b) further provides that the municipal clerk "shall remove the name of any other elector from the list upon request of the elector or upon receipt of reliable information that an elector no longer qualifies for the service."

406. Based on Wisconsin voters' allegations, according to statistics kept by the WEC, nearly 216,000 voters said they were indefinitely confined in the 2020 election, nearly a fourfold increase from nearly 57,000 voters in 2016. In Dane and Milwaukee counties, more than 68,000 voters said they were indefinitely confined in 2020, a fourfold increase from the roughly 17,000 indefinitely confined voters in those counties in 2016.

407. Under Wisconsin law, voting by absentee ballot also requires voters to complete a certification, including their address, and have the envelope witnessed by an adult who also must

sign and indicate their address on the envelope.<sup>279</sup> The sole remedy to cure an “improperly completed certificate or [ballot] with no certificate” is for “the clerk [to] return the ballot to the elector[.]”<sup>280</sup> “If a certificate is missing the address of a witness, the ballot *may not be counted.*”<sup>281</sup>

408. Based on Wisconsin voters’ allegations, however, in a training video issued April 1, 2020, the Administrator of the City of Milwaukee Elections Commission unilaterally declared that a “witness address may be written in red and that is because we were able to locate the witnesses’ address for the voter” to add an address missing from the certifications on absentee ballots. The Administrator’s instruction violated WISC. STAT. § 6.87(6d). The WEC issued similar guidance on October 19, 2020, in violation of this statute as well.<sup>282</sup>

409. Based on Wisconsin voters’ allegations, in the Wisconsin Trump Campaign Complaint, it is alleged, supported by the sworn affidavits of poll watchers, that canvas workers carried out this unlawful policy, and acting pursuant to this guidance, in Milwaukee used red-ink pens to alter the certificates on the absentee envelope and then cast and count the absentee ballot. These acts violated WISC. STAT. § 6.87(6d) (“If a certificate is missing the address of a witness, the ballot may not be counted”).<sup>283</sup>

410. Wisconsin’s legislature has not ratified these changes, and its election laws do not include a severability clause.

411. Based on Wisconsin voters’ allegations, in addition, Ethan J. Pease, a box truck delivery driver subcontracted to the U.S. Postal Service (“USPS”) to deliver truckloads of mail-in

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<sup>279</sup> See Wis. Stat. § 6.87.

<sup>280</sup> *Id.* § 6.87(9).

<sup>281</sup> *Id.* § 6.87(6d) (emphasis added).

<sup>282</sup> See Appendix pgs. 350-352.

<sup>283</sup> See also Wis. Stat. § 6.87(9) (“If a municipal clerk receives an absentee ballot with an improperly completed certificate or with no certificate, the clerk may return the ballot to the elector . . . whenever time permits the elector to correct the defect and return the ballot within the period authorized.”).

ballots to the sorting center in Madison, WI, testified that USPS employees were backdating ballots received after November 3, 2020.<sup>284</sup> Further, Pease testified how a senior USPS employee told him on November 4, 2020 that “[a]n order came down from the Wisconsin/Illinois Chapter of the Postal Service that 100,000 ballots were missing” and how the USPS dispatched employees to “find[] . . . the ballots.”<sup>285</sup> One hundred thousand ballots supposedly “found” after election day would far exceed former Vice President Biden margin of 20,565 votes over President Trump.

412. Finally, in Wisconsin, the Braynard-Zhang analysis of government data shows election officials’ absentee ballot errors of 159,559 far exceed the margin of victory of 20,608.<sup>286</sup>

413. The Braynard-Zhang analysis of government data shows election officials’ absentee ballot error rate of at least 0.89% which far exceeds federal law’s pre-election certification error rate for voting systems’ hardware and software of 0.0008%.<sup>287</sup>

Wisconsin Voter Election Contest  
Margin +20,608 votes

Type of error*	Description	Votes
1) Unlawful Ballots	Estimate of the minimum number of absentee ballots requested which were not requested by the person identified in the state’s database <sup>288</sup>	15,423
2) Legal Votes Not Counted	Estimate of ballots that the requester returned but were not counted <sup>289</sup>	13,826
Category 1 & 2 Total Votes: 29,249	Error Rate (Compared to Total Vote)	0.89%

<sup>284</sup> Declaration of Ethan J. Pease, Appendix pgs. 180-182 at ¶¶ 3-13.

<sup>285</sup> *Id.* ¶¶ 8-10.

<sup>286</sup> See Chart and WI Declaration of Matthew Braynard, Appendix pgs. 1384-1395.

<sup>287</sup> See Expert Report of Dennis Nathan Cain (III), *Appendix* 1433-1445.

<sup>288</sup> See WI Zhang Declaration Appendix pgs. 1375-1383 ¶ 1.

<sup>289</sup> See WI Zhang Declaration Appendix pgs. 1375-1383 ¶ 2.



3) Illegal Votes Counted	Electors voted where they did not reside <sup>290</sup>	26,673
4) Illegal Votes Counted	Electors who avoided Wisconsin Voter ID laws by voting absentee as an “indefinitely confined” elector and were not indefinitely confined <sup>291</sup>	96,437
5) Illegal Votes Counted	Out of State Residents Voting in State <sup>292</sup>	6,848
6) Illegal Votes Counted	Double Votes <sup>293</sup>	234
TOTAL		159,559

Of total votes cast 3,289,946

\*May overlap.

**5. State of Arizona voters allege election official errors and improprieties which exceed the Presidential vote margin.<sup>294</sup>**

414. State of Michigan voters allege election official errors and improprieties which exceed the Presidential vote margin.

415. Arizona has 11 electoral votes, with a statewide vote tally currently estimated at 1,661,686 for President Trump and 1,672,143 for former Vice President Biden (*i.e.*, a margin of 10,457 votes).

416. Based on Arizona voters’ allegations, there was a disparate impact caused by absentee drop boxes.

417. Arizona is composed of fifteen counties.

<sup>290</sup> See WI Declaration of Matthew Braynard, Appendix pgs. 1384-1395.

<sup>291</sup> See WI Declaration of Matthew Braynard Appendix pgs. 1384-1395 ¶ 5. This number is derived from .4523 \* 213,215

<sup>292</sup> See WI Declaration of Matthew Braynard Appendix pgs. 1384-1395 ¶ 4.

<sup>293</sup> See WI Declaration of Matthew Braynard Appendix pgs. 1384-1395 ¶ 6.

<sup>294</sup> For full extent of inappropriate activities See Timeline of Electoral Policy Activities, Issues, and Litigation Pennsylvania, Michigan, Wisconsin, Georgia, Arizona, and Nevada August 2003 to November 2020, *Appendix 1-20*.

418. The state of Arizona is 113,998 square miles.

419. In 2016, Hillary Clinton received 1,161,167 votes from Arizona.<sup>295</sup> Over half of these votes came from Maricopa County with 702,907 votes in 2016.<sup>296</sup>

420. Based on Wisconsin voters' allegations, this vote-rich area of only 9,224 square miles, was given more drop boxes and early voting centers than the rest of Arizona's 104,764 square miles combined.

421. Maricopa County, only 9,224 square miles, has over 125 vote-by-mail drop boxes available to its citizens, leaving one drop box for every 73 square miles.<sup>297</sup> Conversely, the other fourteen counties had a total of 119 drop boxes and early voting sites combined, meaning every other non-Arizona county combined had one vote-by-mail drop box for every 880 square miles.<sup>298</sup>

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<sup>295</sup> <https://www.nytimes.com/elections/2016/results/arizona>

<sup>296</sup> <https://www.nytimes.com/elections/2016/results/arizona>

<sup>297</sup> <https://www.google.com/maps/d/u/0/viewer?ll=33.361088282128144%2C-112.03699115344182&z=11&mid=1MksFw9pIMM80IE-3WVvKXAr9a2BBizir7>

<sup>298</sup> Coconino Co., 8 drop boxes - <https://www.coconino.az.gov/DocumentCenter/View/36811/Coconino-County-Ballot-Drop-Box-Locations-2020-Primary?bidId=>

- Pinal Co., 7 drop boxes - <https://www.pinalcountyz.gov/Recorder/Pages/EarlyVoteRegister.aspx>
- Gila Co., 8 drop boxes - [https://www.gilacountyaz.gov/government/recorder/drop\\_off\\_boxes.php](https://www.gilacountyaz.gov/government/recorder/drop_off_boxes.php)
- Pima Co., 14 dropbox/early voting sites - <https://www.recorder.pima.gov/EarlyVotingSites>
- Cochise Co., 5 drop boxes - <https://www.cochise.az.gov/recorder/ballot-box-locations>
- La Paz Co. 1 early voting site - [https://www.parkerpioneer.net/news/article\\_1a2fd0ee-1d4c-11eb-af74-5f2cf0d805cb.html](https://www.parkerpioneer.net/news/article_1a2fd0ee-1d4c-11eb-af74-5f2cf0d805cb.html)
- Maricopa Co., 125+ drop boxes - <https://www.google.com/maps/d/u/0/viewer?ll=33.361088282128144%2C-112.03699115344182&z=11&mid=1MksFw9pIMM80IE-3WVvKXAr9a2BBizir7>
- Mohave Co., 3 early voting sites - <https://mohavedailynews.com/news/11214/early-voting-begins-in-arizona/>
- Graham Co., 5 drop boxes - <https://www.graham.az.gov/314/How-To-Return-Your-Early-Ballot>
- Navajo Co., 16 drop boxes - <https://www.navajocountyaz.gov/Departments/Elections/Voter-Information/Early-Voting-Sites>

422. This strategy worked to benefit Democratic voters at a greater rate than republican voters.

423. In the 2020 November, election Vice-President Biden increased his vote total by almost more than 300,000 votes over Hillary Clinton’s 2016 numbers in Maricopa with 1,040,774 votes.

424. Alternatively, President Trump gained only about 150,000 votes.<sup>299</sup>

425. This type of disparate impact by government officials in Maricopa County clearly favored Democratic voters, to the detriment of Republican voters

426. Additionally, in Arizona, the Braynard-Zhang analysis of the government data shows election officials’ absentee ballot errors of 371,498 far exceed the margin of victory of 10,457.<sup>300</sup>

427. The Braynard-Zhang government data shows election officials’ absentee ballot error rate of at least 10.2% which far exceeds federal law’s pre-election certification error rate for voting systems’ hardware and software of 0.0008%.<sup>301</sup>

**Arizona Voter Election Contest  
Margin +10,457**

Type of error*	Description	Margin
1) Unlawful Ballots	Estimate of the minimum number of absentee ballots requested which were not requested by the person identified in the state’s database <sup>302</sup>	214,526
2) Legal	Estimate of ballots that the	

• Maricopa Co. - <https://www.12news.com/article/news/politics/elections/map-ballot-drop-box-maricopa-county-for-november-2020-general-election-list/75-81c64546-9092-4f8e-9531-f9f10e6d1aa8>

• Yavapai Co., 19 drop boxes - <https://www.yavapai.us/electionsvr/early-voting>  
<sup>299</sup> <https://www.politico.com/2020-election/results/arizona/>

<sup>300</sup> See Chart and AZ Declaration of Matthew Braynard, Appendix pgs. 1419-1428

<sup>301</sup> See Expert Report of Dennis Nathan Cain (III), *Appendix* 1433-1445.

<sup>302</sup> See AZ Zhang Declaration Appendix pgs. 1396-1405 ¶ 1.

Votes Not Counted	requester returned but were not counted <sup>303</sup>	131,092
<b>Category 1 &amp; 2 Total Votes: 346,618</b>	<b>Error Rate (Compared to Total Vote)</b>	<b>10.2%</b>
3) Illegal Votes Counted*	Electors voted where they did not reside <sup>304</sup>	19,997
4) Illegal Votes Counted*	Out of State Residents Voting in State <sup>305</sup>	5,726
5) Illegal Votes Counted*	Double Votes <sup>306</sup>	157
<b>TOTAL</b>		<b>371,498</b>
	of total votes cast 3,397,388	

\*May overlap

**M. The government data, state-by-state, shows election officials’ absentee ballot errors far exceed the margin of victory—and they far exceed the pre-election certification error rate of 0.0008%.**

428. The federal government has a pre-election standard for state voting system’s software and hardware.

429. As explained above, this maximum-acceptable error rate is one in 500,000 ballot positions, or, alternatively one in 125,000 ballots—0.0008 %.<sup>307</sup>

430. Based on the Defendant States’ voters’ allegations, the government data shows Wisconsin, Pennsylvania, Michigan, Georgia and Arizona election officials’ absentee ballot errors<sup>308</sup> far exceed the Presidential margins of victory.

<sup>303</sup> See AZ Zhang Declaration Appendix pgs. 1396-1405 ¶ 2.

<sup>304</sup> See AZ Declaration of Matthew Braynard, Appendix pgs. 1419-1428 ¶3.

<sup>305</sup> See AZ Declaration of Matthew Braynard, Appendix pgs. 1419-1428 ¶4.

<sup>306</sup> See AZ Declaration of Matthew Braynard, Appendix pgs. 1419-1428 ¶5.

<sup>307</sup> See Expert Report of Dennis Nathan Cain (III), Appendix 1433-1445.

<sup>308</sup> According to Plaintiffs’ analysis, it is possible to have more than one type of error per ballot (e.g., double voting and voting while resident of another state).

431. Based on the Defendant States' voters' allegations, the government data in each of the states shows election officials' absentee ballot errors far exceed the federal law's pre-election certification error rate for voting systems' hardware and software.

**COUNT 1:  
ARTICLE II**

432. Plaintiffs repeat and re-allege the allegations above, as if fully set forth herein.

433. The Plaintiffs as voters file this complaint against federal and state officials in Arizona, Georgia, Michigan, Pennsylvania and Wisconsin seeking a declaratory judgment, and related injunction, for a constitutionally-compliant process for state-by-state post-election certification of Presidential votes and of Presidential electors and for counting of their votes for the November 3, 2020 Presidential election and future elections.

434. Under Article II, if a state has authorized a Presidential election in that state, voters have voting rights to state legislative post-election certifications of Presidential votes and of Presidential electors.

435. Since Defendant States have authorized Presidential elections, voters in the Defendant States, including Plaintiffs, have voting rights under Article II to state legislative post-election certification of their Presidential votes and of Presidential electors.

436. Part of Plaintiffs' voting rights in Defendant States under Article II is the right that their Presidential votes be counted by in their respective state legislatures' post-election certifications of Presidential votes and Presidential electors in the 2020 and future elections.

437. Under Article II, Congress lacks legal authority to enact laws interfering with the state-by-state state legislative post-election certification of Presidential electors as it has done with 3 U.S.C. §§ 5, 6 and 15.

438. The text and structure of the Constitution—as evidenced in Article II and the rest of the Constitution—preempts 3 U.S.C. §§ 5, 6 and 15 as unconstitutional interference with the state

legislative prerogative to post-election Presidential elector certification guaranteed by the Constitution.<sup>309</sup>

439. Therefore, Article II renders 3 U.S.C. §§ 5, 6 and 15, in the 2020 and future Presidential elections, as unconstitutional interference with the state legislative prerogative to post-election Presidential elector certification guaranteed by the Constitution—and a violation of voters' rights.<sup>310</sup>

440. Analogously, under Article II, the Defendant States lack legal authority to enact state laws which are a perpetual and wholesale delegation of post-election certifications to state executive branch officials—as they have done in Ariz. Rev. Stat. § 16-212 (B) (Arizona Secretary of State), Ga. Code Ann. § 21-2-499 (B) (Georgia Secretary of State and Governor), Mich. Comp. Laws Ann. § 168.46 (Michigan State Board of Canvassers and Governor), Wis. Stat. § 7.70 (5) (b) (Wisconsin Elections Commission); and 25 Pa. Cons. Stat. § 3166 (Secretary of Commonwealth and Governor).

441. Article II, and its non-delegation doctrine, left it exclusively to the state legislatures to “direct” post-election certifications of Presidential voters and of Presidential electors—not to Defendant States to “delegate” post-election certifications, perpetually and in a wholesale fashion, to state executive branch officials as a ministerial duty.

442. The text of Article II preempts Ariz. Rev. Stat. § 16-212 (B), Ga. Code Ann. § 21-2-499 (B), Mich. Comp. Laws Ann. § 168.46, Wis. Stat. § 7.70 (5) (b), 25 Pa. Cons. Stat. § 3166 and similar state laws which delegate Presidential post-election certifications to state executive branch officials when it is constitutionally-required for state legislatures to conduct post-election Presidential election certifications.

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<sup>309</sup> Vasan Kesavan, *Is the Electoral Count Act Unconstitutional*, 80 N.C. L. Rev. 1653, 1759-1793 (2002).

<sup>310</sup> *Id.* at 1696-1759 (2002).

443. The structure of the Constitution, as evidenced in Article II and the rest of the Constitution, preempts Ariz. Rev. Stat. § 16-212 (B), Ga. Code Ann. § 21-2-499 (B), Mich. Comp. Laws Ann. § 168.46, Wis. Stat. § 7.70 (5) (b), 25 Pa. Cons. Stat. § 3166 and similar state laws which delegate Presidential post-election certifications to state executive branch officials when it is constitutionally-required for state legislatures to conduct post-election Presidential election certifications.

444. Therefore, the Court should hold Ariz. Rev. Stat. § 16-212 (B), Ga. Code Ann. § 21-2-499 (B), Mich. Comp. Laws Ann. § 168.46, Wis. Stat. § 7.70 (5) (b), 25 Pa. Cons. Stat. § 3166 and similar laws unconstitutional as they apply to Presidential state legislative post-election certifications.

445. The Defendant States' lack of state legislative post-election certifications of Presidential votes and Presidential electors in the 2020 and future Presidential elections violate the Plaintiffs' voting rights under Article II.

446. The Defendant States, in violation of Article II, have failed to provide state legislative post-election certifications of Presidential votes and of the Presidential Electors; so, voters' votes in the Defendant States do not count in the current and future elections—a disenfranchisement.

447. A declaratory judgment should issue, applicable to the current and future elections, declaring that Article II requires state legislative post-election certifications of Presidential votes and of Presidential electors for Presidential elector votes to count in the U.S. Congress for the election of the President and Vice President.

448. Further, any count of Presidential electors in the November 3, 2020 or future elections should be declared invalid if based on votes of Presidential electors who have not received state legislative post-election certification.

449. The Vice President and U.S. Congress should be enjoined from counting Presidential elector votes from any states in the current and future elections unless their respective state legislatures have voted affirmatively in a post-election vote to certify Presidential votes and their Presidential electors for the current and future Presidential elections.

**COUNT 2:  
EQUAL PROTECTION CLAUSE**

450. Plaintiffs repeat and re-allege the allegations above, as if fully set forth herein.

451. Plaintiffs are entitled to state legislative post-election certification of their Presidential votes and of Presidential electors so their votes count equally with other states' citizens' votes.

452. The Equal Protection Clause prohibits the use of differential standards in the treatment and tabulation of ballots within a State. *Bush*, 531 U.S. at 107.

453. The one-person, one-vote principle requires counting valid votes and not counting invalid votes. *Reynolds*, 377 U.S. at 554-55; *Bush*, 531 U.S. at 103 (“the votes eligible for inclusion in the certification are the votes meeting the properly established legal requirements”).

454. The Defendant States, in violation of the Equal Protection Clause, have failed to provide state legislative post-election certifications of Presidential votes and of the Presidential Electors as they do in other states; so, voters' votes in the Defendant States will not count—a disenfranchisement of that state's voters.

455. Absent the state legislative post-election certification of Presidential electors and of the Presidential Electors in the Defendant States, the Defendant States violate the one-person, one-vote principle because their Presidential votes and their state's Presidential electors' votes will not count toward the election of President and Vice President.



456. Plaintiffs are therefore harmed by Defendants' unconstitutional conduct in violation of the Equal Protection Clause.

457. A declaratory judgment should issue, applicable to the current and future elections, declaring that the Equal Protection Clause requires state legislative post-election certification of Presidential votes and of Presidential electors for Presidential elector votes to count in the U.S. Congress for the election of the President and Vice President.

458. Further, any count of Presidential electors in the November 3, 2020 or future elections should be declared invalid if based on votes of Presidential electors who have not received state legislative post-election certification.

459. The Vice President and U.S. Congress should be enjoined from counting Presidential elector votes from states in the current election and future elections unless the respective state legislatures has voted affirmatively in a post-election vote to certify Presidential votes and their Presidential electors.

**COUNT 3:  
DUE PROCESS CLAUSE**

460. Plaintiff repeats and re-alleges the allegations above, as if fully set forth herein.

461. Plaintiffs as voters are entitled to state legislative post-election certifications of Presidential votes and of Presidential electors so their votes are subjected to the same due process as other citizens' votes.

462. When election practices reach "the point of patent and fundamental unfairness," the integrity of the election itself violates substantive due process. *Griffin v. Burns*, 570 F.2d 1065, 1077 (1st Cir. 1978); *Duncan v. Poynbress*, 657 F.2d 691, 702 (5th Cir. 1981); *Florida State Conference of N.A.A.C.P. v. Browning*, 522 F.3d 1153, 1183-84 (11th Cir. 2008); *Roe v. State of Ala. By & Through Evans*, 43 F.3d 574, 580-82 (11th Cir. 1995); *Roe v. State of Ala.*, 68 F.3d 404, 407 (11th Cir. 1995); *Marks v. Stinson*, 19 F. 3d 873, 878 (3rd Cir. 1994).

463. Under this Court's precedents on procedural due process, not only intentional failure to follow election law as enacted by a State's legislature but also random and unauthorized acts by state election officials and their designees in local government can violate the Due Process Clause. *Parratt v. Taylor*, 451 U.S. 527, 537-41 (1981), overruled in part on other grounds by *Daniels v. Williams*, 474 U.S. 327, 330-31 (1986); *Hudson v. Palmer*, 468 U.S. 517, 532 (1984).

464. The difference between intentional acts and random and unauthorized acts is the degree of pre-deprivation review.

465. Defendants acted unconstitutionally by certifying Presidential electors and counting their votes without prior state legislative post-election certifications of Presidential votes and of Presidential electors.

466. Defendant States acted unconstitutionally by their state legislatures not voting for post-election certifications of Presidential votes and Presidential electors.

467. Federal Defendants acted unconstitutionally under federal laws requiring counting votes of Presidential electors who have not received state legislative post-election certification.

468. The actions set out in the paragraphs above constitute intentional violations of the law by Defendants in violation of the Due Process Clause.

469. The Defendants, in violation of the Due Process Clause, prohibit state legislative post-election certifications of Presidential votes and of the Presidential Electors.

470. Plaintiffs' voting rights are disenfranchised by Defendants' unconstitutional conduct in violation of the Due Process Clause.

471. A declaratory judgment should issue, applicable to current and future elections, declaring that the Due Process Clause requires state legislative post-election certification of Presidential votes and of Presidential electors for Presidential elector votes to count in the U.S. Congress for the election of the President and Vice President.

472. Further, any count of Presidential electors in the current and future elections should be declared invalid if based on votes of Presidential electors who have not received state legislative post-election certification.

473. The Vice President and U.S. Congress should be enjoined from counting Presidential elector votes, in the current and future elections, unless their respective state legislature has voted affirmatively in a post-election vote to certify Presidential votes and their Presidential electors.

### PRAYER FOR RELIEF

WHEREFORE, Plaintiffs respectfully request that this Court issue the following relief for the 2020 and future Presidential elections:

- A. Issue a declaratory judgment, applying to the current and future elections, declaring that 3 U.S.C. §§ 5, 6 and 15 were and are unconstitutional deprivations of the state legislatures' constitutional prerogative to post-election certification of the Presidential electors;
- B. Issue a declaratory judgment, applying to current and future elections, declaring that Ariz. Rev. Stat. § 16-212 (B), Ga. Code Ann. § 21-2-499 (B), Mich. Comp. Laws Ann. § 168.46, Wis. Stat. § 7.70 (5) (b), 25 Pa. Cons. Stat. § 3166 and similar state laws are unconstitutional delegations by the respective states of post-election Presidential election certification duties to their respective executive branch officers when Article II requires such certifications to be made by the respective state legislatures;
- C. Issue a declaratory judgment, applying to current and future elections, that the Plaintiff-voters' constitutionally-protected voting rights in Presidential elections are being violated by Defendants;
- D. Issue a declaratory judgment, applying to current and future elections, that the Plaintiffs' voting rights were violated under Article II, the Equal Protection Clause and the Due Process Clause;
- E. Enjoin the Vice President and U.S. Congress, in the current and future elections, from counting Presidential elector votes from states unless their respective state legislatures vote affirmatively in a post-election vote to certify their Presidential electors;
- F. Alternatively, enjoin, in the current and future elections, the State Defendants' state legislatures to meet in their respective States to consider post-election certification of their respective Presidential electors;
- G. Award attorney's fees and costs under 42 U.S.C. § 1988 to Plaintiffs against State Defendants; and

H. Grant such other relief as the Court deems just and proper.

DATED: December 22,, 2020

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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

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Case No. \_\_\_\_\_

WISCONSIN VOTERS ALLIANCE  
E3530 Townline Road  
Kewaunee, Wisconsin 54216;

PENNSYLVANIA VOTERS ALLIANCE  
1621 Huddel Avenue Lower  
Chichester, Pennsylvania, 19061;

GEORGIA VOTERS ALLIANCE  
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ELECTION INTEGRITY FUND  
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ARIZONA VOTER INTEGRITY ALLIANCE  
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BARON BENHAM  
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DEBI HAAS  
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REPRESENTATIVE DAVID STEFFEN  
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Green Bay, Wisconsin 54313;

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REPRESENTATIVE JEFF L. MURSAU

4 Oak Street  
Crivitz, Wisconsin 54114;

SENATOR WILLIAM T. LIGON

90 Bluff Road South  
White Oak, Georgia 31568; and

SENATOR BRANDON BEACH

3100 Brierfield Road  
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Plaintiffs,

v.

VICE PRESIDENT MICHAEL RICHARD PENCE,  
in his official capacity as President of the United States Senate,  
Office of the Vice President  
1600 Pennsylvania Avenue, N.W.  
Washington, DC 20500;

U.S. HOUSE OF REPRESENTATIVES,  
U.S. Capitol  
First St SE  
Washington, DC 20004;

U.S. SENATE,  
U.S. Capitol  
First St SE  
Washington, DC 20004;

ELECTORAL COLLEGE,  
U.S. Capitol  
First St SE  
Washington, DC 20004;

GOVERNOR TOM WOLF OF PENNSYLVANIA,  
in his official capacity,  
508 Main Capitol Building  
Harrisburg, PA 17120;

SPEAKER BRYAN CARTER OF THE PENNSYLVANIA  
HOUSE OF REPRESENTATIVES, in his official capacity,  
139 Main Capitol Building  
PO Box 202100  
Harrisburg, PA 17120-2100;

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SENATE MAJORITY LEADER JAKE CORMAN  
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SPEAKER ROBIN VOS OF THE WISCONSIN  
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SENATE MAJORITY LEADER HOWARD MARKLEIN  
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GOVERNOR BRIAN KEMP OF GEORGIA,  
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Atlanta, Georgia 30334;

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SPEAKER DAVID RALSTON OF THE GEORGIA HOUSE  
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332 State Capitol  
Atlanta, Georgia 30334;

PRESIDENT PRO TEMPORE BUTCH MILLER OF THE  
GEORGIA SENATE,  
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321 State Capitol  
Atlanta, Georgia 30334;

GOVERNOR DOUG DUCEY OF ARIZONA,  
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1700 W. Washington Street  
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SPEAKER RUSSELL BOWERS OF THE  
ARIZONA HOUSE OF REPRESENTATIVES,  
in his official capacity,  
1700 West Washington  
Room 223  
Phoenix, Arizona 85007; and

SENATE MAJORITY LEADER RICK GRAY  
OF THE ARIZONA SENATE,  
in his official capacity,  
1700 West Washington  
Room 301  
Phoenix, Arizona 85007,

Defendants.

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## COMPLAINT

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The above-named Plaintiffs Wisconsin Voters Alliance, Pennsylvania Voters Alliance,  
Georgia Voters Alliance, Election Integrity Fund, Arizona Election Integrity Alliance, Lynie Stone,  
Baron Benham, Debi Haas, Brenda Savage, Matthew Dadich, Leah Hoopes, Ron Heuer, Richard W.  
Kucksdorf, Debbie Jacques, John Wood, Sonny Borrelli, Warren Peterson, Matthew Maddock,

Daire Rendon, David Steffen, Jeff L. Mursau, William T. Ligon and Brandon Beach, for their complaint allege as follows:

## INTRODUCTION

### A. State Legislatures are Prohibited from Fulfilling Their Constitutional Responsibility.

This lawsuit seeks protection of voters' rights in Presidential elections. Voters in Presidential elections have a constitutional right to have their respective state legislatures meet after the election and certify their votes and, based on the votes, certify the Presidential electors whose votes are counted in Congress to elect the President and Vice President.

In drafting Article II, the Framers of the Constitution reasoned state legislatures should select Presidential electors so as “to afford as little opportunity as possible to tumult and disorder” and to place “every practicable obstacle [to] cabal, intrigue, and corruption,” including “foreign powers” that might try to insinuate themselves into our elections.<sup>1</sup>

Article II limited Congress's role in selecting the President and provided no constitutional role for Governors. Yet, at present state legislatures are unable to meet. This inability to meet has existed from election day and continues through various congressionally set deadlines for the appointment of presidential electors and the counting of presidential elector votes. The states legislatures of Pennsylvania, Michigan, Wisconsin, Georgia and Arizona (“Defendant States”) are unable to review the manner in which the election was conducted, are prevented from exercising their investigative powers and are unable to vote, debate or as a body speak to the conduct of the election. In sum, State legislatures are impotent to respond to what happened in the November 3, 2020 election.

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<sup>1</sup> Hamilton, Alexander. Federalist No. 68, at 410-11 (C. Rossiter, ed. 1961).

This impotency is caused by the ministerial functions of Congress and the Vice President regarding the counting of the Presidential Elector’s votes and also by state law prohibiting the legislative body from meeting without a supermajority or governor or leadership agreement during a time they can respond to what happened in the election. Accordingly, even if the state legislatures were aware of clear fraud by the executive branch – the state legislatures could not meet unless a supermajority, or a governor, or legislative leadership agreed they should meet.

This wholesale delegation of legislative authority operates contrary to the Constitution by inviting “cabal, intrigue and corruption” rather than operating to prevent the same. State legislative bodies have been relegated to observing the ministerial functions of a small group of executive officials who have refused various requests by legislators to be called into special session. Consequently, the legislative bodies as a whole of Defendant States have not engaged in any open discussion, review, investigation, or debate regarding the 2020 general election.

**B. A Cabal of Public-Private Partnerships Directed the Manner of the Election Contrary to State Law Creating Disorder the State Legislatures were Unable to Address.**

The management of elections is a core government function of Congress and state legislatures whose responsibilities are constitutionally defined.<sup>2</sup> “Safeguarding the integrity of the electoral process is a fundamental task of the Constitution, and [the courts] must be keenly sensitive to signs that its validity may be impaired.”<sup>3</sup>

This is especially so when state legislatures have abrogated their responsibilities through the improper delegation of their authority and when a cabal of state and local executives have partnered with private interests to undermine state statutes and plans designed to protect the integrity of the election.

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<sup>2</sup> U.S. Const. Art. II, Section 1, Cl. 1; U.S. Const. Art. 4, Section 1, Cl. 1.

<sup>3</sup> *Johnson v. FCC*, 829 F.2d 157, 163 (D.C. Cir. 1987).

“Confidence in the integrity of our electoral processes is essential to the functioning of our participatory democracy”<sup>4</sup> and due to the wholesale delegation of legislative responsibility only judicial action restoring legislative authority can check unlawful conduct by the involved state executives.

**C. Unprecedented Private Monies Purchased Local Election Offices and Dictated Election Management Encouraging the Evasion of State Laws and Government Partisan Involvement.**

On March 27, 2020 President Trump signed into law the Coronavirus Aid, Relief, and Economic Security Act (CARES) which provided \$400 million to states to manage the 2020 elections during the pandemic.<sup>5</sup> This funding joined previous monies provided by the Help America Vote Act (HAVA) to afford states sufficient federal funding to assist in managing the election.

The CARES Act funding, however, was exceeded by one individual who passed \$400 million to local and state executives through a private charity that dictated how the recipient local government officials would manage the election.<sup>6</sup>

These dictates included the unprecedented use of drop boxes, mobile ballot retrieval, the location and number of polling places or satellite locations, and the consolidation of urban counting centers. Election judges, inspectors and poll workers were paid by these private funds and the tabulating machines purchased with private monies.<sup>7</sup>

The private funds flowed through the Center for Tech and Civic Life (CTCL) and were targeted to facilitate voter turnout of certain demographics in geographic areas dominated by one political

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<sup>4</sup> *Purcell v. Gonzalez*, 549 U.S. 1, 4 (2006).

<sup>5</sup> Coronavirus Aid, Relief & Econ. Security Act, Pub. L. 116-136, §15003, 134 Stat. 281, 531.

<sup>6</sup> *Mark Zuckerberg donated \$400M to help local election offices during pandemic*, INDEPENDENT, Nov. 11, 2020. <https://www.independent.co.uk/news/world/americas/mark-zuckerberg-donation-election-facebook-covid-b1721007.html>.

<sup>7</sup> *Id.*

party.<sup>8</sup> CTCL recruited specific cities to apply for the grants and provided grants to select cities to assist those cities in their grant applications.<sup>9</sup>

The funding to local election officials in Democratic strongholds was provided simultaneously with executive decisions to close in-person voting locations in areas not receiving CTCL grants. The CTCL funding and local executive official acceptance created a two-tier election system in which geographic areas benefitting one political party were flush with cash used to increase voter opportunities and turnout, including one city's no-bid purchase of a \$250,000 Winnebago for local voter turnout efforts. The geographic areas dominated by the other party, however, experienced greater difficulty voting due to COVID emergency orders.<sup>10</sup>

For example, CTCL provided funds to 100% of the Pennsylvania counties carried by Hillary Clinton in 2016, including over \$10 million to Philadelphia County.<sup>11</sup> The charity required the heavily Democratic county to establish 800 "satellite" voting locations and implement the drop box collection of ballots. In neighboring Democratic Delaware County, Pennsylvania one drop box was available for every 4,000 voters and one drop box was placed for every four-square-miles.

On the other hand, President Trump carried 59 of 67 Pennsylvania counties in 2016. CTCL contributed to 22% of those counties providing much smaller grants. There was one drop box for every 72,000 voters and every 1,159 square-miles in those counties.

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<sup>8</sup> See, e.g., (city of Philadelphia grant communications), *Unconstitutional? Wisconsin city election officials sought private money to register voters*, <https://justthenews.com/politics-policy/elections/documents-show-wi-municipal-authorities-sought-use-grant-money-voter>; City of Green Bay – Center for Tech and Civic Life grant agreement (July 24, 2020).

<sup>9</sup> See Approval by Center for Tech and Civic Life of grant request for City of Racine, App. 247-48; see also Petition for Permanent Injunction and Declaratory Judgment on behalf of the State of Louisiana, App. 1504-1536.

<sup>10</sup> See Grant Spending Approval by City of Racine for Purchase of Winnebago, App. 1492; see also Carlson Report, App. 31-38.

<sup>11</sup> See Approval by Center for Tech and Civic Life of grant request for City of Philadelphia, App. 1493-1503.

CTCL funding produced similar results in the other Defendant States. Moreover, the use of drop boxes materially breached the chain of custody of ballots. For example, ballot transfer forms in Cobb County, Georgia show 78% of the 89,000 absentee ballots were not transported as Georgia election rules require.<sup>12</sup> Additionally, the use of drop boxes and changes in the signature comparison requirements for absentee ballots were approved by the Georgia Secretary of State without legislative approval.<sup>13</sup>

The presence of CTCL funds in other states facilitated conduct contrary to state law as well. In Wisconsin, at CTCL's request, five cities used CTCL seed monies to draft the "Wisconsin Safe Voting Plan 2020," so named despite the failure of the city leaders to include any other Wisconsin election officials. The plan, and communications relating to the plan, provided for extensive voter turnout efforts, considered state voter identification laws an obstacle and required the use of drop boxes, curbside voting and salaries for additional staffing.<sup>14</sup>

CTCL funding was used to "dramatically expand voter and community education and outreach, particularly to historically disenfranchised residents."<sup>15</sup>

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<sup>12</sup> *Ballot Transfer Forms Show 78 Percent of 89,000 Absentee Ballots from Drop Boxes in Cobb County, Georgia Were Not Transported to the Registrar 'Immediately' As the Election Code Requires – The Georgia Star News*, <https://georgiastarnews.com/2020/12/11/ballot-transfer-forms-show-78-percent-of-89000-absentee-ballots-from-drop-boxes-in-cobb-county-were-not-transported-to-registrar-immediately-as-election-code-rule-requires/>.

<sup>13</sup> *Georgia Secretary of State and State Election Board Changed Absentee Ballot Signature Verification and Added Drop Boxes Without State Legislature's Approval*, <https://georgiastarnews.com/2020/12/16/georgia-secretary-of-state-and-state-election-board-changed-absentee-ballot-signature-verification-and-added-drop-boxes-without-state-legislatures-approval/>.

<sup>14</sup> *Wisconsin Safe Voting Plan 2020*, at 4 (submitted to the Center for Tech and Civic Life by the cities of Green Bay, Kenosha, Madison, Milwaukee and Racine)(June 15, 2020). The report states "[v]oting absentee by mail has been complicated by a fairly recent imposition of state law requiring voters to provide an image of their valid photo ID prior to first requesting an absentee ballot." *Id.*, at 6. The CTCL funding provided "voter navigators" and professional witnesses to increase turnout and \$2.5 million to "overcome these particular barriers." *Id.* at 8-11. The cities received over \$2 million for additional staffing, including pay for poll workers, election "chief inspectors." *Id.*, at 11-12 and 18-19. An additional \$216,500 was provided for drop boxes. *Id.*, at 10-11.

<sup>15</sup> *Id.*, at 13.

CTCL funding enabled urban areas in defendant states to consolidate counting facilities. This consolidation precipitated the exclusion of Republican officials from the ability to view the management, handling and counting of absentee and mail-in ballots.

Election transparency is a prophylactic to fraud. Each defendant state has laws requiring members of both major political parties be present in the location of the receipt, management and counting of ballots. Such common-sense policy is necessary due to the significant afforded election officials.

Local election officials determine the ballots to be received, the ballots eligible to be counted and supervise the count of the ballots. Legislatures have wisely determined the best way to bring accountability to such decisions is to require the participation, or at least the observation, of both political parties.

Yet, these laws were not followed. In Wayne County, Michigan, CTCL paid poll workers boarded up the windows to the counting facility to prevent observation.<sup>16</sup> Inside Detroit's *TCF Center*, election inspectors were receiving, counting and "curing" absentee ballots. The "curing" process involves discerning the voting intent of an absent voter and reflecting that intent on a newly ballot which is then cast and counted.

Michigan law requires representatives of both major political parties to view the process and then sign a form stating the "curing" was completed consistent with voter intent.<sup>17</sup> Yet, Republican inspectors were not appointed in Wayne County. Moreover, Republican poll watchers were kept at such a distance in the cavernous TCF Center they were unable to view the conduct of the inspectors

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<sup>16</sup> *There's a Simple Reason Workers Covered Windows at a Detroit Vote-Counting Site*, THE NEW YORK TIMES (Nov. 5, 2020) (<https://www.nytimes.com/2020/11/05/technology/michigan-election-ballot-counting.html>, retrieved Dec. 20, 2020) (windows covered to prevent "photographs").

<sup>17</sup> See *Mich. Comp. Laws* §168.674(2) (Thomson/West 2006).

at the 134 counting tables operating in the center.<sup>18</sup> City election officials later argued that allowing republicans in the “place” of the counting satisfied state law despite the “place” these poll watchers were required to stand was so remote they could not observe the activity of the democrat party officials.

Urban election officials in other Defendant States which received CTCL funding also restricted or prohibited Republican poll watchers from viewing the receipt, management, curing and counting of ballots.<sup>19</sup> Local election officials in each state represented here received significant funds from CTCL and each also engaged in election improprieties with local officials acting contrary to state law.

State hostility to Republican participation in reviewing the management of the 2020 general election manifested in threats to Republican officeholders and their counsel in Michigan. On December 14, 2020 Governor Gretchen Whitmer mobilized the state police to secure the state capitol to prevent Republican legislators entry to the building while allowing Democrat legislators to enter.<sup>20</sup>

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<sup>18</sup> See, e.g., *Watch, Detroit Absentee Ballot Counting Chaos As Workers Block Windows, Bar Observers*, BREITBART (Nov. 4, 2020) (<https://www.breitbart.com/politics/2020/11/04/watch-detroit-absentee-ballot-counting-chaos-as-workers-block-windows-bar-observers/>, retrieved Dec. 12, 2020); *Chaos erupts at TCF Center as Republican vote challengers cry foul in Detroit*, DETROIT FREE PRESS (Nov. 4, 2020) (<https://www.freep.com/story/news/politics/elections/2020/11/04/tcf-center-challengers-detroit-michigan/6164715002/>, retrieved Dec. 20, 2020).

<sup>19</sup> See, e.g., Affidavit of Gregory Stenstrom (date); ‘The Steal is On’ in Pennsylvania: Poll Watchers Denied Access, Illegal Campaigning at Polling Locations, Breitbart (Nov. 3, 2020) (<https://www.breitbart.com/politics/2020/11/03/the-steal-is-on-in-pennsylvania-poll-watchers-denied-access-illegal-campaigning-at-polling-locations/>, retrieved Dec. 20, 2020);

<sup>20</sup> Michigan governor Gretchen Whitmer and legislative leadership initially claimed COVID-19 necessitated the closing of the Michigan capitol building on December 14, 2020, the congressional deadline for the certification of the presidential electors. *Shirkey: ‘Bad Judgment’ to keep Michigan Capitol closed during electors meeting*, <https://www.detroitnews.com/story/news/politics/2020/12/14/shirkey-bad-judgment-capitol-closed-during-elector-meeting/6536863002/>. Later, Governor Whitmer claimed the closing occurred due to a security threat. *Michigan State House, Senate close over ‘threats of violence’ during Electoral College Meeting*, December 14, 2020, <https://www.usatoday.com/story/news/politics/2020/12/14/michigan-legislative-buildings->



Moreover, Democrat Michigan Attorney General Dana Nessel announced she was criminally investigating Republican legislators who voiced concerns regarding the election outcome and threatened those officials with criminal prosecution for “bribery, perjury, and conspiracy.”<sup>21</sup>

General Nessel also tweeted a claim “GOP efforts to overturn President Trump’s electoral defeat...and [t]hreats against election officials are domestic terrorism. My message to them is ‘We are looking for you. We will find you. You will be held accountable.’”<sup>22</sup> The Michigan State Police whom the Governor ordered to bar Republicans from entering the capitol on the fourteenth<sup>23</sup>, however, announced they “did not recommend the closure of legislative offices ahead of the Electoral College meeting and they were not aware of ‘any credible threats of violence related to Michigan....’”<sup>24</sup>

General Nessel continued her threats with calls for ethics investigations of Republican attorneys. She also chilled free speech during the election by issuing “cease-and-desist letters” to political organizations engaged in political speech.<sup>25</sup>

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closed-security-concerns-covid-19/6536919002/, see also <https://www.npr.org/sections/biden-transition-updates/2020/12/14/946243439/michigan-gov-whitmer-addresses-security-threat-to-electoral-college-vote>. Despite both claims, Democrats were allowed in the state capitol on December 14, 2020 while republican legislators were prohibited from entering. <https://www.prnewswire.com/news-releases/got-freedom-video-shows-police-preventing-gop-electors-in-michigan-from-performing-lawful-duties-301192474.html>. The Michigan State Police, however, revealed that they acted on the Governor’s orders and that the state police were not aware of any credible threat to the capitol or its occupants. <https://nbc25news.com/news/local/michigan-house-and-senate-offices-closed-tomorrow-because-of-safety-concerns>.

<sup>21</sup> *Michigan attorney general ponders criminal probes of state and local officials who bend to Trump’s will on overturning election results*, [https://www.washingtonpost.com/politics/michigan-attorney-general-canvassing-board-lawmakers/2020/11/20/87d19ce6-2b65-11eb-8fa2-06e7cbb145c0\\_story.html](https://www.washingtonpost.com/politics/michigan-attorney-general-canvassing-board-lawmakers/2020/11/20/87d19ce6-2b65-11eb-8fa2-06e7cbb145c0_story.html).

<sup>22</sup> <https://twitter.com/dananessel/status/1338494176883847170>.

<sup>23</sup> *Live Update: Denied to Perform Constitutional Duty in Michigan*, GOT FREEDOM? (December 14, 2020)(<https://www.youtube.com/watch?v=6nH6ZvfAD2w>, (video of entry denial)).

<sup>24</sup> *State Police say there were not aware of any credible threats to the capitol on Monday*, <https://nbc25news.com/news/local/michigan-house-and-senate-offices-closed-tomorrow-because-of-safety-concerns>.

<sup>25</sup> *Nessel issues cease-desist letters to those spreading misinformation during election*, <https://www.wxyz.com/news/election-2020/nessel-issues-cess-and-desist-letters-to-those-spreading-misinformation-during-election>.

Accordingly, the Plaintiffs who are voter groups, voters and state legislators in Pennsylvania, Michigan, Wisconsin, Georgia and Arizona file this complaint seeking to restore the constitutional authority and duty of the legislative bodies of their respective states in the selection of presidential electors to correct “the tumult and disorder”<sup>26</sup> and lawlessness

The federal laws regarding the Presidential electors, codified at 3 U.S.C. §§ 5, 6 and 15 are constitutionally unauthorized and violate Presidential voters’ rights to state legislative post-election certification. Article II of the Constitution establishes a non-delegable process where at least state legislative post-election certification of the state’s Presidential electors is constitutionally required for Presidential elector votes to be counted in the election of the President and Vice President. In contradiction, the federal laws, particularly 3 U.S.C. §§ 5 and 6, establish a different process where Presidential electors are designated by the Governor of each Defendant State without state legislative post-election certification. Then, 3 U.S.C. § 15 authorizes the Vice President and Congress to count those votes in contradiction of the constitutional obligation to only count votes of Presidential electors who have state legislative post-election certification.

Further, the Defendant States have legally acquiesced to the federal laws by enacting statutes transferring post-election certification from the state legislatures to state executive branch officials: Ariz. Rev. Stat. § 16-212 (B) (Arizona Secretary of State), Ga. Code Ann. § 21-2-499 (B) (Georgia Secretary of State and Governor), Mich. Comp. Laws Ann. § 168.46 (Michigan State Board of Canvassers and Governor), Wis. Stat. § 7.70 (5) (b) (Wisconsin Elections Commission); and 25 Pa. Cons. Stat. § 3166 (Secretary of Commonwealth and Governor). These state laws also violate Article II which establishes the state legislative prerogative to post-election certification of Presidential votes and of Presidential electors.

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<sup>26</sup> Federalist No. 68, at 410-11.

Plaintiffs hope a constitutional crisis can be avoided. There is time before the January 20, 2021 inaugural of the President and Vice President for the Court to require the state legislatures to meet and consider post-election certification of the Presidential electors. The people's representatives comprising the state legislatures of the respective states must be afforded the opportunity to act as a whole to fulfill their constitutional responsibilities and to restore faith in the election process.

Moreover, this Court has continuing jurisdiction, after this Presidential election, because the federal laws and state laws violating Article II have continuing force applied to future Presidential elections.

## JURISDICTION

1. The Court has jurisdiction under 28 U.S.C. § 1331 (federal question), 28 U.S.C. § 1343 (civil rights and elective franchise), 28 U.S.C. § 2201 (declaratory judgment), 28 U.S.C. § 1651 ("All Writs Act"), 42 U.S.C. § 1983 (civil rights) and D.C. Code § 16-3501, et seq (ouster of national officials).

2. The Court has venue under 28 U.S.C. § 1391 because many of the Defendants reside or are located in the District of Columbia and a substantial part of the events or omissions giving rise to the claim occurred or will occur there.

## PARTIES

### A. Plaintiffs

3. Plaintiffs Wisconsin Voters Alliance, Pennsylvania Voters Alliance, Georgia Voters Alliance, Election Integrity Forum and Arizona Election Integrity Alliance are election integrity entities and associations which have a purpose of promoting election integrity in Pennsylvania,

Wisconsin, Georgia, Michigan and Arizona, respectively. They do not support any particular candidate for any public office.

4. Plaintiffs Lynie Stone and Baron Benham are residents, voters and taxpayers of Arizona. They are members of the Arizona Election Integrity Alliance.

5. Plaintiffs Debi Haas and Brenda Savage are residents, voters and taxpayers of Michigan. They are members of the Election Integrity Forum.

6. Plaintiffs Matthew Dadich and Leah Hoopes are residents, voters and taxpayers of Pennsylvania. They are members of the Pennsylvania Voters Alliance.

7. Plaintiffs Ron Hueur, Richard W. Kucksdorf and Debbie Jacques are residents, voters and taxpayers of Wisconsin. They are members of the Wisconsin Voters Alliance.

8. Plaintiff John Wood is a resident, voter and taxpayer of Georgia. He is a member of the Georgia Voters Alliance.

9. Plaintiff Senator Sonny Borrelli member of the Arizona Senate.

10. Plaintiff Representative Warren Peterson is a member of the Arizona House of Representatives.

11. Plaintiff Representative Matthew Maddock is a member of the Michigan House of Representatives.

12. Plaintiff Representative Daire Rendon is a member of the Michigan House of Representatives.

13. Plaintiff Representative David Steffen is a member of the Wisconsin State Assembly.

14. Plaintiff Representative Jeff L. Mursau is a member of the Wisconsin State Assembly.

15. Plaintiff Senator William T. Ligon is a member of the Georgia Senate.

16. Plaintiff Senator Brandon Beach is a member of the Georgia Senate.

17. All of the individual Plaintiffs are residents, voters and taxpayers of their respective states.

18. All of the individual Plaintiffs voted in the November 3, 2020 election for President and Vice President and plan to vote in future Presidential elections.

**B. Defendants**

19. Vice President Michael Richard Pence is a Defendant sued in his official capacity as President of the United States Senate. As such, Pence is identified as having legal obligations under the Constitution and federal law regarding opening and counting the ballots of Presidential electors for President and Vice President.

20. The U.S House of Representatives, U.S. Senate, and Electoral College are Defendants. They are constituted under the Constitution and federal law.

21. Governor Tom Wolf of Pennsylvania is a Defendant sued in his official capacity. He has legal responsibilities under federal and state law in post-election certification of Presidential electors.

22. Speaker Bryan Carter of the Pennsylvania House of Representatives and Senate Majority Leader Jake Corman of the Pennsylvania Senate, are sued in their official capacities. They and their respective houses of their state legislature have legal responsibilities under federal and state law in post-election certification of Presidential electors.

23. Governor Gretchen Whitmer of Michigan is a Defendant sued in her official capacity. She has legal responsibilities under federal and state law in post-election certification of Presidential electors.

24. Speaker Lee Chatfield of the Michigan House of Representatives and Senate Majority Leader Mike Shirkey of the Michigan Senate are sued in their official capacities. They and their

respective houses of their state legislature have legal responsibilities under federal and state law in post-election certification of Presidential electors.

25. Governor Tony Evers of Wisconsin is a Defendant sued in his official capacity. He has legal responsibilities under federal and state law in post-election certification of Presidential electors.

26. Speaker Robin Vos of the Wisconsin State Assembly and Senate Majority Leader Howard Marklein of the Wisconsin Senate are sued in their official capacities. They and their respective houses of their state legislature have legal responsibilities under federal and state law in post-election certification of Presidential electors.

27. Governor Brian Kemp of Georgia is a Defendant sued in his official capacity. He has legal responsibilities under federal and state law in post-election certification of Presidential electors.

28. Speaker David Ralston of the Georgia House of Representatives and President Pro Tempore Butch Miller of the Georgia Senate are sued in their official capacities. They and their respective houses of their state legislature have legal responsibilities under federal and state law in post-election certification of Presidential electors.

29. Governor Doug Ducey of Arizona is a Defendant sued in his official capacity. He has legal responsibilities under federal and state law in post-election certification of Presidential electors.

30. Speaker Russell Bowers of the Arizona House of Representative and Senate Majority Leader Rick Gray of the Arizona Senate are sued in their official capacities. They and their respective houses of their state legislature have legal responsibilities under federal and state law in post-election certification of Presidential electors.

## STANDING

31. As voters, the Plaintiffs have legal standing to bring these constitutional claims to ensure that Presidential elections are constitutionally conducted by Defendants.<sup>27</sup>

32. The Plaintiffs claim that Article II of the U.S. Constitution provides a voter a constitutional right to the voter's Presidential vote being certified as part of the state legislature's post-election certification of Presidential electors. Absence such certification, the Presidential electors' votes from that state cannot be counted by the federal Defendants toward the election of President and Vice President. Because the Plaintiffs' votes are not counted as part of the constitutionally-required state legislative post-election certification of Presidential electors, the Defendants are causing the Plaintiffs to be disenfranchised. *See Baten v. McMaster*, 967 F.3d 345, 352–53 (4th Cir. 2020) (voters who vote in Presidential elections have standing on claims of government causing disenfranchisement).

33. When Defendants violate the Constitution as it relates to Presidential elections in the Defendant, all voters in Presidential elections suffer an injury-in-fact caused by the Defendants. Voters in a Presidential election, in this instance, have an injury-in-fact different than the public because when they voted and they had an interest that the election in which they voted is constitutionally-conducted. The same is true of future elections. Finally, the Court can redress the Plaintiffs' injuries by issuing a declaratory judgment and accompanying injunction to enjoin the Defendants' unconstitutional conduct.

34. As voters, each Plaintiff has a fundamental right to vote.<sup>28</sup> Thus, each Plaintiff has a recognized protectable interest. As the U.S. Supreme Court has long recognized, a person's right to

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<sup>27</sup> *See Lujan v. Defenders of Wildlife*, 504 U.S. 555, 560–61 (U.S. 1992).

<sup>28</sup> *Reynolds v. Sims*, 377 U.S. 533, 554–55, 562 (1964).

vote is “individual and personal in nature.”<sup>29</sup> Thus, “voters who allege facts showing disadvantage to themselves as individuals have standing to sue” to remedy that disadvantage.<sup>30</sup> “Safeguarding the integrity of the electoral process is a fundamental task of the Constitution, and [the courts] must be keenly sensitive to signs that its validity may be impaired.”<sup>31</sup> “Confidence in the integrity of our electoral processes is essential to the functioning of our participatory democracy.”<sup>32</sup>

35. By federal and state election laws, the federal and state governments have agreed to protect the fundamental right to vote by maintaining the integrity of an election contest as fair, honest, and unbiased to maintain the structure of the democratic process.<sup>33</sup> The voters, in turn, agree to accept the government’s announcement of the winner of an election contest, including federal elections, to maintain the integrity of the democratic system of the United States. “No right is more precious in a free country than that of having a voice in the election of those who make the laws under which, as good citizens, we must live.”<sup>34</sup> But the right to vote is the right to participate in an electoral process that is necessarily structured to maintain the integrity of the democratic system.<sup>35</sup>

36. This arrangement constitutes a “social contract” between the voter and the government as an agreement among the people of a state about the rules that will define their government.<sup>36</sup> Social contract theory provided the background against which the Constitution was adopted. “Because of this social contract theory, the Framers and the public at the time of the

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<sup>29</sup> *Id.* 377 U.S. at 561.

<sup>30</sup> *Gill v. Whitford*, 138 S. Ct. 1916, 1929 (2018).

<sup>31</sup> *Johnson v. FCC*, 829 F.2d 157, 163 (D.C. Cir. 1987).

<sup>32</sup> *Purcell v. Gonzalez*, 549 U.S. 1, 4 (2006).

<sup>33</sup> *Timmons v. Twin Cities Area New Party*, 520 U.S. 351, 364 (1997) (“States certainly have an interest in protecting the integrity, fairness, and efficiency of their ballots and election processes as means for electing public officials.”).

<sup>34</sup> *Burdick v. Takushi*, 504 U.S. 428, 441 (1992) quoting *Wesberry v. Sanders*, 376 U.S. 1, 17 (1964).

<sup>35</sup> *Id.* (citations omitted).

<sup>36</sup> *Dumonde v. U.S.*, 87 Fed. Cl. 651, 653 (Fed. Cl. 2009) (“Historically, the Constitution has been interpreted as a social contract between the Government and people of the United States,” citing *Marbury v. Madison*, 1 Cranch 137, 5 U.S. 137, 176 (1803).



revolution and framing conceived governments as resulting from an agreement among people to provide a means for enforcing existing rights.”<sup>37</sup> “The aim of a social contract theory is to show that members of some society have reason to endorse and comply with the fundamental social rules, laws, institutions, and/or principles of that society. Put simply, it is concerned with public justification, i.e., ‘of determining whether or not a given regime is legitimate and therefore worthy of loyalty.’”<sup>38</sup>

37. The uniformity of election laws is part of that contract to protect the right to vote. Hence, the right to vote is intertwined with the integrity of an election process. The loss of the integrity of the election process renders the right to vote meaningless.<sup>39</sup> Here, the Defendant States’ election irregularities and improprieties so exceed the razor-thin margins to cast doubt on the razor-thin margins of victory and, thus, threaten the social contract itself.

38. The same will happen in future elections too if it is not stopped.

39. The Article II social contract with the voters is, in part, the assurance of their state legislature voting for post-election certification of Presidential electors. Arising from the social contract is the integrity of the election process to protect the voter’s right to vote. In the state legislatures perpetually delegating post-election certification of Presidential electors to election officials—as a core government function—the state legislatures, required by federal law, delegated

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<sup>37</sup> Greg Serienko, *Social Contract Neutrality and the Religion Clauses of the Federal Constitution*, 57 Ohio St. L. J. 1263, 1269.

<sup>38</sup> *Contemporary Approaches to the Social Contract*, <https://plto.stanford.edu/entries/contractarianism-contemporary/> (last visited Dec. 21, 2020).

<sup>39</sup> “Legitimacy is the crucial currency of government in our democratic age. Only elections that are transparent and fair will be regarded as legitimate. . . . But elections without integrity cannot provide the winners with legitimacy, the losers with security and the public with confidence in their leaders and institutions.” <https://www.kofiannanfoundation.org/supporting-democracy-and-elections-with-integrity/uganda-victory-without-legitimacy-is-no-victory-at-all/> (Last visited Dec. 8, 2020).

post-election certification to state executive branch officials when Article II requires the state legislatures to conduct post-election certification of every voter's vote.

40. This social contract is what is personally at risk for the Plaintiffs in the outcome of the controversy.<sup>40</sup> As much as the government has a compelling interest in fair and honest elections with accompanying laws and regulations to ensure that objective to preserve the democratic system of government, so too the voter has an interest in state and local election officials violating the election laws in favor of a pre-determined result.

41. Furthermore, the voter has a compelling interest in the maintenance of a democratic system of government under the Ninth Amendment through the election process, beyond controversies regarding governmental attempts to interfere with the right to vote. Here, the voter did not enter into a contract with the state election official to give them discretion for state election irregularities and improprieties—of any kind—regardless of how benign they might be. The voter's social contract is with the state legislature—who under Article II must conduct post-election certification of the Presidential electors. The Article II requirement of the state legislature casting a post-election certification vote for Presidential electors is the voters' constitutional "insurance policy" against the risk of state and local election officials engaging in election irregularities and improprieties in favor of a pre-determined outcome.

42. The voters have been willing to accept laws and regulations imposed upon an election process to serve the government's compelling interest in the integrity of that process. So, while it is fair to create public governmental regulatory schemes to promote the compelling interests to protect the right to vote, and therefore, a voter's right of associational choices under the First

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<sup>40</sup> *Gill*, 138 S.Ct. at 1923.

Amendment,<sup>41</sup> those rights are infringed when the state legislatures abdicate the constitutionally-required role of post-election certification of Presidential electors.<sup>42</sup>

43. For federal elections, state legislatures under Article II have no authority to delegate post-election certification of Presidential electors to state executive branch officials. Yet, they did. That is the harm for the voters. It is the Electors Clause that gives state legislatures the exclusive right to post-election certification of Presidential electors—not state executive branch officials.

44. This lawsuit is not about voter fraud. The harm here is the loss of a voter remedy under Article II conducted as a core *governmental* function under federal and state election laws to ensure the integrity of the election. In turn, the acceptance of the outcome without state legislative post-election certification of Presidential electors interferes with the social contract between the voter and the government—causing injury to the voter.

## BACKGROUND

### A. Legal background

45. Under the Supremacy Clause, the “Constitution, and the laws of the United States which shall be made in pursuance thereof . . . shall be the supreme law of the land.”<sup>43</sup>

46. “The individual citizen has no federal constitutional right to vote for electors for the President of the United States unless and until the state legislature chooses a statewide election as the means to implement its power to appoint members of the electoral college.”<sup>44</sup>

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<sup>41</sup> *Anderson v. Celebrezze*, 460 U.S. 780, 788–89 (1983).

<sup>42</sup> *Id.*

<sup>43</sup> U.S. Const. Art. VI, cl. 2.

<sup>44</sup> *Bush v. Gore*, 531 U.S. 98, 104 (citing U.S. CONST. art. II, § 1).

47. State legislatures have plenary power to set the process for appointing presidential electors: “Each State shall appoint, in such Manner as the Legislature thereof may direct, a Number of Electors.”<sup>45</sup>

48. At the time of the Founding, most States did not appoint electors through popular statewide elections. In the first presidential election, six of the ten States that appointed electors did so by direct legislative appointment.<sup>46</sup>

49. In the second presidential election, nine of the fifteen States that appointed electors did so by direct legislative appointment.<sup>47</sup>

50. In the third presidential election, nine of sixteen States that appointed electors did so by direct legislative appointment. *Id.* at 31. This practice persisted in lesser degrees through the Election of 1860.

51. Though “[h]istory has now favored the voter,” *Bush*, 531 U.S. at 104, “there is no doubt of the right of the legislature to resume the power [of appointing presidential electors] at any time, for *it can neither be taken away nor abdicated.*”<sup>48</sup>

52. Given the State legislatures’ constitutional primacy in selecting presidential electors, the ability to set rules governing the casting of ballots and counting of votes cannot be usurped by other branches of state government—nor the federal government.

53. The Framers of the Constitution decided to select the President through the Electoral College “to afford as little opportunity as possible to tumult and disorder” and to place

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<sup>45</sup> U.S. Const. Art. II, §1, cl. 2; *see also Bush v. Gore*, 531 U.S. at 104 (“[T]he state legislature’s power to select the manner for appointing electors is plenary.” (emphasis added)).

<sup>46</sup> *McPherson v. Blacker*, 146 U.S. 1, 29-30 (1892).

<sup>47</sup> *Id.* at 32.

<sup>48</sup> *McPherson*, 146 U.S. at 35 (emphasis added); *cf.* 3 U.S.C. § 2 (“Whenever any State has held an election for the purpose of choosing electors, and has failed to make a choice on the day prescribed by law, the electors may be appointed on a subsequent day in such a manner as the legislature of such State may direct.”).

“every practicable obstacle [to] cabal, intrigue, and corruption,” including “foreign powers” that might try to insinuate themselves into our elections.<sup>49</sup> Federalist No. 68, at 410-11 (C. Rossiter, ed. 1961) (Madison, J.).

54. The Plaintiffs constitutional claims in this lawsuit are principally based on one sentence in Article II of the U.S. Constitution. The sentence has eighty-five words. The constitutional sentence provides:

He shall hold his office during the term of four years, and, together with the Vice President, chosen for the same term, be elected, as follows: Each state shall appoint, in such manner as the Legislature thereof may direct, a number of electors, equal to the whole number of Senators and Representatives to which the State may be entitled in the Congress: but no Senator or Representative, or person holding an office of trust or profit under the United States, shall be appointed an elector.

55. The Plaintiffs’ claims, based on this constitutional, imperative, sentence, are that post-election certification of Presidential votes and post-election certification of Presidential electors are exclusively state legislative decisions; accordingly, Governors, federal courts and state courts have no constitutionally-permitted role in post-election certifications of Presidential votes and of Presidential electors.

56. Accordingly, the Plaintiffs claim that 3 U.S.C. § 5, 6 and 15 and state laws (such as Ariz. Rev. Stat. § 16-212 (B), Ga. Code Ann. § 21-2-499 (B), Mich. Comp. Laws § 168.46, Wis. Stat. § 7.70 (5) (b) and 25 Pa. Cons. Stat. § 3166) eviscerating these state legislative prerogatives, every four years, are unconstitutional.

57. Under Article II, Congress lacks legal authority to enact laws interfering with the state-by-state state legislative post-election certifications of Presidential votes and of Presidential electors as it has done with 3 U.S.C. §§ 5, 6 and 15. There are textual and structural arguments for

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<sup>49</sup> See, *supra*, Note 14.

these federal statutes being unconstitutional.<sup>50</sup> The Plaintiffs claim that 3 U.S.C. §§ 5, 6 and 15 are unconstitutional interferences with the state legislative prerogatives guaranteed by the Constitution.

58. Analogously, under Article II, the state legislatures lack legal authority to enact state laws which are a perpetual and wholesale delegation of post-election certifications of Presidential votes and of Presidential electors to state executive branch officials—as they have done in Ariz. Rev. Stat. § 16-212 (B) (Arizona Secretary of State), Ga. Code Ann. § 21-2-499 (B) (Georgia Secretary of State and Governor), Mich. Comp. Laws Ann. § 168.46 (Michigan State Board of Canvassers and Governor), Wis. Stat. § 7.70 (5) (b) (Wisconsin Elections Commission); and 25 Pa. Cons. Stat. § 3166 (Secretary of Commonwealth and Governor).

59. Article II, and its non-delegation doctrine, left it to the state legislatures to “direct” post-election certification of Presidential electors—not to “delegate” post-election certifications, perpetually and in a wholesale fashion, to state executive branch officials as a ministerial duty. There are textual and structural arguments for these state statutes being unconstitutional. Plaintiffs claim that Ariz. Rev. Stat. § 16-212 (B), Ga. Code Ann. § 21-2-499 (B), Mich. Comp. Laws Ann. § 168.46, Wis. Stat. § 7.70 (5) (b), 25 Pa. Cons. Stat. § 3166 are unconstitutional delegation of the state legislative prerogatives of post-election certifications of Presidential votes and of Presidential electors.

60. Further, the state constitutions of the Defendant States do not require the state legislature to meet for post-election certification of the Presidential electors. Arizona’s, Georgia’s and Pennsylvania’s Constitutions have the state legislature adjourned until January 2021.<sup>51</sup> Michigan’s

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<sup>50</sup> Vasan Kesavan, *Is the Electoral Count Act Unconstitutional*, 80 N.C. L. Rev. 1653, 1696-1793 (2002).

<sup>51</sup> Ariz. Const. Art. IV, Part 2, Sec. 3; Ga. Const. Art. III, § IV, ¶ 1(a). Pa. Const. Art. II, § 4.

and Wisconsin's Constitutions permit the state legislature to be in session, but do not require a joint session of the state legislature to affirmatively vote for Presidential post-election certifications.<sup>52</sup>

61. Based on this legal background, Plaintiffs claim, under the Article II, that if there is no state legislative post-election certifications of Presidential votes and of Presidential electors in the Defendant States, then those Defendant States' Presidential electors votes, not so certified, cannot be counted by the federal Defendants for President and Vice President under Article II.

**B. The Defendants, except state legislatures, are involved in post-election certifications of Presidential votes and of Presidential electors or counting their ballots to elect the President and Vice President.**

62. Under 3 U.S.C. §§ 5, 6 and 12, each of the Defendants, except the state legislatures, have a role to play in state post-election certifications of Presidential votes and of a state's Presidential electors or counting of the Presidential Electors' votes.

63. Under 3 U.S.C. § 15, "Congress shall be in session on the sixth day of January succeeding every meeting of electors. The Senate and House of Representatives shall meet in the Hall of the House of Representatives at the hour of 1 o'clock in the afternoon on that day."

64. Under 3 U.S.C. § 15, Vice President Michael Richard Pence is the presiding officer on January 6, 2021: "and the President of the Senate shall be their presiding officer."

65. Vice President Pence, the U.S. Senate and the U.S. House of Representatives are Defendants presume under 3 U.S.C. §§ 5 and 6, that each state's Presidential elector votes because they are designated by the Governor of each Defendant State can be counted without state legislative post-election certification.

66. 3 U.S.C. § 5 provides:

If any State shall have provided, by laws enacted prior to the day fixed for the appointment of the electors, for its final determination of any controversy or contest concerning the appointment of all or any of the electors of such State, by judicial or

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<sup>52</sup> Mich. Const. Art. IV, § 13; Wis. Const. Art. IV, § 11.

other methods or procedures, and such determination shall have been made at least six days before the time fixed for the meeting of the electors, such determination made pursuant to such law so existing on said day, and made at least six days prior to said time of meeting of the electors, shall be conclusive, and shall govern in the counting of the electoral votes as provided in the Constitution, and as hereinafter regulated, so far as the ascertainment of the electors appointed by such State is concerned.

67. 3 U.S.C. § 6 provides:

It shall be the duty of the executive of each State, as soon as practicable after the conclusion of the appointment of the electors in such State by the final ascertainment, under and in pursuance of the laws of such State providing for such ascertainment, to communicate by registered mail under the seal of the State to the Archivist of the United States a certificate of such ascertainment of the electors appointed, setting forth the names of such electors and the canvass or other ascertainment under the laws of such State of the number of votes given or cast for each person for whose appointment any and all votes have been given or cast; and it shall also thereupon be the duty of the executive of each State to deliver to the electors of such State, on or before the day on which they are required by section 7 of this title to meet, six duplicate-originals of the same certificate under the seal of the State; and if there shall have been any final determination in a State in the manner provided for by law of a controversy or contest concerning the appointment of all or any of the electors of such State, it shall be the duty of the executive of such State, as soon as practicable after such determination, to communicate under the seal of the State to the Archivist of the United States a certificate of such determination in form and manner as the same shall have been made; and the certificate or certificates so received by the Archivist of the United States shall be preserved by him for one year and shall be a part of the public records of his office and shall be open to public inspection; and the Archivist of the United States at the first meeting of Congress thereafter shall transmit to the two Houses of Congress copies in full of each and every such certificate so received at the National Archives and Records Administration.

68. The Plaintiffs claim that the presumption is constitutionally incorrect; under Article II, Defendants Vice President Pence, the U.S. House of Representatives and the United States Senate can only open up and count Presidential elector ballots if the state legislature has affirmatively voted to certify the Presidential electors; otherwise, the votes of the Presidential electors cannot be counted. The Plaintiffs claim that the Vice President and U.S. Congress act unconstitutionally in this election and future elections when they count votes of Presidential electors where the respective state legislature has not affirmatively voted in favor of post-election certification.



69. Similarly, the Defendant States' executives, Governor Tom Wolf of Pennsylvania, Governor Gretchen Whitmer of Michigan, Governor Tony Evers of Wisconsin, Governor Brian Kemp of Georgia, and Governor Doug Ducey of Arizona under 3 U.S.C. § 6 and their respective state's laws, have designated the Presidential electors under the assumption that state executive branch certification is all that is required.<sup>53</sup>

70. But, Governor Tom Wolf of Pennsylvania, Governor Gretchen Whitmer of Michigan, Governor Tony Evers of Wisconsin, Governor Brian Kemp of Georgia, and Governor Doug Ducey of Arizona are constitutionally mistaken because the designated by the Governor of each Defendant State cannot cure that the Presidential electors are without state legislative post-election certification. Until the state legislature certifies the Presidential electors, the respective Governor's designation under 3 U.S.C. § 6 and their respective state's laws have no legal effect.

71. Absent the state legislative post-election certification required by Article II, the Governor's designation of Presidential electors has no legal effect because their votes cannot be counted by the Vice President, U.S. Senate and U.S. House of Representatives.

72. Finally, Article II requires the Defendants' state legislative leaders to act to vote on post-election certification of the Presidential electors. But, instead, the state legislatures violate this constitutional duty because of their state laws which are a perpetual and wholesale delegation of post-election certifications to state executive branch officials—as they have done in Ariz. Rev. Stat. § 16-212 (B) (Arizona Secretary of State), Ga. Code Ann. § 21-2-499 (B) (Georgia Secretary of State and Governor), Mich. Comp. Laws Ann. § 168.46 (Michigan State Board of Canvassers and Governor), Wis. Stat. § 7.70 (5) (b) (Wisconsin Elections Commission); and 25 Pa. Cons. Stat. § 3166 (Secretary of Commonwealth and Governor).

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<sup>53</sup> See 25 Pa. Cons. Stat. § 3166; Mich. Comp. Laws Ann. § 168.46; W.S.A. § 7.70; Ga. Code Ann., § 21-2-499(b); Ariz. Rev. Stat. § 16-212.

73. The Plaintiffs claim that Article II, and its non-delegation doctrine, permanently left it to the state legislatures to “direct” post-election certifications of Presidential votes and of Presidential electors, not to delegate post-election certifications, perpetually and in a wholesale fashion, to state executive branch officials as a ministerial duty.

74. In this way, the Defendant States’ legislative leaders, including Speaker Bryan Carter of the Pennsylvania House of Representatives, Senate Majority Leader Jake Corman of the Pennsylvania Senate, Speaker Lee Chatfield of the Michigan House of Representatives, Senate Majority Leader Mike Shirkey of the Michigan Senate, Speaker Robin Vos of the Wisconsin State Assembly, Senate Majority Leader Howard Marklein of the Wisconsin Senate, Speaker David Ralston of the Georgia House of Representatives, Senate President Pro Tempore Butch Miller of the Georgia Senate, Speaker Russell Bowers of the Arizona House of Representatives, and Senate Majority Leader Rick Gray of the Arizona Senate are violating their duties under Article II by not voting on post-election certification of the Presidential electors so their votes can constitutionally count.

75. State legislative post-election certifications of Presidential votes and of Presidential electors are part of constitutionally-protected voting rights. Everyone who votes—distinguishable from those who don’t—have a constitutionally-protected interest in state legislative post-election certification of Presidential electors. The Defendants violate those voting rights by counting ballots of Presidential electors without the constitutionally-required state legislative post-election certification.

**C. Presidential post-election court proceedings—like the 2000 *Bush v. Gore* litigation, the 2020 Texas original action and the 2020 thirty post-election lawsuits in Defendant States—are in constitutional error and unnecessarily politicize the federal and state courts in a national way.**

76. The Presidential post-election court proceedings—like the 2000 *Bush v. Gore* litigation, the 2020 Texas original action and the 2020 thirty post-election lawsuits in Defendant

States—are in constitutional error and unnecessarily politicize the federal and state courts—and in a nationwide way. Under Article II, all of those Presidential post-election cases should have been dismissed for lack of jurisdiction—and the plaintiffs should have been instructed to file their Presidential election contests with their respective state legislatures.

77. The Defendant States have election contest or recount laws, which apply to Presidential elections, but unconstitutionally preclude state legislative post-election certifications of Presidential votes and Presidential electors: Ariz. Rev. Stat. § 16-672; Ga. Code Ann. § 21-2-521; Mich. Comp. Laws § 168.862; Wis. Stat. § 9.01; and 25 Pa. Cons. Stat. § 3351.

78. Interestingly, the Pennsylvania laws have a state legislative post-election certification process for its Governor and Lieutenant Governor elections—but not for President and Vice President. 25 Pa. Cons. Stat. § 3312, et seq.

**D. In 2000, the U.S. Supreme Court engaged in a Presidential post-election litigation in Florida.**

79. In 2000, the U.S. Supreme Court engaged in Presidential post-election litigation in Florida. *Bush v. Gore*, 531 U.S. 98 (2000).

80. Plaintiffs claim, under Article II, that this post-election case in 2000 likely should have been dismissed for lack of jurisdiction with instructions for the Plaintiffs to file their election claims with the Florida state legislature.

**E. In 2020, approximately thirty post-election lawsuits are filed in Defendants States regarding election official errors and improprieties.**

81. Approximately thirty post-election lawsuits regarding Pennsylvania, Michigan, Wisconsin, Georgia and Arizona election official errors and improprieties were filed.<sup>54</sup>

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<sup>54</sup>See “Postelection lawsuits related to the 2020 United States presidential election,” found at [https://en.wikipedia.org/wiki/Postelection\\_lawsuits\\_related\\_to\\_the\\_2020\\_United\\_States\\_presidential\\_election#Wood\\_v.\\_Raffensperger](https://en.wikipedia.org/wiki/Postelection_lawsuits_related_to_the_2020_United_States_presidential_election#Wood_v._Raffensperger) (last visited: Dec. 15, 2020). This complaint’s citations to the appendix, principally, detail lawsuit allegations found in these Pennsylvania, Michigan, Wisconsin, Georgia and

82. Plaintiffs claim, under Article II, that these post-election cases should have been dismissed for lack of jurisdiction with instructions that the Plaintiffs should file such claims with their respective state legislatures in Pennsylvania, Michigan, Wisconsin, Georgia and Arizona.

**F. In 2020, Texas sued Pennsylvania, Michigan, Wisconsin and Georgia in the U.S. Supreme Court to adjudicate election irregularities and improprieties.**

83. On December 7, 2020, Texas filed an original action in the U.S. Supreme Court, Case No. 20O155, against Pennsylvania, Michigan, Wisconsin and Georgia for election irregularities and improprieties. On December 9, Missouri and 16 other states filed a motion for leave to file an amicus curiae brief in support of Texas. On December 10, U.S. Representative Mike Johnson and 105 other members submitted a motion for leave to file amicus brief in support of Texas. On December 11, the U.S. Supreme Court dismissed the original action in a text order:

The State of Texas’s motion for leave to file a bill of complaint is denied for lack of standing under Article III of the Constitution. Texas has not demonstrated a judicially cognizable interest in the manner in which another State conducts its elections. All other pending motions are dismissed as moot. Statement of Justice Alito, with whom Justice Thomas joins: In my view, we do not have discretion to deny the filing of a bill of complaint in a case that falls within our original jurisdiction. See *Arizona v. California*, 589 U. S. \_\_\_\_ (Feb. 24, 2020) (Thomas, J., dissenting). I would therefore grant the motion to file the bill of complaint but would not grant other relief, and I express no view on any other issue.<sup>55</sup>

84. Plaintiffs claim, under Article II, that this post-election case filed in the U.S. Supreme Court should have been dismissed for lack of jurisdiction with instructions that voter in each state could file their respective claims with their respective state legislatures in Pennsylvania, Michigan, Wisconsin and Georgia.

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Arizona lawsuits alleging election official errors and improprieties. In Defendants’ states, voter allegations exist which allege that the election officials’ errors and improprieties exceed the razor-thin margins of Presidential contests—as further herein.

<sup>55</sup> Plaintiffs agree that the State of Texas lacked standing, but the original action itself begs the question, “Is the U.S. Supreme Court the final adjudicator for certification of Presidential electors?” The Plaintiffs’ answer is no; the respective state legislatures are the final determiner of post-election certifications of Presidential votes and of Presidential electors—and, in a non-delegable way.

**G. The Presidential electors for Biden and Trump in the Defendant States voted on December 14, but none of the Presidential Electors received state legislative post-election certification.**

85. Under 3 U.S.C. §§ 5 and 6, the Presidential electors for Biden and Trump met and voted in their Defendant States on December 14.

86. The Presidential electors for Biden in the Defendant States were certified by state executive branch officials in the Defendant States under 3 U.S.C. §§ 5 and 6 and the respective state laws.

87. Neither the Presidential electors for Biden nor the Presidential electors for Trump in the Defendant States received a state legislative post-election affirmative vote for certification.

88. The Presidential electors for Biden in the Defendant States voted for Biden as President and Harris as Vice President.

89. The Presidential electors for Trump in the Defendant States voted for Trump as President and Pence as Vice President.<sup>56</sup>

90. Plaintiffs claim that none of these Presidential electors' votes should be counted by federal Defendants in the election of President and Vice President until the Presidential electors receive from their respective state legislatures an affirmative vote for post-election certification.

**H. Under federal and state law, in the Defendant States, the respective state legislatures do not vote on post-election certification of Presidential electors.**

91. Congress has enacted 3 U.S.C. §§ 5, 6 and 15 which significantly restrict state legislatures' constitutional prerogative to post-election certification of Presidential electors.

92. In turn, the state legislatures in the Defendant States have enacted state laws which are a perpetual and wholesale delegation of post-election certification to state executive branch officials—as they have done in Ariz. Rev. Stat. § 16-212 (B) (Arizona Secretary of State), Ga. Code

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<sup>56</sup> See Michigan Trump Electors Certificate, *Appendix* 1471.

Ann. § 21-2-499 (B) (Georgia Secretary of State and Governor), Mich. Comp. Laws Ann. § 168.46 (Michigan State Board of Canvassers and Governor), Wis. Stat. § 7.70 (5) (b) (Wisconsin Elections Commission); and 25 Pa. Cons. Stat. § 3166 (Secretary of Commonwealth and Governor).

93. Further, the state constitutions of the Defendant States fail to require the state legislature to meet for post-election certification of the Presidential electors in violation of state legislative constitutional duties under Article II of the U.S. Constitution. Arizona's, Georgia's and Pennsylvania's Constitutions have the state legislature adjourned until January 2021.<sup>57</sup> Michigan's and Wisconsin's Constitutions permit the state legislature to be in session, but do not require a joint session of the state legislature to affirmatively vote for post-election certification of Presidential electors.<sup>58</sup>

**I. Voters' allegations in each of the Defendant States—alleging election officials' absentee ballot errors and improprieties exceed Presidential vote margins—are constitutionally resolved by state legislative post-certifications of Presidential votes and Presidential electors—not in this Court or any other court.**

94. Plaintiffs allege that voters allege in each of the Defendant States that election officials' absentee ballot errors and improprieties exceed Presidential vote margins.

95. The Defendant States' voters' claims should be constitutionally resolved by state legislative post-certifications of Presidential votes and Presidential electors—as Article II requires.

96. None of the voters' allegations in each of the Defendant States—that is the allegations stated further below—should be adjudicated in this Court or any other Court, because it is the exclusive constitutional prerogative of the state legislatures to determine post-election certifications of Presidential votes and of Presidential electors.

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<sup>57</sup> Ariz. Const. Art. IV, Part 2, Sec. 3; Ga. Const. Art. III, § IV, ¶ 1(a). Pa. Const. Art. II, § 4.

<sup>58</sup> Mich. Const. Art. IV, § 13; Wis. Const. Art. IV, § 11.

**J. Defendant States' voters allege Zuckerberg moneys gifted to urban election officials in Defendant States who violated absentee ballot security measures.**

97. Defendant States' voters have alleged, in 2020, a systematic effort was launched in Defendant States, using \$350,000,000 in private money sourced to Mark Zuckerberg, the Facebook billionaire, to illegally circumvent absentee voting laws to cast tens of thousands of illegal absentee ballots.<sup>59</sup>

98. Defendants States' votes have alleged that the Zuckerberg-funded private organization, the Center for Technology and Civic Life (CTCL), gifted millions of dollars to election officials in Democratic Party urban strongholds in Georgia, Wisconsin, Pennsylvania, Michigan and Arizona in order for those cities to facilitate the use of absentee voting: Fulton County (GA), Milwaukee (WI), Madison (WI), Philadelphia (PA), Wayne County (MI) and Maricopa County (AZ).<sup>60</sup>

99. Defendant States' voters have alleged that in these counties and cities receiving CTCL funds, election officials adopted various respective policies and customs eviscerating state law absentee ballot security measures such as witness address, name and signature requirements and voter address, name and signature requirements.<sup>61</sup>

100. Defendant States' voters have alleged that these urban election officials also used the CTCL funds for absentee ballot drop boxes treating urban voters preferentially to small-town and rural voters.<sup>62</sup>

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<sup>59</sup> See App. 21-30; 31-38; and 1079-1112.

<sup>60</sup> *Id.*

<sup>61</sup> *Id.*

<sup>62</sup> *Id.*

K. The government's pre-election certification error rate of voting system's software and hardware is 0.0008%.

101. The federal government has a pre-election standard for state voting system's software and hardware.<sup>63</sup>

102. Under federal law, this maximum-acceptable error rate is one in 500,000 ballot positions, or, alternatively one in 125,000 ballots—0.0008 %.<sup>64</sup>

103. Section 3.2.1 of the voting systems standards issued by the Federal Elections Commission (FEC) which were in effect on the date of the enactment of the Help America Vote Act (HAVA) provides that the voting system shall achieve a maximum acceptable error rate in the test process of one in 500,000 ballot positions.<sup>65</sup>

104. A ballot position is every possible selection on the ballot, to include empty spaces. As stated in the voting systems standards (VSS), "[t]his rate is set at a sufficiently stringent level such that the likelihood of voting system errors affecting the outcome of an election is exceptionally remote even in the closest of elections."<sup>66</sup>

105. An update to the FEC VSS was made by the Election Assistance Commission (EAC) to enhance the FEC VSS standards, which each state has adopted by law.<sup>67</sup>

106. The FEC VSS standard provides for an error rate of one in 125,000 ballots (0.0008%) as an alternative to the one in 500,000 ballot positions to make it easier to calculate the error rate.<sup>68</sup>

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<sup>63</sup> See Expert Report of Dennis Nathan Cain (I), App. 52-59; 1411-1418.

<sup>64</sup> *Id.*

<sup>65</sup> *Id.*

<sup>66</sup> *Id.*

<sup>67</sup> *Id.*

<sup>68</sup> *Id.*



107. The FEC standards, which are incorporated into the Help America Vote Act § 301(a)(5), require that all systems be tested in order to certify that they meet the maximum-acceptable error rate set by federal law.<sup>69</sup>

**L. Voters' allegations in each of the Defendant States support that election officials' absentee ballot errors and improprieties exceed Presidential vote margins.**

108. The use of absentee and mail-in ballots skyrocketed in 2020, not only as a public-health response to the COVID-19 pandemic but also at the urging of mail-in voting's proponents, and most especially executive branch officials in Defendant States. According to the Pew Research Center, in the 2020 general election, a record number of votes—about 65 million—were cast via mail compared to 33.5 million mail-in ballots cast in the 2016 general election—an increase of more than 94 percent.<sup>70</sup>

109. In the wake of the contested 2000 election, the bipartisan Jimmy Carter-James Baker commission identified absentee ballots as “the largest source of potential voter fraud.”<sup>71</sup>

110. Concern over the use of mail-in ballots is not novel to the modern era,<sup>72</sup> but it remains a *current* concern.<sup>73</sup>

111. Absentee and mail-in voting are the primary opportunities for unlawful ballots to be cast.

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<sup>69</sup> *Id.*

<sup>70</sup> Desilver, Drew. Most mail and provisional ballots got counted in past U.S. elections – but many did not. Pew Research Center. 10 November 2020. <https://www.pewresearch.org/fact-tank/2020/11/10/most-mail-and-provisional-ballots-got-counted-in-past-u-s-elections-but-many-did-not/> Accessed 12.18.20.

<sup>71</sup> *Building Confidence in U.S. Elections: Report of the Commission on Federal Elections*, at 46 (Sept. 2005).

<sup>72</sup> Dustin Waters, *Mail-in Ballots Were Part of a Plot to Deny Lincoln Reelection in 1864*, Wash. Post (Aug. 22, 2020)

<sup>73</sup> *Crawford v. Marion Cty. Election Bd.*, 553 U.S. 181, 194-96 & n.11 (2008); see also Texas Office of the Attorney General, *AG Paxton Announces Joint Prosecution of Gregg County Organized Election Fraud in Mail-In Balloting Scheme* (Sept. 24, 2020); Harriet Alexander & Ariel Zilber, *Minneapolis police opens investigation into reports that Ilhan Omar's supporters illegally harvested Democrat ballots in Minnesota*, Daily Mail, Sept. 28, 2020.

112. Defendant States voters allege that as a result of expanded absentee and mail-in voting in Defendant States, combined with Defendant States' unconstitutional modification of statutory protections designed to ensure ballot integrity, Defendant States created a massive opportunity for fraud.

113. Defendant States voters allege that the Defendant States have made it difficult or impossible to separate the constitutionally tainted mail-in ballots from all mail-in ballots.

114. Defendant States voters allege that rather than augment safeguards against illegal voting in anticipation of the millions of additional mail-in ballots flooding their States, Defendant States materially weakened, or did away with, security measures, such as witness or signature verification procedures, required by their respective legislatures. Their legislatures established those commonsense safeguards to prevent—or at least reduce—fraudulent mail-in ballots.

115. Defendant States voters allege, in Defendant States, that Democrat voters voted by mail at two to three times the rate of Republicans. Thus, the Democratic candidate for President thus greatly benefited from this unconstitutional usurpation of legislative authority, and the weakening of legislative mandated ballot security measures.

116. Defendant States voters allege that the outcome of the Electoral College vote is directly affected by the constitutional violations committed by Defendant States. Defendant States violated the Constitution in the process of appointing presidential electors by unlawfully abrogating state election laws designed to protect the integrity of the ballots and the electoral process, and those violations proximately caused the unconstitutional appointment of presidential electors.

117. Plaintiffs will therefore be injured if Defendant States' unlawful certification of these Presidential electors, because the Presidential electors have not received state legislative post-election certification, is allowed to stand.

**1. Commonwealth of Pennsylvania voters allege election official errors and improprieties which exceed the Presidential vote margin.<sup>74</sup>**

118. Commonwealth of Pennsylvania voters allege election official errors and improprieties which exceed the Presidential vote margin.

119. Pennsylvania has 20 electoral votes, with a statewide vote tally currently estimated at 3,363,951 for President Trump and 3,445,548 for former Vice President Biden, a margin of 81,597 votes.<sup>75</sup>

120. Pennsylvania voters have alleged the number of votes affected by the various constitutional violations exceeds the margin of votes separating the candidates.

121. By letter dated December 13, 2019, the Auditor General of the Commonwealth of Pennsylvania, Eugene A. DePasquale, issued to the Governor of the Commonwealth of Pennsylvania a Performance Audit Report of the Pennsylvania Department of State's Statewide Uniform Registry of Electors.<sup>76</sup>

122. The Performance Audit Report was conducted pursuant to an Interagency Agreement between the Pennsylvania Department of State and the Pennsylvania Department of the Auditor General.

123. The Performance Audit Report contained seven Findings, to wit:

- i. Finding One: As a result of the Department of State's denial of access to critical documents and excessive redaction of documentation, the Department of the Auditor General was severely restricted from meeting its audit objectives in an audit which the Department of State itself had requested.

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<sup>74</sup> See Timeline of Electoral Policy Activities, Issues, and Litigation Pennsylvania, Michigan, Wisconsin, Georgia, Arizona, and Nevada August 2003 to November 2020, App. 1-20 (demonstrating full extent of inappropriate activities).

<sup>75</sup> WNWP 2020 Pennsylvania Election Results. <https://www.wnep.com/elections> (last visited Dec. 18, 2020).

<sup>76</sup> See Auditor General's Performance Audit Report, App. 413-604; *see also* App. 397-412.

- ii. Finding Two: Data analysis identified tens of thousands of potential duplicate and inaccurate voter records, as well as voter records for nearly three thousand potentially deceased voters that had not been removed from the SURE system.
- iii. Finding Three: The Department of State much implement leading information technology security practices and information technology general controls to protect the SURE system and ensure the reliability of voter registration.
- iv. Finding Four: Voter record information is inaccurate due to weakness in the voter registration application process and the maintenance of voter records in the SURE system.
- v. Finding Five: Incorporating edit checks and other improvements into the design of the replacement system for SURE will reduce data errors and improve accuracy.
- vi. Finding Six: A combination of a lack of cooperation by certain county election offices and PennDOT, as well as source documents not being available for seventy percent of our test sample, resulted in our inability to form any conclusions as to the accuracy of the entire population of voter records maintained in the SURE system.
- vii. Finding Seven: The Department of State should update current job aids and develop additional job aids and guidance to address issues such as duplicate voter records, records of potentially deceased voters on the voter rolls, pending applications, and records retention. See Auditor General's Performance Audit Report.<sup>77</sup>

124. In addition to the Findings, the Performance Audit Report contained specific detailed Recommendations to correct the significant deficiencies identified in the Findings of the Performance Audit Report.

125. In 2018, Secretary Boockvar was quoted as stating "Rock the Vote's web tool was connected to our system, making the process of registering through their online programs, and those of their partners, seamless for voters across Pennsylvania."<sup>78</sup>

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<sup>77</sup> *Supra*.

<sup>78</sup> *Rock the Vote, 2018 Annual Report*, pg. 12. <https://www.rockthevote.org/wp-content/uploads/Rock-the-Vote-2018-Annual-Report.pdf>. (last visited Dec. 18, 2020).

126. In addition, Plaintiffs have obtained a sworn Affidavit from Jesse Richard Morgan, who was contracted to haul mail for the United States Postal Service within the Commonwealth of Pennsylvania. Mr. Morgan's Affidavit alleges that he was directed to transport from New York to Pennsylvania what he believes to be completed Pennsylvania ballots in the 2020 General Election.<sup>79</sup>

127. Plaintiffs based on Pennsylvania voters' allegations that this matter is currently under investigation by various entities and that such investigation is essential to the determination of whether or not approximately 200,000 ballots were delivered into the Pennsylvania System improperly or illegally. Pending such determination, there is no possible way that the validity of Pennsylvania's Presidential Election could possibly be certified by anyone.

128. Based on Pennsylvania voters' allegations, there is evidence of possible back-dating of ballots in the United States Postal facility at Erie, Pennsylvania. And, further, Francis X. Ryan's Report, discussed in detail below, evidences thousands of questionable or improper ballots cast in the 2020 Presidential Election in Pennsylvania.<sup>80</sup>

129. In addition, Plaintiffs have obtained a Declaration from Ingmar Njus in support of Mr. Morgan's Affidavit.<sup>81</sup>

130. Based on Pennsylvania voters' allegations, in the run-up to the election, the Pennsylvania Supreme Court usurped the powers of the General Assembly when it permitted county boards of election to accept hand-delivered mail-in ballots at locations other than the respective offices of the boards of election, including through the use of drop-boxes arbitrarily located

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<sup>79</sup> See Jesse Richard Morgan Declaration, App. 152-179; 605-632; *see also* Declaration of Leslie J. Brabandt, App. 187-189; *see also* Expert Declaration of Roland Smith, App. 190-200.

<sup>80</sup> See Francis X. Ryan Declaration, App. 660-666. For additional evidence, *see* App. 667-834.

<sup>81</sup> See Ingmar Njus Declaration, App. 183-186; 633-636.

throughout the county; and, when it extended the deadline for receipt of absentee and mail-in ballots by three days from 8:00 p.m. on Election Day to 5:00 p.m. on November 6, 2020.<sup>82</sup>

131. In the same Opinion, the Court held that "although the Election Code provides the procedure for casting and counting a vote by mail, it does not provide for the 'notice and opportunity to cure' ..."<sup>83</sup>

132. The Court went on to state "... we agree that the decision to provide a 'notice and opportunity to cure' procedure ... is one best suited for the Legislature."<sup>84</sup>

133. Of note, Secretary Boockvar agreed with the Court that Pennsylvania's Election Code does not provide a notice and opportunity to cure procedure.

134. Based on Pennsylvania voters' allegations, despite the lack of any statutory authorization or legal authority, county boards of elections in democratic counties, such as, Montgomery County, routinely helped identify, facilitate and permitted electors to alter their defective absentee and mail-in ballots in violation of Pennsylvania's Election Code.<sup>85</sup>

135. In an October 31, 2020, e-mail, Frank Dean, Director of Mail-in Elections of Montgomery County emailed the latest list of confidential elector information to two other Montgomery County election officials, Lee Soltysiak and Josh Stein, and wrote:

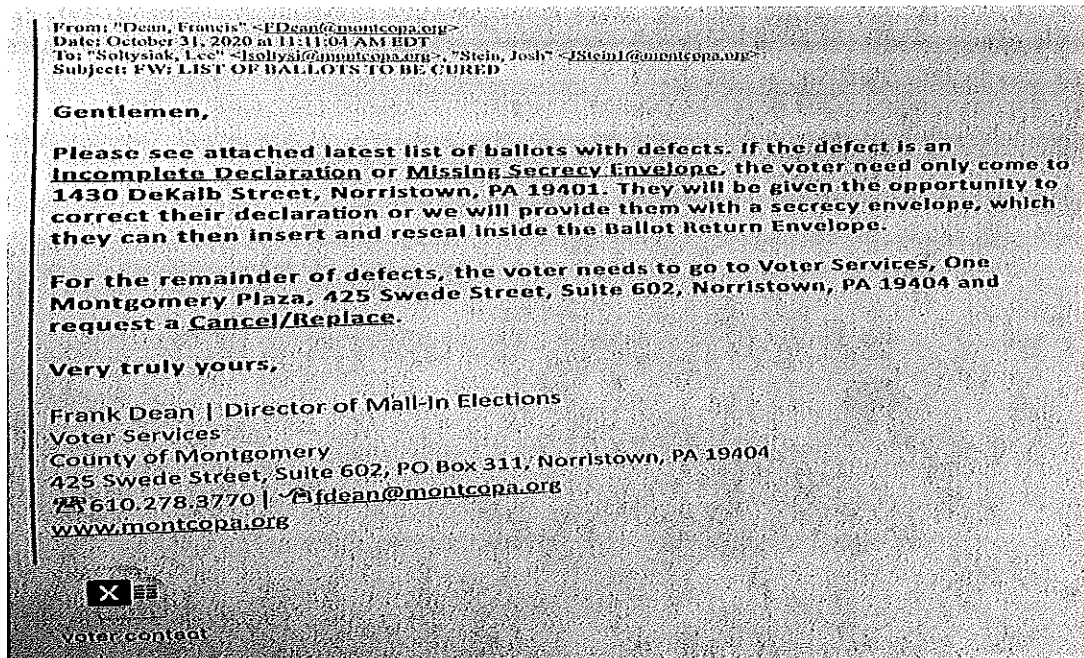
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<sup>82</sup> *Pennsylvania Democratic Party v. Boockvar*, No. 133 MM 2020, 2020 WL 5554644, at \*20 (Pa. Sept. 17, 2020); *see also In re: November 3, 2020 General Election*, 2020 WL 6252803, at \*7 (Pa. Oct. 23, 2020).

<sup>83</sup> *Id.* at 20.

<sup>84</sup> *Id.* at 20.

<sup>85</sup> *See* Carlson Report on Voter Suppression through Executive and Administrative Actions, App. 31-38.



136. Based on Pennsylvania voters' allegations, there is no authority within Pennsylvania's Election Code that authorizes election officials to manually alter the information contained within the SURE system for the purposes described by Director Dean.

137. In order to cancel or replace an elector's absentee or mail-in ballot, election officials would be required to manually alter or override the information contained in the Commonwealth's Statewide Uniform Registry of Electors ("SURE").

138. Based on Pennsylvania voters' allegations, there is no authority within Pennsylvania's Election Code that authorizes election officials to cancel and/or replace an elector's absentee or mail-in ballot as described by Director Dean.

139. Further, based on Pennsylvania voters' allegations, in violation of electors' right to secrecy in their ballots, election officials in democratic counties, such as Montgomery County, used the information gathered through their inspection of the ballot envelopes to identify the names of electors who had cast defective absentee or mail-in ballot envelopes.<sup>86</sup>

<sup>86</sup> *Art. VII, Error! Main Document Only. §4 PA Const.*

140. Based on Pennsylvania voters' allegations, the Excel spreadsheet attached to Director Dean's October 31, 2020, e-mail notes that when mail-in or absentee ballot envelopes were found to be defective, some electors were provided with the opportunity to alter their ballot envelopes.

141. Based on Pennsylvania voters' allegations, the photograph below shows some of the thousands of absentee and mail-in ballots pre-canvassed by the Montgomery County Board of Elections in violation of the Election Code.<sup>87</sup> These defective ballots were not secured in any way and were easily accessible to the public.<sup>88</sup>



142. Further, based on Pennsylvania voters' allegations, the next picture shows page 1 or 124 pages that include thousands of defective ballot envelopes that Montgomery County elections officials were trying to "cure" in violation of Pennsylvania's Election Code and Constitution.

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<sup>87</sup> This "Ballots for Sale" photo was taken on 11/01/2020 by Robert Gillies during a tour of the Montgomery County mail-in ballot storage and canvass facility.

<sup>88</sup> See Expert Declaration of Gregory Moulthrop, App. 48-51.



A	B	C	D	E	F	G	H	I	J	K	L	M
1	10/11/20 14:43:37	10/11/20 14:43:38	absentee			003911854-44	1101001-1	John	John	619 Green St	Northampton, PA 18091	No secrecy envelope
2	10/11/20 14:43:38	10/11/20 14:43:39	absentee			003911854-44	1101001-1	John	John	619 Green St	Northampton, PA 18091	No secrecy envelope
3	10/11/20 14:43:39	10/11/20 14:43:40	absentee			003911854-44	1101001-1	John	John	619 Green St	Northampton, PA 18091	No secrecy envelope
4	10/11/20 14:43:40	10/11/20 14:43:41	absentee			003911854-44	1101001-1	John	John	619 Green St	Northampton, PA 18091	No secrecy envelope
5	10/11/20 14:43:41	10/11/20 14:43:42	absentee			003911854-44	1101001-1	John	John	619 Green St	Northampton, PA 18091	No secrecy envelope
6	10/11/20 14:43:42	10/11/20 14:43:43	absentee			003911854-44	1101001-1	John	John	619 Green St	Northampton, PA 18091	No secrecy envelope
7	10/11/20 14:43:43	10/11/20 14:43:44	absentee			003911854-44	1101001-1	John	John	619 Green St	Northampton, PA 18091	No secrecy envelope
8	10/11/20 14:43:44	10/11/20 14:43:45	absentee			003911854-44	1101001-1	John	John	619 Green St	Northampton, PA 18091	No secrecy envelope
9	10/11/20 14:43:45	10/11/20 14:43:46	absentee			003911854-44	1101001-1	John	John	619 Green St	Northampton, PA 18091	No secrecy envelope
10	10/11/20 14:43:46	10/11/20 14:43:47	absentee			003911854-44	1101001-1	John	John	619 Green St	Northampton, PA 18091	No secrecy envelope
11	10/11/20 14:43:47	10/11/20 14:43:48	absentee			003911854-44	1101001-1	John	John	619 Green St	Northampton, PA 18091	No secrecy envelope
12	10/11/20 14:43:48	10/11/20 14:43:49	absentee			003911854-44	1101001-1	John	John	619 Green St	Northampton, PA 18091	No secrecy envelope
13	10/11/20 14:43:49	10/11/20 14:43:50	absentee			003911854-44	1101001-1	John	John	619 Green St	Northampton, PA 18091	No secrecy envelope
14	10/11/20 14:43:50	10/11/20 14:43:51	absentee			003911854-44	1101001-1	John	John	619 Green St	Northampton, PA 18091	No secrecy envelope
15	10/11/20 14:43:51	10/11/20 14:43:52	absentee			003911854-44	1101001-1	John	John	619 Green St	Northampton, PA 18091	No secrecy envelope
16	10/11/20 14:43:52	10/11/20 14:43:53	absentee			003911854-44	1101001-1	John	John	619 Green St	Northampton, PA 18091	No secrecy envelope
17	10/11/20 14:43:53	10/11/20 14:43:54	absentee			003911854-44	1101001-1	John	John	619 Green St	Northampton, PA 18091	No secrecy envelope
18	10/11/20 14:43:54	10/11/20 14:43:55	absentee			003911854-44	1101001-1	John	John	619 Green St	Northampton, PA 18091	No secrecy envelope
19	10/11/20 14:43:55	10/11/20 14:43:56	absentee			003911854-44	1101001-1	John	John	619 Green St	Northampton, PA 18091	No secrecy envelope
20	10/11/20 14:43:56	10/11/20 14:43:57	absentee			003911854-44	1101001-1	John	John	619 Green St	Northampton, PA 18091	No secrecy envelope
21	10/11/20 14:43:57	10/11/20 14:43:58	absentee			003911854-44	1101001-1	John	John	619 Green St	Northampton, PA 18091	No secrecy envelope
22	10/11/20 14:43:58	10/11/20 14:43:59	absentee			003911854-44	1101001-1	John	John	619 Green St	Northampton, PA 18091	No secrecy envelope
23	10/11/20 14:43:59	10/11/20 14:44:00	absentee			003911854-44	1101001-1	John	John	619 Green St	Northampton, PA 18091	No secrecy envelope
24	10/11/20 14:44:00	10/11/20 14:44:01	absentee			003911854-44	1101001-1	John	John	619 Green St	Northampton, PA 18091	No secrecy envelope
25	10/11/20 14:44:01	10/11/20 14:44:02	absentee			003911854-44	1101001-1	John	John	619 Green St	Northampton, PA 18091	No secrecy envelope
26	10/11/20 14:44:02	10/11/20 14:44:03	absentee			003911854-44	1101001-1	John	John	619 Green St	Northampton, PA 18091	No secrecy envelope
27	10/11/20 14:44:03	10/11/20 14:44:04	absentee			003911854-44	1101001-1	John	John	619 Green St	Northampton, PA 18091	No secrecy envelope
28	10/11/20 14:44:04	10/11/20 14:44:05	absentee			003911854-44	1101001-1	John	John	619 Green St	Northampton, PA 18091	No secrecy envelope
29	10/11/20 14:44:05	10/11/20 14:44:06	absentee			003911854-44	1101001-1	John	John	619 Green St	Northampton, PA 18091	No secrecy envelope
30	10/11/20 14:44:06	10/11/20 14:44:07	absentee			003911854-44	1101001-1	John	John	619 Green St	Northampton, PA 18091	No secrecy envelope
31	10/11/20 14:44:07	10/11/20 14:44:08	absentee			003911854-44	1101001-1	John	John	619 Green St	Northampton, PA 18091	No secrecy envelope
32	10/11/20 14:44:08	10/11/20 14:44:09	absentee			003911854-44	1101001-1	John	John	619 Green St	Northampton, PA 18091	No secrecy envelope
33	10/11/20 14:44:09	10/11/20 14:44:10	absentee			003911854-44	1101001-1	John	John	619 Green St	Northampton, PA 18091	No secrecy envelope
34	10/11/20 14:44:10	10/11/20 14:44:11	absentee			003911854-44	1101001-1	John	John	619 Green St	Northampton, PA 18091	No secrecy envelope
35	10/11/20 14:44:11	10/11/20 14:44:12	absentee			003911854-44	1101001-1	John	John	619 Green St	Northampton, PA 18091	No secrecy envelope
36	10/11/20 14:44:12	10/11/20 14:44:13	absentee			003911854-44	1101001-1	John	John	619 Green St	Northampton, PA 18091	No secrecy envelope
37	10/11/20 14:44:13	10/11/20 14:44:14	absentee			003911854-44	1101001-1	John	John	619 Green St	Northampton, PA 18091	No secrecy envelope
38	10/11/20 14:44:14	10/11/20 14:44:15	absentee			003911854-44	1101001-1	John	John	619 Green St	Northampton, PA 18091	No secrecy envelope
39	10/11/20 14:44:15	10/11/20 14:44:16	absentee			003911854-44	1101001-1	John	John	619 Green St	Northampton, PA 18091	No secrecy envelope
40	10/11/20 14:44:16	10/11/20 14:44:17	absentee			003911854-44	1101001-1	John	John	619 Green St	Northampton, PA 18091	No secrecy envelope
41	10/11/20 14:44:17	10/11/20 14:44:18	absentee			003911854-44	1101001-1	John	John	619 Green St	Northampton, PA 18091	No secrecy envelope
42	10/11/20 14:44:18	10/11/20 14:44:19	absentee			003911854-44	1101001-1	John	John	619 Green St	Northampton, PA 18091	No secrecy envelope
43	10/11/20 14:44:19	10/11/20 14:44:20	absentee			003911854-44	1101001-1	John	John	619 Green St	Northampton, PA 18091	No secrecy envelope
44	10/11/20 14:44:20	10/11/20 14:44:21	absentee			003911854-44	1101001-1	John	John	619 Green St	Northampton, PA 18091	No secrecy envelope
45	10/11/20 14:44:21	10/11/20 14:44:22	absentee			003911854-44	1101001-1	John	John	619 Green St	Northampton, PA 18091	No secrecy envelope
46	10/11/20 14:44:22	10/11/20 14:44:23	absentee			003911854-44	1101001-1	John	John	619 Green St	Northampton, PA 18091	No secrecy envelope

143. Based on Pennsylvania voters' allegations, in a further effort to circumvent Pennsylvania's Election Code and the prohibition against efforts to "cure" absentee ballot envelopes, Secretary Boockvar, issued guidance, through Jonathan Marks, the Deputy Secretary of Elections and Commissions, just hours before Election Day directing county boards of elections to provide electors who have cast defective absentee or mail-in ballots with provisional ballots and to promptly update the SURE system.

144. The Deputy Secretary for Elections and Commissions issued an email which stated:

**Sent:** Monday, November 2, 2020 8:38 PM  
**To:** Marks, Jonathan  
**Subject:** Important DOS Email - Clarification regarding Ballots Set Aside During Pre-canvass

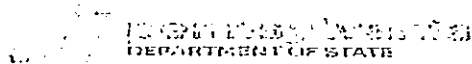
\*\*\* This is an external email. Please use caution when clicking on links and downloading attachments \*\*\*

Dear County Election Directors,

The Department of State has been asked whether county boards of elections can provide information to authorized representatives and representatives of political parties during the pre-canvass about voters whose absentee and mail-in ballots have been rejected. The Department issued provisional ballot guidance on October 21, 2020, that explains that voters whose completed absentee or mail-in ballots are rejected by the county board for reasons unrelated to voter qualifications may be issued a provisional ballot. To facilitate communication with these voters, the county boards of elections should provide information to party and candidate representatives during the pre-canvass that identifies the voters whose ballots have been rejected and should promptly update the SURE system.

Kind regards,

Jonathan M. Marks  
Deputy Secretary for Elections & Commissions  
Pennsylvania Department of State  
302 North Office Building | Harrisburg, PA 17120  
☎ 717.783.2035 📠 717.787.1734  
✉ [jmarks@dos.pa.gov](mailto:jmarks@dos.pa.gov)



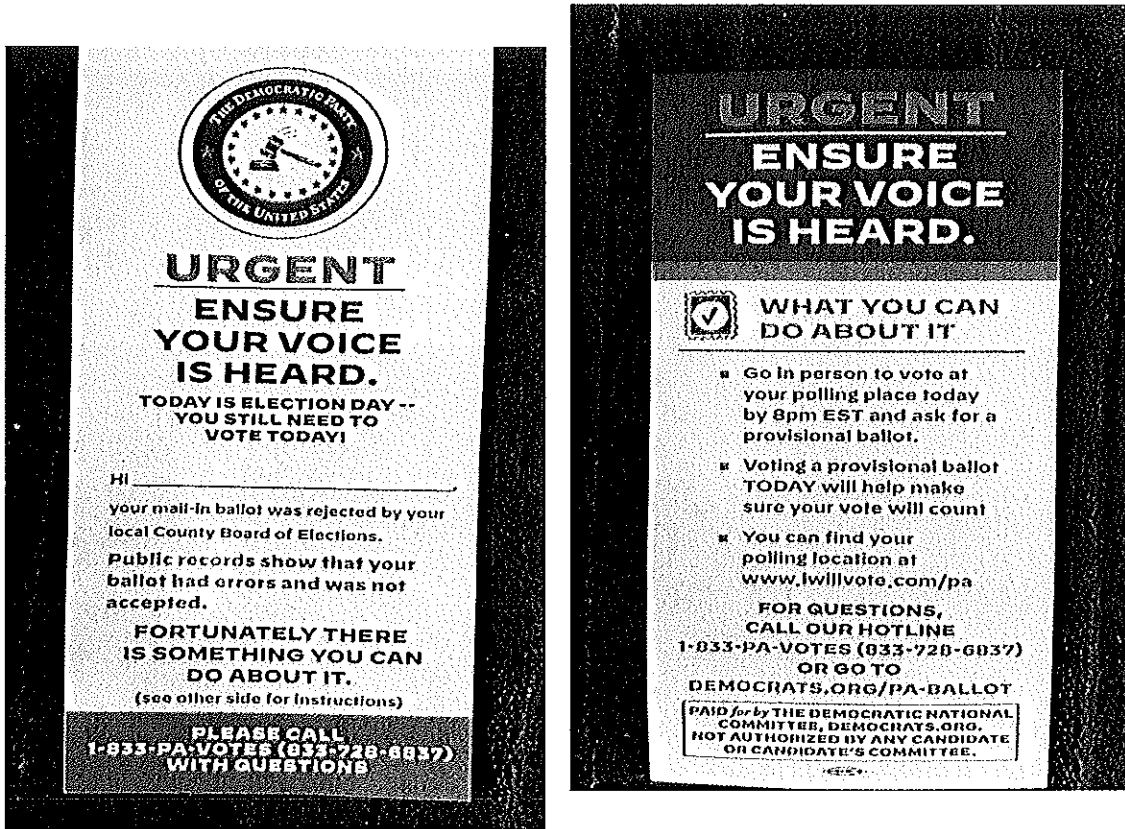
145. Based on Pennsylvania voters' allegations, in order to obtain a provisional ballot on Election Day, an elector who previously requested an absentee or mail-in ballot must sign an affidavit stating "I do solemnly swear or affirm that my name is ... and that this is the only ballot that I cast in this election."<sup>89</sup>

146. Based on Pennsylvania voters' allegations, if an elector has already submitted an absentee or mail-in ballot and that ballot was received by his or her county board of elections, the elector cannot truthfully affirm that the provisional ballot is the only ballot cast by them in the election. The provisional ballot would in fact be a second ballot cast by the elector.

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<sup>89</sup> 25 Pa. Cons. Stat. §3146.8; 25 Pa. Cons. Stat. §3050.

147. Based on Pennsylvania voters' allegations, Secretary Boockvar's actions appear conveniently timed with the actions of the Democratic Party who apparently considered the matter to be URGENT.



148. Based on Pennsylvania voters' allegations, Deputy Secretary Marks issued his email at 8:38 p.m. on November 2, 2020, on the eve of Election Day. Under the Election Code, provisional ballots are only used on Election Day. Less than twelve hours after Deputy Secretary Marks' email, the Democratic Party had printed handbills telling electors "Public records show that your ballot had errors and was not accepted." and to "Go in person to vote at your polling place today by 8:00 EST and ask for a provisional ballot."

149. Based on Pennsylvania voters' allegations, the effect to utilize provisional ballots to "cure" defective absentee and mail-in ballots is in clear violation of Pennsylvania's Election Code. The number of provisional ballots cast in Pennsylvania is approximately 90,000 which is significantly higher than previous General Elections.

150. Further, based on Pennsylvania voters' allegations, it is not clear what Deputy Secretary Marks intended when he stated "To facilitate communication with these voters, the county boards of elections should provide information to party and candidate representatives during the pre-canvassing that identifies the voters whose ballots have been rejected and should promptly update the SURE system."

151. Based on Pennsylvania voters' allegations, Pennsylvania's Election Code makes no provision for the acceptance or rejection of ballots during the pre-canvassing process, nor does the Election Code provide boards of elections with the authority to "update the SURE system" so that an electors who previously submitted an absentee or mail-in ballot may vote with a provisional ballot.

152. The Pennsylvania Supreme Court ruled that county boards of elections are prohibited from using signature comparison to challenge and reject absentee or mail-in ballots.<sup>90</sup>

153. Based on Pennsylvania voters' allegations, the Court's decision is contrary to the applicable provisions of Pennsylvania's Election Code.

154. In addition, the Pennsylvania Supreme Court ruled that county boards of elections could prevent and exclude designated representatives of the candidates and political parties, who are authorized by the Election Code to observe the pre-canvassing and canvassing of ballots, from being in the room during pre-canvassing and canvassing of ballots.<sup>91</sup>

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<sup>90</sup> *In Re: November 3, 2020, General Election*, 149 MM 2020 (Oct. 23, 2020).

<sup>91</sup> *See In Re: Canvassing Observation*, 30 EAP 2020 (Nov. 17, 2020).

155. Based on Pennsylvania voters' allegations, in predominantly Democratic counties, such as Philadelphia, Delaware and Montgomery Counties, authorized representative of the candidates and the Republican Party attempted to observe the actions of election officials; however, the authorized representatives were routinely denied the access necessary to properly observe the handling of ballot envelopes and ballots during the pre-canvassing and canvassing process.

156. Plaintiffs have obtained a sworn Affidavit from Gregory Stenstrom, who was appointed by the Delaware County Republican Party to observe the election process within Delaware County. Mr. Stenstrom attests to numerous election code violations by the Delaware County Board of Elections. Plaintiffs have numerous other Declarations regarding similar election code violations in other predominantly Democratic counties.<sup>92</sup>

157. Based on Pennsylvania voters' allegations, absentee and mail-in ballots are required to be canvassed in accordance with subsection (g) of Section 3146.8 - Canvassing of official absentee and mail-in ballots.<sup>93</sup>

158. Based on Pennsylvania voters' allegations, Pennsylvania's Election Code defines the term "pre-canvass" to mean "the inspection and opening of all envelopes containing official absentee ballots or mail-in ballots, the removal of such ballots from the envelopes and the counting, computing and tallying of the votes reflected on the ballots. The term does not include the recording or publishing of the votes reflected on the ballots."<sup>94</sup>

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<sup>92</sup> See Gregory Stenstrom Declaration, Appendix pgs. 129-151; 637-659; see Expert Opinion of Anthony J. Couchenor, App. 42-47; see also expert opinion of Jovan Hutton Pulitzer, App. 90-118.

<sup>93</sup> 25 Pa. Cons. Stat. §3146.8(g) (1)(i-ii) & (1.1).

<sup>94</sup> 25 Pa. Cons. Stat. § 2602(q.1).

159. Prior to any pre-canvassing meeting, county boards of elections are required to provide at least forty-eight hours' notice by publicly posting a notice of a pre-canvass meeting on its publicly accessible Internet website.<sup>95</sup>

160. Each candidate and political party is entitled to have one designated and authorized representative in the room any time absentee and mail-in ballots are being canvassed by a board of elections.<sup>96</sup>

161. The candidates' watchers or other representatives are permitted to be present any time the envelopes containing absentee and mail-in ballots are opened.<sup>97</sup>

162. The candidates and political parties are entitled to have watchers present any time there is canvassing of returns.<sup>98</sup>

163. Based on Pennsylvania voters' allegations, in predominantly Democratic counties, such as Montgomery, election would weigh absentee and mail-in ballot envelopes to determine whether secrecy envelopes were contained within the outer envelopes. Election officials would also review and inspect the absentee and mail-in ballot envelopes to determine whether they complied with the requirements of the Election Code.

164. Based on Pennsylvania voters' allegations, this pre-canvassing of ballot envelopes is in direct violation of Pennsylvania's Election Code.

165. Based on Pennsylvania voters' allegations, under the Election Code, county boards of elections are required, upon receipt of sealed official absentee and mail-in ballot envelopes, to

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<sup>95</sup> 25 Pa. Cons. Stat. § 3146.8(g)(1.1).

<sup>96</sup> 25 Pa. Cons. Stat. §3146.8(g)(2).

<sup>97</sup> 25 Pa. Cons. Stat. §3146.8.

<sup>98</sup> 25 Pa. Cons. Stat. §2650(a).

"safely keep the ballots in sealed or locked containers until they are to be canvassed by the county board of elections."<sup>99</sup>

166. County boards of elections are prohibited from pre-canvassing absentee and mail-in ballots prior to 7:00 a.m. of Election Day.<sup>100</sup>

167. As such, from the time ballot envelopes are received by county boards of elections through 7:00 a.m. on Election Day, the ballot envelopes are to be safely kept in sealed or locked containers.<sup>101</sup> Stated in a different way, county boards of elections are not permitted to remove absentee and mail-in ballot envelopes from their sealed or locked containers until the ballots are pre-canvassed at 7:00 a.m. on Election Day.

168. Based on Pennsylvania voters' allegations, the Pennsylvania Supreme Court ruled that county boards of elections were not required to enforce or follow Pennsylvania's Election Code requirements for absentee and mail-in ballot envelopes, including the requirements related to elector signatures, addresses, dates, and signed declarations.<sup>102</sup>

169. During pre-canvassing, county boards of elections are required to examine each ballot cast to determine if the declaration envelope is properly completed and to compare the information with the information contained in the Registered Absentee and Mail-in Voters File.<sup>103</sup>

170. Only then are county boards of elections authorized to open the outer envelope of every unchallenged absentee or mail-in envelope in such a manner so as not to destroy the declaration executed thereon.<sup>104</sup>

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<sup>99</sup> 25 Pa. Cons. Stat. § 3146.8(a).

<sup>100</sup> 25 Pa. Cons. Stat. § 3146.8(g)(1.1.)

<sup>101</sup> 25 Pa. Cons. Stat. § 3146.8(a).

<sup>102</sup> *In Re: Canvass of Absentee and Mail-in Ballots of November 3, 2020 General Election*, 31 EAP 2020 (Nov. 23, 2020).

<sup>103</sup> 25 Pa. Cons. Stat. § 3146.8(g)(3).

<sup>104</sup> 25 Pa. Cons. Stat. § 3146.8(g)(4)(i).

171. Based on Pennsylvania voters' allegations, in predominantly Democratic counties, such as Allegheny County, election officials disregarded the requirements of the Election Code and counted absentee and mail-in ballot ballots with defective elector signatures, addresses, dates, and signed declarations.<sup>105</sup> In other counties, such as Westmoreland, such ballots were not counted by the county board of elections.

172. In addition to substantial evidence of the violations of Pennsylvania's Election Code, as set forth above, Plaintiffs have produced an expert report authored by Francis X. Ryan who could testify and identify significant and dispositive discrepancies and errors which call into questions the results of the Presidential Election in Pennsylvania.<sup>106</sup>

173. Based on Pennsylvania voters' allegations, as described above, the 2020 General Election in Pennsylvania was fraught with numerous violations of Pennsylvania's Election Code perpetrated by predominantly Democratic county election officials. In addition, there are countless documented election irregularities and improprieties that prevent an accurate accounting of the election results in the Presidential election.

174. Based on Pennsylvania voters' allegations, many of the irregularities directly relate to the county boards of elections' handing of absentee and mail-in ballots; the pre-canvassing and canvassing of ballots; the failure to permit legally appropriate and adequate oversight and transparency of the process; and, the failure to maintain and secure ballot integrity and security throughout the election process.

175. Based on Pennsylvania voters' allegations, as such, the 2020 General Election results are so severely flawed that it is impossible to certify the accuracy of the purported results.

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<sup>105</sup> *In Re: Canvass of Absentee and Mail-in Ballots of November 3, 2020 General Election*, 31 EAP 2020 (Nov. 23, 2020).

<sup>106</sup> See Francis X. Ryan Declaration, App. 660-666. For additional evidence see App. 667-834.



176. Based on analysis by data analyst Matthew Braynard and Professor Steven J. Miller, in Pennsylvania, the government data shows election officials’ absentee ballot errors of 121,297 far exceed the margin of victory of 81,749.<sup>107</sup>

177. According to the Braynard-Miller analysis, the government data shows election officials’ absentee ballot error rate of at least 1.43% which far exceeds federal law’s pre-election certification error rate for voting systems’ hardware and software of 0.0008%.<sup>108</sup>

Pennsylvania Voter Election Contest			
	Margin +81,749		
Type of error*	Description		Margin
1) Unlawful Ballots	Estimate of ballots requested in the name of a registered Republican by someone other than that person <sup>109</sup>		53,909
2) Legal Votes Not Counted	Estimate of Republican ballots that the requester returned but were not counted <sup>110</sup>		44,892
Total Votes: 98,801	Error Rate (Compared to Total Vote)		1.43%
3) Illegal Votes Counted	Electors voted where they did not reside <sup>111</sup>		14,328
4) Illegal Votes Counted	Out of State Residents Voting in State <sup>112</sup>		7,426
5) Illegal Votes Counted	Double Votes <sup>113</sup>		742
TOTAL			121,297
	Of total votes cast 6,924,006		

\*May overlap.

<sup>107</sup> See Chart and Pennsylvania Declaration of Matthew Braynard, App. 1331-1340 ¶3.

<sup>108</sup> See Expert Report of Dennis Nathan Cain (III), App. 1433-1445.

<sup>109</sup> See Declaration of Steven J. Miller, App. 1325-1330.

<sup>110</sup> *Id.*

<sup>111</sup> See Pennsylvania Declaration of Matthew Braynard, App. 1331-1340 ¶3.

<sup>112</sup> See Pennsylvania Declaration of Matthew Braynard, App. 1331-1340.

<sup>113</sup> See Pennsylvania Declaration of Matthew Braynard, App. 1331-1340 ¶4.

**2. State of Georgia voters allege election official errors and improprieties which exceed the Presidential vote margin.<sup>114</sup>**

178. State of Georgia voters allege election official errors and improprieties which exceed the Presidential vote margin.

179. Georgia has 16 electoral votes, with a statewide vote tally currently estimated at 2,458,121 for President Trump and 2,472,098 for former Vice President Biden, a margin of approximately 12,670 votes.

180. The number of votes affected by the various constitutional violations exceeds the margin of votes dividing the candidates.

181. Based on Georgia voters' allegations, Georgia's Secretary of State, Brad Raffensperger, without legislative approval, unilaterally abrogated Georgia's statute governing the signature verification process for absentee ballots.<sup>115</sup>

182. O.C.G.A. § 21-2-386(a)(2) prohibits the opening of absentee ballots until after the polls open on Election Day: In April 2020, however, the State Election Board adopted Secretary of State Rule 183-1-14-0.9-.15, Processing Ballots Prior to Election Day.

183. Based on Georgia voters' allegations, that rule purports to authorize county election officials to begin processing absentee ballots up to three weeks before Election Day.

184. Based on Georgia voters' allegations, Georgia law authorizes and requires a single registrar or clerk—after reviewing the outer envelope—to reject an absentee ballot if the voter failed to sign the required oath or to provide the required information, the signature appears invalid, or the

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<sup>114</sup> For full extent of inappropriate activities, see Timeline of Electoral Policy Activities, Issues, and Litigation Pennsylvania, Michigan, Wisconsin, Georgia, Arizona, and Nevada August 2003 to November 2020, *Appendix 1-20*.

<sup>115</sup> See Expert Declaration of Harry Haury, *Appendix 69-89*.

required information does not conform with the information on file, or if the voter is otherwise found ineligible to vote.<sup>116</sup>

185. Georgia law provides absentee voters the chance to “cure a failure to sign the oath, an invalid signature, or missing information” on a ballot’s outer envelope by the deadline for verifying provisional ballots (*i.e.*, three days after the election).<sup>117</sup> To facilitate cures, Georgia law requires the relevant election official to notify the voter in writing: “The board of registrars or absentee ballot clerk shall promptly notify the elector of such rejection, a copy of which notification shall be retained in the files of the board of registrars or absentee ballot clerk for at least two years.”<sup>118</sup>

186. Based on Georgia voters’ allegations, on March 6, 2020, in *Democratic Party of Georgia v. Raffensperger*, No. 1:19-cv-5028-WMR (N.D. Ga.), Georgia’s Secretary of State entered a Compromise Settlement Agreement and Release with the Democratic Party of Georgia (the “Settlement”) to materially change the statutory requirements for reviewing signatures on absentee ballot envelopes to confirm the voter’s identity by making it far more difficult to challenge defective signatures<sup>119</sup> beyond the express mandatory procedures.<sup>120</sup>

187. Based on Georgia voters’ allegations, among other things, before a ballot could be rejected, the Settlement required a registrar who found a defective signature to now seek a review by two other registrars, and only if a majority of the registrars agreed that the signature was defective could the ballot be rejected but not before all three registrars’ names were written on the ballot envelope along with the reason for the rejection. These cumbersome procedures are in direct

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<sup>116</sup> O.C.G.A. § 21-2-386(a)(1)(B)-(C).

<sup>117</sup> O.C.G.A. §§ 21-2-386(a)(1)(C), 21-2-419(c)(2).

<sup>118</sup> O.C.G.A. § 21-2-386(a)(1)(B).

<sup>119</sup> See Expert Report of A.J. Jaghori, *Appendix* 39-41. See Settlement Agreement, *Appendix* 1222-1229.

<sup>120</sup> O.C.G.A. § 21-2-386(a)(1)(B).

conflict with Georgia's statutory requirements, as is the Settlement's requirement that notice be provided by telephone (*i.e.*, not in writing) if a telephone number is available. Finally, the Settlement purports to require election officials to consider issuing guidance and training materials drafted by an expert retained by the Democratic Party of Georgia.

188. Based on Georgia voters' allegations, Georgia's legislature has not ratified these material changes to statutory law mandated by the Compromise Settlement Agreement and Release, including altered signature verification requirements and early opening of ballots. The relevant legislation that was violated by Compromise Settlement Agreement and Release did not include a severability clause.

189. Based on Georgia voters' allegations, this unconstitutional change in Georgia law materially benefitted former Vice President Biden. According to the Georgia Secretary of State's office, former Vice President Biden had almost double the number of absentee votes (65.32%) as President Trump (34.68%).

190. Based on Georgia voters' allegations, specifically, there were 1,305,659 absentee mail-in ballots submitted in Georgia in 2020. There were 4,786 absentee ballots rejected in 2020. This is a rejection rate of .37%. In contrast, in 2016, the 2016 rejection rate was 6.42% with 13,677 absentee mail-in ballots being rejected out of 213,033 submitted, which more than *seventeen times greater* than in 2020.<sup>121</sup>

191. Based on Georgia voters' allegations, if the rejection rate of mailed-in absentee ballots remained the same in 2020 as it was in 2016, there would be 83,517 less tabulated ballots in 2020. The statewide split of absentee ballots was 34.68% for Trump and 65.2% for Biden. Rejecting at the higher 2016 rate with the 2020 split between Trump and Biden would decrease Trump votes

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<sup>121</sup> See Charles J. Cicchetti Declaration at ¶ 24, *Appendix* pgs. 1315-1324.

by 28,965 and Biden votes by 54,552, which would be a net gain for Trump of 25,587 votes. This would be more than needed to overcome the Biden advantage of 12,670 votes, and Trump would win by 12,917 votes. Regardless of the number of ballots affected, however, the non-legislative changes to the election rules violated Article II.

192. Further, based on Georgia voters' allegations, the Zuckerberg-funded absentee drop boxes caused a disparate impact in Georgia.<sup>122</sup>

193. Georgia is comprised of 159 counties. In 2016, Hillary Clinton garnered 1,877,963 votes in the state of Georgia.<sup>123</sup> Clinton won four counties in major population centers, Fulton (297,051), Cobb (160,121), Gwinnett (166,153), and Dekalb Counties (251,370).<sup>124</sup> These four counties represented 874,695 votes for Hillary Clinton.<sup>125</sup>

194. Georgia has 300 total drop boxes for electors to submit absentee ballots.<sup>126</sup>

195. In 2020, Georgia counties utilized CTCL funding to install additional drop boxes in areas that would make it easier for voters to cast their absentee ballot. The four counties won by the Clinton campaign contain a plurality of the drop boxes.

196. Fulton County was home to 39 drop boxes<sup>127</sup>, Cobb County provided 16 drop boxes,<sup>128</sup> 23 drop boxes in Gwinnett County<sup>129</sup>, and Dekalb County has 34 boxes.<sup>130</sup>

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<sup>122</sup> See App. 1168-1234; 1477-1491.

<sup>123</sup> Georgia Election Results 2016 – The New York Times (nytimes.com)

<sup>124</sup> Georgia Election Results 2016 – The New York Times (nytimes.com)

<sup>125</sup> Georgia Election Results 2016 – The New York Times (nytimes.com)

<sup>126</sup> <https://georgiapeanutgallery.org/2020/09/28/drop-box-locations-for-november-3-2020-election/>

<sup>127</sup> Fulton County nearly doubles number of ballot drop off boxes (fox5atlanta.com)

<sup>128</sup> <https://www.cobbcounty.org/elections/news/6-additional-absentee-ballot-drop-boxes-available-september-23rd>

<sup>129</sup> [https://www.gwinnettcountry.com/static/departments/elections/2020\\_Election/pdf/BallotDropBoxMap\\_2020.pdf](https://www.gwinnettcountry.com/static/departments/elections/2020_Election/pdf/BallotDropBoxMap_2020.pdf)

<sup>130</sup> <https://www.dekalbcountyga.gov/sites/default/files/users/user304/DeKalb%20Dropbox%20Locations%20103120%20V7.pdf>

197. These four localities account for 112 drop boxes, spread out over 1,587 square miles.<sup>131</sup> Meaning, voters in these four Clinton strongholds have one drop box for every 14 square miles. Meanwhile, in the remaining 155 counties, spread out over 55,926 square miles, a republican voter will find one drop box for every 294 square miles.

198. Based on Georgia voters' allegations, the effect of this unconstitutional change in Georgia election law, which made it more likely that ballots without matching signatures would be counted, had a material impact on the outcome of the election.<sup>132</sup>

199. Finally, in Georgia, analysis of government data by data analyst Matthew Braynard and Professor Qianying (Jennie) Zhang shows election officials' absentee ballot errors of 204,143 far exceed the margin of victory of 12,670.<sup>133</sup>

200. And, the Braynard-Zhang analysis of the government data shows election officials' absentee ballot error rate of at least 1.28% which far exceeds federal law's pre-election certification error rate for voting systems' hardware and software of 0.0008%.<sup>134</sup>

Georgia Voter Election Contest  
Margin +12,670

Type of error*	Description	Margin
1) Unlawful Ballots	Estimate of the minimum number of absentee ballots requested which were not requested by the person identified in the state's database <sup>135</sup>	20,431
		43,688

<sup>131</sup> The areas for the respective counties are: Fulton 534 square miles; Cobb 345 square miles; Gwinnett 437 square miles; and DeKalb 271 square miles.

<sup>132</sup> See Appendix 1235-1311.

<sup>133</sup> See Chart and Georgia Expert Report of Matthew Braynard, *Appendix* pgs. 1350-1374.

<sup>134</sup> See Expert Report of Dennis Nathan Cain (III), *Appendix* 1433-1445.

<sup>135</sup> See Georgia Expert Report of Qianying (Jennie) Zhang, *Appendix* pgs. 1341-1349 ¶ 1.

2) Legal Votes Not Counted	Estimate of the minimum number of absentee ballots that the requester returned but were not counted <sup>136</sup>	
Category 1 & 2 Total Votes: 64,119	Error Rate (Compared to Total Vote)	1.28%
3) Illegal Votes Counted	Electors voted where they did not reside <sup>137</sup>	138,221
4) Illegal Votes Counted	Out of state residents voting in Georgia <sup>138</sup>	20,312
5) Illegal Votes Counted	Double Votes <sup>139</sup>	395
TOTAL		204,143
	of total votes cast 4,998,482	

\*May overlap.

**3. State of Michigan voters allege election official errors and improprieties which exceed the Presidential vote margin.<sup>140</sup>**

201. State of Michigan voters allege election official errors and improprieties which exceed the Presidential vote margin.

<sup>136</sup> See Georgia Expert Report of Qianying (Jennie) Zhang, Appendix pgs. 1341-1349.

<sup>137</sup> See Georgia Expert Report of Matthew Braynard, Appendix pgs. 1350-1374. ¶3.

<sup>138</sup> See Georgia Expert Report of Matthew Braynard, Appendix pgs. 1350-1374.

<sup>139</sup> See Georgia Expert Report of Matthew Braynard, Appendix pgs. 1350-1374. ¶4.

<sup>140</sup> For full extent of inappropriate activities See Timeline of Electoral Policy Activities, Issues, and Litigation Pennsylvania, Michigan, Wisconsin, Georgia, Arizona, and Nevada August 2003 to November 2020, Appendix 1-20.

202. Michigan has 16 electoral votes, with a statewide vote tally currently estimated at 2,650,695 for President Trump and 2,796,702 for former Vice President Biden, a margin of 146,007 votes. In Wayne County, Mr. Biden's margin (322,925 votes) significantly exceeds his statewide lead.

203. Based on Michigan voters' allegations, the number of votes affected by the various constitutional violations exceeds the margin of votes dividing the candidates.

204. Michigan law generally allows the public the right to observe the counting of ballots. See MCL 168.765a(12) ("At all times, at least 1 election inspector from each major political party must be present at the absent voter counting place and the policies and procedures adopted by the secretary of state regarding the counting of absent voter ballots must be followed.").

205. The Michigan Constitution provides all lawful voters with "[t]he right to have the results of statewide elections audited, in such a manner as prescribed by law, to ensure the accuracy and integrity of elections."<sup>141</sup>

206. Indeed, "[a]ll rights set forth in this subsection shall be self-executing. This subsection shall be liberally construed in favor of voters' rights in order to effectuate its purposes."<sup>142</sup>

207. The public's right to observe applies to counting both in-person and absentee ballots.<sup>143</sup>

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<sup>141</sup> Mich. Const. 1963, art 2, § 4(1)(h).

<sup>142</sup> *Id.* (emphasis added).

<sup>143</sup> Regrettably, Defendants and their agents have exclusive possession of the ballots, ballot boxes, and other indicia of voting irregularities so a meaningful audit cannot timely occur. Normally, "[a] person requesting access to voted ballots is entitled to a response from the public body within 5 to 10 business days; however, the public body in possession of the ballots may not provide access for inspection or copying until 30 days after certification of the election by the relevant board of canvassers." Op. Atty. Gen. 2010, No. 7247, 2010 WL 2710362.



208. Based on Michigan voters' allegations, Michigan's election officials failed to grant meaningful observation opportunities to the public over the absentee ballots.<sup>144</sup>

209. Wayne County is the most populous county in Michigan.

210. Detroit is the largest city in Wayne County.

211. Based on Michigan voters' allegations, the City of Detroit's observation procedures, for example, failed to ensure transparency and integrity as it did not allow the public to see election officials during key points of absentee ballot processing in the AVCBs at TCF Arena (f/k/a Cobo Hall). *Id.*

212. Based on Michigan voters' allegations, these irregularities were repeated elsewhere in Wayne County, including in Canton Township, and throughout the State.<sup>145</sup>

213. Based on Michigan voters' allegations, for instance, when absentee ballots arrived, the ballots should have been in an envelope, signed, sealed (and delivered) by the actual voter. Often it was not.

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<sup>144</sup> See Michigan Petitioners Appendix, Appendix 835; Affidavit of Andrew John Miller, *Appendix* 1313-1314 at ¶12; Affidavit of Angelic Johnson, *Appendix* 860-861 at ¶12; Affidavit of Zachary C. Larsen, *Appendix* 836-845 at ¶¶37-55; Affidavit of G Kline Preston IV, *Appendix* 886-889 at ¶8; Affidavit of Articia Boomer, *Appendix* 897-900 at ¶21; Affidavit of Phillip O'Halloran, *Appendix* 901-910 at ¶¶18-19; Affidavit of Robert Cushman, Appendix 928-930 at ¶3; Affidavit of Jennifer Seidl, Appendix 931-938 at ¶6; Affidavit of Andrew Sitto, Appendix 890-893 at ¶¶23; Affidavit of Kristina Karamo, Appendix 894-896 at ¶5; Affidavit of Jennifer Seidl, Appendix 931-938 at ¶35, 932 at ¶42; Affidavit of Cassandra Brown Appendix 939-944 at ¶33; Affidavit of Adam di Angeli, Appendix 951-967 at ¶30; Affidavit of Kayla Toma Appendix 977-983 at ¶¶14-15, 978 at ¶21, 979 at ¶¶31-32; Affidavit of Matthew Mikolajczak, Appendix 985-991; Affidavit of Braden Giacobazzi, Appendix 995-1000 at ¶¶3, 5, 996 at ¶8; Affidavit of Kristy Klamer Appendix 1006-1009 at ¶¶4-5, 1007 at ¶¶6-9.

<sup>145</sup> See, generally, Affidavits of Cassandra Brown Appendix 939-944 at ¶34; Lucille Ann Huizinga, Appendix 1016-1020 at ¶31; Laurie Ann Knott, Appendix 1010-1015 at ¶¶34-35; Marilyn Jean Nowak Appendix 1021-1023 at ¶17; Marlene K. Hager, Appendix 1024-1027 at ¶¶19-23; and Sandra Sue Workman Appendix 1028-1032 at ¶33 (allegedly sending ballots from Grand Rapids to TCF Center to be processed and counted).

214. Based on Michigan voters' allegations, ballots were taken from their envelopes and inspected to determine whether any deficiencies would obstruct the ballot from being fed through a tabulation machine. If any deficiencies existed (or were created by tampering), the ballot was hand duplicated.

215. Based on Michigan voters' allegations, Democrat officials and election workers repeatedly scanned ballots in high-speed scanners, often counting the same ballot more than once.<sup>146</sup>

216. Based on Michigan voters' allegations, the evidence will also show that these hand duplication efforts ignored the legislative mandate to have one person from each major party sign every duplicated vote (*i.e.*, one Republican and one Democrat had to sign each "duplicated" ballot and record it in the official poll book).

217. Based on Michigan voters' allegations, several poll watchers, inspectors, and other whistleblowers witnessed the surge of unlawful practices described above.<sup>147</sup>

218. Based on Michigan voters' allegations, these unlawful practices provided cover for careless or unscrupulous officials or workers to mark choices for any unfilled elections or questions on the ballot, potentially and substantially affecting down ballot races where there are often significant undervotes, or causing the ballots to be discarded due to overvotes.

**a. Michigan Voters Allege Election Malfeasance at the TCF Center Shows Widespread Problems.<sup>148</sup>**

219. Based on Michigan voters' allegations, there were many issues of mistake, fraud, and other malfeasance at the TCF Center during the Election and during the counting process

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<sup>146</sup> Affidavit of Articia Boomer, Appendix 897-899 at ¶¶10-11, 13; Affidavit of William Carzon, Appendix 973-976 at ¶8; Affidavit of Matthew Mikolajczak Appendix 985-991; Affidavit of Melissa Carone, Appendix 992-994 at ¶¶3-4.

<sup>147</sup> Affidavit of Melissa Carone, Appendix 992-994 at ¶9.

<sup>148</sup> See Expert Declaration of Dennis Nathan Cain (II), *Appendix* 60-68.

thereafter.<sup>149</sup>

220. Based on Michigan voters' allegations, on election day, election officials at the TCF Center systematically processed and counted ballots from voters whose names failed to appear in either the Qualified Voter File ("QVF") or in the supplemental sheets. When a voter's name could not be found, the election worker assigned the ballot to a random name already in the QVF to a person who had not voted.<sup>150</sup>

221. Based on Michigan voters' allegations, on election day, election officials at the TCF Center instructed election workers to not verify signatures on absentee ballots, to backdate absentee ballots, and to process such ballots regardless of their validity.<sup>151</sup>

222. Based on Michigan voters' allegations, after the statutory deadlines passed and local officials had announced the last absentee ballots had been received, another batch of unsecured and unsealed ballots, without envelopes, arrived in unsecure trays at the TCF Center.

223. Based on Michigan voters' allegations, there were tens of thousands of these late-arriving absentee ballots, and apparently every ballot was counted and attributed only to Democratic candidates.<sup>152</sup>

224. Based on Michigan voters' allegations, election officials at the TCF Center instructed election workers to process ballots that appeared after the election deadline and to inaccurately report or backdate those ballots as having been received before the November 3, 2020, deadline.<sup>153</sup>

225. Based on Michigan voters' allegations, election officials at the TCF Center

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<sup>149</sup> See Affidavit of Senator Ruth Johnson, *Appendix* at 849-850.

<sup>150</sup> See Affidavit of Zachary C. Larsen, *Appendix* 836-845 at ¶33; Affidavit of Robert Cushman, *Appendix* 928-930 at ¶7.

<sup>151</sup> See Affidavit of Jessie Jacobs, *Appendix* 846-848 at ¶15.

<sup>152</sup> See Affidavit of John McGrath *Appendix* 968-972 at ¶8.

<sup>153</sup> See Affidavit of Jessie Jacobs, *Appendix* 846-848 at ¶17.

systematically used inaccurate information to process ballots.<sup>154</sup>

226. Based on Michigan voters' allegations, many times, the election workers overrode the software by inserting new names into the QVF after the election deadline or recording these new voters as having a birthdate of "1/1/1900," which is the "default" birthday.<sup>155</sup>

227. Based on Michigan voters' allegations, each day before the election, City of Detroit election workers and employees coached voters to vote for Joe Biden and the Democratic Party candidates.<sup>156</sup>

228. Based on Michigan voters' allegations, these workers, employees, and so-called consultants encouraged voters to vote a straight Democratic Party ticket. These election workers went over to the voting booths with voters to watch them vote and to coach them as to which candidates they should vote for.<sup>157</sup>

229. Based on Michigan voters' allegations, before and after the statutory deadline, unsecured ballots arrived at the TCF Center loading garage, loose on the floor not in sealed ballot boxes—with no chain of custody and often with no secrecy envelopes.<sup>158</sup>

230. Based on Michigan voters' allegations, election officials and workers at the TCF Center duplicated ballots by hand without allowing poll challengers to check if the duplication was accurate.<sup>159</sup>

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<sup>154</sup> Affidavit of Cassandra Brown, Appendix 939-944 at ¶33.

<sup>155</sup> See Affidavit of John McGrath Appendix 968-972 at ¶8; Affidavit of Kristina Karamo Appendix 894-896 at ¶6; Affidavit of Robert Cushman, Appendix 928-930 at ¶¶10-12, 929 at ¶16; Affidavit of Jennifer Seidl, Appendix 931-938 at ¶¶52-53; Affidavit of Braden Giacobazzi Appendix 995-1000 at ¶10; Affidavit of Kristy Klamer Appendix 1006-1009 at ¶13.

<sup>156</sup> See Affidavit of Jessy Jacobs, Appendix 846-848 at ¶8.

<sup>157</sup> See Affidavit of Jessy Jacobs, Appendix 846-848 at ¶8.

<sup>158</sup> Affidavit of Articia Boomer, Appendix 897-900 at ¶8, 898 at ¶¶9, 18.

<sup>159</sup> See Affidavit Andrew Sitto, Appendix 890-893 at ¶9; Affidavit of Phillip O'Halloran Appendix 901-910 at ¶22; Affidavit of Cynthia O'Halloran Appendix 911-914; Affidavit of Eugene Dixon, Appendix 947-948 at ¶5; Affidavit of Jason Humes Appendix 918-922.

231. Based on Michigan voters' allegations, election officials repeatedly obstructed poll challengers from observing.<sup>160</sup>

232. Based on Michigan voters' allegations, election officials violated the plain language of the law MCL 168.765a by permitting thousands of ballots to be filled out by hand and duplicated on site without oversight from bipartisan poll challengers.

233. Based on Michigan voters' allegations, after poll challengers started uncovering the statutory violations at the TCF Center, election officials and workers locked credentialed challengers out of the counting room so they could not observe the process, during which time tens of thousands of ballots, if not more, were improperly processed.<sup>161</sup>

**b. Michigan voters Allege Suspicious Funding and Training of Election Workers**

234. Based on Michigan voters' allegations, in September, the Detroit City council approved a \$1 million contract for the staffing firm P.I.E. Management, LLC to hire up to 2,000 workers to work the polls and to staff the ballot counting machines at the TCF Center. P.I.E. Management, LLC is owned and controlled by a Democratic Party operative.

235. Based on Michigan voters' allegations, a week after approval, P.I.E. Management, LLC began advertising for workers, stating, "Candidates must be 16 years or older. Candidates are required to attend a 3-hour training session before the General Election. The position offers two shifts and pay-rates: 1) From 7 am to 7 pm at \$600.00; and 2) From 10 pm to 6 am at \$650."

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<sup>160</sup> See Affidavit of Zachary C. Larsen, Appendix 836-845 at ¶¶37-55; Affidavit of Janice Hermann, Appendix 915-917 at ¶5; Affidavit of Jennifer Seidl, Appendix 931-938 at ¶29, 932 at ¶42; Affidavit of Cassandra Brown, Appendix 939-944 at ¶33.

<sup>161</sup> See Affidavit of Zachary C. Larsen, Appendix 836-845 at ¶¶37-55; Affidavit of Janice Hermann, Appendix 915-917 at ¶5; Affidavit of Jennifer Seidl, Appendix 931-938 at ¶29, 932 at ¶32, 933 at ¶42; Affidavit of Cassandra Brown, Appendix 939-944 at ¶¶33; Affidavit of Anna England, Appendix 949-950 at ¶¶5,7; Affidavit of Matthew Mikolajczak Appendix 985-991; Affidavit of Braden Giacobazzi, Appendix 995-1000 at ¶6.

Consequently, these temporary workers were earning at least \$50 per hour—far exceeding prevailing rates at most rural communities.

236. Based on Michigan voters' allegations, the evidence exists to show that this money and much more came from a single private source: Mark Zuckerberg and his spouse, through the charity called Center for Tech and Civic Life (CTCL), which paid over \$400 million nationwide to Democrat-favoring election officials and municipalities.<sup>162</sup>

237. Based on Michigan voters' allegations, the improper private funding to Michigan exceeded \$9.8 million.<sup>163</sup>

**c. Michigan Voter Allege Forging Ballots on the QVF**

238. Based on Michigan voters' allegations, whistleblowers observed election officials processing ballots at the TCF Center without confirming that the voter was eligible to vote.<sup>164</sup>

239. Based on Michigan voters' allegations, whistleblowers observed election officials assigning ballots to different voters, causing a ballot being counted for a non-eligible voter by assigning it to a voter in the QVF who had not yet voted.<sup>165</sup>

**d. Michigan Voters Allege Changing Dates on Ballots**

240. All lawful absentee ballots were supposed to be in the QVF system by 9:00 p.m. on November 3, 2020.

241. This deadline had to be met to ensure an accurate final list of absentee voters who returned their ballots before the statutory deadline of 8:00 p.m. on November 3, 2020.

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<sup>162</sup> See, generally, Expert Report of James Carlson, Appendix pgs. 21-30.

<sup>163</sup> See Expert Report of James Carlson, Appendix pgs. 1079-1111.

<sup>164</sup> See Affidavit of Zachary C. Larsen, Appendix 836-845 at ¶12.

<sup>165</sup> See Affidavit of John McGrath Appendix 968-972 at ¶8; Affidavit of Kristina Karamo Appendix 894-896 at ¶6; Affidavit of Robert Cushman, Appendix 928-930 at ¶¶10-12, 929 at ¶16; Affidavit of Jennifer Seidl, Appendix 931-938 at ¶¶52-53; Affidavit of Braden Giacobazzi Appendix 995-1000 at ¶10; Affidavit of Kristy Klamer Appendix 1006-1009 at ¶13.

242. To have enough time to process the absentee ballots, election officials told polling locations to collect the absentee ballots from the drop-boxes every hour on November 3, 2020.

243. Based on Michigan voters' allegations, on November 4, 2020, a City of Detroit election whistleblower at the TCF Center was told to improperly pre-date the receive date for absentee ballots that were not in the QVF as if they had been received on or before November 3, 2020. The Whistleblower swore she was told to alter the information in the QVF to inaccurately show that the absentee ballots had been timely received. She estimates that this was done to thousands of ballots.<sup>166</sup>

**e. Michigan Voters allege Double Voting.**

244. Based on Michigan voters' allegations, an election worker in the City of Detroit observed several people who came to the polling place to vote in-person, but they had already applied for an absentee ballot.<sup>167</sup>

245. Based on Michigan voters' allegations, election officials allowed these people to vote in-person, and they did not require them to return the mailed absentee ballot or sign an affidavit that the voter lost or "spoiled" the mailed absentee ballot as required by law and policy.

246. Based on Michigan voters' allegations, this illicit process allowed people to vote in person and to send in an absentee ballot, thereby voting twice. This "double voting" was made possible by the unlawful ways in which election officials were counting and inputting ballots at the TCF Center from across the City's several polling places.

247. Based on Michigan voters' allegations, the Secretary of State's absentee ballot scheme exacerbated this "double voting," as set forth further in this Petition.<sup>168</sup>

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<sup>166</sup> See Affidavit of Jessie Jacobs, Appendix 846-848 at ¶17.

<sup>167</sup> See Affidavit of Jessie Jacobs, Appendix 846-848 at ¶10; Affidavit of Anna England, Appendix 949-950 at ¶45.

<sup>168</sup> See, also, Expert Report of Matthew Braynard, Appendix 1112-1122 at ¶6.

**f. Michigan Voters Allege Problems With First Wave of New Ballots at TCF Center.**

248. Based on Michigan voters' allegations, early in the morning of November 4, 2020, tens of thousands of ballots were suddenly brought into the counting room at the TCF Center through the back door.<sup>169</sup>

249. Based on Michigan voters' allegations, these new ballots were brought to the TCF Center by vehicles with out-of-state license plates.<sup>170</sup>

250. Based on Michigan voters' allegations, whistleblowers claim that all of these new ballots were cast for Joe Biden.<sup>171</sup>

251. Based on Michigan voters' allegations, these ballots still do not share or have the markings establishing the proper chain of custody from valid precincts and clerks and are among the approximately 70% of unmatched AVCB errors identified by Palmer and Hartmann.

**g. Michigan Voters Allege Problems With Second Wave of New Ballots at TCF Center.**

252. Based on Michigan voters' allegations, the ballot counters needed to check every ballot to confirm that the name on the ballot matched the name on the electronic poll list—the list of all persons who had registered to vote on or before November 1, 2020 (the QVF).

253. Based on Michigan voters' allegations, the ballot counters were also provided with supplemental sheets which had the names of all persons who had registered to vote on either November 2, 2020 or November 3, 2020.

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<sup>169</sup> See Affidavit of John McGrath Appendix 968-972 at ¶4 (around 3:00 a.m.); Affidavit of Articia Boomer, Appendix 897-900 at ¶18 (around 4:00 a.m.); Affidavit of William Carzon, Appendix 973-976 at ¶11 (around 4:00 a.m.); Affidavit Andrew Sitto, Appendix 890-893 at ¶16 (alleges about 4:30 a.m.).

<sup>170</sup> See Affidavit of Andrew Sitto, Appendix 890-893 at ¶15.

<sup>171</sup> See Affidavit of Andrew Sitto, Appendix 890-893 at ¶¶17-18.



254. Based on Michigan voters' allegations, the validation process for a ballot requires the name on the ballot match with a registered voter on either the QVF or the supplemental sheets.

255. Based on Michigan voters' allegations, at around 9:00 p.m. on Wednesday, November 4, 2020, several more boxes of ballots were brought to the TCF Center. This was a second wave of new ballots.

256. Based on Michigan voters' allegations, election officials instructed the ballot counters to use the "default" date of birth of January 1, 1900, on all of these newly appearing ballots.<sup>172</sup>

257. Based on Michigan voters' allegations, none of the names on these new ballots corresponded with any registered voter on the QVF or the supplemental sheets.<sup>173</sup>

258. Based on Michigan voters' allegations, despite election rules requiring all absentee ballots to be inputted into the QVF system before 9:00 p.m. the day before, election workers inputted these new ballots into the QVF, manually adding each voter to the list *after* the deadline.

259. Based on Michigan voters' allegations, almost all of these new ballots were entered into the QVF using the "default" date of birth of January 1, 1900.<sup>174</sup>

260. Based on Michigan voters' allegations, these newly received ballots were either fabricated or apparently cast by persons who were not registered to vote before the polls closed at 8:00 p.m. on election day.

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<sup>172</sup> See Affidavit of John McGrath Appendix 968-972 at ¶8; Affidavit of Kristina Karamo Appendix 894-896 at ¶6; Affidavit of Robert Cushman, Appendix 928-930 at ¶¶10-12, 929 at ¶16; Affidavit of Jennifer Seidl, Appendix 931-938 at ¶¶52-53; Affidavit of Braden Giacobazzi Appendix 995-1000 at ¶10; Affidavit of Kristy Klamer Appendix 1006-1009 at ¶13.

<sup>173</sup> See Affidavit of John McGrath, Appendix 968-972 at ¶¶7, 14, 969 at ¶¶16-18.

<sup>174</sup> See Affidavit of John McGrath, Appendix 968-972 at ¶8; Affidavit of Kristina Karamo, Appendix 894-896 at ¶6; Affidavit of Robert Cushman, Appendix 928-930 at ¶¶10-12, 929 at ¶16; Affidavit of Jennifer Seidl, Appendix 931-938 at ¶¶52-53; Affidavit of Braden Giacobazzi, Appendix 995-1000 at ¶10; Affidavit of Kristy Klamer, Appendix 1006-1009 at ¶13.

261. Based on Michigan voters' allegations, these ballots still do not share or have the markings establishing the proper chain of custody from valid precincts and clerks and are among the approximately 70% of unmatched AVCB errors identified by Palmer and Hartmann.<sup>175</sup>

262. Based on Michigan voters' allegations, this means there were more votes tabulated than there were ballots in over 71% of the 134 AVCBs in Detroit. That equates to over 95 AVCB being significantly "off." *Id.*

263. Based on Michigan voters' allegations, according to public testimony before the state canvassers on November 23, City of Detroit Election Consultant Daniel Baxter admitted in some instances the imbalances exceeded 600 votes per AVCB. He did not reveal the total disparity.

**h. Michigan Voters Allege a Concealment of the Malfeasance in Violation of Michigan law.**

264. Based on Michigan voters' allegations, many election challengers were denied access to observe the counting process by election officials at the TCF Center.<sup>176</sup>

265. Based on Michigan voters' allegations, after denying access to the counting rooms, election officials at the TCF Center used large pieces of cardboard to block the windows to the counting room, thereby preventing anyone from watching the ballot counting process.<sup>177</sup>

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<sup>175</sup> See *generally* Affidavits of Monica Palmer and William Hartman, Appendix 851-859 at ¶6 and 852 at ¶14.

<sup>176</sup> See Affidavit of Angelic Johnson, Appendix 860-861 at ¶12; Affidavit of Zachary C. Larsen, Appendix 836-845 at ¶¶37-55; Affidavit of G Kline Preston IV, Appendix 886-889 at ¶8; Affidavit of Articia Boomer, Appendix 897-900 at ¶21; Affidavit of Phillip O'Halloran, Appendix 901-910 at ¶¶18-19; Affidavit of Robert Cushman, Appendix 928-930 at ¶3; Affidavit of Jennifer Seidl, Appendix 931-938 at ¶6; Affidavit of Andrew Sitto, Appendix 890-893 at ¶23; Affidavit of Kristina Karamo, Appendix 894-896 at ¶5; Affidavit of Jennifer Seidl, Appendix 931-938 at ¶35, 932 at ¶42; Affidavit of Cassandra Brown Appendix 939-944 at ¶33; Affidavit of Adam di Angeli Appendix 951-967 at ¶30; Affidavit of Kayla Toma Appendix 977-983 at ¶¶14-15, 979 at ¶21, 980 at ¶¶31-32; Affidavit of Matthew Mikolajczak Appendix 985-991; Affidavit of Braden Giacobazzi Appendix 995-1000 at ¶¶3, 5, 996 at ¶8; Affidavit of Kristy Klamer Appendix 1006-1009 at ¶¶4-5, 1007 at ¶¶6-9.

<sup>177</sup> See Affidavit of Zachary C. Larsen, Appendix 836-845 at ¶52; Affidavit of John McGrath Appendix 968-972 at ¶10; Affidavit of Andrew Sitto, Appendix 890-893 at ¶22.

266. Based on Michigan voters' allegations, election officials have continued to conceal their efforts by refusing meaningful bipartisan access to inspect the ballots. Even if Republicans were involved in oversight roles by statute (such as with the Wayne County Canvassing Board), the Republican members have been harassed, threatened, and doxed (including publicly revealing where their children go to school) to pressure them to capitulate and violate their statutory duties. This conduct is beyond the pale and shocking to the conscience.<sup>178</sup>

**i. Michigan voters allege unsecured QVF Access further Violating MCL 168.765a, et seq.**

267. Based on Michigan voters' allegations, whenever an absentee voter application or in-person absentee voter registration was finished, election workers at the TCF Center were instructed to input the voter's name, address, and date of birth into the QVF system.

268. Based on Michigan voters' allegations, the QVF system can be accessed and edited by any election processor with proper credentials in the State of Michigan at any time and from any location with Internet access.

269. Based on Michigan voters' allegations, this access permits anyone with the proper credentials to edit when ballots were sent, received, and processed from any location with Internet access.

270. Based on Michigan voters' allegations, many of the counting computers within the counting room had icons that revealed that they were connected to the Internet.

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<sup>178</sup> See Affidavit of William Hartman; Appendix 851-856 at ¶¶8; Affidavit of Monica Palmer, Appendix 857-859 at ¶¶18-22, and 24; Affidavit of Dr. Phillip O'Halloran, Appendix 901-910 at ¶¶24-25; Affidavit of Jennifer Seidl, Appendix 931-938 at ¶23, 932 at ¶¶27, 30-31, 933 at ¶¶36-37; Affidavit of Eugene Dixon, Appendix 947-48 at ¶9; Affidavit of Matthew Mikolajczak, Appendix 985-991; Affidavit of Mellissa Carone Appendix 992-994 at ¶12; Affidavit of Braden Giacobazzi, Appendix 995-1000 at ¶3, 996 at ¶7, 997 at 12, 998 at ¶¶12-14; Affidavit of Kaya Toma Appendix 977-983 at ¶15; Affidavit of Kristy Klamer Appendix 1009-1009 at ¶¶4-5, 1010 at ¶¶6-9.

271. Based on Michigan voters' allegations, Secretary of State Benson executed a contract to give a private partisan group, Rock the Vote, unfettered real-time access to Michigan's QVF.<sup>179</sup>

272. Based on Michigan voters' allegations, Benson sold or gave Michigan citizens' private voter information to private groups in furtherance of her own partisan goals.

273. Based on Michigan voters' allegations, Benson and the State repeatedly concealed this unlawful contract and have refused to tender a copy despite several lawful requests for the government contract under FOIA.

274. Based on Michigan voters' allegations, improper access to the QVF was one of the chief categories of serious concern identified by the Michigan Auditor General's Report.<sup>180</sup>

275. Based on Michigan voters' allegations, a poll challenger witnessed tens of thousands of ballots, and possibly more, being delivered to the TCF Center that were not in any approved, sealed, or tamper-proof container.

276. Based on Michigan voters' allegations, large quantities of ballots were delivered to the TCF Center in what appeared to be mail bins with open tops.<sup>181</sup> See the photo of the TCF Center below:

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<sup>179</sup> See Rock the Vote Agreement, Appendix 1152-1167.

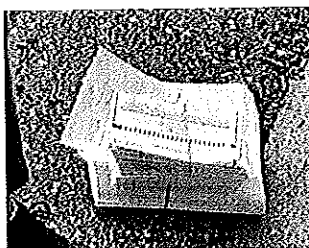
<sup>180</sup> See Appendix pgs. 1039-1078 at material finding #2

<sup>181</sup> See Affidavit of Daniel Gustafson, Appendix 945-946 at ¶¶4-6.



277. Based on Michigan voters' allegations, these ballot bins and containers did not have lids, were unsealed, and could not have a metal seal.<sup>182</sup>

278. Based on Michigan voters' allegations, some ballots were found unsecured on the public sidewalk outside the Department of Elections in the City of Detroit, reinforcing the claim that boxes of ballots arrived at the TCF Center unsealed, with no chain of custody, and with no official markings. A photograph of ballots found on the sidewalk outside the Department of Elections appears below:



279. Based on Michigan voters' allegations, the City of Detroit held a drive-in ballot drop off where individuals would drive up and drop their ballots into an unsecured tray. No verification

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<sup>182</sup> See Affidavit of Rhonda Webber, Appendix 877-879 at ¶3.

was done. This was not a secured drop-box with video surveillance. To encourage this practice, free food and beverages were provided to those who dropped off their ballots using this method.<sup>183</sup>

**j. Michigan Voters Allege a Breaking of the Seal of Secrecy Undermines Constitutional Liberties under Michigan Constitution Art 2, § 4(1)(a).**

280. Based on Michigan voters' allegations, many times, election officials at the TCF Center broke the seal of secrecy for ballots to check which candidates the individual voted for on his or her ballot, thereby violating the voter's expectation of privacy.<sup>184</sup>

281. Based on Michigan voters' allegations, voters in Michigan have a constitutional right to open elections, and the Michigan Legislature provided them the right to vote in secret. The election officials' conduct, together with others, violates both of these hallmark principles.<sup>185</sup>

282. Based on Michigan voters' allegations, in Michigan, it is well-settled that the election process is supposed to be transparent and the voter's ballot secret, not the other way around.

283. Based on Michigan voters' allegations, the election officials' absentee ballot scheme has improperly revealed voters' preferences exposing Petitioners' and similarly-situated voters to dilution or spoliation while simultaneously obfuscating the inner workings of the election process.

284. Based on Michigan voters' allegations, now the Michigan election officials seek to perform an "audit" on themselves.

**k. Michigan Voters Allege Statewide Irregularities Over Absentee Ballots Reveal Widespread Mistake or Fraud.**

285. When a person requested an absentee ballot either by mail or in-person, that person needed to sign the absentee voter application.

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<sup>183</sup> See Affidavit of Cynthia Cassell Appendix 862-876 at ¶3 and 863 ¶¶9-10.

<sup>184</sup> See Affidavit of Zachary C. Larsen; Appendix 836-845 at ¶¶16-18, 20.

<sup>185</sup> See Affidavit of Jennifer Seidl, Appendix 931-938 at ¶18.

286. When the voter returned their absentee ballot to be counted, the voter was required to sign the outside of the envelope that contained the ballot.

287. Election officials who process absentee ballots are required to compare the signature on the absentee ballot application with the signature on the absentee ballot envelope.<sup>186</sup>

288. Based on Michigan voters' allegations, election officials at the TCF Center, for example, instructed workers not to validate or compare signatures on absentee ballot applications and absentee ballot envelopes to ensure their authenticity and validity.<sup>187</sup>

289. Michigan law requires absentee votes to be counted by election inspectors in a particular manner. It requires, in relevant part:

(10) The oaths administered under subsection (9) must be placed in an envelope provided for the purpose and sealed with the red state seal. Following the election, the oaths must be delivered to the city or township clerk. Except as otherwise provided in subsection (12), a person in attendance at the absent voter counting place or combined absent voter counting place shall not leave the counting place after the tallying has begun until the polls close. Subject to this subsection, the clerk of a city or township may allow the election inspectors appointed to an absent voter counting board in that city or township to work in shifts. A second or subsequent shift of election inspectors appointed for an absent voter counting board may begin that shift at any time on election day as provided by the city or township clerk. However, an election inspector shall not leave the absent voter counting place after the tallying has begun until the polls close. If the election inspectors appointed to an absent voter counting board are authorized to work in shifts, at no time shall there be a gap between shifts and the election inspectors must never leave the absent voter ballots unattended. At all times, at least 1 election inspector from each major political party must be present at the absent voter counting place and the policies and procedures adopted by the secretary of state regarding the counting of absent voter ballots must be followed. A person who causes the polls to be closed or who discloses an election result or in any manner characterizes how any ballot being counted has been voted in a voting precinct before the time the polls can be legally closed on election day is guilty of a felony.<sup>188</sup>

290. Under MCL 168.31, the Secretary of State can issue instructions and rules consistent with Michigan statutes and the Constitution that bind local election authorities. Likewise, under

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<sup>186</sup> See Affidavit of Jennifer Seidl, Appendix 931-938 at ¶¶60.

<sup>187</sup> See Affidavit of Jessy Jacobs, Appendix 846-848 at ¶¶15.

<sup>188</sup> MCL 168.765a (10) (emphasis added).

MCL 168.765a(13), the Secretary can develop instructions consistent with the law for the conduct of Absent Voter Counting Boards (“AVCB”) or combined AVCBs. “The instructions developed under [] subsection [13] are binding upon the operation of an absent voter counting board or combined absent voter counting board used in an election conducted by a county, city, or township.”<sup>189</sup>

291. Benson also promulgated an election manual that requires bipartisan oversight:

Each ballot rejected by the tabulator must be visually inspected by an election inspector to verify the reason for the rejection. If the rejection is due to a false read the ballot must be duplicated by two election inspectors who have expressed a preference for different political parties. Duplications may not be made until after 8 p.m. in the precinct (place the ballot requiring duplication in the auxiliary bin). At an AV counting board duplications can be completed throughout the day. NOTE: The Bureau of Elections has developed a video training series that summarizes key election day management issues, including a video on Duplicating Ballots. These videos can be accessed at the Bureau of Elections web site at [www.michigan.gov/elections](http://www.michigan.gov/elections); under “Information for Election Administrators”; Election Day Management Training Videos. Election Officials Manual, Michigan Bureau of Elections, Chapter 8, last revised October 2020.<sup>190</sup>

292. Based on Michigan voters’ allegations, election officials at the TCF Center flouted § 168.765a because there were not, at all times, at least one inspector from each political party at the absentee voter counting place. Rather, the many tables assigned to precincts under the authority of the AVCB were staffed by inspectors for only one party. Those inspectors alone were deciding on the processing and counting of ballots.<sup>191</sup>

293. Based on Michigan voters’ allegations, this processing included the filling out of brand new “cure” or “duplicate” ballots. The process the election officials sanctioned worked in this way. When an absentee ballot was processed and approved for counting, it was fed into a counting machine. Some ballots were rejected—that is, they were a “false read”—because of tears, staining

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<sup>189</sup> MCL 168.765a(13).

<sup>190</sup> [https://www.michigan.gov/documents/sos/VIII\\_Absent\\_Voter\\_County\\_Boards\\_265998\\_7.pdf](https://www.michigan.gov/documents/sos/VIII_Absent_Voter_County_Boards_265998_7.pdf) (emphasis added).

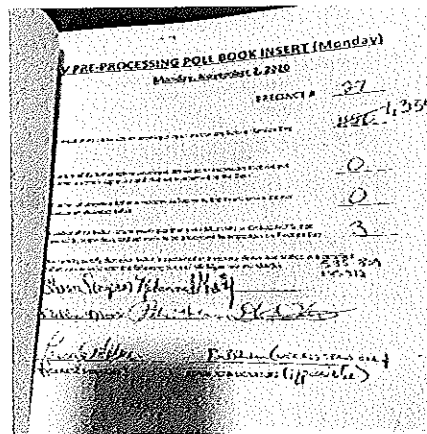
<sup>191</sup> See Affidavit of Jennifer Seidl, Appendix 931-938 at ¶9; Affidavit of Eugene Dixon, Appendix 947-948 at ¶5; Affidavit of Mellissa Carone, Appendix 992-994 at ¶5.



(such as coffee spills), over-votes, and other errors. In some of these cases, inspectors could visually inspect the rejected ballot and determine what was causing the machine to find a “false read.” When this happened, the inspectors could duplicate the ballot, expressing the voter’s intent in a new ballot that could then be fed into the machine and counted.

294. Under § 168.765a and the Secretary of State’s controlling manual, as cited above, an inspector from each major party must be present and must sign to show that they approve of the duplication.

295. Based on Michigan voters’ allegations, rather than following this controlling mandate, the AVCB was allowing a Democratic Party inspector only to fill out a duplicate. Republicans would sign only “if possible.”<sup>192</sup> A photograph evidencing this illicit process appears below:



296. Based on Michigan voters’ allegations, the TCF Center election officials allowed hundreds or thousands of ballots to be “duplicated” solely by the Democratic Party inspectors and then counted in violation of Michigan election law.<sup>193</sup>

<sup>192</sup> See Affidavit of Patricia Blackmer, Appendix 923-927 at ¶11.

<sup>193</sup> See Affidavit of Zachary C. Larsen, Appendix 836-845 at ¶¶37-55; Affidavit of Janice Hermann, Appendix 915-917 at ¶¶4-5; Affidavit of Jennifer Seidl, Appendix 931-938 at ¶29, 933 at ¶42; Affidavit of Cassandra Brown, Appendix 939-944 at ¶¶33; Affidavit of Phillip O’Halloran, Appendix 901-910 at ¶22; Affidavit of Anna England, Appendix 949-950 at ¶8.

297. Based on Michigan voters' allegations, according to eyewitness accounts, election officials at the TCF Center habitually and systematically disallowed election inspectors from the Republican Party to be present in the voter counting place and refused access to election inspectors from the Republican party to be within a close enough distance from the absentee voter ballots to see for whom the ballots were cast.

298. Based on Michigan voters' allegations, election officials at the TCF Center refused entry to official election inspectors from the Republican Party into the counting place to observe the counting of absentee voter ballots. Election officials even physically blocked and obstructed election inspectors from the Republican party by adhering large pieces of cardboard to the transparent glass doors so the counting of absent voter ballots was not viewable.<sup>194</sup>

299. Based on Michigan voters' allegations, absentee ballots from military members, who tend to vote Republican in the general elections, were counted separately at the TCF Center. All (100%) of the military absentee ballots had to be duplicated by hand because the form of the ballot was such that election workers could not run them through the tabulation machines used at the TCF Center.<sup>195</sup>

300. Based on Michigan voters' allegations, these military ballots were supposed to be the last ones counted, but there was another large drop of ballots that occurred during the counting of the military absentee ballots.<sup>196</sup>

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<sup>194</sup> See Affidavit of Zachary C. Larsen, Appendix 836-845 at ¶¶37-55; Affidavit of Janice Hermann, Appendix 915-917 at ¶5; Affidavit of Jennifer Seidl, Appendix 931-938 at ¶29, 932 at ¶32, 933 at ¶42; Affidavit of Cassandra Brown, Appendix 939-944 at ¶¶33; Affidavit of Anna England, Appendix 949-950 at ¶¶5,7; Affidavit of Matthew Mikolajczak, Appendix 985-991; Affidavit of Braden Giacobazzi, Appendix 995-1000 at ¶6.

<sup>195</sup> See Affidavit of Janice Hermann, Appendix 915-917 at ¶16.

<sup>196</sup> *Id.* see also, Affidavit of Robert Cushman, Appendix 928-930 at ¶¶4-5.

301. Based on Michigan voters' allegations, the military absentee ballot count at the TCF Center occurred after the Republican challengers and poll watchers were kicked out of the counting room.<sup>197</sup>

302. The Michigan Legislature also requires City Clerks to post the following absentee voting information anytime an election is conducted that involves a state or federal office:

- a. The clerk must post before 8:00 a.m. on Election Day: 1) the number of absent voter ballots distributed to absent voters 2) the number of absent voter ballots returned before Election Day and 3) the number of absent voter ballots delivered for processing.
- b. The clerk must post before 9:00 p.m. on Election Day: 1) the number of absent voter ballots returned on Election Day 2) the number of absent voter ballots returned on Election Day which were delivered for processing 3) the total number of absent voter ballots returned both before and on Election Day and 4) the total number of absent voter ballots returned both before and on Election Day which were delivered for processing.
- c. The clerk must post immediately after all precinct returns are complete: 1) the total number of absent voter ballots returned by voters and 2) the total number of absent voter ballots received for processing.<sup>198</sup>

303. Based on Michigan voters' allegations, the clerk for the City of Detroit failed to post by 8:00 a.m. on "Election Day" the number of absentee ballots distributed to absent voters and failed to post before 9:00 p.m. the number of absent voter ballots returned both before and on "Election Day."

304. According to Michigan Election law, all absentee voter ballots must be returned to the clerk before polls close at 8 p.m.<sup>199</sup> Any absentee voter ballots received by the clerk after the close of the polls on election day should not be counted.

305. The Michigan Legislature allows for early counting of absentee votes before the closings of the polls for large jurisdictions, such as the City of Detroit and Wayne County.

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<sup>197</sup> *Id.* Affidavit of Jennifer Seidl, Appendix 931-938 at ¶42.

<sup>198</sup> *See* MCL 168.765(5).

<sup>199</sup> MCL 168.764a.

306. Based on Michigan voters' allegations, receiving tens of thousands more absentee ballots in the early morning hours after Election Day and after the counting of the absentee ballots had already concluded, without proper oversight, with tens of thousands of ballots attributed to just one candidate, Joe Biden, confirms that election officials failed to follow proper election protocols and established Michigan election law.<sup>200</sup>

307. Based on Michigan voters' allegations, missing the statutory deadline proscribed by the Michigan Legislature for turning in the absentee ballot or timely updating the QVF invalidates the vote under Michigan Election Law and the United States Constitution.

308. Based on Michigan voters' allegations, poll challengers observed election workers and supervisors writing on ballots themselves to alter them, apparently manipulating spoiled ballots by hand and then counting the ballots as valid, counting the same ballot more than once, adding information to incomplete affidavits accompanying absentee ballots, counting absentee ballots returned late, counting unvalidated and unreliable ballots, and counting the ballots of "voters" who had no recorded birthdates and were not registered in the QVF or on any supplemental sheets.<sup>201</sup>

**1. Michigan Voters Allege that Flooding the Election with Absentee Ballots was Improper.**

309. Michigan does not permit "mail-in" ballots *per se*, and for good reason: mail-in ballots facilitate fraud and dishonest elections.<sup>202</sup>

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<sup>200</sup> See Affidavit of John McGrath Appendix 968-972 at ¶4; Affidavit of Robert Cushman, Appendix 928-930 at ¶14.

<sup>201</sup> See Affidavit of Angelic Johnson Appendix 860-861 at ¶7; Affidavit of Adam di Angeli Appendix 951-967 at ¶61; see also, Affidavit of John McGrath, *supra*; Affidavit of Kristina Karamo, *supra*; Affidavit of Robert Cushman, *supra*; Affidavit of Jennifer Seidl, *supra*; Affidavit of Braden Giacobazzi, *supra*; Affidavit of Kristy Klamer, *supra*.

<sup>202</sup> See, e.g., *Veasey v Abbott*, 830 F3d 216, 256, 263 (5<sup>th</sup> Cir. 2016) (observing that "mail-in ballot fraud is a significant threat—unlike in-person voter fraud," and comparing "in-person voting—a form of

310. Based on Michigan voters' allegations, Secretary of State Benson's absentee ballot scheme, as explained above, achieved the same purpose as mail-in ballots—contrary to Michigan law. In the most charitable light, this was profoundly naïve and cut against the plain language and clear intent of the Michigan Legislature to limit fraud. More cynically, this was an intentional effort to favor her preferred candidates.

311. Based on Michigan voters' allegations, Benson put this scheme in place because it is generally understood that Republican voters were more likely to vote in-person. This trend has been true for decades and proved true with this Election too.<sup>203</sup>

312. Based on Michigan voters' allegations, to counter this (*i.e.*, the fact that Republicans are more likely than Democrats to vote in-person), Benson implemented a scheme to permit mail-in voting, leading to this dispute and the absentee ballot scheme that unfairly favored Democrats over Republicans.

313. Based on Michigan voters' allegations, in her letter accompanying her absentee ballot scheme, Benson misstated, "You have the right to vote by mail in every election." Playing on the fears created by the current pandemic, Benson encouraged voting "by email," stating, "During the outbreak of COVID-19, it also enables you to stay home and stay safe while still making your voice heard in our elections."<sup>204</sup>

314. Based on Michigan voters' allegations, prior to Election Day, the Democratic Party's propaganda was to push voters to vote by mail and to vote early. Democratic candidates used the fear of the current pandemic to promote this agenda—an agenda that would benefit Democratic

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voting with little proven incidence of fraud" with "mail-in voting, which the record shows is far more vulnerable to fraud").

<sup>203</sup> See Expert Report of John McLaughlin, Appendix 1135-1146.

<sup>204</sup> Affidavit of Christine Muise, Appendix 880-886 at ¶2, Ex A.

Party candidates. For example, on September 14, 2020, the Democratic National Committee announced the following:

Today Biden for President and the Democratic National Committee are announcing new features on IWillVote.com—the DNC’s voter participation website—that will help voters easily request and return their ballot by mail, as well as learn important information about the voting process in their state as they make their plan to vote.

Previously, an individual could use the site to check or update their registration and find voting locations. Now the new user experience will also guide a voter through their best voting-by-mail option . . . .<sup>205</sup>

According to the Associated Press:

“We have to make it easier for everybody to be able to vote, particularly if we are still basically in the kind of lockdown circumstances we are in now,” Biden told about 650 donors. “But that takes a lot of money, and it’s going to require us to provide money for states and insist they provide mail-in ballots.”<sup>206</sup>

315. Based on Michigan voters’ allegations, similar statements were repeatedly publicly on the Secretary of State’s website:

Voters are encouraged to vote at home with an absentee ballot and to return their ballot as early as possible by drop box, in person at their city or township clerk’s office, or well in advance of the election by mail.<sup>207</sup>

316. The Michigan Legislature set forth detailed requirements for absentee ballots, and these requirements are necessary to prevent voter fraud because it is far easier to commit fraud via an absentee ballot than when voting in person.<sup>208</sup> Michigan law plainly limits the ways you may get an absentee ballot:

(1) Subject to section 761(3), at any time during the 75 days before a primary or special primary, but not later than 8 p.m. on the day of a primary or special primary, *an elector may apply for an absent voter ballot. The elector shall apply in person or by mail* with the clerk of

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<sup>205</sup> (available at <https://democrats.org/news/biden-for-president-dnc-announce-new-vote-by-mail-features-on-iwillvote-com/> (last visited Dec. 21, 2020)).

<sup>206</sup> (available at <https://apnews.com/article/6cf3ca7d5a174f2f381636cb4706f505> (last visited Nov. 17, 2020)).

<sup>207</sup> [https://www.michigan.gov/sos/0,4670,7-127-1633\\_101996---,00.html](https://www.michigan.gov/sos/0,4670,7-127-1633_101996---,00.html) (emphasis added).

<sup>208</sup> See, e.g., *Griffin v Roupas*, 385 F3d 1128, 1130-31 (CA7, 2004) (“Voting fraud is a serious problem in U.S. elections generally . . . and it is facilitated by absentee voting”).

the township or city in which the elector is registered. The clerk of a city or township shall not send by first-class mail an absent voter ballot to an elector after 5 p.m. on the Friday immediately before the election. Except as otherwise provided in section 761(2), the clerk of a city or township shall not issue an absent voter ballot to a registered elector in that city or township after 4 p.m. on the day before the election. An application received before a primary or special primary may be for either that primary only, or for that primary and the election that follows. An individual may submit a voter registration application and an absent voter ballot application at the same time if applying in person with the clerk or deputy clerk of the city or township in which the individual resides. Immediately after his or her voter registration application and absent voter ballot application are approved by the clerk or deputy clerk, the individual may, subject to the identification requirement in section 761(6), complete an absent voter ballot at the clerk's office.

(2) Except as otherwise provided in subsection (1) and subject to section 761(3), at any time during the 75 days before an election, but not later than 8 p.m. on the day of an election, an elector may apply for an absent voter ballot. *The elector shall apply in person or by mail with the clerk of the township, city, or village in which the voter is registered.* The clerk of a city or township shall not send by first-class mail an absent voter ballot to an elector after 5 p.m. on the Friday immediately before the election. Except as otherwise provided in section 761(2), the clerk of a city or township shall not issue an absent voter ballot to a registered elector in that city or township after 4 p.m. on the day before the election. An individual may submit a voter registration application and an absent voter ballot application at the same time if applying in person with the clerk or deputy clerk of the city or township in which the individual resides. Immediately after his or her voter registration application and absent voter ballot application are approved by the clerk, the individual may, subject to the identification requirement in section 761(6), complete an absent voter ballot at the clerk's office.

(3) An application for an absent voter ballot under this section may be made in any of the following ways:

(a) By a written request signed by the voter.

(b) On an absent voter ballot application form provided for that purpose by the clerk of the city or township.

(c) On a federal postcard application.

(4) An applicant for an absent voter ballot shall sign the application. Subject to section 761(2), a clerk or assistant clerk shall not deliver an absent voter ballot to an applicant who does not sign the application. A person shall not be in possession of a signed absent voter ballot application except for the applicant; a member of the applicant's immediate family; a person residing in the applicant's household; a person whose job normally includes the handling of mail, but only during the course of his or her employment; a registered elector requested by the applicant to return the application; or a clerk, assistant of the clerk, or other authorized election official. A registered elector who is requested by the applicant to return his or her absent voter ballot application shall sign the certificate on the absent voter ballot application.

(5) The clerk of a city or township shall have absent voter ballot application forms *available in the clerk's office* at all times and shall furnish an absent voter ballot application form to anyone *upon a verbal or written request*.<sup>209</sup>

317. Based on Michigan voters' allegations, the Secretary of State sent *unsolicited* absentee ballot applications to every household in Michigan with a registered voter, no matter if the voter was still alive or lived at that address.

318. Based on Michigan voters' allegations, the Secretary of State also sent absentee ballot requests to non-residents who were temporarily living in Michigan, such as out-of-state students who are unregistered to vote in Michigan.

319. Based on Michigan voters' allegations, in many instances, the Secretary of State's absentee ballot scheme led to the Secretary of State sending ballot requests to individuals who did *not* request them.<sup>210</sup>

**m. Michigan Voters Allege that Expert Analysis of these Statutory Violations Reveals Widespread Inaccuracies and Loss of Election Integrity.**

320. Data analyst Matthew Braynard analyzed the State's database for the Election and related data sets, including its own call center results.<sup>211</sup>

321. Dr. Zhang, a statistician, analyzed the data to extrapolate the datasets statewide.<sup>212</sup>

**n. Unlawful unsolicited ballots cast in General Election**

322. Braynard opined to a reasonable degree of scientific certainty that out of the 3,507,410 individuals who the State's database identifies as applying for and the State sending an

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<sup>209</sup> MCL 168.759 (emphasis added).

<sup>210</sup> See Affidavit of Christine Muise, Appendix 880-885 at ¶3. Affidavit of Rena M. Lindevaldesen, Appendix 1001-1005 at ¶¶1,3 and 1002 ¶5.

<sup>211</sup> See, generally, Expert Report of Matthew Braynard, Appendix 1112-1122.

<sup>212</sup> See, generally, Expert Report of Dr. Quanying "Jennie" Zhang, Appendix 1123-1134.



absentee ballot, that in his sample of this universe, 12.23% of those absentee voters that did not request an absentee ballot to the clerk's office.<sup>213</sup>

323. These data extrapolate with 99% confidence interval that between 326,460 and 531,467 of the absentee ballots the State issued that were counted were not requested by an eligible State voter (unsolicited).<sup>214</sup>

**o. Unsolicited ballots not cast in General Election**

324. Out of the 139,190 individuals who the State's database identifies as having not requested (unsolicited) and not returned an absentee ballot, 24.14% of these absentee voters in the State did not request an absentee ballot.<sup>215</sup>

325. These data extrapolate with 99% confidence interval that between 28,932 and 38,409 of the absentee ballots the State issued were not requested by an eligible State voter (unsolicited).<sup>216</sup>

326. Using the most conservative boundary, taken together, these data suggest Michigan election officials violated Michigan Election Law by sending unsolicited ballots to at least 355,392 people.<sup>217</sup>

**p. Absentee ballots were also cast but not properly counted (improperly destroyed or spoiled)**

327. Out of the 139,190 individuals who the State's database identifies as having not returned an absentee ballot, 22.95% of those absentee voters did in fact mail back an absentee ballot to the clerk's office.<sup>218</sup>

328. This suggests many ballots were destroyed or not counted.

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<sup>213</sup> See Expert Report of Matthew Braynard, Appendix 1112-1122 at ¶1.

<sup>214</sup> Expert Report of Dr. Quanying "Jennie" Zhang, Appendix 1123-1134 at ¶1.

<sup>215</sup> See Expert Report of Matthew Braynard, Appendix 1112-1122 at ¶2.

<sup>216</sup> Expert Report of Dr. Quanying "Jennie" Zhang, Appendix 1123-1134 at ¶2.

<sup>217</sup> *Id.* See also, Affidavit of Sandra Sue Workman, Appendix 1028-1032 at ¶28.

<sup>218</sup> See Expert Report of Matthew Braynard, Appendix 1112-1122 at ¶3.

329. These data extrapolate with 99% confidence interval that between 29,682 and 39,048 of absentee ballots that voters returned but were not counted in the State's official records.<sup>219</sup>

330. Out of the 51,302 individuals that had changed their address before the election who the State's database shows as having voted, 1.38% of those individuals denied casting a ballot.<sup>220</sup>

331. This suggests that bad actors exploited election officials' unlawful practice of sending unsolicited ballots and improperly harvested ballots on a widespread scale.

332. Indeed, by not following the anti-fraud measures mandated by the Michigan Legislature, the Secretary of State's absentee ballot scheme invited the improper use of absentee ballots and promoted such unlawful practices as ballot harvesting.<sup>221</sup>

333. Using the State's databases, the databases of the several states, and the NCOA database, at least 13,248 absentee or early voters were not residents of Michigan when they voted.<sup>222</sup>

334. Of absentee voters surveyed and when comparing databases of the several states, at least 317 individuals in Michigan voted in more than one state.<sup>223</sup>

**q. Election officials ignored other statutory signature requirements**

335. The Secretary of State also sent ballots to people who requested ballots online, but failed to sign the request.<sup>224</sup>

336. As of October 7, 2020, Brater admits sending at least 74,000 absentee ballots without a signed request as mandated by the Michigan Legislature.<sup>225</sup>

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<sup>219</sup> Expert Report of Dr. Quanying "Jennie" Zhang, Appendix 1123-1134 at ¶3.

<sup>220</sup> *Id.* at ¶4.

<sup>221</sup> See Affidavit of Rhonda Weber, Appendix 877-879 at ¶7.

<sup>222</sup> See Expert Report of Matthew Braynard, Appendix 1112-1122 at ¶5.

<sup>223</sup> See Expert Report of Matthew Braynard, Appendix 1112-1122 at ¶6.

<sup>224</sup> See adverse Affidavit of Jonathan Brater, Head of Elections Appendix 1147-1151 at ¶10.

<sup>225</sup> *Id.*

337. By the Election, we must infer that the actual number of illegal ballots sent was much higher.

338. According to state records, another 35,109 absentee votes counted by Benson listed no address.<sup>226</sup>

339. As a result of the absentee ballot scheme, the Secretary of State improperly flooded the election process with absentee ballots, many of which were fraudulent.

340. The Secretary of State's absentee ballot scheme violated the checks and balances put in place by the Michigan Legislature to ensure the integrity and purity of the absentee ballot process and thus the integrity and purity of the 2020 general election.<sup>227</sup>

341. Without limitation, according to state records, 3,373 votes counted in Michigan were ostensibly from voters 100 years old or older.<sup>228</sup>

342. According to census data, however, there are only about 1,747 centenarians in Michigan,<sup>229</sup> and of those, we cannot assume a 100% voting rate.<sup>230</sup>

343. According to state records, at least 259 absentee ballots counted listed their official address as "email" or "accessible by email," which are unlawful *per se* and suggests improper ballot harvesting.<sup>231</sup>

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<sup>226</sup> See Braynard Report, *supra*.

<sup>227</sup> See, generally, Affidavits of Lucille Ann Huizinga, Appendix 1016-1020 at ¶31; Laurie Ann Knott, Appendix 1010-1015 at ¶¶34-35; Marilyn Jean Nowak Appendix 1021-1023 at ¶17; Marlene K. Hager, Appendix 1024-1027 at ¶¶19-23; and Sandra Sue Workman Appendix 1028-1032 at ¶33.

<sup>228</sup> See Braynard, *supra*.

<sup>229</sup> Based on the US Census, 0.0175 percent of Michigan's population is 100 years or older (1,729 centenarians of the total of 9,883,640 people in Michigan in 2010). Census officials estimated Michigan's population at 9,986,857 as of July 2019, which puts the total centenarians at 1,747 or fewer. Source:

<https://www.census.gov/content/dam/Census/library/publications/2012/dec/c2010sr-03.pdf>

<sup>230</sup> See McLaughlin, *supra*.

<sup>231</sup> See Braynard, *supra*.

344. According to state records, at least 109 people voted absentee from the Center for Forensic Psychiatry at 8303 PLATT RD, SALINE, MI 48176 (not necessarily ineligible felons, but the State does house the criminally insane at this location), which implies improper ballot harvesting.

345. According to state records, at least 63 people voted absentee at PO BOX 48531, OAK PARK, MI 48237, which is registered to a professional guardian and implies improper ballot harvesting.

346. When compared against the national social security and deceased databases, at least 9 absentee voters in Michigan are confirmed dead as of Election Day, which invalidates those unlawful votes.<sup>232</sup>

347. Taken together, these irregularities far exceed common sense requirements for ensuring accuracy and integrity.

- r. **Election officials did not fix other recent errors or serious irregularities either.**

348. These are the same types of serious concerns raised by the Michigan Auditor General in December 2019.<sup>233</sup>

349. The Auditor General specifically found several violations of MCL 168.492:

- i. 2,212 Electors voted more than once;
- ii. 230 voters were over 122 years old;<sup>234</sup> *Id.*
- iii. Unauthorized users had access to QVF; *Id.*; and
- iv. Clerk and Elected Officials had not completed required training.<sup>235</sup>

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<sup>232</sup> See Braynard, *supra*.

<sup>233</sup> Appendix 1039-1078.

<sup>234</sup> The oldest living person confirmed by the *Guinness Book of World Records* is 117 years old and she lives in Japan, not Michigan.

<sup>235</sup> *Id.*

350. The Auditor General found election officials had not completed required training to obtain or retain accreditation in 14% of counties, 14% of cities, and 23% of townships.<sup>236</sup>

351. The Auditor General found 32 counties, 83 cities, and 426 townships where the clerk had not completed initial accreditation training or, if already accredited, all continuing education training as required by law.<sup>237</sup>

352. The Auditor General found 12 counties, 38 cities, and 290 townships where the clerk had not completed the initial accreditation or continuing education training requirements and no other local election official had achieved full accreditation.<sup>238</sup>

353. Not only were the Auditor General's red flags ignored by Benson, but she arguably made them worse through her absentee ballot scheme.

354. This not only suggests malfeasance, but the scheme precipitated and revealed manifest fraud and exploitation at a level Michigan has never before encountered in its elections.

355. The abuses permitted by the Secretary of State's ballot scheme were on display at the TCF Center, and elsewhere throughout the State.

356. Because this absentee ballot scheme applied statewide, it undermined the integrity and purity of the general election statewide, and it dilutes the lawful votes of millions of Michigan voters.

**s. Michigan Voters Allege Flooding Local Election Officials with Private Money**

357. Based on Michigan voters' allegations, inappropriate secrecy and lack of transparency began months before Election Day with an unprecedented and orchestrated infusion of hundreds of millions of dollars into local governments nationwide.

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<sup>236</sup> *Id.*

<sup>237</sup> *Id.*

<sup>238</sup> *Id.*

358. Based on Michigan voters' allegations, more than \$9.8 million in private money was poured into Michigan to create an unfair, two-tier election system in Michigan.<sup>239</sup>

359. Based on Michigan voters' allegations, the 2020 election saw the evisceration of state statutes designed to treat voters equally, thereby causing disparate treatment of voters and thus violating the constitutional rights of millions of Michiganders and Americans citizens.

360. Based on Michigan voters' allegations, to date, investigations have uncovered more than \$400 million funneled through a collection of non-profits directly to local government coffers nationwide dictating to these local governments how they should manage the election, often contrary to state law.<sup>240</sup>

361. Based on Michigan voters' allegations, these funds were mainly used to: 1) pay "ballot harvesters" bounties, 2) fund mobile ballot pick up units, 3) deputize and pay political activists to manage ballots; 4) pay poll workers and election judges (a/k/a inspectors or adjudicators); 5) establish drop-boxes and satellite offices; 6) pay local election officials and agents "hazard pay" to recruit cities recognized as Democratic Party strongholds to recruit other cities to apply for grants from non-profits; 7) consolidate AVCBs and counting centers to facilitate the movement of hundreds of thousands of questionable ballots in secrecy without legally required bi-partisan observation; 8) implement a two-tier ballot "curing" plan that unlawfully counted ballots in Democrat Party strongholds and spoiled similarly situated ballots in Republican Party areas; and 9) subsidized and designed a scheme to remove the poll watchers from one political party so that the critical responsibility of determining the accuracy of the ballot and the integrity of the count could be done without oversight.

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<sup>239</sup> See Carlson Report, *supra*.

<sup>240</sup> See Carlson Report, *supra*.

362. The Help America Vote Act of 2002 (HAVA) controls how money is spent under federal law. See 42 USC 15301, *et seq.*; see also, MCL 168.18. In turn, Congress used HAVA to create the non-regulatory Election Assistance Commission (EAC), which was delegated the responsibility of providing information, training standards, and funding management to states. The mechanism for administrating HAVA is legislatively adopted state HAVA Plans.

363. Michigan's HAVA Plan is undisputed.<sup>241</sup>

364. Based on Michigan voters' allegations, these private funds exceeded the federal government's March 2020 appropriation under HAVA and CARES Acts to help local governments manage the general election during the pandemic.

365. Based on Michigan voters' allegations, as these unmonitored funds flowed through the pipeline directly to hand-picked cities, the outlines of two-tiered treatment of the American voter began to take place. Local governments in Democrat Party strongholds were flush with cash to launch public-private coordinated voter registration drives allowing private access directly to government voter registration files, access to early voting opportunities, the provision of incentives such as food, entertainment, and gifts for early voters, and the off-site collection of ballots. Outside the urban core and immediate suburbs, unbiased election officials were unable to start such efforts for lack of funding.

366. Based on Michigan voters' allegations, difficult to trace private firms funded this scheme through private grants, which dictated methods and procedures to local election officials and where the grantors retained the right to "claw-back" all funds if election officials failed to reach privately set benchmarks—thus entangling the private-public partnership in ways that demand transparency—yet none has been given.

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<sup>241</sup> See Certified Michigan HAVA State Plan of 2003, Terri Lynn Land Secretary, FR Vol. 69. No. 57 March 24 2004.

367. Based on Michigan voters' allegations, the state officials implicated, and the private interests involved, have refused repeated demands for the release of communications outlining the rationale and plan behind spending more than \$400 million provided directly to various election officials before the 2020 general election.

368. Based on Michigan voters' allegations, these funds greased the skids of Democrat-heavy areas violating mandates of the Michigan Legislature, the Michigan HAVA Plan, the dictates of Congress under HAVA, and equal protection and Separation of Powers demanded under the United States Constitution.

369. Based on Michigan voters' allegations, in Michigan specifically, CTCL had awarded eleven grants as of the time of this survey. CTCL funded cities were:

- i. Detroit (\$3,512,000);
- ii. Lansing (\$443,742);
- iii. East Lansing (\$43,850);
- iv. Flint (\$475,625);
- v. Ann Arbor (\$417,000);
- vi. Muskegon (\$433,580);
- vii. Pontiac (\$405,564);
- viii. Romulus (\$16,645);
- ix. Kalamazoo (\$218,869); and
- x. Saginaw (\$402,878).<sup>242</sup>

370. In the 2016 election, then candidate Donald Trump only won Saginaw; then candidate Hillary Clinton won the remaining cities.

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<sup>242</sup> See Expert Report of James Carlson, Appendix 1079-1111. (last updated November 25, 2020).



371. Based on Michigan voters' allegations, in 2020, CTCL funneled \$9,451,235 (95.7%) to the ten jurisdictions where candidate Clinton won and only \$402,878 (4.3%) to where candidate Trump won.<sup>243</sup>

**t. Michigan Voters Allege Unacceptable Antrim County Machine Error Rate.**

372. Based on Michigan voters' allegations, Antrim County, Michigan, reported errors arising from the November 3, 2020 election.

373. Based on Michigan voters' allegations, a report regarding Antrim County, Michigan, alleges that Dominion Voting Systems, the election technology used by Antrim County and elsewhere, "is intentionally and purposefully designed with inherent errors to create systemic fraud and influence election results." It's unclear how Allied Security Operations Group (ASOG) reached this conclusion, however.<sup>244</sup>

374. Based on Michigan voters' allegations, likewise, the report, authored by Russell James Ramsland, Jr., who is part of ASOG's management team, says the group found an "error rate" of 68% when examining "the tabulation log" of the server for Antrim County. It's also unclear what the "error rate" data refers to specifically and how it impacts the results.<sup>245</sup>

375. Based on Michigan voters' allegations, "The results of the Antrim County 2020 election are not certifiable," Ramsland wrote. "This is a result of machine and/or software error, not human error."<sup>246</sup>

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<sup>243</sup> *Id.*

<sup>244</sup> See Expert Report of Russell J. Ramsland, Jr., *Appendix* 1146-1168. See Expert Opinion of Anthony J. Couchenor, *Appendix* 42-47. See Expert Opinion of Dr. Navid Keshavarz-Nia, *Appendix* 119-128.

<sup>245</sup> *Id.*

<sup>246</sup> See Ramsland Report, *Appendix* pg. 2 ¶ 7.

**u. Michigan Voters Allege Absentee Ballot Errors.**

376. As mentioned above, the Braynard-Zhang analysis, in Michigan, based on the government data shows election officials’ absentee ballot errors of 548,016 far exceed the margin of victory of 148,152.

377. The Braynard-Zhang analysis of the government data shows election officials’ absentee ballot error rate of at least 6.05% which far exceeds federal law’s pre-election certification error rate for voting systems’ hardware and software of 0.0008%.<sup>247</sup>

Michigan Voter Election Contest Michigan Margin +148,152		
Type*	Description	Margin
1) Unlawful Ballots	Unsolicited Ballots <sup>248</sup>	355,392
Category 1	Error Rate (Based on Total Votes)	6.05%
2) Illegal Votes Counted	Estimate of ballots requested in the name of a registered voter. Registered Voter did not request ballot	27,825
3) Legal Votes Not Counted	Estimate of ballots that the requester returned but were not counted <sup>249</sup>	29,682
Category 2 and 3 <sup>250</sup> Total Votes: 53,968	Error Rate (Based on Total Votes)	0.97%
4) Illegal Votes Counted	Electors with no address. <sup>251</sup>	35,109
5) Illegal Votes Counted		259

<sup>247</sup> See Expert Report of Dennis Nathan Cain (III), *Appendix* 1433-1445.

<sup>248</sup> The number of unsolicited ballots come from the combination of 326,460 absentee ballots issued by the State but not requested by an eligible State voter and the 28,932 absentee ballots the State claims were not returned but who claim they in fact mailed their absentee ballot back. Both of these numbers are the conservative end of Dr. Zhang’s 99% confidence interval. Expert Report of Dr. Quanying “Jennie” Zhang, *Appendix* 1123-1134 at ¶2-3.

<sup>249</sup> Expert Report of Dr. Quanying “Jennie” Zhang, *Appendix* 1123-1134 at ¶3.

<sup>250</sup> Categories 2 and 3 are mutually exclusive.

<sup>251</sup> See Expert Report of Matthew Braynard, *Appendix* 1112-1122.

	Electors voted listing email only <sup>252</sup>	
6) Unlawful Ballots	No signature required to obtain ballot <sup>253</sup>	74,000
7) Illegal Votes Counted	Absentee or Early Voters Not Residents when they voted <sup>254</sup>	13,248
8) Illegal Votes Counted	Double Votes (Voted in multiple states) <sup>255</sup>	317
TOTAL		548,016
	Of total votes cast in MI: 5,547,053	

**4. State of Wisconsin voters allege election official errors and improprieties which exceed the Presidential vote margin.<sup>256</sup>**

378. State of Wisconsin voters allege election official errors and improprieties which exceed the Presidential vote margin.

376. Wisconsin has 10 electoral votes, with a statewide vote tally currently estimated at 1,610,151 for President Trump and 1,630,716 for former Vice President Biden (*i.e.*, a margin of 20,565 votes). In two counties, Milwaukee and Dane, Mr. Biden's margin (364,298 votes) significantly exceeds his statewide lead.

379. In the 2016 general election some 146,932 mail-in ballots were returned in Wisconsin out of more than 3 million votes cast. In stark contrast, 1,275,019 mail-in ballots, nearly a 900 percent increase over 2016, were returned in the November 3, 2020 election.

380. Based on Wisconsin voters' allegations, on November 30, 2020, Governor Tony Evers certified Joe Biden's victory in Wisconsin in a Certificate of Ascertainment, soon after he received a certification from Ann Jacobs, chairwoman of the Wisconsin Election Commission.

<sup>252</sup> See Expert Report of Matthew Braynard, Appendix 1112-1122.

<sup>253</sup> See Declaration of Jonathan Brater, Appendix 1147-1151 at ¶ 10.

<sup>254</sup> See Expert Report of Matthew Braynard, Appendix 1112-1122 at ¶ 5.

<sup>255</sup> See Expert Report of Matthew Braynard, Appendix 1112-1122 at ¶ 6.

<sup>256</sup> For full extent of inappropriate activities See Timeline of Electoral Policy Activities, Issues, and Litigation Pennsylvania, Michigan, Wisconsin, Georgia, Arizona, and Nevada August 2003 to November 2020, *Appendix 1-20*.

Jacobs signed a statement of canvass to confirm who won the election. The Wisconsin Election Commission was due to meet on Tuesday, December 1, 2020. Republican Commissioners Dean Knudson had requested that Jacobs wait until Tuesday, when the Commission was to meet, to determine the results, the statutory deadline.<sup>257</sup>

381. Based on Wisconsin voters' allegations, by certifying the election on her own, Jacobs usurped power that belongs to the Wisconsin Election Commission. Wisconsin Statutes § 7.70 sets forth the proper procedure for certifying Wisconsin's election results. The chairperson is required to examine the certified statements of the county board of canvassers, and obtain input from the county boards if it appears material mistakes have been made. Thereafter, under § 7.70(3)(d), the chairperson is to "examine and make a statement of the total number of votes cast at any election for the offices involved in the election for president and vice president..." Under § 7.70(3)(f), these statements are to show the "persons' names receiving votes" and "the whole number of votes given to each..." § 7.70(3)(g) states that following "each other election [other than a primary election] the chairperson of the commission or the chairperson's designee shall prepare a statement certifying the results of the election and shall attach to the statement a certificate of determination which shall indicate the names of persons who have been elected to any state or national office .... The chairperson of the commission or the chairperson's designee shall deliver each statement and determination to the commission."<sup>258</sup>

382. Based on Wisconsin voters' allegations, Wisconsin Statutes § 7.70(5)(b) states what is supposed to come next in a presidential election. "For presidential electors, *the commission* shall prepare a certificate showing the determination of the results of the canvass and the names of the

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<sup>257</sup> See Supplement to Emergency Petition, *Appendix* 384-396. See Also Wisconsin Elections Committee Letter, *Appendix* 1469-1470.

<sup>258</sup> See Wisconsin Finance Committee E-mails and Wisconsin Republican Presidential Elector Signatures, *Appendix* 1473-1476.

persons elected, and the governor shall sign, affix the great seal of the state, and transmit the certificate by registered mail to the U.S. administrator of general services. The governor shall also prepare 6 duplicate originals of such certificate and deliver them to one of the presidential electors on or before the first Monday after the 2nd Wednesday in December.” (emphasis supplied).

383. Based on Wisconsin voters’ allegations, as set forth clearly in the statute, Wisconsin law requires the chairperson of the commission to prepare a certificate of the votes received by each candidate in the presidential election, and transmit these results to the commission. Thereafter, the commission is required to prepare a certificate showing the names of the persons elected, and transmit this certificate to the governor. Only then is the governor authorized to transmit this certificate to the U.S. administrator of general services.

384. Based on Wisconsin voters’ allegations, Chairwoman Jacobs certified these results, without authority, before the Wisconsin Election Commission meeting, in an attempt to bypass the Wisconsin Election Commission, who had a lawful duty to examine and certify the results for themselves. Chairwoman Jacobs’ certification is a usurpation of the statutory authority of the Wisconsin Election Commission. Furthermore, the Governor’s Certificate of Ascertainment, based on Chairwoman Jacobs’ certification, rather than the lawful certification of the Commission, is a usurpation of authority, and is legally null and void.

385. Further, based on Wisconsin voters’ allegations, Wisconsin statutes guard against fraud in absentee ballots: “[V]oting by absentee ballot is a privilege exercised wholly outside the traditional safeguards of the polling place. The legislature finds that the privilege of voting by absentee ballot must be carefully regulated to prevent the potential for fraud or abuse[.]”<sup>259</sup>

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<sup>259</sup> Wis. Stat. § 6.84(1).

386. Based on Wisconsin voters' allegations, in direct contravention of Wisconsin law, leading up to the 2020 general election, the Wisconsin Elections Commission ("WEC") and other local officials unconstitutionally modified Wisconsin election laws—each time taking steps that weakened, or did away with, established security procedures put in place by the Wisconsin legislature to ensure absentee ballot integrity.<sup>260</sup>

387. Based on Wisconsin voters' allegations, for example, the WEC undertook a campaign to position hundreds of drop boxes to collect absentee ballots—including the use of unmanned drop boxes.

388. Based on Wisconsin voters' allegations, the mayors of Wisconsin's five largest cities—Green Bay, Kenosha, Madison, Milwaukee, and Racine, which all have Democrat majorities—joined in this effort, and together, developed a plan use purportedly "secure drop-boxes to facilitate return of absentee ballots." Wisconsin Safe Voting Plan 2020, at 4 (June 15, 2020).<sup>261</sup>

389. Based on Wisconsin voters' allegations, it was alleged in an action filed in United States District Court for the Eastern District of Wisconsin that over five hundred unmanned, illegal, absentee ballot drop boxes were used in the Presidential election in Wisconsin.

390. Based on Wisconsin voters' allegations, however, the use of any drop box, manned or unmanned, is directly prohibited by Wisconsin statute. The Wisconsin legislature specifically described in the Election Code "Alternate absentee ballot site[s]" and detailed the procedure by which the governing body of a municipality may designate a site or sites for the delivery of absentee ballots "other than the office of the municipal clerk or board of election commissioners as the

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<sup>260</sup> See *Appendix* 201-269; 378-383.

<sup>261</sup> See *Appendix* pgs. 270-290; 291-346.

location from which electors of the municipality may request and vote absentee ballots and to which voted absentee ballots shall be returned by electors for any election.”<sup>262</sup>

391. Based on Wisconsin voters’ allegations, any alternate absentee ballot site “shall be staffed by the municipal clerk or the executive director of the board of election commissioners, or employees of the clerk or the board of election commissioners.”<sup>263</sup> Likewise, Wis.Stat. 7.15(2m) provides, “[i]n a municipality in which the governing body has elected to establish an alternate absentee ballot site under s. 6.855, the municipal clerk shall operate such site as though it were his or her office for absentee ballot purposes and shall ensure that such site is adequately staffed.”

392. Based on Wisconsin voters’ allegations, thus, the unmanned absentee ballot drop-off sites are prohibited by the Wisconsin Legislature as they do not comply with Wisconsin law expressly defining “[a]lternate absentee ballot site[s].”<sup>264</sup>

393. Based on Wisconsin voters’ allegations, in addition, the use of drop boxes for the collection of absentee ballots, positioned predominantly in Wisconsin’s largest cities, is directly contrary to Wisconsin law providing that absentee ballots may only be “mailed by the elector, or delivered *in person* to the municipal clerk issuing the ballot or ballots.”<sup>265</sup>

394. Based on Wisconsin voters’ allegations, The fact that other methods of delivering absentee ballots, such as through unmanned drop boxes, are *not* permitted is underscored by Wis. Stat. § 6.87(6) which mandates that, “[a]ny ballot not mailed or delivered as provided in this subsection may not be counted.” Likewise, Wis. Stat. § 6.84(2) underscores this point, providing that Wis. Stat. § 6.87(6) “shall be construed as mandatory.” The provision continues—“Ballots cast in contravention of the procedures specified in those provisions may not be counted. *Ballots counted in*

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<sup>262</sup> Wis. Stat. 6.855(1).

<sup>263</sup> Wis. Stat. 6.855(3).

<sup>264</sup> Wis. Stat. 6.855(1), (3).

<sup>265</sup> Wis. Stat. § 6.87(4)(b)1 (emphasis added).

*contravention of the procedures specified in those provisions may not be included in the certified result of any election.*<sup>266</sup>

395. Based on Wisconsin voters' allegations, as a result of the Zuckerberg-funded absentee drop boxes, the Milwaukee County and Dane County had 1 drop box for every 30.7 square miles. But, the rest of Wisconsin had 1 drop box for every 145 square miles. Wisconsin localities provided approximately 514 ballot drop boxes leading up to the 2020 election.<sup>267</sup>

396. In 2016, Hillary Clinton received 1,382,536 votes in Wisconsin.<sup>268</sup> Of those 1.3M votes, Milwaukee and Dane Counties accounted for 506,519<sup>269</sup> of Clinton's votes.<sup>270</sup>

397. Wisconsin is a total of 65,498 square miles. Milwaukee and Dane Counties represent a combined 2,427 square miles. These two counties received about one-sixth of the total number of ballot drop boxes with 79 boxes. Milwaukee received 25 drop boxes, while Dane County (Madison) had 54 drop boxes.<sup>271</sup> This left the rest of the state with 435 ballot drop boxes.<sup>272</sup>

398. Voters in Hillary Clinton's two largest counties: Milwaukee and Dane, where she received 506,519 votes, received 79 drop boxes spread out over a combined 2,427 square miles, or 1 drop box for every 30.7 square miles. Meanwhile, voters in the rest of the state received 435 drop

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<sup>266</sup> Wis. Stat. § 6.84(2) (emphasis added).

<sup>267</sup> <https://www.wisconsinwatch.org/2020/10/wisconsin-absentee-ballot-drop-box-search/>. See Expert Declaration of Dennis Nathan Cain (II), *Appendix* 60-68. See Also *Appendix* 353-377.

<sup>268</sup> <https://www.nytimes.com/elections/2016/results/wisconsin-president-clinton-trump>

<sup>269</sup> <https://www.nytimes.com/elections/2016/results/wisconsin-president-clinton-trump>

<sup>270</sup> The next eight largest Wisconsin counties gave Hillary Clinton an additional 346,352 votes.

<https://www.nytimes.com/elections/2016/results/wisconsin-president-clinton-trump>  
Waukesha (Milwaukee area) had 5 drop boxes, Brown County (Green Bay) had 13 drop boxes, 13 in Racine, Outagamie 5, Winnebago 5, Kenosha 8, Rock 26, Marathon 10.<sup>270</sup>

Wisconsin has sixteen counties with over 100k residents: Milwaukee, Dane (Madison), Waukesha, Brown (Green Bay), Racine, Outagamie, Winnebago, Kenosha, Rock, Washington, Marathon, La Crosse, Sheboygan, Eau Claire, Walworth, Fond du Lac.<sup>270</sup>

<sup>271</sup> <https://www.wisconsinwatch.org/2020/10/wisconsin-absentee-ballot-drop-box-search/>

<sup>272</sup> 514-79 = 435



boxes to cover 63,071 square miles, meaning that the rest of Wisconsin had a single drop box for every 145 square miles.

399. Based on Wisconsin voters' allegations, these were not the only Wisconsin election laws that the WEC violated in the 2020 general election. The WEC and local election officials also took it upon themselves to encourage voters to unlawfully declare themselves "indefinitely confined"—which under Wisconsin law allows the voter to avoid security measures like signature verification and photo ID requirements.

400. Specifically, registering to vote by absentee ballot requires photo identification, except for those who register as "indefinitely confined" or "hospitalized."<sup>273</sup> Registering for indefinite confinement requires certifying confinement "because of age, physical illness or infirmity or [because the voter] is disabled for an indefinite period."<sup>274</sup> Should indefinite confinement cease, the voter must notify the county clerk,<sup>275</sup> who must remove the voter from indefinite-confinement status.<sup>276</sup>

401. Wisconsin election procedures for voting absentee based on indefinite confinement enable the voter to avoid the photo ID requirement and signature requirement.<sup>277</sup>

402. Based on Wisconsin voters' allegations, on March 25, 2020, in clear violation of Wisconsin law, Dane County Clerk Scott McDonnell and Milwaukee County Clerk George Christensen both issued guidance indicating that all voters should mark themselves as "indefinitely confined" because of the COVID-19 pandemic.<sup>278</sup>

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<sup>273</sup> Wis. Stat. § 6.86(2)(a), (3)(a).

<sup>274</sup> *Id.* § 6.86(2)(a).

<sup>275</sup> *Id.*

<sup>276</sup> *Id.* § 6.86(2)(b).

<sup>277</sup> *Id.* § 6.86(1)(ag)/(3)(a)(2).

<sup>278</sup> See Appendix pgs. 347-349.

403. Based on Wisconsin voters' allegations, believing this to be an attempt to circumvent Wisconsin's strict voter ID laws, the Republican Party of Wisconsin petitioned the Wisconsin Supreme Court to intervene. On March 31, 2020, the Wisconsin Supreme Court unanimously confirmed that the clerks' "advice was legally incorrect" and potentially dangerous because "voters may be misled to exercise their right to vote in ways that are inconsistent with WISC. STAT. § 6.86(2)."

404. Based on Wisconsin voters' allegations, on May 13, 2020, the Administrator of WEC issued a directive to the Wisconsin clerks prohibiting removal of voters from the registry for indefinite-confinement status if the voter is no longer "indefinitely confined."

405. Based on Wisconsin voters' allegations, the WEC's directive violated Wisconsin law. Specifically, WISC. STAT. § 6.86(2)(a) specifically provides that "any [indefinitely confined] elector [who] is no longer indefinitely confined ... shall so notify the municipal clerk." WISC. STAT. § 6.86(2)(b) further provides that the municipal clerk "shall remove the name of any other elector from the list upon request of the elector or upon receipt of reliable information that an elector no longer qualifies for the service."

406. Based on Wisconsin voters' allegations, according to statistics kept by the WEC, nearly 216,000 voters said they were indefinitely confined in the 2020 election, nearly a fourfold increase from nearly 57,000 voters in 2016. In Dane and Milwaukee counties, more than 68,000 voters said they were indefinitely confined in 2020, a fourfold increase from the roughly 17,000 indefinitely confined voters in those counties in 2016.

407. Under Wisconsin law, voting by absentee ballot also requires voters to complete a certification, including their address, and have the envelope witnessed by an adult who also must

sign and indicate their address on the envelope.<sup>279</sup> The sole remedy to cure an “improperly completed certificate or [ballot] with no certificate” is for “the clerk [to] return the ballot to the elector[.]”<sup>280</sup> “If a certificate is missing the address of a witness, the ballot *may not be counted.*”<sup>281</sup>

408. Based on Wisconsin voters’ allegations, however, in a training video issued April 1, 2020, the Administrator of the City of Milwaukee Elections Commission unilaterally declared that a “witness address may be written in red and that is because we were able to locate the witnesses’ address for the voter” to add an address missing from the certifications on absentee ballots. The Administrator’s instruction violated WISC. STAT. § 6.87(6d). The WEC issued similar guidance on October 19, 2020, in violation of this statute as well.<sup>282</sup>

409. Based on Wisconsin voters’ allegations, in the Wisconsin Trump Campaign Complaint, it is alleged, supported by the sworn affidavits of poll watchers, that canvas workers carried out this unlawful policy, and acting pursuant to this guidance, in Milwaukee used red-ink pens to alter the certificates on the absentee envelope and then cast and count the absentee ballot. These acts violated WISC. STAT. § 6.87(6d) (“If a certificate is missing the address of a witness, the ballot may not be counted”).<sup>283</sup>

410. Wisconsin’s legislature has not ratified these changes, and its election laws do not include a severability clause.

411. Based on Wisconsin voters’ allegations, in addition, Ethan J. Pease, a box truck delivery driver subcontracted to the U.S. Postal Service (“USPS”) to deliver truckloads of mail-in

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<sup>279</sup> See Wis. Stat. § 6.87.

<sup>280</sup> *Id.* § 6.87(9).

<sup>281</sup> *Id.* § 6.87(6d) (emphasis added).

<sup>282</sup> See Appendix pgs. 350-352.

<sup>283</sup> See also Wis. Stat. § 6.87(9) (“If a municipal clerk receives an absentee ballot with an improperly completed certificate or with no certificate, the clerk may return the ballot to the elector . . . whenever time permits the elector to correct the defect and return the ballot within the period authorized.”).

ballots to the sorting center in Madison, WI, testified that USPS employees were backdating ballots received after November 3, 2020.<sup>284</sup> Further, Pease testified how a senior USPS employee told him on November 4, 2020 that “[a]n order came down from the Wisconsin/Illinois Chapter of the Postal Service that 100,000 ballots were missing” and how the USPS dispatched employees to “find[] . . . the ballots.”<sup>285</sup> One hundred thousand ballots supposedly “found” after election day would far exceed former Vice President Biden margin of 20,565 votes over President Trump.

412. Finally, in Wisconsin, the Braynard-Zhang analysis of government data shows election officials’ absentee ballot errors of 159,559 far exceed the margin of victory of 20,608.<sup>286</sup>

413. The Braynard-Zhang analysis of government data shows election officials’ absentee ballot error rate of at least 0.89% which far exceeds federal law’s pre-election certification error rate for voting systems’ hardware and software of 0.0008%.<sup>287</sup>

Wisconsin Voter Election Contest Margin +20,608 votes		
Type of error*	Description	Votes
1) Unlawful Ballots	Estimate of the minimum number of absentee ballots requested which were not requested by the person identified in the state’s database <sup>288</sup>	15,423
2) Legal Votes Not Counted	Estimate of ballots that the requester returned but were not counted <sup>289</sup>	13,826
Category 1 & 2 Total Votes: 29,249	Error Rate (Compared to Total Vote)	0.89%

<sup>284</sup> Declaration of Ethan J. Pease, Appendix pgs. 180-182 at ¶¶ 3-13.

<sup>285</sup> *Id.* ¶¶ 8-10.

<sup>286</sup> See Chart and WI Declaration of Matthew Braynard, Appendix pgs. 1384-1395.

<sup>287</sup> See Expert Report of Dennis Nathan Cain (III), *Appendix* 1433-1445.

<sup>288</sup> See WI Zhang Declaration Appendix pgs. 1375-1383 ¶ 1.

<sup>289</sup> See WI Zhang Declaration Appendix pgs. 1375-1383 ¶ 2.

3) Illegal Votes Counted	Electors voted where they did not reside <sup>290</sup>	26,673
4) Illegal Votes Counted	Electors who avoided Wisconsin Voter ID laws by voting absentee as an “indefinitely confined” elector and were not indefinitely confined <sup>291</sup>	96,437
5) Illegal Votes Counted	Out of State Residents Voting in State <sup>292</sup>	6,848
6) Illegal Votes Counted	Double Votes <sup>293</sup>	234
TOTAL		159,559
	Of total votes cast 3,289,946	

\*May overlap.

**5. State of Arizona voters allege election official errors and improprieties which exceed the Presidential vote margin.<sup>294</sup>**

414. State of Michigan voters allege election official errors and improprieties which exceed the Presidential vote margin.

415. Arizona has 11 electoral votes, with a statewide vote tally currently estimated at 1,661,686 for President Trump and 1,672,143 for former Vice President Biden (*i.e.*, a margin of 10,457 votes).

416. Based on Arizona voters’ allegations, there was a disparate impact caused by absentee drop boxes.

417. Arizona is composed of fifteen counties.

<sup>290</sup> See WI Declaration of Matthew Braynard, Appendix pgs. 1384-1395.

<sup>291</sup> See WI Declaration of Matthew Braynard Appendix pgs. 1384-1395 ¶ 5. This number is derived from .4523 \* 213,215

<sup>292</sup> See WI Declaration of Matthew Braynard Appendix pgs. 1384-1395 ¶ 4.

<sup>293</sup> See WI Declaration of Matthew Braynard Appendix pgs. 1384-1395 ¶ 6.

<sup>294</sup> For full extent of inappropriate activities See Timeline of Electoral Policy Activities, Issues, and Litigation Pennsylvania, Michigan, Wisconsin, Georgia, Arizona, and Nevada August 2003 to November 2020, *Appendix 1-20*.

418. The state of Arizona is 113,998 square miles.

419. In 2016, Hillary Clinton received 1,161,167 votes from Arizona.<sup>295</sup> Over half of these votes came from Maricopa County with 702,907 votes in 2016.<sup>296</sup>

420. Based on Wisconsin voters' allegations, this vote-rich area of only 9,224 square miles, was given more drop boxes and early voting centers than the rest of Arizona's 104,764 square miles combined.

421. Maricopa County, only 9,224 square miles, has over 125 vote-by-mail drop boxes available to its citizens, leaving one drop box for every 73 square miles.<sup>297</sup> Conversely, the other fourteen counties had a total of 119 drop boxes and early voting sites combined, meaning every other non-Arizona county combined had one vote-by-mail drop box for every 880 square miles.<sup>298</sup>

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<sup>295</sup> <https://www.nytimes.com/elections/2016/results/arizona>

<sup>296</sup> <https://www.nytimes.com/elections/2016/results/arizona>

<sup>297</sup> <https://www.google.com/maps/d/u/0/viewer?ll=33.361088282128144%2C-112.03699115344182&z=11&mid=1MksFw9pIMM80IE-3WVkXAr9a2BBizir7>

<sup>298</sup> Coconino Co., 8 drop boxes -

<https://www.coconino.az.gov/DocumentCenter/View/36811/Coconino-County-Ballot-Drop-Box-Locations-2020-Primary?bidId=>

- Pinal Co., 7 drop boxes - <https://www.pinalcountyz.gov/Recorder/Pages/EarlyVoteRegister.aspx>
- Gila Co., 8 drop boxes - [https://www.gilacountyz.gov/government/recorder/drop\\_off\\_boxes.php](https://www.gilacountyz.gov/government/recorder/drop_off_boxes.php)
- Pima Co., 14 dropbox/early voting sites - <https://www.recorder.pima.gov/EarlyVotingSites>
- Cochise Co., 5 drop boxes - <https://www.cochise.az.gov/recorder/ballot-box-locations>
- La Paz Co. 1 early voting site - [https://www.parkerpioneer.net/news/article\\_1a2fd0ec-1d4c-11eb-af74-5f2cf0d805cb.html](https://www.parkerpioneer.net/news/article_1a2fd0ec-1d4c-11eb-af74-5f2cf0d805cb.html)
- Maricopa Co., 125+ drop boxes - <https://www.google.com/maps/d/u/0/viewer?ll=33.361088282128144%2C-112.03699115344182&z=11&mid=1MksFw9pIMM80IE-3WVkXAr9a2BBizir7>
- Mohave Co., 3 early voting sites - <https://mohavedailynews.com/news/11214/early-voting-begins-in-arizona/>
- Graham Co., 5 drop boxes - <https://www.graham.az.gov/314/How-To-Return-Your-Early-Ballot>
- Navajo Co., 16 drop boxes - <https://www.navajocountyz.gov/Departments/Elections/Voter-Information/Early-Voting-Sites>

422. This strategy worked to benefit Democratic voters at a greater rate than republican voters.

423. In the 2020 November, election Vice-President Biden increased his vote total by almost more than 300,000 votes over Hillary Clinton’s 2016 numbers in Maricopa with 1,040,774 votes.

424. Alternatively, President Trump gained only about 150,000 votes.<sup>299</sup>

425. This type of disparate impact by government officials in Maricopa County clearly favored Democratic voters, to the detriment of Republican voters

426. Additionally, in Arizona, the Braynard-Zhang analysis of the government data shows election officials’ absentee ballot errors of 371,498 far exceed the margin of victory of 10,457.<sup>300</sup>

427. The Braynard-Zhang government data shows election officials’ absentee ballot error rate of at least 10.2% which far exceeds federal law’s pre-election certification error rate for voting systems’ hardware and software of 0.0008%.<sup>301</sup>

**Arizona Voter Election Contest  
Margin +10,457**

Type of error*	Description	Margin
1) Unlawful Ballots	Estimate of the minimum number of absentee ballots requested which were not requested by the person identified in the state’s database <sup>302</sup>	214,526
2) Legal	Estimate of ballots that the	

- Maricopa Co. - <https://www.12news.com/article/news/politics/elections/map-ballot-drop-box-maricopa-county-for-november-2020-general-election-list/75-81c64546-9092-4f8e-9531-f9f10e6d1aa8>
- Yavapai Co., 19 drop boxes - <https://www.yavapai.us/electionsvr/early-voting>

<sup>299</sup> <https://www.politico.com/2020-election/results/arizona/>

<sup>300</sup> See Chart and AZ Declaration of Matthew Braynard, Appendix pgs. 1419-1428

<sup>301</sup> See Expert Report of Dennis Nathan Cain (III), *Appendix* 1433-1445.

<sup>302</sup> See AZ Zhang Declaration Appendix pgs. 1396-1405 ¶ 1.

Votes Not Counted	requester returned but were not counted <sup>303</sup>	131,092
<b>Category 1 &amp; 2 Total Votes: 346,618</b>	<b>Error Rate (Compared to Total Vote)</b>	<b>10.2%</b>
3) Illegal Votes Counted*	Electors voted where they did not reside <sup>304</sup>	19,997
4) Illegal Votes Counted*	Out of State Residents Voting in State <sup>305</sup>	5,726
5) Illegal Votes Counted*	Double Votes <sup>306</sup>	157
<b>TOTAL</b>		371,498
	of total votes cast 3,397,388	

\*May overlap

- M. The government data, state-by-state, shows election officials' absentee ballot errors far exceed the margin of victory—and they far exceed the pre-election certification error rate of 0.0008%.**

428. The federal government has a pre-election standard for state voting system's software and hardware.

429. As explained above, this maximum-acceptable error rate is one in 500,000 ballot positions, or, alternatively one in 125,000 ballots—0.0008%.<sup>307</sup>

430. Based on the Defendant States' voters' allegations, the government data shows Wisconsin, Pennsylvania, Michigan, Georgia and Arizona election officials' absentee ballot errors<sup>308</sup> far exceed the Presidential margins of victory.

<sup>303</sup> See AZ Zhang Declaration Appendix pgs. 1396-1405 ¶ 2.

<sup>304</sup> See AZ Declaration of Matthew Braynard, Appendix pgs. 1419-1428 ¶3.

<sup>305</sup> See AZ Declaration of Matthew Braynard, Appendix pgs. 1419-1428 ¶4.

<sup>306</sup> See AZ Declaration of Matthew Braynard, Appendix pgs. 1419-1428 ¶5.

<sup>307</sup> See Expert Report of Dennis Nathan Cain (III), Appendix 1433-1445.

<sup>308</sup> According to Plaintiffs' analysis, it is possible to have more than one type of error per ballot (e.g., double voting and voting while resident of another state).



431. Based on the Defendant States' voters' allegations, the government data in each of the states shows election officials' absentee ballot errors far exceed the federal law's pre-election certification error rate for voting systems' hardware and software.

**COUNT 1:  
ARTICLE II**

432. Plaintiffs repeat and re-allege the allegations above, as if fully set forth herein.

433. The Plaintiffs as voters file this complaint against federal and state officials in Arizona, Georgia, Michigan, Pennsylvania and Wisconsin seeking a declaratory judgment, and related injunction, for a constitutionally-compliant process for state-by-state post-election certification of Presidential votes and of Presidential electors and for counting of their votes for the November 3, 2020 Presidential election and future elections.

434. Under Article II, if a state has authorized a Presidential election in that state, voters have voting rights to state legislative post-election certifications of Presidential votes and of Presidential electors.

435. Since Defendant States have authorized Presidential elections, voters in the Defendant States, including Plaintiffs, have voting rights under Article II to state legislative post-election certification of their Presidential votes and of Presidential electors.

436. Part of Plaintiffs' voting rights in Defendant States under Article II is the right that their Presidential votes be counted by in their respective state legislatures' post-election certifications of Presidential votes and Presidential electors in the 2020 and future elections.

437. Under Article II, Congress lacks legal authority to enact laws interfering with the state-by-state state legislative post-election certification of Presidential electors as it has done with 3 U.S.C. §§ 5, 6 and 15.

438. The text and structure of the Constitution—as evidenced in Article II and the rest of the Constitution—preempts 3 U.S.C. §§ 5, 6 and 15 as unconstitutional interference with the state

legislative prerogative to post-election Presidential elector certification guaranteed by the Constitution.<sup>309</sup>

439. Therefore, Article II renders 3 U.S.C. §§ 5, 6 and 15, in the 2020 and future Presidential elections, as unconstitutional interference with the state legislative prerogative to post-election Presidential elector certification guaranteed by the Constitution—and a violation of voters’ rights.<sup>310</sup>

440. Analogously, under Article II, the Defendant States lack legal authority to enact state laws which are a perpetual and wholesale delegation of post-election certifications to state executive branch officials—as they have done in Ariz. Rev. Stat. § 16-212 (B) (Arizona Secretary of State), Ga. Code Ann. § 21-2-499 (B) (Georgia Secretary of State and Governor), Mich. Comp. Laws Ann. § 168.46 (Michigan State Board of Canvassers and Governor), Wis. Stat. § 7.70 (5) (b) (Wisconsin Elections Commission); and 25 Pa. Cons. Stat. § 3166 (Secretary of Commonwealth and Governor).

441. Article II, and its non-delegation doctrine, left it exclusively to the state legislatures to “direct” post-election certifications of Presidential voters and of Presidential electors—not to Defendant States to “delegate” post-election certifications, perpetually and in a wholesale fashion, to state executive branch officials as a ministerial duty.

442. The text of Article II preempts Ariz. Rev. Stat. § 16-212 (B), Ga. Code Ann. § 21-2-499 (B), Mich. Comp. Laws Ann. § 168.46, Wis. Stat. § 7.70 (5) (b), 25 Pa. Cons. Stat. § 3166 and similar state laws which delegate Presidential post-election certifications to state executive branch officials when it is constitutionally required for state legislatures to conduct post-election Presidential election certifications.

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<sup>309</sup> Vasan Kesavan, *Is the Electoral Count Act Unconstitutional*, 80 N.C. L. Rev. 1653, 1759-1793 (2002).

<sup>310</sup> *Id.* at 1696-1759 (2002).

443. The structure of the Constitution, as evidenced in Article II and the rest of the Constitution, preempts Ariz. Rev. Stat. § 16-212 (B), Ga. Code Ann. § 21-2-499 (B), Mich. Comp. Laws Ann. § 168.46, Wis. Stat. § 7.70 (5) (b), 25 Pa. Cons. Stat. § 3166 and similar state laws which delegate Presidential post-election certifications to state executive branch officials when it is constitutionally-required for state legislatures to conduct post-election Presidential election certifications.

444. Therefore, the Court should hold Ariz. Rev. Stat. § 16-212 (B), Ga. Code Ann. § 21-2-499 (B), Mich. Comp. Laws Ann. § 168.46, Wis. Stat. § 7.70 (5) (b), 25 Pa. Cons. Stat. § 3166 and similar laws unconstitutional as they apply to Presidential state legislative post-election certifications.

445. The Defendant States' lack of state legislative post-election certifications of Presidential votes and Presidential electors in the 2020 and future Presidential elections violate the Plaintiffs' voting rights under Article II.

446. The Defendant States, in violation of Article II, have failed to provide state legislative post-election certifications of Presidential votes and of the Presidential Electors; so, voters' votes in the Defendant States do not count in the current and future elections—a disenfranchisement.

447. A declaratory judgment should issue, applicable to the current and future elections, declaring that Article II requires state legislative post-election certifications of Presidential votes and of Presidential electors for Presidential elector votes to count in the U.S. Congress for the election of the President and Vice President.

448. Further, any count of Presidential electors in the November 3, 2020 or future elections should be declared invalid if based on votes of Presidential electors who have not received state legislative post-election certification.

449. The Vice President and U.S. Congress should be enjoined from counting Presidential elector votes from any states in the current and future elections unless their respective state legislatures have voted affirmatively in a post-election vote to certify Presidential votes and their Presidential electors for the current and future Presidential elections.

COUNT 2:  
EQUAL PROTECTION CLAUSE

450. Plaintiffs repeat and re-allege the allegations above, as if fully set forth herein.

451. Plaintiffs are entitled to state legislative post-election certification of their Presidential votes and of Presidential electors so their votes count equally with other states' citizens' votes.

452. The Equal Protection Clause prohibits the use of differential standards in the treatment and tabulation of ballots within a State. *Bush*, 531 U.S. at 107.

453. The one-person, one-vote principle requires counting valid votes and not counting invalid votes. *Reynolds*, 377 U.S. at 554-55; *Bush*, 531 U.S. at 103 (“the votes eligible for inclusion in the certification are the votes meeting the properly established legal requirements”).

454. The Defendant States, in violation of the Equal Protection Clause, have failed to provide state legislative post-election certifications of Presidential votes and of the Presidential Electors as they do in other states; so, voters' votes in the Defendant States will not count—a disenfranchisement of that state's voters.

455. Absent the state legislative post-election certification of Presidential electors and of the Presidential Electors in the Defendant States, the Defendant States violate the one-person, one-vote principle because their Presidential votes and their state's Presidential electors' votes will not count toward the election of President and Vice President.

456. Plaintiffs are therefore harmed by Defendants' unconstitutional conduct in violation of the Equal Protection Clause.

457. A declaratory judgment should issue, applicable to the current and future elections, declaring that the Equal Protection Clause requires state legislative post-election certification of Presidential votes and of Presidential electors for Presidential elector votes to count in the U.S. Congress for the election of the President and Vice President.

458. Further, any count of Presidential electors in the November 3, 2020 or future elections should be declared invalid if based on votes of Presidential electors who have not received state legislative post-election certification.

459. The Vice President and U.S. Congress should be enjoined from counting Presidential elector votes from states in the current election and future elections unless the respective state legislatures has voted affirmatively in a post-election vote to certify Presidential votes and their Presidential electors.

### COUNT 3: DUE PROCESS CLAUSE

460. Plaintiff repeats and re-alleges the allegations above, as if fully set forth herein.

461. Plaintiffs as voters are entitled to state legislative post-election certifications of Presidential votes and of Presidential electors so their votes are subjected to the same due process as other citizens' votes.

462. When election practices reach "the point of patent and fundamental unfairness," the integrity of the election itself violates substantive due process. *Griffin v. Burns*, 570 F.2d 1065, 1077 (1st Cir. 1978); *Duncan v. Poytbress*, 657 F.2d 691, 702 (5th Cir. 1981); *Florida State Conference of N.A.A.C.P. v. Browning*, 522 F.3d 1153, 1183-84 (11th Cir. 2008); *Roe v. State of Ala. By & Through Evans*, 43 F.3d 574, 580-82 (11th Cir. 1995); *Roe v. State of Ala.*, 68 F.3d 404, 407 (11th Cir. 1995); *Marks v. Stinson*, 19 F. 3d 873, 878 (3rd Cir. 1994).

463. Under this Court's precedents on procedural due process, not only intentional failure to follow election law as enacted by a State's legislature but also random and unauthorized acts by state election officials and their designees in local government can violate the Due Process Clause. *Parratt v. Taylor*, 451 U.S. 527, 537-41 (1981), overruled in part on other grounds by *Daniels v. Williams*, 474 U.S. 327, 330-31 (1986); *Hudson v. Palmer*, 468 U.S. 517, 532 (1984).

464. The difference between intentional acts and random and unauthorized acts is the degree of pre-deprivation review.

465. Defendants acted unconstitutionally by certifying Presidential electors and counting their votes without prior state legislative post-election certifications of Presidential votes and of Presidential electors.

466. Defendant States acted unconstitutionally by their state legislatures not voting for post-election certifications of Presidential votes and Presidential electors.

467. Federal Defendants acted unconstitutionally under federal laws requiring counting votes of Presidential electors who have not received state legislative post-election certification.

468. The actions set out in the paragraphs above constitute intentional violations of the law by Defendants in violation of the Due Process Clause.

469. The Defendants, in violation of the Due Process Clause, prohibit state legislative post-election certifications of Presidential votes and of the Presidential Electors.

470. Plaintiffs' voting rights are disenfranchised by Defendants' unconstitutional conduct in violation of the Due Process Clause.

471. A declaratory judgment should issue, applicable to current and future elections, declaring that the Due Process Clause requires state legislative post-election certification of Presidential votes and of Presidential electors for Presidential elector votes to count in the U.S. Congress for the election of the President and Vice President.

472. Further, any count of Presidential electors in the current and future elections should be declared invalid if based on votes of Presidential electors who have not received state legislative post-election certification.

473. The Vice President and U.S. Congress should be enjoined from counting Presidential elector votes, in the current and future elections, unless their respective state legislature has voted affirmatively in a post-election vote to certify Presidential votes and their Presidential electors.

### PRAYER FOR RELIEF

WHEREFORE, Plaintiffs respectfully request that this Court issue the following relief for the 2020 and future Presidential elections:

- A. Issue a declaratory judgment, applying to the current and future elections, declaring that 3 U.S.C. §§ 5, 6 and 15 were and are unconstitutional deprivations of the state legislatures' constitutional prerogative to post-election certification of the Presidential electors;
- B. Issue a declaratory judgment, applying to current and future elections, declaring that Ariz. Rev. Stat. § 16-212 (B), Ga. Code Ann. § 21-2-499 (B), Mich. Comp. Laws Ann. § 168.46, Wis. Stat. § 7.70 (5) (b), 25 Pa. Cons. Stat. § 3166 and similar state laws are unconstitutional delegations by the respective states of post-election Presidential election certification duties to their respective executive branch officers when Article II requires such certifications to be made by the respective state legislatures;
- C. Issue a declaratory judgment, applying to current and future elections, that the Plaintiff-voters' constitutionally-protected voting rights in Presidential elections are being violated by Defendants;
- D. Issue a declaratory judgment, applying to current and future elections, that the Plaintiffs' voting rights were violated under Article II, the Equal Protection Clause and the Due Process Clause;
- E. Enjoin the Vice President and U.S. Congress, in the current and future elections, from counting Presidential elector votes from states unless their respective state legislatures vote affirmatively in a post-election vote to certify their Presidential electors;
- F. Alternatively, enjoin, in the current and future elections, the State Defendants' state legislatures to meet in their respective States to consider post-election certification of their respective Presidential electors;
- G. Award attorney's fees and costs under 42 U.S.C. § 1988 to Plaintiffs against State Defendants; and

H. Grant such other relief as the Court deems just and proper.

DATED: December 22,, 2020

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UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

WISCONSIN VOTERS ALLIANCE, *et al.*,

Plaintiffs,

v.

VICE PRESIDENT MICHAEL R.  
PENCE, *et al.*,

Defendants.

Civil Action No. 20-3791 (JEB)

MEMORANDUM OPINION

Plaintiffs' aims in this election challenge are bold indeed: they ask this Court to declare unconstitutional several decades-old federal statutes governing the appointment of electors and the counting of electoral votes for President of the United States; to invalidate multiple state statutes regulating the certification of Presidential votes; to ignore certain Supreme Court decisions; and, the *coup de grace*, to enjoin the U.S. Congress from counting the electoral votes on January 6, 2021, and declaring Joseph R. Biden the next President.

Voter groups and individual voters from the states of Wisconsin, Pennsylvania, Georgia, Michigan, and Arizona have brought this action against Vice President Michael R. Pence, in his official capacity as President of the Senate; both houses of Congress and the Electoral College itself; and various leaders of the five aforementioned states. Simultaneous with the filing of their Complaint, Plaintiffs moved this Court to preliminarily enjoin the certifying of the electors from the five states and the counting of their votes. In addition to being filed on behalf of Plaintiffs without standing and (at least as to the state Defendants) in the wrong court and with no effort to even serve their adversaries, the suit rests on a fundamental and obvious misreading of the

Constitution. It would be risible were its target not so grave: the undermining of a democratic election for President of the United States. The Court will deny the Motion.

## **I. Background**

To say that Plaintiffs' 116-page Complaint, replete with 310 footnotes, is prolix would be a gross understatement. After explicitly disclaiming any theory of fraud, see ECF No. 1 (Complaint), ¶ 44 ("This lawsuit is not about voter fraud."), Plaintiffs spend scores of pages cataloguing every conceivable discrepancy or irregularity in the 2020 vote in the five relevant states, already debunked or not, most of which they nonetheless describe as a species of fraud. E.g., id., at 37–109. Those allegations notwithstanding, Plaintiffs' central contention is that certain federal and state election statutes ignore the express mandate of Article II of the Constitution, thus rendering them invalid. Id. at 109–12. Although the Complaint also asserts causes of action for violations of the Equal Protection and Due Process Clauses, those are merely derivative of its first count. Id. at 112–15.

In order to provide an equitable briefing and hearing schedule on a very tight timetable, this Court immediately instructed Plaintiffs to file proofs of service on Defendants so that they could proceed on their preliminary-injunction Motion. See 12/23/20 Min. Order; Fed. R. Civ. P. 65(a)(1) ("The court may issue a preliminary injunction only on notice to the adverse party."). Twelve days later, Plaintiffs have still not provided proof of notice to any Defendant, let alone filed a single proof of service or explained their inability to do so.

## **II. Legal Standard**

"A preliminary injunction is an extraordinary remedy never awarded as of right." Winter v. NRDC, 555 U.S. 7, 24 (2008). "A plaintiff seeking a preliminary injunction must establish [1] that he is likely to succeed on the merits, [2] that he is likely to suffer irreparable harm in the

absence of preliminary relief, [3] that the balance of equities tips in his favor, and [4] that an injunction is in the public interest.” Sherley v. Sebelius, 644 F.3d 388, 392 (D.C. Cir. 2011) (quoting Winter, 555 U.S. at 20). “The moving party bears the burden of persuasion and must demonstrate, ‘by a clear showing,’ that the requested relief is warranted.” Hospitality Staffing Solutions, LLC v. Reyes, 736 F. Supp. 2d 192, 197 (D.D.C. 2010) (citing Chaplaincy of Full Gospel Churches v. England, 454 F.3d 290, 297 (D.C. Cir. 2006)).

Before the Supreme Court’s decision in Winter, courts weighed these factors on a “sliding scale,” allowing “an unusually strong showing on one of the factors” to overcome a weaker showing on another. Davis v. Pension Ben. Guar. Corp., 571 F.3d 1288, 1291–92 (D.C. Cir. 2009) (quoting Davenport v. Int’l Bhd. of Teamsters, 166 F.3d 356, 361 (D.C. Cir. 1999)). Both before and after Winter, however, one thing is clear: a failure to show a likelihood of success on the merits alone is sufficient to defeat the motion. Ark. Dairy Coop. Ass’n, Inc. v. USDA, 573 F.3d 815, 832 (D.C. Cir. 2009) (citing Apotex, Inc. v. FDA, 449 F.3d 1249, 1253–54 (D.C. Cir. 2006)); Archdiocese of Wash. v. Wash. Metro. Area Transit Auth., 281 F. Supp. 3d 88, 99 (D.D.C. 2017), aff’d on other grounds, 897 F.3d 314 (D.C. Cir. 2018).

### III. Analysis

Given that time is short and the legal errors underpinning this action manifold, the Court treats only the central ones and in the order of who, where, what, and why. Most obviously, Plaintiffs have not demonstrated the “irreducible constitutional minimum of standing.” Lujan v. Defs. of Wildlife, 504 U.S. 555, 560 (1992). Although they claim to have been “disenfranchised,” ECF No. 4 (PI Mem.) at 37, this is plainly not true. Their votes have been counted and their electors certified pursuant to state-authorized procedures; indeed, any vote nullification would obtain only were their own suit to succeed. To the extent that they argue

more broadly that voters maintain an interest in an election conducted in conformity with the Constitution, *id.* at 38, they merely assert a “generalized grievance” stemming from an attempt to have the Government act in accordance with their view of the law. *Hollingsworth v. Perry*, 570 U.S. 693, 706 (2013). This does not satisfy Article III’s demand for a “concrete and particularized” injury, *id.* at 704, as other courts have recently noted in rejecting comparable election challenges. See *Wood v. Raffensperger*, 981 F.3d 1307, 1314–15 (11th Cir. 2020); *Bowyer v. Ducey*, No. 20-2321, 2020 WL 7238261, at \*4–5 (D. Ariz. Dec. 9, 2020); *King v. Whitmer*, No. 20-13134, 2020 WL 7134198, at \*10 (E.D. Mich. Dec. 7, 2020). Plaintiffs’ contention that the state legislature is being deprived of its authority to certify elections, moreover, cannot suffice to establish a distinct injury-in-fact to the individuals and organizations before this Court. Finally, to the extent that Plaintiffs seek an injunction preventing certain state officials from certifying their election results, see PI Mem. at 1, that claim is moot as certification has already occurred. *Wood*, 981 F.3d at 1317.

Moving on from subject-matter jurisdiction, the Court must also pause at personal jurisdiction. Plaintiffs cannot simply sue anyone they wish here in the District of Columbia. On the contrary, they must find a court or courts that have personal jurisdiction over each Defendant, and they never explain how a court in this city can subject to its jurisdiction, say, the Majority Leader of the Wisconsin State Senate. Absent personal jurisdiction over a particular Defendant, of course, this Court lacks authority to compel him to do anything.

Even if the Court had subject-matter and personal jurisdiction, it still could not rule in Plaintiffs’ favor because their central contention is flat-out wrong. “Plaintiffs claim that Article II of the U.S. Constitution provides a voter a constitutional right to the voter’s Presidential vote being certified as part of the state legislature’s post-election certification of Presidential electors.

Absence [*sic*] such certification, the Presidential electors' votes from that state cannot be counted by the federal Defendants toward the election of President and Vice President.” Compl., ¶ 32 (emphasis added); see also PI Mem. at 1. More specifically, “Plaintiffs [*sic*] constitutional claims in this lawsuit are principally based on one sentence in Article II of the U.S. Constitution.” Compl., ¶ 54; see also PI Mem. at 1. That sentence states in relevant part that the President “shall hold his Office during the Term of four Years, and . . . be elected[] as follows: [¶] Each State shall appoint, in such Manner as the Legislature thereof may direct, a Number of Electors . . . .” U.S. Const., art. II, § 1.

Plaintiffs somehow interpret this straightforward passage to mean that state legislatures alone must certify Presidential votes and Presidential electors after each election, and that Governors or other entities have no constitutionally permitted role. See Compl., ¶ 55. As a result, state statutes that delegate the certification to the Secretary of State or the Governor or anyone else are invalid. Id., ¶ 58. That, however, is not at all what Article II says. The above-quoted language makes manifest that a state appoints electors in “such Manner as the Legislature thereof may direct.” So if the legislature directs that the Governor, Secretary of State, or other executive-branch entity shall make the certification, that is entirely constitutional. This is precisely what has happened: in each of the five states, the legislature has passed a statute directing how votes are to be certified and electors selected. See Ariz. Rev. Stat. Ann. § 16-212(B); Ga. Code Ann. § 21-2-499(b); Mich. Comp. Laws Ann. § 168.46; Wis. Stat. Ann. § 7.70(5)(b); 25 Pa. Stat. § 3166.

For example, Georgia requires its Secretary of State to “certify the votes cast for all candidates . . . and lay the returns for presidential electors before the Governor. The Governor shall enumerate and ascertain the number of votes for each person so voted and shall certify the

slates of presidential electors receiving the highest number of votes.” Ga. Code Ann. § 21-2-499(b). Similarly, under Michigan law, “the governor shall certify, under the seal of the state, to the United States secretary of state, the names and addresses of the electors of this state chosen as electors of president and vice-president of the United States.” Mich. Comp. Laws Ann. § 168.46. Plaintiffs’ theory that all of these laws are unconstitutional and that the Court should instead require state legislatures themselves to certify every Presidential election lies somewhere between a willful misreading of the Constitution and fantasy.

Plaintiffs readily acknowledge that their position also means that the Supreme Court’s decisions in Bush v. Gore, 531 U.S. 98 (2000), and Texas v. Pennsylvania, No. 155 (Orig.), 2020 WL 7296814 (U.S. Dec. 11, 2020), “are in constitutional error.” Compl., ¶ 76. They do not, however, explain how this District Court has authority to disregard Supreme Court precedent. Nor do they ever mention why they have waited until seven weeks after the election to bring this action and seek a preliminary injunction based on purportedly unconstitutional statutes that have existed for decades — since 1948 in the case of the federal ones. It is not a stretch to find a serious lack of good faith here. See Trump v. Wis. Elections Comm’n, No. 20-3414, 2020 WL 7654295, at \*4 (7th Cir. Dec. 24, 2020).

Yet even that may be letting Plaintiffs off the hook too lightly. Their failure to make any effort to serve or formally notify any Defendant — even after reminder by the Court in its Minute Order — renders it difficult to believe that the suit is meant seriously. Courts are not instruments through which parties engage in such gamesmanship or symbolic political gestures. As a result, at the conclusion of this litigation, the Court will determine whether to issue an order to show cause why this matter should not be referred to its Committee on Grievances for potential discipline of Plaintiffs’ counsel.

**IV. Conclusion**

As Plaintiffs have established no likelihood of success on the merits here, the Court will deny their Motion for Preliminary Injunction. A contemporaneous Order so stating will issue this day.

/s/ James E. Boasberg  
JAMES E. BOASBERG  
United States District Judge

Date: January 4, 2021

MOHRMAN, KAARDAL & ERICKSON, P.A.

ATTORNEYS AND COUNSELORS AT LAW

150 SOUTH FIFTH STREET  
SUITE 3100  
MINNEAPOLIS, MINNESOTA 55402

ERICK G. KAARDAL

TELEPHONE: 612/465-0927  
FACSIMILE: 612/341-1076  
WRITER'S E-MAIL: [KAARDAL@MKLAW.COM](mailto:KAARDAL@MKLAW.COM)

December 22, 2020

TO: ATTACHED SERVICE LIST

Re: *Wisconsin Voters Alliance, et al. v. Vice President Michael Richard Pence, et al.*  
USDC-DC Court File No. 20-CV-03791

Enclosed and served upon you in the above referenced matter are the following:

1. Summons;
2. Complaint;
3. Civil Cover Sheet;
4. Motion for Preliminary Injunction;
5. Notice of Hearing;
6. Memorandum of Law in Support of Motion for Preliminary Injunction;
7. Declaration of Erick G. Kaardal;
8. Second Declaration of Erick G. Kaardal;
9. Flash Drive containing Declaration Appendix; and
10. Proposed Order.

If you have any questions or concerns, please do not hesitate to contact me.

Sincerely,



Erick G. Kaardal

EGK/mg  
Enclosures



MOHRMAN, KAARDAL & ERICKSON, P.A.

ATTORNEYS AND COUNSELORS AT LAW

150 SOUTH FIFTH STREET  
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Sincerely,



Erick G. Kaardal

EGK/mg  
Enclosures

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

WISCONSIN VOTERS ALLIANCE, *et al.*,

Plaintiffs,

v.

VICE PRESIDENT MICHAEL R.  
PENCE, *et al.*,

Defendants.

Civil Action No. 20-3791 (JEB)

MEMORANDUM OPINION

Plaintiffs' aims in this election challenge are bold indeed: they ask this Court to declare unconstitutional several decades-old federal statutes governing the appointment of electors and the counting of electoral votes for President of the United States; to invalidate multiple state statutes regulating the certification of Presidential votes; to ignore certain Supreme Court decisions; and, the *coup de grace*, to enjoin the U.S. Congress from counting the electoral votes on January 6, 2021, and declaring Joseph R. Biden the next President.

Voter groups and individual voters from the states of Wisconsin, Pennsylvania, Georgia, Michigan, and Arizona have brought this action against Vice President Michael R. Pence, in his official capacity as President of the Senate; both houses of Congress and the Electoral College itself; and various leaders of the five aforementioned states. Simultaneous with the filing of their Complaint, Plaintiffs moved this Court to preliminarily enjoin the certifying of the electors from the five states and the counting of their votes. In addition to being filed on behalf of Plaintiffs without standing and (at least as to the state Defendants) in the wrong court and with no effort to even serve their adversaries, the suit rests on a fundamental and obvious misreading of the

Constitution. It would be risible were its target not so grave: the undermining of a democratic election for President of the United States. The Court will deny the Motion.

## **I. Background**

To say that Plaintiffs' 116-page Complaint, replete with 310 footnotes, is prolix would be a gross understatement. After explicitly disclaiming any theory of fraud, see ECF No. 1 (Complaint), ¶ 44 ("This lawsuit is not about voter fraud."), Plaintiffs spend scores of pages cataloguing every conceivable discrepancy or irregularity in the 2020 vote in the five relevant states, already debunked or not, most of which they nonetheless describe as a species of fraud. E.g., id., at 37–109. Those allegations notwithstanding, Plaintiffs' central contention is that certain federal and state election statutes ignore the express mandate of Article II of the Constitution, thus rendering them invalid. Id. at 109–12. Although the Complaint also asserts causes of action for violations of the Equal Protection and Due Process Clauses, those are merely derivative of its first count. Id. at 112–15.

In order to provide an equitable briefing and hearing schedule on a very tight timetable, this Court immediately instructed Plaintiffs to file proofs of service on Defendants so that they could proceed on their preliminary-injunction Motion. See 12/23/20 Min. Order; Fed. R. Civ. P. 65(a)(1) ("The court may issue a preliminary injunction only on notice to the adverse party."). Twelve days later, Plaintiffs have still not provided proof of notice to any Defendant, let alone filed a single proof of service or explained their inability to do so.

## **II. Legal Standard**

"A preliminary injunction is an extraordinary remedy never awarded as of right." Winter v. NRDC, 555 U.S. 7, 24 (2008). "A plaintiff seeking a preliminary injunction must establish [1] that he is likely to succeed on the merits, [2] that he is likely to suffer irreparable harm in the

absence of preliminary relief, [3] that the balance of equities tips in his favor, and [4] that an injunction is in the public interest.” Sherley v. Sebelius, 644 F.3d 388, 392 (D.C. Cir. 2011) (quoting Winter, 555 U.S. at 20). “The moving party bears the burden of persuasion and must demonstrate, ‘by a clear showing,’ that the requested relief is warranted.” Hospitality Staffing Solutions, LLC v. Reyes, 736 F. Supp. 2d 192, 197 (D.D.C. 2010) (citing Chaplaincy of Full Gospel Churches v. England, 454 F.3d 290, 297 (D.C. Cir. 2006)).

Before the Supreme Court’s decision in Winter, courts weighed these factors on a “sliding scale,” allowing “an unusually strong showing on one of the factors” to overcome a weaker showing on another. Davis v. Pension Ben. Guar. Corp., 571 F.3d 1288, 1291–92 (D.C. Cir. 2009) (quoting Davenport v. Int’l Bhd. of Teamsters, 166 F.3d 356, 361 (D.C. Cir. 1999)). Both before and after Winter, however, one thing is clear: a failure to show a likelihood of success on the merits alone is sufficient to defeat the motion. Ark. Dairy Coop. Ass’n, Inc. v. USDA, 573 F.3d 815, 832 (D.C. Cir. 2009) (citing Apotex, Inc. v. FDA, 449 F.3d 1249, 1253–54 (D.C. Cir. 2006)); Archdiocese of Wash. v. Wash. Metro. Area Transit Auth., 281 F. Supp. 3d 88, 99 (D.D.C. 2017), aff’d on other grounds, 897 F.3d 314 (D.C. Cir. 2018).

### III. Analysis

Given that time is short and the legal errors underpinning this action manifold, the Court treats only the central ones and in the order of who, where, what, and why. Most obviously, Plaintiffs have not demonstrated the “irreducible constitutional minimum of standing.” Lujan v. Defs. of Wildlife, 504 U.S. 555, 560 (1992). Although they claim to have been “disenfranchised,” ECF No. 4 (PI Mem.) at 37, this is plainly not true. Their votes have been counted and their electors certified pursuant to state-authorized procedures; indeed, any vote nullification would obtain only were their own suit to succeed. To the extent that they argue

more broadly that voters maintain an interest in an election conducted in conformity with the Constitution, *id.* at 38, they merely assert a “generalized grievance” stemming from an attempt to have the Government act in accordance with their view of the law. Hollingsworth v. Perry, 570 U.S. 693, 706 (2013). This does not satisfy Article III’s demand for a “concrete and particularized” injury, *id.* at 704, as other courts have recently noted in rejecting comparable election challenges. See Wood v. Raffensperger, 981 F.3d 1307, 1314–15 (11th Cir. 2020); Bowyer v. Ducey, No. 20-2321, 2020 WL 7238261, at \*4–5 (D. Ariz. Dec. 9, 2020); King v. Whitmer, No. 20-13134, 2020 WL 7134198, at \*10 (E.D. Mich. Dec. 7, 2020). Plaintiffs’ contention that the state legislature is being deprived of its authority to certify elections, moreover, cannot suffice to establish a distinct injury-in-fact to the individuals and organizations before this Court. Finally, to the extent that Plaintiffs seek an injunction preventing certain state officials from certifying their election results, *see* PI Mem. at 1, that claim is moot as certification has already occurred. Wood, 981 F.3d at 1317.

Moving on from subject-matter jurisdiction, the Court must also pause at personal jurisdiction. Plaintiffs cannot simply sue anyone they wish here in the District of Columbia. On the contrary, they must find a court or courts that have personal jurisdiction over each Defendant, and they never explain how a court in this city can subject to its jurisdiction, say, the Majority Leader of the Wisconsin State Senate. Absent personal jurisdiction over a particular Defendant, of course, this Court lacks authority to compel him to do anything.

Even if the Court had subject-matter and personal jurisdiction, it still could not rule in Plaintiffs’ favor because their central contention is flat-out wrong. “Plaintiffs claim that Article II of the U.S. Constitution provides a voter a constitutional right to the voter’s Presidential vote being certified as part of the state legislature’s post-election certification of Presidential electors.

Absence [*sic*] such certification, the Presidential electors' votes from that state cannot be counted by the federal Defendants toward the election of President and Vice President.” Compl., ¶ 32 (emphasis added); see also PI Mem. at 1. More specifically, “Plaintiffs [*sic*] constitutional claims in this lawsuit are principally based on one sentence in Article II of the U.S. Constitution.” Compl., ¶ 54; see also PI Mem. at 1. That sentence states in relevant part that the President “shall hold his Office during the Term of four Years, and . . . be elected[] as follows: [¶] Each State shall appoint, in such Manner as the Legislature thereof may direct, a Number of Electors . . . .” U.S. Const., art. II, § 1.

Plaintiffs somehow interpret this straightforward passage to mean that state legislatures alone must certify Presidential votes and Presidential electors after each election, and that Governors or other entities have no constitutionally permitted role. See Compl., ¶ 55. As a result, state statutes that delegate the certification to the Secretary of State or the Governor or anyone else are invalid. Id., ¶ 58. That, however, is not at all what Article II says. The above-quoted language makes manifest that a state appoints electors in “such Manner as the Legislature thereof may direct.” So if the legislature directs that the Governor, Secretary of State, or other executive-branch entity shall make the certification, that is entirely constitutional. This is precisely what has happened: in each of the five states, the legislature has passed a statute directing how votes are to be certified and electors selected. See Ariz. Rev. Stat. Ann. § 16-212(B); Ga. Code Ann. § 21-2-499(b); Mich. Comp. Laws Ann. § 168.46; Wis. Stat. Ann. § 7.70(5)(b); 25 Pa. Stat. § 3166.

For example, Georgia requires its Secretary of State to “certify the votes cast for all candidates . . . and lay the returns for presidential electors before the Governor. The Governor shall enumerate and ascertain the number of votes for each person so voted and shall certify the

slates of presidential electors receiving the highest number of votes.” Ga. Code Ann. § 21-2-499(b). Similarly, under Michigan law, “the governor shall certify, under the seal of the state, to the United States secretary of state, the names and addresses of the electors of this state chosen as electors of president and vice-president of the United States.” Mich. Comp. Laws Ann. § 168.46. Plaintiffs’ theory that all of these laws are unconstitutional and that the Court should instead require state legislatures themselves to certify every Presidential election lies somewhere between a willful misreading of the Constitution and fantasy.

Plaintiffs readily acknowledge that their position also means that the Supreme Court’s decisions in Bush v. Gore, 531 U.S. 98 (2000), and Texas v. Pennsylvania, No. 155 (Orig.), 2020 WL 7296814 (U.S. Dec. 11, 2020), “are in constitutional error.” Compl., ¶ 76. They do not, however, explain how this District Court has authority to disregard Supreme Court precedent. Nor do they ever mention why they have waited until seven weeks after the election to bring this action and seek a preliminary injunction based on purportedly unconstitutional statutes that have existed for decades — since 1948 in the case of the federal ones. It is not a stretch to find a serious lack of good faith here. See Trump v. Wis. Elections Comm’n, No. 20-3414, 2020 WL 7654295, at \*4 (7th Cir. Dec. 24, 2020).

Yet even that may be letting Plaintiffs off the hook too lightly. Their failure to make any effort to serve or formally notify any Defendant — even after reminder by the Court in its Minute Order — renders it difficult to believe that the suit is meant seriously. Courts are not instruments through which parties engage in such gamesmanship or symbolic political gestures. As a result, at the conclusion of this litigation, the Court will determine whether to issue an order to show cause why this matter should not be referred to its Committee on Grievances for potential discipline of Plaintiffs’ counsel.

**IV. Conclusion**

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/s/ James E. Boasberg  
JAMES E. BOASBERG  
United States District Judge

Date: January 4, 2021



2020  
Edition

# THE OPENING STATEMENT

Staff Newsletter  
Arizona Attorney General's Office



Attorney General  
Mark Brnovich

Thank you!

Thank you to all who contributed items for this issue of The Opening Statement.

Please submit your newsworthy items to [Newsletter@azag.gov](mailto:Newsletter@azag.gov) – and don't forget to include photographs!

Your participation and assistance are greatly appreciated.

## Did you know?

Please visit ADOA's [Benefits Page](#) to learn about Covid-19 testing, the Employee Assistance Program, Telehealth, Wellness and more!

## Facilities Reminder

Stop by the newly remodeled Palm Mailroom if you need any PPE (including masks, hand sanitizers and sanitizing wipes).

## Cards for Troops

Thank you to everyone who took the time to create Holiday Cards for the troops! Our office sent over 1,200 cards!

Click [here](#) to watch AG Brnovich on KSLX!



## A Message From Attorney General Mark Brnovich

At the end of the year, I've always believed it's important to be with our families, raise a glass with friends and reflect on what is really important in our lives. In 2020, however, even that time honored tradition may look different. Health officials say we should avoid large gatherings of extended family and friends, especially for those at higher risk for COVID 19 due to age and comorbidities. That is both awful and solid advice. It turns out that it's not just the Grinch and fraudsters who are out to steal our holiday cheer.

While family gatherings may look different or even be virtual, we can nevertheless still engage in the part of the Season where we reflect on what's important in our lives. When we do, we are reminded that protecting ourselves and each other is not just something that we do at home, but throughout our career at the Attorney General's Office. From the Supreme Court to the Internet, Election Integrity to Community Shred-a-thons, Family Court to representing State Agencies, and from Law Enforcement to Student Outreach, our team continues to do fantastic work in protecting the public and making our state a better place for all Arizonans.

I know this month's newsletter cannot replace the joy of sharing a home-cooked meal with our families, but perhaps it can provide food for thought and some inspiration regarding the difference we are making. I also hope you know just how much I appreciate all of your efforts during this especially challenging time. I wish everyone Peace and Joy this Holiday Season and good health and cheer as we welcome the New Year.

## A Message From Chief Deputy & Chief of Staff Joe Kanefield



Wiley E. Jones served as Arizona Attorney General from 1915 to 1921. He was our State's second Attorney General and had the dubious honor of serving during the 1918 flu pandemic which lasted from 1918 to 1920 and infected 500 million people, nearly a third of the world's population at the time. Through four devastating waves this flu was one of the most deadly pandemics in human history. Although the State and the Office of the Attorney General were much smaller at the time, General Jones and his team were able to help guide Arizonans through the turmoil and usher in more prosperous times.

We can glean great knowledge and inspiration from history. With General Brnovich's leadership and everyone's help, we have and will continue to do our part to guide Arizona through the current pandemic and follow in the footsteps of our predecessors who overcame similar adversity.

As I have said many times, the people who work at the Attorney General's Office are committed to serving the public with pride and professionalism. We choose to be here because we believe in our mission. It's for this reason more than any other that we have been able to navigate the challenges of protecting the public during this health crisis with the unwavering ability to adapt to what has become the new norm of remote working. Attorney General Brnovich and I thank you again for doing your part to accomplish this mission without missing a beat.

To close, I'll share some trivia about AG Jones who was quite a character. A few months after being defeated by W.J. Galbraith in the election of 1920, AG Jones was bit by a gila monster while staying at the Jones Hotel in Safford, Arizona. To add embarrassment to injury, it was a gila monster that he had brought with him into the hotel in a failed effort to impress some women in the lobby. As the former AG discussed the beauty and virtues of the reptile, it bit into his left middle finger and did not release its grip for more than a minute. Jones couldn't speak for five hours as a result of the swelling in his tongue. Perhaps that was a good thing.

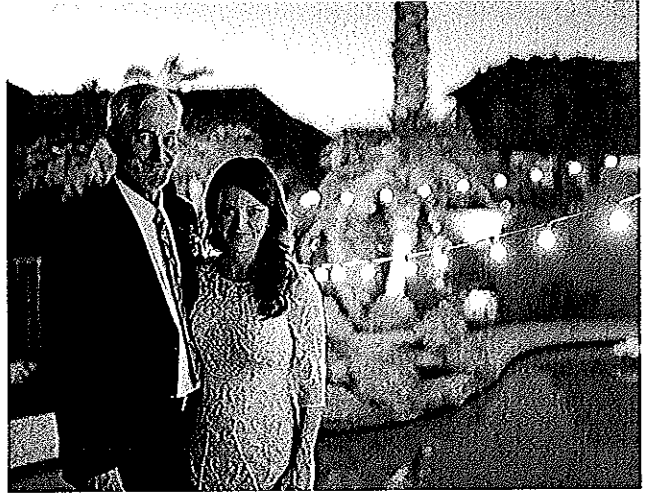
There's no doubt a lesson to be learned from AG Jones' gila monster experience in Safford, but I'll leave that one for you to contemplate. Right now, let's just reflect on his success in assisting Arizona through a pandemic in 1921 ... and how we will do the same in 2021.

With that said, Attorney General Brnovich and I would like to wish you and your families a safe and happy holiday season.

# Operations Division

Let's Celebrate!

In October, Leslie Welch and Brock Heathcotte had an "Unprecedented" wedding! Congratulations to the happy couple!!

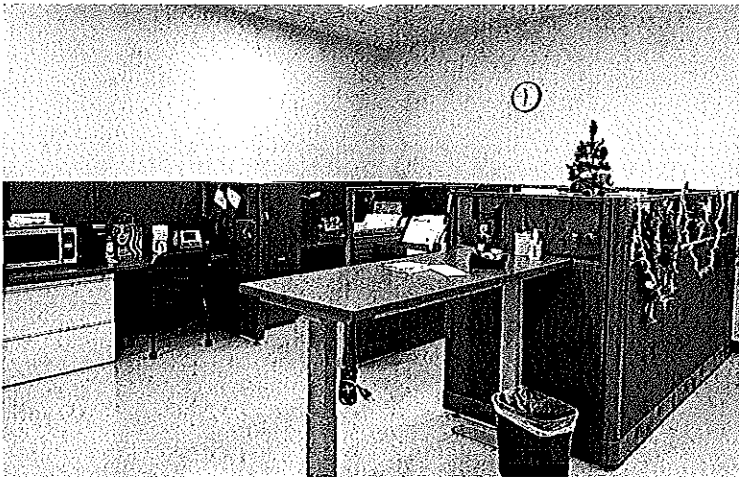


Michael Burkett Crist and his wife have a new daughter! Cosima Guinevere was born November 3rd at 9:48am weighing 6 lbs 4 oz, and was 19.75 inches long. Welcome to the world!

# Operations Division

## Mailroom Makeover

In November, the Palm building mailroom underwent a much needed renovation. To make things more convenient, the mail boxes are now located within the mailroom, and we also created an area where employees can stock up on necessary PPE (hand sanitizers, surface wipes, masks and more!).



# State Government Division

## Agency Counsel Section



AAG Caroline Guerrero and husband TJ welcomed beautiful daughter Zara Ada on November 1, 2020. She was 6 pounds, 9 ounces and 19 inches!

AAG Kara Karlson made the news by volunteering to test Moderna's COVID19 vaccine:

*Mesa mom volunteered to test Moderna's COVID-19 vaccine*



*Thousands of Americans have volunteered to test the COVID-19 vaccine, and one of them lives in Mesa. Kara Karlson says she did it to protect her 2-year-old daughter.*

AAG Kelly Gillilan-Gibson's sons, Kellen #45 (2021 graduate) and Cayden #42 (2024 graduate), attend Arizona College Prep and are on its football team. Their team won the Metro East title and they played in the state playoffs.



# State Government Division

## Licensing & Enforcement Section



AAG Sunita Krishna Cairo and her husband Manny welcomed their son Emilio Gael Cairo to their family on July 16, 2020. Baby Emilio joins big sister Indra who is 2. Congratulations to all!

Tanya Martinez joined LES as a legal secretary. Tanya relocated back to Phoenix after spending several years in Gallup, New Mexico, where she worked as an assistant to the Gallup City Attorney and Mayor.

Former AAG and LES Section Chief Monty Lee unexpectedly passed away on September 1, 2020. Monty was a great friend and mentor to the attorneys in LES who had the pleasure of working with him.

The Licensing and Enforcement Section spread holiday cheer by participating in the St. Vincent De Paul's Adopt-a-Family program. LES provided gifts for a family of five from Chandler. The gifts included games, sporting equipment and clothes along with a gift card for groceries. Employees of LES delivered the gifts on December 18th. All of the LES staff enjoyed contributing to such a worthy cause.



## Liability Management Section

Trial Successes:

### ***Keates v. Koile, et al.***

In March, 2020, Senior Litigation Counsels Cynthia Starkey and Tim Watson obtained a defense verdict in the federal district court on behalf of the Department of Child Safety. Thanks to Senior Paralegals Erica Amaral, Kasey Rivera, and Jessica Thompson and Legal Secretaries Lynda Ficarra and Jennifer Navarro for assisting in trial preparation and at trial

### ***Jose H. Peralta v. Collins***

In February, 2020, AAGs Mike Gaughan and Kara Klima obtained a defense verdict in federal district court on behalf of DPS. Plaintiff alleged negligence and constitutional violations arising out of Plaintiff's arrest for suspicion of driving under the influence. After a four day trial, the jury returned a defense verdict on all counts. Thanks to Senior Paralegals Linda Hettich and Yana Sarumov and Legal Secretary Lynda Ficarra.

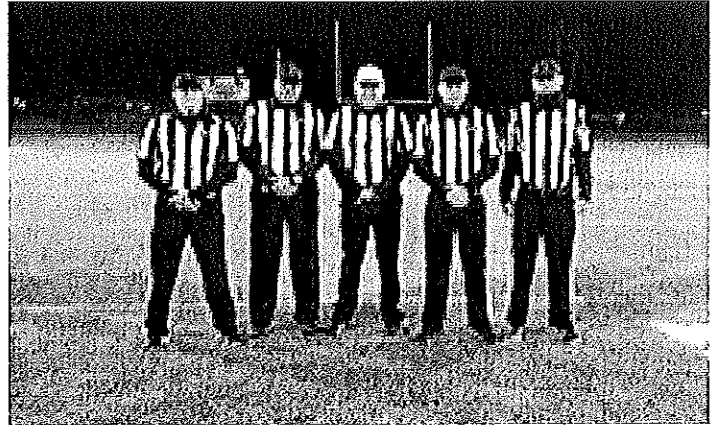
# State Government Division

## Additional Appellate Successes:

In the past year, LMS AAGs, with assistance from paralegals and legal secretaries, successfully defended the State in 17 Appellate cases.

## Personal Accomplishments:

Senior Litigation Counsel Chris Feasel completed his 8th season as a high school football official, acting as line judge for the 2A playoff game between Arizona Lutheran and Wilcox. Feasel, pictured here (far left) began his officiating career in California in the Contra Costa Football Officials Association, where he officiated over games including state powerhouse De La Salle High School. After moving to Arizona in 2016, he became an official with the Arizona Interscholastic Association ("AIA") and has worked playoff games 2 out of the last 3 years. Anyone interested in becoming an official can contact him at [Christopher.Feasel@azag.gov](mailto:Christopher.Feasel@azag.gov).



## LMS Welcomes New Employees



Ena Narvaez  
Legal Secretary II



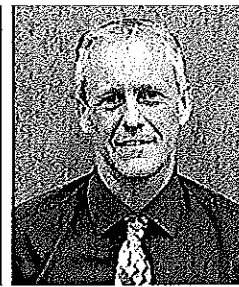
Jose Munoz  
Legal Secretary II



Michelle Cruz  
Legal Secretary II



Michelle Roth  
Legal Secretary II



Tod Brewer  
Legal Secretary II



Amanda Parks  
Senior Paralegal



Lindsey Hughes  
AAG



Neil Singh  
AAG



Stephanie Elliott  
AAG



Christopher Feasel  
Sr. Litigation Counsel



Lawrence Robertson, Jr.  
Sr. Litigation Counsel



# State Government Division

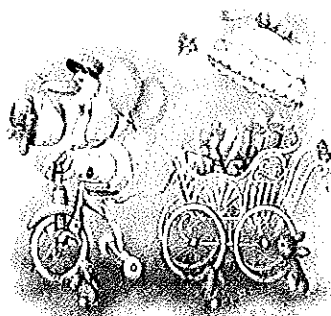
## Natural Resources Section

NRS closed two huge deals this year!



Jack Crestin, born Leap Day, February 29, 2020, to Kevin Crestin and his wife, Christy.

*congratulations*



Melody Rose Rigsby, born July 17, 2020, to Maracia Rigsby and her husband, James.

In addition, NRS assisted the State Land Department to close two substantial deals bringing hundreds of millions of dollars into the State Land Trust to benefit K-12 education. On November 4, 2020, ASLD auctioned 2,800 acres of land east of Apache Junction in return for \$245 million plus a 50% share in future net revenues from development of a master planned community. And on December 9, 2020, ASLD auctioned 1,200 acres of land in north Phoenix west of I-17 in return for \$89 million plus the installation of over \$200 million of infrastructure. The successful bidder, Taiwan Semiconductor Manufacturing Company, is expected to begin construction shortly on a \$12 billion semiconductor plant.

## Civil Litigation Division



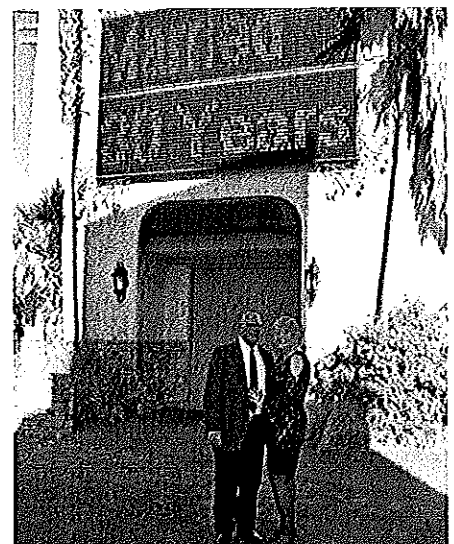
### CLD New Employee



Marie Elena Cobb, Executive Assistant

Marie has been with the AGO since July 2016 but has been in and around the legal field for 23+ years. Prior to joining CLD in October, Marie was with the Liability Management and Protective Services Sections as a Legal Secretary. Marie is an Arizona native originally from Sierra Vista near Fort Huachuca. She has 2 daughters, Isabelle and Makayla, ages 13 and 10, respectively, and enjoys doing re-enactments in Tombstone, Arizona. In her free time Marie also enjoys photography, geocaching, hiking, crafting, live theatre, singing, jewelry making and anything else that allows her to explore her creative side.

In January, CLD OA Kim Cundiff and husband Tony celebrated their 30th wedding anniversary in Las Vegas with their children.



# Civil Litigation Division

## Bankruptcy Collection & Enforcement Section (BCE)



Kristin McDonald, Assistant Attorney General

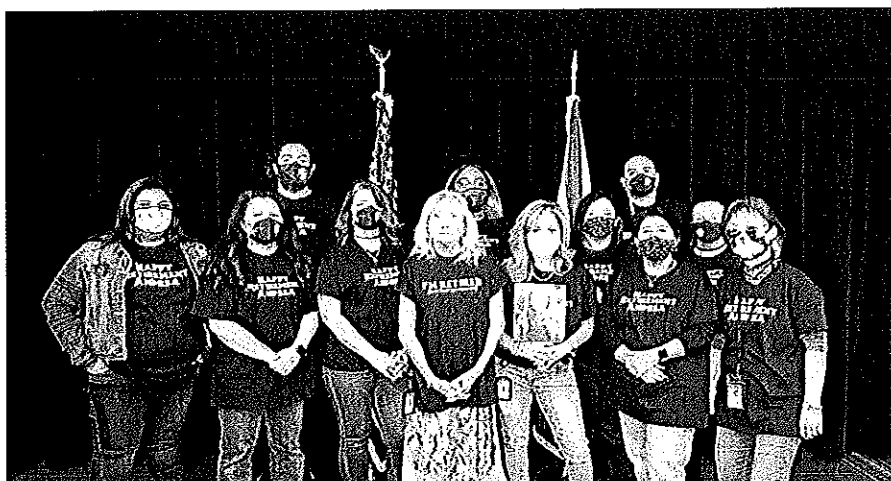
Prior to joining the AGO, Kristin represented institutional mortgage lenders for 10 years in the default servicing industry including foreclosure related matters, bankruptcy, excess proceeds, and title curative litigation. Kristin grew up in the Seattle area and upon moving to AZ in 1997 (Go Sundevils!!) was shocked to learn it was possible to live in sunshine and a warm climate versus constant grey and rain. In her spare time, she enjoys reading – currently binging on Elin Hilderbrand novels, volunteering with Phoenix Children’s Chorus, taking random group fitness classes, and spending time with her husband and 10 year old daughter.

Alexis Galindo, Administrative Assistant, started with BCE in January.

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BCE, on the personal side:

On October 29, Andrea Freeman, Collector III, retired. Even during COVID she was given a proper send off as we thanked her for 25 years of service to the State of Arizona with a buffet of treats, snacks and gifts.



Left to right: Linda Gonzalez; Tiare Viscaina, Frank Armijo; Jill Wieden; Andrea Freeman; Mariah Fondren; Melissa Cordova (holding picture of Heather Suggs who was not able to participate in Andrea’s send-off); Kele Sessions; Gabe Ruiz, Diana Norris, Tina Heer; Jan Jones

# Civil Litigation Division

## Community Outreach & Education Section (COED)

### COED New Employees:



Marle Ethelbah, Community Outreach and Education Coordinator  
Marle started with COED in November. She is an ASU graduate, with a Bachelor's Degree in Social Work. After graduation, she decided to teach English in Japan. This is where she developed a passion for education and public speaking. Upon her return to the United States, Marle worked for agencies that helped at-risk populations. She is excited to work for the Community Outreach section of the Attorney General's Office, because it combines her educational background and passion for helping vulnerable populations. In her spare time, Marle enjoys painting, reading, and spending time with friends and family.

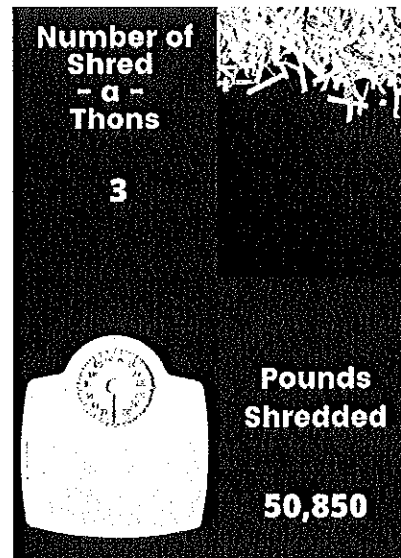
In June of 2020, Community Outreach was excited to learn we would be moving to the Civil Litigation Division. This move allows Community Outreach to work more closely with Consumer Protection, Civil Rights, and the Tobacco Enforcement Unit to help constituents across Arizona.

Since the beginning of the pandemic, Community Outreach, like the rest of the office, had to adapt to a new way of reaching the public. Outreach staff was able to quickly transition to virtual trainings and were able to offer live webinars to the public as well as recorded webinars for the public to watch when convenient. Because of this, Outreach has been able to reach thousands of Arizonans virtually.



# Civil Litigation Division

In addition to virtual learning, in September of 2020 Community Outreach began offering free No Contact Shred-a-thons and Prescription Drug take back events to the public. Because of these events we were able to help over 900 Arizonans shred over 50,000 pounds of documents and recover hundreds of pounds of prescription medications.



# Civil Litigation Division

## Division of Civil Rights Section (DCRS)

### DCRS New Employees:



#### Chris Carlsen, Senior Litigation Counsel

Chris Carlsen rejoined DCRS in April. As an experienced trial and appellate attorney, Chris has worked in private and public practice, primarily litigating civil rights, family law, and personal injury actions. Previously with the Attorney General's Office and while employed with 501(c)(3) non-profit entities, Chris practiced before the Ninth Circuit. In addition to his wealth of knowledge regarding civil and appellate practice, Chris brings to DCRS an expertise in disability law and employment law. Chris also teaches disability law classes at Northern Arizona University.



#### Valerie Grijalva, Compliance Officer

Valerie Grijalva joined DCRS in August as a Compliance Officer. Valerie is an experienced investigator who has worked with some of Arizona's largest State agencies. Valerie's expertise involves working with vulnerable populations in high pressure situations. In her spare time she enjoys spending time with her family and taking family hikes with her dog.

Karla Mejia Rivera, Administrative Assistant, started with DCRS in June.

La-Rae Subay, Compliance Officer II, started with DCRS in October.

Virgil Clark, Compliance Officer I, started with DCRS in June.

Ryan Bishop, Assistant Attorney General, started with DCRS in August.

Sasha Gonzalez, Compliance Officer, started with DCRS in November.

## Civil Litigation Division

DCRS, on the personal side:



On July, 21, the Civil Rights Section welcomed its youngest addition, Vivienne Rai weighing 7 pounds. Congratulations to Compliance Officer Ian Rai and wife Genesis on their beautiful baby girl.



Congratulations to Compliance Officer Gamaliel Vance on his marriage to his longtime girlfriend Desiree on July 25.

In December, two valued DCRS team members will be retiring – Dorothy Jim, Compliance Officer III and Patricia Bianchi, Tucson Compliance Manager. We are grateful to their service to Arizonans, to civil rights, and to the Arizona Attorney General's Office.

# Civil Litigation Division

## DCRS Case Highlights

### ***State of Arizona v. Obrigis, LLC d/b/a O'Brien's Sports Bar***

In February, 2020, DCRS resolved its lawsuit against Obrigis, LLC d/b/a O'Brien's Sports Bar. In its October 25, 2019 lawsuit, DCRS alleged that Obrigis violated the Arizona Americans with Disabilities Act (AzDA) when it refused to serve Bill Larson because of his service animal. Mr. Larson has a brain injury which causes him to experience transient ischemic attacks (referred to as mini-strokes). His American Bulldog service animal, Whopper, is trained to detect the onset of the mini-strokes and alert Mr. Larson so that he may take steps to ensure his safety and the safety of others.

DCRS resolved this matter through Consent Decree. Under the terms of the Consent Decree, Obrigis was required to pay monetary damages of \$7,500 to Mr. Larson and \$2,500 in civil penalties to the State. In addition, Obrigis agreed to create and disseminate policies prohibiting discrimination on the basis of disability and permitting reasonable modifications to its policies as necessary to serve customers with disabilities. The Consent Decree further required that Obrigis pay for and participate in robust training on disability law under AzDA and Title III of the Americans with Disabilities Act.

### ***State of Arizona v. Big Tex Trailer World, Inc. d/b/a Big Tex Trailers***

On May 30, 2019, DCRS filed a lawsuit against employer Big Tex Trailer World, Inc. d/b/a Big Tex Trailers, a company which sells, rents, and services trailers from its three Arizona locations. DCRS alleged that Big Tex violated the Arizona Civil Rights Act (ACRA) when it failed to make reasonable accommodations to the known physical limitations of its employee, Ed Litzinger. DCRS further alleged that Big Tex terminated Litzinger on the basis of his disability in violation of ACRA. Mr. Litzinger, a retired detective, filed a charge of discrimination with DCRS on May 31, 2018. While employed as a Sales Representative in Big Tex's Tucson location, Litzinger underwent hip replacement surgery and returned to work with the assistance of a cane. Litzinger alleged that Big Tex would not reasonably accommodate his return to work condition and subsequently terminated him due to his disability.

DCRS resolved the litigation through a Consent Decree that provided for monetary damages of \$45,000 to Mr. Litzinger and injunctive relief for DCRS including Big Tex's obligation to revise its policies and practices, pay for and participate in mandatory training, and maintain employment records related to its Arizona business operations subject to audit by DCRS.

### ***State of Arizona v. Shree Yogiji d/b/a the Tombstone Grand Hotel and Landmark Hospitality, LLC d/b/a Hampton Inn Sierra Vista***

On October 22, 2020, DCRS filed a lawsuit alleging that that employers Shree Yogiji d/b/a the Tombstone Grand Hotel and Landmark Hospitality, LLC d/b/a Hampton Inn Sierra Vista (collectively, Defendants) violated the Arizona Civil Rights Act (ACRA) when its supervisors harassed their joint employee because of her disability and created a hostile work environment. On October 23, 2019, an aggrieved party and employee of Defendants filed a charge of discrimination with DCRS alleging that her employers subjected her to different terms and conditions of employment and a hostile and intimidating work environment based on her disability. Specifically, the aggrieved party, who has intellectual disabilities and speech delays, alleged that her supervisors repeatedly referred to her in unwelcome and derogatory ways,



## Civil Litigation Division

openly chastised her in employee meetings and in front of guests, shoved her head into a sink until she cried, and poked her between the shoulders so that she would move quicker. After investigating the charge, DCRS issued a reasonable cause determination on September 14, 2020. This matter is currently pending in Maricopa County Superior Court.

### ***State of Arizona v. Solterra of Arizona, LLC d/b/a Solterra La Cholla***

On November 2, 2020, DCRS filed a lawsuit against employer Solterra of Arizona, LLC d/b/a Solterra La Cholla (Solterra), alleging that it violated the Arizona Civil Rights Act when it failed to remedy a hostile work environment based on sex and terminated its employee after she complained about being sexually assaulted by a colleague while at work. On November 24, 2019, DCRS received a charge of discrimination from Solterra's former employee alleging that (1) Solterra subjected her to sexual harassment and a sex-based hostile work environment, (2) Solterra terminated her, and (3) Solterra retaliated against her after she engaged in protected activity. Specifically, the aggrieved party alleged that while at work she was sexually assaulted by a colleague. Additionally, she alleged that the colleague followed her outside the facility while she was on break and attempted to sexually assault her again. The aggrieved party complained to management about the sexual assault and was thereafter terminated. On September 30, 2020, DCRS completed its investigation and issued a reasonable cause determination. It thereafter filed this lawsuit. This matter is currently pending in Maricopa County Superior Court.

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### Consumer Protection and Advocacy Section (CPA)

On February 27, (pre-COVID), as part of Consumer Protection Awareness Week, AG Brnovich posed for a picture with CPA staff which includes the Consumer Information & Complaints Unit; Consumer Litigation Unit; Tobacco Enforcement Unit; and Competition, Innovation & Privacy Unit.



## Civil Litigation Division

### CPA New Employees:



Alex Bernard, Pre-Law Legal Assistant

Alex started with CPA in February after working for the Maricopa County Attorney's Office in the Grand Jury/Probation Violation Bureau. Before the County Attorney's Office, Alex graduated Arizona State University in May 2018 with a degree in Political Science where he received the Moeur Award. In his spare time, Alex loves to hike, read, and spend time with his family.



Leticia Bdeir, Legal Administrative Assistant

Leticia started with CPA in February. She previously worked with The Department of Economic Security as an Administrative Assistant serving as a middle man to State AHCCCS by sending referrals for medical emergencies for Arizona families. Leticia was born and raised in Northern California. She has 4 children and 3 grandchildren. Her fur babies are Aslan (dog) and Sophie (cat). She loves to cook, travel, listen to music and spend time with her husband and family. Leticia is happy to be at the AG's office.



Gabriella Guzman, Administrative Assistant

Gabby started with the Tobacco Enforcement Unit ("TEU") in January. She graduated from Northern Arizona University with a Justice Study degree, emphasis in intelligence and minor in Homeland Security. She has previously worked in child care and more recently, as a customer service representative. Her favorite TV show is The Office and her dogs name is Diamond.

## Civil Litigation Division



Alexes Ramirez, Legal Administrative Assistant

Alexes returned to CPA in November and is excited to be back. She graduated from Southern Utah University with a degree in Sociology. She enjoys traveling, going on walks with her dog, and spending time with her younger sisters.



Dominique Jackson, Legal Assistant II

Dominique started with TEU in March. She graduated in 2017 with a Bachelor of Science in Criminal Justice from New Mexico State University, where she also excelled as a track athlete for the Aggies. After graduation, Dominique returned to Arizona and enrolled at Grand Canyon University, where she is currently pursuing a Masters in Criminal Justice with Emphasis in Legal Studies. Prior to joining the AG's Office, Dominique worked in private practice for a civil litigation firm. Dominique has quickly become an integral member of TEU, supporting the AG's Youth Tobacco Program in our efforts to reduce youth exposure to tobacco products.



Jocelyne Jones, Administrative Assistant

Jocelyn started with the Consumer Information & Complaints Unit ("CIC") in November.

## Civil Litigation Division



Justin Heywood, Pre-Law Legal Assistant

Justin started with CIC in July. He is a native Arizonan who graduated from Arizona State University with a bachelor's in political science and civic and economic thought. In his free time, he enjoys learning new things and finding new experiences, which led him to learn how to juggle and go bungee jumping. He considers himself an ice cream enthusiast, with his favorite flavors being mint chocolate chip and salted caramel.



Christopher Slood, Assistant Attorney General

Christopher started with CPA in November. He is a 2016 University of Arizona Law grad. Prior to joining the Arizona Attorney General's Office, Christopher clerked at the Arizona Court of Appeals, Arizona Supreme Court, and the United States District Court for the District of Arizona. In his spare time, he enjoys hanging out with family and getting outside.

Mitchell Allee, Senior Litigation Counsel, returned to CPA in June.

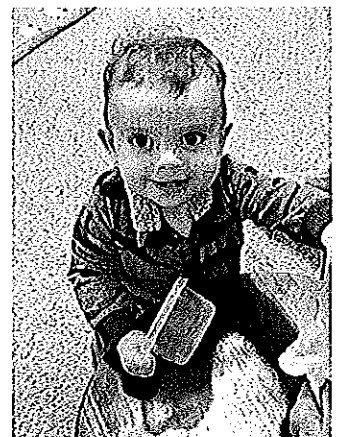
Syreeta Tyrell, Assistant Attorney General, started with CPA in August.

Laura Dilweg, Senior Litigation Counsel, started with CPA in November.

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DCRS, on the personal side:

On February 20 at 4:04pm, Alyse Meislik, Assistant AG, and her husband Matt, welcomed their son Robert ("Robbie") into the world. He weighed in at 8 lbs. 7 oz., 20.5 inches.



## Civil Litigation Division

Senior Lit Counsel Mitchell Allee and wife, Tara, welcomed their son, Harrison William Allee, into the world on October 30. He weighed 8 lbs. 9 ozs.



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### CPA Case Highlights

- As of July 2020, CPA had secured well over \$100 million in restitution for Arizona consumers since Attorney General Mark Brnovich took office in 2015. Significantly, this is more than the total restitution from 2001 to 2014.
- Obtained tens of millions of dollars of relief for consumers who had loans from Santander, one of the nation's largest subprime auto lenders. Santander had provided high-interest loans to consumers that Santander knew were likely to default.
- Sued JUUL Labs and Eon Smoke, alleging that both companies engaged in deceptive and unfair practices in their sales and marketing of vaping products, particularly to youth. The AGO also obtained a permanent injunction banning Eon Smoke from selling certain products in Arizona.
- Obtained an \$11 million settlement with Century Link regarding deceptive and unfair billing and marketing practices, under which Century Link paid nearly \$2 million in refunds to consumers and \$2 million toward fiber-optic infrastructure in Arizona.
- Obtained a consent judgment against Equifax, resolving the multistate investigation into the company's massive 2017 data breach. The multistate settlement included a \$425 million restitution fund, a \$175 million payment to the states, and injunctive relief.
- Sued several former executives of the Chandler-based opioid manufacturer Insys Therapeutics, Inc., including the company's founder, John Kapoor, alleging that the company illegally paid doctors to prescribe its highly addictive opioid medication.
- Sued several members of the Sackler family, who were responsible for operating Purdue Pharma, which the State has alleged violated a consent judgment ordering Purdue not to engage in deceptive marketing of its opioids.

## Civil Litigation Division

- Obtained over \$90,000 in restitution from Dependable Auto, a Tucson-based car dealership that allegedly engaged in a wide variety of unlawful practices.
- Sued Choice Home Warranty, alleging that the company raked in millions of dollars by deceiving and misleading Arizonans about what its home warranties would cover.
- Obtained over \$100,000 in restitution for consumers from a former owner of DIY Neurocare, which sold LED light pads as neuropathy treatments and failed to deliver on its money-back guarantee.
- Sued Valley Delivery, alleging that the company put up fake delivery slips in order to trick new homeowners into giving the company their phone numbers.
- Obtained \$600,000 in a settlement with a Sun City vacuum seller that repeatedly violated the Do Not Call list.
- The Division Chief and members of CPA and the Consumer Information & Complaints Unit participated in a phone bank broadcast by ABC15.
- Secured an Amended Final Judgment with Live Nation after discovering that Live Nation violated terms of a 2010 Consent Judgment related to its merger with Ticketmaster by pulling or threatening to pull its shows from a venue if the venue chose not to use Ticketmaster for its ticketing services. The antitrust judgment contains injunctive terms and an additional five-year monitoring period to prevent Live Nation from engaging in future anti-retaliation and anti-conditioning activities and hold Live Nation accountable for any further violations.
- Filed an antitrust complaint against Taro Pharmaceuticals, Perrigo New York, Fougera Pharmaceuticals (now Sandoz), and 23 more of the nation's largest generic drug manufacturers, alleging a broad conspiracy to artificially inflate and manipulate prices and reduce competition for approximately 80 different generic dermatology drugs.

### **Tobacco Enforcement Unit Highlights:**

#### Youth Volunteer Recognition and Recruitment

- The Counter Strike Youth Tobacco Program usually holds an annual Recognition Ceremony to honor the youth volunteers who donate thousands of hours of time to keep tobacco products out of the hands of Arizona's kids. The Recognition Ceremony is typically hosted by the Arizona Diamondbacks and held at Chase Field with lots of fun and a little pomp and circumstance. Unfortunately, like so many large gatherings this year, the Recognition Ceremony had to be cancelled for the safety of everyone involved. However, the Program could not let this year's group of dedicated volunteers go without recognition. We created certificates for each youth volunteer, signed by the AG, and mailed each youth a package with their certificate, a thank you letter, and an official Counter Strike t-shirt. It was nice to touch base with everyone and let these volunteers know that we did not forget about their contributions!

## Civil Litigation Division

- As we look towards resuming youth tobacco inspections in the near future, the Program has started ramping up youth volunteer recruitment- virtually! We have started reaching out to our school and club partners and scheduling video-conference recruitment presentations. Our Special Agents are becoming Zoom pros as they venture into virtual classrooms! We have had a fantastic response with dozens of new volunteers submitting paperwork. The schools have also been very responsive to presentations in a virtual format. And, while we miss seeing the kids in person, this allows the agents to present to youth all over the state in the same day!

### Non-Participating Manufacturer Adjustment Arbitration Settlement

- The Tobacco Master Settlement Agreement (“MSA”) entitles Arizona to an annual payment of approximately \$100 million. The Tobacco Enforcement Unit goes to great lengths each year to satisfy this diligent enforcement requirement, which requires, among other things, collecting millions of dollars from cigarette manufacturers that have chosen to not join the MSA. These efforts have resulted in a multi-year settlement of the NPM Adjustments for years 2018 – 2022, protecting approximately \$450 Million.

### 2019 Data Clearinghouse Proceeding

- Pursuant to the terms of the Tobacco Non-Participating Manufacturer (NPM) Adjustment settlement, the Settling States and the Participating Manufacturers (PMs) must participate in an annual Data Clearinghouse (DCH) Proceeding, during which BDO USA, a national economics firm, will review state-specific data supplied by the Settling States and PMs to determine if the state in question received Escrow Statute (A.R.S. § 44-7101) compliance on all NPM cigarettes on which state excise tax (SET) was collected. In the event Escrow Statute compliance was not received on all SET-paid NPM cigarettes, the state in question could be subject to an adjustment to its annual Master Settlement Agreement payment if the non-compliance amount goes beyond the safe harbor set forth in the settlement agreement. The 2019 DCH Proceeding began in August 2019. Due to the Tobacco Enforcement Unit’s diligent efforts to enforce the Escrow Statute as to all NPM cigarettes sales in Arizona, BDO USA was able to quickly determine that Arizona has zero non-compliant cigarettes resulting in no adjustment to Arizona’s MSA Payment to be received April 2021.

# Solicitor General's Office

## Fond Farewells and New Faces in Great Places!

### Criminal Appeals

On May 1, 2020 we bid farewell to Criminal Appeals Section Chief, Joe Maziarz. Joe was with the office for 35 years, with the last 8.5 years serving as CAS Section Chief. We would like to give a big thank you to CAS Unit Chief Mike O'Toole for taking on the role of Interim Section Chief until Linley Wilson officially stepped into the position on November 30, 2020. Congratulations, Linley!

CAS also said farewell to Unit Chief Rob Walsh on May 15, 2020. Rob had been in CAS for over 25 years! With Rob leaving, we welcomed back Alice Jones who returned to the office on May 26, 2020 and took over the Unit Chief position. Congratulations, Alice!

On April 21, 2020 we said goodbye to Legal Secretary II, Nancy Romero. In the blink of an eye, Oscar Lopez swiftly learned the ropes and stepped in to that position! On December 4, 2020 we said goodbye to AAG Terry Crist, and on December 16, 2020 we said goodbye to AAG Heather Mosher.

### Capital Litigation

On January 13, 2020 the Capital Litigation Section welcomed two new AAG's, David Ahl and Elizabeth Bingert! Welcome to the AGO David and Elizabeth! On March 16, 2020, CLS said goodbye to Senior Legal Assistant, Stacy Coleman as she reached out for new endeavors!

On April 6, 2020 we were happy to have Jeff Sparks return to the office as a CLS Unit Chief. Welcome back, Jeff! On November 25, 2019, Andrew Reilly transferred from CAS into a Unit Chief position for CLS. Congratulations, Andrew! On September 4, 2020, we said goodbye to AAG Jason Lewis.

### Special Litigation Section

On November 15, 2019 we said goodbye to Deputy Solicitor General, Andrew Pappas as he accepted a position as counsel for the Arizona House of Representatives. On May 18, 2020 we were happy to have Mike Catlett come on board with us as Deputy Solicitor General, and on July 27, 2020 we welcomed Sarah Crank into a Legal Assistant position. Welcome to the AGO, Mike and Sarah!

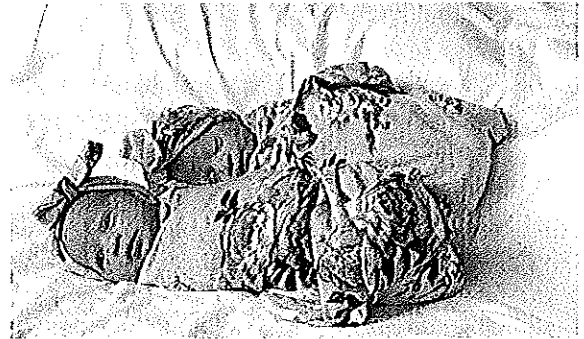
On September 8, 2020 we bid a fond farewell to Solicitor General/Special Litigation Section Chief Counsel, O.H. Skinner, as he left the office to work on other legal endeavors! And a month later on October 9, 2020, we bid farewell to Deputy Solicitor General/Federalism Unit Chief Rusty Crandell after his appointment to serve as a Maricopa County Superior Court Judge!



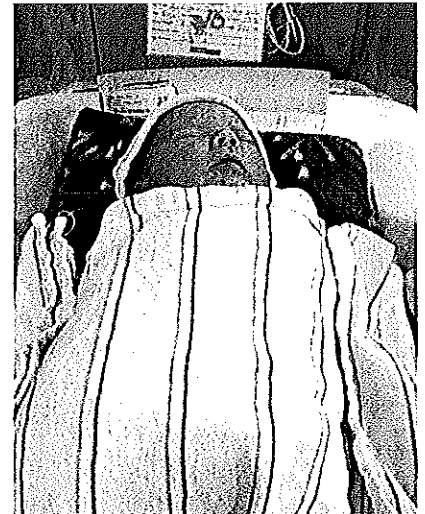
# Solicitor General's Office

## SGO Special Additions

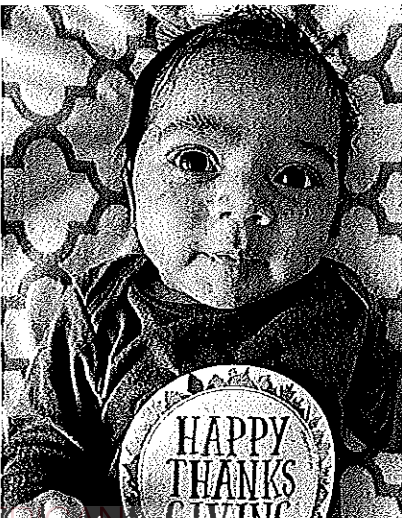
On January 17, 2020, AAG Vineet Shaw and family welcomed twins Zara and Kail!



On April 18, 2020, AAG David Ahl and family welcomed their baby Madelyn Jo!



On June 29, 2020, Civil Appeals Section Chief, Drew Ensign and family welcomed their baby Carter Matthew!



On November 13, 2020, AAG Keena Patel and family welcomed their baby Aavi!

# Criminal Division

## FOUR CRIMINAL DIVISION MEMBERS WIN APAAC HONORS



The Criminal Division would like to recognize the following staff members that were nominated and received 2020 APAAC awards:

**Administrator of the Year:** FSP Legal Secretary Stacey Canez received APAAC's 2020 Administrator of the Year award. Stacey is a hard-working and dedicated individual who exhibits all the qualities of an exemplary employee. She completes her assignments with diligence and attention-to-detail. Over the past 15 years, Stacey advanced from a student clerk to a lead legal secretary with a great deal of operational skills and responsibilities. She possesses excellent administrative skills and an ability to work well with everyone. Stacey has taken on additional duties and responsibilities to assist others in the Division. She is able to handle Division fiscal matters including travel, procurement and budgetary issues as well as being able to assist the Division Chief as necessary in the absence of the Division OA. During the past year, Stacey has been instrumental in helping with the transition to a new AGO case management system, which has involved many meetings, additional assignments and the creation of training protocols for all employees.



**Legal Assistant of the Year:** HCFA Senior Legal Assistant Peni Cox received APAAC's 2020 Legal Assistant of the Year award. Peni is known for her tireless dedication and exceptional legal assistance to the attorneys she supports. Peni is tasked with running the HCFA Section in Prescott where she serves as not only a Legal Assistant, but also assists with secretarial and administrative matters as well. For the past nine years, Peni has been an exceptional employee with unwavering dedication to the AGO. She is a key component of the investigation and prosecution team that covers nearly half of the geographic area of the State. Peni is a leader in providing services in the Prescott office and also her assistance to the Phoenix and Tucson HCFA staff. She is always approachable, knowledgeable and is willing to do whatever it takes to get the job done. Thank you, Anne. We appreciate all you do!

**David R. White Excellence in Victim Advocacy Award:** FSP prosecutor Shawn Steinberg received APAAC's 2020 David R. White Excellence in Victim Advocacy Award. Shawn is a remarkable voice for the crime victims she represents and she deserves special recognition for her work with the victim's family in State v. Luna/Carrasco, a murder case involving two defendants who frequently committed home-invasions in an attempt to steal drugs. When she noticed these dangerous offenders would taunt the next of kin, she made appropriate records with the court, often drawing the ire of the defendants and sometimes their attorneys. When confrontations would occur in the hallway, Shawn skillfully defused the situation and protected the victim's family with the assistance of court security, often times securing the removal of antagonistic persons from the courtroom. Shawn worked closely with the victim advocate and the victim's family to craft plea agreements that reflected the nature of the case, the defendants' criminal histories and relative involvement, and at the same time, ensuring that justice prevailed for the

## Criminal Division

victim. Both defendants pled guilty to the murder. Luna was sentenced to 23 years and Carrasco was sentenced to 17 years in prison. The victim's family was pleased with the outcome and Shawn's hard work helped to minimize the trauma that they experienced in the court process. The family expressed their appreciation for Shawn's hard work and dedication.

Gerda & Kurt Klein Guardian of Freedom Award: FSP Section Chief Blaine Gadow received APAAC's 2020 Gerda & Kurt Klein Guardian of Freedom Award for his prosecution of a human sex trafficking trial. The victim's testimony was necessary for the case to proceed. The victim was very anxious and worried about testifying. Instead of using the procedural tools available to prosecutors such as an arrest warrant to ensure the victim's participation at trial, he empowered her in a multidisciplinary manner through support, empathy and providing options that resulted in her choosing to testify. Thanks to Blaine and his team's ability to empower the victim to testify, justice prevailed. The jury found the defendant guilty on 11 felony counts, including Child Sex Trafficking, Conspiracy, Money Laundering and Sexual Exploitation of a Minor. After the verdict, the victim's name and location had been released on social media by acquaintances of the defendant. Her safety and well-being were a large concern for Blaine while the defendant awaited sentencing. Blaine advocated for the safety and well-being of the victim after she provided testimony. He collaborated with others in the agency to achieve a unique solution to maintain the victim's safety until her transition to Department of Child Safety (DCS) services could be obtained. Blaine is a compassionate prosecutor and is very deserving of this award.



In addition, the Criminal Division would like to recognize the following additional staff members who were nominated for APAAC recognition:

Advocate of the Year: OVS Victim Advocate Evelyn Robles was the AGO's nominee for APAAC's 2020 Advocate of the Year. Evelyn has been employed with the AGO since 2017. Evelyn has a complex case load consisting of fraud, child sexual exploitation, and human trafficking cases in both direct prosecution and appellate cases, also including death penalty cases. Her passion for meeting the needs of survivors of trafficking has positively affected the fight against predators and perpetrators on an international scale. Each victim is an individual often requiring creative advocacy and partnerships atypical for standard prosecution-based advocates. In 2019, Evelyn was an integral part of the successes in the case against Robert Hood. She worked with the trafficking survivor through the investigation and prosecution phases which resulted in the survivor testifying against Hood on her 18th birthday.

These efforts helped to secure a 108-year prison sentence while at the same time helping to find creative ways to serve the survivor post-conviction.

Felony Prosecutor of the Year Award: HCFA Section Chief Steve Duplissis was the AGO's nominee for APAAC's Felony Prosecutor of the Year Award. Under Steve's leadership, HCFA was recognized in 2019 as the second highest performing Medicaid Fraud Unit in the nation for filing criminal indictments. This impressive achievement is unsurprising given Steve's unwavering passion to investigate and prosecute medical professionals who defraud the government and abuse some of Arizona's most vulnerable residents. Steve inspires that same passion in his employees, and they directly benefit from his thoughtful leadership and mentoring. Steve's section oversaw over 100 cases in 2019, ranging from

# Criminal Division

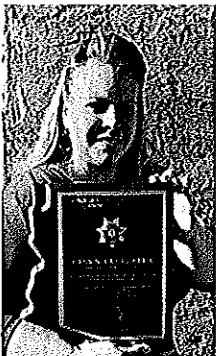
large-scale Medicaid billing fraud to a former doctor's murder-for-hire prosecution. Steve's leadership has made HCFA a model for similar offices across the nation. He is a dedicated prosecutor who cares about the profession, his employees, victims and Arizona's citizens. In fact, the Arizona MFCU team was selected for the Department of Health and Human Services, Office of Inspector General's Award for Excellence in Fighting Fraud, Waste, and Abuse. Steve is an asset to Arizona's prosecution community.

**Rising Star Award:** FSP prosecutor Evan Malady was the AGO's nominee for APAAC's 2020 Rising Star Award. Evan started working in FSP in February 2019. Evan became quickly proficient in his position, developing his skills in directing and managing complex fraud and other investigations. Although only a two-year lawyer, Evan has successfully handled a wide variety of complex fraud cases. He has exceptional organizational skills, communicates well with law enforcement agents, defense attorneys and court staff and is known for working very hard. When Evan joined the Section, he immediately became involved in several high-profile and complex matters. Evan was instrumental in the Paul Petersen AHCCCS-fraud case. He was part of the initial investigation, participated in witness interviews, attended the search warrants and ultimately presented the case to the State Grand Jury. The Petersen case was extremely complex and it consisted of several different criminal investigations across multiple jurisdictions. Evan has handled the complexity of this case with skill and professional maturity. The defendant in this matter had skilled and experienced defense attorneys. Evan diligently worked with them to move the prosecution forward and effectively represent the State's interests. In June 2020, Petersen pled guilty to Fraudulent Schemes and Artifices, Forgery and Fraudulent Schemes and Practices and was sentenced to six years in prison.

## Drug & Racketeering Enforcement Section

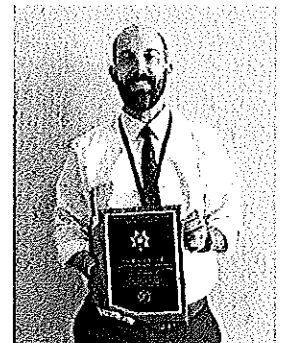
The DRG Section would like the welcome to following team members:

05/18/20 AAG Nichole Galusha-Troicke  
06/15/20 AAG Rebecca Kennelly  
07/27/20 Sr. LA Ronnie Danko



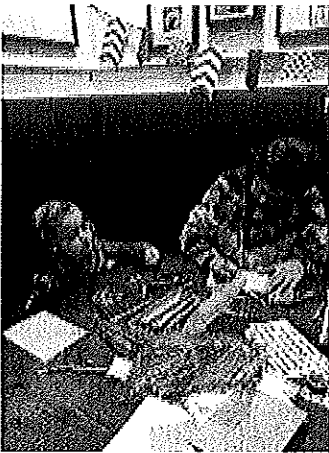
In August, AAG Gina Cucuzella resigned as she accepted a position with the Pinal County Attorney's Office. Good luck Ginal!

In September, SLC Nick Saccone resigned as he accepted a position as a Court Commissioner with the Maricopa County Superior Court. Congrats Honorable Saccone!



# Criminal Division

AAG Rebecca Jones resolved the case of State v. Angel Bonilla-Hernandez. This case involved a lingering co-defendant on a case where the primary defendants transported five kg of cocaine and were part of a wiretap case. Bonilla-Hernandez had a viable "mere presence" defense and was asking for a class six undesignated plea. Law enforcement was pushing for a prison resolution. The case resolved with a class 4 felony and a three year term of supervised probation, along with a hefty fine. This resolution will allow the defendant to continue working, which will hopefully discourage recidivism



Section Chief Theresa Rassas' daughters Regan (13) and MoMo (4) diligently worked on cards for the troops.



Theresa Rassas and her daughter Regan also volunteered to sort and pack holiday groceries for Feed Our Babies.



SLA Linda Pfohl retired after working nearly eight years in the DRG Section. Linda was extremely knowledgeable and helpful in large, complex wiretap cases. Unfortunately, a retirement party had to be postponed. Linda

After a lot of hard work and testing, AAG Rebecca Jones was chosen to be on the game show Jeopardy! The episode aired on December 10th. She was fortunate to have appeared with Alex Trebek. Great job Rebecca!



# Criminal Division

## Financial Remedies Section

FRS welcomed four new staff during the last several months.

In July 2020, LSII Jennifer Villescas started in FRS and she has smoothly transitioned into her position. She brings 13+ years of criminal and civil legal secretarial experience to FRS, making her an asset to the team.

In September 2020, AAG Elliot Stratton was hired. Elliot received his JD in 2017 and also holds a Master's Degree in Business Administration. For his first three years of practice, Elliot was a judicial staff clerk for federal judges in Florida and Washington, D.C. Elliot was recommended to FRS by our Solicitor General, under whom Elliot performed an internship at the AGO. That recommendation has proved to be well earned as Elliot is already working on some major cases.

Also in September 2020, AAG Mukai "Kai" Amoo transferred from CFPD to FRS. Kai also holds a Master's Degree and brings nine years of experience and a background in family law, estate planning, criminal defense and civil litigation to her position. Her familiarity with civil practice and procedure has given her a running start on the work she is doing in FRS.

In October 2020, AAG Jake Rapp passed the Bar and started with FRS shortly after. Jake interned with FRS in 2018, during which he authored an article on tactical investigations and enforcement remedies against illegal massage parlor businesses for ANOA Magazine. Jake's strong interest in addressing white collar crime made him an ideal candidate for FRS and a welcome addition.

Recent FRS case work has concentrated on fraud victim recovery. This includes completion of the Paul Petersen adoption fraud case and the recovery of nearly \$700,000 for AHCCCS; assistance in the Hacienda Health Care case in completing a settlement agreement under which Hacienda will be re-paying over \$10 million dollars to AHCCCS and a \$1 million dollar fine; and the execution of search and seizure warrants and the initiation of an FRS case on another AHCCCS fraud case in conjunction with the SIS and HCFA sections based on a \$12 million dollar fraud amount.

## Fraud & Special Prosecutions Section

The FSP Section would like to welcome the following team members that were hired in the last several months!

06/29/20 – AAG John Hudson

07/13/20 – AAG Maura Quigley (re-hire!)

08/24/20 – SLA David Rohe

# Criminal Division

09/21/20 – AAG Carmine Mediate  
09/21/20 – LSI Anna Hunt  
10/05/20 – AAG Tom Maksemous



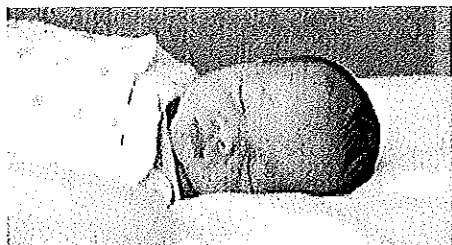
to our team!



In December 2020, AAG Rachel Nava resigned to return to the Arizona Supreme Court as a staff attorney. We wish her well in her new position!



In June 2020, the FSP Section bid farewell to SLA Dominique Rivas.



Welcome Baby George! On June 29th, AAG Tarah White and her husband Patrick welcomed their first child! Congrats!

On October 3rd, LSII Sarah Garrett married her long-time love Heath Karr! They have combined their households and their family has multiplied by four. Congrats Sarah!



In October 2020, the FSP Section said farewell to our friend and colleague SLC Scott Blake. Scott left the AGO to return to the cool pines of Prescott and the friendly confines of the Yavapai County Attorney's Office. Normally, for a long-serving employee like Scott, we would have had a potluck or some kind of gathering to celebrate his service and wish him well, but COVID prevents us from doing that this year. Scott has been a dedicated prosecutor and we thank him for his service and dedication to the mission of the office, and to ethical and honest prosecution in general, setting a great standard for the office. He carried a case heavy load and he will be missed. Good luck Scott!

# Criminal Division

## Healthcare Fraud & Abuse Section



In October 2020, the United States Department of Health and Human Services had their virtual annual awards meeting. Of the 50 state Medicaid Fraud Control Units (MFCU), Arizona's Unit had been chosen and formally awarded the Award for Excellence in Fighting Fraud, Waste and Abuse. In making their announcement, HHS-OIG remarked that the Arizona MFCU obtained an impressive number of case outcomes, with 84 indictments, 70 convictions, and total recoveries of over \$7.5 million. The Unit also opened 239 investigations, with a particular focus on drug diversion cases, which accounted for 115 of those investigations. The Unit employs a staff of 27 that includes attorneys, special agents, and other professionals. The Unit is led by Section Chief Steve Duplissis, who has served as the Unit's director since 2005 and is one of the longest serving directors among the MFCUs. Congrats MFCU Team!!

In September 2020, after a thorough Medicaid fraud investigation into Hacienda Healthcare, Inc., it was determined that the former officers improperly allocated direct and indirect costs, inflated reported expenses and engaged in improper billing during 2013-2018, resulting in an overpayment of at least \$10,895,648 from AHCCCS to Hacienda. SIS SAs and AAGs from HCFA, FSP and FRS worked together to reach a civil settlement with Hacienda. Hacienda is to pay the State more than \$11,000,000 to resolve this case. Congrats Team!

HCFA would like to welcome the following SIS Special Agents assigned to HCFA Units 1 and 2.

SA Kelly Angel started her law enforcement career with the Glendale Police Department. Kelly spent the past eight years with the Tempe Police Department where she served as a Patrol Field Training Officer, DUI Officer, Public Information Officer and IACP Drug Recognition Expert.





## Criminal Division

SA Peter Tran previously served in New York City with the New York County District Attorney's Office as a Detective Investigator for five years where he specialized in financial fraud and organized crime investigations, along with fugitive extraditions. Peter earned his Bachelor's and Master of Science in Criminal Justice from Rochester Institute of Technology.



SA Roy Garrison previously worked for nine years with City of Eloy Police Department in Pinal County where the majority of the time he worked as a General Detective. Roy is a University of Arizona graduate where he majored in Accounting.

Prescott Valley Police Department contacted HCFA-Prescott regarding Emma-Kaye Parrish. Parrish had been employed as a finance manager by a behavioral health facility in Yavapai County. One of Parrish's duties at the facility was paying vendors for goods and services rendered to the AHCCCS funded facility where she worked. Although Parrish would input the information correctly into the facility's financial program, thus indicating that the vendor had been paid, she would manually change the payee on the check to herself or to other entities for her personal expenses. In June 2020, Parrish pled guilty to Theft and Forgery and was later sentenced to three years in prison, followed by five years' supervised probation. She was also ordered to pay restitution to AHCCCS in the amount of \$65,436. Congrats to SA Mark McClain and AAG Courtney Kramer on resolving this case!

### Office of Victim Services

OVS extends a warm welcome to the following staff:

06/15/20 – VA Jill Blass

07/27/20 – VA Amberly Frank



Special thanks to OALaura Lyons, VALinda Carthen and VAAAlbert Fimbres for their excellent work on developing a comprehensive, thoughtful and engaging plan to help the AGO recognize Domestic Violence Awareness month! By helping bring awareness, their plan also was a source of support to others who may be experiencing or others working in the field of domestic violence. Thanks for the time and effort spent to develop this necessary plan!

The OVS Outreach team worked hard converting its five hour Basic and three hour Advanced victims' rights trainings to engaging, effective Webinars over the last few months. In September 2020, trainings included videos, polling and even a crossword puzzle. Remarkably, the team successfully trained over 800 victims' rights professionals from all 15 counties in just three weeks. Attendee evaluations were overwhelmingly positive for the content and method of delivery.

# Criminal Division



Photo includes Outreach team members Janelle Miller (top right) and Ashtyn Beuchler (bottom right) who presented the criminal appeals process and showed a video of Appeals AAG Michael O'Toole (left) in a Supreme Court Oral Argument.

Office of Victim Services staff has been reading about LEADERSHIP and BUILDING their skills by taking turns leading engaging and enlightening discussions each month. Current and future AGO leaders learning from each other!



Pictured from left to right: Amy Bocks, Evelyn Robles, Kirstin Flores, Briana Bobertz, Kennesha Jackson, Colette Chapman, Ashtyn Buechler, Linda Carthen and Veronica Driz.

# Criminal Division

On September 26th, OVS Outreach Coordinator Ashtyn Cronk (now Beuchler) got married. Although it was not her original plan, the couple had a small family-only ceremony that was beautiful. Congrats!



In November 2020, VA Supervisor Evelyn Robles who, as of November, 2020, is a new homeowner! House comes complete with a rooftop terrace sporting a city view! Congrats Evelyn!

OVS Advocate Program Manager, Amy Bocks, was awarded a Director's Unit Citation from the Arizona Department of Public Safety for her volunteer work on the 2019 DPS Annual Memorial 5K in Tucson. She has been part of the main planning committee for more than five years. Although challenging, this year's virtual event ran smoothly thanks to Amy's commitment.



## Southern Arizona White Collar and Criminal Enterprise Section:

Section Chief Nick Klingerman and OA Martita Jimenez (in background) are taking cleaning seriously by sanitizing the entire section.



# Criminal Division



In October 2020, Section Chief Nick Klingerman argued in front of the Arizona Supreme Court in *State v. Goldin*. While bantering with the justices, Nick articulately and persuasively explained to the full court why the appearance of impropriety standard set out on *State v. Gomez* should not apply to imputed disqualification of the entire Tucson office of the AGO. Nick highlighted the strategic nature and timing of defendant's motion to disqualify the office from prosecuting a 20 year old cold case homicide and proposed a new standard of

analysis. He stepped back into his old appellate shoes, briefing and preparing tirelessly for oral argument, while continuing to supervise the unit. While a ruling is still pending, Nick won unanimous praise and enthusiasm from his SAWCEE colleagues who eagerly watched a livestream of the arguments! Special thanks to AAG Lindsay St. John as well. Lindsay is the second chair on this case and has provided valuable legal analysis and assistance.

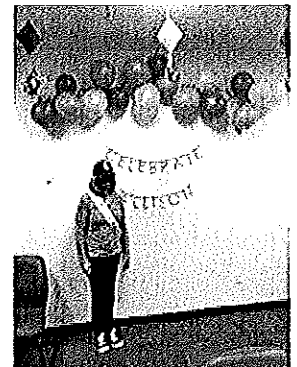
In June 2020, AAG Julia Kaiserman joined the Section. She previously worked for the last 12 years at the Pima County Attorney's Office. While at PCAO, she was a dedicated trial and charging attorney, along with an 88-CRIME Safe School Program Manager. She hit the ground running at the AGO. Welcome, Julia!

In September 2020, SLA Adrienne Gutierrez welcomed her granddaughter, Lucy Grace Gutierrez. Congrats Mimi!



On October 7, 2020, LSII Maria Slinger and family welcomed daughter, Faith Gabrielle Slinger. Big Sister Sienna LOVES her real life baby doll. Congrats!

After an exceptional 20 year career with the AGO, LA PS Allison Bradford decided to retire. The Section has benefited from Allison's experience, institutional knowledge and mentorship. Her "Cheat Sheet" for tracking cases will continue to benefit others after she retires. Allison is a dedicated, thoughtful public servant, who truly cares about her community. Her drive to make Tucson, and Arizona, better showed in her work, with Allison receiving numerous awards during her tenure. Notably, Allison was APAAC's 2018 Legal Assistant of the Year. Congrats Allison! We are excited for your new journey!



# Criminal Division

In November 2020, LSII Jenny Lewis accepted a job offer at Raytheon. It has been great working with Jenny over the past year. We wish her well in her new position!

## Special Investigations Section:

SIS extends a huge welcome to the following staff:

06/15/20	SA Carri Stubblefield
07/27/20	SA Mark Smith
08/10/20	SA John Hillman
09/08/20	SA Peter Tran
09/21/20	SA Desire Urbina
10/05/20	SA Kelly Angel
10/19/20	SA Jeffery Whitbeck
11/16/20	SA Roy Garrison
12/14/20	Eric Marlowe



SA Steven Sussen was recognized as a recipient by the Tucson Police Department for his efforts on behalf of vulnerable children. This achievement is truly representative of his commitment to ensure the safety of those least able to protect themselves. The Awards presentation is scheduled for January 2021. Congrats Steven! We are proud to work with you!



On July 9, 2020, SA Danny Miller and his wife Ramona extended their family. Cameron Arman Miller weighed in at 8lbs 2oz, and was 20.25 inches long. Congrats Danny!

On November 3, 2020, members of the SIS Election Integrity Unit, SA Bill Knuth, SA Annalisa Madsen and Criminal Investigator Don Carroll worked a 16 hour day monitoring a law enforcement hotline that had been established to assist other law enforcement agencies and personnel who were called out to respond to any election or voting fraud matters. Members of the unit were also available to respond to any polling locations or election scenes as needed. Members of the unit have coordinated with various agencies and had the opportunity to resolve several matters. Outstanding work by all involved.

## Criminal Division

SA Annalisa Madsen conducted the investigation into former charter school principal, Harold Cadiz. In September 2020, Cadiz was sentenced to 3.75 years in prison followed by five years' probation and ordered to pay \$2,538,722 in restitution for his role in enrolling fake students to obtain funding from the Arizona Department of Education, the U.S. Department of Education and the U.S. Department of Agriculture. As part of the investigation, the AGO seized hundreds of fraudulent documents. SLC Mary Harriss prosecuted the case. Congrats Team!


After serving 34 years in law enforcement, nine years with the AGO, SA Ron Perreira, is officially retired. SA Perreira has worked tirelessly on many wiretaps and drug related crimes with the AGO. Congrats Ron – you have fought the good fight, you have finished the race! You will be missed at the AGO.



Pictured from left to right: SAS Chad Brink, DPS Detective Richard Campbell, SA Bruce Myers, SA Ron Perreira, DPS Detective Steve Babcock, SA Brady Wilkins and SA Norm Peterson.

In November 2019, former SA John "JT" Walsh passed away unexpectedly. As a former long-standing member of the AGO Running Team, it had been planned to honor JT at the Baker to Vegas Race with a custom designed runner's bib for the 2020 race. However, the 2020 race was canceled due to the pandemic. The AGO Running Team still ordered the bibs in remembrance of our dear friend and colleague. The team will present the bib to JT's wife Franzi who was going to attend the 2020 race in his honor.

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**189**

**36TH BAKER TO VEGAS RELAY**  
**ARIZONA ATT GEN OFC**

Nos. 19-1257, 19-1258

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IN THE  
*Supreme Court of the United States*

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MARK BRNOVICH, IN HIS OFFICIAL CAPACITY AS ARIZONA  
ATTORNEY GENERAL, ET AL.,  
*Petitioners,*

v.

DEMOCRATIC NATIONAL COMMITTEE, ET AL.,  
*Respondents.*

---

ARIZONA REPUBLICAN PARTY, ET AL.,  
*Petitioners,*

v.

DEMOCRATIC NATIONAL COMMITTEE, ET AL.,  
*Respondents.*

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On Writs of Certiorari to the  
United States Court of Appeals for the Ninth Circuit

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BRIEF OF RESPONDENT  
ARIZONA SECRETARY OF STATE KATIE HOBBS

---

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## QUESTIONS PRESENTED

The court below held that Arizona's policy of refusing to count ballots, even for statewide offices, if they were cast by voters in precincts where the voters did not reside resulted in a denial or abridgement of the right to vote on account of race or language-minority status in violation of Section 2 of the Voting Rights Act. The court likewise held that an Arizona statute that criminalizes non-fraudulent collection of another person's early ballot not only violated Section 2's results test, but also was intentionally discriminatory, in violation of both Section 2 and the Fifteenth Amendment. The questions presented are:

1. Did the court below correctly interpret Section 2's plain text to find that Arizona's out-of-precinct policy and ballot-collection statute violate Section 2?
2. Did the court below correctly find that the ballot-collection statute was enacted with discriminatory intent in violation of Section 2 and the Fifteenth Amendment?



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## INTRODUCTION

“[V]oting discrimination still exists; no one doubts that.” *Shelby Cnty. v. Holder*, 570 U.S. 529, 536 (2013). Since this Court’s 2013 decision in *Shelby County*, plaintiffs seeking to redress voting discrimination have relied primarily on Section 2 of the Voting Rights Act (“VRA”). The en banc court below applied the two-step test generally used by the circuit courts to address such claims and found that both Arizona’s policy of refusing to count ballots cast out of precinct (the “OOP Policy”) and its law prohibiting the non-fraudulent collection of early ballots (“H.B. 2023”) resulted in voting discrimination in violation of Section 2.

In a radical departure from the status quo, Petitioners argue that Section 2’s results test should not even apply to supposedly facially race-neutral policies or practices like those at issue here, regardless of their actual impact on minority voters. That position finds no support in the text, structure, or purpose of the statute. The United States, in contrast, offers a more modest approach—restyling the circuits’ two-step test as a three-part inquiry, but leaving largely undisturbed the substantive standard for determining the existence of unlawful voting discrimination. In the United States’ formulation, Section 2 prohibits a result where (1) voters of one racial group have less ability to vote, and (2) the challenged practice is found to be a cause of that lesser ability, after (3) considering the government’s justifications for the practice and all other relevant circumstances. U.S. Br. 11-12, 25. Although the en banc court articulated the Section 2 results test in different terms, it nonetheless applied each element the United

States demands. Accordingly, even if the Court adopts the United States’ articulation of the results test, the decision below should be affirmed.

In line with the United States’ emphasis on looking to the justifications for the challenged practice, the court below underscored that the OOP Policy lacked *any* legitimate justification. As Arizona’s chief elections officer, Respondent Secretary of State Katie Hobbs is particularly well-positioned to speak to the Policy’s lack of justification. Precisely because she determined—in consultation with county election officials—that there is no justification for the Policy, Respondent Hobbs chose not to appeal the decision below. Because State law explicitly charges Respondent Hobbs with that determination, and prohibits the Attorney General from appealing against her wishes, the OOP Policy is not even properly before this Court.

As to H.B. 2023, the ballot-collection statute, the court below followed the same analysis the United States recommends: It applied Section 2 to “smoke out” disparate treatment and the risk of intentional discrimination. U.S. Br. 16 (quotation marks omitted). Looking at the undisputed facts, the court found not only a risk of intentional discrimination, but also *actual* intentional discrimination, in violation of Section 2’s results and intent tests and the Fifteenth Amendment.

Properly read, the decision below does exactly what the United States advocates. It applies the plain text of Section 2 to an “intensely local appraisal” of the facts before it. U.S. Br. 18 (quoting *Thornburg v. Gingles*, 478 U.S. 30, 78 (1986)). The decision should be affirmed.

## STATEMENT

## A. Arizona's Election-Administration Structure.

Elections in Arizona are conducted under the authority of the Secretary of State, “Arizona’s chief elections officer.” JA244; *accord* Ariz. Rev. Stat. § 16-142(A)(1); *see also* *Mi Familia Vota v. Hobbs*, 977 F.3d 948, 950-51 (9th Cir. 2020). Like most states, Arizona provides for voting either by mail or in person. Ariz. Rev. Stat. § 16-541; JA259. Since 2011, Arizona has allowed counties to choose whether to conduct in-person voting at precinct polling places or at countywide “vote centers.” JA262-63. The vote-center model “allow[s] any voter in that county,” regardless of home precinct, “to receive the appropriate ballot for that voter on election day” at a voting center “and to lawfully cast the ballot.” Ariz. Rev. Stat. § 16-411(B)(4). In the 2020 election, the great majority of Arizona’s counties—including the most populous county, Maricopa—opted to use either a vote-center model or a hybrid model in which voters could vote at either their assigned precinct or a vote center. *2020 November Election*, Arizona Citizens Clean Elections Commission.<sup>1</sup> As the United States acknowledges, the OOP Policy “ha[s] no impact’ in counties using the vote-center system.” U.S. Br. 4 n.1 (quoting JA263).

The Arizona Legislature has charged the Secretary of State with drafting an “Elections Procedures Manual” to govern how elections are conducted in the State. The Manual must “prescribe rules” for, among other things,

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<sup>1</sup> URLs for online sources appear in the Table of Authorities.

“the procedures for early voting and voting,” as well as for “producing, distributing, collecting, counting, tabulating and storing ballots.” Ariz. Rev. Stat. § 16-452(A); see *Ariz. Libertarian Party, Inc. v. Bayless*, 351 F.3d 1277, 1280 (9th Cir. 2003) (per curiam). Though she need not follow their advice, the Secretary must consult with county election officials before prescribing these rules. Ariz. Rev. Stat. § 16-452(A).

Where Arizona’s statutes do not mandate a specific policy, the Secretary may choose between permissible alternatives and enshrine her choice in the Manual.<sup>2</sup> See, e.g., *Gonzalez v. Arizona*, 677 F.3d 383, 404 (9th Cir. 2012), *aff’d sub nom. Arizona v. Inter Tribal Council of Ariz., Inc.*, 570 U.S. 1 (2013). The Manual “has the force and effect of law,” independent of the statutes it implements and interprets. *Id.* at 397.

The current Secretary of State, Respondent Hobbs, took office in January 2019. She campaigned in 2018 on a platform that emphasized “removing barriers that can make it harder for minorities, seniors and low-income people to vote.” Dustin Gardiner, *Gaynor, Hobbs Have Vastly Different Views on Access to Ballot, Dark Money in Elections*, *The Republic* (Oct. 26, 2018). Respondent Hobbs expressly opposed H.B. 2023 (the ballot-collection law) during her campaign, stating that it was “certainly meant to disenfranchise voters” and was

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<sup>2</sup> The Attorney General and Governor must approve the Manual before it is published, Ariz. Rev. Stat. § 16-452(B), but the Attorney General has described this duty as “ministerial,” State Defs.’ Reply in Supp. of Mot. to Dismiss Second Am. Compl. at 2, 4 n.4, *Ariz. Democratic Party v. Ariz. Sec’y of State’s Office*, 2017 WL 840693 (D. Ariz. Feb. 14, 2017) (No. 2:16-CV-01065-DLR), ECF No. 262.

“unnecessary because voter fraud already is a felony” in Arizona. *Id.* Her opponent, by contrast, supported H.B. 2023 and advocated, among other things, that election materials no longer be printed in Spanish. *Id.*

Upon assuming office, Respondent Hobbs inherited this lawsuit from her predecessor. She never defended H.B. 2023 in court. *See* Notice of Substitution of Party, *DNC v. Hobbs*, 948 F.3d 989 (9th Cir. 2020) (No. 18-15845), ECF No. 82. Following the en banc court’s ruling below, she consulted with county officials and decided that she also would no longer defend the OOP Policy. Press Release, Ariz. Sec’y of State, *Hobbs Opposes AG’s Appeal of DNC v. Hobbs* (Jan. 29, 2020). She engaged in “conversations with county recorders and election officials in all 15 counties” and was “confident in their ability to address the issues associated with out-of-precinct voting without needlessly extending this litigation.” *Id.* The Secretary thus determined that she would not seek further review. *Id.* The Attorney General nonetheless appealed against her wishes.

#### B. Arizona’s Policy Regarding Provisional Ballots Cast “Out of Precinct.”

Arizona’s OOP Policy “derives from the collective effect of” several Arizona statutes “and related rules in the Arizona Elections Procedures Manual.” JA243. Statutory provisions require that voters appear on the register in the precinct in which they reside, Ariz. Rev. Stat. § 16-122, and that those not listed on a precinct’s register be allowed to cast provisional ballots, *id.* §§ 16-135(B), 16-584(B)-(C).

No Arizona statute prohibits county recorders from counting provisional ballots for those offices for which out-of-precinct (“OOP”) voters are eligible to vote, including all statewide offices. That directive comes from the Manual alone. JA37-38. The Manual states that county recorders may only count a provisional ballot if “the voter is eligible to vote in the precinct” and is not “in the wrong precinct/voting area.” *Id.* Unless voters meet these requirements, their “ballot[s] shall remain unopened and shall not be counted.” JA37.

County officials “are not empowered to count or reject ballots at their discretion.” JA266. Instead, “[a]ll proceedings at the counting center ... shall be conducted in accordance with the approved instructions and procedures manual.” Ariz. Rev. Stat. § 16-621(A). The Manual is thus the operative source of the OOP Policy. *See* JA266 (holding that plaintiffs’ injuries from the OOP Policy were redressable because the court could require the Secretary “to prescribe [plaintiffs’ proffered] procedure in the Elections Procedures Manual, which county election officials then would be bound by law to follow”).

Relying on the district court’s factual findings but disagreeing with its ultimate conclusion, the en banc Ninth Circuit held that the OOP Policy violates Section 2. JA659. The court applied the two-step test the circuits generally use for vote-denial claims. JA612. Under that test, the court first determined whether the Policy resulted in a disparate burden on members of the protected class. *Id.* Next, the court analyzed whether the Policy “interacted with social and historical conditions” to cause that disparate burden. JA613.

At the first step, the court found that the OOP Policy clearly resulted in a disparate burden on minority voters. “Uncontested evidence in the district court established that minority voters in Arizona cast OOP ballots at twice the rate of white voters.” JA617; *see* JA332-33, 594-96. This was in part because minority voters in Arizona experience 30% less polling-place stability than white voters across elections. JA111, 590. In key counties, Hispanic and Native American voters lived further from their polling places than white voters. JA592-93. The court found that “[v]oters who live more than 1.4 miles from their assigned polling place are 30 percent more likely to vote OOP than voters who live within 0.4 miles of their assigned polling place.” JA592. The undisputed evidence also showed that Arizona is an “extreme outlier,” rejecting OOP ballots at a rate more than 11 times higher than the next highest state. JA588-89. Relying on this evidence, the en banc court concluded that “[t]he challenged practice—not counting OOP ballots [at all]—results in ‘a prohibited discriminatory result’; a substantially higher percentage of minority votes than white votes are discarded.” JA622 (quotation marks omitted).

At the second step, the court considered the Senate Report factors (“Senate factors”) this Court embraced in *Gingles* to perform Section 2’s totality-of-circumstances inquiry. JA623-24. The court gave particular weight to the “tenuousness” of the State’s justification for the OOP Policy, noting “[t]here is no finding by the district court that would justify, on any ground, Arizona’s policy of entirely discarding OOP ballots.” JA655. The State justified the OOP Policy solely by pointing to the

importance of Arizona’s precinct-based voting system. JA654-55. However, the district court made “no finding that counting or partially counting OOP ballots would threaten the integrity of” this system. JA655.

Absent the OOP Policy, Arizona would count OOP ballots for all eligible elections, including national and statewide elections. After consulting with county election officials, Respondent Hobbs determined that counties are able to implement such a system. *See* Press Release, Ariz. Sec’y of State, *supra*. The district court likewise acknowledged that properly counting OOP ballots was “administratively feasible.” JA307. Indeed, in recent elections, most Arizona counties have abandoned the precinct-based model and instead used either a vote-center or a hybrid model—successfully counting votes cast outside the precincts where voters resided. *Supra* at 3. This confirms the Secretary’s determination that counties can account for OOP votes without disenfranchising voters.

### C. Arizona’s Ballot-Collection Statute, H.B. 2023.

Arizona introduced “early” voting-by-mail in the 1990s. JA259. Since 1997, Arizona has prohibited anyone from possessing another voter’s unmarked early ballot. Ariz. Rev. Stat. § 16-542(D); JA260. Arizona also “has long” criminalized fraudulent ballot-collection practices, including “knowingly mark[ing] a voted or unvoted ballot or ballot envelope with the intent to fix an election.” JA293 (quoting Ariz. Rev. Stat. § 16-1005(A)) (alteration in original). However, in 2016, Arizona passed H.B. 2023, which criminalized *non*-fraudulent third-party ballot collection. JA605-06. Except for a “family member, household member or caregiver of the



voter,” any “person who knowingly collects voted or unvoted early ballots from another person is guilty of a class 6 felony.” Ariz. Rev. Stat. § 16-1005(H), (I)(2). Under this law, someone who helps an elderly neighbor by dropping her ballot in the mailbox can be punished by up to two years in prison and a \$150,000 fine. *Id.* §§ 13-702(D), 13-801(A); see Press Release, Ariz. Att’y Gen. (Dec. 23, 2020).

The State provided two justifications for H.B. 2023: preventing absentee voter fraud and maintaining the reality and public perception of election integrity. JA288. However, “no evidence of any fraud in the long history of third-party ballot collection in Arizona” has been found, JA601, even after Arizona counties were subpoenaed in this case for such evidence, JA290. The district court likewise found no evidence of widespread public concern about ballot-collection fraud either in the record or before the Arizona Legislature when it passed H.B. 2023. JA290. Moreover, fraudulent ballot collection was a felony long before H.B. 2023 criminalized *non*-fraudulent collection, and, of course, fraudulent collection remains a felony.

While there is *no* record evidence of absentee voter fraud in Arizona, there is “[e]xtensive and uncontradicted evidence ... that prior to the enactment of H.B. 2023, third parties collected a large and disproportionate number of early ballots from minority voters.” JA659; see JA325-30. The district court received “direct evidence from witnesses who had themselves acted as third-party ballot collectors” or who had “personally supervised” or “witnessed” third-party ballot collection. JA661. These witnesses “established

that many thousands of early ballots were collected from minority voters by third parties” but, the district court found, white voters “did not significantly rely on third-party ballot collection.” JA661.

The district court thus concluded that minority voters in Arizona are far more likely than white voters to rely on third-party ballot collection. JA329-30. Relying on these findings but disagreeing with the district court’s legal conclusions, the en banc court found that H.B. 2023 had a significant, discriminatory effect on minority voters. The en banc court then examined the totality of circumstances, drawing on its analysis of the OOP Policy and citing additional record evidence. JA662-70.

*First*, the court noted that H.B. 2023 “grows directly out of” Arizona’s history of race discrimination. JA663. Legislators abandoned their initial attempt to ban non-fraudulent ballot collection in 2011 after the Department of Justice discovered “evidence in the record that the provision intentionally targeted Hispanic voters” while reviewing Arizona’s preclearance request under Section 5 of the VRA. *Id.* Legislators passed a second, similar law in 2013, but soon faced a voter referendum that would have both repealed the law and imposed a supermajority requirement on any future legislation on the topic. *Id.* To avoid that result, legislators repealed the law themselves. *Id.* Only after this Court eliminated the preclearance formula in *Shelby County* did the Arizona Legislature proceed to pass H.B. 2023, after a campaign “marked by race-based appeals.” *Id.*

*Second*, the court recognized that “H.B. 2023 is closely linked to the effects of discrimination that

'hinder' the ability of American Indian, Hispanic, and African American voters 'to participate effectively in the political process.'" JA664 (quoting *Gingles*, 478 U.S. at 37). Most relevant, "[r]eady access to reliable and secure mail service is nonexistent in some minority communities," including on Arizona's 21 reservations. JA327. Outside of major urban centers, only 18% of Native Americans in Arizona have access to home mail service. JA124, 183. And the district court found that "[a] surprising number of voters in the Hispanic community also distrust returning their voted ballot via mail" and that "unsecure mailboxes are an impediment for urban minorities who distrust the mail service and prefer instead to give their ballots to a volunteer." *Id.*

*Third*, "[t]he enactment of H.B. 2023 was the direct result of racial appeals in a political campaign." JA665; see JA343-45. Proponents of H.B. 2023 circulated a video created by Maricopa County Republican Chair A.J. LaFaro that featured "surveillance footage of a man of apparent Hispanic heritage appearing to deliver early ballots" and included commentary from LaFaro stating he "did not know if the person was an illegal alien, a [D]reamer, or citizen, but knew that he was a thug." JA344. The video played a prominent role in the debates over H.B. 2023 and was featured in campaign advertisements for Respondent Hobbs's predecessor, Michele Reagan. JA345.

*Finally*, the en banc court concluded that Arizona's justifications for H.B. 2023 were tenuous. JA666-70. The State justified H.B. 2023 as a fraud-prevention and election-integrity measure. JA288. But the district court found "no direct evidence that the type of ballot

collection fraud the law is intended to prevent or deter has occurred,” JA347, despite bill advocates’ extensive efforts to find such fraud, JA290, 347, 667-68. Nor was election integrity a justification: “[T]hird-party ballot collection has had a long and honorable history” in Arizona, and any recent distrust of it stemmed from “the fraudulent campaign mounted by proponents of H.B. 2023.” JA669-70.

After holding that H.B. 2023 failed Section 2’s results test, the en banc court held that H.B. 2023 was passed with discriminatory intent in violation of both Section 2 and the Fifteenth Amendment. JA681. The court canvassed the four factors from *Village of Arlington Heights v. Metropolitan Housing Development Corp.*, 429 U.S. 252, 266-68 (1977), and found that all supported the finding that racial discrimination was “a motivating factor” for H.B. 2023’s passage and that the law would not have been enacted without race-based allegations. JA679-80, 357.

### SUMMARY OF ARGUMENT

I. Under Section 2, a state may not impose or apply any policy or practice that “results in a denial or abridgement of the right of any citizen of the United States to vote on account of race or color [or language-minority status].” 52 U.S.C. § 10301(a). A Section 2 violation is established by showing, “based on the totality of circumstances, ... that the political processes leading to nomination or election in the State or political subdivision are not equally open to participation by members of a [protected] class of citizens ... in that its members have less opportunity than other members of

the electorate to participate in the political process and to elect representatives of their choice.” *Id.* § 10301(b).

A. The plain text of the statute dictates its application. Whether that text is styled as the two-step test the circuits use or the three-part test the United States proposes, the text recognizes one core principle: To prevail on a vote-denial claim, plaintiffs must show that—based on the totality of circumstances and with particular attention to the government’s justification—the challenged practice results in minority voters’ having less ability to vote than other citizens. While Respondent Hobbs largely agrees with the United States’ reading of Section 2, the United States’ arguments that Section 2 requires proximate rather than but-for causation, that only state action is relevant to causation, and that theoretical alternative voting methods can excuse discriminatory policies misread the statute and misunderstand its purpose.

B. Petitioners depart radically from both the established circuit test and the United States’ standard by proposing limits on Section 2 that have no basis in text, purpose, or precedent. Petitioners wrongly assert that Congress’s 1982 amendments to Section 2 targeted only vote dilution (not vote denial) and that any purportedly race-neutral “time, place, and manner” voting restriction is immune from scrutiny under Section 2. A review of text and precedent easily disposes of both arguments. And, tellingly, the United States embraces neither. The United States likewise disavows Petitioners’ textually baseless arguments that the size of a disparity under Section 2 must be quantified to

prove liability and that the Senate factors do not apply to vote-denial claims.

C. Properly read, Section 2 raises no constitutional issues. Under the statute’s plain language, a violation can never be proven merely by showing a statistical disparity in voting; the government’s policy must be a but-for cause of that disparity. Governments thus cannot be liable for racial disparities they did not help create. And Section 2’s totality-of-circumstances inquiry gives governments the opportunity to justify their policies. Section 2 fully recognizes that states bear primary responsibility for administering elections—including by establishing various time, place, and manner restrictions. It simply prohibits racial discrimination in election administration, even when caused by facially race-neutral policies.

II. The OOP Policy is not properly before this Court; and, in any event, it violates Section 2’s results test under either the en banc court’s or the United States’ formulation.

A. No Petitioner has standing to appeal the decision on the OOP Policy. This Court looks to Arizona law to determine who has standing to represent the State’s interests in court. For the OOP Policy—a policy the Secretary of State promulgated, not a statute the Legislature enacted—that person is the Respondent, Secretary of State Hobbs. Arizona’s Attorney General cannot appeal against Respondent Hobbs’s wishes, and the Arizona Republican Party (“ARP”) Petitioners also lack standing.

B. Even if any Petitioner had standing, the decision below was correct in finding that the OOP Policy violates Section 2. As the United States agrees, the district court was wrong to uphold the Policy based on the ground that it affected only a “small” number of voters. Moreover, Petitioners cannot justify the Policy. Indeed, Respondent Hobbs chose not to appeal the decision below precisely because the Policy is unjustified. This lack of justification is even more apparent today, when the great majority of Arizona’s counties use vote-center or hybrid models that belie any interest in protecting a precinct-based system.

III. The ballot-collection statute, H.B. 2023, violates Section 2’s results and intent tests, and likewise violates the Fifteenth Amendment.

A. Undisputed evidence demonstrated that minority voters rely on ballot collection at higher rates than white voters, and that being unable to rely on anyone other than family/household members or caregivers to assist with ballot delivery would disproportionately burden minority voters. H.B. 2023 thus led minority voters to have less ability to vote than other voters. None of Arizona’s proffered justifications explains how criminalizing *non*-fraudulent ballot collection prevents *fraudulent* ballot collection—which Arizona outlawed long before H.B. 2023.

B. In finding that H.B. 2023 was enacted with discriminatory intent, the en banc court did not transgress the limits of clear-error review. It simply applied the *Arlington Heights* factors to a record replete with evidence of racially motivated appeals.

## ARGUMENT

**I. Section 2 Prohibits Any Voting Practice that Results in a Denial of the Right to Vote on Account of Race.**

For the reasons explained by DNC Respondents, the court below properly articulated and applied the two-part test used by the circuits for vote-denial claims. Although the United States restates the test as a three-part analysis, U.S. Br. 14-25, its elements are largely the same as those applied by the en banc court. Petitioners, by contrast, invent from whole cloth various restrictions or additional elements they want this Court to graft onto Section 2. Free of the caricature drawn by Petitioners, Section 2's results test does not implicate any constitutional concerns.

**A. Section 2's Results Test Follows the Plain Text.**

As with any statute, interpreting Section 2 requires “a careful examination of the ordinary meaning and structure of the law itself. Where ... that examination yields a clear answer, judges must stop.” *Food Mktg. Inst. v. Argus Leader Media*, 139 S. Ct. 2356, 2364 (2019).

Section 2 begins with an express prohibition: “No voting qualification or prerequisite to voting or standard, practice, or procedure shall be imposed or applied by any State or political subdivision in a manner which results in a denial or abridgement of the right of any citizen of the United States to vote on account of race or color [or language-minority status].” 52 U.S.C. § 10301(a). The statute then details what violates that prohibition—a showing that, “based on the totality of



circumstances, ... the political processes leading to nomination or election in the State or political subdivision are not equally open to participation by members of a [protected] class of citizens ... in that its members have less opportunity than other members of the electorate to participate in the political process and to elect representatives of their choice.” *Id.* § 10301(b). Congress further defined the terms “vote” and “voting” to encompass “all action necessary to make a vote effective,” including “registration, ... casting a ballot, and having such ballot counted properly and included in the appropriate totals of votes cast.” *Id.* § 10310(c)(1).

1. The United States translates this text into a three-part test: “[F]irst, members of a protected group must have less ability to vote than other voters in light of the burdens imposed by the challenged practice and readily available alternative voting methods; second, the challenged practice must be responsible for that lesser ability, rather than other external factors not fairly attributed to the practice; and third, courts must take account of the totality of circumstances, including, among other things, the specific justifications for the challenged practice.” U.S. Br. 18.

Respondent Hobbs concurs with much of this interpretation. *First*, because Section 2’s language “refers to the consequences of actions and not just to the mindset of actors,” Section 2 imposes disparate-impact liability. *Tex. Dep’t of Hous. & Cmty. Affairs v. Inclusive Cmty. Project, Inc.*, 576 U.S. 519, 533 (2015); see *Chisom v. Roemer*, 501 U.S. 380, 394-95 (1991). Both the court below and the United States agree. JA610; U.S. Br. 16-17. *Second*, because Section 2 includes a causation

requirement, a plaintiff cannot prevail merely by showing a statistical disparity. *Inclusive Cmty. Project*, 576 U.S. at 542. Both the court below and the United States agree. JA613; U.S. Br. 17. *Third*, Section 2 guarantees equality of “opportunity” but does not guarantee particular electoral outcomes. Both the court below and the United States agree. JA 613; U.S. Br. 18-19. *Fourth*, Section 2 protects “the right of *any* citizen of the United States to vote” and thus its “focus should be on individuals” rather than solely on the broader electorate. *Bostock v. Clayton Cnty.*, 140 S. Ct. 1731, 1740 (2020); see *Holder v. Hall*, 512 U.S. 874, 918 (1994) (Thomas, J., concurring in the judgment). Both the court below and the United States agree. JA619-21; U.S. Br. 29. *Finally*, Congress expressly mandated that courts consider the *totality* of circumstances—not merely some subset of circumstances. Both the court below and the United States agree. JA613; U.S. Br. 24.

The United States and Respondent Hobbs differ on just three aspects of the United States’ standard. *First*, the United States claims that the statute requires proximate, not but-for, causation.<sup>3</sup> U.S. Br. 22. That is wrong. It is the “ancient and simple ‘but for’ common law causation test,” not proximate causation, that “supplies the ‘default’ or ‘background’ rule against which Congress is normally presumed to have legislated when creating its own new causes of action.” *Comcast Corp. v. Nat’l Ass’n of Af. Am.-Owned Media*, 140 S. Ct. 1009,

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<sup>3</sup> Although ARP Petitioners also advocate for proximate causation, Brnovich Petitioners appear to accept that the statute requires only “actual causality.” Brnovich Br. 23 (quotation marks omitted).

1014 (2020). Here, Section 2’s plain text confirms that Congress intended this lesser, default causation standard to apply: The statute uses the phrases “results in” and “on account of race” to describe its causation elements. 52 U.S.C. § 10301(a). Both indicate but-for causation.

As an initial matter, “[a] thing ‘results’ when it [a]rise[s] as an effect, issue, or outcome *from* some action, process, or design.” *Burrage v. United States*, 571 U.S. 204, 210 (2014) (alterations in original). This Court has therefore held that the phrase “[r]esults from’ imposes ... a requirement of actual causality.” *Id.* at 211; *see also People v. Wood*, 741 N.W.2d 574, 576 (Mich. Ct. App. 2007) (“by using the word ‘result’ instead of ‘cause’ in the statute, the Legislature specifically directed that only factual causation need be established”) (cited by *Burrage*, 571 U.S. at 214). Thus, “‘the ordinary meaning of ‘result[s] in’ imposes a requirement of actual or but-for causation,’ and not proximate causation.” *United States v. Burkholder*, 816 F.3d 607, 614 (10th Cir. 2016) (first alteration in original).

Meanwhile, the phrase “on account of race” is synonymous with “because of race.” *See Bostock*, 140 S. Ct. at 1739. And this Court has repeatedly held that a statutory “‘because of’ test incorporates the ‘simple’ and ‘traditional’ standard of but-for causation.” *Id.* (quoting cases). Likewise, the Fifteenth Amendment—which also uses “on account of race,” U.S. Const. amend. XV—is “best understood to forbid any voter qualification that makes race ... a but-for cause of the denial of the right to vote.” *Jones v. Governor of Fla.*, 975 F.3d 1016, 1042 (11th Cir. 2020) (opinion of W. Pryor, C.J.).

The text leaves no doubt about either causation element, as Section 2's context and purpose confirm. Nothing in the provision's "context" indicates a higher causation standard; but-for causation would not, for instance, "cannibalize" other language in the statute. *Husted v. A. Philip Randolph Inst.*, 138 S. Ct. 1833, 1842-43 (2018). Quite the opposite. Section 2 requires courts to evaluate a challenged policy in "the totality of circumstances." 52 U.S.C. § 10301(b). Imposing a proximate-cause requirement would unduly restrict the scope of this congressionally mandated inquiry. "It would be unacceptable to adopt a causal standard so strict that it would undermine congressional intent where neither the plain text of the statute nor legal tradition demands such an approach." *Paroline v. United States*, 572 U.S. 434, 458 (2014).

*Second* and relatedly, the United States asserts that Section 2 requires plaintiffs to prove that *state* action caused the racial disparity. U.S. Br. 21-24; *see also* ARP Br. 29-30; Brnovich Br. 24, 32. If the United States means that governmental policy must be the vehicle by which societal disparities are channeled into the electoral realm, it is correct—and the court below already required as much. But a claim that a court may consider *only* state-sponsored discrimination in its analysis runs headlong into precedent. This Court has long held that "Section 2 ... prohibits any practice or procedure that, 'interact[ing] with social and historical conditions,' impairs the ability of a protected class to elect its candidate of choice on an equal basis with other voters." *Voinovich v. Quilter*, 507 U.S. 146, 153 (1993) (emphasis added) (alterations in original). Thus, though

the challenged practice must be a but-for cause of minority voters' unequal opportunity to participate and elect, Section 2 allows courts to consider private activity and societal and historical discrimination, as well.<sup>4</sup>

This does not make governments liable for discrimination they did not cause or caused only in the past. *See* U.S. Br. 22-23; ARP Br. 30. Nor does it force courts to impose Section 2 remedies that would require the government to eliminate private discrimination. *See Inclusive Cmty's.*, 576 U.S. at 544; S. Rep. No. 97-417, at 31 (1982), *as reprinted in* 1982 U.S.C.C.A.N. 177, 208 (“the remedy fashioned must be commensurate with the right that has been violated”). Rather, it recognizes that electoral laws do not exist in a vacuum and that certain election practices, interacting with preexisting inequities, can create predictably unequal electoral opportunities. Thus, a government policy violates Section 2 if it “combines with other factors to produce the [prohibited] result, so long as the other factors alone would not have done so.” *Burrage*, 571 U.S. at 211. If the challenged policy is a cause of a disparity in opportunity,

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<sup>4</sup> *See, e.g., League of United Latin Am. Citizens v. Perry (LULAC)*, 548 U.S. 399, 438-40 (2006) (finding districting change violated Section 2 because local Hispanics “were becoming more politically active,” and “the ‘political, social, and economic legacy of past discrimination’” against “Latinos in Texas ... may well ‘hinder their ability to participate effectively in the political process’”); *Thornburg v. Gingles*, 478 U.S. 30, 80 (1986) (holding multimember-districting scheme in violation of Section 2 based on its interaction with “racially polarized voting; the legacy of official discrimination in voting matters, education, housing, employment, and health services; and the persistence of campaign appeals to racial prejudice”).

and if that disparity would not exist but for voters' race, that is the causation Section 2 requires.

*Third* and finally, the United States argues that “courts considering limitations on one voting method must account for available alternative methods.” U.S. Br. 20-21.<sup>5</sup> To be sure, no voting practice exists in isolation. And courts should consider the challenged practice’s *interaction* with other election laws as part of the totality-of-circumstances inquiry—for other laws, while “neither in themselves improper nor invidious,” may “enhance[] the opportunity for racial discrimination” resulting from the challenged practice. *White v. Regester*, 412 U.S. 755, 766 (1973).

But just as a plaintiff cannot establish liability merely by pointing to statistical disparities in voting practices, so, too, a defendant cannot escape liability merely by pointing to the availability of alternative voting practices. Minority voters *always* will have some theoretical other means to vote. Simply claiming that whatever other practices the government has are equally open will not do. Section 2 does not give defendants a get-out-of-jail-free card for one policy with discriminatory results just because they have other non-discriminatory policies. The *entire* political process must be “*equally* open” to voters of all races. 52 U.S.C. § 10301(b) (emphasis added). If the government gives voters of one race more opportunity to vote than voters

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<sup>5</sup> Brnovich Petitioners advance a more extreme version of this argument, asserting that states can absolve themselves of Section 2 liability for a discriminatory policy if other aspects of their election systems are sufficiently “accommodating.” Brnovich Br. 22.

of other races, it is no answer to say the process is open *enough* for the disadvantaged voters.<sup>6</sup>

This standard does not prevent states from “eliminat[ing] a [voting] method some prefer” if the resulting process remains equally open, nor does it force states to “adopt” a new voting method that “members of one race would prefer” if the status quo already provides equal opportunity. U.S. Br. 21. Section 2 does not mandate “maximiz[ing]” minority voters’ opportunities. *Johnson v. De Grandy*, 512 U.S. 997, 1017 (1994). Instead, when considering the availability of alternative methods, courts must undertake an “intensely local appraisal of the design and impact’ of the *contested* electoral mechanisms.” *Thornburg v. Gingles*, 478 U.S. 30, 79 (1986) (emphasis added). And they must bear in mind that deliberate elimination of a voting practice known to be used disproportionately by minority voters creates exactly the “risk of purposeful discrimination” that the United States warns against. U.S. Br. 16 (quoting *City of Rome v. United States*, 446 U.S. 156, 177 (1980)); cf. *League of United Latin Am. Citizens v. Perry (LULAC)*, 548 U.S. 399, 440 (2006).

2. This reading of Section 2 is bolstered “in light of the purpose underlying” the statute. *Reno v. Bossier Par. Sch. Bd.*, 520 U.S. 471, 487 (1997). This Court has

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<sup>6</sup> ARP Petitioners’ example illustrates this. They note that, “[i]f a state sends unsolicited ballot applications to residents of white neighborhoods, ... but not to residents of black neighborhoods, that would amount to giving the latter less ‘opportunity’ to participate.” ARP Br. 27. But that is of course true even though black voters could vote in other ways.

long recognized that “[t]he Voting Rights Act was aimed at the subtle, as well as the obvious, state regulations which have the effect of denying citizens their right to vote because of their race.” *Allen v. State Bd. of Elections*, 393 U.S. 544, 565 (1969). Consistent with that tenet, Section 2 “should be interpreted in a manner that provides ‘the broadest possible scope’ in combating racial discrimination.” *Chisom*, 501 U.S. at 403.

Congress passed this sweeping law to address a sweeping problem. For a century after the Fifteenth Amendment formally guaranteed minorities the right to vote, “[m]anipulative devices and practices were ... employed to deny the vote to blacks.” *Rice v. Cayetano*, 528 U.S. 495, 513 (2000). “Early attempts to cope with this vile infection resembled battling the Hydra. Whenever one form of voting discrimination was identified and prohibited, others sprang up in its place.” *Shelby Cnty.*, 570 U.S. at 560 (Ginsburg, J., dissenting). Indeed, when pre-VRA adjudication “produced favorable results, affected jurisdictions often ‘merely switched to discriminatory devices not covered by the federal decrees.’” *City of Rome v. United States*, 446 U.S. 156, 174 (1980).

Congress devised an intentionally expansive solution. In 1982, it overruled this Court’s decision in *City of Mobile v. Bolden* that Section 2 forbade only intentional discrimination. *Gingles*, 478 U.S. at 43-44. In so doing, Congress reinstated the pre-*Bolden* standards from *White v. Regester* with the “specific intent” of allowing liability based on “discriminatory results without proving any kind of discriminatory purpose.” S. Rep. No. 97-417, at 27-28, 1982 U.S.C.C.A.N. at 205-06.



The *Regester* Court struck down a multimember district, based in part on its interaction with other unchallenged election laws that were “neither in themselves improper nor invidious,” but potentially “enhanced the opportunity for racial discrimination.” 412 U.S. at 766. Crucial to the decision were the discriminatory practices of a private “white-dominated organization” that controlled the area’s political life. *Id.* And the *Regester* Court affirmed elimination of another multimember district because of how it “overlaid ... on the cultural and economic realities of the Mexican-American community in Bexar County.” *Id.* at 769.

In restoring the standards from *Regester*, and directing consideration of the “totality of circumstances,” Congress affirmed courts’ ability to consider evidence of private discrimination—or the lingering effects of past public discrimination—that interact with the challenged practice to cause the complained-of disparity. Indeed, the Senate factors “were derived from the analytical framework of *White [v. Regester]* ... as refined and developed by the lower courts.” *Gingles*, 478 U.S. at 36 n.4. Thus, Congress adopted the *Regester* Court’s view that “whether the political processes are ‘equally open’ depends upon a searching practical evaluation of the [state’s] ‘past and present reality.’” *De Grandy*, 512 U.S. at 1018.

#### B. Petitioners Depart from Section 2’s Text by Inventing Restrictions.

In contrast to the United States, Petitioners suggest radical departures from the statute that have no basis in text, purpose, or precedent. The United States either

fails to embrace or expressly disavows each of Petitioners' positions.

*First*, Petitioners claim that Section 2 is aimed “principally” at combating vote dilution, not vote denial. ARP Br. 18, 36-38. Not true. Section 2 “refer[s] to any methods for conducting a part of the voting process that might ... be used to interfere with a citizen’s ability to cast his vote” and have it properly counted. *Holder*, 512 U.S. at 917-18. Thus, the amended “Section 2 prohibits *all* forms of voting discrimination, not just vote dilution.” *Gingles*, 478 U.S. at 45 n.10 (emphasis added). The “unusually extensive legislative history of the 1982 amendment” belies Petitioners’ claims. *Chisom*, 501 U.S. at 396. The Senate Report acknowledged that Congress borrowed its standard from cases that “dealt with [dilutive] electoral system features” but reiterated that “Section 2 remains the major statutory prohibition of *all* voting rights discrimination.” S. Rep. No. 97-417, at 30, 1982 U.S.C.C.A.N. at 207 (emphasis added). No matter what the claim, “the ultimate test would be the *White [v. Regester]* standard codified by this amendment of Section 2.” *Id.*

To be sure, most post-1982 Section 2 claims have involved vote dilution rather than vote denial. But that is only because the “effectiveness of the now-defunct Section 5 preclearance requirements ... stopped would-be vote denial from occurring in covered jurisdictions.” *League of Women Voters of N.C. v. North Carolina*, 769 F.3d 224, 239 (4th Cir. 2014). Since this Court struck down the preclearance formula in *Shelby County*, Section 2 has become the principal bulwark against policies and practices that disenfranchise minority

voters. See Daniel P. Tokaji, *Applying Section 2 to the New Vote Denial*, 50 Harv. C.R.-C.L. L. Rev. 439, 440 (2015). But Section 2 claims are expensive to litigate, place the burden of proof on plaintiffs, and generally cannot stop laws prior to implementation. So it is unsurprising that pre-*Shelby County*, Section 5 was plaintiffs' primary tool for combating vote denial.

*Second*, Petitioners wrongly claim that “[r]ace-neutral time, place, or manner regulations” cannot implicate Section 2. ARP Br. 19; see Brnovich Br. 20. As discussed above, Congress intentionally drafted Section 2 broadly to apply to *any* policy—even those that are facially race-neutral—so long as the policy results in reduced electoral opportunity for minority voters on account of race.

Indeed, many of the policies that inspired the VRA were facially neutral. Some states sought to prevent minorities from voting by “ma[king] the ability to read and write a registration qualification.” *South Carolina v. Katzenbach*, 383 U.S. 301, 310-11 (1966). They also imposed “property qualifications, ‘good character’ tests, and the requirement that registrants ‘understand’ or ‘interpret’ certain matter.” *Id.* at 311. These facially neutral laws caused racially disparate outcomes through discriminatory application, *id.* at 311-12, and because of their predictable interactions with other societal inequalities like racially disparate literacy rates, *id.* at 310-11, or education rates, see *Gaston Cnty. v. United States*, 395 U.S. 285, 289, 293 (1969).

Members of this Court have therefore recognized that Section 2 “covers all manner of registration requirements,” as well as “the locations of polling places,

the times polls are open, the use of paper ballots as opposed to voting machines, and other similar aspects of the voting process that might be manipulated to deny any citizen the right to cast a ballot and have it properly counted.” *Holder*, 512 U.S. at 922. Section 2’s broad coverage means that “[i]f, for example, a county permitted voter registration for only three hours one day a week, and that made it more difficult for blacks to register than whites, blacks would have less opportunity ‘to participate in the political process’ than whites, and § 2 would therefore be violated.” *Chisom*, 501 U.S. at 408 (Scalia, J., dissenting).

The vast majority of this Court’s Section 2 cases involved practices that were, under Petitioners’ view, race-neutral time, place, and manner regulations: multimember districts, *see Gingles*, 478 U.S. at 46, “at-large voting schemes,” *id.* at 47, and “anti-single-shot voting rule[s],” *Holder*, 512 U.S. at 880 (plurality opinion), to name a few.<sup>7</sup> This Court thus has already recognized that Section 2 reaches practices that regulate

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<sup>7</sup> Petitioners’ own examples undermine their position. For instance, ARP Petitioners posit that Section 2 would prohibit leaving polling places open longer in white neighborhoods than in minority neighborhoods. ARP Br. 24-25. They also concede that Section 2 prohibits laws such as “[l]imiting the franchise to people who own a home or hold a college degree ... if minority voters have lower home ownership or graduation rates.” *Id.* at 19; *accord id.* at 27. ARP Petitioners try to distinguish this last example by claiming that a race-neutral education test can violate Section 2 because it involves voter qualifications rather than time, place, and manner regulations. *Id.* at 19. But nothing in Section 2 suggests that race-neutral voter qualifications can violate the statute but race-neutral time, place, and manner regulations cannot.

only “*how* citizens vote,” ARP Br. 19, even if the laws are uniform and race-neutral.

Ultimately, Petitioners ask this Court to carve a huge swath of election laws out of Section 2’s domain. But such “[a]n inflexible rule would run counter to the textual command of § 2” to examine “the totality of circumstances.” *De Grandy*, 512 U.S. at 1018. Creating safe harbors for entire categories of voting practices would be particularly nonsensical when the very “need for such ‘totality’ review springs from the demonstrated ingenuity of state and local governments in hobbling minority voting power.” *Id.*

*Third*, Petitioners contend that the decision below “diverges from § 2’s textual requirements” because it “does not require a *substantial* disparate impact” to trigger liability. Brnovich Br. 31; *see id.* at 21, 30-31. But it is Petitioners’ “substantial” disparity requirement that floats free of the text. What is more, because Petitioners never explain what qualifies as “substantial” disparity, this requirement remains hopelessly vague.

In any event, this Court already rejected Petitioners’ contention in *Chisom*, when it ruled that Section 2 requires plaintiffs to prove inequality in both opportunity to participate *and* opportunity to elect. 501 U.S. at 397. Justice Scalia argued that “a small minority” would have “no protection against infringements of its right ‘to participate in the political process’” under the majority’s reading of Section 2, because the small minority “will always lack the numbers necessary ‘to elect its candidate.’” *Id.* at 397 n.24. But the Court dismissed this concern, stating that it “rests on the

erroneous assumption that a small group of voters can never influence the outcome of an election.” *Id.*

That reading hews to Section 2’s text, which addresses “the right of *any* citizen of the United States to vote.” 52 U.S.C. § 10301(a) (emphasis added). Thus, as the United States correctly explains, “a practice can violate Section 2 even if it affects only a small number of voters.” U.S. Br. 29; *accord* JA522. The percentage disparity between racial groups need not reach some (undefined) threshold to affect the opportunity to vote: Vote-denial cases involve inequalities in the voting process itself, and “[*a*]ny abridgment of the opportunity of members of a protected class to participate in the political process inevitably impairs their ability to influence the outcome of an election.” *Chisom*, 501 U.S. at 397 (emphasis added).

To be sure, the size of a disparity may bear on whether causation can be established, or whether the totality of circumstances shows a discriminatory result. But, as the United States recognizes (U.S. Br. 29), the number of voters affected cannot limit threshold liability under Section 2.

*Finally*, Petitioners seek to restrict the congressionally mandated review of the “totality of circumstances” to something less than a “totality.” They begin by asserting that Section 2 guarantees only equality of *opportunity*, not equality of *outcomes*. ARP Br. 22; Brnovich Br. 20. Nobody quarrels with this standard. The text of Section 2 requires it, both by asking whether voters of one race “have less opportunity” than others and by expressly disclaiming that Section 2 mandates proportional representation. 52

U.S.C. § 10301(b). But Petitioners go further in claiming that Section 2 does not apply to laws when minority voters simply take less advantage of them. *See* ARP Br. 22, 28; Brnovich Br. 20.

To read Section 2 as Petitioners ask would make mincemeat of its totality-of-circumstances inquiry. What may seem like individual choices in a vacuum can be the result of unequal underlying conditions' interaction with the challenged policy. That is precisely why the 1982 amendments "ma[d]e clear that an application of the results test requires an inquiry into 'the totality of the circumstances.'" *Chisom*, 501 U.S. at 394. The text "requires courts to consider 'the whole picture.'" *District of Columbia v. Wesby*, 138 S. Ct. 577, 588 (2018). When considering the "choices" made by minority voters, courts must ask if the challenged policy "interacts with social and historical conditions to cause an inequality." *Gingles*, 478 U.S. at 47.

Attempting an analogy, ARP Petitioners claim that every person has an equal opportunity to attend free high school, even if some choose to drop out. ARP Br. 28. But if a county refuses to bus students to school, and minority students in the county are far more likely to lack the means to get to school without busing, then the county's policies have interacted with social factors to result in minorities lacking an "equal opportunity" to graduate. *Cf. Swann v. Charlotte-Mecklenburg Bd. of Ed.*, 402 U.S. 1, 30 (1971) (affirming use of busing as court-ordered remedy because "[d]esegregation plans cannot be limited to the walk-in school"). Similarly, voters' own choices can lead to disparities in voting, but if those disparities would not have occurred but for the

state’s policy—and but for the voters’ race—Section 2 applies.

Petitioners further mount a wholesale attack on the circuits’ consideration of the Senate factors, arguing wrongly that they are relevant only to vote-dilution claims. ARP Br. 20, 33; Brnovich Br. 32-33. But, as the United States recognizes, courts may consider the Senate factors whenever they “bear on the proper Section 2 inquiry in a particular case.” U.S. Br. 31.

The Senate Report, as discussed, adopted those factors from *Regester* and its progeny. *Gingles*, 478 U.S. at 36 n.4. As ARP Petitioners note, these factors are “indicative of intentional discrimination.” ARP Br. 36. The Senate factors thus serve a similar function as the indicia of intentional discrimination this Court articulated in *Arlington Heights*. Indeed, several Senate factors directly parallel the *Arlington Heights* factors. For instance, Senate factors 1 and 5, on the history and effects of discrimination, see *Gingles*, 478 U.S. at 36-37, mirror *Arlington Heights*’ focus on “[t]he historical background of the decision,” 429 U.S. at 267. And Senate factor 9, on the government’s justification for the policy, see *Gingles*, 478 U.S. at 37, plays a role similar to *Arlington Heights*’ examination of the “specific sequence of events leading up to the challenged decision” and “[t]he legislative or administrative history” of the act, 429 U.S. at 267-68.

Although the Senate Report derived its factors from vote-dilution cases, the Report’s authors emphasized that the same standards apply to *all* Section 2 claims. S. Rep. No. 97-417, at 30, 1982 U.S.C.C.A.N. at 207. The Report recognized that “[t]o establish a violation,



plaintiffs could show a variety of factors, depending upon the kind of rule ... called into question.” *Id.* at 28, 1982 U.S.C.C.A.N. at 206. This does not mean that *all* the Senate factors *always* apply. *See Gingles*, 478 U.S. at 45 (“this list of typical factors is neither comprehensive nor exclusive” and “there is no requirement that any particular number of factors be proved” (quoting S. Rep. No. 97-417, at 29, 1982 U.S.C.C.A.N. at 206)). Section 2’s text mandates examination of “the totality of circumstances,” 52 U.S.C. § 10301(b), and the Senate factors simply enumerate possibly relevant circumstances.<sup>8</sup>

### C. Properly Read, Section 2 Raises No Constitutional Issues.

Properly read, Section 2 raises none of the constitutional issues Petitioners attempt to inject into this case. Though the Fifteenth Amendment prohibits only intentional discrimination, this Court’s decisions “foreclose any argument that Congress may not, pursuant to [the Amendment], outlaw voting practices that are discriminatory in effect.” *City of Rome*, 446 U.S. at 173. That is exactly what Section 2 does. It does not impose liability “based solely on a showing of a statistical disparity.” *Inclusive Cmty.*, 576 U.S. at 540. Rather, the plaintiff must “point to a defendant’s policy or policies causing that disparity.” *Id.* at 542.

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<sup>8</sup> Given Section 2’s totality-of-circumstances element, the Senate factors’ nonexclusive nature, and their basis in precedent, the factors’ provenance as legislative history matters little. *Contra* Brnovich Br. 33. This Court regularly applies the Senate factors in Section 2 cases. *See, e.g., LULAC*, 548 U.S. at 426.

Socioeconomic or other inequalities may interact with the policy, but the challenged election policy *itself* must help transform those differences into disparate opportunities to participate in the political process. Defendants are responsible not for preexisting societal discrimination, but for their decisions to superimpose laws that erect barriers to minority voting by exacerbating existing discrimination. Section 2 thus “protects defendants from being held liable for racial disparities they did not create.” *Id.*

By requiring courts to consider the totality of circumstances, Section 2 also gives defendants “leeway to state and explain the valid interest served by their policies.” *Id.* at 541. This leeway, combined with the statute’s causation requirement, ensures that governments need not use race “in a pervasive way” or adopt quotas. *Id.* at 542.<sup>9</sup> However, the Constitution does not mandate that governments be given the benefit of *all* doubt. It requires only that they “be allowed to maintain a policy if *they can prove* it is *necessary* to achieve a valid interest.” *Id.* at 541 (emphasis added).

Petitioners nevertheless insist that any reading of Section 2 other than theirs substantively expands the Fifteenth Amendment’s meaning, in violation of *City of Boerne v. Flores*, 521 U.S. 507 (1997). ARP Br. 39-41; Brnovich Br. 26-28. That is wrong. While Fourteenth Amendment legislation must exhibit “congruence and proportionality” between injury and remedy, *City of*

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<sup>9</sup> With these safeguards in place, Section 2 does not “prioritize race” and so does not raise Fourteenth Amendment concerns, either. ARP Br. 41; *see* Brnovich Br. 26-27.

*Boerne*, 521 U.S. at 520, this Court recognizes that Congress may pass prohibitions under the *Fifteenth* Amendment as long as they are “rational means [of] effectuat[ing]” the Amendment under *McCulloch v. Maryland*. *Katzenbach*, 383 U.S. at 324; see *City of Rome*, 446 U.S. at 177; *Shelby Cnty.*, 570 U.S. at 550-51, 556. In any event, even if *City of Boerne*’s standard applied, but see *Tennessee v. Lane*, 541 U.S. 509, 558 (2004) (Scalia, J., dissenting) (noting the standard’s lack of any “demonstrable basis in the text of the Constitution”), Section 2 is a congruent and proportional mechanism for enforcing the Fifteenth Amendment’s broad mandate. Section 2 places the burden of proof on plaintiffs, focuses on local conditions, and tailors liability to laws that cause discriminatory results. Given these safeguards, Section 2 raises none of the constitutional issues invented by Petitioners.

Petitioners also invoke the Elections Clause and states’ role in regulating the times, places, and manner of federal elections. ARP Br. 22-23, 35; Brnovich Br. 28-29. But, again, the VRA “was passed pursuant to Congress’ authority under the Fifteenth Amendment,” and “the Reconstruction Amendments by their nature contemplate some intrusion into areas traditionally reserved to the States.” *Lopez v. Monterey Cnty.*, 525 U.S. 266, 282 (1999). In any event, the same Elections Clause that giveth to the states may taketh away when Congress acts. The Clause “embrace[s] authority to provide a complete code for congressional elections.” *Arizona v. Inter Tribal Council of Ariz., Inc.*, 570 U.S. 1, 8-9 (2013) (quotation marks omitted). Congress has the authority not only to regulate OOP voting and ballot

collection directly, but also to prohibit discrimination in these practices through the VRA.

## II. No Petitioner Has Standing to Appeal the Decision on the OOP Policy, Which the Court Below Correctly Held Violates Section 2.

Because the OOP Policy is just that—a *policy*, promulgated under Arizona law by the Secretary of State—whether to continue to defend it in court is up to *her*. Under Arizona law, the Attorney General cannot appeal the decision below against her wishes. Nor do ARP Petitioners have standing.

Even if any Petitioner had standing, the court below correctly found that the OOP Policy violates Section 2. The Policy results in minority voters having less opportunity to vote, without justification. As the State’s chief elections officer, the Secretary is empowered to determine if any legitimate interest justifies the Policy, and she has determined there is none.

### A. Petitioners Lack Standing to Appeal the Decision Below on the OOP Policy.

Petitioners lack standing to appeal the en banc court’s ruling on the OOP Policy. Arizona law provides that Attorney General Brnovich may not pursue this appeal against the wishes of the Secretary—either in his capacity as Attorney General or on behalf of the State. ARP Petitioners also lack standing because they have failed to demonstrate any particularized stake in the outcome of the dispute.

1. The OOP Policy is not a legislative enactment; it is a creature of the Elections Procedure Manual. That

Manual is promulgated by the Secretary, who is charged under Arizona law with using her discretion to implement rules for counting ballots in the Manual. *See supra* at 6. Although her predecessor supported the OOP Policy, Respondent Hobbs ran for office in 2018 on a platform of removing barriers that made it harder for Arizona's minority citizens to have their votes counted. *See supra* at 4-5. The voters of Arizona elected Respondent Hobbs to do just that, and her decision not to appeal the decision on the OOP Policy reflects her mandate from the voters.

This Court looks to state law to determine who has standing to represent Arizona and its officials in federal court. *See, e.g., Va. House of Delegates v. Bethune-Hill*, 139 S. Ct. 1945, 1951-52 (2019). And under clearly established Arizona law, Brnovich Petitioners have no authority to appeal the decision on the OOP Policy. In fact, the Arizona Supreme Court has held that the Attorney General is *prohibited* from appealing on behalf of another state official who does not wish to appeal.

In *Santa Rita Mining Co. v. Department of Property Valuation*, 530 P.2d 360, 363 (Ariz. 1975), the Arizona Supreme Court held that the Attorney General could not appeal a tax suit when the Director of Property Valuation did not wish to appeal. The court acknowledged that Arizona law "contemplates that the Attorney General act as the legal representative of the people; so that, whenever the State is a party to a law[s]uit, it is the Attorney General who must act as its lawyer." *Id.* at 362. However, the Attorney General lacked authority "to exercise the power of discretion placed by the Constitution and applicable statutes in

other executive and administrative officers.” *Id.* The court therefore concluded that “the Attorney General is not the proper person to decide the course of action which should be pursued by another public officer, *nor should he be allowed to maintain a lawsuit at his own instigation under the cloak and in the guise that the action is by the State of Arizona in order to accomplish the same result.*” *Id.* (quotation marks omitted) (emphasis added). Thus, Attorney General Brnovich lacks authority to appeal the decision below against the wishes of Respondent Hobbs—either in his own right or “in the guise that the action is by the State of Arizona.” *Id.*

2. ARP Petitioners also lack standing. They do not represent the State in any capacity. *See Karcher v. May*, 484 U.S. 72, 77-78, 81 (1987). Nor do they have any role in formulating or enforcing the OOP Policy. *See Hollingsworth v. Perry*, 570 U.S. 693, 707 (2013). Like the *Hollingsworth* petitioners, ARP Petitioners have no particularized stake in the appeal because the decision below “ha[s] not ordered them to do or refrain from doing anything.” *Id.* at 705. And like the *Wittman* petitioners, ARP Petitioners have failed to present evidence that they have suffered an injury-in-fact from the ruling. *See Wittman v. Personhuballah*, 136 S. Ct. 1732, 1737 (2016). ARP Petitioners are quintessential “concerned bystanders,” whose interest in this litigation is indistinguishable from the general interest of every citizen in Arizona. *See Hollingsworth*, 570 U.S. at 707.

The Court therefore must dismiss the petition for lack of standing on the OOP Policy.

## B. The OOP Policy Violates Section 2.

Even if any Petitioner had standing to defend the OOP Policy on appeal, that defense fails on the merits. Plaintiffs easily met their burden to show that the OOP Policy “results in a denial or abridgment of the right of any citizen of the United States to vote.” 52 U.S.C. § 10301(a). Under either the circuits’ test or the United States’ proposed test, plaintiffs demonstrated that minority voters had less ability to vote; the OOP Policy was a but-for cause of that lesser ability; and the Policy was unjustified. Respondent Hobbs focuses here on the United States’ test. *See* U.S. Br. 14-25.

1. On the first prong of the test, plaintiffs demonstrated that they had less ability to vote. There was “[e]xtensive and uncontradicted” evidence that minority voters in Arizona were disproportionately subject to vote denial by the OOP Policy. JA618. Across Arizona, minority voters were twice as likely as white voters to have their ballots thrown out under the OOP Policy. JA594-95; *see* JA 332-33, 617. In Pima County, Hispanic voters’ rate of OOP ballots was 250% of white voters’ rate, and the comparable figures were 180% for African-Americans and 174% for Native American voters. JA595; *see id.* (similar disparities in Maricopa County).

In arguing that no disparity in ability to vote exists, the United States misapplies its own standard to the facts. The United States faults plaintiffs for failing to “demonstrate that minority voters are less able to identify and appear at the proper precinct ... let alone that they are less able to vote once the multiple other

accessible (and much more popular) voting methods Arizona affords are considered.” U.S. Br. 26.

As to the first charge, plaintiffs *did* show that minority voters were less able to identify and appear at the proper precinct due to unusually frequent and confusing changes to polling-place locations in minority neighborhoods. JA590-93. Indeed, African-American and Hispanic voters in Arizona experienced 30% more instability in their polling-place sites than white voters. JA590. Chief Judge Thomas described Arizona’s polling-place locations as “like the changing stairways at Hogwarts, constantly moving and sending everyone to the wrong place.” JA590 (quotation marks omitted).

As to the second charge, the availability of other voting methods cannot excuse a method that causes discriminatory results. For one thing, voting methods are not necessarily equal substitutes. To wit, “[m]ail-in voting involves a complex procedure that cannot be done at the last minute” and “deprives voters of the help they would normally receive in filling out ballots at the polls”—particularly when considered in light of the ballot-collection statute also at issue here. *Veasey v. Abbott*, 830 F.3d 216, 255 (5th Cir. 2016) (en banc).

But regardless of whether Arizona offers other voting methods, the United States’ argument ignores that any voter who appears at the wrong precinct on Election Day and casts a provisional ballot is guaranteed at that point to have her vote denied. Under the OOP Policy, when voters cast ballots outside their assigned precinct, their ballots are discarded—even when voters’ assigned precincts have nothing to do with their eligibility to vote, like in contests for nearly all federal



officers, “all statewide officers ... and statewide propositions,” and many county and local officers and propositions. JA586.

This Court has long recognized that “the right to have one’s vote counted has the same dignity” under the Constitution as “the right to put a ballot in a box.” *Gray v. Sanders*, 372 U.S. 368, 380 (1963) (quotation marks omitted). The right to have one’s ballot counted is guaranteed by the VRA’s text and is foundational to this Court’s vote-dilution jurisprudence. *See* 52 U.S.C. § 10310(c)(1). If anything, it applies even more strongly to vote-denial cases: Refusing to count ballots *at all* is a more direct means of infringing the right to vote than refusing to give votes their *full weight*. *See Reynolds v. Sims*, 377 U.S. 533, 554-55 & n.29 (1964).

The United States agrees that the district court erred by concluding that the OOP Policy’s impact was simply too small to sustain a Section 2 claim. *See* U.S. Br. 29. Like Petitioners, the district court fixated on the declining number of OOP ballots cast in Arizona from 2008 to 2016, and the declining percentage of OOP ballots as a share of all ballots. JA297-300; Brnovich Br. 34-35; ARP Br. 7-8, 25. But as the en banc court correctly determined (and the United States agrees, *see* U.S. Br. 29), the district court’s focus on the “small” number of voters affected was wrong. JA619-21. Section 2 protects “the right of *any* citizen of the United States to vote,” 52 U.S.C. § 10301(a) (emphasis added). Thus, “if a polling place denies an individual minority voter her right to vote based on her race or color, Section 2 is violated based on that single denial.” JA619; *accord Holder*, 512 U.S. at 918 (Thomas, J., concurring in the judgment). For

vote-denial claims, “[t]he number of minority voters adversely affected, and the mechanism by which they are affected, may vary considerably.” JA619.<sup>10</sup>

2. On the second prong, the court below correctly held that requiring plaintiffs to show that the OOP Policy itself caused minority voters to cast ballots at the wrong precincts was error. JA622. Obviously, a policy instructing election officials to throw out a class of ballots will never be the cause of citizens casting that type of ballot. No voter would go to the polls *knowing* that her ballot would not be counted. Yet this absurdity is precisely what the United States’ proposed proximate-cause requirement invites. Suppose, for example, that the policy at issue was to throw out the OOP ballots of minority but not white voters. Clearly that would be unlawful, but no plaintiff could ever show that the policy itself *caused* any minority voter to vote OOP. The same would be true of any restrictive rules governing ballot counting. The United States’ proposed proximate-cause standard would impose an impossibly high burden.

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<sup>10</sup> Even if it were appropriate to apply some *de minimis* threshold to a Section 2 claim, Arizona’s OOP Policy clears that bar. Arizona threw out 38,335 OOP ballots from 2008 to 2016. JA588. That includes 3,709 OOP ballots in 2016 alone. JA619-20. Minority votes are overrepresented in those discarded ballots by two-to-one. JA19; see JA332-33, 594-96, 617. Petitioners try to downplay the denial of thousands of votes by comparing the OOP ballot number to the number of all ballots cast statewide. Brnovich Br. 34-35; ARP Br. 7-8, 25. But the 3,709 rejected OOP ballots from Arizona’s 2016 general election far exceeds the 537 votes that famously decided the 2000 presidential election in Florida. JA621.

Section 2's but-for causation requirement is the proper standard and, as the court below found, is clearly met here. "The challenged practice—not counting OOP ballots [at all]—results in 'a prohibited discriminatory result'; a substantially higher percentage of minority votes than white votes are discarded." JA622 (quotation marks omitted). These disparities would not have occurred but for the OOP Policy and but for the voters' race.

3. On the third prong, the en banc court relied heavily—as the United States suggests, *see* U.S. Br. 24-25—on the State's justification for the OOP Policy. The court observed that "[t]here is no finding by the district court that would justify, on any ground, Arizona's policy of entirely discarding OOP ballots. There is no finding that counting or partially counting OOP ballots would threaten the integrity of Arizona's precinct-based system. Nor is there a finding that Arizona has ever sought to minimize the number of OOP ballots." JA655. "The only plausible justification for Arizona's OOP [P]olicy," the en banc court found, "would be the delay and expense entailed in counting OOP ballots." JA656. But the district court never made any findings to that effect. In fact, the district court expressly found that "[c]ounting OOP ballots is administratively feasible." *Id.* (quotation marks omitted).

Although the United States attempts to manufacture new justifications for the OOP Policy, U.S. Br. 27, Respondent Hobbs has refused to defend the Policy precisely because it has no legitimate justification. *See supra* at 5. As she has determined through consultation with election officials from every Arizona county, ballots

cast OOP do not present any issue for election administration; they can and should be counted. That the great majority of Arizona counties have transitioned to vote-center or hybrid models, in which votes routinely are cast outside voters' assigned precincts and then counted, likewise demonstrates that there is no legitimate interest in keeping the precinct-based system.

Thus, even applying the United States' reformulation of the results test, the en banc court correctly determined that Arizona's OOP Policy violates Section 2. Accordingly, if the Court concludes that any Petitioner has standing on the OOP Policy, it should affirm.

### **III. The Court Below Correctly Held that Arizona's Statute Criminalizing Non-Fraudulent Ballot Collection Violates Section 2 and the Fifteenth Amendment.**

The court below also correctly held that H.B. 2023—which makes mere knowing possession of a ballot by a person who is not a family or household member or a caregiver a felony punishable by up to two years in prison and a \$150,000 fine—violates both Section 2 and the Fifteenth Amendment.

#### **A. H.B. 2023 Violates Section 2's Results Test.**

Again, even under the United States' reformulated Section 2 test, plaintiffs demonstrated that H.B. 2023 resulted in less ability for minorities to vote than other voters, was a but-for cause of that lesser ability, and was unjustified.

1. On the test's first prong, uncontested evidence showed that H.B. 2023 resulted in minority voters' having less ability to vote than others. JA659-60. The United States ignores record evidence of H.B. 2023's discriminatory results and faults plaintiffs for not proffering evidence that Section 2 does not require.

The United States argues that plaintiffs offered only "circumstantial and anecdotal evidence" that minorities were more likely to use ballot collection to vote. U.S. Br. 27 (quotation marks omitted). In fact, plaintiffs presented extensive—and uncontested—evidence that third parties collected thousands of early ballots from minority voters and, as the district court found, that white voters did not similarly rely on third-party ballot collection. JA329-30, 659-60. This evidence was not "selective anecdotes," *contra* Brnovich Br. 41, but direct, credible testimony from third-party ballot collectors and witnesses who personally supervised or observed third-party ballot collection. JA661. Plaintiffs also showed that minority voters in Arizona lack access to home mail services at dramatically higher rates than white voters—for instance, outside of Maricopa and Pima Counties, 86% of non-Hispanic whites and 80% of Hispanics, *but only 18%* of Native Americans, have access to home mail service. JA124, 183.

2. On the second prong, plaintiffs showed that H.B. 2023 caused minorities to have less ability to vote. Individual voters were not required to testify that H.B. 2023 "would make it significantly more difficult to vote." *Contra* U.S. Br. 28 (quoting JA331). Nothing in Section 2 requires testimony from individual voters that a challenged law will make voting "significantly more

difficult.” The United States ignores the aforementioned evidence of minority voters’ disproportionate reliance on third-party ballot collection—*i.e.*, undisputed evidence that minority voters used ballot collectors more frequently than white voters out of practical necessity. And because those minority voters were using third-party ballot collection for wholly legitimate reasons, H.B. 2023’s extension of the criminal code to encompass non-fraudulent ballot collection was entirely responsible for their lesser ability to vote.

3. On the third prong, the en banc court used the totality-of-circumstances analysis both to evaluate the State’s justifications for the law and to smoke out discriminatory intent—exactly as the United States proposes. U.S. Br. 16.

The evidence showed that Arizona lawmakers were well aware that H.B. 2023 would hinder minorities’ ability to vote: Proponents of H.B. 2023 made explicit racial appeals in promoting the bill; Senator Shooter, who introduced the bill, had previously introduced a similar law limiting, but not criminalizing or otherwise banning, third-party ballot collection that was “motivated by the high degree of racial polarization” in his district; and Arizona later withdrew a preclearance request for that prior version of the law because of evidence that it “intentionally targeted Hispanic voters.” JA663-64 (quotation marks omitted).

By contrast, no evidence supported the State’s “justifications” for the law. Though the Carter-Baker Commission recommended limits on third-party ballot collection, these recommendations were meant to “reduce the risks of fraud and abuse in absentee voting,”

JA669 (quotation marks omitted)—a purpose that Arizona’s existing criminal prohibition of *fraudulent* third-party ballot collection already fulfilled, and that H.B. 2023, which prohibits *non-fraudulent* third-party ballot collection, does not advance. Nor was there any reason to conclude that non-fraudulent third-party ballot collection in Arizona presents a “risk of fraud or abuse,” when despite the “unique” and “long-standing” role of third-party ballot collection in Arizona, “[e]vidence in the record show[ed] that Arizona has never, in its long history of third-party ballot collection, found a single case of fraud.” JA689.

For the same reasons, other states’ restrictions on third-party ballot collection, and incidents of ballot-collection fraud in North Carolina, Brnovich Br. 44, or other states, ARP Br. 9-10, are not persuasive (which may explain why the United States does not advance those arguments). In any event, comparison to other states is irrelevant. By making the mere possession of a single ballot by persons other than family or household members or caregivers a felony punishable by up to two years in prison and a \$150,000 fine, H.B. 2023 is an extreme outlier.<sup>11</sup>

#### B. H.B. 2023 Violates Section 2’s Intent Test and the Fifteenth Amendment.

The en banc court also held that “racial discrimination was a motivating factor in enacting H.B.

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<sup>11</sup> North Carolina is the only other state that criminalizes third-party possession of a single absentee ballot as a felony punishable by up to two years’ imprisonment. See N.C. Gen. Stat. Ann. §§ 163-226.3(a)(5), 15A-1340.17(c)-(d).

2023” and that Arizona did not offer evidence showing “that H.B. 2023 would have been enacted without the motivating factor of racial discrimination,” in violation of Section 2 and the Fifteenth Amendment. JA679-80. This decision correctly rested on application of the *Arlington Heights* framework to the district court’s findings that Arizona has a “long history of race-based voting discrimination”; “the Arizona legislature [made] unsuccessful efforts to enact less restrictive versions of [H.B. 2023] when preclearance was a threat”; “false, race-based claims of ballot collection fraud [were] used to convince Arizona legislators to pass H.B. 2023”; H.B. 2023 targeted “the substantial increase in American Indian and Hispanic voting attributable to ballot collection”; and “racially polarized voting” exists in Arizona. JA679.

Petitioners fixate on the en banc court’s reference to the “cat’s paw” theory of liability. JA673; *see* Brnovich Br. 45-47; ARP Br. 46-47; JA677. But the roots of “cat’s paw” liability in agency law (and whether it applies to “independent, co-equal” legislators, Brnovich Br. 46) are irrelevant because “[d]etermining whether invidious discriminatory purpose was a motivating factor demands a sensitive inquiry into such circumstantial and direct evidence of intent as may be available.” *Arlington Heights*, 429 U.S. at 266. H.B. 2023’s legislative history was just one of *many* reasons the en banc court deemed the law racially motivated.<sup>12</sup> *See id.* at 266-68.

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<sup>12</sup> For instance, the en banc court cited the district court’s findings on Arizona’s prior legislative efforts to restrict third-party ballot collection, as well as the “Arizona legislature[’s] ... long history of race-based discrimination, disenfranchisement, and voter



ARP Petitioners insist that some legislators' "sincere belief" in nonexistent fraud must be credited, and evidence showing the racial animus that created that "sincere belief" ignored. ARP 45-47. But ignoring this evidence would run counter to *Arlington Heights*' instruction that discriminatory purpose need not be the "sole[]" or even "primary" motive for a law to run afoul of Section 2 and the Fifteenth Amendment, 429 U.S. at 265-66, as well as Congress's recognition that "[d]iscrimination today is more subtle than the visible methods used in 1965," H.R. Rep. No. 109-478, at 6 (2006), *as reprinted in* 2006 U.S.C.C.A.N. 618, 620.

Petitioners also argue that the court's analysis of H.B. 2023 violated this Court's decision in *Crawford v. Marion County Election Board*, 553 U.S. 181 (2008). Brnovich Br. 47-49; ARP Br. 48-49. Not so. *Crawford* is not a Section 2 or Fifteenth Amendment case, and its controlling opinion does not address the standards for discriminatory motive at issue here. *See Crawford*, 553 U.S. at 189-91 (plurality opinion). *Crawford* does not hold that racial animus can never be inferred from a law enacted to combat non-existent fraud, or that a state's purported interest in prophylactically preventing fraud displaces the "intensely local appraisal" Section 2 mandates. And *Crawford*'s consideration of evidence of out-of-state fraud has no bearing on H.B. 2023, which outlaws *non*-fraudulent ballot collection. The incident of

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suppression." JA600-08, 674-75. ARP Petitioners' claim that the latter evidence is too old to be probative, ARP Br. 49, ignores the en banc court's reliance on evidence (*see* JA635-43) that was "reasonably contemporaneous" with H.B. 2023, *McCleskey v. Kemp*, 481 U.S. 279, 298 n.20 (1987).

third-party ballot-collection fraud in North Carolina, for instance, would have been illegal under Arizona laws independent of H.B. 2023. JA690. The court below did not question the legitimacy of these laws, nor did it question Arizona's interest in prohibiting *fraudulent* ballot collection, even given the absence of *any* evidence of third-party ballot-collection fraud in Arizona.

Although Petitioners accuse the court of “improperly conflat[ing] *partisan* motivations with *racial* ones,” Brnovich Br. 42 (citing JA329), “racial identification is highly correlated with political affiliation,” *Easley v. Cromartie*, 532 U.S. 234, 243 (2001). The mere invocation of partisanship in defense of H.B. 2023 does not inoculate Arizona against VRA liability when the weight of the evidence shows that the law was racially motivated. See *Cooper v. Harris*, 137 S. Ct. 1455, 1473 & n.7 (2017); cf. *LULAC*, 548 U.S. at 440 (on vote-dilution claim under Section 2, finding violation “[e]ven if we accept the District Court’s finding that the State’s action was taken primarily for political, not racial, reasons”).

Finally, Petitioners and the United States maintain that the en banc court exceeded the scope of clear-error review. Brnovich Br. 49-50; ARP Br. 43-45; U.S. Br. 32-35. But the court neither set aside any of the district court’s findings on discriminatory intent, Brnovich Br. 49, nor “weighed the evidence” of discriminatory intent “differently,” *Anderson v. City of Bessemer*, 470 U.S. 564, 574 (1985). Instead, the en banc court concluded that the district court clearly erred by “discounting the importance” of undisputed evidence on the historical background of racial discrimination and voter suppression in Arizona (both generally and through

restrictions on third-party ballot collection), the specific legislative history of H.B. 2023, and the law's disparate impact on minority voters in Arizona. JA678. The en banc court thus found that "on the entire evidence" of H.B. 2023's racial motivations, it was "left with the definite and firm conviction that a mistake" had been committed by the district court. *Anderson*, 470 U.S. at 573 (quotation marks omitted); *see* JA678. That decision was correct.

#### CONCLUSION

The Court should affirm the judgment below.

Respectfully submitted,

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**IN THE SUPERIOR COURT FOR THE STATE OF ARIZONA  
IN AND FOR THE COUNTY OF MARICOPA**

No. CV2020-016840

MARICOPA COUNTY; CLINT HICKMAN,  
in his official capacity as Chairman of the  
Maricopa County Board of Supervisors; and  
JACK SELLERS, STEVE CHUCRI, BILL  
GATES, and STEVE GALLARDO, in their  
official capacities as Members of the Maricopa  
County Board of Supervisors,

Plaintiffs,

v.

KAREN FANN, in her official capacity as  
President of the Arizona Senate; WARREN  
PETERSEN, in his official capacity as  
Chairman of the Arizona Senate Judiciary  
Committee; RICK GRAY, in his official  
capacity as Vice Chairman of the Arizona  
Senate Judiciary Committee; SONNY  
BORRELLI, VINCE LEACH, LUPE  
CONTRERAS, ANDREA DALESSANDRO,  
and MARTIN QUEZADA, in their official  
capacities as the Members of the Arizona  
Senate Judiciary Committee,

**OPPOSITION OF PRESIDENT FANN  
AND CHAIRMAN PETERSEN TO  
THE PRESIDENTIAL ELECTORS'  
MOTION TO INTERVENE**

(Assigned to the Hon. Timothy  
Thomason)

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Defendants.

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KAREN FANN, in her official capacity as President of the Arizona Senate; WARREN PETERSEN, in his official capacity as Chairman of the Arizona Senate Judiciary Committee,

Plaintiffs-in-Counterclaim,

v.

MARICOPA COUNTY BOARD OF SUPERVISORS, the governing body of Maricopa County, Arizona; JACK SELLERS, in his official capacity as a member of the Maricopa County Board of Supervisors; STEVE CHUCRI, in his official capacity as a member of the Maricopa County Board of Supervisors; BILL GATES, in his official capacity as a member of the Maricopa County Board of Supervisors; CLINT HICKMAN, in his official capacity as a member of the Maricopa County Board of Supervisors; and STEVE GALLARDO, in his official capacity as a member of the Maricopa County Board of Supervisors,

Defendants-in-Counterclaim.



1 Karen Fann, in her capacity as President of the Arizona Senate, and Warren Petersen,  
2 in his capacity as Chairman of the Senate Judiciary Committee, respectfully submit this  
3 response in opposition to the Motion to Intervene of the Republican Presidential Electors.

4 **I. The Proposed Intervenors May Not Intervene As of Right**

5 A party may intervene as of right if, upon filing a “timely motion,” it “claims an  
6 interest relating to the subject of the action, and is so situated that disposing of the action in  
7 the person’s absence may as a practical matter impair or impede the person’s ability to  
8 protect that interest, unless existing parties adequately represent that interest.” Ariz. R. Civ.  
9 P. 24(a). It appears that the Proposed Intervenors advance four ostensible “interests” to  
10 support intervention:

- 11 1. The risk that “they were improperly deprived of recognition as Arizona’s true  
12 [presidential] electors”;
- 13 2. The availability of “certain categories of public records”;
- 14 3. “Ensuring that legislative subpoenas are complied with”; and
- 15 4. Ensuring that Maricopa County “cannot now evade the cause of transparency” by  
16 taking a position in this case that is inconsistent with its representations to the Court  
17 in another proceeding.

18 *See* Motion at pp. 3-4.

19 Although the motion was timely, the purported “interests” posited by the Proposed  
20 Intervenors either are irrelevant to this action or are already adequately represented by  
21 President Fann and Chairman Petersen.

22 **A. The Proposed Intervenors’ Alleged “Interests” in Securing Recognition  
23 as Electors, Obtaining Public Records, and the Consistency of the  
24 County’s Litigation Positions Are Not Germane to These Proceedings**

25 “For the purposes of intervention of right, an applicant must show it has such an  
26 interest in the case that the judgment would have a *direct* legal effect upon its rights. A mere  
27 possible or contingent equitable effect is insufficient.” *Woodbridge Structured Funding,  
28 LLC v. Arizona Lottery*, 235 Ariz. 25, 28, ¶ 15 (App. 2014) (emphasis in original; internal

1 citation omitted). “A bare allegation that one’s interest may become impaired does not,  
2 without more, create a right to intervene.” *Weaver v. Synthes, Ltd. (U.S.A.)*, 162 Ariz. 442,  
3 447 (App. 1989).

4 Three of the interests alleged by the Proposed Intervenors are wholly irrelevant and  
5 immaterial to the claims, defenses and issues presented in this case, and so cannot sustain  
6 intervention as of right.

7 1. Status as Presidential Electors

8 The 2020 presidential election is conclusively and definitively over. The Congress  
9 of the United States has certified the returns of the Electoral College, and Joseph Biden will  
10 take the oath of office as President of the United States on January 20, 2021. Whatever  
11 interest the Proposed Intervenors may once have had in serving as Arizona’s presidential  
12 electors is now irrevocably extinguished.

13 More fundamentally, at the crux of these proceedings is one—and only one—issue:  
14 the constitutional and statutory authority of the Arizona Legislature, acting through its  
15 designated officers and committee chairmen, to obtain by compulsory process documents  
16 and information in furtherance of valid legislative purposes. Even assuming *arguendo* that  
17 the Proposed Intervenors’ status as presidential electors were somehow unresolved, the  
18 relief requested—*i.e.*, an order compelling production of subpoenaed information and  
19 documents—bears no discernible nexus to that interest. It appears that Proposed  
20 Intervenors are hypothesizing that data yielded by the subpoenas might furnish a basis for  
21 challenging the certified results of the presidential election, which in turn could be  
22 introduced in some type of proceeding in some other forum, and thereby could potentially  
23 affect the certification of electors. Even if this scenario were factually and legally plausible,  
24 the attenuated chain of remote contingencies upon which it depends does not constitute a  
25 “direct,” *Woodbridge*, 235 Ariz. at 28, ¶ 15, relationship between the Proposed Intervenors’  
26 interests and the claims in this case. “An interest that is ... contingent upon the occurrence  
27 of a sequence of events before it becomes colorable will not satisfy the rule’ for  
28 intervention.” *Silver v. Babbitt*, 166 F.R.D. 418, 426 (D. Ariz. 1994) (internal citation

1 omitted); *see also Weaver*, 162 Ariz. at 448 (“While the prospective intervenors’ interest  
2 may relate to the subject matter of a possible future” claim, “it has nothing to do with the  
3 subject matter of the” instant litigation, and thus could not support intervention).

## 4 2. Availability of Public Records

5 The Proposed Intervenors’ concern with preserving access to public records appears  
6 to be a solution in search of a problem. It is undisputed that voter rolls, which contain  
7 information such as the elector’s name, address and political party affiliation, are and will  
8 remain public records. A.R.S. § 16-168(F). At issue is whether certain specific items of  
9 personally identifying voter information (*e.g.*, Social Security numbers, dates of birth, and  
10 signatures) that inarguably are *not* public records are *also* immune from compulsory  
11 process. As President Fann and Chairman Petersen have argued extensively in their  
12 submissions, such data is available to any “authorized government official in the scope of  
13 the official’s duties,” *id.*, and is otherwise subject to disclosure through the subpoena  
14 process. The Court’s disposition of that question, however, will not affect the availability  
15 of public records to the Proposed Intervenors. As far as President Fann and Chairman  
16 Petersen are aware, no party is asking the Court to expand or contract the universe of  
17 documents and materials that are considered “public records” under existing law.

## 18 3. Monitoring County’s Inconsistent Litigation Positions

19 The Proposed Intervenors point out that Maricopa County represented in other  
20 proceedings that it would support a legislative audit of election equipment and data, but  
21 now seeks to obstruct precisely such an inquiry. According to the Proposed Intervenors,  
22 they have an interest in “prevent[ing] both sides from being played against one another in  
23 this fashion to defeat the cause of transparency and election integrity.” Motion at 12.

24 While President Fann and Chairman Petersen appreciate the Proposed Intervenors’  
25 illumination of the County’s opportunistic inconsistencies, they do not believe that this is a  
26 cognizable “interest” for intervention purposes. The claims and issues in *Boyer v. Ducey*  
27 (if they are even still live) are unrelated to those now pending before the Court, and so the  
28 outcome of this proceeding could not impair or prejudice any rights of the Proposed



1 Intervenor in the former.

2 While the Proposed Intervenor's objective of calling out the County's hypocrisy is a  
3 worthy principle, it is not a concrete or cognizable legal "interest." *See generally Planned*  
4 *Parenthood Arizona, Inc. v. Am. Ass'n of Pro-Life Obstetricians & Gynecologists*, 227 Ariz.  
5 262, 280, ¶ 64 (App. 2011) (rejecting claim of asserted "interest in upholding or challenging  
6 the constitutionality of legislation") *Am. Ass'n of People With Disabilities v. Herrera*, 257  
7 F.R.D. 236, 251–52 (D.N.M. 2008) (holding that proposed intervenor's "passionate interest  
8 in preventing voter fraud" was not a "protectable interest under rule 24(a)").

9 **B. Any Putative Interest in the Enforcement of Legislative Subpoenas is**  
10 **Already Adequately Represented**

11 "A presumption of adequate representation arises when a current party to the  
12 litigation has the same 'ultimate objective' as the proposed intervenor." *In re Weingarten*,  
13 492 Fed. Appx. 754, 756 (9th Cir. 2012) (quoting *Arakaki v. Cayetano*, 324 F.3d 1078,  
14 1086 (9th Cir. 2003). Even assuming that one or more of the Proposed Intervenor has a  
15 "interest" in the sole legal question actually in dispute (to wit, the enforcement of legislative  
16 subpoenas), it is already amply and fully represented by President Fann and Chairman  
17 Petersen. As the officers to whom the legislative body has expressly delegated the subpoena  
18 power, *see* A.R.S. § 41-1151, President Fann and Chairman Petersen have an acute and  
19 singular interest in vindicating this critical constitutional and statutory prerogative. They  
20 have vigorously litigated their claims and defenses in these proceedings, and intend to  
21 continue to do so in this Court and in the appellate courts, if necessary. There is simply no  
22 basis for positing that any purported interest of the Proposed Intervenor in the vitality of  
23 the Legislature's investigatory powers will not be adequately safeguarded and represented  
24 by President Fann and Chairman Petersen. *See generally Planned Parenthood*, 227 Ariz.  
25 at 280, ¶ 60 ("The Attorney General has been charged with upholding the constitutionality  
26 of the statute, and [proposed intervenor] has identified no aspects of its own interests as a  
27 supporter of the challenged legislation that will be inadequately represented by the state.");  
28 *Perry v. Proposition 8 Official Proponents*, 587 F.3d 947, 952 (9th Cir. 2009) (finding that

1 “any differences between [the named party] and the [proposed intervenor] are primarily  
2 differences as to litigation tactics,” which is insufficient to establish inadequate  
3 representation); *Idaho Bldg. & Const. Trades Council, AFL-CIO v. Inland Pac. Chapter of*  
4 *Associated Builders & Contractors, Inc.*, 616 Fed. Appx. 319, 320 (9th Cir. 2015) (noting  
5 that proposed intervenor’s ability to file an *amicus* brief also undermined assertion of  
6 inadequate representation).

7 In sum, because the putative interests asserted by the Proposed Intervenors are either  
8 inapposite to (and thus will not be directly affected by) these proceedings or are already  
9 adequately represented by existing parties, the Court should find that they lack a right to  
10 intervene.

## 11 **II. The Court Should Deny Leave to Intervene Permissively**

12 Permissive intervention is inappropriate if it would “unduly delay or prejudice the  
13 adjudication of the original parties’ rights.” Ariz. R. Civ. P. 24(b)(3). It appears that the  
14 Proposed Intervenors intend to augment the scope of these proceedings to encompass  
15 questions relating to the accuracy of the certified results of the 2020 election and the  
16 appointment of presidential electors. Those concerns are far afield from the subject matter  
17 of the parties’ dispute, which is narrow and discrete—*i.e.*, the validity and enforceability of  
18 legislative subpoenas seeking the production by Maricopa County to certain legislative  
19 officers of specific information and materials. If and to the extent that the Proposed  
20 Intervenors believe they can assert colorable claims and arguments relating to the conduct  
21 of the 2020 election, they are free to do so in a separate proceeding; such questions have no  
22 bearing on the issues now before the Court and should not be injected into this case. *See*  
23 *Dowling v. Stapley*, 221 Ariz. 251, 273, ¶ 71 (App. 2011) (declining to grant permissive  
24 intervention that would have the effect of protracting litigation and would “unduly delay[]  
25 or prejudice[] the adjudication of the” parties’ rights); *Bechtel v. Rose In and For Maricopa*  
26 *Cnty.*, 150 Ariz. 68, 72 (1986) (factors such as (a) an attenuated relationship between a  
27 proposed intervenor’s interests and the merits of the case and (b) the tendency of  
28 intervention to “prolong or unduly delay the litigation” weigh against permissive

1 intervention).

2 Accordingly, the Court should exercise its discretion to deny leave to intervene on a  
3 permissive basis.

4 **CONCLUSION**

5 For the foregoing reasons, the Court should deny the Motion to Intervene in its  
6 entirety.

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8 RESPECTFULLY SUBMITTED this 11th day of January, 2021.

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1 CERTIFICATE OF SERVICE

2 I hereby certify that on January 11, 2021, I electronically transmitted the attached  
3 document to the Clerk's Office using the TurboCourt System for filing and transmittal of  
4 a Notice of Electronic Filing to the following TurboCourt registrants:  
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**IN THE SUPERIOR COURT FOR THE STATE OF ARIZONA  
IN AND FOR THE COUNTY OF MARICOPA**

No. CV2020-016840

MARICOPA COUNTY; CLINT HICKMAN,  
in his official capacity as Chairman of the  
Maricopa County Board of Supervisors; and  
JACK SELLERS, STEVE CHUCRI, BILL  
GATES, and STEVE GALLARDO, in their  
official capacities as Members of the Maricopa  
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Plaintiffs,

v.

KAREN FANN, in her official capacity as  
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BORRELLI, VINCE LEACH, LUPE  
CONTRERAS, ANDREA DALESSANDRO,  
and MARTIN QUEZADA, in their official  
capacities as the Members of the Arizona  
Senate Judiciary Committee,

**PLAINTIFFS-IN-COUNTERCLAIM'S  
COMBINED RESPONSE TO  
MARICOPA COUNTY'S MOTION  
TO DISMISS AND REPLY IN  
SUPPORT OF MOTION FOR  
PRELIMINARY INJUNCTION**

(Assigned to the Hon. Timothy  
Thomason)

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Defendants.

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KAREN FANN, in her official capacity as President of the Arizona Senate; WARREN PETERSEN, in his official capacity as Chairman of the Arizona Senate Judiciary Committee,

Plaintiffs-in-Counterclaim,

v.

MARICOPA COUNTY BOARD OF SUPERVISORS, the governing body of Maricopa County, Arizona; JACK SELLERS, in his official capacity as a member of the Maricopa County Board of Supervisors; STEVE CHUCRI, in his official capacity as a member of the Maricopa County Board of Supervisors; BILL GATES, in his official capacity as a member of the Maricopa County Board of Supervisors; CLINT HICKMAN, in his official capacity as a member of the Maricopa County Board of Supervisors; and STEVE GALLARDO, in his official capacity as a member of the Maricopa County Board of Supervisors,

Defendants-in-Counterclaim.



1 Plaintiffs-in-Counterclaim Karen Fann, President of the Arizona Senate, and Warren  
2 Petersen, Chairman of the Senate Judiciary Committee,<sup>1</sup> respectfully submit this combined  
3 Response to the Maricopa County parties' Motion to Dismiss and Reply in Support of their  
4 Motion for a Preliminary Injunction, which seeks an order requiring the Maricopa County  
5 parties to immediately produce or make available in full to President Fann or Chairman  
6 Petersen (or their designees) all documents, records, materials, and information responsive  
7 to either or both of the subpoenas issued on December 15, 2020 (the "Subpoenas").

### 8 INTRODUCTION

9 The "power of inquiry—with process to enforce it—is an essential and appropriate  
10 auxiliary to the legislative function," and thus "[t]he [legislative] power to obtain  
11 information is 'broad' and 'indispensable.'" *Trump v. Mazars USA, LLP*, 140 S. Ct. 2019,  
12 2031 (2020) (internal citations omitted). Only in the febrile imaginations of the Maricopa  
13 County Board of Supervisors (hereafter, the "County") could requests by elected  
14 representatives for the same documents and materials already accessible to county  
15 bureaucrats be considered akin to the regicidal mayhem of revolutionary France. *See*  
16 *County's Response* at 3. But thunderous remonstrances are not substitutes for articulable  
17 facts and righteous indignation is not a proxy for sound reasoning.

18 Stripped of their rhetorical histrionics, the submissions of the County and their  
19 Democratic allies on the Senate Judiciary Committee<sup>2</sup> proffer no basis for quashing the  
20 Subpoenas or finding a jurisdictional inability to enforce them. As the County itself has

21 \_\_\_\_\_  
22 <sup>1</sup> Pursuant to Ariz. R. Civ. P. 25(d), Senator Petersen has been automatically  
23 substituted for former Senate Judiciary Committee Chairman Eddie Farnsworth as a  
defendant in the main action and as a plaintiff in the Counterclaim.

24 <sup>2</sup> Although they filed a response in opposition to the Counterclaim Plaintiffs' Motion  
25 for Preliminary Injunction, it bears noting that the Democratic members of the Senate  
26 Judiciary Committee are not parties to the Counterclaim proceedings at all. Why they are  
27 named defendants in the County's main action remains unclear. Pursuant to A.R.S. § 41-  
28 1151, the Subpoenas were issued by President Fann and then-Chairman Farnsworth. No  
other member of the Legislature executed, or was required to execute, the Subpoenas. Thus,  
even if the County were entitled to the relief it seeks, the resulting judgment would not, and  
could not, mandate any members of the Judiciary Committee other than the Chairman to  
undertake or refrain from any action.

1 already conceded by initiating these proceedings in the first instance, the Superior Court of  
2 course has subject matter jurisdiction to adjudicate the lawfulness of legislative subpoenas,  
3 and A.R.S. §§ 12-2212, -1801 and -1831 each supplies an independent and sufficient  
4 predicate for the Counterclaim.

5 Perhaps recognizing that President Fann's sworn averments that the Subpoenas were  
6 issued in furtherance of legislative efforts to explore electoral reforms, *see* Counterclaim ¶¶  
7 25-27, are fatal to its position, the County labors to construct and then demolish a strawman  
8 argument that the Subpoenas are actually a stealth instrument to "overturn," Motion to  
9 Dismiss at 1, the 2020 presidential election. This farcical notion dissipates quickly under  
10 the glare of common sense and empirical reality. The results of 2020 election have been  
11 tabulated, canvassed and certified by the Governor and Secretary of State; the deadline for  
12 any person to initiate any variety of an election contest has long since elapsed. The United  
13 States Congress has certified the Electoral College returns,<sup>3</sup> and Joseph Biden will be  
14 inaugurated President of the United States on January 20. Neither the Arizona Legislature  
15 nor anyone else could "overturn" the election, even if they wanted to do so.

16 These circumstances, however, do not extinguish the critical questions animating the  
17 Subpoenas. Were there tabulation errors, the casting of unlawful ballots, or security  
18 vulnerabilities in voting devices (regardless of whether such irregularities affected the  
19 outcome of any race)? Could legislative reforms decrease the risk of mistakes or anomalies  
20 in future elections? Is the Maricopa County Board of Supervisors a competent administrator  
21 of elections in Arizona's most populous counties, or should the Legislature consider  
22 assigning these vital responsibilities to a more qualified regulatory authority? That  
23 President Fann and Chairman Petersen remain steadfast in their enforcement of the  
24 Subpoenas itself attests to their lawful legislative purpose, which transcends the outcome  
25 of any given candidate race.

26  
27 <sup>3</sup> While information yielded by the Subpoenas may or may not have proved useful to  
28 the United States Congress during the certification process, the County's unlawful  
obstinance succeeded in extinguishing that possibility.



1 Further, the County’s exertions to establish the undisputed proposition that certain  
 2 voter registration information and ballot materials are not publicly accessible simply evades  
 3 the operative question of how or why the County—a subordinate political subdivision—  
 4 could possibly assert a *privilege* of non-disclosure in response to compulsory process issued  
 5 by the sovereign Legislature. The County is at a loss to produce any Arizona authority that  
 6 could sustain that untenable position.

7 Finally, the County lobs a scattershot of miscellaneous additional defenses to the  
 8 Counterclaim, all of which fall flat. As the officers expressly authorized by the Legislature  
 9 to issue the Subpoenas on its behalf, *see* A.R.S. § 41-1151, President Fann and Chairman  
 10 Petersen have legal standing to assert claims arising out of non-compliance with them.  
 11 Because the newly inaugurated Fifty-Fifth Legislature will imminently reissue subpoenas  
 12 substantially identical to the ones now in dispute, the questions underlying these  
 13 proceedings are not moot. Finally, documents maintained by the County Recorder are  
 14 within the legal control of the Board of Supervisors, and even if the Recorder were a  
 15 “necessary party,” the Court can simply join him.

16 **I. The Court Has Jurisdiction to Hear and Adjudicate the Counterclaim Pursuant**  
 17 **to A.R.S. §§ 12-2212, 12-1801 and 12-1831**

18 **A. The Superior Court Has Subject Matter Jurisdiction Over Claims**  
 19 **Relating to Legislative Subpoenas**

20 As discussed below, the County has waived any argument that the validity and  
 21 enforceability of legislative subpoenas are not justiciable. To avert this outcome, the  
 22 County struggles unsuccessfully to cast the issue as one of the Court’s “subject matter  
 23 jurisdiction.” The Court should not indulge this misnomer. “Subject matter jurisdiction is  
 24 the court’s fundamental power to grant relief in a pending case.” *Pritchard v. State*, 163  
 25 Ariz. 427, 430 (1990). As a general jurisdiction tribunal, the Superior Court of Arizona is  
 26 vested with plenary authority to hear and adjudicate nearly every species of civil claim.  
 27 Indeed, the Arizona Constitution directs that “[t]he superior court shall have original  
 28 jurisdiction of . . . cases and proceedings in which exclusive jurisdiction is not vested by

1 law in another court,” as well as “special cases and proceedings not otherwise provided  
2 for.” Ariz. Const. art. VI, § 14(1), (11).

3 No constitutional provision, statute or other source of law lodges exclusive  
4 jurisdiction over the enforcement of legislative subpoenas in any other court. While each  
5 house of the Legislature may employ contempt remedies, *see* A.R.S. § 41-1153, nothing in  
6 Title 41, Chapter 7, Article 4 divests the Superior Court of concurrent jurisdiction over the  
7 same subject matter. *See State ex rel. Ronan v. Superior Court In & For Maricopa County*,  
8 96 Ariz. 229, 232 (1964) (“The jurisdiction so declared to reside in the superior courts is  
9 not taken away from such courts by a statute declaring that some other court shall have  
10 jurisdiction over such cases, unless the statute declares and vests jurisdiction exclusively in  
11 such other court” (internal citation omitted)); *Pritchard*, 163 Ariz. at 430 (“Because the  
12 superior court is a court of general jurisdiction, a presumption exists in favor of retention  
13 of jurisdiction, and a divestiture of jurisdiction cannot be inferred but must be clearly and  
14 unambiguously found.”).

15 Maintaining a bifurcation between contempt proceedings and civil enforcement  
16 mechanisms is entirely sensible. As one court has remarked in a virtually identical context,  
17 “the two remedies serve different purposes;” while contempt citations are fundamentally  
18 punitive, civil relief is aimed primarily at eliciting the sought-after documents or  
19 information. *See Comm. on the Judiciary, U.S. House of Representatives v. Miers*, 558 F.  
20 Supp. 2d 53, 92 (D.D.C. 2008) (adding that “imprisoning” and “prosecuting” recalcitrant  
21 officials “would present a grave risk of precipitating a constitutional crisis” and that “the  
22 disputed issue would in all likelihood end up before this Court, just by a different vehicle—  
23 a writ of habeas corpus . . . In either event there would be judicial resolution of the  
24 underlying matter”<sup>4</sup>).

25 \_\_\_\_\_  
26 <sup>4</sup> Precisely this scenario was actualized in the only published Arizona case  
27 adjudicating the validity of a legislative subpoena, which reached the Superior Court on a  
28 writ of habeas corpus, *see Buell v. Superior Court*, 96 Ariz. 62 (1964). The *Buell* court had  
no occasion to consider whether the legislative officers who issued the subpoena could have  
procured civil remedies as an alternative to contempt proceedings.

1 Thus, even assuming *arguendo* that President Fann and Chairman Farnsworth have  
2 failed to state a claim that aligns with the elements of A.R.S. § 12-2212 or some other  
3 governing statute, it would not establish an absence of general jurisdiction over the subject  
4 matter of legislative subpoenas.

5 **B. The County Has Waived Any Argument That Pre-Contempt Judicial**  
6 **Review is Improper**

7 The County's own representations to this Court in this action foreclose its recently  
8 discovered conviction that the Court may not opine on the validity of a legislative subpoena  
9 prior to a legislative finding of contempt. In its own Complaint for declaratory relief the  
10 County "asks the Court for a declaration that the Subpoenas are unlawful and to quash  
11 them." *See* Compl. ¶ 9. This critical admission that the Court can—and in fact must—  
12 assess the enforceability of the Subpoenas discredits the County's newfound insistence that  
13 such questions lie beyond the realm of the judiciary's institutional competence. *See*  
14 *generally Bank of Am. Nat. Tr. & Sav. Ass'n v. Maricopa County*, 196 Ariz. 173, 176, ¶ 11  
15 (App. 1999) (adverse party's admission in a prior proceeding could carry evidentiary value  
16 (citing *Fox v. Weissbach*, 76 Ariz. 91, 95 (1953)); *KCI Rest. Mgmt. LLC v. Holm Wright*  
17 *Hyde & Hays PLC*, 236 Ariz. 485, 488, ¶¶ 12-13 (App. 2014) (same).

18 The County cannot have it both ways. "A lawsuit that asserts that a legislative  
19 subpoena should be *quashed* as unlawful is merely the flip side of a lawsuit that argues that  
20 the legislative subpoena should be *enforced*." *Comm. on the Judiciary, U.S. House of*  
21 *Representatives v. McGahn*, 415 F. Supp. 3d 148, 182 (D.D.C. 2019); *see also Comm. on*  
22 *the Judiciary, U.S. House of Representatives v. Miers*, 558 F. Supp. 2d 53, 85 (D.D.C. 2008)  
23 (finding that court had jurisdiction to adjudicate House committee's claims to enforce its  
24 subpoena, noting that a prior case had considered a declaratory judgment action brought by  
25 a subpoena recipient and reasoning that "[t]he difference between that case and this one is  
26 that the parties are reversed . . . This Court fails to see why that fact should alter the  
27 [declaratory judgment] analysis in any material respect").

28 Either the Court can adjudicate the validity of a legislative subpoena prior to

1 contempt proceedings—or it cannot. To posit that the County can appropriately invoke the  
2 Court’s jurisdiction for a declaration concerning the Subpoenas’ lawfulness but that  
3 legislative officers cannot present the same question in the same proceedings is untenable.

4 **C. The Counterclaim States a Valid Claim Under A.R.S. § 12-2212**

5 As “public officers” who are expressly “authorized by law,” namely, A.R.S. § 41-  
6 1151, to “take evidence” via the subpoena process, President Fann and Chairman  
7 Farnsworth are entitled to “apply” to this Court for civil remedies to enforce the Subpoenas.  
8 *See* A.R.S. § 12-2212. The interpretive inquiry is that simple. To evade the controlling  
9 force of the unambiguous text, the County, citing *R.L. Whitmer v. Hilton Casitas*  
10 *Homeowners Ass’n*, 245 Ariz. 77 (App. 2018), insists that for Section 12-2212 to apply,  
11 “the statutory framework authorizing the subpoena must also authorize superior court  
12 enforcement of contempt proceedings,” MTD at 15. How the County managed to extrude  
13 that sweeping proposition from the narrow question presented in *Whitmer* is baffling.  
14 There, the Court held that the Office of Administrative Courts lacked any statutory power  
15 to enforce its orders, but added that “the statutory schemes governing several administrative  
16 bodies allow the superior court to act as a forum for such contempt proceedings,” citing  
17 Section 12-2212 as an example. 245 Ariz. at 81, ¶ 14. Nowhere did the court state that the  
18 existence of some *other* statute authorizing Superior Court contempt proceedings is a  
19 condition precedent to the invocation of Section 12-2212. To the contrary, if *Whitmer*  
20 carries some broader import, it only confirms that Section 12-2212 is itself a sufficient and  
21 independent predicate for enforcement jurisdiction. Indeed, if a plaintiff relying on Section  
22 12-2212 were required to cite another statute authorizing Superior Court jurisdiction, then  
23 Section 12-2212 would be entirely nugatory and pointless.

24 The County’s additional contention that Title 41 does not authorize legislative  
25 officers to take “evidence” finds easy refutation in the dictionary and in the controlling  
26 statutes. “Evidence” is simply “something (including testimony, documents, and tangible  
27 objects) that tends to prove or disprove the existence of an alleged fact; anything presented  
28 to the senses and offered to prove the existence or nonexistence of a fact.” BLACK’S LAW

1 DICTIONARY (11th ed. 2019). The documents, materials and information demanded by the  
2 Subpoenas fall squarely within this definitional domain; they are things that may prove or  
3 disprove facts relating to the accuracy, reliability and security of election procedures.  
4 Notably, even Title 41 itself denominates the materials yielded by legislative subpoenas as  
5 “evidence.” *See* A.R.S. § 41-1152 (conferring certain immunities in connection with  
6 “[t]estimony or evidence produced pursuant to this article”). Hence, the Counterclaim  
7 states a valid cause of action under A.R.S. § 12-2212.

8 **D. The Court Also Has Jurisdiction Under the Declaratory Judgment and**  
9 **Injunction Statutes**

10 Even if the County were correct that A.R.S. § 12-2212 is somehow inapplicable, the  
11 Court nevertheless maintains jurisdiction over the Counterclaim pursuant to the Uniform  
12 Declaratory Judgment Act, A.R.S. § 12-1831, *et seq.* as well as its statutory injunctive  
13 authority, *see* A.R.S. § 12-1801, *et seq.* *See* Counterclaim ¶¶ 6, 43-67. Arizona law broadly  
14 entrusts to the courts “power to declare rights, status, and other legal relations whether or  
15 not further relief is or could be claimed,” A.R.S. § 12-1831—a directive that is interpreted  
16 “liberally,” *Russell Piccoli P.L.C. v. O’Donnell*, 237 Ariz. 43, 47, ¶ 12 (App. 2015). In the  
17 words of the County itself, “[t]here is a present controversy” relating to the validity and  
18 enforceability of the Subpoenas, and so “[t]his Court has jurisdiction pursuant to the  
19 Uniform Declaratory Judgments Act.” County Compl. ¶¶ 10-11.

20 Courts’ consideration of this issue in the context of subpoenas issued by the United  
21 States House of Representatives or its committees reinforces the conclusion. Whereas the  
22 U.S. Senate’s right to initiate civil enforcement proceedings in the district courts is secured  
23 by statute, *see* 2 U.S.C. § 288d, no such statutory prerogative attaches to House subpoenas.  
24 The District of Columbia’s federal courts thus have confronted the question of whether the  
25 House or its committees can assert a right of action to pursue civil remedies. They have  
26 twice answered in the affirmative.

27 In 2007, the House Judiciary Committee issued to two high-ranking White House  
28 officials subpoenas seeking testimony and documents relating to the dismissal of multiple

1 U.S. Attorneys. After the officials declined to comply and the Justice Department refused  
2 to bring the House’s contempt citations to a grand jury, the Judiciary Committee filed suit  
3 in the district court seeking declaratory and injunctive relief. *See Comm. on the Judiciary,*  
4 *U.S. House of Representatives v. Miers*, 558 F. Supp. 2d 53 (D.D.C. 2008). Observing that  
5 “there can be no question that Congress has a right . . . to issue and enforce subpoenas, and  
6 a corresponding right to the information that is the subject of such subpoenas,” it followed  
7 that there was “no reason why that right cannot be vindicated by recourse to the federal  
8 courts through the [Declaratory Judgment Act].” *Id.* at 84. The D.C. District Court  
9 reaffirmed this precept just a year ago, emphasizing that “[i]f Congress does somehow need  
10 a statute to authorize it to file a lawsuit to enforce its subpoenas . . . then the Declaratory  
11 Judgment Act plainly serves that purpose.” *Comm. on the Judiciary, U.S. House of*  
12 *Representatives v. McGahn*, 415 F. Supp. 3d 148, 195 (D.D.C. 2019).<sup>5</sup>

13 The analytical framework expounded in *Miers* and *McGahn* transposes easily onto  
14 this case. The Legislature, acting through its presiding officers and committee chairmen,  
15 has a right to issue subpoenas, *see* A.R.S. § 41-1151, which in turn engenders a subsidiary  
16 right to the documents, materials and information requested therein. When, as here, there  
17 arises a resultant controversy relating to the validity or enforceability of specific subpoenas,  
18 it may be presented to the Court for a declaratory resolution. For the same reason, if the  
19 Court declares that the Subpoenas were lawfully issued, it may appropriately enlist its  
20 remedial powers to devise appropriate injunctive relief. *See* A.R.S. § 12-1801(1), (3)  
21 (authorizing writ of injunction “[w]hen it appears that the party applying for the writ is  
22 entitled to the relief demanded, and such relief or any part thereof requires the restraint of  
23

24 <sup>5</sup> A divided three-judge panel of the D.C. Circuit reversed the district court’s order,  
25 *see* 951 F.3d 510 (D.C. Cir. Feb. 28, 2020), but the *en banc* court subsequently vacated the  
26 panel opinion, agreeing with the district court that the committee had Article III standing to  
27 enforce its subpoena and remanding the case to the panel to consider the cause of action  
28 issue, *see* 968 F.3d 755, 778 (D.C. Cir. Aug. 7, 2020). On remand, the panel found that the  
committee lacked a valid cause of action, *see* 973 F.3d 121 (D.C. Cir. Aug. 31, 2020)—but  
the *en banc* court has since vacated that opinion as well, granting the committee’s petition  
for rehearing and scheduling oral arguments for February 2021, *see Comm. on the Judiciary*  
*v. McGahn*, No. 19-5331 (D.C. Cir.), Per Curiam Order of Oct. 15, 2020.

1 some act prejudicial to the applicant,” as well as “[i]n all other cases when applicant is  
2 entitled to an injunction under the principles of equity”); *cf. Arizona Pub. Integrity All. v.*  
3 *Fontes*, -- Ariz. --, 475 P.3d 303, 307 (2020) (“[L]ike all public officials, the Recorder ‘may  
4 be enjoined from acts’ that are beyond his power.”); *Rivera v. City of Douglas*, 132 Ariz.  
5 117, 119 (App. 1982) (holding that “injunction is an appropriate remedy to determine  
6 whether rights have been or will be affected by arbitrary or unreasonable action of an  
7 administrative officer or agent”).<sup>6</sup>

8 In sum, the Superior Court has subject matter jurisdiction over disputes concerning  
9 the enforceability of legislative subpoenas because no source of law invests jurisdiction  
10 exclusively in some other tribunal. *See* Ariz. Const. art. VI, § 14(1). Further, A.R.S. §§  
11 12-2212, 12-1831, and 12-1801 *each* supplies a sufficient jurisdictional premise and cause  
12 of action for the relief sought by the Counterclaim.

13 **II. The Subpoenas Were Issued for the Valid Legislative Purposes of Investigating**  
14 **the Adequacy of Existing Election Procedures and Assessing the Necessity of**  
15 **Reforms**

16 Finding the sworn factual averments of the Counterclaim uncongenial to its legal  
17 theories, the County instead concocts a fanciful, fictive narrative in which the Subpoenas  
18 are simply means of “overturning the People’s lawful election of presidential electors.”  
19 MTD at 5. Lacking any actual evidence for this subversive proposition, the County relies  
20 on the hearsay claims of third parties, such as the tweets of TV personalities, that the  
21 Legislature will “provide the information to counsel for the losing candidate so that he  
22 might attempt to use it to overturn the election results.” *See* County Compl. ¶ 88, Exh. 8.

23 Although it is difficult to extract coherent principles of law from this yarn, the  
24 County appears to argue that (1) the Subpoenas and underlying investigation are actually a  
25 statutory “election contest,” and (2) a legislative subpoena cannot be valid unless it is

26  
27 <sup>6</sup> In arguing that Section 12-2212 does not admit of injunctive remedies, the County  
28 conflates two separate and distinct remedial schemes. Section 12-2212 is merely an  
alternative basis for adjudicating the Counterclaim; it does not subsume or abridge causes  
of action or remedies arising under different statutes, such as Section 12-1801.

1 explicitly tied to some specific item of pending legislation. Both contentions can be easily  
2 dispatched.

3 **A. The Subpoenas Are Not—and Could Not Be—Part of an “Election**  
4 **Contest”**

5 Preliminarily, whatever the County hypothesizes may or may not be the “true”  
6 motives undergirding the Subpoenas is devoid of any legal significance. *See Eastland v.*  
7 *U.S. Servicemen’s Fund*, 421 U.S. 491, 508 (1975) (holding in subpoena context that “in  
8 determining the legitimacy of a congressional act we do not look to the motives alleged to  
9 have prompted it”); *Barenblatt v. United States*, 360 U.S. 109, 132 (1959) (“So long as  
10 Congress acts in pursuance of its constitutional power, the Judiciary lacks authority to  
11 intervene on the basis of the motives which spurred the exercise of that power.”).

12 That being said, the County’s sophistic notion that any legislative inquiry into the  
13 conduct of election procedures is somehow an “election contest” under A.R.S. § 16-672  
14 depends on a profound definitional confusion. An “election contest” is a statutory term of  
15 art that denotes a judicial proceeding in which a qualified elector alleges, on one or more  
16 statutorily enumerated grounds, that someone other than the declared winner received the  
17 highest number of lawful votes, and should be certified by the Court as elected to the office.  
18 At the risk of stating the obvious: the Judiciary Committee’s investigation is not, never was,  
19 and never could be an “election contest” that should be governed by A.R.S. § 16-672, *et*  
20 *seq.*

21 To be sure, one impetus for the Subpoenas’ issuance was the possibility that they  
22 may yield information relevant to the certification of presidential electors by the United  
23 States Congress. As an initial matter, that in itself was a valid legislative purpose. The  
24 Arizona Legislature is charged by the federal Constitution with controlling the manner in  
25 which the state’s presidential electors are selected, *see* U.S. Const. art. II, § 1. Further,  
26 because certification objections can be raised and adjudicated exclusively in the United  
27 States Congress, *see* 3 U.S.C. § 15, the Subpoenas intrinsically lacked any capacity to  
28 derogate the authority of the Arizona judiciary, even if they had impacted Congress’



1 certification determinations.

2 In any event, the County has, through its unlawful obstruction, rendered moot any  
3 relationship between the Subpoenas and Congress' certification of the Electoral College  
4 returns. Because all parties to this proceeding agree that the 2020 presidential election has  
5 definitively and irrevocably concluded, the County's continued ruminations about  
6 "overturning" it are a *non sequitur*. Notwithstanding the County's dogged efforts to  
7 resuscitate this dead issue, its continued defiance of the Subpoenas must rely on something  
8 other than tired canards about "overturning" the election.

9 **B. Legislative Subpoenas Need Not Be Predicated on Specific Introduced**  
10 **Bills**

11 Perhaps recognizing that its shibboleths about election subversions are rapidly losing  
12 any plausibility, the County instead pivots to a new theory that there must be "*actual,*  
13 *currently-pending* legislation," MTD at 4, before a subpoena may be properly issued. This  
14 novel "pending legislation rule" is a pure contrivance of the County. It is not, and never  
15 has been, a judicially ordained prerequisite to a lawful legislative subpoena. While the  
16 circumstances in *Wilkinson v. United States*, 365 U.S. 399 (1961)—the sole case cited by  
17 the County—may have included a particular relevant legislative item, the Supreme Court  
18 never suggested, let alone held, that a subpoena must be conjoined to an extant bill. To the  
19 contrary, the seminal case recognizing the congressional subpoena power eschewed exactly  
20 that proposition. Dismissing the contention that a Senate investigation into the Attorney  
21 General lacked any valid legislative purpose, the court reasoned, in words that resonate  
22 when contemplating the relationship of the Arizona Senate to County officials:

23  
24 It is quite true that the resolution directing the investigation does not in terms  
25 avow that it is intended to be in aid of legislation; but it does show that the  
26 subject to be investigated was the administration of the Department of  
27 Justice—whether its functions were being properly discharged or were being  
28 neglected or misdirected, and particularly whether the Attorney General and  
his assistants were performing or neglecting their duties in respect of the  
institution and prosecution of proceedings to punish crimes and enforce  
appropriate remedies against the wrongdoers; specific instances of alleged

1 neglect being recited. Plainly the subject was one on which legislation could  
2 be had and would be materially aided by the information which the  
3 investigation was calculated to elicit. This becomes manifest when it is  
4 reflected that the functions of the Department of Justice, the powers and  
5 duties of the Attorney General, and the duties of his assistants are all subject  
6 to regulation by congressional legislation, and that the department is  
maintained and its activities are carried on under such appropriations as in  
the judgment of Congress are needed from year to year.

7 *McGrain v. Daugherty*, 273 U.S. 135, 177–78 (1927). Subsequent cases have reaffirmed  
8 the maxim that a legislative subpoena is in furtherance of a valid legislative purpose if its  
9 demands “concern a subject upon which legislation *could be had.*” *Trump v. Mazars USA,*  
10 *LLP*, 140 S. Ct. 2019, 2031 (2020) (citation omitted; emphasis added); *see also id.* at 2027  
11 (subpoena was premised in part on committee’s averment that it “planned ‘to develop  
12 legislation and policy reforms to ensure the U. S. government is better positioned to counter  
13 future efforts to undermine our political process and national security’”); *Eastland*, 421 U.S.  
14 at 493 (upholding congressional subpoena issued pursuant to efforts to “make a complete  
15 and continuing study and investigation of . . . the administration, operation, and enforcement  
16 of” certain laws); *Bean LLC v. John Doe Bank*, 291 F. Supp. 3d 34, 43 (D.D.C. 2018)  
17 (congressional investigation into alleged Russian interference in U.S. elections was a valid  
18 legislative purpose).

19 Further, even if the County’s chimerical “pending legislation” restriction could be  
20 unearthed in federal law (and, as discussed above, it cannot), it certainly has no application  
21 in Arizona. Recognizing that “[i]t is within the powers of legislative committees to conduct  
22 investigations,” the Arizona Supreme Court affirmed the validity of a legislative subpoena  
23 issued pursuant to a legislative examination of “all phases of the existing relationship  
24 between Corporation Commission personnel, elective and appointive, and persons and  
25 corporations subject to the regulatory jurisdiction of the Corporation Commission” and the  
26 Commission’s political contribution solicitation practices—notwithstanding that this  
27 endeavor appeared to be untethered from any identified legislative proposal. *Buell v.*  
28

1 *Superior Court*, 96 Ariz. 62, 64, 66 (1964).

2 The County’s doctrinal invention also makes no practical sense. The purpose of  
 3 many legislative inquiries—including this one—is to discern whether reform legislation is  
 4 warranted at all, and if so, what ills it should seek to remedy. The County’s proposed rule  
 5 would invert this logic, requiring the legislative body to first formulate a solution before it  
 6 can ascertain the existence and nature of the problem. This notion that some antecedent  
 7 item of pending legislation is a condition precedent to a valid subpoena lacks any legal or  
 8 logical sustenance. The Legislature’s inherent investigatory powers are expansive and  
 9 indefinite; their validity is not contingent on the existence of past (or, for that matter, future)  
 10 specific legislative proposals. *See Eastland*, 421 U.S. at 509 (“Nor is the legitimacy of a  
 11 congressional inquiry to be defined by what it produces . . . To be a valid legislative inquiry  
 12 there need be no predictable end result.”).

13 In short, the Judiciary Committee’s objective of using data and information gleaned  
 14 through the Subpoenas to evaluate the accuracy and efficacy of existing vote tabulation  
 15 systems and the competence of county officials in performing their statutory duties—all  
 16 with an eye to introducing potential reform proposals in the Fifty-Fifth Legislature— is self-  
 17 evidently a valid legislative purpose.

18 **III. The Confidentiality Laws Cited By the County Do Not Create a Privilege of the**  
 19 **County to Defy Compulsory Process**

20 President Fann and Chairman Petersen already have addressed at length in the  
 21 Motion for Preliminary Injunction (pp. 13-15) the inapplicability of various statutes and  
 22 provisions of the Election Procedures Manual to the Subpoenas. Those arguments need not  
 23 be reiterated here. Two particular points, however, merit reemphasis in light of the  
 24 County’s submissions.

25 *First*, the County spills much ink to establish an undisputed proposition: certain voter  
 26 information and balloting materials are confidential and insulated from access by the  
 27 general public. But “[t]he terms ‘privileged’ and ‘confidential’ are not interchangeable.”  
 28 *Catrone v. Miles*, 215 Ariz. 446, 454, ¶ 21 (App. 2007). The County remains at a loss to

1 explain how general statutory restrictions on public access can be transmogrified into a  
2 cognizable *privilege* against disclosure demanded by lawfully issued compulsory process.  
3 Whatever the law may be in other states,<sup>7</sup> the Arizona authorities are bereft of support for  
4 the notion that general statutory confidentiality restrictions vest in an inferior political  
5 subdivision a personal privilege that can abrogate a valid legislative inquiry. Indeed, the  
6 Arizona Supreme Court has clarified that even recognized privileges do not necessarily  
7 immunize documents or information from compulsory process. *See Buell*, 96 Ariz. at 69  
8 (rejecting claims of attorney-client privilege raised in response to legislative subpoena); *see*  
9 *also State v. Zeitner*, 246 Ariz. 161, 167, ¶ 22 (2019) (“We cannot infer that the legislature,  
10 in granting such broad investigatory authority [to state agencies], intended the [physician-  
11 patient] privilege to stand as a bulwark against [Medicaid] fraud investigations”).

12 *Second*, many of the statutes invoked by the County either explicitly permit or  
13 impliedly contemplate the Legislature’s access to the subpoenaed materials. A.R.S. § 16-  
14 168(F) expressly provides that otherwise confidential voter information is available to any  
15 “authorized government official in the scope of the official’s duties.” That A.R.S. § 16-624  
16 mandates the retention of ballots for up to two years implicitly acknowledges that these  
17 materials may be responsive to, and subject to disclosure by, compulsory process in various  
18 proceedings arising long after the election has been certified and the contest period has  
19 elapsed. Other of the County’s statutory arguments amble into the realm of the absurd. For  
20 example, A.R.S. § 16-1018(4) generally prohibits showing “another voter’s” completed  
21 ballot to a third party. It self-evidently has no application to the review of ballots by  
22 government officials—and if it did, every County employee who exposes himself or a  
23 colleague to a ballot image during routine processing and tabulation activities would be  
24 committing a criminal act. This is nonsensical. The statutory safeguards governing public

25 \_\_\_\_\_  
26 <sup>7</sup> The Washington State case the County relies upon does not illuminate questions of  
27 Arizona law, and appears to have been impelled in part by separation of powers concerns  
28 implicated by the compelled disclosure of documents relating to state judges, *see Garner v. Cherberg*, 765 P.2d 1284, 1288 (Wash. 1988) (“This court has recognized that confidentiality of Commission proceedings is essential to the preservation of fundamental judicial independence.”).

1 access to voter information and ballot materials simply do not clothe the County with an  
2 evidentiary privilege that it may assert against the sovereign Legislature in response to a  
3 valid subpoena.

4 **IV. The Counties' Remaining Defenses All Fail as a Matter of Law**

5 **A. President Fann and Chairman Petersen Have Standing to Enforce the**  
6 **Subpoenas in this Court**

7 Assuming that this Court has jurisdiction to fashion civil remedies enforcing the  
8 Subpoenas—and, for the reasons discussed in Section I above, it does—President Fann and  
9 Chairman Petersen undoubtedly maintain standing to obtain them. Preliminarily, the  
10 County appears to conflate two discrete and distinct remedial rubrics. While a resolution  
11 of the relevant legislative house is required for a formal finding of contempt, *see* A.R.S. §  
12 41-1153(A), there is no textual basis for engrafting this prerequisite onto the civil claims  
13 raised in these proceedings.

14 Although a vote of the full legislative chamber is *sufficient* to initiate a civil suit, *see*  
15 *Forty-Seventh Legislature v. Napolitano*, 213 Ariz. 482, 487, ¶ 16 (2006), it is not a  
16 *necessary* precondition to doing so. When a constitutional or statutory provision empowers  
17 an individual legislator or subset of legislators to effectuate some legal act, those lawmakers  
18 have independent standing to pursue claims arising out of this prerogative. *See, e.g., Adams*  
19 *v. Comm'n on Appellate Court Appointments*, 227 Ariz. 128, 131, ¶ 9 (2011) (finding that  
20 Speaker of the House and the Senate President, as the officials designated by the  
21 Constitution to make appointments to the Independent Redistricting Commission, “have  
22 standing to challenge the legality of the Appointment Commission’s list of nominees” for  
23 those positions); *Biggs v. Cooper ex rel. County of Maricopa*, 236 Ariz. 415, 418, ¶ 8 (2014)  
24 (concluding that “a group of plaintiff legislators sufficient to have blocked [a bill’s] passage  
25 has standing to challenge the law’s enactment by only a majority vote”). Federal courts  
26 likewise have indicated that the legislative subunit authorized to issue subpoenas has  
27 standing to seek their enforcement. *See Comm. on Judiciary of United States House of*  
28 *Representatives v. McGahn*, 968 F.3d 755, 765-66 (D.C. Cir. 2020) (concluding that

1 because the issuing committee was assigned the House’s investigatory powers, the alleged  
2 disregard of the subpoena caused an informational injury to the committee, which in turn  
3 sustained the committee’s Article III standing).

4 Thus, because A.R.S. § 41-1151 delegates each house’s investigatory powers to its  
5 presiding officers and committee chairs, those legislators incur a concrete injury—  
6 redressable in this Court—when, as here, a properly issued subpoena is defied.

7 **B. The Parties’ Controversy Over the Validity and Enforceability of the**  
8 **Subpoenas Is Not Moot**

9 The County’s attempt to evade on ostensible “mootness” grounds judicial review of  
10 its ongoing obstruction of the Subpoenas is lacking. Courts “will consider cases that have  
11 become moot when significant questions of public importance are presented and are likely  
12 to recur.” *Big D Const. Corp. v. Court of Appeals for State of Ariz., Div. One*, 163 Ariz.  
13 560, 563 (1990). President Fann has averred under oath that she will reissue a substantively  
14 identical subpoena when the Fifty-Fifth Legislature commences its regular session on  
15 January 11 and that Chairman Petersen intends to do the same. *See Verified Counterclaim*  
16 ¶¶ 40-41. Although delay has been the *modus operandi* of the County in this case, its current  
17 mootness gambit is unavailing.

18 **C. The Recorder Is Not a Necessary Party**

19 The County’s effort to deflect by pointing a finger at the Recorder fares no better.  
20 The Legislature has expressly charged the Board of Supervisors with the duty and authority  
21 to “[s]upervise the official conduct of all county officers . . . and, when necessary, require  
22 the officers to . . . make reports and present their books and accounts for inspection.”  
23 A.R.S. § 11-251(1). Although the County Recorder’s Office may be the physical repository  
24 for certain of the documents and records demanded by the Subpoenas, those materials thus  
25 remain under the legal supervision and control of the Board of Supervisors. *See* A.R.S. §  
26 41-1154 (legislative subpoena may require recipient to produce documents “in his  
27 possession or under his control” (emphasis added)); *Helge v. Druke*, 136 Ariz. 434, 437–  
28 38 (App. 1983) (noting that “a witness may be compelled to produce a document that

1 he controls though he does not have possession of it”). Indeed, the Board has publicly  
 2 endorsed “a forensic audit of election equipment,” which necessarily presupposes that the  
 3 Board possesses the authority to requisition the necessary materials from the County  
 4 Recorder. *See* The Maricopa County Board of Supervisors, *Board of Supervisors Responds*  
 5 *to Legislative Subpoenas*, DAILY INDEPENDENT, Dec. 22, 2020, available at  
 6 [https://www.yourvalley.net/stories/board-of-supervisors-responds-to-legislative-](https://www.yourvalley.net/stories/board-of-supervisors-responds-to-legislative-subpoenas,205361)  
 7 [subpoenas,205361](https://www.yourvalley.net/stories/board-of-supervisors-responds-to-legislative-subpoenas,205361).

8 Further, even if the Board did lack legal control over some of the materials sought  
 9 by the Subpoenas, it is not immune from an injunction or other order compelling production  
 10 of the remainder. And if the Court for whatever reason concludes that the County  
 11 Recorder’s presence is necessary, it may simply add him. Arizona Rule of Civil Procedure  
 12 19(a)(2) instructs that “[i]f a person required to be made a party has not been joined, the  
 13 court must order that the person be made a party.” Dismissal is proper only if a missing  
 14 party is necessary *and* his joinder is not feasible. *See id.* Rule 19(b); 59 AM. JUR. 2D  
 15 PARTIES § 350 (“[T]he failure to join an indispensable party may be overcome by joining  
 16 that party; dismissal for failure to join a necessary party is warranted only when the defect  
 17 cannot be cured.”).

18 **D. Electronic Documents Are Subject to the Legislative Subpoena Power**

19 Materials are not immune from compelled disclosure merely because they exist in  
 20 electronic form. A legislative subpoena may command a recipient to produce “any material  
 21 and relevant books, papers or documents.” A.R.S. § 41-1154. When construing a statute,  
 22 “[e]ach word, phrase, clause, and sentence must be given meaning so that no part will be  
 23 void, inert, redundant, or trivial.” *State v. Burbey*, 243 Ariz. 145, 147, ¶ 10 (2017) (quoting  
 24 *City of Phoenix v. Yates*, 69 Ariz. 68, 72 (1949)). That the Legislature enumerated  
 25 “documents” as a classification distinct from “books” and “papers” imparts an intent to  
 26 imbue it with an expansive ambit that encompasses not just physical or tactile materials.  
 27 Indeed, as commonly understood, the term ‘document’ “embraces any information stored  
 28 on a computer, electronic storage device, or any other medium.” BLACK’S LAW

1 DICTIONARY (11th ed. 2019); *cf. Lake v. City of Phoenix*, 222 Ariz. 547, 551, ¶ 14 (2009)  
 2 (“We . . . hold that when a public entity maintains a public record in an electronic format,  
 3 the electronic version of the record, including any embedded metadata, is subject to  
 4 disclosure under our public records law.”).

5 Thus, even if some of the materials sought by the Subpoenas are stored or reified in  
 6 electronic media, they nonetheless remain “documents” that are subject to disclosure.

7 **E. The County Has Had Ample Time to Respond to the Subpoenas**

8 That the Subpoenas initially afforded the County three days in which to comply  
 9 cannot plausibly excuse its ongoing obduracy. Despite twenty-seven days having elapsed  
 10 since the Subpoenas’ issuance, the County still has not produced a single document or item  
 11 pursuant to them. Irrespective of whether it is allotted three days or 300 days in which to  
 12 respond, the County has made clear that it will not comply with the Subpoenas unless and  
 13 until this Court orders it to do so. If matters of timing are truly a genuine and good faith  
 14 concern, President Fann and Chairman Petersen remain amenable to negotiating reasonable  
 15 accommodations, provided that the County works diligently to supply the requested  
 16 materials as expeditiously as possible.

17 **CONCLUSION**

18 For the reasons set forth herein and in the Motion for a Preliminary Injunction, the  
 19 Court should (1) deny the County’s Motion to Dismiss in its entirety, and (2) enter a  
 20 preliminary injunction or other order compelling the County to immediately produce or  
 21 make available in full to President Fann or Chairman Petersen (or their designees) all  
 22 documents, records, materials, and information responsive to either or both of the  
 23 Subpoenas.

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RESPECTFULLY SUBMITTED this 11th day of January, 2021.

STATECRAFT PLLC

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Counterclaim Arizona Senate President  
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Committee Chairman Warren Petersen*



1 **CERTIFICATE OF SERVICE**

2 I hereby certify that on January 11, 2021, I electronically transmitted the attached  
3 document to the Clerk's Office using the TurboCourt System for filing and transmittal of  
4 a Notice of Electronic Filing to the following TurboCourt registrants:  
5

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# YELLOW SHEET REPORT

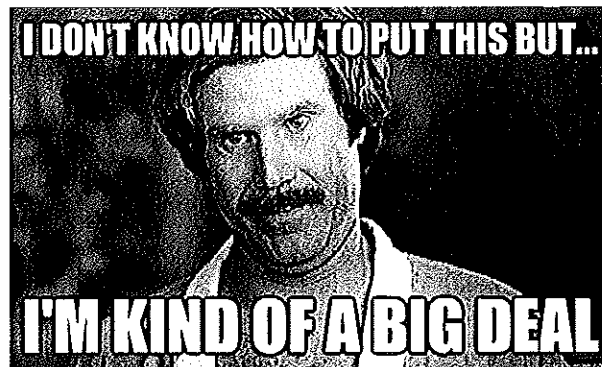
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Friday, January 29, 2021

## ·NEWS NOTES AND GOSSIP·

### **BUT WHEN THE SESSION ENDS, ALL EYES WILL BE ON HER**

Erika Neuberg, the new IRC chair, put a positive spin to the Census Bureau data being delayed two additional months, saying it gives her and the other four commissioners time to fully digest what they are in for over the next year-plus. Neuberg also said she appreciates the Legislature taking over the headlines because it provides the commission some cover to hunker down and get to work without the full media spotlight in the meantime. “There’s a relief that there is so much state news and so much drama that it takes a ton of focus away from the IRC. And now that there’s delays, there’s less



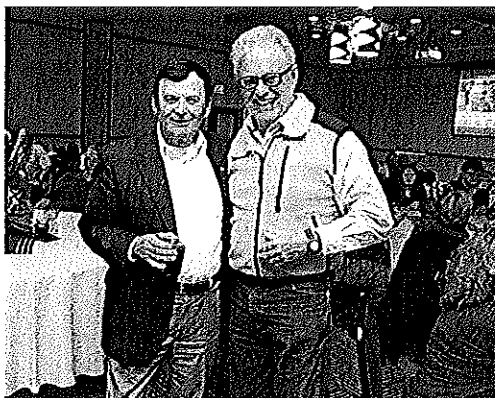
scrutiny, which gives us a little bit of time to kind of get our feet wet,” she said. The IRC is set to meet on Feb 2 and will address the Census delay as well as plans to hire administrative and other potential roles within the commission, but none of those positions are required by statute or the constitution, so Neuberg said she really has no idea what kinds of employees the IRC will hire outside of likely an executive director, mapping consultant and legal team. (Last cycle, there were two legal teams – one for Democrats and the other for Republicans.) She said while the delay offers a reprieve, she’s still not sure what the commission will do first, or what qualities her colleagues will look for in the next executive director, but personally, she wants “somebody of impeccable character, and some experience with how the government works.” That candidate should have strong communication skills and should be “fiercely independent,” she said, adding that she views “fiercely independent” to mean “not easily manipulated” by others. She reiterated what she said in her interview (YS, 1/21) – that she does not want to be a tie-breaking vote all the time, especially favoring one side of the aisle. To avoid that, she said she would lead in one of two ways – either let the other four commissioners hash things out to come to an agreement before she has to take a side, or she will act immediately to break the tie.

### **IT’ AIN’T THE PARTY OF MCCAIN AND KYL ANYMORE**

In a wide-ranging interview with our reporter today, Neuberg acknowledged that she used to be registered as a Republican before becoming an independent in 2016, saying she made the switch because she’s not a partisan and didn’t identify with the Republican Party anymore. She told our reporter that growing up in a deep-red Arizona in the days of Jon Kyl and John McCain shaped her political activity at a young age. “All of my political activity throughout my entire life has been singularly focused on advancing the US-Israel relationship and along those lines, I worked to develop relationships with elected leaders,” she said. “The reality was that most of those relationships were within the Republican Party 20 years ago in Arizona.” She acknowledged that she probably should have changed her registration “a long time ago” as Arizona began to change, but ultimately waited until 2016 – enough time for her to qualify as an independent for the redistricting process. She said it doesn’t mean that she always voted Republican or contributed exclusively to Republican candidates (she has contributed to the campaign of many politicians from both major parties). Ultimately, she said she dropped the Republican label because she felt “it communicated something that wasn’t accurate about me. I am not a party person. I reject identity politics. I focus on policy.”

## **REMEMBER: HE STOOD WITH STRINGER AND SHOOTER**

Former lawmaker Noel Campbell's wife told police he hit her in the face, pushed her to the ground and threatened to "ruin her life" if she told police. According to a police report ([LINK](#)) first obtained by *CopperState News*' Lynne LaMaster (she was the former editor of former Rep David Stringer's newspaper, *Prescott E-News*, and defended Stringer's white nationalism ([LINK](#))), Mary Beth Hrin went to the Prescott police station on Dec 29 with red marks on her face, near her eye and on her neck from where she said Campbell had struck her multiple times. She was obviously scared and initially used a fake name. "The female advised me that she was scared of retaliation from the male, who ... has political power," officer Chad Worthen wrote in his initial report. "I asked the female if by political power she means sitting on the City Council or higher. The female just looked at me and pointed her thumb in the up direction." She told police that she had been cooking for him over the holiday, but he wouldn't eat. When she told him she felt like she didn't have a good Christmas because of it, he became upset and pushed her and she fell to the ground. "Mary Beth then advised me that Campbell struck her multiple times in the neck and multiple times in the face," Worthen wrote. She told police that she warned Campbell that would be "the last time he would assault her" and that she was going to the police. She said he called her "f\*cking pathetic." "Mary Beth advised me that Campbell stated to her that he would ruin her life and that the police can't do anything about it," Worthen wrote. In a supplemental report, officer Terry Carroll wrote that when police followed up the next day, Hrin, who identified herself as a former cop and prosecutor, refused to press charges, saying she believes Campbell is in the beginning stages of dementia. Police contacted Campbell at his house. "It should be noted that he appeared to be irritated once he realized we were law enforcement," the report states. Carroll wrote that he contacted the Prescott City Prosecutor's Office, but that it declined to immediately press charges "because we did not have enough information nor cooperation from the victim." Campbell is seeking a vacant seat on the Prescott City Council. Our reporter attempted to call Campbell today, but his old phone number has been disconnected.



## **IRONY HAS BEEN STABBED TO DEATH, SET ON FIRE AND BURRIED**

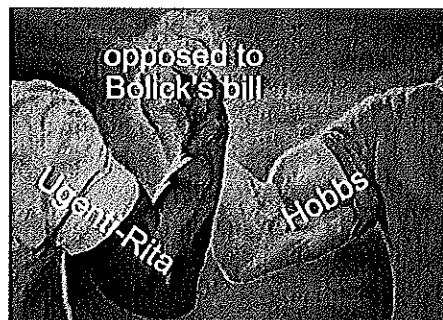


AZGOP Chair Kelli Ward thinks that once an election is over, it's over, and the losers should shut up and move on – but only when it comes to her own election. In an attempt to one-up the irony of problems plaguing the AZGOP election that she (allegedly) won and calls for the audit and recount of that election, Ward today went on James T. Harris' Conservative Circus radio show ([LINK](#)) to officially deny requests for an audit, saying "there is no way to challenge what happened." "There's no procedure, process, rules, that

allow for it to be done," she said. "And you certainly don't allow a challenger who lost an election to demand something that they don't have the right to and we don't have the responsibility for providing. And you especially don't let that challenger who lost the election to determine how it will be done." Of course, that's exactly what Ward has been doing for the last two months, including calling on supporters to be willing to die for their conspiracy. She blamed the Republicans who are talking to "our enemies" in the media, saying they're just trying to take her down.

## ANOTHER DAY, ANOTHER ATTACK ON DEMOCRACY

In what one Republican called “the worst bill of the year,” Bolick yesterday filed legislation to allow the Legislature to vote to override the Secretary of State’s certification of electoral votes any day until the inauguration. Obviously, H2720 (ballots; election contests; certificates), which would scrap democracy as we know it, stems from bitterness over Trump losing a free and fair election, and it’s worth noting Bolick’s role with the CEO of ALEC last year over how state legislatures should handle challenging election results they don’t agree with ([LINK](#)). The bill almost certainly isn’t going anywhere, as even Ugenti-Rita has already chimed in on Twitter with what seems like a clear



knock on the bill. “Sharpiegate + legislative power grab + eliminating voting options = bad news for Arizona voters,” she tweeted ([LINK](#)) alongside a picture of Alex Kolodin, who filed the Sharpiegate lawsuit, Bolick, who sponsored H2720, and Blackman, who co-sponsored legislation to repeal the PEVL outright. “Each of these issues represent the wrong way to address election integrity, particularly voter confidence in our election system.” (It’s worth noting all three Republicans pictured worked to defeat Ugenti-Rita in the primary – Kolodin ran against her, and Blackman and Bolick endorsed him.) H2720 would also allow any “party to an election contest” to call for a full jury trial to decide a claim, compared to just allowing a judge to throw out a case if it lacks standing or merit, which is what is currently allowed. (Bolick’s husband Clint is an Arizona Supreme Court justice who was part of a bench to deny all Nov 3 election challenges that came their way.) Her bill states, “a court may not grant a motion to dismiss or a motion for summary judgment that would result in dismissal” until after a jury reaches a verdict. And another provision would automatically fire county supervisors and county recorders and bar them from seeking re-election or any other political office for 10 years if there is any disruption to video coverage of counting ballots. The bill has already attracted national media attention, and Bolick, predictably, is blaming the media for blowing things out of proportion. “The mainstream media is using this elections bill as click bait to generate misleading headlines,” she wrote. “It is a good, democratic check and balance.”

## THE WHATDEMIC?

After three full weeks of legislative business, Ducey has four bills awaiting his signature, but none have to do with his top priority – the pandemic. Ducey’s communications director CJ Karamargin told our reporter that the Ninth Floor is “not going to legislate ourselves out of this pandemic,” a play on Ducey’s recent comments that we can “vaccinate our way out” of the pandemic. “The legislative session is just getting underway. We’re confident they’re gonna deal with the governor’s agenda,” he said. The Ninth Floor remains focused on managing the pandemic in other ways like the second state-run vaccine center set to open Feb 1. The bills on the governor’s desk are bipartisan, but are wholly unrelated to the pandemic, which nearly every politician has pledged to make a top priority. In fact, according to our reporter’s analysis, 135 pieces of legislation have made it out of committee (out of 1,442 total bills) and none focus on managing the ongoing crisis. The only Covid-related bills to clear committees so far have to do with limiting or overturning Ducey’s executive authority. Among the four bills lawmaker fast-tracked to Ducey’s desk is Udall’s H2023 (schools; employees; employment; discipline), which would close a loophole to discipline non-certified teachers accused of misconduct. (Boyer introduced the same bill last year, but did not make headway before the pandemic shut down the session.) The legislation stemmed from a joint-investigative report *KJZZ* and *Arizona Republic* conducted about the loophole ([LINK](#)). Weninger’s H2045 (civil rights; amendments) would crack down on workplaces discriminating against pregnant women. (It’s also a re-run, which Mesnard and Weninger introduced last year.) “While pregnancy discrimination protections existed at the federal level, Arizona did not have similar protections until this

bill,” Brnovich, who is backing the bill, said in a press release. “This is an important step to help ensure women are not forced to choose between a career and motherhood.” Griffin’s H2036 (electric cooperatives; broadband service; fees), and Dunn’s H2078 (groundwater; waterlogged area exemption; date) are also awaiting the governor’s signature or veto.

## ·WAKE UP CALL·

### **GOP bill would allow lawmakers to override electoral votes**

*Arizona Capitol Times*

The chairwoman of the House Ways and Means Committee introduced a bill January 27 that would allow the Legislature to override the secretary of state’s certification of the state’s electoral votes.

### **Ward, Terán take different ways to lead parties**

*Arizona Capitol Times*

In a state that has turned from red to purple, Arizona’s Republican and Democratic parties continue to push away from the center – one opens the door for more voices to be heard and the other shuts out those who disagree.

### **Survey: Arizona Democrats more likely to get COVID-19 vaccine**

*Capitol Media Services*

Nearly a month after vaccines have become available here, a quarter of Arizonans remain unwilling to get inoculated against COVID-19.

### **Arizona lawmakers advance bill targeting gross online food challenges**

*Capitol Media Services*

Doing something gross with food that isn’t yours in hopes of getting social media hits could soon land you behind bars.

### **Arizona bill seeks to provide patients more information before breast surgery**

*Capitol Media Services*

Women considering breast enhancement surgery in Arizona would get more information about what could go wrong under the terms of legislation given preliminary Senate approval on Thursday.

### **Pascua Yaqui win water funds, first of \$150 million for Arizona projects**

*Cronkite News*

Pascua Yaqui Council members called it “a blessing.”

### **Republicans seek audit of Arizona GOP chairwoman election**

*Associated Press*

Arizona Republican Party chairwoman Kelli Ward faces questions about her reelection last Saturday after she spent months promoting unsubstantiated claims of election fraud by former President Donald Trump, officials said.

### **Gosar denounces violence – but still claims massive election fraud**

*Payson Roundup*

Arizona Rep. Paul Gosar remains at the heart of a growing battle within the Arizona Republican Party over allegations of election fraud, election protests and the effort to purge or censure party members who did not support former President Trump’s claims of election fraud.

### **State Senator Kelly Townsend Wants to Invalidate Mailed-In Ballots**

*Phoenix New Times*

Another day, another bill pushed by Republican Arizona lawmakers that would restrict early voting in the state.

### **The Antipope of Mar-a-Lago**

*Politico*

What a medieval religious schism can teach us about Donald Trump’s unprecedented and radically antagonistic approach to the ex-presidency.

**Money trail leads from D-Backs to Rep. Andy Biggs to QAnon Rep. Marjorie Taylor Greene**

*Arizona Republic (Opinion, EJ Montini)*

If you've lived in Arizona for any amount of time you'd just assume there was a connection.

**It's obvious that Kelli Ward stole the GOP election and no facts can change that, right?**

*Arizona Republic (Opinion, Laurie Roberts)*

Arizona GOP chairwoman Kelli Ward isn't talking about suspicions calling into question her own election. But if she was, I would have just one question for her.

**Rep. Shawna Bolick says your vote for president shouldn't count (but hers should)**

*Arizona Republic (Opinion, Laurie Roberts)*

While some legislators ponder how to make it more difficult to vote in presidential elections, Rep. Shawna Bolick is proposing that your vote not even count.

**Trump should be banned from running again. But that's just not an option**

*Arizona Republic (Opinion, Robert Robb)*

Trump committed an impeachable offense deserving of a ban on future office. But disqualification independent of removal isn't a constitutional option.

**What's Kelli Ward going to do with a #StopTheSteal claim about her own election win?**

*Arizona Republic (Opinion, Elvia Diaz)*

Can you believe Arizona GOP chairwoman Kelli Ward is now facing questions over her own election win? Ha ha ha ha ha.

**Arizona's confusing vaccination website is in line for an upgrade (fingers crossed)**

*Arizona Republic (Opinion, Editorial Board)*

Arizona is trying to nix confusion online and move COVID-19 vaccine doses where they can be used fastest. Will it pay off? Let's hope so.

**Transgender athlete bill isn't a priority now. Why is Kathy Hoffman so worried?**

*Arizona Republic (Op-ed, Cathi Herrod)*

The proposed Save Women's Sports Act in no way prohibits any student from playing sports. It merely clarifies on what team a student will play. All can play.

·PRESS RELEASES·

**Statement from Representative Bolick on HB 2720**

STATE CAPITOL, PHOENIX – State Representative Shawna Bolick issued a statement today regarding HB 2720, election reform legislation introduced this week.

“In two months alone, my office has received well over 30,000 emails, letters, and calls pertaining to the November election. Since August of 2020, I have taken potential election reform ideas from constituents and supporters on suggested changes to update current election-related statutes. I have spoken with election observers and poll watchers about securing, adjudicating and auditing ballots.

“House Bill 2720 amends parts of the state’s election law pertaining to ballots, elections, and certificates. During the last election cycle, many individuals showed frustration not knowing exactly how many mail-in ballots were being printed, mailed, on-hand, etc. This bill offers transparency to address some of these issues. And, of course, until today, our office has received countless requests about an audit.

“The mainstream media is using this elections bill as click bait to generate misleading headlines. This bill would give the Arizona Legislature back the power it delegated to certify the electors. It is a good, democratic check and balance.

“At the end of the day, I hope we can all agree we need to have secure elections cast by legal registered voters across Arizona. Our constituents voted us in to restore the integrity of our elections.”

### **Senator Shope commends settlement reached in Johnson Utilities case**

(Phoenix, State Capitol) --- Nearly 70,000 water customers in Florence, Queen Creek and San Tan Valley have a more certain water future, after the Arizona Corporation Commission (ACC) and the Arizona Department of Environmental Quality (ADEQ) reached settlements in the Johnson Utilities case. Residents in the area have been dealing with water shortages and overflowing sewers for years. The ACC ordered a removal of management of Johnson Utilities in 2018, and EPCOR USA began serving as interim manager of the utility. In December, regulators approved a sale to EPCOR, and this week a settlement agreement was reached between the ACC, ADEQ and EPCOR to finalize the purchase.

Many of these water customers live in LD-8, and Senator T. J. Shope believes they'll now have safe and reliable water service moving forward. "No one should have to go through what these folks have endured," said Senator Shope. "But this utility nightmare is finally over. The taps will work, and wastewater service will be reliable."

The agreement includes a financial plan for a new wastewater treatment facility, savings to ratepayers for prior equipment purchases, and a compliance plan for drinking water and wastewater facilities.

"We're very pleased to be moving forward with a new chapter for these customers and communities," said EPCOR USA President Joe Gysel. "Leaders like Senator Shope have been an important voice and advocate for their communities and customers throughout this process and we look forward to bringing the service and reliability these customers need and deserve."

### **Board of Supervisors Responds to Arizona Senate Election Audit Announcement**

The Maricopa County Board of Supervisors respects the Arizona Senate's decision to hire a company to audit the elections data and documents the Board has provided to date. The Board through its legal team continues to work in good faith with representatives of the Arizona State Senate President Fann.

The Board continues to move forward with the forensic audits of the election tabulation machines approved Wednesday January 27, 2021. The Maricopa County Elections Department plans to hire the two companies that are certified voting system testing laboratories by the U. S. Election Assistance Commission. These are the only companies in our nation that have this certification.

The Department of Homeland Security designated tabulation equipment as critical Election Infrastructure. If the source code from our tabulation equipment is exposed and posted online, that could jeopardize the integrity of voting systems across the country. Therefore, the County prefers to use these companies.

### **Senate chooses its own qualified auditing firm to conduct forensic audit of Maricopa County election results**

*Today Senate President Fann announced that the Arizona State Senate has hired an independent, qualified, forensic auditing firm to analyze 2020 election results in Maricopa County.*

**President Fann:** "There are two primary reasons we have determined the Senate needed to retain its own independent auditing firm. The Senate has consistently called for an auditor certified by the U. S. Election Assistance Commission (EAC). We have now learned the EAC does not certify auditors as such. The other primary reason is that the scope of the audit must be broader than the one proposed by the County's vendors. Our firm will perform everything we have required in the subpoenas. We must bring back confidence that the election results reported are how votes were legally cast. The Senate's forensic audit will bring accuracy and detail to the process, and with that restore integrity to the election process."

**Senate Judiciary Chairman Warren Petersen:** "Maricopa County has chosen two companies to audit their election. Unfortunately, their limited scope does not fulfill the demand of our subpoena, which called for a deep forensic audit. We need to do more than make basic checks on the machines to make sure they were working. We need to check the ballots and ballot scans for abnormalities. We need to look at the machines to see if there was any manipulation. We need to make sure there was no remote or local access that made changes to the results. I'm grateful the President has chosen a firm that will do that work. Only then will our voters feel confident about the results of the election."



### **Hernandez Introduces “Breonna Taylor” Bill to Ban No-Knock Warrants**

PHOENIX – Representative Alma Hernandez this week introduced Arizona’s version of the “Justice for Breonna Taylor” Law, a bill to disallow police from using no-knock warrants like the officers who killed Taylor inside her Louisville, Kentucky, home during a botched raid last year. After the death of Ms. Breonna Taylor, a bipartisan group of lawmakers at the state and federal level have come together to ban No-Knock Warrants. At the federal level Republican Senator Rand Paul introduced a similar ban at the national level.

Hernandez’ [HB2751](#) would require officers to audibly provide notice to the occupants of a place being searched before executing a warrant. Officers would also be required to provide a copy of the search warrant to the person being searched or the owner of the home or location.

“What happened to Breonna Taylor was a travesty and a miscarriage of justice, and we must do all we can to prevent anything like that from happening here,” said Hernandez, D-Tucson. “This is common-sense law enforcement reform that protects officers and the public from tragic mistakes. We know that this is a non-partisan issue to protect all Arizonans.”

### **Media Advisory: Superintendent Hoffman to Deliver “State of Education” Address**

PHOENIX – Arizona Superintendent of Public Instruction Kathy Hoffman will deliver the annual “State of Education” address to the Senate Education Committee on Tuesday, February 2nd, at approximately 2pm. She will speak to the hybrid committee virtually, press and the public can view via the livestream.

Live stream available: <https://www.azleg.gov/liveproceedings/> (Select “Senate Education”)

### **ADHS Continues Refusing to Issue New MMJ Licenses**

*Arizona Supreme Court has held that all counties must have one dispensary and ADHS must issue licenses whenever it can*

Phoenix, January 29, 2021: Yesterday, the Arizona Department of Health Services (ADHS) answered a complaint filed in Maricopa County Superior Court alleging that ADHS unlawfully refused the plaintiffs’ applications for a rural medical marijuana dispensary certificate. The companies are controlled by Mason Cave, a board member of the Arizona Cannabis Chamber of Commerce. In its answer, ADHS denies that the Arizona Medical Marijuana Act (AMMA) requires it to ensure that each county has at least one nonprofit medical marijuana dispensary registration certificate.

Judge Mikitish previously ruled against ADHS’ motion to dismiss the complaint, finding that the Arizona Supreme Court’s opinion in *Saguaro Healing LLC v. State* (2020) “requires ADHS to issue certificates and necessarily open the application process once it determines that an individual county does not have a dispensary.” In the case Judge Mikitish referred to, *Saguaro Healing*, the supreme court held that the AMMA “requires that ADHS issue registration certificates, and necessarily open the application process, under two distinct circumstances: (1) if the allocation of dispensary certificates is below the one-in-ten ratio [of dispensaries to pharmacies] or (2) a county does not have a dispensary.”

ADHS admits in its answer and on its website that four counties do not have a dispensary. It also admits in its answer that since at least 2017 there has been less than one dispensary for every ten pharmacies in the state.

Arizona NORML’s Director of Politics and Civic Engagement, Julie Gunnigle, offered the following comment:

“For years, medical marijuana patients believed ADHS was neglecting its obligation to ensure that Arizona has the number of dispensaries required by law. ADHS’ position in this case makes clear that their concerns were valid. As medical marijuana patients know, Arizona has a critical shortage of dispensaries, leading to both limited choices for patients and artificially high prices. Further, the surging demand for marijuana as a result of recreational sales threatens to exacerbate these problems.

We are disappointed by ADHS’ continued neglect of patients’ needs and its refusal to accept the will of Arizona’s voters as interpreted by the supreme court. Arizona’s medical marijuana statutes are clear, and our supreme court’s interpretation of them is even clearer. Instead of wasting taxpayer dollars by paying legal fees to a corporate law firm, ADHS should comply with its legal obligations and promptly issue new medical marijuana licenses to qualified applicants.”

To schedule an interview with a member of Arizona NORML, contact Jon Udell, Communications Director of Arizona NORML. Mr. Udell also represents the plaintiffs in this case, along with his colleague Logan Elia, and his law firm, Rose Law Group pc.

Phone: (480) 258-5597  
Email: [JonU@arizonanorml.or](mailto:JonU@arizonanorml.or)

### **Attorney General Brnovich Announces Passage of Pregnancy Discrimination Protections**

*Bill would add pregnancy discrimination to the Arizona Civil Rights Act, allowing state enforcement*

PHOENIX -- Attorney General Mark Brnovich, Representative Jeff Weninger, and Senator J.D. Mesnard announced today the passage of legislation that will prohibit pregnancy discrimination in the workplace under the Arizona Civil Rights Act (ACRA). Pregnancy discrimination is illegal in Arizona, but complaints can currently only be investigated by the U.S. Equal Employment Opportunity Commission (EEOC). If signed by the Governor, pregnancy discrimination will be enforceable under the ACRA and will authorize the Arizona Attorney General's Office (AGO) to investigate and enforce protections for this type of discrimination.

Representative Jeff Weninger and Senator J.D. Mesnard worked with the AGO to introduce HB2045 and SB1180 this legislative session. A bill was also introduced last session, but did not pass both chambers due to the shortened session. On Thursday, both the Arizona House of Representatives and the Arizona Senate passed companion bills with near unanimous support, leaving the Governor's signature as the last step necessary for the bill to become law. If HB2045 is signed by the Governor, Arizona will be the 28th state to enact state laws prohibiting employers from discriminating against pregnant women.

"While pregnancy discrimination protections existed at the federal level, Arizona did not have similar protections until this bill," said Attorney General Brnovich. "This is an important step to help ensure women are not forced to choose between a career and motherhood. I applaud our Civil Rights Division for identifying this gap in state law and working with the legislature to fix it."

The AGO enforces the ACRA which prohibits discrimination in employment based on race, color, national origin, religion, sex, age, genetic testing, disability, and retaliation. Before the passage of HB2045, when the AGO received a pregnancy discrimination complaint, the AGO had to send the complaint to the EEOC. This additional layer of bureaucracy added unnecessary delays and forced expectant mothers or women who recently gave birth who were discriminated against to risk delayed justice.

"It's time for Arizona to ensure women are protected in the workplace," said Representative Jeff Weninger. "I am proud to work with General Brnovich, Senator Mesnard, and my legislative colleagues to get this bill passed. As a business owner, pregnancy discrimination is not only illegal, but it also hurts women and families."

"When a woman is discriminated against because of her pregnancy, the entire family suffers," said Senator Mesnard. "It undermines what should be a purely celebratory time. As a husband and a new father, it is important to ensure Arizona does not tolerate pregnancy discrimination."

HB2045 stipulates that women affected by pregnancy, childbirth, or other related medical conditions will be treated the same for all employment-related purposes as other employees in their ability to work.

### **Sierra Bill Aims to Put Youth in Foster Care on Stronger Track for Success**

PHOENIX -- The statistics surrounding Arizona foster children after they leave state care at age 18 are stark. Fewer than half find employment, only one in 10 attend college and even fewer graduate, one in five become homeless, and far too many experience post-traumatic stress and get into trouble with the law.

Representative Lorenzo Sierra and foster care advocates believe a simple change to Arizona law could help reverse those statistics. On Wednesday Sierra proposed a bill to make it easier for kids to stay in the foster system beyond age 18 until they turn 21, which would put more former foster children on a path for success. If passed, Sierra's House Bill 2728 would automatically allow young people to stay in the foster system until they turn 21, unless they opt out when they turn 18. Currently foster children are expelled from the system at age 18 and have to take steps to opt back in, a decision too few make, Sierra said.

"We've found that so many kids who age out of the foster care system end up homeless or in the correctional system," said Sierra, D-Avondale. "We want to give them a bridge to be able to get into adulthood productively. We hope this bill will give them the extra lifeline they need."

The bill was inspired by the work of Naketa Ross, a certified clinical trauma specialist who grew up in foster care and now serves on the Phoenix Union High School Governing Board. Ross first proposed the change to Arizona law in her December 2020, white paper "From Foster Care to Resilience: Saving Lives by Changing the Foster Care Model" and in the opinion pages of *The Arizona Republic*.

“We want the structure to remain the same where the youth’s voice is centered, but the approach would be different,” said Ross, who founded the non-profit Resilient Me to help foster youth. “The State would agree to and offer partnership and support to the young adults during this critical development stage. If youth do not want extended assistance they can decline. And if in the future before the age of 21, they change their minds, they could still come back.”

## “QUOTE OF THE DAY”

“You certainly don’t allow a challenger who lost an election to demand something that they don’t have the right to and we don’t have the responsibility for providing. And you especially don’t let that challenger who lost the election to determine how it will be done.”

*- Kelli Ward, on the presidential election.  
Just kidding, on her own election*

# YELLOW SHEET REPORT

BY BROOKLYN J. WITTE © by Arizona Capitol Reports, LLC unless otherwise credited. All rights reserved. Thursday, February 04, 2021

## ·NEWS NOTES AND GOSSIP·

### **BUT WE WANNA SEE JOE'S CUFFS!**

Shope, whose name on the resolution to hold the Board of Supervisors in contempt surprised many people, told our reporter today that while he doesn't believe the "conspiracies" that the election was stolen, he believes in the power of legislative subpoenas. That's a position informed by his battle as House Ethics Committee chair during the fight to subpoena former lawmaker David Stringer. "I don't completely agree with the underlying cause or reason we got here, but I do think subpoenas should be adhered to in some way, shape or form," he said, adding that he was prepared to hold Stringer in contempt for not complying with a subpoena, but he resigned. The Maricopa County Board of Supervisors has repeatedly said it cannot legally hand over those 2.1 million ballots to the Senate because it would violate the law and voter privacy, and Supervisor Bill Gates yesterday hammered the fact that the Senate's allegedly independent auditor is actually a "known and frequently debunked conspiracy theorist." Shope said he asked Fann yesterday point-blank about who is conducting the audit, and she told him nobody had been selected. A Senate press release on Jan 29 said Fann "has hired an independent, qualified forensic auditing firm," but Fann maintains nobody has been selected. At least one firm in the running is Allied Special Operations Group (YS, 2/3). Shope said he made it "very clear" that the chosen firm needs to be legitimate, but Fann offered no assurances of who she will pick. Shope said he believes Petersen is going to use the audit to look at potential election problems prospectively – and not veer into "fantasy land and conspiracy theory," – but if Petersen does, he'll lose Shope's support. "There's a line somewhere and if we cross over, we'll deal with it then," he said. That line seems to be somewhere between threatening to arrest the board of supervisors and actually arresting them, as Shope said the latter is off the table as far as he is concerned. "I think we all know we're not going to arrest anybody," he said. "That's over the top."



### **LET'S HOPE IT'S A SHORT SESSION**

If supervisors are, in fact, arrested, it wouldn't be the first time someone in Arizona was thrown in jail for not complying with a legislative subpoena, though the last time it happened appears to be more than a half-century ago. In 1964, an attorney refused to produce records during a House investigation into the Corporation Commission, claiming attorney-client privilege. The House committee was digging for more information on a \$25,000 transaction that may have been a campaign contribution – or a bribe. The case (*Buell v. Superior Court of Maricopa County*) made its way to the Arizona Supreme Court ([LINK](#)). The Court affirmed the Legislature's power to conduct investigations and issue subpoenas, as well as its power to hold recalcitrant witnesses in contempt and imprison them through the end of the legislative session. ARS 41-1155 states, "No term of imprisonment shall extend beyond final adjournment of the session." The ruling came shortly before impeachment proceedings for one of the sitting corporation commissioners, A.P. "Jack" Buzard ([LINK](#)). Buzard also failed to comply with a legislative subpoena during that legislative session, but William Rehnquist (yes, that William Rehnquist), who was working for the Senate, said it was too late in the session to bother with holding him in contempt, even though the issue arose after the Supreme Court ruling. (Buzard was ultimately acquitted.) Following the court ruling, it appears the previously imprisoned attorney testified in the impeachment proceedings.

## SO LONG RECALL, HELLO EXPULSION RESOLUTION

The recall effort against Finchem is dead, at least for now, as the group behind the original push handed the reins over to Rural Arizona Action, a nonprofit that plans to have a lawmaker introduce a resolution to expel him Monday. Ralph Atchu, the original organizer of the recall effort, told our reporter that he's not exactly thrilled that the recall morphed into an effort to expel the lawmaker, which he doesn't think is very realistic. "I don't know if they don't believe the group can get the recall done – you know it's a steep hill to climb," he said. "But I've let it go."

Pablo Correa, the executive director of Rural Arizona Action, wouldn't say who, exactly, would introduce the resolution, but an email our reporter obtained shows the group scheduled a press conference at the Capitol Monday. One Dem railbird doesn't think the recall option is off the table, but that the coalition needs to lay the groundwork with a resolution to expel him, which would keep the pressure and media attention up and let fellow Republicans smell the "blood in the water" until a recall is possibly launched. And the source said effort to keep the attention on Finchem is already working. "Mark Finchem has been muzzled, not by leadership, but by his lawyer," the source said, adding that they think that shows "there's something there" about his possible involvement in the riot, which Finchem has denied.



## 43 IS DEFINITELY A RECORD



The total number of ethics complaints filed against Finchem, who was in Washington DC on Jan 6 when a pro-Trump mob stormed the Capitol and killed a police officer, is now up to 43. Many of the complainants noted they are LD11 residents, while others said they live in Pima County, though not necessarily in Finchem's district. "If Finchem had admitted that traveling to Washington, D.C. was a mistake, we would not be writing but his continued refusal to acknowledge the role he played or to condemn the insurrectionists left us no choice," wrote Thomas and Jean Meconi of Tucson. "He has made false assertions that Antifa was responsible for the violence and has doubled down on his assertions that the AZ 2020 presidential election was fraudulent." Chávez filed the original complaint against Finchem in mid-January. Chavez argued Finchem violated his oath of office by supporting efforts to stop Congress from certifying the electoral vote count. Nutt has not announced yet whether she plans to hold a hearing on the allegations and Finchem has not filed a written response to the complaint. He has denied witnessing or taking part in violence or anything illegal.

## THE CLOCK IS TICKING



Ducey signed his first bill of the session today, a fast-tracked effort from Weninger and Mesnard to crack down on workplaces discriminating against pregnant women. Brnovich also backed the bill, which has been introduced for three sessions in a row before finally succeeding. Discrimination against pregnant women is already a federal crime, but the law will allow the AG to investigate potential violations and enforce it at the state level, as well. Ducey now has nine bills on his desk. During the session, the governor has five days after transmittal to sign or veto the legislation before it automatically becomes the law. That excludes Sundays. Three of those bills would have a signing deadline today.

## THE IRONY CONTINUES

Fourteen Republican representatives and four senators blasted Kelli Ward, their own party chair, in a letter pointing out her obvious hypocrisy in continuing to spew conspiracies about the presidential election while refusing calls to audit her own election. The 18 Republican lawmakers noted that while the AZGOP election pales in comparison to the importance of the presidential election, the principals they hold about election integrity should apply to both elections. “For more than the last two months, we have all been joined together in a public call for transparency and accountability in our election process,” they wrote. “Now, our collective message is being undermined by your insistence that none of these standards should apply to your election as AZ GOP Chairman. This inconsistency is simply not acceptable.” They added that if Ward won’t submit to an audit of the election that she (allegedly) won, she should “remove yourself from efforts to properly audit the elections” because she would be a “foil for the media to use to discredit our efforts to protect our state’s voters.” The fact that 18 Republican lawmakers signed on to the letter, which Payne spearheaded, is surprising to Shope, who noted that many of the signatories are natural allies of Ward’s. “We went through Robert Graham and Jonathan Lines and I don’t ever recall a single time where you’ve had this many Republicans openly grumbling. And we have a pretty conservative caucus and have had,” he said. Asked if he plans to issue a subpoena for the AZGOP election results as well, Shope chuckled and said he’s not sure he has the authority. “I wish she would have been defeated, and maybe she was, I don’t know,” he said. “We’ve already had one race overturned after everyone turned the lights out and left the building.” He said that after so much losing at the top of the ballot, Ward should have had the grace to not run again, as Fernandez did over Democrats’ failure to take the House. Ultimately, he said if Ward doesn’t come back by Monday and agree to an audit of her (alleged) victory, she should resign. “That was probably unexpected,” he said. “I’ll give her the benefit of the doubt that she didn’t see this coming.”



## RULES ARE FOR YOU AND ME, NOT SENATORS



Fann’s move to bar reporters, lobbyists and the public from accessing or viewing rules and caucus meetings all session violates the Senate’s own rules. While the Legislature has made itself exempt from the state’s open meetings law, both chambers adopted portions of the law into their own rules. In the Senate, Rule 7 on committees requires that all committee meetings be open to other members of the Legislature, the press and the public “so long as the proper decorum is maintained.” Rule 31, meanwhile, states “all meetings of a party caucus consisting of members of the Senate shall be open to the public except organizational

meetings to elect officers of the caucus and the Senate and meetings to discuss matters, including those permitted in executive session as set forth in section 38-431.03, Arizona Revised Statutes. Each caucus shall establish procedures for convening party caucuses.” (The Senate modified the rules last January, when the Senate granted itself the right to hold closed caucuses for any reason. Prior to 2020, Senate rules only permitted closed meetings if the caucus elected leaders or for the limited executive session exemptions laid out in state open meetings law, such as discussing litigation.) While lawmakers approved a temporary emergency Rule 32 on the first day of session to address Covid safety, nothing in that rule eliminates public access to meetings. Rather, the new rules specify how legislators and members of the public can participate remotely.

## SO MANY BILLS, SO LITTLE TIME



K Hoffman hopes bills to restore funding for preschool programs, analyze overcrowded classrooms and provide family and medical leave insurance benefits make it to the governor's desk. She gave a shout out to the bills during her third State of Education address before the Senate Education Committee earlier this week, but her spokesman said the Dept of Education is also lobbying to kill a few bills – chief among them, another push for school voucher expansion. S1452 (Arizona empowerment scholarship accounts; revisions) would expand voucher eligibility to low-income students and students who attend Title I schools, a move some opponents say would effectively create the universal vouchers voters rejected in 2018. One concern is the added burden of administering the program to more students — those costs, ADE spokesman Richie Taylor said, have never been fully funded ([LINK](#)). He also pointed to voters' rejection of expanding the voucher program in 2018 with Prop 305. "We thought we should listen to the will of the voters," he said. In her speech, Hoffman pointed to teacher burnout as one reason for the teacher shortage. S1058 (schools; learning materials; activities) would probably add to that burnout, as it would require district and charter schools to provide learning materials to parents for their review. If parents disapprove, they would be able to request to pull their student from the class. Taylor says parents already have ways to review what their children are learning. "Parents do have the right to go and talk to teachers," he said, adding that school board meetings are public and have time for public comment. Next week, Hoffman will deliver her second annual State of Special Education speech to House Education, rather than repeat yesterday's speech as previous superintendents have. Taylor said the gist of her speech is that special education in Arizona needs some work.

## ·WAKE UP CALL·

### **Republican senators vote to find Maricopa County supervisors in contempt**

*Arizona Capitol Times*

All 16 Republicans in the Arizona Senate signed on to a measure introduced Wednesday afternoon that could lead to sending the Senate's sergeant at arms to arrest Maricopa County's elected supervisors as early as Friday.

### **Push is on to lower business property taxes**

*Capitol Media Services*

Republican lawmakers are moving to lower property taxes on businesses.

### **Arizona lawmakers seek to reverse four decades of tough-on-crime policies**

*Capitol Media Services*

Without a single dissent, Arizona House committee votes to restore some sentencing discretion taken away from judges

### **Tucson border aid groups say Border Patrol often fails to help migrants in distress**

*Arizona Daily Star*

Border Patrol counters that in 2019, for example, its agents conducted more than 1,000 rescues in the Tucson Sector

### **Arizona Chamber of Commerce & Industry CEO taking Texas job**

*Associated Press*

Glenn Hamer, the longtime president and CEO of the Arizona Chamber of Commerce & Industry, is leaving to take a similar position with the Texas Association of Business.

### **Ex-Navajo Nation president dies of coronavirus complications**

*Associated Press*

Albert Hale, a former Navajo Nation president and Arizona lawmaker who was known for his commanding presence, sense of humor and advocacy for local government, has died.

**Yuma Sector Border Patrol agents arrest a group of Iranians**

*Yuma Sun*

Yuma Sector Border Patrol agents arrested a group of 11 Iranian citizens who illegally crossed the border into the United States Monday evening.

**Call center inundated with vaccine requests**

*Payson Roundup*

Struggling to make an appointment for a person 75 and older?

**For Sale in Queen Creek: Trump Bus, Heavily Used**

*Phoenix New Times*

An eye-popping tour bus decked out in pro-Donald Trump imagery and used at rallies and events across the country is for sale in Queen Creek with a \$135,000 price tag.

**Longshot Federal Gun Registration Bill Would Require Psych Exams**

*Phoenix New Times*

A longshot bill in the U.S. House of Representatives that would require psychological examinations for gun owners and a publicly accessible list of ownership is causing a stir with Second Amendment advocates.

**Fann picks Trump-allied firm with history of false election statements to audit Maricopa election**

*Arizona Mirror*

Senate President Karen Fann has chosen a firm that produced a widely discredited report on voting in Michigan, and which includes a Trump campaign associate with a well-documented history of spreading false and baseless claims about the 2020 election, to conduct an audit of the election in Maricopa County, according to records obtained by Arizona Mirror.

**Senate GOP all back arresting Maricopa County supervisors for contempt**

*Arizona Mirror*

All 16 Republicans in the Arizona Senate co-sponsored a resolution calling for the Maricopa County Board of Supervisors to be held in contempt and arrested for refusing to comply with wide-ranging subpoenas for election equipment and materials.

**Brnovich sues Dept. of Homeland Security over deportation pause**

*Arizona Mirror*

In a lawsuit filed Wednesday, Attorney General Mark Brnovich said the Biden administration can't temporarily pause deportations because he signed an agreement with the U.S. Department of Homeland Security in the final days of the Trump administration that gives him broad powers to block changes in how the federal government enforces federal immigration laws.

**Will Arizona's Republican representatives vote for QAnon or country?**

*Arizona Republic (Opinion, EJ Montini)*

'When a person encourages talk about shooting a member in the head, they should lose the right to serve on any committee. That shouldn't be a radical idea.'

**COVID-19 testing is feast or famine in Arizona. Here's how to do it better**

*Arizona Republic (Opinion, Joanna Allhands)*

When COVID-19 cases begin to drop, Arizona should ramp up efforts to get more folks tested. That hasn't happened. But it should.

**Good intentions aren't enough. Joe Biden must make real changes on immigration now**

*Arizona Republic (Opinion, Elvia Diaz)*

The White House says it'll take time to clean up Trump's immigration mess. But studying how to move forward isn't the action we need now.

**Forget Democrats. Independents should be most upset at bills targeting voting by mail**

*Arizona Republic (Opinion, Abe Kwok)*

Voting trends suggest that independents – not Democrats – would be more hurt by Arizona lawmakers' efforts to limit who receives mail ballots.



## ·PRESS RELEASES·

### **Pushing Back on Anti-Voters Bills, Democratic Legislators and Secretary of State Partner to Introduce Pro-Democracy Legislation**

PHOENIX-- Senator Martin Quezada and Representative Athena Salman, working with Secretary of State Katie Hobbs, have introduced a package of pro-democracy bills to expand voting access, streamline election administration and enhance election security. After months of anti-democracy sentiment and false claims of election fraud from the former President and even Arizona Legislators, these bills will expand access to our Democracy for all Arizonans. "Voting is at the core of American Democracy and we should be fighting to protect it, not attack it," Senator Quezada said. "While Republicans continue casting doubt onto a free and fair election, our slate of bills aim to expand access to democracy and remove hurdles Republicans have placed in front of voters."

"During Black History month, Republicans are dead set on making it harder to participate in an election for any eligible voter they perceive to be not worthy," Representative Salman said. "Elections should be a contest of ideas, not a test of how creatively one side can hold onto power without majority support. Our plan ensures that our government will still depend on the consent of the governed."

"Some of the election bills proposed by Republicans have no intended benefits and create burdens on election officials' ability to make voting as accessible as possible and make it more difficult for Arizonans to register and vote, added Secretary Hobbs. "Senator Quezada and Representative Salman worked with my office to find ways to reassure voters that elections in Arizona are secure and accurate. This is exactly what SB1667 and HB2797 are designed to do. It's time to take the lessons we learned and pass reforms that streamline election administration, expand voting rights, and enhance election security."

See below for the list of pro-democracy bills that have been introduced:

- **HB2797 election laws; revisions; appropriation and SB1667 election laws revisions. These Election Reform Omnibus Bills are mirror bills developed with the Arizona Secretary of State to improve election administration and security while expanding voter access.**
- **SCR1042 conduct of elections; voters; rights.** Asks voters to enact an AZ Voters' Bill of Rights to allow registration without unnecessary barriers; Fair districts where voters choose candidates rather than candidates choosing voters; assurance that all Vote By Mail votes will count; Equal access to the ballot box; preserved power of the initiative; and a requirement that elected officials will serve voters, not special interests.
- **SB1669 voter registration; youth pre-registration.** Allows 16-year old voters to pre-register to vote. The registration becomes effective once they turn 18.
- **SB1668 presidential preference caucuses; independent voters.** Changes Arizona's Presidential Preference Election to a Caucus Election.
- **SB1670 and HB2750 automatic voter registration; same day.** Enacts a same day and automatic voter registration programs in Arizona.
- **SB1671 early ballot collection; limitations; repeal.** Repeals Arizona's unconstitutional ban on assisting fellow voters engage in the democratic process by ensuring their vote is counted.
- **SB1672 early voting locations.** Allows counties to operate early voting locations up until election day.
- **SB1673 polling places; drop boxes; campuses.** Requires polling place drop boxes at higher education campuses.
- **HB2344 early voting; weekend hours.** Keeps early voting locations open until 7 p.m. on the weekend and Monday before Election Day.
- **HB2736 presidential preference election; independent voters.** Allows voters without a political party to participate in the presidential preference election of their choice.

- **HB2343 voting centers; board of supervisors.** Allows counties to use voting centers as polling places, and to stay open during the weekend before Election Day.

### **Senator Shope and Representative Pratt help ensure economic growth in Pinal County through smart water management**

(Phoenix, State Capitol) --- The Arizona House of Representatives today passed SB 1274, a bill harnessing smart water management to drive economic development and housing availability in Pinal County. This follows passage of the bill by the Senate on Wednesday.

A product of several years of discussions, the bill sponsored by Senator T.J. Shope implements locally driven solutions to encourage smart and efficient residential development. "I am proud to sponsor this bill as it is critical to Pinal County's economy," said Senator Shope. "This will conserve water while protecting the county's continued growth, and it allows people in cities and towns great flexibility to protect their community."

"This legislation is the product of a lot of hard work on the part of many local, county and state leaders," said Representative Frank Pratt. "I strongly support it and am pleased that we're able to help continue the responsible growth underway in Pinal County and, potentially, other areas of the State."

With strong bipartisan support, the bill is now headed to the Governor for his signature.

### **Legislative Rural Caucus Elects Leadership Team; Rep. Dunn to Serve as Chair, Rep. Barton as Vice Chair**

STATE CAPITOL, PHOENIX -- The Legislative Rural Caucus has announced its leadership for the 2021-2022 legislative term. Representative Timothy Dunn (R-13) was elected to serve as Caucus chairman, and Representative Brenda Barton (R-6) will serve as vice chairman.

The Legislative Rural Caucus is a bipartisan, bicameral group of state legislators who meet weekly to discuss common challenges and needs of rural communities and identify ideas to solve those challenges.

"I am honored to serve as chairman of the Rural Caucus and look forward to serving the people of my district as well as Arizonans across the state," said Representative Dunn. "The Caucus plays an important role in representing the common interests of rural Arizona in the legislature and through building stronger relationships across the state."

"I love the people and unmatched beauty of rural Arizona," said Representative Barton. "As a legislator, and as a member of the Legislative Rural Caucus, I am here to advance good public policy that serves our rural areas."

The Legislative Rural Caucus actively tracks legislation that might diminish the ability of rural counties to provide vital services to those who live outside of the large city centers of metro Phoenix, Tucson, and Flagstaff. Members of the Caucus recognize that there is a rich, untapped resource in the rural communities which, with the right support and infrastructure, can prosper and contribute greatly to the quality of life for all Arizonans and visitors.

### **Bill to Fund Pinal County Infrastructure Project Passes Transportation Committee**

STATE CAPITOL, PHOENIX -- A bill sponsored by State Representative David Cook (R-8) was passed today by the House Transportation Committee.

**HB 2394** appropriates \$4 million to pay for a tier 2 study of the proposed North-South Corridor highway project in Pinal County. Additionally, it provides \$750,000 to the County to supplement a local match to acquire over \$15 million in federal grant money to fund road and infrastructure improvements which would increase access to the area around the Nikola Motors plant.

"I am grateful to my colleagues for their bipartisan support in continuing this long-needed project serving the transportation needs in Pinal County and our state," said Representative Cook. "With the passage of my amendment today, the bill would appropriate \$750,000 to help enable Pinal County to receive over \$15 million in federal money to fund infrastructure projects near the Nikola Motors plant. These projects will be an economic engine in Pinal County and create well-paying jobs for rural Arizona."

The North-South Corridor is a proposed highway project that would improve transit in the Pinal County region.

## SB 1379 means responsible reform for Arizona vacation rental marketplace

*Statement by Philip Minardi, director, policy communications, Expedia Group*

“Today’s approval of SB 1379 by the Arizona Senate Commerce Committee is a good step to responsibly reform the vacation rental industry while preserving its importance as a driver of tourism and economic opportunity. Vacation rentals both empower Arizona homeowners to earn extra money with their own property and create a unique experience for guests to enjoy all that Arizona has to offer.

“We are mindful the growing popularity of vacation rentals has created concern in some communities, especially with regard to a relatively small number of nuisance properties. Through our Stay Neighborly initiative, we’ve instituted a no-tolerance policy toward hosts or guests who have abused the right to rent. We also continue to move swiftly to identify and remove bad actors from the platform, while employing risk-engine technology to flag problems during the booking process. Our support of SB 1379 represents Expedia Group’s continued commitment to a balanced approach and smart reforms for the vacation rental marketplace.

“Specifically, SB 1379 establishes strict occupancy limits for host properties; authorizes local officials to impose stiff penalties for vacation-rental violations, and enables the state to suspend any property’s tax license for repeated violations; requires vacation rental hosts to maintain at least \$500,000 worth of insurance; and more. These provisions address some of the primary concerns raised by community members and local officials, but preserve the core of what has made Arizona among the nation’s most successful markets for vacation-rental hosts and guests.

“We believe strongly that a vibrant vacation-rental industry can help lead Arizona’s tourism recovery. Expedia Group looks forward to continued collaboration with our state and local officials.”

## Senator Kelly Speaks with Governor Ducey About Arizona’s COVID-19 Response, Priorities

Today, United States Senator Mark Kelly spoke with Governor Doug Ducey about Arizona’s response to the COVID-19 pandemic, the state’s vaccination plan, and ensuring that Arizonans get the support and resources they need during this pandemic.

Kelly told Ducey that he supports his request for additional vaccines from the federal government, and will continue working with the congressional delegation and administration to advocate for more vaccinations for Arizona. Kelly also shared concerns he has heard from Arizona mayors and his [Senior Citizen Advisory Group](#) about inadequate vaccine supply in rural and border areas, and the difficulties that seniors and others with limited transportation options are having getting vaccinated.

“Getting Arizonans vaccinated is how we are going to beat this virus for good and get our economy back on track. Governor Ducey and I spoke about the state’s vaccination program, issues that I have heard from Arizonans, and actions that need to be taken to get the vaccinations to the people who need them most,” said Senator Kelly. “It is critical that we all work together, the governor, our congressional delegation, and local leaders, to get our communities the resources to get Arizonans vaccinated and continue to support those who need it most during this crisis.”

Regarding relief, Kelly also raised casework issues that have come to his office including delays in rental and unemployment assistance reaching Arizonans, and the looming threat of evictions for families and individuals. Kelly [last spoke with Ducey in December](#) when they discussed the COVID-19 pandemic and the strain that rising cases and hospitalizations were putting on Arizona’s health care system. During that call, Kelly reiterated his support for additional efforts to slow the virus’s spread such as a statewide mask mandate.

Since that call, Kelly has joined a [bipartisan working group](#) of 8 Democrats and 8 Republicans working to find common ground on COVID-19 relief, including additional funding for vaccinations. He has also held a number of conversations with his COVID-19 Working Group made up of Arizona public health experts, his [Senior Citizen Advisory Group](#) made up of senior leaders and organizations, and [mayors from the border to northern Arizona](#). Kelly has previously [written](#) the Department of Health and Human Services urging them to coordinate on-site vaccinations for Customs and Border Protection officers.

## Rep. Kirkpatrick Votes to Pass Budget Resolution, A Key Tool to Accelerate Passing COVID Relief for Americans

(WASHINGTON, DC) – Today, Rep. Kirkpatrick voted to pass H. Con. Res. 11, the FY 2021 Budget Resolution. Passing this budget ensures that Congress can act quickly and decisively in the weeks to come to deliver the robust

relief that American families, workers and communities need to combat the coronavirus pandemic and strengthen the economy.

“For over a year, the COVID-19 pandemic and economic crises have destroyed Americans’ lives and livelihoods, and Arizonans need to know that help is on the way,” said Rep. Kirkpatrick. “In Arizona alone, upwards of 750,000 people have been infected, nearly 13,500 have died, and thousands remain unemployed as well as food and housing insecure. We must act swiftly and boldly, which is why I am proud to join my colleagues to pass this budget resolution.”

In Congress, there is strong precedent for reconciliation bills, which have been passed on a bipartisan basis 17 times in recent years, including for the bipartisan, landmark Children’s Health Insurance Program (CHIP). Democrats hope and expect that Republicans in Congress will support assistance that will bring relief to the communities they represent. Passing this budget does not preclude adopting Republican suggestions that would strengthen the package. But it does ensure that Congress can move forward in a timely way and meet Arizona families’ urgent needs.

Reports indicate that without immediate action, an entire cohort of young people in Arizona and across the country may have lower lifetime earnings because they were deprived of another semester of school. Millions of Arizona parents could be forced to stay at home, reducing their wages and future job prospects because they have no choice but to care for their kids. With interest rates at historic lows and the return on smart investments in the economy having never been higher, top economists are saying that now is the time for bold action.

The budget resolution passed today is an essential first step in Congress’s efforts to deliver the comprehensive, strategic and science-based relief laid out in President Biden’s robust American Rescue Plan:

- **Beat the virus and safely reopen schools** – The plan will mount a national vaccination program that includes setting up community vaccination sites nationwide. It will also take complementary measures to combat the virus, including scaling up testing and tracing, addressing shortages of personal protective equipment and other critical supplies, investing in high-quality treatments and addressing health care disparities. The plan will also make the investments necessary to safely reopen schools.
- **Deliver immediate relief to working families bearing the brunt of the crisis** – The plan will provide direct assistance to households across America by \$1,400 per person, bringing the total (including the \$600 down payment enacted in December) to \$2,000. The plan will also provide direct housing and nutrition assistance to families struggling to get by, expand access to safe and reliable child care and affordable health care, extend and expand Unemployment Insurance so American workers can pay their bills and give families with children as well as childless workers a boost through enhanced tax credits.
- **Support communities struggling with the economic fallout** – The plan will provide crucial support for the hardest-hit small businesses, especially those owned by entrepreneurs from racial and ethnic backgrounds that have experienced systemic discrimination. The plan also provides crucial resources to protect the jobs of first responders, frontline public health workers, teachers, transit workers and other essential workers that all Americans depend on.

“I hope to work with Members on both sides of the aisle to meet the urgent needs of our communities,” continued Rep. Kirkpatrick. “But I will not sacrifice more time or the health and well-being of Arizona families at this critical junction. For hard-working Arizonans, the cost of continued inaction is too high.”

## **Congressman Biggs Named Ranking Member of House Judiciary Subcommittee on Crime, Terrorism and Homeland Security**

WASHINGTON, D.C. – This week, Congressman Andy Biggs was named the Ranking Member of the Subcommittee on Crime, Terrorism and Homeland Security for the United States House Committee on the Judiciary. Congressman Biggs released the following statement:

*“I’m grateful to Ranking Member Jim Jordan for appointing me as a ranking member for this subcommittee. It has been an honor to serve on the Committee on the Judiciary since being sworn into the U.S. House in 2017 and to work with Ranking Member Jordan on many substantive issues. I am privileged to lead the Republican efforts for this important subcommittee to stand against the Democrats’ dangerous agenda for the future of our nation.”*

Congressman Biggs was also appointed to the Subcommittee on Immigration and Citizenship for the U.S. House Committee on the Judiciary. Congressman Biggs also serves on the U.S. House Committee on Oversight and Reform.

# “QUOTE OF THE DAY”

“I think we all know we’re not  
going to arrest anybody.”

*- Shope, on whether senators will follow through on their threat  
to arrest the Maricopa County Board of Supervisors*

## Lumpp, Rachelle

---

**From:** Flanagan, Allyson  
**Sent:** Wednesday, December 23, 2020 4:19 PM  
**To:** Ahler, Paul; Anderson, Kim; Anderson, Ryan; Baskin, Mona; Benjamin, Dena; Bennett, Courtney; Brnovich, Mark; Catlett, Michael; Cole, Dave; Conner, Katie; Daniels, Paula; Diaz, Bethany; du Mee, Matthew; Ensign, Drew; Flanagan, Allyson; Fries, Jerry; Fry, John; Hartwick, Carolyn; Hatcher, TammieJo; Isaak, Jason; Johnson, John; Kanefield, Joe; Karlson, Kara; Kredit, Beth; Kredit, Joshua; Lau, Douglas; LibraryHelpdesk; Lumpp, Rachelle; McCarthy, Eryn; Medina, Rick; Mejia, Catherine; Momich, Jelena; Morgan, Lizette; Northup, Dawn; Paton, Angela; Pineiro, Michael; Ray, Kevin; Roysden, Beau; Sawyer, Kate; Sciarrotta, Joseph; Stevens, John; Heathcotte, Leslie; Wilson, Linley; Wright, Jennifer  
**Subject:** Yellow Sheet 12/23/2020  
**Attachments:** 12-23-20.pdf  
**Categories:** Green category

Good afternoon,

Attached you will find today's Yellow Sheet.

Thank you,

**Allyson Flanagan**

Executive Assistant to Chief Deputy & Chief of Staff Joe Kanefield

Office of the Attorney General, State of Arizona



Attorney General Mark Brnovich

2005 N. Central Avenue, Phoenix, AZ 85004

☎ 602-542-8017

[Allyson.Flanagan@azag.gov](mailto:Allyson.Flanagan@azag.gov)

<http://www.azag.gov>

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## Lumpp, Rachelle

---

**From:** Conner, Katie <Katie.Conner@azag.gov>  
**Sent:** Wednesday, December 23, 2020 3:59 PM  
**To:** Terri Jo Neff  
**Cc:** Anderson, Ryan; Loretta Hunnicutt  
**Subject:** Re: [Test] Two Individuals Accused of Ballot Harvesting

**Categories:** Green category

Hi Terri Jo,  
I apologize but we cannot comment further than the indictment and press release at this time.  
Thank you,  
Katie

Sent from my iPhone

On Dec 23, 2020, at 2:06 PM, Terri Jo Neff wrote:

Hey guys---

1) Are you meaning they obtained these 4 voted ballots from 1 specific other person, or that they obtained voted ballots from 4 different voters?

2) Did your investigation determine if these two women engaged in ballot harvesting on behalf of an organization? Or for pecuniary benefit?

3) Also was there any determination of whether the 2 women had some relationship with the voters, even if that relationship did not satisfy the statute?

4) Are they being summoned on the indictment or were taken into custody?

Thanks!!!!

**Terri Jo Neff**  
520-508-3660

<https://arizonadailyindependent.com/author/terrijoneffadi/>

On Wednesday, December 23, 2020, 1:40:39 PM MST, Conner, Katie wrote:

Hi Terri Jo,



Please see the press release below. We are planning to send out around 2:15 PM today. Thank you!

---

**From:** Attorney General Mark Brnovich [<mailto:katie.conner@azag.gov>]  
**Sent:** Wednesday, December 23, 2020 1:05 PM  
**To:** Conner, Katie  
**Subject:** [Test] Two Individuals Accused of Ballot Harvesting

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**For Immediate Release:** December 23, 2020

**Contact:** Katie Conner (602) 339-5895 or [Katie.Conner@azag.gov](mailto:Katie.Conner@azag.gov)

## **Two Individuals Accused of Ballot Harvesting in Yuma County**

**YUMA** - Attorney General Mark Brnovich announced that a State Grand Jury indicted Guillermina Fuentes and Alma Juarez, both of San Luis, Arizona, for 1 count each of Ballot Abuse, also known as “ballot harvesting.”

The indictment alleges that during the August 2020 Primary Election, Fuentes and Juarez knowingly collected four voted ballots from another person, in violation of Arizona law. The early ballots were deposited into a ballot box on Election Day, and were processed and counted by the Yuma County Recorder during the election. Arizona law only provides for a family member, household member, or caregiver of the voter to collect voted or unvoted early ballots from another person.

Ballot abuse under Arizona law is a class 6 felony and each defendant faces up to two years in prison and a \$150,000 fine.

This investigation was conducted by the Arizona Attorney General’s Office Special Investigations Section, Election Integrity Unit, Special Agent Bill Knuth.

Assistant Attorney General Todd Lawson is prosecuting this case.

All defendants are presumed innocent until proven guilty in a court of law.

No booking photographs are available.

Copy of indictment.

###

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## Lumpp, Rachelle

---

**From:** Brnovich, Mark  
**Sent:** Wednesday, December 23, 2020 3:51 PM  
**To:** Anderson, Ryan; Brnovich, Mark; Bush, Michael; Conner, Katie; Diaz, Bethany; Drummond, Pete; Flanagan, Allyson; Isaak, Jason; Kanefield, Joe; Kredit, Beth; Kredit, Joshua; Medina, Rick; Mejia, Catherine; Paton, Angela; Russell, Bradley; Spadafora, Mark; Stevens, John  
**Subject:** Winter Newsletter 2020  
**Attachments:** Winter 2020.pdf  
**Categories:** Green category

Please take a moment to look over the Fall/Winter 2020 Newsletter. 2020 has been a challenging year, but you all have much to be proud of. Thank you for your commitment to the people of Arizona.  
Happy Holidays and Happy New Year!

## Lumpp, Rachelle

---

**From:** Attorney General Mark Brnovich <katie.conner@azag.gov>  
**Sent:** Wednesday, December 23, 2020 2:44 PM  
**To:** Lumpp, Rachelle  
**Subject:** Two Individuals Accused of Ballot Harvesting

**Categories:** Green category

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**For Immediate Release:** December 23, 2020

**Contact:** Katie Conner (602) 339-5895 or [Katie.Conner@azag.gov](mailto:Katie.Conner@azag.gov)

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## Lumpp, Rachelle

---

**From:** Attorney General Mark Brnovich <katie.conner@azag.gov>  
**Sent:** Wednesday, December 23, 2020 2:44 PM  
**To:** Mejia, Catherine  
**Subject:** Two Individuals Accused of Ballot Harvesting

**Categories:** Green category

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**For Immediate Release:** December 23, 2020

**Contact:** Katie Conner (602) 339-5895 or [Katie.Conner@azag.gov](mailto:Katie.Conner@azag.gov)

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## Lumpp, Rachelle

---

**From:** Momich, Jelena  
**Sent:** Wednesday, December 23, 2020 2:14 PM  
**To:** Lumpp, Rachelle  
**Subject:** Newsletter  
**Attachments:** 2020 Newsletter.pdf  
  
**Categories:** Green category

Hey there! I've completed the newsletter -- can you please send out to the AGO when you have a sec? Thanks!

Jelena Momich  
Facilities Manager

---



Attorney General Mark Brnovich  
2005 N. Central Avenue  
Phoenix, AZ 85004  
Desk: 602-542-8004 | Cell: 602-339-4705  
[jelena.momich@azag.gov](mailto:jelena.momich@azag.gov)  
<http://www.azag.gov>



## Lumpp, Rachelle

---

**From:** Conner, Katie  
**Sent:** Wednesday, December 23, 2020 1:41 PM  
**To:** 'editor@arizonadailyindependent.com'; Terri Jo Neff (cjw\_media@yahoo.com)  
**Cc:** Anderson, Ryan  
**Subject:** FW: [Test] Two Individuals Accused of Ballot Harvesting

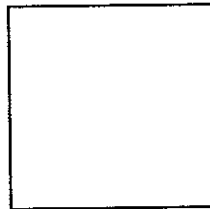
**Categories:** Green category

Hi Terri Jo,  
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---

**From:** Attorney General Mark Brnovich [<mailto:katie.conner@azag.gov>]  
**Sent:** Wednesday, December 23, 2020 1:05 PM  
**To:** Conner, Katie  
**Subject:** [Test] Two Individuals Accused of Ballot Harvesting

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**For Immediate Release:** December 23, 2020

**Contact:** Katie Conner (602) 339-5895 or [Katie.Conner@azag.gov](mailto:Katie.Conner@azag.gov)

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Assistant Attorney General Todd Lawson is prosecuting this case.

All defendants are presumed innocent until proven guilty in a court of law.

No booking photographs are available.

Copy of [indictment](#).

###

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## Lumpp, Rachelle

---

**From:** Brnovich, Mark  
**Sent:** Tuesday, December 15, 2020 5:57 PM  
**To:** Kredit, Joshua; Kanefield, Joe; Wright, Jennifer  
**Subject:** Fwd: Crime in Progress – Report – Maricopa County Administrative Level Voter Count Fraud  
**Attachments:** image003.png; image002.png; image001.png; Maricopa County by Precinct.xlsx  
**Categories:** Black, Green category

Mark Brnovich  
Arizona Attorney General

## Sent from my iPhone

Begin forwarded message:

**From:** Mark Ebling  
**Date:** December 15, 2020 at 5:37:34 PM MST  
**To:** "Roopali H. Desai - SOS Attorney," "D. Andrew Gaona - SOS Attorney," "Kristen Yost - SOS Attorney," "Sara R. Gonski - Democrat Party," "Roy Herrera - Democrat Party," "Daniel Arellano - Democrat Party," "Adrian Fontes," "Brnovich, Mark", "Kanefield, Joe", "Flanagan, Allyson", "Isaak, Jason", "angie paton," "Kredit, Joshua", "paul penzone," "katie hobbs," "doug ducey," "abc 15 arizona," "cbs - arizona family," "pbs arizona," "nbc news," "nbc - 12 news," "pbs," "matt schlapp," "ian walters," "cbs news," "irena briganti," "porter berry," "sean hannity," "andrew t. lefevre," "kyrsten sinema," "martha mcsally," "raul grijalva," "lynn constabile," "dr. jim helm," "elizabeth howard," "ken matta," "dr. william mishler," "michael totherow," "reynaldo valenzuela," "lauren geislinger," "allister adel," "david bradley," "lupe contreras," "jamescita peshlakai," "sally ann gonzales," "lisa otondo," "victoria steele," "david bradley," "sean bowie," "lela alston," "juan mendez," "rebecca rios," "ariando teller," "myron tsosie," "pamela hannley," "randall friese," "kirsten engel," "domingo degrazia," "jennifer pawlik," "mitzi epstein," "jenniffer jermaine," "diego espinoza," "lorenzo sierra," "jennifer longdon," "amish shah," "isela blanc," "athena salman," "reginald bolding," "diego rodriguez," "kelli butler," "aaron lieberman," "richard c. andrade," "cesar chavez," "robert meza," "raquel teran," "fox 10 phoenix," "sylvia allen," "frank pratt," "eddie farnsworth," "sine kerr," "david gowan," "heather carter," "dave farnsworth," "j.d. mesnard," "paul boyer," "david livingston," "tyler pace," "regina cobb," "leo biasiucci," "walter blackman," "bob thorpe," "david cook," "mark finchem," "bret roberts," "travis grantham," "warren petersen," "tim dunn," "joanne osborne," "gail griffin," "john allen," "nancy barto," "kelly townsend," "john fillmore," "jeff weninger," "anthony kern," "shawna bolick," "tony rivero," "kevin payne," "ben toma," "frank carroll," "jay lawrence," "john kavanagh," "michelle udall," "tony navarrete," "charlene fernandez," "randy friese," "reginald bolding," "rosanna gabaldon," "daniel hernandez jr.," "alma hernandez," "andres cano," "charlene fernandez," "geraldine peten," "kate brophy mcgee," "russell bowers," "tj shope," "warren petersen," "becky nutt," "steve pierce," "noel w. campbell," "Eddie Farnsworth (Republican Chairman)," "Rick Gray (Republican Vice

Chairman)," , "Sonny Borrelli (R)," , "Vince Leach (R)," , "Michelle Ugenti (R)," , "Martin Quezada (D)," ,  
"Lupe Contreras (D)," , "Andrea Dalessandro (D),"

**Subject: FW: Crime in Progress – Report – Maricopa County Administrative Level Voter Count Fraud**

**From:** Mark Ebling

**Sent:** Tuesday, December 15, 2020 3:47 PM

**To:** 'Kelli Ward - Arizona GOP Chairwoman,' ; 'Karen Fann - President of the Arizona Senate ,' ; 'Wendy Rogers – Arizona State Senate,' ; 'Thomas P. Liddy - Maricopa County(019384),' ; 'Emily Craiger - Maricopa County (021728),' ; 'Joseph I. Vigil - Maricopa County (018677),' ; 'Joseph J. Branco - Maricopa County (031474),' ; 'Joseph E. LaRue - Maricopa County (031348),' ; 'Dennis I. Wilenchik,' ; 'John D. Wilenchik,' ; 'Catherine Rauscher,' ; 'Mario Campos,' ; 'administrator@wb-law.com' ; 'amy@wb-law.com' ; 'ChristineF@wb-law.com' ; 'SuzanneH@wb-law.com' ; 'diw@wb-law.com' ; 'RobertD@wb-law.com' ; 'HilaryM@wb-law.com' ; 'ToniB@wb-law.com' ; 'heatherz@wb-law.com' ; 'VictoriaS@wb-law.com' ; 'leem@wb-law.com' ; 'LisaL@wb-law.com' ; 'MarileeS@wb-law.com' ; 'JordanW@wb-law.com' ; 'marioc@wb-law.com'

**Subject:** FW: Crime in Progress – Report – Maricopa County Administrative Level Voter Count Fraud

**Importance:** High

**RE: URGENT COMMUNICATION - LETTER OF DEMAND - 'Email to Judge Hannah, Crime in Progress – Report – Maricopa County Administrative Level Voter Count Fraud'**

Dear Ms. Adel,

**RE: NEW EVIDENCE FOUND CONCERNING THE TAMPERING OF THE ARIZONA EARLY VOTE COUNT**

**RE: A complaint has also been filed with the Attorney General's Election Integrity Unit and the Phoenix FBI Office**

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**ANY MARICOPA COUNTY WINDOWS LOGIN ACCESS PROVIDED TO THE CO-DIRECTORS SPECIFICALLY MR. SCOTT JARRETT AND DOMINION EMPLOYEES SHOULD BE SUSPENDED IMMEDIATELY!**

Please call if you have any questions.  
Mark Ebling - Maricopa County Resident  
(602)474-6563

From: Mark Ebling

Sent: Thursday, December 10, 2020 2:53 PM

To: Kelli Ward - Arizona GOP Chairwoman, <kelli.ward@azgop.org>; Karen Fann - President of the Arizona Senate, <fannm@cableone.net>; Wendy Rogers – Arizona State Senate, <team@wendyrogers.org>; Thomas P. Liddy - Maricopa County(019384), <liddyt@mcao.maricopa.gov>; Emily Craiger - Maricopa County (021728), <craigere@mcao.maricopa.gov>; Joseph I. Vigil - Maricopa County (018677), <vigilj@mcao.maricopa.gov>; Joseph J. Branco - Maricopa County (031474), <brancoj@mcao.maricopa.gov>; Joseph E. LaRue - Maricopa County (031348), <laruej@mcao.maricopa.gov>; Dennis I. Wilenchik, <admin@wb-law.com>; John D. Wilenchik, <jackw@wb-law.com>; Catherine Rauscher, <CatherineR@wb-law.com>; Mario Campos, <marioc@wb-law.com>; administrator@wb-law.com; amye@wb-law.com; ChristineF@wb-law.com; SuzanneH@wb-law.com; diw@wb-law.com; RobertD@wb-law.com; HilaryM@wb-law.com; ToniB@wb-law.com; heatherz@wb-law.com; VictoriaS@wb-law.com; leem@wb-law.com; LisaL@wb-law.com; MarileeS@wb-law.com; JordanW@wb-law.com; marioc@wb-law.com

Subject: FW: Crime in Progress – Report – Maricopa County Administrative Level Voter Count Fraud  
December 10, 2020

Allister Adel - County Attorney  
Maricopa County Attorney's Office  
225 West Madison Street  
Phoenix, AZ 85003

RE: URGENT COMMUNICATION - LETTER OF DEMAND - '*Email to Judge Hannah, Crime in Progress – Report – Maricopa County Administrative Level Voter Count Fraud*'

Dear Ms. Adel,

I apologize for the subject matter, but most importantly, I hope you're doing well and congratulations for becoming the first woman elected as County Attorney in Maricopa County.

*I believe a crime is being committed and is in progress.* On November 18 at 1:28pm, I sent the attached email and 'POLL LIST' to Judge Hannah, the Plaintiff's attorney, and your staff just two hours before oral arguments in the case of '*Arizona Republican Party v. Fontes et al, Exhibit A, FIRST DECLARATION OF SCOTT JARRETT.*' Since I was knowledgeable of the process, I realized that *Mr. Scott Jarrett, Co-Director of Maricopa County Elections, was lying to the Court.* This incident was memorialized in the form of a brief, PLAINTIFF'S REPLY RE: INJUNCTIVE RELIEF.

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The County failed to perform under A.R.S. § 16-452(A) which is a tally of ballot batches and a check against the 'POLL LIST' or what was sent to the Secretary of State. The hand counts are nice but were insufficient and a check against the machines is a waste of time, machines can count. A.R.S. § 16-452(A) will identify if a batch was run through many times or if the data was manipulated. When we send batches of checks to the bank, we always check the bank balance, correct? Thus far, the County has acted negligently in both the acquisition of and the administration of a newly installed election system

and database. The County did so without seeking legislative advice against a system with many audit trail issues and, although feature-rich, the potential for manipulation of those features. **The legislators were not given an opportunity to fill the gaps.**

Your office has the **authority to conduct an immediate investigation** to verify the counts because there is compelling evidence that crimes were committed. If found faulty, then the County needs to rescind the ballot count of 1,915,487 and rescind its number to only include the election day votes, totaling 167,878. **Failure to take action immediately is a violation of all of Maricopa County Residents' civil rights.**

Mark Ebling - Maricopa County Resident  
(602)4 [REDACTED]

**From:** Mark Ebling  
**Sent:** Wednesday, November 18, 2020 1:28 PM  
**To:** 'Gail.Cody@JBAZMC.Maricopa.Gov' <Gail.Cody@JBAZMC.Maricopa.Gov>  
**Subject:** FW: Crime in Progress – Report – Maricopa County Administrative Level Voter Count Fraud November 18, 2020

**RE: Complaint to the State of Arizona Attorney General**

*Crime in Progress – Report – Maricopa County Administrative Level Voter Count Fraud*

Maricopa County Defendants' Response to Application for Preliminary Injunction – 11/18/2020, Part 2, *Exhibit A, First Declaration of Scott Jarrett*

If this is true then how did all **2,076,086** votes get recorded in the *Maricopa County Elections Database* by precinct, by early vote, by election day turnout, and by provisional ballot.

Attached is the Maricopa County election results published on 11/13/2020 at <https://recorder.maricopa.gov/electionresults/>.

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In addition, there is evidence of **44,841 suspect votes** found in the State of Arizona Maricopa County Dominion Democracy Suite database.

As compared to the 2016 election and the number of what is known as **undervotes and overvotes** raises serious questions of suspected tampering. Where are these ballots and were they changed to the benefit of a political party other than that of what the voter intended? The voter would not know since the detail of who they voted for is not provided by the Arizona Secretary of State.

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	2.6%	0.6%	There is no evidence in the data that this percent of rejected ballots would have decreased by 2% in 2020 versus 2016.

2. Since 2020 had a higher percentage of mail-in ballots this number needs to be adjusted up by .24% or 5015 ballots for a total of 58,318 rejects.

3. The 58,318 ballots less the actual processed amount of 13,477 equals 44,841 missing or ballots possibly tampered with.

Mark Ebling  
State of Arizona – Resident  
(602 [REDACTED])

*Reference:*

Machine and Vote Count information - <https://azsos.gov/elections/voting-election/voting-equipment>.  
County voting equipment list -

[https://azsos.gov/sites/default/files/2020\\_0709\\_Election\\_Cycle\\_Voting\\_Equipment.pdf](https://azsos.gov/sites/default/files/2020_0709_Election_Cycle_Voting_Equipment.pdf).

Reference to Voting System Examination -

<https://www.sos.texas.gov/elections/forms/sysexam/oct2019-sneeringer.pdf>.

Dominion Democracy Suite Image Cast operating manual -

<https://www.sos.state.co.us/pubs/elections/VotingSystems/DVS-DemocracySuite511/documentation/2-03-ICC-FunctionalityDescription-5-11-CO.pdf>.

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## Lumpp, Rachelle

---

**From:** Mark Ebling <mark.ebling@ [REDACTED]>  
**Sent:** Tuesday, December 15, 2020 5:37 PM  
**To:** Roopali H. Desai - SOS Attorney;; D. Andrew Gaona - SOS Attorney;; Kristen Yost - SOS Attorney;; Sara R. Gonski - Democrat Party;; Roy Herrera - Democrat Party;; Daniel Arellano - Democrat Party;; Adrian Fontes;; Brnovich, Mark; Kanefield, Joe; Flanagan, Allyson; Isaak, Jason; angie paton;; Kredit, Joshua; paul penzone;; katie hobbs;; doug ducey;; abc 15 arizona;; cbs - arizona family;; pbs arizona;; nbc news;; nbc - 12 news;; pbs;; matt schlapp;; ian walters;; cbs news;; irena briganti;; porter berry;; sean hannity;; andrew t. lefevre;; kyrsten sinema;; martha mcsally;; raul grijalva;; lynn constabile;; dr. jim helm;; elizabeth howard;; ken matta;; dr. william mishler;; michael totherow;; reynaldo valenzuela;; lauren geislinger;; allister adel;; david bradley;; lupe contreras;; jamescita peshlakai;; sally ann gonzales;; lisa otondo;; victoria steele;; david bradley;; sean bowie;; lela alston;; juan mendez;; rebecca rios;; arlando teller;; myron tsosie;; pamela hannley;; randall friese;; kirsten engel;; domingo degrazia;; jennifer pawlik;; mitzi epstein;; jennifer jermaine;; diego espinoza;; lorenzo sierra;; jennifer longdon;; amish shah;; isela blanc;; athena salman;; reginald bolding;; diego rodriguez;; kelli butler;; aaron lieberman;; richard c. andrade;; cesar chavez;; robert meza;; raquel teran;; fox 10 phoenix;; sylvia allen;; frank pratt;; eddie farnsworth;; sine kerr;; david gowan;; heather carter;; dave farnsworth;; j.d. mesnard;; paul boyer;; david livingston;; tyler pace;; regina cobb;; leo biasiucci;; walter blackman;; bob thorpe;; david cook;; mark finchem;; bret roberts;; travis grantham;; warren petersen;; tim dunn;; joanne osborne;; gail griffin;; john allen;; nancy barto;; kelly townsend;; john fillmore;; jeff weninger;; anthony kern;; shawna bolick;; tony rivero;; kevin payne;; ben toma;; frank carroll;; jay lawrence;; john kavanagh;; michelle udall;; tony navarrete;; charlene fernandez;; randy friese;; reginald bolding;; rosanna gabaldon;; daniel hernandez jr.;; alma hernandez;; andres cano;; charlene fernandez;; geraldine peten;; kate brophy mcgee;; russell bowers;; tj shope;; warren petersen;; becky nutt;; steve pierce;; noel w. campbell;; Eddie Farnsworth (Republican Chairman);; Rick Gray (Republican Vice Chairman) ;; Sonny Borrelli (R);; Vince Leach (R);; Michelle Ugenti (R);; Martin Quezada (D);; Lupe Contreras (D);; Andrea Dalessandro (D),  
**Subject:** FW: Crime in Progress – Report – Maricopa County Administrative Level Voter Count Fraud  
**Attachments:** Maricopa County by Precinct.xlsx  
**Importance:** High  
**Categories:** Black, Green category

**From:** Mark Ebling

**Sent:** Tuesday, December 15, 2020 3:47 PM

**To:** 'Kelli Ward - Arizona GOP Chairwoman,' ; 'Karen Fann - President of the Arizona Senate ,' ; 'Wendy Rogers – Arizona State Senate,' ; 'Thomas P. Liddy - Maricopa County(019384),' ; 'Emily Craiger - Maricopa County (021728),' ; 'Joseph I. Vigil - Maricopa County (018677),' ; 'Joseph J. Branco - Maricopa County (031474),' ; 'Joseph E. LaRue - Maricopa County (031348),' ; 'Dennis I. Wilenchik,' ; 'John D. Wilenchik,' ; 'Catherine Rauscher,' ; 'Mario Campos,' ; 'administrator@wb-law.com' ; 'amye@wb-law.com' ; 'ChristineF@wb-law.com' ; 'SuzanneH@wb-law.com' ; 'diw@wb-law.com' ; 'RobertD@wb-law.com' ; 'HilaryM@wb-law.com' ; 'ToniB@wb-law.com' ; 'heatherz@wb-law.com' ; 'VictoriaS@wb-law.com' ; 'leem@wb-law.com' ; 'LisaL@wb-law.com' ; 'MariieeS@wb-law.com' ; 'JordanW@wb-law.com' ; 'marioc@wb-law.com'

**Subject:** FW: Crime in Progress – Report – Maricopa County Administrative Level Voter Count Fraud

**Importance:** High



RE: URGENT COMMUNICATION - LETTER OF DEMAND - 'Email to Judge Hannah, Crime in Progress – Report – Maricopa County Administrative Level Voter Count Fraud'

Dear Ms. Adel,

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RE: A complaint has also been filed with the Attorney General's Election Integrity Unit and the Phoenix FBI Office

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Search on '"timeseries":[' and you will see that the Trump/Biden reference to results was changed to Biden/Trump which would then allow for further tampering without raising suspicion as the week progressed.

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```

"timeseries":[
"trumpd":0,      "bidenj":0},      "votes":0,      "eevp":0,      "
"trumpd":0.505, "bidenj":0.48},  "votes":104866, "eevp":3,      "
"bidenj":0.566, "trumpd":0.421}, "votes":730299, "eevp":23,     "
"bidenj":0.55,  "trumpd":0.437},  "votes":2203485, "eevp":69,     "
"bidenj":0.549, "trumpd":0.438},  "votes":2234553, "eevp":70,     "
"bidenj":0.541, "trumpd":0.446},  "votes":2304343, "eevp":72,     "
"bidenj":0.539, "trumpd":0.448},  "votes":2329555, "eevp":73,     "
"bidenj":0.539, "trumpd":0.449},  "votes":2331561, "eevp":73,     "

```

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Maricopa County Attorney's Office  
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RE: Complaint to the State of Arizona Attorney General

*Crime in Progress – Report – Maricopa County Administrative Level Voter Count Fraud*

Maricopa County Defendants' Response to Application for Preliminary Injunction – 11/18/2020, Part 2, *Exhibit A, First Declaration of Scott Jarrett*

1	12. Every ballot cast in person has the precinct number for the voter who cast it
2	at the top of the ballot. Our tabulation machines do not read that number, and there is no
3	metadata in the ballot from which the precinct can be determined by the tabulation
4	machines. The precinct number is visible to the human eye.

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 (602) [REDACTED]

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## Lumpp, Rachelle

---

**From:** Kredit, Joshua  
**Sent:** Friday, December 11, 2020 3:21 PM  
**To:** Kanefield, Joe; Anderson, Ryan; Wright, Jennifer  
**Cc:** Isaak, Jason; Conner, Katie; Mejia, Catherine  
**Subject:** FW: Senate Special Standing Committee Agenda-JUD  
**Attachments:** S.JUD1214.1.2R.DOCX

**Categories:** Green category

Josh Kredit

Deputy Attorney General for Law & Policy

---



Attorney General Mark Brnovich  
2005 N. Central Ave  
Phoenix, AZ 85004  
Direct: 602-542-3454  
Cell: 602-339-2082  
[Joshua.Kredit@azag.gov](mailto:Joshua.Kredit@azag.gov)

CONFIDENTIALITY NOTICE: This e-mail message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure, or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message.

---

**From:** Garth Kamp [<mailto:GKamp@azleg.gov>]  
**Sent:** Friday, December 11, 2020 3:15 PM  
**To:** Kredit, Joshua  
**Subject:** FW: Senate Special Standing Committee Agenda-JUD

**From:** Senate Agendas <[SAgendas@azleg.gov](mailto:SAgendas@azleg.gov)>  
**Sent:** Friday, December 11, 2020 3:11 PM  
**To:** .All House Users <[AllHouseUsers@azleg.gov](mailto:AllHouseUsers@azleg.gov)>; .ALLSUSER <[ALLSUSER@azleg.gov](mailto:ALLSUSER@azleg.gov)>; Emily Kapperman <[ekapperman@az.gov](mailto:ekapperman@az.gov)>; Mitch Stead <[mstead@azcapitoltimes.com](mailto:mstead@azcapitoltimes.com)>; Scott Newell <[snewell@azcapitoltimes.com](mailto:snewell@azcapitoltimes.com)>; Tom Callahan <[tcallahan@az.gov](mailto:tcallahan@az.gov)>  
**Subject:** Senate Special Standing Committee Agenda-JUD

## Lumpp, Rachelle

---

**From:** Anderson, Ryan  
**Sent:** Thursday, December 10, 2020 5:01 PM  
**To:** Kanefield, Joe  
**Subject:** FW:

**Categories:** Green category

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**From:** Anderson, Ryan  
**Sent:** Thursday, December 10, 2020 4:59 PM  
**To:** Roysden, Beau  
**Subject:**

## Brnovich at arm's length in election suit

By: [Howard Fischer, Capitol Media Services](#) December 10, 2020

In this Nov. 5, 2020, file photo, the Supreme Court in Washington. (AP Photo/J. Scott Applewhite)

Arizona is seeking a voice in the lawsuit Texas has brought against some other states won by President-elect Joe Biden. But exactly who Attorney General Mark Brnovich will side with remains unclear. In legal papers filed with the U.S. Supreme Court, Brnovich said he wants to file a brief to argue the importance of "election integrity." And he said he wants a quick decision in the case.

What's telling, though, is that Brnovich is not joining with 17 other Republican attorneys general who filed their own brief with the Supreme Court siding with Texas. That asks the justices to back Texas in its bid to block a final vote by the Electoral College while the court considers allegations that illegal changes in laws in Pennsylvania, Georgia, Michigan and Wisconsin created the opportunity for fraud. Instead, Brnovich aide Ryan Anderson said his boss wants to ensure that any ruling from the U.S. Supreme Court about laws and rules that govern election laws – in this case, in particular, about the presidential race – do not undermine Arizona's own regulations. And Anderson said as far as his boss is concerned, Arizona does elections right, which is why it wasn't sued by Texas as were the four other states where, like Arizona, Biden won the popular vote. "Had Arizona been sued, that would have put our office in a situation where we would have had to decide what we would have filed and what we would have done," Anderson said. That would have put Brnovich in the position of having to defend not only the state but the election – and Biden's win – against Texas Attorney General Ken Paxton.

Mark Brnovich

And Anderson left no question about what Brnovich thinks of how Arizona conducted the election. "The Arizona attorney general will not be advocating to overturn the election results in Arizona," he said.

Anderson said Brnovich does share one sentiment with his Texas counterpart.

"We all agree that the integrity of our elections are important," he said. "And there are too many Americans who do not trust the outcome of the election."

But Anderson said that Arizona's interest in the legal fight is different than that of the other Republican attorneys general.

The lawsuit filed by Paxton charges that changes made this year to election procedures in the four battleground states, many due to the impact of the pandemic, are illegal.

In essence, he said that the changes, some enacted by courts, weakened ballot-integrity statutes. And that, in turn, has created the opportunity for fraud, though he does not allege any actual instances where that has occurred.

Courts in each of those states have dismissed similar claims. But Paxton is arguing that it is the responsibility of the nation's highest court to intercede and declare that the procedures used in those four states were illegal and therefore the results should not be allowed to stand.

Anderson said it is noteworthy that Texas did not sue Arizona despite the fact that the election returns, which remain standing after several legal challenges, are awarding the state's 11 electoral votes to Biden.

He said some of that is due to the fact that Brnovich has fought off various efforts to allow last-minute changes in election laws, ranging from how county election officials have to handle unsigned early ballots to extending the deadline for people registering to vote.

Anderson said it's not clear the Supreme Court will even consider the Texas petition. But he said if the justices take it up, Brnovich wants to be sure that any ruling they issue respects the interests of Arizona.

Those interests, he said, is that the justices recognize and affirm that it is the legislature that has prime say over how elections are conducted and not courts or even officials of the executive branch. That's crucial because Arizona already has some of the laws that the Texas lawsuit says are lacking or were ignored elsewhere.

For example, Paxton complained that some states do not require that signatures on envelopes with early ballots be compared with records on file. Arizona requires matching of all envelopes received.

He also said that some states “flooded their citizenry with tens of millions of ballot applications and ballots,” ignoring normal controls. Arizona, by contrast, sends early ballots only to those who request them, whether on an election-by-election basis or by signing up on the permanent early voting list. Brnovich is not the only Arizona elected official weighing in at the Supreme Court.

Ten state representatives and three senators, all Republicans, joined with counterparts from Alaska and Idaho on Thursday filed their own brief in support of Texas.

“An elite group of sitting Democrat officers in each of the defendant states coordinated with the Democrat party to illegally and unconstitutionally change the rules established by the legislature in the defendant states, thereby depriving the people of their states a free and fair election — the very basis of a republican form of government,” they charged through their attorneys.

The representatives are Nancy Barto, Frank Carroll, John Fillmore, Mark Finchem, Travis Grantham, Anthony Kern, David Livingston, Steve Pierce, Bret Roberts and Kelly Townsend. The senators are Sylvia Allen, Sonny Borrelli and David Gowan.



## Lumpp, Rachelle

---

**From:** Flanagan, Allyson  
**Sent:** Thursday, December 10, 2020 3:56 PM  
**To:** Ahler, Paul; Anderson, Kim; Anderson, Ryan; Baskin, Mona; Benjamin, Dena; Bennett, Courtney; Brnovich, Mark; Catlett, Michael; Cole, Dave; Conner, Katie; Daniels, Paula; Diaz, Bethany; du Mee, Matthew; Ensign, Drew; Flanagan, Allyson; Fries, Jerry; Fry, John; Hartwick, Carolyn; Hatcher, TammieJo; Heathcotte, Leslie; Isaak, Jason; Johnson, John; Kanefield, Joe; Karlson, Kara; Kredit, Beth; Kredit, Joshua; Lau, Douglas; LibraryHelpdesk; Lumpp, Rachelle; McCarthy, Eryn; Medina, Rick; Mejia, Catherine; Momich, Jelena; Morgan, Lizette; Northup, Dawn; Paton, Angela; Pineiro, Michael; Ray, Kevin; Roysden, Beau; Sawyer, Kate; Sciarrotta, Joseph; Stevens, John; Wilson, Linley; Wright, Jennifer  
**Subject:** Yellow Sheet 12/10/2020  
**Attachments:** 12-10-20.pdf  
**Categories:** Green category

Good afternoon,

Attached you will find today's Yellow Sheet.

Thank you,

**Allyson Flanagan**

Executive Assistant to Chief Deputy & Chief of Staff Joe Kanefield  
Office of the Attorney General, State of Arizona



Attorney General Mark Brnovich  
2005 N. Central Avenue, Phoenix, AZ 85004  
☎ 602-542-8017  
[Allyson.Flanagan@azag.gov](mailto:Allyson.Flanagan@azag.gov)  
<http://www.azag.gov>

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## Lumpp, Rachelle

---

**From:** Attorney General Mark Brnovich <katie.conner@azag.gov>  
**Sent:** Thursday, December 10, 2020 9:34 AM  
**To:** Lumpp, Rachelle  
**Subject:** AG Brnovich Receives Outpouring of Support in US Supreme Court Ballot Harvesting Case

**Categories:** Green category

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**For Immediate Release:** December 10, 2020

**Contact:** Katie Conner (602) 339-5895 or [Katie.Conner@azag.gov](mailto:Katie.Conner@azag.gov)

### **Attorney General Mark Brnovich Receives Outpouring of Support in Election Integrity Case at U.S. Supreme Court**

*AGO is defending Arizona's measures restricting ballot harvesting and out-of-precinct voting*

**WASHINGTON, D.C.** – With a little over a month before the U.S. Supreme Court (SCOTUS) hears arguments in *Brnovich v. DNC*, Attorney General Mark Brnovich has once again received an outpouring of support from local and national leaders in his defense of Arizona's commonsense election integrity measures regarding ballot harvesting and out-of-precinct voting.

"States must maintain the authority to enact and enforce commonsense election integrity measures to ensure the public's trust," said Attorney General Brnovich. "I appreciate the widespread support from leaders across the country who recognize that state legislatures have the responsibility to set election policy, not the courts."

In October 2020, SCOTUS announced it will review *Brnovich v. DNC*. The Attorney General's Office (AGO) is asking SCOTUS to bring clarity after the Ninth Circuit bizarrely struck down Arizona's measures on ballot harvesting and out-of-precinct voting after previously upholding.

The AGO obtained a stay of the Ninth Circuit's decision in February 2020, leaving Arizona's laws intact for the 2020 election cycle. With similar laws enacted in several other states, this case presents an opportunity to establish a clear rule of law for the country, and the Supreme Court can and should bring clarity to these important matters that are vital to state elections.

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- Former Maricopa County Recorder Helen Purcell
- Election Integrity Project California and Arizona
- Pacific Legal Foundation
- The Cato Institute
- Public Interest Legal Foundation
- American Constitutional Rights Union
- Liberty Justice Center
- Judicial Watch, Inc. and Allied Educational Foundation
- Republican Governors Public Policy Committee
- Honest Elections Project

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## Lumpp, Rachelle

---

**From:** Conner, Katie  
**Sent:** Thursday, December 10, 2020 8:43 AM  
**To:** Mejia, Catherine  
**Cc:** Anderson, Ryan  
**Subject:** FW: [Test] Attorney General Mark Brnovich Receives Outpouring of Support in Election Integrity Case at U.S. Supreme Court

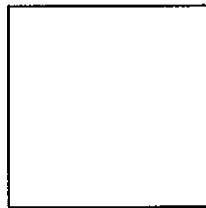
**Categories:** Green category

Hey Catherine,  
When you get in, can you please upload this version of the press release to our website? We updated the PDF's though on this version of the press release – some in the earlier versions of the press release had the June amicus. I don't know if this impacts you for hyperlinks. Thank you!

---

**From:** Attorney General Mark Brnovich [mailto:katie.conner@azag.gov]  
**Sent:** Thursday, December 10, 2020 8:40 AM  
**To:** Conner, Katie  
**Subject:** [Test] Attorney General Mark Brnovich Receives Outpouring of Support in Election Integrity Case at U.S. Supreme Court

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**For Immediate Release:** December 10, 2020

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- Former Maricopa County Recorder Helen Purcell
- Election Integrity Project California and Arizona
- Pacific Legal Foundation
- The Cato Institute
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- American Constitutional Rights Union
- Liberty Justice Center

- [Judicial Watch, Inc. and Allied Educational Foundation](#)
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**Lumpp, Rachelle**

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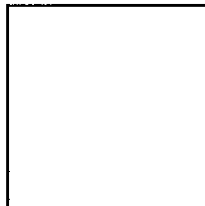
**From:** Conner, Katie  
**Sent:** Thursday, December 10, 2020 8:35 AM  
**To:** Kanefield, Joe  
**Subject:** FW: [Test] Attorney General Mark Brnovich Receives Outpouring of Support in Election Integrity Case at U.S. Supreme Court

**Categories:** Green category

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**From:** Attorney General Mark Brnovich [mailto:katie.conner@azag.gov]  
**Sent:** Thursday, December 10, 2020 8:28 AM  
**To:** Conner, Katie  
**Subject:** [Test] Attorney General Mark Brnovich Receives Outpouring of Support in Election Integrity Case at U.S. Supreme Court

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**For Immediate Release:** December 10, 2020

**Contact:** Katie Conner (602) 339-5895 or [Katie.Conner@azag.gov](mailto:Katie.Conner@azag.gov)

**Attorney General Mark Brnovich Receives Outpouring of Support in  
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- The Cato Institute
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- Judicial Watch, Inc. and Allied Educational Foundation
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## Lumpp, Rachelle

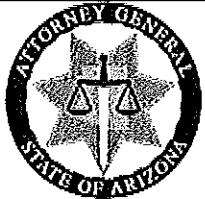
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**From:** Roysden, Beau  
**Sent:** Wednesday, December 09, 2020 3:25 PM  
**To:** Kanefield, Joe; Kredit, Joshua; Medina, Rick; Anderson, Ryan; Conner, Katie; Isaak, Jason; Mejia, Catherine  
**Subject:** FW: final pdf  
**Attachments:** TX v PA Motion for Leave FINAL.pdf  
  
**Categories:** Green category

---

**From:** Hartwick, Carolyn  
**Sent:** Wednesday, December 9, 2020 3:25 PM  
**To:** Roysden, Beau  
**Subject:** final pdf

Carolyn Hartwick  
Legal Analyst  
Solicitor General's Office



---

Office of the Attorney General  
2005 N. Central Ave, Phoenix, AZ 85004  
Direct: 602-542-8986  
[Carolyn.Hartwick@azag.gov](mailto:Carolyn.Hartwick@azag.gov)

## Lumpp, Rachelle

---

**From:** Lumpp, Rachelle  
**Sent:** Wednesday, December 09, 2020 2:41 PM  
**To:** Dupree, Terry  
**Cc:** Heathcotte, Leslie; Anderson, Ryan; Wright, Jennifer  
**Subject:** EIU Email

**Categories:** Green category

Can you please create a discovery folder called EIU, and put all emails that have been received by [eiu@azag.gov](mailto:eiu@azag.gov) (I think that's the email) from January 1, 2020 to current. Please give access to Jennifer Wright, Ryan Anderson and myself. Thank you!

Rachelle Lumpp  
Executive Assistant to the Attorney General  
Executive Assistant to the Director of Communications  
Office of the Arizona Attorney General  
2005 N. Central Avenue  
Phoenix, AZ 85004  
602-542-8351 Office  
[rachelle.lumpp@azag.gov](mailto:rachelle.lumpp@azag.gov)



# YELLOW SHEET REPORT

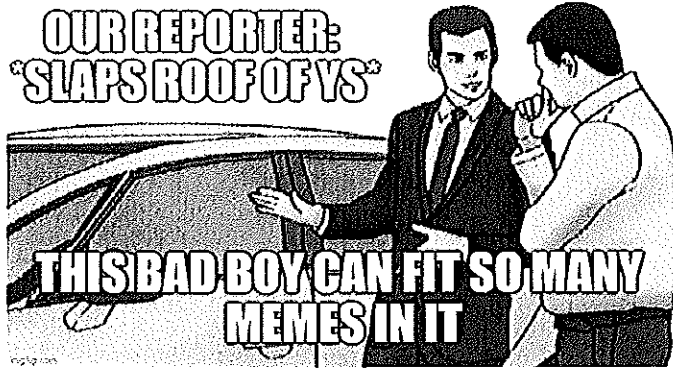
Published online weekly © by Arizona Capitol Reports, LLC unless otherwise credited. All rights reserved. Wednesday, December 23, 2020

## NEWS NOTES AND GOSSIP

### THE STORY OF 2020 – TOLD THROUGH MEMES AND QUOTES

Today is our final edition of *Yellow Sheet Report* for 2020, and we're going out in style with a mashup of our memes, headlines and quotes to tell the story of 2020. And what a year it was... We kicked off with the promise of an early budget deal and a truncated legislative session – a promise more or less fulfilled, though it didn't go down the way anybody expected. 2020 started normally enough, with body shots, lobbyist love letters and unexpected daughters, but when the Covid-19 pandemic hit, it changed the world and upended our little corner of it. And – Oh. My. God. – what a crazy election season. This year, we brought you nearly 2,200 nuggets of news, notes and gossip from the Capitol and beyond, and we hope you enjoyed following along. There were some highs and a lot of lows, but in spite of all the tragedy, we managed to have some fun and produce quality work. None of that would be possible without your help. We cannot thank our readers enough for sticking with us through this dumpster fire of a year. Your support for what we do means more than we can describe. Without our subscribers and railbirds, there would be no *YS*. We're not publishing this holiday week to take time to retool our website and reflect before the New Year – to think about where we want to focus our resources, what kind of innovations we can bring to *YS* in 2021 and how better to serve you, our dear reader. To do that, we need to hear from you, loyal subscribers - and yes, even you, bootleggers! Give us a call, text or email to tell us what you love or hate about *YS*. Tell us what you'd do differently. Nothing is sacred – we may even start using titles and first names for elected officials. We'll leave you with some final bad news from a bad year: Stephanie Stahl Hamilton, an incoming Democratic lawmaker from Tucson, announced she tested positive for Covid, implying she believes she caught it at the new member orientation, and Teller is back in the hospital from complications with his fight against the virus, though he told our reporter he's "on the road to recovery with strong antibiotics and breathing treatments." We'll be back on January 4 with some new faces, new ideas and more of the news, notes and gossip that you love. Until then, stay safe.

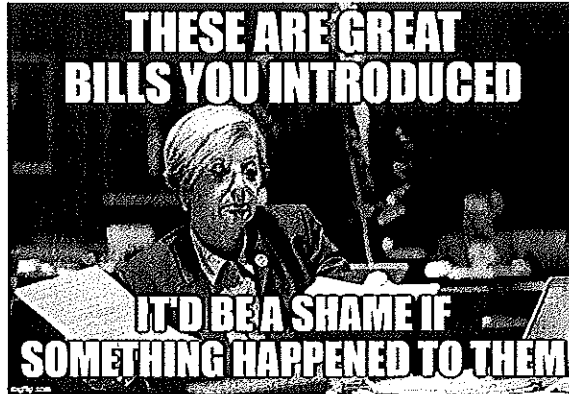
**OUR REPORTER:  
"SLAPS ROOF OF YS"**



**THIS BAD BOY CAN FIT SO MANY  
MEMES IN IT**

-The *Yellow Sheet Report* team

## JANUARY: SHORT SESSION, ANYBODY?



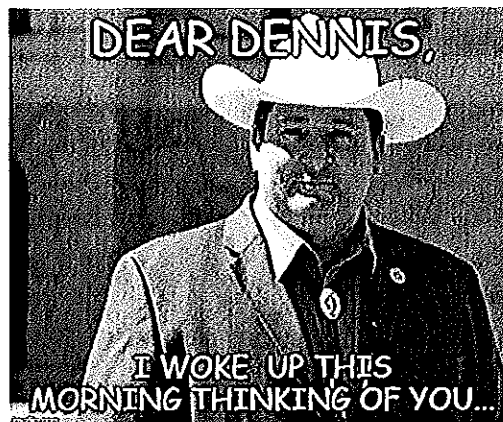
***“If need be, we will be stopping all bill action.”***

*-Fann, on her desire to get the budget done early this year*



***“What a week.”***

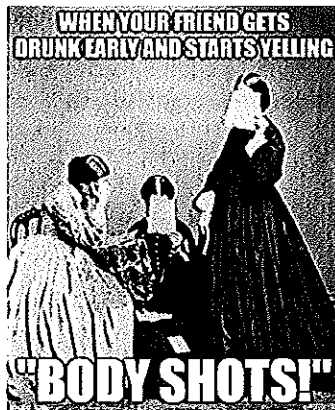
*-Lawrence, on attending the Right for Life Rally – and also discovering he has a daughter*



***“I love you!”***

*-Cook, in a love letter to a lobbyist*

## **FEBRUARY: ALL THE BEST INVESTIGATIONS HAPPEN OVER MARGARITAS**



***“I’m very saddened that that’s where the media would rather go, instead of let’s talk about the policy and all the good stuff that’s going on around here.”***

*-Fann, on Ugenti-Rita’s lobbyist sexual harassment scandal*



***“There’s an incentive to cover things up because if everything is swept under the carpet, the fun continues.”***

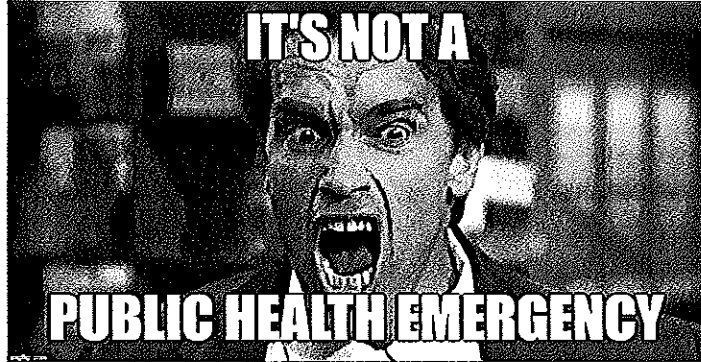
*-A railbird, on the cover-up culture at the Capitol*



***“You’re living in the past.”***

*-Ducey, when asked about the comparisons between his sanctuary city proposal and SB1070*

**MARCH: COVID-19 – COMING TO A STATE CAPITOL  
NEAR YOU?**



***“Been thinking about life and mortality today. I’d rather die gloriously in battle than from a virus. In a way it doesn’t matter. But it kinda does.”***

*-Gosar, on Twitter, reacting to his possible contact with someone who tested positive for COVID-19*



***“[The Capitol is] less risky than a Suns game, but more risky than a trip to Costco.”***

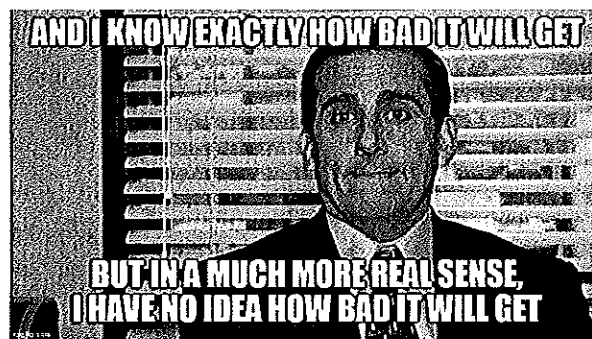
*-Will Humble, former Dept of Health Services director, on the best places to catch COVID-19*





***“My hands are bleeding from bleach wipes. Let me go home.”***

*-A Capitol lobbyist, on suspending the legislative session*



***“When you use words like shelter in place, that’s what happens during a nuclear attack. That’s what happens during an active shooter.”***

*-Ducey, on why he decided to dub his executive order “Stay Home, Stay Healthy, Stay Connected” rather than “shelter in place”*

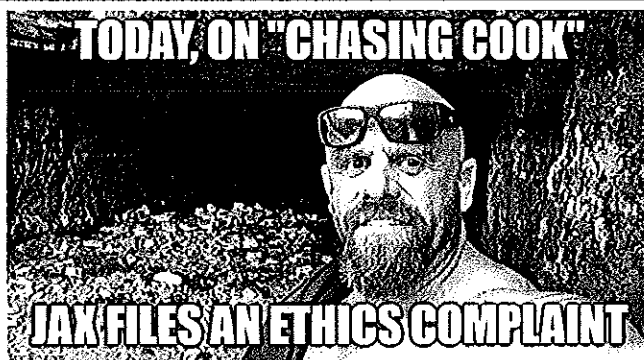
## APRIL: SO MUCH FOR RECONVENEING AFTER EASTER



***“A change in leadership is a new song being sung by a larger chorus every day.”***

*-A House Republican, on the alleged failure of leadership in the House*

## MAY: THIS IS WHY WE CAN'T HAVE NICE THINGS



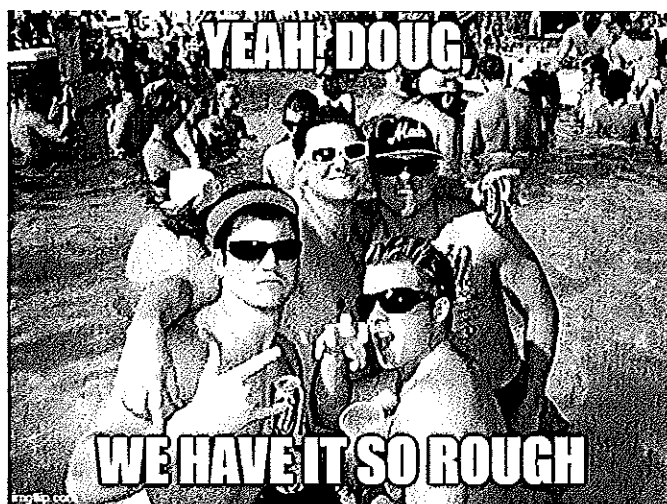
***“I thought, ‘Son of a butt, man, that’s that damn car where the guy was trying to jump my fence in Mesa.’ Sure as sh\*t, it was the same license plate.”***

*-Cook, on spotting a private investigator tailing him*



***“We’ve learned some lessons over the last three days:  
First, the more aggressive approach does work.”***

*-Ducey, on a call with other governors and Trump, during which the president berated governors as weak on protests*



***“They’ve been through a lot. I mean, did you spend a  
year of school at home?”***

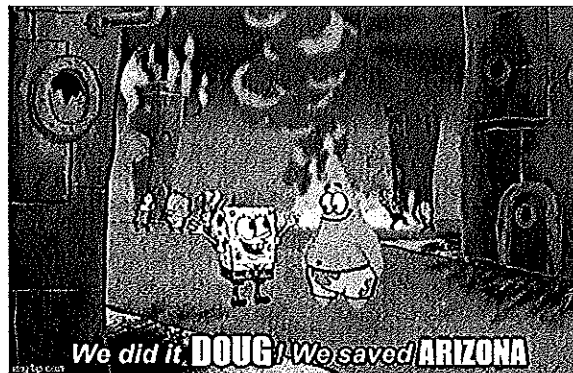
*-Ducey, on students partying it up in Old Town Scottsdale’s clubs*

## JUNE: DUCEY FACES REALITY



***“All the smart Republicans are wearing masks.”***

*-Jan Brewer, on why she wears a mask*



***“If you remember one thing about today’s press conference, it’s that COVID-19 is widespread in the state of Arizona.”***

*-Ducey, in his weekly press conference*



***“We’ve had some speeding in the business community.”***

*-Ducey, on businesses he deemed “bad actors,” including three nightclubs owned by the family of his top health policy advisor*

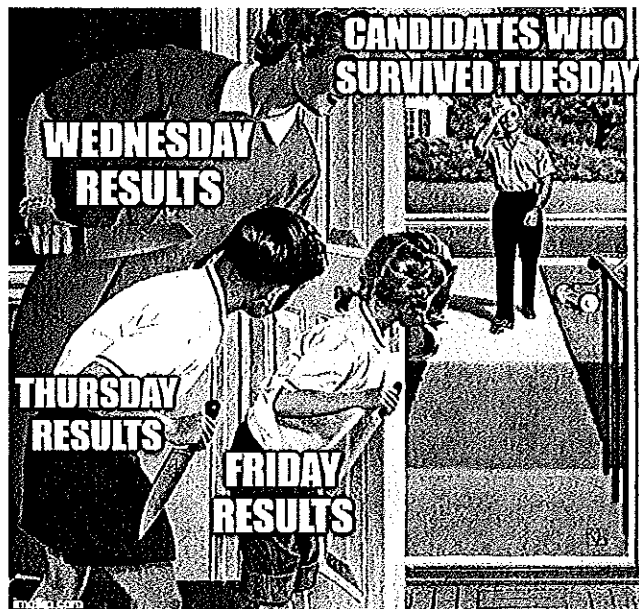
## JULY: EXECUTIVE ORDERS ARE EASIER THAN SPECIAL SESSIONS



***“I’m not interested in fighting a fight that we can’t win.”***

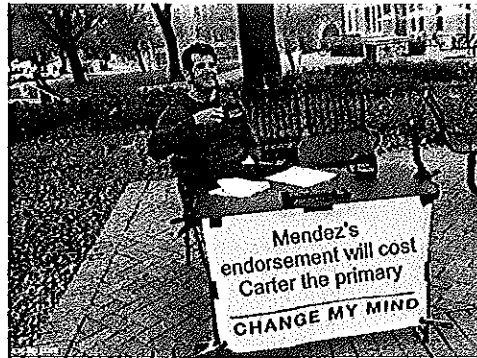
*-Toma, on whether legislators should call themselves into a special session without Ducey’s blessing*

## AUGUST: WHAT HAVE YOU DONE FOR ME LATELY?



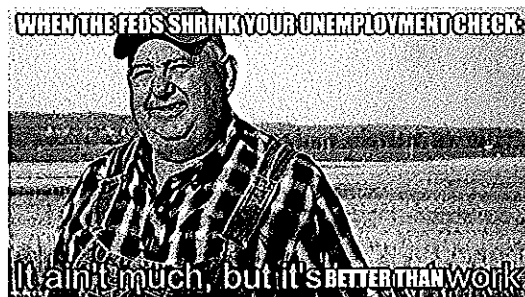
***“It’s kind of nerve wracking.”***

*-Pratt, on trailing by 30 votes in his GOP primary for the House in LD8 with an estimated 5,000 votes still uncounted*



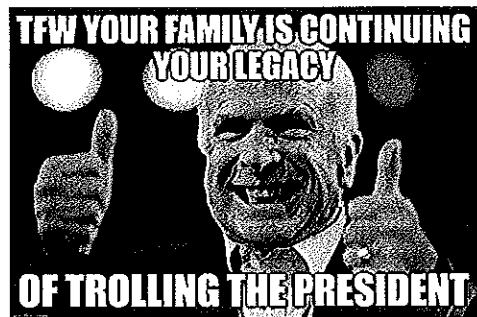
***“Are you kidding? She doesn’t need my support. I don’t have to go out and do anything for her.”***

*-S Allen, on whether she will campaign for Wendy Rogers, who defeated her in Tuesday’s GOP primary*



***“Whether it be from the city, county or state, [business owners want] something compensating them for their businesses being shut down without any kind of recourse.”***

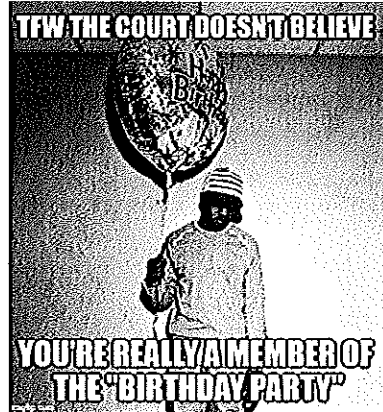
*-Cobb, on what she’s hearing in stakeholder meetings with business leaders*



***“Stay tuned.”***

*-Grant Woods, former McCain chief of staff, on whether the McCain family plans to endorse Joe Biden*

**SEPTEMBER: WELCOME TO THE CAMPAIGN – YOU’VE GOT A LOT TO LEARN**



***“There’s no possibility that Mr. West will win the presidency.”***

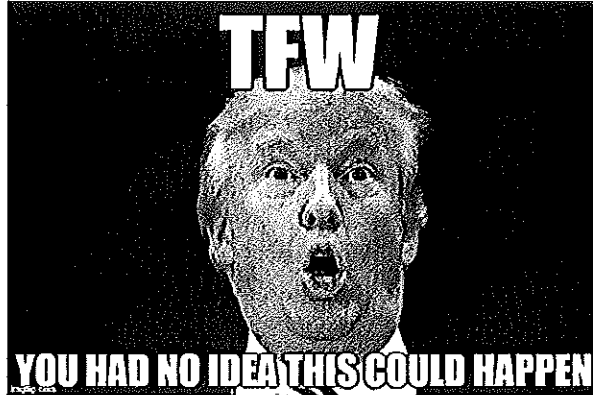
*-Joseph Roth, lawyer challenging Kanye West’s bid to qualify as an independent presidential candidate in Arizona*



***“But if you put doubt in people’s minds about the integrity of our election system, it’s very hard for people to accept the results.”***

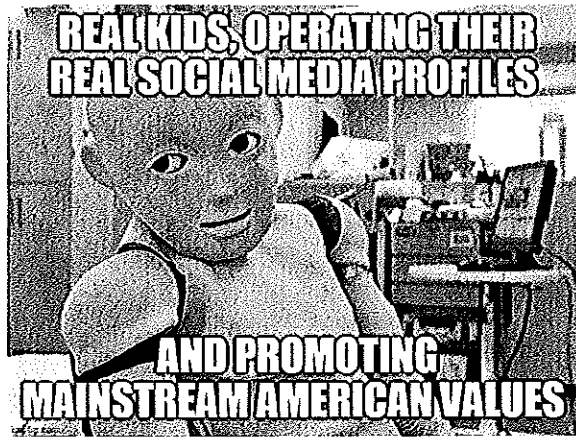
*-Fann, who retweeted a misleading and factually incorrect tweet about mail-in ballots*

**OCTOBER: IS IT AN OCTOBER SURPRISE IF IT'S NOT THAT SURPRISING?**



***“Don’t be afraid of Covid.”***

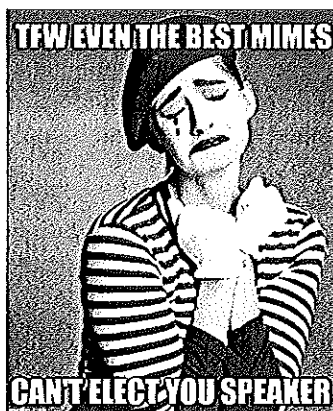
*-Trump, tweeting from Walter Reed Hospital, where he is being treated by the best physicians in the world*



***“He has no respect for decorum. He doesn’t respect process. He’s a guy who wants to constantly pontificate and grandstand.”***

*-A Republican railbird, on incoming lawmaker and troll farm operator Jake Hoffman*





***“The regular use of mime’s to build brand identity and establish solid differentiation will serve us well.”***

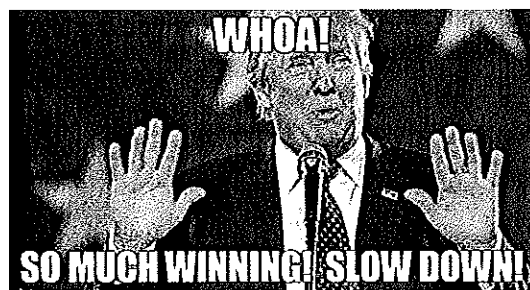
*-Finchem, presumably meaning memes, in his pitch to become the next House speaker*

## **NOVEMBER: CONSPIRACIES HAVE CONSEQUENCES**



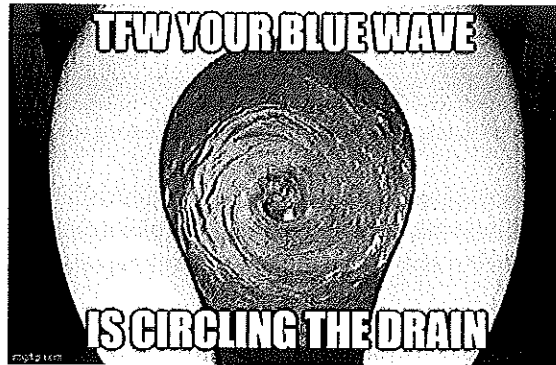
***“I rarely call Yellow Sheet, but this is just wrong.”***

*-Dem railbird, calling to tip off our reporter that lobbyists are whipping the caucus on behalf of Fernandez*



***“Not so fast.”***

*-Ducey, on The Associated Press calling Arizona for Biden*



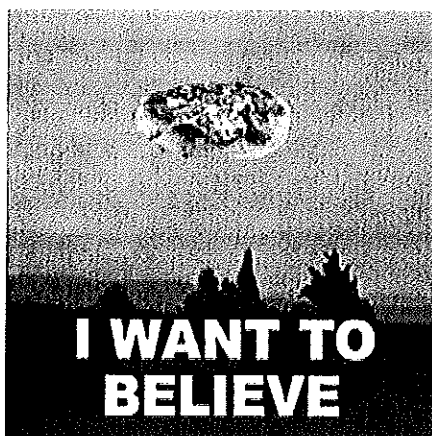
***“By God, if we lose the f\*cking House of Representatives, I’ll throw myself into the Grand Canyon.”***

*-Dem railbird, on the change of fortunes Dems suffered in the wee hours of election night*



***“The voters have a right to know that the allegations flying around the internet about Sharpies being dropped from black helicopters to cheat people out of their votes are fake.”***

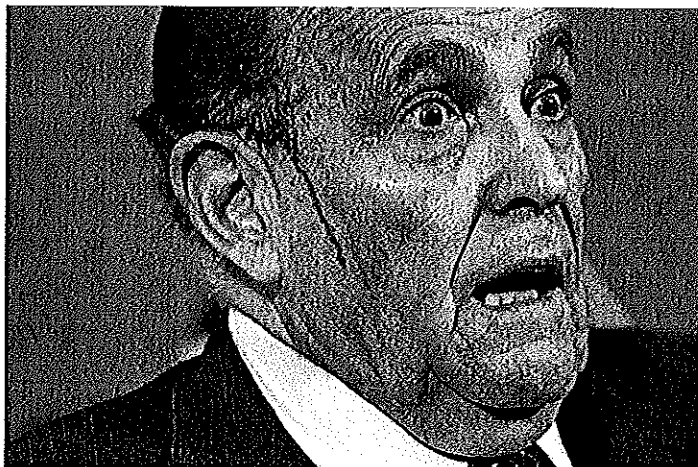
*-Tom Liddy, attorney for Maricopa County, during an initial court hearing on the #SharpieGate conspiracy*



***“Someone sent me a screenshot of something from Parler where they said ‘Let’s burn her house down and kill her family and teach these fraudsters a lesson.’”***

*-Hobbs, on the kinds of death threats she has received*

## **DECEMBER: THE MOMENT THE MACHINE TURNED ON DUCEY**



***“Rudy Giuliani, Jenna Ellis, and others representing President Donald Trump came to Arizona with a breathtaking request: that the Arizona Legislature overturn the certified results of last month’s election and deliver the state’s electoral college votes to President Trump. The rule of law forbids us to do that.”***

*-Bowers, on his personal visit from Giuliani*



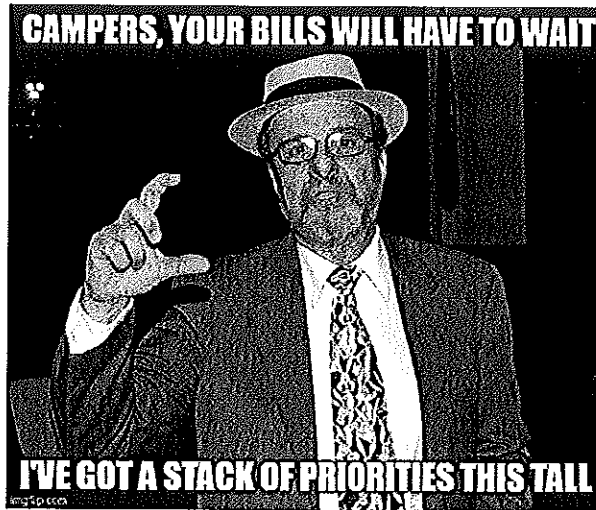
***"They have their rules. We have our rules."***

*-Borrelli, on the requirement that legislative staff wear masks, which doesn't apply to lawmakers*



***"There are so many jokes I could make, but I probably shouldn't."***

*-Republican railbird, on Finchem testing positive for Covid and Townsend coming down with a fever and cough*



***“If I were a Dem, I’d be asking for the moon.”***

*-Shope, on Democrats’ newfound leverage with Roberts and others threatening to not vote for Bowers as speaker*

## ·PRESS RELEASES AND NEWS CLIPS·

### Two Individuals Accused of Ballot Harvesting in Yuma County

YUMA - Attorney General Mark Brnovich announced that a State Grand Jury indicted Guillermina Fuentes and Alma Juarez, both of San Luis, Arizona, for 1 count each of Ballot Abuse, also known as “ballot harvesting.”

The indictment alleges that during the August 2020 Primary Election, Fuentes and Juarez knowingly collected four voted ballots from another person, in violation of Arizona law. The early ballots were deposited into a ballot box on Election Day, and were processed and counted by the Yuma County Recorder during the election. Arizona law only provides for a family member, household member, or caregiver of the voter to collect voted or unvoted early ballots from another person.

Ballot abuse under Arizona law is a class 6 felony and each defendant faces up to two years in prison and a \$150,000 fine.

This investigation was conducted by the Arizona Attorney General’s Office Special Investigations Section, Election Integrity Unit, Special Agent Bill Knuth.

Assistant Attorney General Todd Lawson is prosecuting this case.

All defendants are presumed innocent until proven guilty in a court of law.

No booking photographs are available.

Copy of filing [here](#).

### LD6 State Representative Walt Blackman Demands Maricopa County BOS be Held Accountable

Phoenix, AZ- December 23, 2020- LD6 State Representative Walt Blackman has written a letter to Senate President Karen Fann demanding the Maricopa County Board of Supervisors be held accountable for ignoring the subpoena issued to them by the Arizona Senate Judiciary Committee on December 14<sup>th</sup>.

In his letter to President Fann, Representative Blackman writes, “I demand that we hold the Maricopa County Board of Supervisors accountable for their blatant disregard for the rule of law. Their behavior has completely undermined the actions of the senate and shows their disrespect for both the election process and the voters in Maricopa County.”

According to the Arizona Revised Statutes 41-1153, not only does the Arizona Senate have subpoena powers, but they have the power to find the witness in contempt and have them arrested by the sergeant-at-arms and brought before the senate or house upon authority of a copy of the resolution signed by the president.

On Friday, December 18<sup>th</sup>, the Maricopa County Board of Supervisors voted not to comply with the subpoena issued by the Arizona Senate Judiciary Committee.

### Coalition for an Independent Judiciary Announced

Citing the need to defend judges from unwarranted political and social media attacks, a group of citizens has banded together to form a non-profit organization to defend an independent, non-politicized judiciary.

“The need for an independent judiciary has never been greater. Each day it seems judges at all levels are under attack simply because someone didn’t like an opinion they issued,” said Jonathan Paton, chairman of the new committee.

“Our group exists to educate the public and push back against unwarranted attacks and political pressure on judges to protect our judiciary and our democracy. We’re starting out as a 501(c)4 organization but we will establish a political committee down the road if we need to engage in retention elections,” Paton continued.

“Judges do not have the ability to defend themselves publicly. We are going to educate the public and ensure two sides of the story are heard,” Paton said.

Paton is a former State Senator and current member of the Commission on Appellate Court Appointments, which makes judicial recommendations to the governor. Other members of newly formed group include businessman Steve Twist; Yuma businessman Phil Townsend; Arizona Chamber of Commerce and Industry Board Chairman, Dawn

Grove; former Senate President, Steve Pierce; current CEO of the Goldwater Institute, Victory Riches; and former Ducey administration deputy chief of staff Danny Seiden.

Judges in Arizona are selected from a pool of recommendations made to the governor by the Commission. Arizona judges do not have lifetime appointments, as federal judges do. Once they are appointed they face voters on a regular basis regarding “Shall they be retained?”

Formal papers are expected to be filed with the Secretary of State’s office before the end of the year, according to the group.

For Questions, Please Contact:

Jonathan Paton

jonathan@patonassociates.com

520-245-9337

## Rep. Kirkpatrick Overwhelmingly Supports Increased Direct Payments To American Families

(Washington, DC) -- Today, Rep. Kirkpatrick issued the following statement after President Trump’s blasting of the \$900 billion, bipartisan coronavirus relief package passed by Congress on Monday.

“In a turn of events, and months after pressure by both House and Senate Democrats to raise the direct stimulus amount, the President came out in support of \$2,000 stimulus checks, rather than the \$600 Republicans staunchly pushed for.

“Leader Pelosi is prepared to bring a Unanimous Consent standalone bill to make this a reality, and I am wholeheartedly in favor of that,” said Rep. Kirkpatrick. “Once again, it will be up to Leader McConnell to follow through on President Trump’s last minute request. For the sake of the American people, I hope he puts political games aside and delivers this critically needed relief. We need to get this done and delivered — it is beyond overdue.”

## “QUOTE OF THE YEAR”

**“What a week.”**

*- Lawrence, on attending the Right for Life Rally –  
and also discovering he has a daughter*

2020  
Edition

# THE OPENING STATEMENT

Staff Newsletter  
Arizona Attorney General's Office



Attorney General  
Mark Brnovich

## Thank you!

Thank you to all who contributed items for this issue of The Opening Statement.

Please submit your newsworthy items to [Newsletter@azag.gov](mailto:Newsletter@azag.gov) – and don't forget to include photographs!

Your participation and assistance are greatly appreciated.

### Did you know?

Please visit ADOA's [Benefits Page](#) to learn about Covid-19 testing, the Employee Assistance Program, Telehealth, Wellness and more!

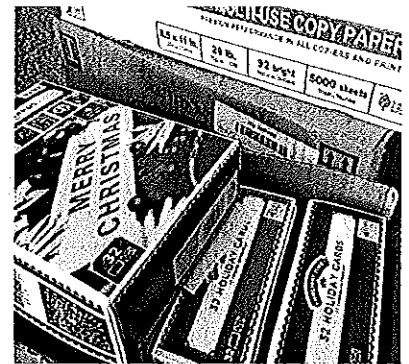
### Facilities Reminder

Stop by the newly remodeled Palm Mailroom if you need any PPE (including masks, hand sanitizers and sanitizing wipes).

### Cards for Troops

Thank you to everyone who took the time to create Holiday Cards for the troops! Our office sent over 1,200 cards!

Click [here](#) to watch AG Brnovich on KSLX!





## A Message From Attorney General Mark Brnovich

At the end of the year, I've always believed it's important to be with our families, raise a glass with friends and reflect on what is really important in our lives. In 2020, however, even that time honored tradition may look different. Health officials say we should avoid large gatherings of extended family and friends, especially for those at higher risk for COVID 19 due to age and comorbidities. That is both awful and solid advice. It turns out that it's not just the Grinch and fraudsters who are out to steal our holiday cheer.

While family gatherings may look different or even be virtual, we can nevertheless still engage in the part of the Season where we reflect on what's important in our lives. When we do, we are reminded that protecting ourselves and each other is not just something that we do at home, but throughout our career at the Attorney General's Office. From the Supreme Court to the Internet, Election Integrity to Community Shred-a-thons, Family Court to representing State Agencies, and from Law Enforcement to Student Outreach, our team continues to do fantastic work in protecting the public and making our state a better place for all Arizonans.

I know this month's newsletter cannot replace the joy of sharing a home-cooked meal with our families, but perhaps it can provide food for thought and some inspiration regarding the difference we are making. I also hope you know just how much I appreciate all of your efforts during this especially challenging time. I wish everyone Peace and Joy this Holiday Season and good health and cheer as we welcome the New Year.

## A Message From Chief Deputy & Chief of Staff Joe Kanefield



Wiley E. Jones served as Arizona Attorney General from 1915 to 1921. He was our State's second Attorney General and had the dubious honor of serving during the 1918 flu pandemic which lasted from 1918 to 1920 and infected 500 million people, nearly a third of the world's population at the time. Through four devastating waves this flu was one of the most deadly pandemics in human history. Although the State and the Office of the Attorney General were much smaller at the time, General Jones and his team were able to help guide Arizonans through the turmoil and usher in more prosperous times.

We can glean great knowledge and inspiration from history. With General Brnovich's leadership and everyone's help, we have and will continue to do our part to guide Arizona through the current pandemic and follow in the footsteps of our predecessors who overcame similar adversity.

As I have said many times, the people who work at the Attorney General's Office are committed to serving the public with pride and professionalism. We choose to be here because we believe in our mission. It's for this reason more than any other that we have been able to navigate the challenges of protecting the public during this health crisis with the unwavering ability to adapt to what has become the new norm of remote working. Attorney General Brnovich and I thank you again for doing your part to accomplish this mission without missing a beat.

To close, I'll share some trivia about AG Jones who was quite a character. A few months after being defeated by W.J. Galbraith in the election of 1920, AG Jones was bit by a gila monster while staying at the Jones Hotel in Safford, Arizona. To add embarrassment to injury, it was a gila monster that he had brought with him into the hotel in a failed effort to impress some women in the lobby. As the former AG discussed the beauty and virtues of the reptile, it bit into his left middle finger and did not release its grip for more than a minute. Jones couldn't speak for five hours as a result of the swelling in his tongue. Perhaps that was a good thing.

There's no doubt a lesson to be learned from AG Jones' gila monster experience in Safford, but I'll leave that one for you to contemplate. Right now, let's just reflect on his success in assisting Arizona through a pandemic in 1921 ... and how we will do the same in 2021.

With that said, Attorney General Brnovich and I would like to wish you and your families a safe and happy holiday season.

# Operations Division

Let's Celebrate!

In October, Leslie Welch and Brock Heathcotte had an "Unprecedented" wedding! Congratulations to the happy couple!!

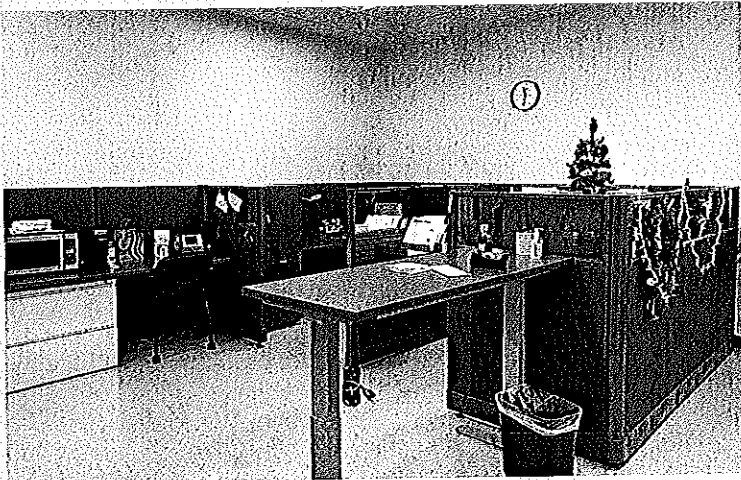


Michael Burkett Crist and his wife have a new daughter! Cosima Guinevere was born November 3rd at 9:48am weighing 6 lbs 4 oz, and was 19.75 inches long. Welcome to the world!

# Operations Division

## Mailroom Makeover

In November, the Palm building mailroom underwent a much needed renovation. To make things more convenient, the mail boxes are now located within the mailroom, and we also created an area where employees can stock up on necessary PPE (hand sanitizers, surface wipes, masks and more!).



# State Government Division

## Agency Counsel Section



AAG Caroline Guerrero and husband TJ welcomed beautiful daughter Zara Ada on November 1, 2020. She was 6 pounds, 9 ounces and 19 inches!

AAG Kara Karlson made the news by volunteering to test Moderna's COVID19 vaccine:

*Mesa mom volunteered to test Moderna's COVID-19 vaccine*



*Thousands of Americans have volunteered to test the COVID-19 vaccine, and one of them lives in Mesa. Kara Karlson says she did it to protect her 2-year-old daughter.*

AAG Kelly Gillilan-Gibson's sons, Kellen #45 (2021 graduate) and Cayden #42 (2024 graduate), attend Arizona College Prep and are on its football team. Their team won the Metro East title and they played in the state playoffs.



# State Government Division

## Licensing & Enforcement Section



AAG Sunita Krishna Cairo and her husband Manny welcomed their son Emilio Gael Cairo to their family on July 16, 2020. Baby Emilio joins big sister Indra who is 2. Congratulations to all!

Tanya Martinez joined LES as a legal secretary. Tanya relocated back to Phoenix after spending several years in Gallup, New Mexico, where she worked as an assistant to the Gallup City Attorney and Mayor.

Former AAG and LES Section Chief Monty Lee unexpectedly passed away on September 1, 2020. Monty was a great friend and mentor to the attorneys in LES who had the pleasure of working with him.

The Licensing and Enforcement Section spread holiday cheer by participating in the St. Vincent De Paul's Adopt-a-Family program. LES provided gifts for a family of five from Chandler. The gifts included games, sporting equipment and clothes along with a gift card for groceries. Employees of LES delivered the gifts on December 18th. All of the LES staff enjoyed contributing to such a worthy cause.



## Liability Management Section

Trial Successes:

### ***Keates v. Koile, et al.***

In March, 2020, Senior Litigation Counsels Cynthia Starkey and Tim Watson obtained a defense verdict in the federal district court on behalf of the Department of Child Safety. Thanks to Senior Paralegals Erica Amaral, Kasey Rivera, and Jessica Thompson and Legal Secretaries Lynda Ficarra and Jennifer Navarro for assisting in trial preparation and at trial

### ***Jose H. Peralta v. Collins***

In February, 2020, AAGs Mike Gaughan and Kara Klima obtained a defense verdict in federal district court on behalf of DPS. Plaintiff alleged negligence and constitutional violations arising out of Plaintiff's arrest for suspicion of driving under the influence. After a four day trial, the jury returned a defense verdict on all counts. Thanks to Senior Paralegals Linda Hettich and Yana Sarumov and Legal Secretary Lynda Ficarra.

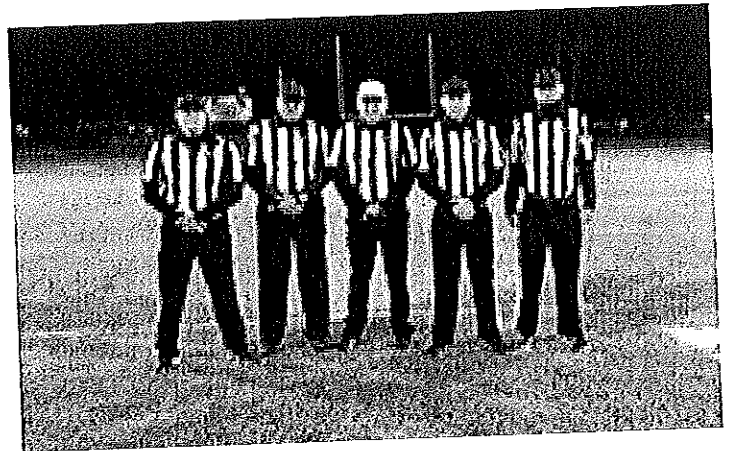
# State Government Division

## Additional Appellate Successes:

In the past year, LMS AAGs, with assistance from paralegals and legal secretaries, successfully defended the State in 17 Appellate cases.

## Personal Accomplishments:

Senior Litigation Counsel Chris Feasel completed his 8th season as a high school football official, acting as line judge for the 2A playoff game between Arizona Lutheran and Wilcox. Feasel, pictured here (far left) began his officiating career in California in the Contra Costa Football Officials Association, where he officiated over games including state powerhouse De La Salle High School. After moving to Arizona in 2016, he became an official with the Arizona Interscholastic Association ("AIA") and has worked playoff games 2 out of the last 3 years. Anyone interested in becoming an official can contact him at [Christopher.Feasel@azag.gov](mailto:Christopher.Feasel@azag.gov).



## LMS Welcomes New Employees



Ena Narvaez  
Legal Secretary II



Jose Munoz  
Legal Secretary II



Michelle Cruz  
Legal Secretary II



Michelle Roth  
Legal Secretary II



Tod Brewer  
Legal Secretary II



Amanda Parks  
Senior Paralegal



Lindsey Hughes  
AAG



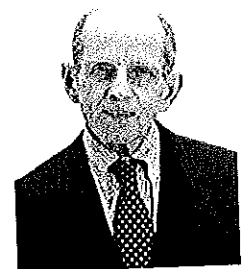
Neil Singh  
AAG



Stephanie Elliott  
AAG



Christopher Feasel  
Sr. Litigation Counsel  
AZ-AG-20-1956-C-000648

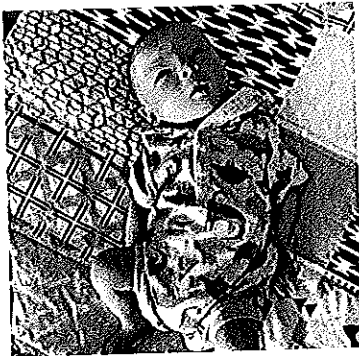


Lawrence Robertson, Jr.  
Sr. Litigation Counsel

# State Government Division

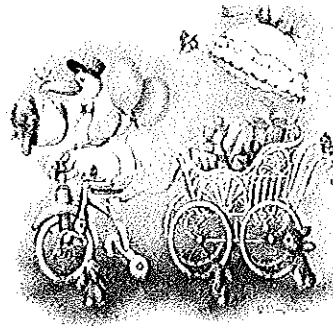
## Natural Resources Section

NRS closed two huge deals this year!



Jack Crestin, born Leap Day, February 29, 2020, to Kevin Crestin and his wife, Christy.

*congratulations*



Melody Rose Rigsby, born July 17, 2020, to Maracia Rigsby and her husband, James.

In addition, NRS assisted the State Land Department to close two substantial deals bringing hundreds of millions of dollars into the State Land Trust to benefit K-12 education. On November 4, 2020, ASLD auctioned 2,800 acres of land east of Apache Junction in return for \$245 million plus a 50% share in future net revenues from development of a master planned community. And on December 9, 2020, ASLD auctioned 1,200 acres of land in north Phoenix west of I-17 in return for \$89 million plus the installation of over \$200 million of infrastructure. The successful bidder, Taiwan Semiconductor Manufacturing Company, is expected to begin construction shortly on a \$12 billion semiconductor plant.



## Civil Litigation Division



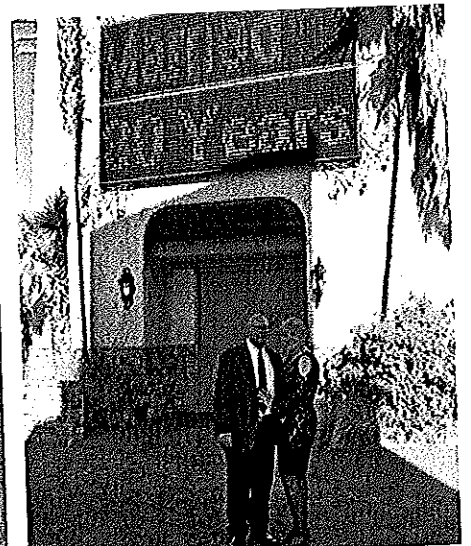
### CLD New Employee



#### Marie Elena Cobb, Executive Assistant

Marie has been with the AGO since July 2016 but has been in and around the legal field for 23+ years. Prior to joining CLD in October, Marie was with the Liability Management and Protective Services Sections as a Legal Secretary. Marie is an Arizona native originally from Sierra Vista near Fort Huachuca. She has 2 daughters, Isabelle and Makayla, ages 13 and 10, respectively, and enjoys doing re-enactments in Tombstone, Arizona. In her free time Marie also enjoys photography, geocaching, hiking, crafting, live theatre, singing, jewelry making and anything else that allows her to explore her creative side.

In January, CLD OA Kim Cundiff and husband Tony celebrated their 30th wedding anniversary in Las Vegas with their children.



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# Civil Litigation Division

## Bankruptcy Collection & Enforcement Section (BCE)

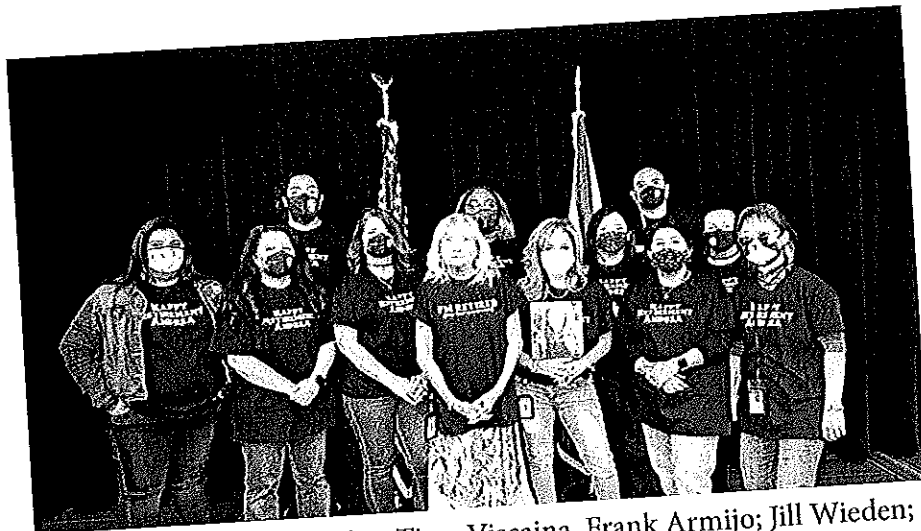


Kristin McDonald, Assistant Attorney General  
Prior to joining the AGO, Kristin represented institutional mortgage lenders for 10 years in the default servicing industry including foreclosure related matters, bankruptcy, excess proceeds, and title curative litigation. Kristin grew up in the Seattle area and upon moving to AZ in 1997 (Go Sundevils!!) was shocked to learn it was possible to live in sunshine and a warm climate versus constant grey and rain. In her spare time, she enjoys reading – currently binging on Elin Hilderbrand novels, volunteering with Phoenix Children's Chorus, taking random group fitness classes, and spending time with her husband and 10 year old daughter.

Alexis Galindo, Administrative Assistant, started with BCE in January.

BCE, on the personal side:

On October 29, Andrea Freeman, Collector III, retired. Even during COVID she was given a proper send off as we thanked her for 25 years of service to the State of Arizona with a buffet of treats, snacks and gifts.



Left to right: Linda Gonzalez; Tiare Viscaina, Frank Armijo; Jill Wieden; Andrea Freeman; Mariah Fondren; Melissa Cordova (holding picture of Heather Suggs who was not able to participate in Andrea's send-off); Kele Sessions; Gabe Ruiz, Diana Norris, Tina Heer; Jan Jones

# Civil Litigation Division

## Community Outreach & Education Section (COED)

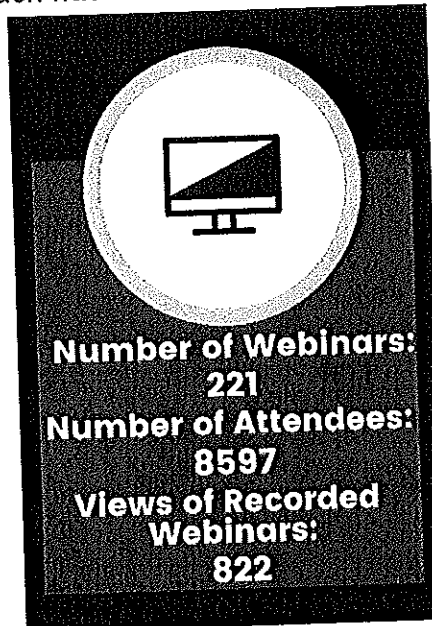
### COED New Employees:



Marle Ethelbah, Community Outreach and Education Coordinator  
Marle started with COED in November. She is an ASU graduate, with a Bachelor's Degree in Social Work. After graduation, she decided to teach English in Japan. This is where she developed a passion for education and public speaking. Upon her return to the United States, Marle worked for agencies that helped at-risk populations. She is excited to work for the Community Outreach section of the Attorney General's Office, because it combines her educational background and passion for helping vulnerable populations. In her spare time, Marle enjoys painting, reading, and spending time with friends and family.

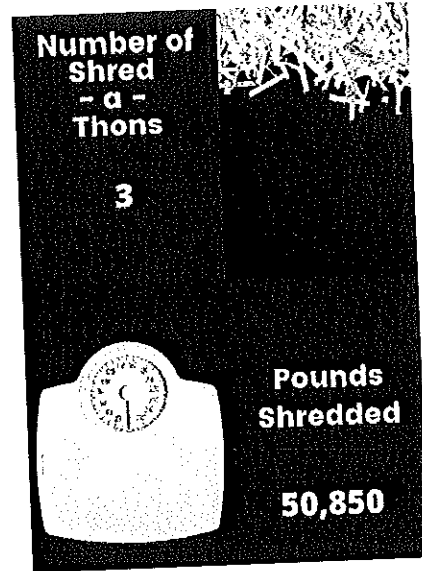
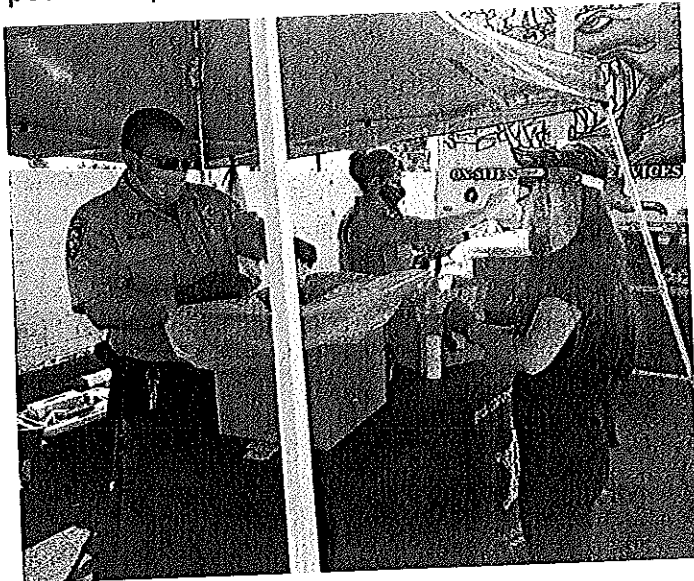
In June of 2020, Community Outreach was excited to learn we would be moving to the Civil Litigation Division. This move allows Community Outreach to work more closely with Consumer Protection, Civil Rights, and the Tobacco Enforcement Unit to help constituents across Arizona.

Since the beginning of the pandemic, Community Outreach, like the rest of the office, had to adapt to a new way of reaching the public. Outreach staff was able to quickly transition to virtual trainings and were able to offer live webinars to the public as well as recorded webinars for the public to watch when convenient. Because of this, Outreach has been able to reach thousands of Arizonans virtually.



# Civil Litigation Division

In addition to virtual learning, in September of 2020 Community Outreach began offering free No Contact Shred-a-thons and Prescription Drug take back events to the public. Because of these events we were able to help over 900 Arizonans shred over 50,000 pounds of documents and recover hundreds of pounds of prescription medications.



# Civil Litigation Division

## Division of Civil Rights Section (DCRS)

### DCRS New Employees:



#### Chris Carlsen, Senior Litigation Counsel

Chris Carlsen rejoined DCRS in April. As an experienced trial and appellate attorney, Chris has worked in private and public practice, primarily litigating civil rights, family law, and personal injury actions. Previously with the Attorney General's Office and while employed with 501(c)(3) non-profit entities, Chris practiced before the Ninth Circuit. In addition to his wealth of knowledge regarding civil and appellate practice, Chris brings to DCRS an expertise in disability law and employment law. Chris also teaches disability law classes at Northern Arizona University.



#### Valerie Grijalva, Compliance Officer

Valerie Grijalva joined DCRS in August as a Compliance Officer. Valerie is an experienced investigator who has worked with some of Arizona's largest State agencies. Valerie's expertise involves working with vulnerable populations in high pressure situations. In her spare time she enjoys spending time with her family and taking family hikes with her dog.

Karla Mejia Rivera, Administrative Assistant, started with DCRS in June.

La-Rae Subay, Compliance Officer II, started with DCRS in October.

Virgil Clark, Compliance Officer I, started with DCRS in June.

Ryan Bishop, Assistant Attorney General, started with DCRS in August.

Sasha Gonzalez, Compliance Officer, started with DCRS in November.

## Civil Litigation Division

DCRS, on the personal side:



On July, 21, the Civil Rights Section welcomed its youngest addition, Vivienne Rai weighing 7 pounds. Congratulations to Compliance Officer Ian Rai and wife Genesis on their beautiful baby girl.



Congratulations to Compliance Officer Gamaliel Vance on his marriage to his longtime girlfriend Desiree on July 25.

In December, two valued DCRS team members will be retiring – Dorothy Jim, Compliance Officer III and Patricia Bianchi, Tucson Compliance Manager. We are grateful to their service to Arizonans, to civil rights, and to the Arizona Attorney General's Office.

# Civil Litigation Division

## DCRS Case Highlights

### ***State of Arizona v. Obrigis, LLC d/b/a O'Brien's Sports Bar***

In February, 2020, DCRS resolved its lawsuit against Obrigis, LLC d/b/a O'Brien's Sports Bar. In its October 25, 2019 lawsuit, DCRS alleged that Obrigis violated the Arizona Americans with Disabilities Act (AzDA) when it refused to serve Bill Larson because of his service animal. Mr. Larson has a brain injury which causes him to experience transient ischemic attacks (referred to as mini-strokes). His American Bulldog service animal, Whopper, is trained to detect the onset of the mini-strokes and alert Mr. Larson so that he may take steps to ensure his safety and the safety of others.

DCRS resolved this matter through Consent Decree. Under the terms of the Consent Decree, Obrigis was required to pay monetary damages of \$7,500 to Mr. Larson and \$2,500 in civil penalties to the State. In addition, Obrigis agreed to create and disseminate policies prohibiting discrimination on the basis of disability and permitting reasonable modifications to its policies as necessary to serve customers with disabilities. The Consent Decree further required that Obrigis pay for and participate in robust training on disability law under AzDA and Title III of the Americans with Disabilities Act.

### ***State of Arizona v. Big Tex Trailer World, Inc. d/b/a Big Tex Trailers***

On May 30, 2019, DCRS filed a lawsuit against employer Big Tex Trailer World, Inc. d/b/a Big Tex Trailers, a company which sells, rents, and services trailers from its three Arizona locations. DCRS alleged that Big Tex violated the Arizona Civil Rights Act (ACRA) when it failed to make reasonable accommodations to the known physical limitations of its employee, Ed Litzinger. DCRS further alleged that Big Tex terminated Litzinger on the basis of his disability in violation of ACRA. Mr. Litzinger, a retired detective, filed a charge of discrimination with DCRS on May 31, 2018. While employed as a Sales Representative in Big Tex's Tucson location, Litzinger underwent hip replacement surgery and returned to work with the assistance of a cane. Litzinger alleged that Big Tex would not reasonably accommodate his return to work condition and subsequently terminated him due to his disability.

DCRS resolved the litigation through a Consent Decree that provided for monetary damages of \$45,000 to Mr. Litzinger and injunctive relief for DCRS including Big Tex's obligation to revise its policies and practices, pay for and participate in mandatory training, and maintain employment records related to its Arizona business operations subject to audit by DCRS.

### ***State of Arizona v. Shree Yogiji d/b/a the Tombstone Grand Hotel and Landmark Hospitality, LLC d/b/a Hampton Inn Sierra Vista***

On October 22, 2020, DCRS filed a lawsuit alleging that that employers Shree Yogiji d/b/a the Tombstone Grand Hotel and Landmark Hospitality, LLC d/b/a Hampton Inn Sierra Vista (collectively, Defendants) violated the Arizona Civil Rights Act (ACRA) when its supervisors harassed their joint employee because of her disability and created a hostile work environment. On October 23, 2019, an aggrieved party and employee of Defendants filed a charge of discrimination with DCRS alleging that her employers subjected her to different terms and conditions of employment and a hostile and intimidating work environment based on her disability. Specifically, the aggrieved party, who has intellectual disabilities and speech delays, alleged that her supervisors repeatedly referred to her in unwelcome and derogatory ways,

## Civil Litigation Division

openly chastised her in employee meetings and in front of guests, shoved her head into a sink until she cried, and poked her between the shoulders so that she would move quicker. After investigating the charge, DCRS issued a reasonable cause determination on September 14, 2020. This matter is currently pending in Maricopa County Superior Court.

### ***State of Arizona v. Solterra of Arizona, LLC d/b/a Solterra La Cholla***

On November 2, 2020, DCRS filed a lawsuit against employer Solterra of Arizona, LLC d/b/a Solterra La Cholla (Solterra), alleging that it violated the Arizona Civil Rights Act when it failed to remedy a hostile work environment based on sex and terminated its employee after she complained about being sexually assaulted by a colleague while at work. On November 24, 2019, DCRS received a charge of discrimination from Solterra's former employee alleging that (1) Solterra subjected her to sexual harassment and a sex-based hostile work environment, (2) Solterra terminated her, and (3) Solterra retaliated against her after she engaged in protected activity. Specifically, the aggrieved party alleged that while at work she was sexually assaulted by a colleague. Additionally, she alleged that the colleague followed her outside the facility while she was on break and attempted to sexually assault her again. The aggrieved party complained to management about the sexual assault and was thereafter terminated. On September 30, 2020, DCRS completed its investigation and issued a reasonable cause determination. It thereafter filed this lawsuit. This matter is currently pending in Maricopa County Superior Court.

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### **Consumer Protection and Advocacy Section (CPA)**

On February 27, (pre-COVID), as part of Consumer Protection Awareness Week, AG Brnovich posed for a picture with CPA staff which includes the Consumer Information & Complaints Unit; Consumer Litigation Unit; Tobacco Enforcement Unit; and Competition, Innovation & Privacy Unit.



AZ-AG-20-1956-C-000657



# Civil Litigation Division

## CPA New Employees:

**WELCOME  
ABOARD**



**Alex Bernard, Pre-Law Legal Assistant**  
Alex started with CPA in February after working for the Maricopa County Attorney's Office in the Grand Jury/Probation Violation Bureau. Before the County Attorney's Office, Alex graduated Arizona State University in May 2018 with a degree in Political Science where he received the Moer Award. In his spare time, Alex loves to hike, read, and spend time with his family.



**Leticia Bdeir, Legal Administrative Assistant**  
Leticia started with CPA in February. She previously worked with The Department of Economic Security as an Administrative Assistant serving as a middle man to State AHCCCS by sending referrals for medical emergencies for Arizona families. Leticia was born and raised in Northern California. She has 4 children and 3 grandchildren. Her fur babies are Aslan (dog) and Sophie (cat). She loves to cook, travel, listen to music and spend time with her husband and family. Leticia is happy to be at the AG's office.



**Gabriella Guzman, Administrative Assistant**  
Gabby started with the Tobacco Enforcement Unit ("TEU") in January. She graduated from Northern Arizona University with a Justice Study degree, emphasis in intelligence and minor in Homeland Security. She has previously worked in child care and more recently, as a customer service representative. Her favorite TV show is The Office and her dogs name is Diamond.

## Civil Litigation Division



Alexes Ramirez, Legal Administrative Assistant  
Alexes returned to CPA in November and is excited to be back. She graduated from Southern Utah University with a degree in Sociology. She enjoys traveling, going on walks with her dog, and spending time with her younger sisters.



Dominique Jackson, Legal Assistant II  
Dominique started with TEU in March. She graduated in 2017 with a Bachelor of Science in Criminal Justice from New Mexico State University, where she also excelled as a track athlete for the Aggies. After graduation, Dominique returned to Arizona and enrolled at Grand Canyon University, where she is currently pursuing a Masters in Criminal Justice with Emphasis in Legal Studies. Prior to joining the AG's Office, Dominique worked in private practice for a civil litigation firm. Dominique has quickly become an integral member of TEU, supporting the AG's Youth Tobacco Program in our efforts to reduce youth exposure to tobacco products.



Jocelyne Jones, Administrative Assistant  
Jocelyn started with the Consumer Information & Complaints Unit ("CIC") in November.

## Civil Litigation Division



Justin Heywood, Pre-Law Legal Assistant  
Justin started with CIC in July. He is a native Arizonan who graduated from Arizona State University with a bachelor's in political science and civic and economic thought. In his free time, he enjoys learning new things and finding new experiences, which led him to learn how to juggle and go bungee jumping. He considers himself an ice cream enthusiast, with his favorite flavors being mint chocolate chip and salted caramel.



Christopher Sloat, Assistant Attorney General  
Christopher started with CPA in November. He is a 2016 University of Arizona Law grad. Prior to joining the Arizona Attorney General's Office, Christopher clerked at the Arizona Court of Appeals, Arizona Supreme Court, and the United States District Court for the District of Arizona. In his spare time, he enjoys hanging out with family and getting outside.

Mitchell Allee, Senior Litigation Counsel, returned to CPA in June.

Syreetta Tyrell, Assistant Attorney General, started with CPA in August.

Laura Dilweg, Senior Litigation Counsel, started with CPA in November.

DCRS, on the personal side:

On February 20 at 4:04pm, Alyse Meislik, Assistant AG, and her husband Matt, welcomed their son Robert ("Robbie") into the world. He weighed in at 8 lbs. 7 oz., 20.5 inches.



## Civil Litigation Division

Senior Lit Counsel Mitchell Allee and wife, Tara, welcomed their son, Harrison William Allee, into the world on October 30. He weighed 8 lbs. 9 ozs.



### CPA Case Highlights

- As of July 2020, CPA had secured well over \$100 million in restitution for Arizona consumers since Attorney General Mark Brnovich took office in 2015. Significantly, this is more than the total restitution from 2001 to 2014.
- Obtained tens of millions of dollars of relief for consumers who had loans from Santander, one of the nation's largest subprime auto lenders. Santander had provided high-interest loans to consumers that Santander knew were likely to default.
- Sued JUUL Labs and Eon Smoke, alleging that both companies engaged in deceptive and unfair practices in their sales and marketing of vaping products, particularly to youth. The AGO also obtained a permanent injunction banning Eon Smoke from selling certain products in Arizona.
- Obtained an \$11 million settlement with Century Link regarding deceptive and unfair billing and marketing practices, under which Century Link paid nearly \$2 million in refunds to consumers and \$2 million toward fiber-optic infrastructure in Arizona.
- Obtained a consent judgment against Equifax, resolving the multistate investigation into the company's massive 2017 data breach. The multistate settlement included a \$425 million restitution fund, a \$175 million payment to the states, and injunctive relief.
- Sued several former executives of the Chandler-based opioid manufacturer Insys Therapeutics, Inc., including the company's founder, John Kapoor, alleging that the company illegally paid doctors to prescribe its highly addictive opioid medication.
- Sued several members of the Sackler family, who were responsible for operating Purdue Pharma, which the State has alleged violated a consent judgment ordering Purdue not to engage in deceptive marketing of its opioids.

## Civil Litigation Division

- Obtained over \$90,000 in restitution from Dependable Auto, a Tucson-based car dealership that allegedly engaged in a wide variety of unlawful practices.
- Sued Choice Home Warranty, alleging that the company raked in millions of dollars by deceiving and misleading Arizonans about what its home warranties would cover.
- Obtained over \$100,000 in restitution for consumers from a former owner of DIY Neurocare, which sold LED light pads as neuropathy treatments and failed to deliver on its money-back guarantee.
- Sued Valley Delivery, alleging that the company put up fake delivery slips in order to trick new homeowners into giving the company their phone numbers.
- Obtained \$600,000 in a settlement with a Sun City vacuum seller that repeatedly violated the Do Not Call list.
- The Division Chief and members of CPA and the Consumer Information & Complaints Unit participated in a phone bank broadcast by ABC15.
- Secured an Amended Final Judgment with Live Nation after discovering that Live Nation violated terms of a 2010 Consent Judgment related to its merger with Ticketmaster by pulling or threatening to pull its shows from a venue if the venue chose not to use Ticketmaster for its ticketing services. The antitrust judgment contains injunctive terms and an additional five-year monitoring period to prevent Live Nation from engaging in future anti-retaliation and anti-conditioning activities and hold Live Nation accountable for any further violations.
- Filed an antitrust complaint against Taro Pharmaceuticals, Perrigo New York, Fougera Pharmaceuticals (now Sandoz), and 23 more of the nation's largest generic drug manufacturers, alleging a broad conspiracy to artificially inflate and manipulate prices and reduce competition for approximately 80 different generic dermatology drugs.

### Tobacco Enforcement Unit Highlights:

#### Youth Volunteer Recognition and Recruitment

- The Counter Strike Youth Tobacco Program usually holds an annual Recognition Ceremony to honor the youth volunteers who donate thousands of hours of time to keep tobacco products out of the hands of Arizona's kids. The Recognition Ceremony is typically hosted by the Arizona Diamondbacks and held at Chase Field with lots of fun and a little pomp and circumstance. Unfortunately, like so many large gatherings this year, the Recognition Ceremony had to be cancelled for the safety of everyone involved. However, the Program could not let this year's group of dedicated volunteers go without recognition. We created certificates for each youth volunteer, signed by the AG, and mailed each youth a package with their certificate, a thank you letter, and an official Counter Strike t-shirt. It was nice to touch base with everyone and let these volunteers know that we did not forget about their contributions!

## Civil Litigation Division

- As we look towards resuming youth tobacco inspections in the near future, the Program has started ramping up youth volunteer recruitment- virtually! We have started reaching out to our school and club partners and scheduling video-conference recruitment presentations. Our Special Agents are becoming Zoom pros as they venture into virtual classrooms! We have had a fantastic response with dozens of new volunteers submitting paperwork. The schools have also been very responsive to presentations in a virtual format. And, while we miss seeing the kids in person, this allows the agents to present to youth all over the state in the same day!

### Non-Participating Manufacturer Adjustment Arbitration Settlement

- The Tobacco Master Settlement Agreement ("MSA") entitles Arizona to an annual payment of approximately \$100 million. The Tobacco Enforcement Unit goes to great lengths each year to satisfy this diligent enforcement requirement, which requires, among other things, collecting millions of dollars from cigarette manufacturers that have chosen to not join the MSA. These efforts have resulted in a multi-year settlement of the NPM Adjustments for years 2018 – 2022, protecting approximately \$450 Million.

### 2019 Data Clearinghouse Proceeding

- Pursuant to the terms of the Tobacco Non-Participating Manufacturer (NPM) Adjustment settlement, the Settling States and the Participating Manufacturers (PMs) must participate in an annual Data Clearinghouse (DCH) Proceeding, during which BDO USA, a national economics firm, will review state-specific data supplied by the Settling States and PMs to determine if the state in question received Escrow Statute (A.R.S. § 44-7101) compliance on all NPM cigarettes on which state SET-paid NPM cigarettes, the state in question could be subject to an adjustment to its annual Master Settlement Agreement payment if the non-compliance amount goes beyond the safe harbor set forth in the settlement agreement. The 2019 DCH Proceeding began in August 2019. Due to the Tobacco Enforcement Unit's diligent efforts to enforce the Escrow Statute as to all NPM cigarettes sales in Arizona, BDO USA was able to quickly determine that Arizona has zero non-compliant cigarettes resulting in no adjustment to Arizona's MSA Payment to be received April 2021.

# Solicitor General's Office

## Fond Farewells and New Faces in Great Places!

### Criminal Appeals

On May 1, 2020 we bid farewell to Criminal Appeals Section Chief, Joe Maziarz. Joe was with the office for 35 years, with the last 8.5 years serving as CAS Section Chief. We would like to give a big thank you to CAS Unit Chief Mike O'Toole for taking on the role of Interim Section Chief until Linley Wilson officially stepped into the position on November 30, 2020. Congratulations, Linley!

CAS also said farewell to Unit Chief Rob Walsh on May 15, 2020. Rob had been in CAS for over 25 years! With Rob leaving, we welcomed back Alice Jones who returned to the office on May 26, 2020 and took over the Unit Chief position. Congratulations, Alice!

On April 21, 2020 we said goodbye to Legal Secretary II, Nancy Romero. In the blink of an eye, Oscar Lopez swiftly learned the ropes and stepped in to that position! On December 4, 2020 we said goodbye to AAG Terry Crist, and on December 16, 2020 we said goodbye to AAG Heather Mosher.

### Capital Litigation

On January 13, 2020 the Capital Litigation Section welcomed two new AAG's, David Ahl and Elizabeth Bingert! Welcome to the AGO David and Elizabeth! On March 16, 2020, CLS said goodbye to Senior Legal Assistant, Stacy Coleman as she reached out for new endeavors!

On April 6, 2020 we were happy to have Jeff Sparks return to the office as a CLS Unit Chief. Welcome back, Jeff! On November 25, 2019, Andrew Reilly transferred from CAS into a Unit Chief position for CLS. Congratulations, Andrew! On September 4, 2020, we said goodbye to AAG Jason Lewis.

### Special Litigation Section

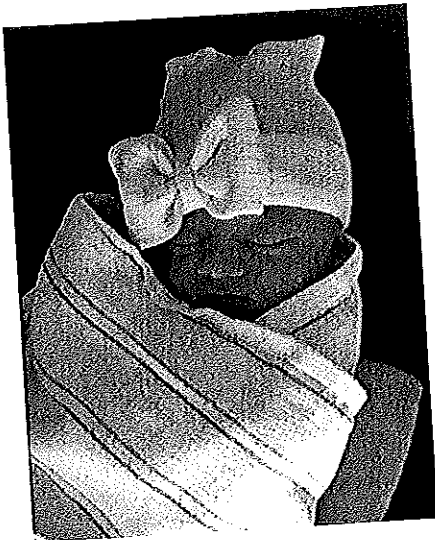
On November 15, 2019 we said goodbye to Deputy Solicitor General, Andrew Pappas as he accepted a position as counsel for the Arizona House of Representatives. On May 18, 2020 we were happy to have Mike Catlett come on board with us as Deputy Solicitor General, and on July 27, 2020 we welcomed Sarah Crank into a Legal Assistant position. Welcome to the AGO, Mike and Sarah!

On September 8, 2020 we bid a fond farewell to Solicitor General/Special Litigation Section Chief Counsel, O.H. Skinner, as he left the office to work on other legal endeavors! And a month later on October 9, 2020, we bid farewell to Deputy Solicitor General/Federalism Unit Chief Rusty Crandell after his appointment to serve as a Maricopa County Superior Court Judge!

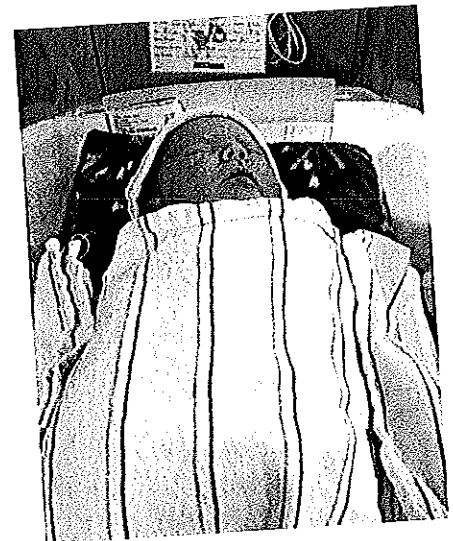
# Solicitor General's Office

## SGO Special Additions

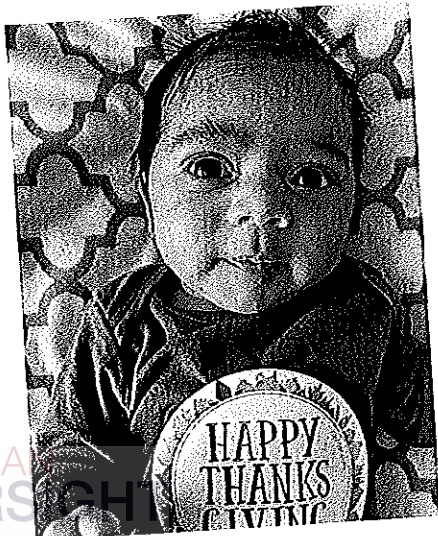
On January 17, 2020, AAG Vineet Shaw and family welcomed twins Zara and Kail



On April 18, 2020, AAG David Ahl and family welcomed their baby Madelyn Jo!



On June 29, 2020, Civil Appeals Section Chief, Drew Ensign and family welcomed their baby Carter Matthew!



On November 13, 2020, AAG Keena Patel and family welcomed their baby Aavi!



# Criminal Division

## FOUR CRIMINAL DIVISION MEMBERS WIN APAAC HONORS



The Criminal Division would like to recognize the following staff members that were nominated and received 2020 APAAC awards:

**Administrator of the Year:** FSP Legal Secretary Stacey Canez received APAAC's 2020 Administrator of the Year award. Stacey is a hard-working and dedicated individual who exhibits all the qualities of an exemplary employee. She completes her assignments with diligence and attention-to-detail. Over the past 15 years, Stacey advanced from a student clerk to a lead legal secretary with a great deal of operational skills and responsibilities. She possesses excellent administrative skills and an ability to work well with everyone. Stacey has taken on additional duties and responsibilities to assist others in the Division. She is able to handle Division fiscal matters including travel, procurement and budgetary issues as well as being able to assist the Division Chief as necessary in the absence of the Division OA. During the past year, Stacey has been instrumental in helping with the transition to a new AGO case management system, which has involved many meetings, additional assignments and the creation of training protocols for all employees.



**Legal Assistant of the Year:** HCFA Senior Legal Assistant Peni Cox received APAAC's 2020 Legal Assistant of the Year award. Peni is known for her tireless dedication and exceptional legal assistance to the attorneys she supports. Peni is tasked with running the HCFA Section in Prescott where she serves as not only a Legal Assistant, but also assists with secretarial and administrative matters as well. For the past nine years, Peni has been an exceptional employee with unwavering dedication to the AGO. She is a key component of the investigation and prosecution team that covers nearly half of the geographic area of the State. Peni is a leader in providing services in the Prescott office and also her assistance to the Phoenix and Tucson HCFA staff. She is always approachable, knowledgeable and is willing to do whatever it takes to get the job done. Thank you, Anne. We appreciate all you do!

**David R. White Excellence in Victim Advocacy Award:** FSP prosecutor Shawn Steinberg received APAAC's 2020 David R. White Excellence in Victim Advocacy Award. Shawn is a remarkable voice for the crime victims she represents and she deserves special recognition for her work with the victim's family in State v. Luna/Carrasco, a murder case involving two defendants who frequently committed home-invasions in an attempt to steal drugs. When she noticed these dangerous offenders would taunt the next of kin, she made appropriate records with the court, often drawing the ire of the defendants and sometimes their attorneys. When confrontations would occur in the hallway, Shawn skillfully defused the situation and protected the victim's family with the assistance of court security, often times securing the removal of antagonistic persons from the courtroom. Shawn worked closely with the victim advocate and the victim's family to craft plea agreements that reflected the nature of the case, the defendants' criminal histories and relative involvement, and at the same time, ensuring that justice prevailed for the

## Criminal Division

victim. Both defendants pled guilty to the murder. Luna was sentenced to 23 years and Carrasco was sentenced to 17 years in prison. The victim's family was pleased with the outcome and Shawn's hard work helped to minimize the trauma that they experienced in the court process. The family expressed their appreciation for Shawn's hard work and dedication.

Gerda & Kurt Klein Guardian of Freedom Award: FSP Section Chief Blaine Gadow received APAAC's 2020 Gerda & Kurt Klein Guardian of Freedom Award for his prosecution of a human sex trafficking trial. The victim's testimony was necessary for the case to proceed. The victim was very anxious and worried about testifying. Instead of using the procedural tools available to prosecutors such as an arrest warrant to ensure the victim's participation at trial, he empowered her in a multidisciplinary manner through support, empathy and providing options that resulted in her choosing to testify. Thanks to Blaine and his team's ability to empower the victim to testify, justice prevailed. The jury found the defendant guilty on 11 felony counts, including Child Sex Trafficking, Conspiracy, Money Laundering and Sexual Exploitation of a Minor. After the verdict, the victim's name and location had been released on social media by acquaintances of the defendant. Her safety and well-being were a large concern for Blaine while the defendant awaited sentencing. Blaine advocated for the safety and well-being of the victim after she provided testimony. He collaborated with others in the agency to achieve a unique solution to maintain the victim's safety until her transition to Department of Child Safety (DCS) services could be obtained. Blaine is a compassionate prosecutor and is very deserving of this award.



In addition, the Criminal Division would like to recognize the following additional staff members who were nominated for APAAC recognition:

Advocate of the Year: OVS Victim Advocate Evelyn Robles was the AGO's nominee for APAAC's 2020 Advocate of the Year. Evelyn has been employed with the AGO since 2017. Evelyn has a complex case load consisting of fraud, child sexual exploitation, and human trafficking cases in both direct prosecution and appellate cases, also including death penalty cases. Her passion for meeting the needs of survivors of trafficking has positively affected the fight against predators and perpetrators on an international scale. Each victim is an individual often requiring creative advocacy and partnerships atypical for standard prosecution-based advocates. In 2019, Evelyn was an integral part of the successes in the case against Robert Hood. She worked with the trafficking survivor through the investigation and prosecution phases which resulted in the survivor testifying against Hood on her 18th birthday.

These efforts helped to secure a 108-year prison sentence while at the same time helping to find creative ways to serve the survivor post-conviction.

Felony Prosecutor of the Year Award: HCFA Section Chief Steve Duplissis was the AGO's nominee for APAAC's Felony Prosecutor of the Year Award. Under Steve's leadership, HCFA was recognized in 2019 as the second highest performing Medicaid Fraud Unit in the nation for filing criminal indictments. This impressive achievement is unsurprising given Steve's unwavering passion to investigate and prosecute medical professionals who defraud the government and abuse some of Arizona's most vulnerable residents. Steve inspires that same passion in his employees, and they directly benefit from his thoughtful leadership and mentoring. Steve's section oversaw over 100 cases in 2019, ranging from

## Criminal Division

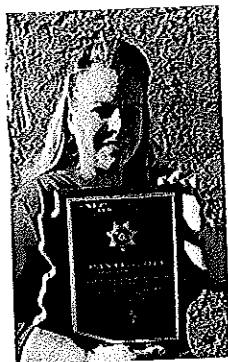
large-scale Medicaid billing fraud to a former doctor's murder-for-hire prosecution. Steve's leadership has made HCFA a model for similar offices across the nation. He is a dedicated prosecutor who cares about the profession, his employees, victims and Arizona's citizens. In fact, the Arizona MFCU team was selected for the Department of Health and Human Services, Office of Inspector General's Award for Excellence in Fighting Fraud, Waste, and Abuse. Steve is an asset to Arizona's prosecution community.

Rising Star Award: FSP prosecutor Evan Malady was the AGO's nominee for APAAC's 2020 Rising Star Award. Evan started working in FSP in February 2019. Evan became quickly proficient in his position, developing his skills in directing and managing complex fraud and other investigations. Although only a two-year lawyer, Evan has successfully handled a wide variety of complex fraud cases. He has exceptional organizational skills, communicates well with law enforcement agents, defense attorneys and court staff and is known for working very hard. When Evan joined the Section, he immediately became involved in several high-profile and complex matters. Evan was instrumental in the Paul Petersen AHCCCS-fraud case. He was part of the initial investigation, participated in witness interviews, attended the search warrants and ultimately presented the case to the State Grand Jury. The Petersen case was extremely complex and it consisted of several different criminal investigations across multiple jurisdictions. Evan has handled the complexity of this case with skill and professional maturity. The defendant in this matter had skilled and experienced defense attorneys. Evan diligently worked with them to move the prosecution forward and effectively represent the State's interests. In June 2020, Petersen pled guilty to Fraudulent Schemes and Artifices, Forgery and Fraudulent Schemes and Practices and was sentenced to six years in prison.

### Drug & Racketeering Enforcement Section

The DRG Section would like to welcome the following team members:

05/18/20 AAG Nichole Galusha-Troicke  
06/15/20 AAG Rebecca Kennelly  
07/27/20 Sr. LA Ronnie Danko



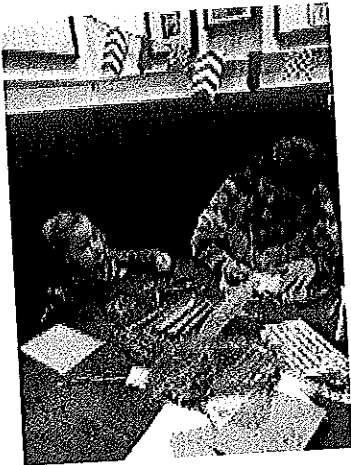
In August, AAG Gina Cucuzella resigned as she accepted a position with the Pinal County Attorney's Office. Good luck Gina!

In September, SLC Nick Saccone resigned as he accepted a position as a Court Commissioner with the Maricopa County Superior Court. Congrats Honorable Saccone!

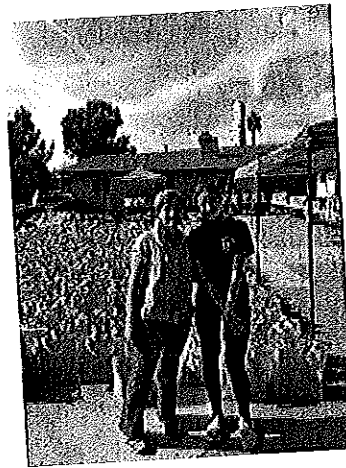


## Criminal Division

AAG Rebecca Jones resolved the case of State v. Angel Bonilla-Hernandez. This case involved a lingering co-defendant on a case where the primary defendants transported five kg of cocaine and were part of a wiretap case. Bonilla-Hernandez had a viable "mere presence" defense and was asking for a class six undesignated plea. Law enforcement was pushing for a prison resolution. The case resolved with a class 4 felony and a three year term of supervised probation, along with a hefty fine. This resolution will allow the defendant to continue working, which will hopefully discourage recidivism



Section Chief Theresa Rassas' daughters Regan (13) and MoMo (4) diligently worked on cards for the troops.

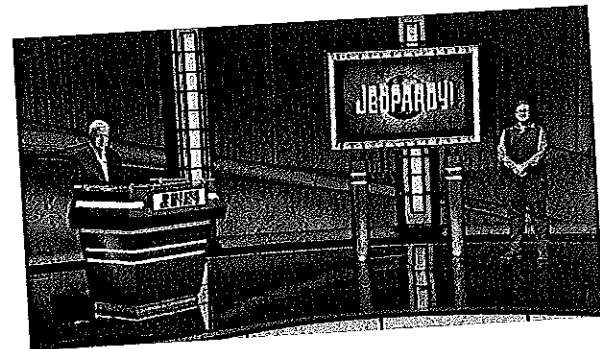


Theresa Rassas and her daughter Regan also volunteered to sort and pack holiday groceries for Feed Our Babies.



SLA Linda Pfohl retired after working nearly eight years in the DRG Section. Linda was extremely knowledgeable and helpful in large, complex wiretap cases. Unfortunately, a retirement party had to be postponed. Linda

After a lot of hard work and testing, AAG Rebecca Jones was chosen to be on the game show Jeopardy! The episode aired on December 10th. She was fortunate to have appeared with Alex Trebek. Great job Rebecca!



# Criminal Division

## Financial Remedies Section

FRS welcomed four new staff during the last several months.

In July 2020, LSII Jennifer Villescascas started in FRS and she has smoothly transitioned into her position. She brings 13+ years of criminal and civil legal secretarial experience to FRS, making her an asset to the team.

In September 2020, AAG Elliot Stratton was hired. Elliot received his JD in 2017 and also holds a Master's Degree in Business Administration. For his first three years of practice, Elliot was a judicial staff clerk for federal judges in Florida and Washington, D.C. Elliot was recommended to FRS by our Solicitor General, under whom Elliot performed an internship at the AGO. That recommendation has proved to be well earned as Elliot is already working on some major cases.

Also in September 2020, AAG Mukai "Kai" Amoo transferred from CFPD to FRS. Kai also holds a Master's Degree and brings nine years of experience and a background in family law, estate planning, criminal defense and civil litigation to her position. Her familiarity with civil practice and procedure has given her a running start on the work she is doing in FRS.

In October 2020, AAG Jake Rapp passed the Bar and started with FRS shortly after. Jake interned with FRS in 2018, during which he authored an article on tactical investigations and enforcement remedies against illegal massage parlor businesses for ANOA Magazine. Jake's strong interest in addressing white collar crime made him an ideal candidate for FRS and a welcome addition.

Recent FRS case work has concentrated on fraud victim recovery. This includes completion of the Paul Petersen adoption fraud case and the recovery of nearly \$700,000 for AHCCCS; assistance in the Hacienda Health Care case in completing a settlement agreement under which Hacienda will be re-paying over \$10 million dollars to AHCCCS and a \$1 million dollar fine; and the execution of search and seizure warrants and the initiation of an FRS case on another AHCCCS fraud case in conjunction with the SIS and HCFA sections based on a \$12 million dollar fraud amount.

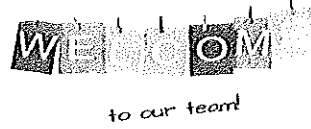
## Fraud & Special Prosecutions Section

The FSP Section would like to welcome the following team members that were hired in the last several months!

06/29/20 – AAG John Hudson  
07/13/20 – AAG Maura Quigley (re-hire!)  
08/24/20 – SLA David Rohe

# Criminal Division

09/21/20 – AAG Carmine Mediate  
09/21/20 – LSI Anna Hunt  
10/05/20 – AAG Tom Maksemous



to our team!



In December 2020, AAG Rachel Nava resigned to return to the Arizona Supreme Court as a staff attorney. We wish her well in her new position!

In June 2020, the FSP Section bid farewell to SLA Dominique Rivas.

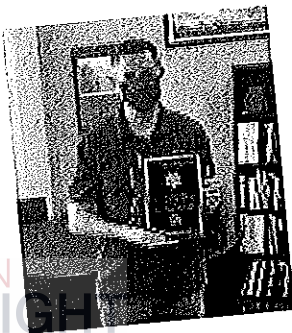


Welcome Baby George! On June 29th, AAG Tarah White and her husband Patrick welcomed their first child! Congrats!

On October 3rd, LSI Sarah Garrett married her long-time love Heath Karr! They have combined their households and their family has multiplied by four. Congrats Sarah!



In October 2020, the FSP Section said farewell to our friend and colleague SLA Scott Blake. Scott left the AGO to return to the cool pines of Prescott and the friendly confines of the Yavapai County Attorney's Office. Normally, for a long serving employee like Scott, we would have had a potluck or some kind of gathering to celebrate his service and wish him well, but COVID prevents us from doing this year. Scott has been a dedicated prosecutor and we thank him for his service and dedication to the mission of the office, and to ethical and honest prosecution in general, setting a great standard for the office. He carried a case heavy load and will be missed. Good luck Scott!



# Criminal Division

## Healthcare Fraud & Abuse Section



In October 2020, the United States Department of Health and Human Services had their virtual annual awards meeting. Of the 50 state Medicaid Fraud Control Units (MFCU), Arizona's Unit had been chosen and formally awarded the Award for Excellence in Fighting Fraud, Waste and Abuse. In making their announcement, HHS-OIG remarked that the Arizona MFCU obtained an impressive number of case outcomes, with 84 indictments, 70 convictions, and total recoveries of over \$7.5 million. The Unit also opened 239 investigations, with a particular focus on drug diversion cases, which accounted for 115 of those investigations. The Unit employs a staff of 27 that includes attorneys, special agents, and other professionals. The Unit is led by Section Chief Steve Duplissis, who has served as the Unit's director since 2005 and is one of the longest serving directors among the MFCUs. Congrats MFCU Team!!

In September 2020, after a thorough Medicaid fraud investigation into Hacienda Healthcare, Inc., it was determined that the former officers improperly allocated direct and indirect costs, inflated reported expenses and engaged in improper billing during 2013-2018, resulting in an overpayment of at least \$10,895,648 from AHCCCS to Hacienda. SIS SAs and AAGs from HCFA, FSP and FRS worked together to reach a civil settlement with Hacienda. Hacienda is to pay the State more than \$11,000,000 to resolve this case. Congrats Team!

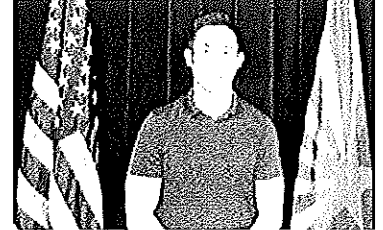
HCFA would like to welcome the following SIS Special Agents assigned to HCFA Units 1 and 2.

SA Kelly Angel started her law enforcement career with the Glendale Police Department. Kelly spent the past eight years with the Tempe Police Department where she served as a Patrol Field Training Officer, DUI Officer, Public Information Officer and IACP Drug Recognition Expert.



## Criminal Division

SA Peter Tran previously served in New York City with the New York County District Attorney's Office as a Detective Investigator for five years where he specialized in financial fraud and organized crime investigations, along with fugitive extraditions. Peter earned his Bachelor's and Master of Science in Criminal Justice from Rochester Institute of Technology.



SA Roy Garrison previously worked for nine years with City of Eloy Police Department in Pinal County where the majority of the time he worked as a General Detective. Roy is a University of Arizona graduate where he majored in Accounting.

Prescott Valley Police Department contacted HCFA-Prescott regarding Emma-Kaye Parrish. Parrish had been employed as a finance manager by a behavioral health facility in Yavapai County. One of Parrish's duties at the facility was paying vendors for goods and services rendered to the AHCCCS funded facility where she worked. Although Parrish would input the information correctly into the facility's financial program, thus indicating that the vendor had been paid, she would manually change the payee on the check to herself or to other entities for her personal expenses. In June 2020, Parrish pled guilty to Theft and Forgery and was later sentenced to three years in prison, followed by five years' supervised probation. She was also ordered to pay restitution to AHCCCS in the amount of \$65,436. Congrats to SA Mark McClain and AAG Courtney Kramer on resolving this case!

### Office of Victim Services

OVS extends a warm welcome to the following staff:

06/15/20 – VA Jill Blass

07/27/20 – VA Amberly Frank



Special thanks to OALaura Lyons, VALinda Carthen and VAAAlbert Fimbres for their excellent work on developing a comprehensive, thoughtful and engaging plan to help the AGO recognize Domestic Violence Awareness month! By helping bring awareness, their plan also was a source of support to others who may be experiencing or others working in the field of domestic violence. Thanks for the time and effort spent to develop this necessary plan!

The OVS Outreach team worked hard converting its five hour Basic and three hour Advanced victims' rights trainings to engaging, effective Webinars over the last few months. In September 2020, trainings included videos, polling and even a crossword puzzle. Remarkably, the team successfully trained over 800 victims' rights professionals from all 15 counties in just three weeks. Attendee evaluations were overwhelmingly positive for the content and method of delivery.



# Criminal Division

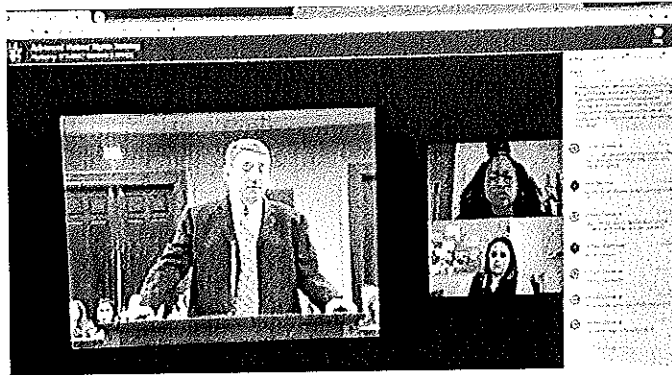


Photo includes Outreach team members Janelle Miller (top right) and Ashtyn Beuchler (bottom right) who presented the criminal appeals process and showed a video of Appeals AAG Michael O'Toole (left) in a Supreme Court Oral Argument.

Office of Victim Services staff has been reading about LEADERSHIP and BUILDING their skills by taking turns leading engaging and enlightening discussions each month. Current and future AGO leaders learning from each other!



Pictured from left to right: Amy Bocks, Evelyn Robles, Kirstin Flores, Briana Bobertz, Kennesha Jackson, Colette Chapman, Ashtyn Buechler, Linda Carthen and Veronica Driz.

# Criminal Division

On September 26th, OVS Outreach Coordinator Ashtyn Cronk (now Beuchler) got married. Although it was not her original plan, the couple had a small family-only ceremony that was beautiful. Congrats!



In November 2020, VA Supervisor Evelyn Robles who, as of November, 2020, is a new homeowner! House comes complete with a rooftop terrace sporting a city view! Congrats Evelyn!

OVS Advocate Program Manager, Amy Bocks, was awarded a Director's Unit Citation from the Arizona Department of Public Safety for her volunteer work on the 2019 DPS Annual Memorial 5K in Tucson. She has been part of the main planning committee for more than five years. Although challenging, this year's virtual event ran smoothly thanks to Amy's commitment.



## Southern Arizona White Collar and Criminal Enterprise Section:

Section Chief Nick Klingerman and OA Martita Jimenez (in background) are taking cleaning seriously by sanitizing the entire section.



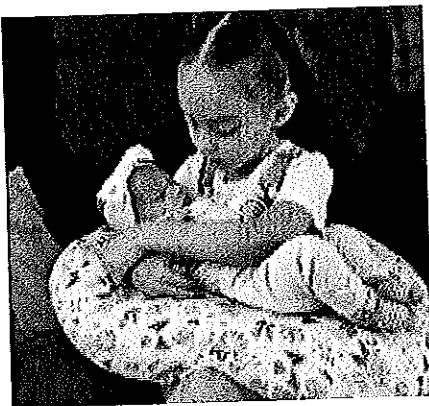
# Criminal Division



In October 2020, Section Chief Nick Klingerman argued in front of the Arizona Supreme Court in *State v. Goldin*. While bantering with the justices, Nick articulately and persuasively explained to the full court why the appearance of impropriety standard set out on *State v. Gomez* should not apply to imputed disqualification of the entire Tucson office of the AGO. Nick highlighted the strategic nature and timing of defendant's motion to disqualify the office from prosecuting a 20 year old cold case homicide and proposed a new standard of analysis. He stepped back into his old appellate shoes, briefing and preparing tirelessly for oral argument, while continuing to supervise the unit. While a ruling is still pending, Nick won unanimous praise and enthusiasm from his SAWCEE colleagues who eagerly watched a livestream of the arguments! Special thanks to AAG Lindsay St. John as well. Lindsay is the second chair on this case and has provided valuable legal analysis and assistance.

In June 2020, AAG Julia Kaiserman joined the Section. She previously worked for the last 12 years at the Pima County Attorney's Office. While at PCAO, she was a dedicated trial and charging attorney, along with an 88-CRIME Safe School Program Manager. She hit the ground running at the AGO. Welcome, Julia!

In September 2020, SLA Adrienne Gutierrez welcomed her granddaughter, Lucy Grace Gutierrez. Congrats Mimi!



On October 7, 2020, LSII Maria Slinger and family welcomed daughter, Faith Gabrielle Slinger. Big Sister Sienna LOVES her real life baby doll. Congrats!

After an exceptional 20 year career with the AGO, LA PS Allison Bradford decided to retire. The Section has benefited from Allison's experience, institutional knowledge and mentorship. Her "Cheat Sheet" for tracking cases will continue to benefit others after she retires. Allison is a dedicated, thoughtful public servant, who truly cares about her community. Her drive to make Tucson, and Arizona, better showed in her work, with Allison receiving numerous awards during her tenure. Notably, Allison was APAAC's 2018 Legal Assistant of the Year. Congrats Allison! We are excited for your new journey!



AZ-AG-20-1

## Criminal Division

In November 2020, LSII Jenny Lewis accepted a job offer at Raytheon. It has been great working with Jenny over the past year. We wish her well in her new position!

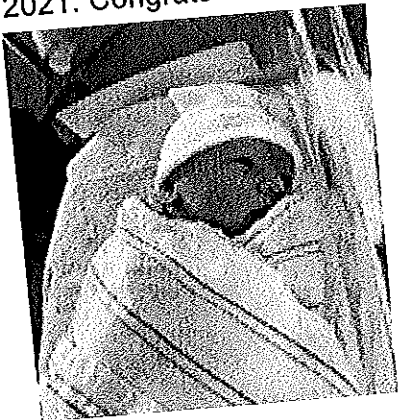
### Special Investigations Section:

SIS extends a huge welcome to the following staff:

06/15/20	SA Carri Stubblefield
07/27/20	SA Mark Smith
08/10/20	SA John Hillman
09/08/20	SA Peter Tran
09/21/20	SA Desire Urbina
10/05/20	SA Kelly Angel
10/19/20	SA Jeffery Whitbeck
11/16/20	SA Roy Garrison
12/14/20	Eric Marlowe



SA Steven Sussen was recognized as a recipient by the Tucson Police Department for his efforts on behalf of vulnerable children. This achievement is truly representative of his commitment to ensure the safety of those least able to protect themselves. The Awards presentation is scheduled for January 2021. Congrats Steven! We are proud to work with you!



On July 9, 2020, SA Danny Miller and his wife Ramona extended their family. Cameron Arman Miller weighed in at 8lbs 2oz, and was 20.25 inches long. Congrats Danny!

On November 3, 2020, members of the SIS Election Integrity Unit, SA Bill Knuth, SA Annalisa Madsen and Criminal Investigator Don Carroll worked a 16 hour day monitoring a law enforcement hotline that had been established to assist other law enforcement agencies and personnel who were called out to respond to any election or voting fraud matters. Members of the unit were also available to respond to any polling locations or election scenes as needed. Members of the unit have coordinated with various agencies and had the opportunity to resolve several matters. Outstanding work by all involved.

## Criminal Division

SA Annalisa Madsen conducted the investigation into former charter school principal, Harold Cadiz. In September 2020, Cadiz was sentenced to 3.75 years in prison followed by five years' probation and ordered to pay \$2,538,722 in restitution for his role in enrolling fake students to obtain funding from the Arizona Department of Education, the U.S. Department of Education and the U.S. Department of Agriculture. As part of the investigation, the AGO seized hundreds of fraudulent documents. SLC Mary Harriss prosecuted the case. Congrats Team!

After serving 34 years in law enforcement, nine years with the AGO, SA Ron Perreira, is officially retired. SA Perreira has worked tirelessly on many wiretaps and drug related crimes with the AGO. Congrats Ron – you have fought the good fight, you have finished the race! You will be missed at the AGO.



Pictured from left to right: SAS Chad Brink, DPS Detective Richard Campbell, SA Bruce Myers, SA Ron Perreira, DPS Detective Steve Babcock, SA Brady Wilkins and SA Norm Peterson.

In November 2019, former SA John "JT" Walsh passed away unexpectedly. As a former long-standing member of the AGO Running Team, it had been planned to honor JT at the Baker to Vegas Race with a custom designed runner's bib for the 2020 race. However, the 2020 race was canceled due to the pandemic. The AGO Running Team still ordered the bibs in remembrance of our dear friend and colleague. The team will present the bib to JT's wife Franzi who was going to attend the 2020 race in his honor.



2020  
Edition

# THE OPENING STATEMENT

Staff Newsletter  
Arizona Attorney General's Office



Attorney General  
Mark Brnovich

## Thank you!

Thank you to all who contributed items for this issue of The Opening Statement.

Please submit your newsworthy items to [Newsletter@azag.gov](mailto:Newsletter@azag.gov) – and don't forget to include photographs!

Your participation and assistance are greatly appreciated.

### Did you know?

Please visit ADOA's [Benefits Page](#) to learn about Covid-19 testing, the Employee Assistance Program, Telehealth, Wellness and more!

### Facilities Reminder

Stop by the newly remodeled Palm Mailroom if you need any PPE (including masks, hand sanitizers and sanitizing wipes).

### Cards for Troops

Thank you to everyone who took the time to create Holiday Cards for the troops! Our office sent over 1,200 cards!

Click [here](#) to watch AG Brnovich on KSLX!



HAPPY HOLIDAYS &  
HAPPY NEW YEAR



## A Message From Attorney General Mark Brnovich

At the end of the year, I've always believed it's important to be with our families, raise a glass with friends and reflect on what is really important in our lives. In 2020, however, even that time honored tradition may look different. Health officials say we should avoid large gatherings of extended family and friends, especially for those at higher risk for COVID 19 due to age and comorbidities. That is both awful and solid advice. It turns out that it's not just the Grinch and fraudsters who are out to steal our holiday cheer.

While family gatherings may look different or even be virtual, we can nevertheless still engage in the part of the Season where we reflect on what's important in our lives. When we do, we are reminded that protecting ourselves and each other is not just something that we do at home, but throughout our career at the Attorney General's Office. From the Supreme Court to the Internet, Election Integrity to Community Shred-a-thons, Family Court to representing State Agencies, and from Law Enforcement to Student Outreach, our team continues to do fantastic work in protecting the public and making our state a better place for all Arizonans.

I know this month's newsletter cannot replace the joy of sharing a home-cooked meal with our families, but perhaps it can provide food for thought and some inspiration regarding the difference we are making. I also hope you know just how much I appreciate all of your efforts during this especially challenging time. I wish everyone Peace and Joy this Holiday Season and good health and cheer as we welcome the New Year.

## A Message From Chief Deputy & Chief of Staff Joe Kanefield



Wiley E. Jones served as Arizona Attorney General from 1915 to 1921. He was our State's second Attorney General and had the dubious honor of serving during the 1918 flu pandemic which lasted from 1918 to 1920 and infected 500 million people, nearly a third of the world's population at the time. Through four devastating waves this flu was one of the most deadly pandemics in human history. Although the State and the Office of the Attorney General were much smaller at the time, General Jones and his team were able to help guide Arizonans through the turmoil and usher in more prosperous times.

We can glean great knowledge and inspiration from history. With General Brnovich's leadership and everyone's help, we have and will continue to do our part to guide Arizona through the current pandemic and follow in the footsteps of our predecessors who overcame similar adversity.

As I have said many times, the people who work at the Attorney General's Office are committed to serving the public with pride and professionalism. We choose to be here because we believe in our mission. It's for this reason more than any other that we have been able to navigate the challenges of protecting the public during this health crisis with the unwavering ability to adapt to what has become the new norm of remote working. Attorney General Brnovich and I thank you again for doing your part to accomplish this mission without missing a beat.

To close, I'll share some trivia about AG Jones who was quite a character. A few months after being defeated by W.J. Galbraith in the election of 1920, AG Jones was bit by a gila monster while staying at the Jones Hotel in Safford, Arizona. To add embarrassment to injury, it was a gila monster that he had brought with him into the hotel in a failed effort to impress some women in the lobby. As the former AG discussed the beauty and virtues of the reptile, it bit into his left middle finger and did not release its grip for more than a minute. Jones couldn't speak for five hours as a result of the swelling in his tongue. Perhaps that was a good thing.

There's no doubt a lesson to be learned from AG Jones' gila monster experience in Safford, but I'll leave that one for you to contemplate. Right now, let's just reflect on his success in assisting Arizona through a pandemic in 1921 ... and how we will do the same in 2021.

With that said, Attorney General Brnovich and I would like to wish you and your families a safe and happy holiday season.

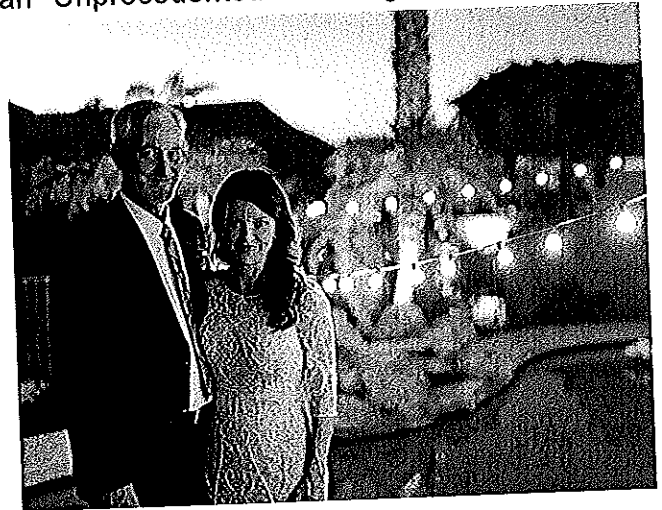
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# Operations Division

Let's Celebrate!

In October, Leslie Welch and Brock Heathcotte had an "Unprecedented" wedding! Congratulations to the happy couple!!

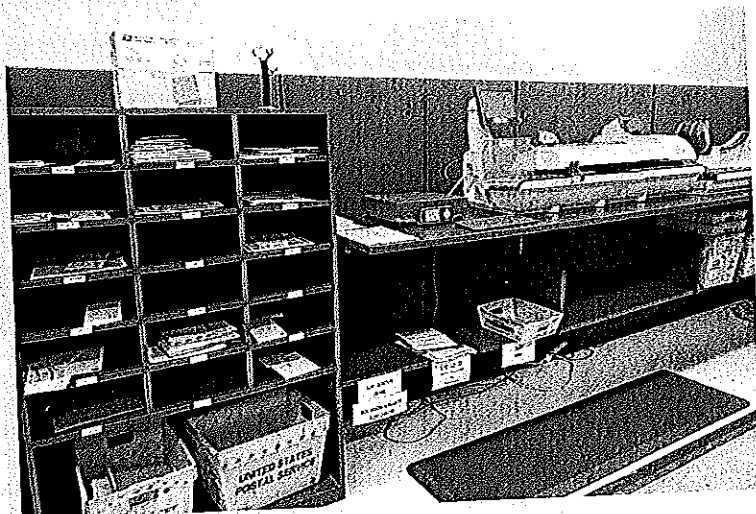


Michael Burkett Crist and his wife have a new daughter! Cosima Guinevere was born November 3rd at 9:48am weighing 6 lbs 4 oz, and was 19.75 inches long. Welcome to the world!

# Operations Division

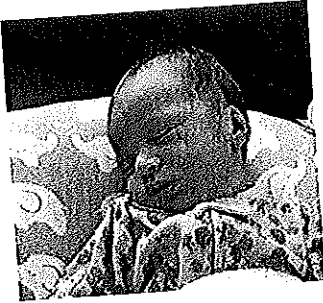
## Mailroom Makeover

In November, the Palm building mailroom underwent a much needed renovation. To make things more convenient, the mail boxes are now located within the mailroom, and we also created an area where employees can stock up on necessary PPE (hand sanitizers, surface wipes, masks and more!).



# State Government Division

## Agency Counsel Section



AAG Caroline Guerrero and husband TJ welcomed beautiful daughter Zara Ada on November 1, 2020. She was 6 pounds, 9 ounces and 19 inches!

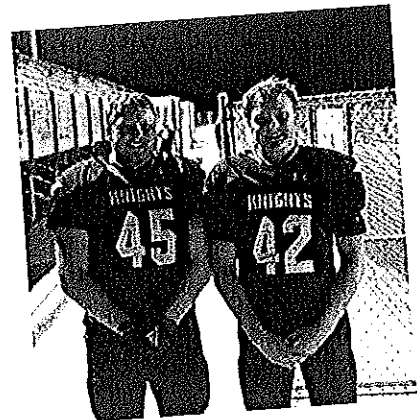
AAG Kara Karlson made the news by volunteering to test Moderna's COVID19 vaccine:

*Mesa mom volunteered to test Moderna's COVID-19 vaccine*



*Thousands of Americans have volunteered to test the COVID-19 vaccine, and one of them lives in Mesa. Kara Karlson says she did it to protect her 2-year-old daughter.*

AAG Kelly Gillilan-Gibson's sons, Kellen #45 (2021 graduate) and Cayden #42 (2024 graduate), attend Arizona College Prep and are on its football team. Their team won the Metro East title and they played in the state playoffs.



# State Government Division

## Licensing & Enforcement Section



AAG Sunita Krishna Cairo and her husband Manny welcomed their son Emilio Gael Cairo to their family on July 16, 2020. Baby Emilio joins big sister Indra who is 2. Congratulations to all!

Tanya Martinez joined LES as a legal secretary. Tanya relocated back to Phoenix after spending several years in Gallup, New Mexico, where she worked as an assistant to the Gallup City Attorney and Mayor.

Former AAG and LES Section Chief Monty Lee unexpectedly passed away on September 1, 2020. Monty was a great friend and mentor to the attorneys in LES who had the pleasure of working with him.

The Licensing and Enforcement Section spread holiday cheer by participating in the St. Vincent De Paul's Adopt-a-Family program. LES provided gifts for a family of five from Chandler. The gifts included games, sporting equipment and clothes along with a gift card for groceries. Employees of LES delivered the gifts on December 18th. All of the LES staff enjoyed contributing to such a worthy cause.



## Liability Management Section

Trial Successes:

### ***Keates v. Koile, et al.***

In March, 2020, Senior Litigation Counsels Cynthia Starkey and Tim Watson obtained a defense verdict in the federal district court on behalf of the Department of Child Safety. Thanks to Senior Paralegals Erica Amaral, Kasey Rivera, and Jessica Thompson and Legal Secretaries Lynda Ficarra and Jennifer Navarro for assisting in trial preparation and at trial

### ***Jose H. Peralta v. Collins***

In February, 2020, AAGs Mike Gaughan and Kara Klima obtained a defense verdict in federal district court on behalf of DPS. Plaintiff alleged negligence and constitutional violations arising out of Plaintiff's arrest for suspicion of driving under the influence. After a four day trial, the jury returned a defense verdict on all counts. Thanks to Senior Paralegals Linda Hettich and Yana Sarumov and Legal Secretary Lynda Ficarra.

# State Government Division

## Additional Appellate Successes:

In the past year, LMS AAGs, with assistance from paralegals and legal secretaries, successfully defended the State in 17 Appellate cases.

## Personal Accomplishments:

Senior Litigation Counsel Chris Feasel completed his 8th season as a high school football official, acting as line judge for the 2A playoff game between Arizona Lutheran and Wilcox. Feasel, pictured here (far left) began his officiating career in California in the Contra Costa Football Officials Association, where he officiated over games including state powerhouse De La Salle High School. After moving to Arizona in 2016, he became an official with the Arizona Interscholastic Association ("AIA") and has worked playoff games 2 out of the last 3 years. Anyone interested in becoming an official can contact him at [Christopher.Feasel@azag.gov](mailto:Christopher.Feasel@azag.gov).



## LMS Welcomes New Employees



Ena Narvaez  
Legal Secretary II



Jose Munoz  
Legal Secretary II



Michelle Cruz  
Legal Secretary II



Michelle Roth  
Legal Secretary II



Tod Brewer  
Legal Secretary II



Amanda  
Senior Pa



Lindsey Hughes  
AAG



Neil Singh  
AAG



Stephanie Elliott  
AAG



Christopher Feasel  
Sr. Litigation Counsel



Lawrence Rob  
Sr. Litigation

# State Government Division

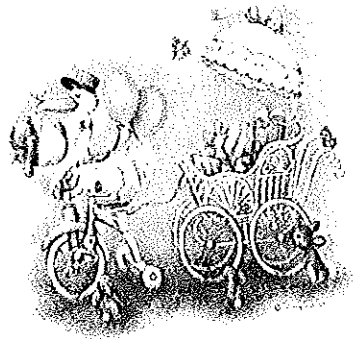
## Natural Resources Section

NRS closed two huge deals this year!



Jack Crestin, born Leap Day, February 29, 2020, to Kevin Crestin and his wife, Christy.

*congratulations*



Melody Rose Rigsby, born July 17, 2020, to Maracia Rigsby and her husband, James.

In addition, NRS assisted the State Land Department to close two substantial deals bringing hundreds of millions of dollars into the State Land Trust to benefit K-12 education. On November 4, 2020, ASLD auctioned 2,800 acres of land east of Apache Junction in return for \$245 million plus a 50% share in future net revenues from development of a master planned community. And on December 1, 2020, ASLD auctioned 1,200 acres of land in north Phoenix west of I-17 in return for \$89 million plus the installation of over \$200 million of infrastructure. The successful bidder, Taiwan Semiconductor Manufacturing Company, is expected to begin construction shortly on a \$12 billion semiconductor plant.

# Civil Litigation Division



## CLD New Employee



Marie Elena Cobb, Executive Assistant  
Marie has been with the AGO since July 2016 but has been in and around the legal field for 23+ years. Prior to joining CLD in October, Marie was with the Liability Management and Protective Services Sections as a Legal Secretary. Marie is an Arizona native originally from Sierra Vista near Fort Huachuca. She has 2 daughters, Isabelle and Makayla, ages 13 and 10, respectively, and enjoys doing re-enactments in Tombstone, Arizona. In her free time Marie also enjoys photography, geocaching, hiking, crafting, live theatre, singing, jewelry making and anything else that allows her to explore her creative side.

In January, CLD OA Kim Cundiff and husband Tony celebrated their 30th wedding anniversary in Las Vegas with their children.



# Civil Litigation Division

## Bankruptcy Collection & Enforcement Section (BCE)

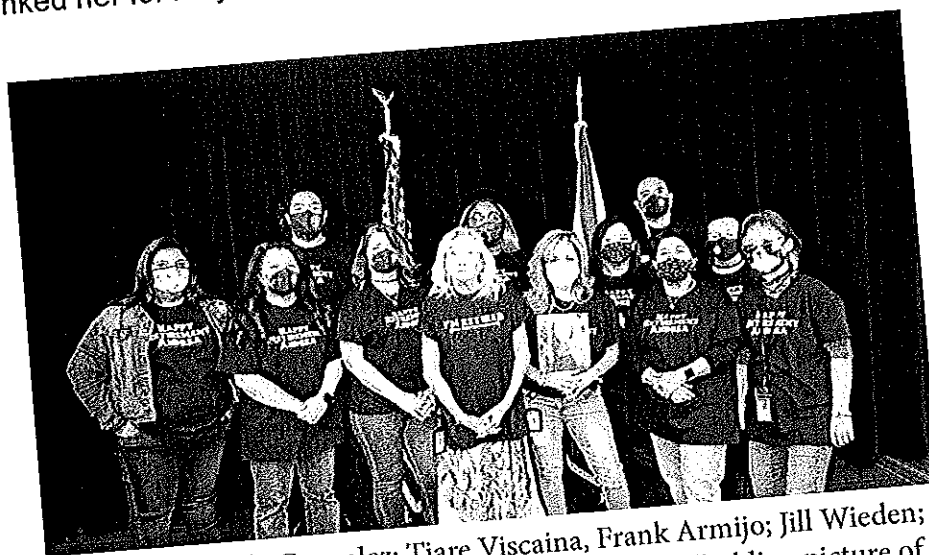


Kristin McDonald, Assistant Attorney General  
Prior to joining the AGO, Kristin represented institutional mortgage lenders for 10 years in the default servicing industry including foreclosure related matters, bankruptcy, excess proceeds, and title curative litigation. Kristin grew up in the Seattle area and upon moving to AZ in 1997 (Go Sundevils!!) was shocked to learn it was possible to live in sunshine and a warm climate versus constant grey and rain. In her spare time, she enjoys reading – currently binging on Elin Hilderbrand novels, volunteering with Phoenix Children’s Chorus, taking random group fitness classes, and spending time with her husband and 10 year old daughter.

Alexis Galindo, Administrative Assistant, started with BCE in January.

BCE, on the personal side:

On October 29, Andrea Freeman, Collector III, retired. Even during COVID she was given a proper send off as we thanked her for 25 years of service to the State of Arizona with a buffet of treats, snacks and gifts.



Left to right: Linda Gonzalez; Tiare Viscaina, Frank Armijo; Jill Wieden; Andrea Freeman; Mariah Fondren; Melissa Cordova (holding picture of Heather Suggs who was not able to participate in Andrea’s send-off); Kele Sessions; Gabe Ruiz, Diana Norris, Tina Heer; Jan Jones



# Civil Litigation Division

## Community Outreach & Education Section (COED)

### COED New Employees:



Marle Ethelbah, Community Outreach and Education Coordinator  
Marle started with COED in November. She is an ASU graduate, with a Bachelor's Degree in Social Work. After graduation, she decided to teach English in Japan. This is where she developed a passion for education and public speaking. Upon her return to the United States, Marle worked for agencies that helped at-risk populations. She is excited to work for the Community Outreach section of the Attorney General's Office, because it combines her educational background and passion for helping vulnerable populations. In her spare time, Marle enjoys painting, reading, and spending time with friends and family.

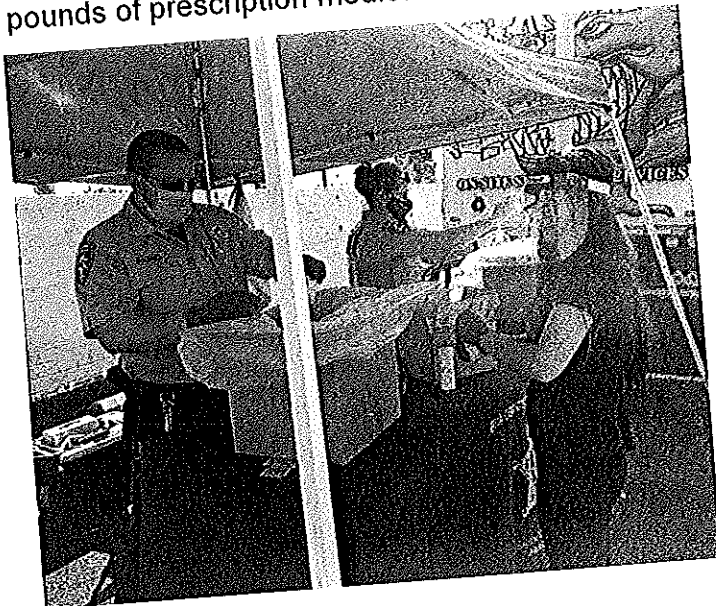
In June of 2020, Community Outreach was excited to learn we would be moving to the Civil Litigation Division. This move allows Community Outreach to work more closely with Consumer Protection, Civil Rights, and the Tobacco Enforcement Unit to help constituents across Arizona.

Since the beginning of the pandemic, Community Outreach, like the rest of the office, had to adapt to a new way of reaching the public. Outreach staff was able to quickly transition to virtual trainings and were able to offer live webinars to the public as well as recorded webinars for the public to watch when convenient. Because of this, Outreach has been able to reach thousands of Arizonans virtually.



# Civil Litigation Division

In addition to virtual learning, in September of 2020 Community Outreach began offering free No Contact Shred-a-thons and Prescription Drug take back events to the public. Because of these events we were able to help over 900 Arizonans shred over 50,000 pounds of documents and recover hundreds of pounds of prescription medications.



# Civil Litigation Division

## Division of Civil Rights Section (DCRS)

### DCRS New Employees:



Chris Carlsen, Senior Litigation Counsel  
Chris Carlsen rejoined DCRS in April. As an experienced trial and appellate attorney, Chris has worked in private and public practice, primarily litigating civil rights, family law, and personal injury actions. Previously with the Attorney General's Office and while employed with 501(c)(3) non-profit entities, Chris practiced before the Ninth Circuit. In addition to his wealth of knowledge regarding civil and appellate practice, Chris brings to DCRS an expertise in disability law and employment law. Chris also teaches disability law classes at Northern Arizona University.



Valerie Grijalva, Compliance Officer  
Valerie Grijalva joined DCRS in August as a Compliance Officer. Valerie is an experienced investigator who has worked with some of Arizona's largest State agencies. Valerie's expertise involves working with vulnerable populations in high pressure situations. In her spare time she enjoys spending time with her family and taking family hikes with her dog.

Karla Mejia Rivera, Administrative Assistant, started with DCRS in June.

La-Rae Subay, Compliance Officer II, started with DCRS in October.

Virgil Clark, Compliance Officer I, started with DCRS in June.

Ryan Bishop, Assistant Attorney General, started with DCRS in August.

Sasha Gonzalez, Compliance Officer, started with DCRS in November.

## Civil Litigation Division

DCRS, on the personal side:



On July, 21, the Civil Rights Section welcomed its youngest addition, Vivienne Rai weighing 7 pounds. Congratulations to Compliance Officer Ian Rai and wife Genesis on their beautiful baby girl.



Congratulations to Compliance Officer Gamaliel Vance on his marriage to his longtime girlfriend Desiree on July 25.

In December, two valued DCRS team members will be retiring – Dorothy Jim, Compliance Officer III and Patricia Bianchi, Tucson Compliance Manager. We are grateful to their service to Arizonans, to civil rights, and to the Arizona Attorney General's Office.

# Civil Litigation Division

## DCRS Case Highlights

**State of Arizona v. Obrigis, LLC d/b/a O'Brien's Sports Bar**  
In February, 2020, DCRS resolved its lawsuit against Obrigis, LLC d/b/a O'Brien's Sports Bar. In its October 25, 2019 lawsuit, DCRS alleged that Obrigis violated the Arizona Americans with Disabilities Act (AzDA) when it refused to serve Bill Larson because of his service animal. Mr. Larson has a brain injury which causes him to experience transient ischemic attacks (referred to as mini-strokes). His American Bulldog service animal, Whopper, is trained to detect the onset of the mini-strokes and alert Mr. Larson so that he may take steps to ensure his safety and the safety of others.

DCRS resolved this matter through Consent Decree. Under the terms of the Consent Decree, Obrigis was required to pay monetary damages of \$7,500 to Mr. Larson and \$2,500 in civil penalties to the State. In addition, Obrigis agreed to create and disseminate policies prohibiting discrimination on the basis of disability and permitting reasonable modifications to its policies as necessary to serve customers with disabilities. The Consent Decree further required that Obrigis pay for and participate in robust training on disability law under AzDA and Title III of the Americans with Disabilities Act.

**State of Arizona v. Big Tex Trailer World, Inc. d/b/a Big Tex Trailers**

On May 30, 2019, DCRS filed a lawsuit against employer Big Tex Trailer World, Inc. d/b/a Big Tex Trailers, a company which sells, rents, and services trailers from its three Arizona locations. DCRS alleged that Big Tex violated the Arizona Civil Rights Act (ACRA) when it failed to make reasonable accommodations to the known physical limitations of its employee, Ed Litzinger. DCRS further alleged that Big Tex terminated Litzinger on the basis of his disability in violation of ACRA. Mr. Litzinger, a retired detective, filed a charge of discrimination with DCRS on May 31, 2018. While employed as a Sales Representative in Big Tex's Tucson location, Litzinger underwent hip replacement surgery and returned to work with the assistance of a cane. Litzinger alleged that Big Tex would not reasonably accommodate his return to work condition and subsequently terminated him due to his disability.

DCRS resolved the litigation through a Consent Decree that provided for monetary damages of \$45,000 to Mr. Litzinger and injunctive relief for DCRS including Big Tex's obligation to revise its policies and practices, pay for and participate in mandatory training, and maintain employment records related to its Arizona business operations subject to audit by DCRS.

**State of Arizona v. Shree Yogiji d/b/a the Tombstone Grand Hotel and Landmark Hospitality, LLC d/b/a Hampton Inn Sierra Vista**

On October 22, 2020, DCRS filed a lawsuit alleging that that employers Shree Yogiji d/b/a the Tombstone Grand Hotel and Landmark Hospitality, LLC d/b/a Hampton Inn Sierra Vista (collectively, Defendants) violated the Arizona Civil Rights Act (ACRA) when its supervisors harassed their joint employee because of her disability and created a hostile work environment. On October 23, 2019, an aggrieved party a employee of Defendants filed a charge of discrimination with DCRS alleging that her employers subject her to different terms and conditions of employment and a hostile and intimidating work environment based on her disability. Specifically, the aggrieved party, who has intellectual disabilities and special delays, alleged that her supervisors repeatedly referred to her in unwelcome and derogatory wa

## Civil Litigation Division

openly chastised her in employee meetings and in front of guests, shoved her head into a sink until she cried, and poked her between the shoulders so that she would move quicker. After investigating the charge, DCRS issued a reasonable cause determination on September 14, 2020. This matter is currently pending in Maricopa County Superior Court.

### ***State of Arizona v. Solterra of Arizona, LLC d/b/a Solterra La Cholla***

On November 2, 2020, DCRS filed a lawsuit against employer Solterra of Arizona, LLC d/b/a Solterra La Cholla (Solterra), alleging that it violated the Arizona Civil Rights Act when it failed to remedy a hostile work environment based on sex and terminated its employee after she complained about being sexually assaulted by a colleague while at work. On November 24, 2019, DCRS received a charge of discrimination from Solterra's former employee alleging that (1) Solterra subjected her to sexual harassment and a sex-based hostile work environment, (2) Solterra terminated her, and (3) Solterra retaliated against her after she engaged in protected activity. Specifically, the aggrieved party alleged that while at work she was sexually assaulted by a colleague. Additionally, she alleged that the colleague followed her outside the facility while she was on break and attempted to sexually assault her again. The aggrieved party complained to management about the sexual assault and was thereafter terminated. On September 30, 2020, DCRS completed its investigation and issued a reasonable cause determination. It thereafter filed this lawsuit. This matter is currently pending in Maricopa County Superior Court.

### **Consumer Protection and Advocacy Section (CPA)**

On February 27, (pre-COVID), as part of Consumer Protection Awareness Week, AG Brnovich posed for a picture with CPA staff which includes the Consumer Information & Complaints Unit; Consumer Litigation Unit; Tobacco Enforcement Unit; and Competition, Innovation & Privacy Unit.



# Civil Litigation Division

## CPA New Employees:

WELCOME  
ABOARD



Alex Bernard, Pre-Law Legal Assistant  
Alex started with CPA in February after working for the Maricopa County Attorney's Office in the Grand Jury/Probation Violation Bureau. Before the County Attorney's Office, Alex graduated Arizona State University in May 2018 with a degree in Political Science where he received the Moer Award. In his spare time, Alex loves to hike, read, and spend time with his family.



Leticia Bdeir, Legal Administrative Assistant  
Leticia started with CPA in February. She previously worked with The Department of Economic Security as an Administrative Assistant serving as a middle man to State AHCCCS by sending referrals for medical emergencies for Arizona families. Leticia was born and raised in Northern California. She has 4 children and 3 grandchildren. Her fur babies are Aslan (dog) and Sophie (cat). She loves to cook, travel, listen to music and spend time with her husband and family. Leticia is happy to be at the AG's office.



Gabriella Guzman, Administrative Assistant  
Gabby started with the Tobacco Enforcement Unit ("TEU") in January. She graduated from Northern Arizona University with a Justice Study degree, emphasis in intelligence and minor in Homeland Security. She has previously worked in child care and more recently, as a customer service representative. Her favorite TV show is The Office and her dogs name is Diamond.

## Civil Litigation Division



Alexes Ramirez, Legal Administrative Assistant  
Alexes returned to CPA in November and is excited to be back. She graduated from Southern Utah University with a degree in Sociology. She enjoys traveling, going on walks with her dog, and spending time with her younger sisters.



Dominique Jackson, Legal Assistant II  
Dominique started with TEU in March. She graduated in 2017 with a Bachelor of Science in Criminal Justice from New Mexico State University, where she also excelled as a track athlete for the Aggies. After graduation, Dominique returned to Arizona and enrolled at Grand Canyon University, where she is currently pursuing a Masters in Criminal Justice with Emphasis in Legal Studies. Prior to joining the AG's Office, Dominique worked in private practice for a civil litigation firm. Dominique has quickly become an integral member of TEU, supporting the AG's Youth Tobacco Program in our efforts to reduce youth exposure to tobacco products.



Jocelyne Jones, Administrative Assistant  
Jocelyn started with the Consumer Information & Complaints Unit ("CIC") in November.



## Civil Litigation Division



Justin Heywood, Pre-Law Legal Assistant  
Justin started with CIC in July. He is a native Arizonan who graduated from Arizona State University with a bachelor's in political science and civic and economic thought. In his free time, he enjoys learning new things and finding new experiences, which led him to learn how to juggle and go bungee jumping. He considers himself an ice cream enthusiast, with his favorite flavors being mint chocolate chip and salted caramel.



Christopher Sloot, Assistant Attorney General  
Christopher started with CPA in November. He is a 2016 University of Arizona Law grad. Prior to joining the Arizona Attorney General's Office, Christopher clerked at the Arizona Court of Appeals, Arizona Supreme Court, and the United States District Court for the District of Arizona. In his spare time, he enjoys hanging out with family and getting outside.

Mitchell Allee, Senior Litigation Counsel, returned to CPA in June.

Syreeta Tyrell, Assistant Attorney General, started with CPA in August.

Laura Dilweg, Senior Litigation Counsel, started with CPA in November.

DCRS, on the personal side:

On February 20 at 4:04pm, Alyse Meislik, Assistant AG, and her husband Matt, welcomed their son Robert ("Robbie") into the world. He weighed in at 8 lbs. 7 oz., 20.5 inches.



## Civil Litigation Division

Senior Lit Counsel Mitchell Allee and wife, Tara, welcomed their son, Harrison William Allee, into the world on October 30. He weighed 8 lbs. 9 ozs.



### CPA Case Highlights

- As of July 2020, CPA had secured well over \$100 million in restitution for Arizona consumers since Attorney General Mark Brnovich took office in 2015. Significantly, this is more than the total restitution from 2001 to 2014.
- Obtained tens of millions of dollars of relief for consumers who had loans from Santander, one of the nation's largest subprime auto lenders. Santander had provided high-interest loans to consumers that Santander knew were likely to default.
- Sued JUUL Labs and Eon Smoke, alleging that both companies engaged in deceptive and unfair practices in their sales and marketing of vaping products, particularly to youth. The AGO also obtained a permanent injunction banning Eon Smoke from selling certain products in Arizona.
- Obtained an \$11 million settlement with Century Link regarding deceptive and unfair billing and marketing practices, under which Century Link paid nearly \$2 million in refunds to consumers and \$2 million toward fiber-optic infrastructure in Arizona.
- Obtained a consent judgment against Equifax, resolving the multistate investigation into the company's massive 2017 data breach. The multistate settlement included a \$425 million restitution fund, a \$175 million payment to the states, and injunctive relief.
- Sued several former executives of the Chandler-based opioid manufacturer Insys Therapeutics, Inc., including the company's founder, John Kapoor, alleging that the company illegally paid doctors to prescribe its highly addictive opioid medication.
- Sued several members of the Sackler family, who were responsible for operating Purdue Pharma, which the State has alleged violated a consent judgment ordering Purdue not to engage in deceptive marketing of its opioids.

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## Civil Litigation Division

- Obtained over \$90,000 in restitution from Dependable Auto, a Tucson-based car dealership that allegedly engaged in a wide variety of unlawful practices.
- Sued Choice Home Warranty, alleging that the company raked in millions of dollars by deceiving and misleading Arizonans about what its home warranties would cover.
- Obtained over \$100,000 in restitution for consumers from a former owner of DIY Neurocare, which sold LED light pads as neuropathy treatments and failed to deliver on its money-back guarantee.
- Sued Valley Delivery, alleging that the company put up fake delivery slips in order to trick new homeowners into giving the company their phone numbers.
- Obtained \$600,000 in a settlement with a Sun City vacuum seller that repeatedly violated the Do Not Call list.
- The Division Chief and members of CPA and the Consumer Information & Complaints Unit participated in a phone bank broadcast by ABC15.
- Secured an Amended Final Judgment with Live Nation after discovering that Live Nation violated terms of a 2010 Consent Judgment related to its merger with Ticketmaster by pulling or threatening to pull its shows from a venue if the venue chose not to use Ticketmaster for its ticketing services. The antitrust judgment contains injunctive terms and an additional five-year monitoring period to prevent Live Nation from engaging in future anti-retaliation and anti-conditioning activities and hold Live Nation accountable for any further violations.
- Filed an antitrust complaint against Taro Pharmaceuticals, Perrigo New York, Fougere Pharmaceuticals (now Sandoz), and 23 more of the nation's largest generic drug manufacturers alleging a broad conspiracy to artificially inflate and manipulate prices and reduce competition for approximately 80 different generic dermatology drugs.

### Tobacco Enforcement Unit Highlights:

#### Youth Volunteer Recognition and Recruitment

- The Counter Strike Youth Tobacco Program usually holds an annual Recognition Ceremony to honor the youth volunteers who donate thousands of hours of time to keep tobacco products out of the hands of Arizona's kids. The Recognition Ceremony is typically hosted by the Arizona Diamondbacks and held at Chase Field with lots of fun and a little pomp and circumstance. Unfortunately, like many large gatherings this year, the Recognition Ceremony had to be cancelled for the safety of everyone involved. However, the Program could not let this year's group of dedicated volunteers go without recognition. We created certificates for each youth volunteer, signed by the AG, and mailed each youth a package with their certificate, a thank you letter, and an official Counter Strike t-shirt. It was nice to touch base with everyone and let these volunteers know that we did not forget their contributions!

## Civil Litigation Division

- As we look towards resuming youth tobacco inspections in the near future, the Program has started ramping up youth volunteer recruitment- virtually! We have started reaching out to our school and club partners and scheduling video-conference recruitment presentations. Our Special Agents are becoming Zoom pros as they venture into virtual classrooms! We have had a fantastic response with dozens of new volunteers submitting paperwork. The schools have also been very responsive to presentations in a virtual format. And, while we miss seeing the kids in person, this allows the agents to present to youth all over the state in the same day!

### Non-Participating Manufacturer Adjustment Arbitration Settlement

- The Tobacco Master Settlement Agreement ("MSA") entitles Arizona to an annual payment of approximately \$100 million. The Tobacco Enforcement Unit goes to great lengths each year to satisfy this diligent enforcement requirement, which requires, among other things, collecting millions of dollars from cigarette manufacturers that have chosen to not join the MSA. These efforts have resulted in a multi-year settlement of the NPM Adjustments for years 2018 – 2022, protecting approximately \$450 Million.

### 2019 Data Clearinghouse Proceeding

- Pursuant to the terms of the Tobacco Non-Participating Manufacturer (NPM) Adjustment settlement, the Settling States and the Participating Manufacturers (PMs) must participate in an annual Data Clearinghouse (DCH) Proceeding, during which BDO USA, a national economics firm, will review state-specific data supplied by the Settling States and PMs to determine if the state in question received Escrow Statute (A.R.S. § 44-7101) compliance on all NPM cigarettes on which state SET-paid NPM cigarettes, the state in question could be subject to an adjustment to its annual Master Settlement Agreement payment if the non-compliance amount goes beyond the safe harbor set forth in the settlement agreement. The 2019 DCH Proceeding began in August 2019. Due to the Tobacco Enforcement Unit's diligent efforts to enforce the Escrow Statute as to all NPM cigarettes sales in Arizona, BDO USA was able to quickly determine that Arizona has zero non-compliant cigarettes resulting in no adjustment to Arizona's MSA Payment to be received April 2021.

# Solicitor General's Office

## Fond Farewells and New Faces in Great Places!

### Criminal Appeals

On May 1, 2020 we bid farewell to Criminal Appeals Section Chief, Joe Maziarz. Joe was with the office for 35 years, with the last 8.5 years serving as CAS Section Chief. We would like to give a big thank you to CAS Unit Chief Mike O'Toole for taking on the role of Interim Section Chief until Linley Wilson officially stepped into the position on November 30, 2020. Congratulations, Linley!

CAS also said farewell to Unit Chief Rob Walsh on May 15, 2020. Rob had been in CAS for over 25 years! With Rob leaving, we welcomed back Alice Jones who returned to the office on May 26, 2020 and took over the Unit Chief position. Congratulations, Alice!

On April 21, 2020 we said goodbye to Legal Secretary II, Nancy Romero. In the blink of an eye, Oscar Lopez swiftly learned the ropes and stepped in to that position! On December 4, 2020 we said goodbye to AAG Terry Crist, and on December 16, 2020 we said goodbye to AAG Heather Mosher.

### Capital Litigation

On January 13, 2020 the Capital Litigation Section welcomed two new AAG's, David Ahl and Elizabeth Bingert! Welcome to the AGO David and Elizabeth! On March 16, 2020, CLS said goodbye to Senior Legal Assistant, Stacy Coleman as she reached out for new endeavors!

On April 6, 2020 we were happy to have Jeff Sparks return to the office as a CLS Unit Chief. Welcome back, Jeff! On November 25, 2019, Andrew Reilly transferred from CAS into a Unit Chief position for CLS. Congratulations, Andrew! On September 4, 2020, we said goodbye to AAG Jason Lewis.

### Special Litigation Section

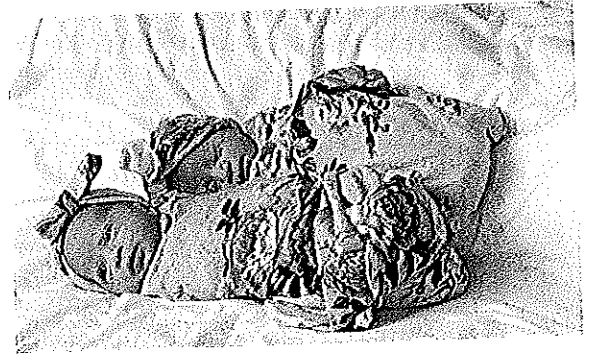
On November 15, 2019 we said goodbye to Deputy Solicitor General, Andrew Pappas as he accepted a position as counsel for the Arizona House of Representatives. On May 18, 2020 we were happy to have Mike Catlett come on board with us as Deputy Solicitor General, and on July 27, 2020 we welcomed Sarah Crank into a Legal Assistant position. Welcome to the AGO Mike and Sarah!

On September 8, 2020 we bid a fond farewell to Solicitor General/Special Litigation Section Chief Counsel, O.H. Skinner, as he left the office to work on other legal endeavors! And a month later on October 9, 2020, we bid farewell to Deputy Solicitor General/Federalism Unit Chief Rusty Crandell after his appointment to serve as a Maricopa County Superior Court Judge!

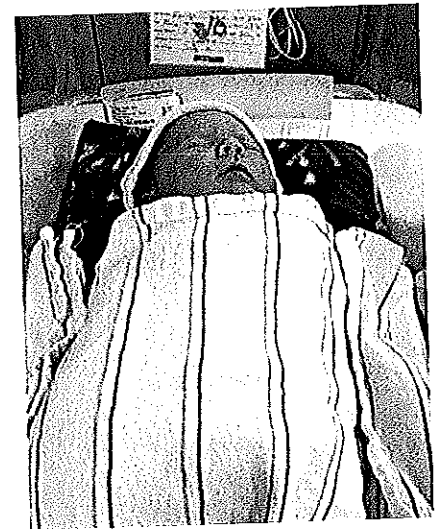
# Solicitor General's Office

## SGO Special Additions

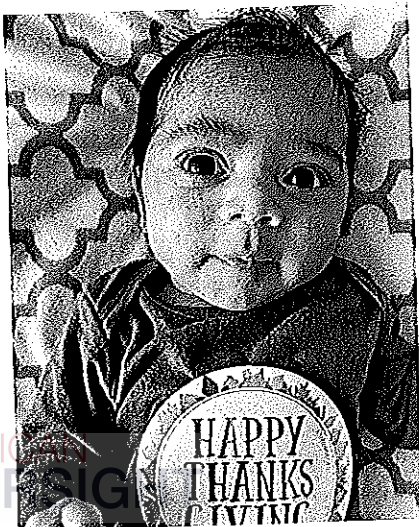
On January 17, 2020, AAG Vineet Shaw and family welcomed twins Zara and Kail



On April 18, 2020, AAG David Ahl and family welcomed their baby Madelyn Jo!



On June 29, 2020, Civil Appeals Section Chief, Drew Ensign and family welcomed their baby Carter Matthew!



On November 13, 2020, AAG Keena Patel and family welcomed their baby Aavi!

# Criminal Division

## FOUR CRIMINAL DIVISION MEMBERS WIN APAAC HONORS



The Criminal Division would like to recognize the following staff members that were nominated and received 2020 APAAC awards:

**Administrator of the Year:** FSP Legal Secretary Stacey Canez received APAAC's 2020 Administrator of the Year award. Stacey is a hard-working and dedicated individual who exhibits all the qualities of an exemplary employee. She completes her assignments with diligence and attention-to-detail. Over the past 15 years, Stacey advanced from a student clerk to a lead legal secretary with a great deal of operational skills and responsibilities. She possesses excellent administrative skills and an ability to work well with everyone. Stacey has taken on additional duties and responsibilities to assist others in the Division. She is able to handle Division fiscal matters including travel, procurement and budgetary issues as well as being able to assist the Division Chief as necessary in the absence of the Division OA. During the past year, Stacey has been instrumental in helping with the transition to a new AGO case management system, which has involved many meetings, additional assignments and the creation of training protocols for all employees.



**Legal Assistant of the Year:** HCFA Senior Legal Assistant Peni Cox received APAAC's 2020 Legal Assistant of the Year award. Peni is known for her tireless dedication and exceptional legal assistance to the attorneys she supports. Peni is tasked with running the HCFA Section in Prescott where she serves as not only a Legal Assistant, but also assists with secretarial and administrative matters as well. For the past nine years, Peni has been an exceptional employee with unwavering dedication to the AGO. She is a key component of the investigation and prosecution team that covers nearly half of the geographic area of the State. Peni is a leader in providing services in the Prescott office and also her assistance

to the Phoenix and Tucson HCFA staff. She is always approachable, knowledgeable and is willing to do whatever it takes to get the job done. Thank you, Anne. We appreciate all you do!

**David R. White Excellence in Victim Advocacy Award:** FSP prosecutor Shawn Steinberg received APAAC's 2020 David R. White Excellence in Victim Advocacy Award. Shawn is a remarkable voice for the crime victims she represents and she deserves special recognition for her work with the victim's family in State v. Luna/Carrasco, a murder case involving two defendants who frequently committed home-invasions in an attempt to steal drugs. When she noticed these dangerous offenders would taunt the next of kin, she made appropriate records with the court, often drawing the ire of the defendants and sometimes their attorneys. When confrontations would occur in the hallway, Shawn skillfully defused the situation and protected the victim's family with the assistance of court security, often times securing the removal of antagonistic persons from the courtroom. Shawn worked closely with the victim advocate and the victim's family to craft plea agreements that reflected the nature of the case, the defendants' criminal histories and relative involvement, and at the same time, ensuring that justice prevailed for the

## Criminal Division

victim. Both defendants pled guilty to the murder. Luna was sentenced to 23 years and Carrasco was sentenced to 17 years in prison. The victim's family was pleased with the outcome and Shawn's hard work helped to minimize the trauma that they experienced in the court process. The family expressed their appreciation for Shawn's hard work and dedication.

Gerda & Kurt Klein Guardian of Freedom Award: FSP Section Chief Blaine Gadow received APAAC's 2020 Gerda & Kurt Klein Guardian of Freedom Award for his prosecution of a human sex trafficking trial. The victim's testimony was necessary for the case to proceed. The victim was very anxious and worried about testifying. Instead of using the procedural tools available to prosecutors such as an arrest warrant to ensure the victim's participation at trial, he empowered her in a multidisciplinary manner through support, empathy and providing options that resulted in her choosing to testify. Thanks to Blaine and his team's ability to empower the victim to testify, justice prevailed. The jury found the defendant guilty on 11 felony counts, including Child Sex Trafficking, Conspiracy, Money Laundering and Sexual Exploitation of a Minor. After the verdict, the victim's name and location had been released on social media by acquaintances of the defendant. Her safety and well-being were a large concern for Blaine while the defendant awaited sentencing. Blaine advocated for the safety and well-being of the victim after she provided testimony. He collaborated with others in the agency to achieve a unique solution to maintain the victim's safety until her transition to Department of Child Safety (DCS) services could be obtained. Blaine is a compassionate prosecutor and is very deserving of this award.



In addition, the Criminal Division would like to recognize the following additional staff members who were nominated for APAAC recognition:

Advocate of the Year: OVS Victim Advocate Evelyn Robles was the AGO's nominee for APAAC's 2020 Advocate of the Year. Evelyn has been employed with the AGO since 2017. Evelyn has a complex case load consisting of fraud, child sexual exploitation, and human trafficking cases in both direct prosecution and appellate cases, also including death penalty cases. Her passion for meeting the needs of survivors of trafficking has positively affected the fight against predators and perpetrators on an international scale. Each victim is an individual often requiring creative advocacy and partnerships atypical for standard prosecution-based advocates. In 2019, Evelyn was an integral part of the successes in the case against Robert Hood. She worked with the trafficking survivor through the investigation and prosecution phases which resulted in the survivor testifying against Hood on her 18th birthday.

These efforts helped to secure a 108-year prison sentence while at the same time helping to find creative ways to serve the survivor post-conviction.

Felony Prosecutor of the Year Award: HCFA Section Chief Steve Duplissis was the AGO's nominee for APAAC's Felony Prosecutor of the Year Award. Under Steve's leadership, HCFA was recognized in 2019 as the second highest performing Medicaid Fraud Unit in the nation for filing criminal indictments. This impressive achievement is unsurprising given Steve's unwavering passion to investigate and prosecute medical professionals who defraud the government and abuse some of Arizona's most vulnerable residents. Steve inspires that same passion in his employees, and they directly benefit from his thoughtful leadership and mentoring. Steve's section oversaw over 100 cases in 2019, ranging from



## Criminal Division

large-scale Medicaid billing fraud to a former doctor's murder-for-hire prosecution. Steve's leadership has made HCFA a model for similar offices across the nation. He is a dedicated prosecutor who cares about the profession, his employees, victims and Arizona's citizens. In fact, the Arizona MFCU team was selected for the Department of Health and Human Services, Office of Inspector General's Award for Excellence in Fighting Fraud, Waste, and Abuse. Steve is an asset to Arizona's prosecution community.

Rising Star Award: FSP prosecutor Evan Malady was the AGO's nominee for APAAC's 2020 Rising Star Award. Evan started working in FSP in February 2019. Evan became quickly proficient in his position, developing his skills in directing and managing complex fraud and other investigations. Although only a two-year lawyer, Evan has successfully handled a wide variety of complex fraud cases. He has exceptional organizational skills, communicates well with law enforcement agents, defense attorneys and court staff and is known for working very hard. When Evan joined the Section, he immediately became involved in several high-profile and complex matters. Evan was instrumental in the Paul Petersen AHCCCS-fraud case. He was part of the initial investigation, participated in witness interviews, attended the search warrants and ultimately presented the case to the State Grand Jury. The Petersen case was extremely complex and it consisted of several different criminal investigations across multiple jurisdictions. Evan has handled the complexity of this case with skill and professional maturity. The defendant in this matter had skilled and experienced defense attorneys. Evan diligently worked with them to move the prosecution forward and effectively represent the State's interests. In June 2020, Petersen pled guilty to Fraudulent Schemes and Artifices, Forgery and Fraudulent Schemes and Practices and was sentenced to six years in prison.

### Drug & Racketeering Enforcement Section

The DRG Section would like the welcome to following team members:

05/18/20

AAG Nichole Galusha-Troicke

06/15/20

AAG Rebecca Kennelly

07/27/20

Sr. LA Ronnie Danko



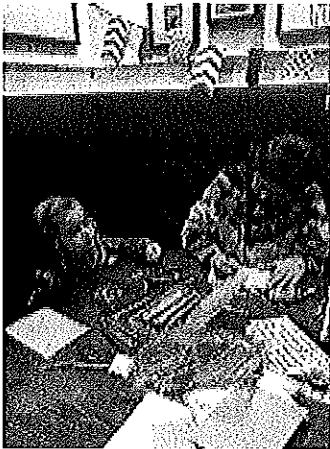
In August, AAG Gina Cucuzella resigned as she accepted a position with the Pinal County Attorney's Office. Good luck Gina!

In September, SLC Nick Saccone resigned as he accepted a position as a Court Commissioner with the Maricopa County Superior Court. Congrats Honorable Saccone!

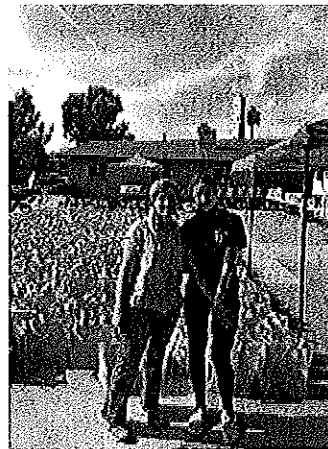


# Criminal Division

AAG Rebecca Jones resolved the case of State v. Angel Bonilla-Hernandez. This case involved a lingering co-defendant on a case where the primary defendants transported five kg of cocaine and were part of a wiretap case. Bonilla-Hernandez had a viable "mere presence" defense and was asking for a class six undesignated plea. Law enforcement was pushing for a prison resolution. The case resolved with a class 4 felony and a three year term of supervised probation, along with a hefty fine. This resolution will allow the defendant to continue working, which will hopefully discourage recidivism



Section Chief Theresa Rassas' daughters Regan (13) and MoMo (4) diligently worked on cards for the troops.



Theresa Rassas and her daughter Regan also volunteered to sort and pack holiday groceries for Feed Our Babies.



SLA Linda Pfohl retired after working nearly eight years in the DRG Section. Linda was extremely knowledgeable and helpful in large, complex wiretap cases. Unfortunately, a retirement party had to be postponed. Linda

After a lot of hard work and testing, AAG Rebecca Jones was chosen to be on the game show Jeopardy! The episode aired on December 10th. She was fortunate to have appeared with Alex Trebek. Great job Rebecca!



# Criminal Division

## Financial Remedies Section

FRS welcomed four new staff during the last several months.

In July 2020, LSII Jennifer Villescas started in FRS and she has smoothly transitioned into her position. She brings 13+ years of criminal and civil legal secretarial experience to FRS, making her an asset to the team.

In September 2020, AAG Elliot Stratton was hired. Elliot received his JD in 2017 and also holds a Master's Degree in Business Administration. For his first three years of practice, Elliot was a judicial staff clerk for federal judges in Florida and Washington, D.C. Elliot was recommended to FRS by our Solicitor General, under whom Elliot performed an internship at the AGO. That recommendation has proved to be well earned as Elliot is already working on some major cases.

Also in September 2020, AAG Mukai "Kai" Amoo transferred from CFPD to FRS. Kai also holds a Master's Degree and brings nine years of experience and a background in family law, estate planning, criminal defense and civil litigation to her position. Her familiarity with civil practice and procedure has given her a running start on the work she is doing in FRS.

In October 2020, AAG Jake Rapp passed the Bar and started with FRS shortly after. Jake interned with FRS in 2018, during which he authored an article on tactical investigations and enforcement remedies against illegal massage parlor businesses for ANOA Magazine. Jake's strong interest in addressing white collar crime made him an ideal candidate for FRS and a welcome addition.

Recent FRS case work has concentrated on fraud victim recovery. This includes completion of the Paul Petersen adoption fraud case and the recovery of nearly \$700,000 for AHCCCS; assistance in the Hacienda Health Care case in completing a settlement agreement under which Hacienda will be re-paying over \$10 million dollars to AHCCCS and a \$1 million dollar fine; and the execution of search and seizure warrants and the initiation of an FRS case on another AHCCCS fraud case in conjunction with the SIS and HCFA sections based on a \$12 million dollar fraud amount.

## Fraud & Special Prosecutions Section

The FSP Section would like to welcome the following team members that were hired in the last several months!

06/29/20 – AAG John Hudson  
07/13/20 – AAG Maura Quigley (re-hire!)  
08/24/20 – SLA David Rohe

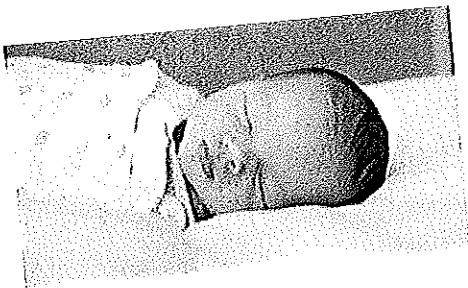
# Criminal Division

09/21/20 – AAG Carmine Mediate  
09/21/20 – LSI Anna Hunt  
10/05/20 – AAG Tom Maksemous



In December 2020, AAG Rachel Nava resigned to return to the Arizona Supreme Court as a staff attorney. We wish her well in her new position!

In June 2020, the FSP Section bid farewell to SLA Dominique Rivas.



Welcome Baby George! On June 29th, AAG Tarah White and her husband Patrick welcomed their first child! Congrats!

On October 3rd, LSI Sarah Garrett married her long-time love Heath Karr! They have combined their households and their family has multiplied by four. Congrats Sarah!



In October 2020, the FSP Section said farewell to our friend and colleague SLA Scott Blake. Scott left the AGO to return to the cool pines of Prescott and the friendly confines of the Yavapai County Attorney's Office. Normally, for a long serving employee like Scott, we would have had a potluck or some kind of gathering to celebrate his service and wish him well, but COVID prevents us from doing this year. Scott has been a dedicated prosecutor and we thank him for his service and dedication to the mission of the office, and to ethical and honest prosecution in general, setting a great standard for the office. He carried a case heavy load and will be missed. Good luck Scott!

# Criminal Division

## Healthcare Fraud & Abuse Section



In October 2020, the United States Department of Health and Human Services had their virtual annual awards meeting. Of the 50 state Medicaid Fraud Control Units (MFCU), Arizona's Unit had been chosen and formally awarded the Award for Excellence in Fighting Fraud, Waste and Abuse. In making their announcement, HHS-OIG remarked that the Arizona MFCU obtained an impressive number of case outcomes, with 84 indictments, 70 convictions, and total recoveries of over \$7.5 million. The Unit also opened 239 investigations, with a particular focus on drug diversion cases, which accounted for 115 of those investigations. The Unit employs a staff of 27 that includes attorneys, special agents, and other professionals. The Unit is led by Section Chief Steve Duplissis, who has served as the Unit's director since 2005 and is one of the longest serving directors among the MFCUs. Congrats MFCU Team!!

In September 2020, after a thorough Medicaid fraud investigation into Hacienda Healthcare, Inc., it was determined that the former officers improperly allocated direct and indirect costs, inflated reported expenses and engaged in improper billing during 2013-2018, resulting in an overpayment of at least \$10,895,648 from AHCCCS to Hacienda. SIS SAs and AAGs from HCFA, FSP and FRS worked together to reach a civil settlement with Hacienda. Hacienda is to pay the State more than \$11,000,000 to resolve this case. Congrats Team!

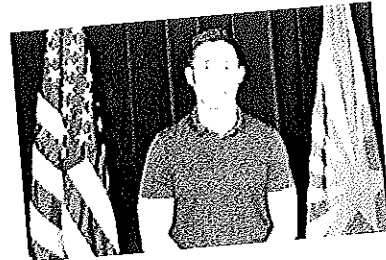
HCFA would like to welcome the following SIS Special Agents assigned to HCFA Units 1 and 2.

SA Kelly Angel started her law enforcement career with the Glendale Police Department. Kelly spent the past eight years with the Tempe Police Department where she served as a Patrol Field Training Officer, DUI Officer, Public Information Officer and IACP Drug Recognition Expert.



## Criminal Division

SA Peter Tran previously served in New York City with the New York County District Attorney's Office as a Detective Investigator for five years where he specialized in financial fraud and organized crime investigations, along with fugitive extraditions. Peter earned his Bachelor's and Master of Science in Criminal Justice from Rochester Institute of Technology.



SA Roy Garrison previously worked for nine years with City of Eloy Police Department in Pinal County where the majority of the time he worked as a General Detective. Roy is a University of Arizona graduate where he majored in Accounting.

Prescott Valley Police Department contacted HCFA-Prescott regarding Emma-Kaye Parrish. Parrish had been employed as a finance manager by a behavioral health facility in Yavapai County. One of Parrish's duties at the facility was paying vendors for goods and services rendered to the AHCCCS funded facility where she worked. Although Parrish would input the information correctly into the facility's financial program, thus indicating that the vendor had been paid, she would manually change the payee on the check to herself or to other entities for her personal expenses. In June 2020, Parrish pled guilty to Theft and Forgery and was later sentenced to three years in prison, followed by five years' supervised probation. She was also ordered to pay restitution to AHCCCS in the amount of \$65,436. Congrats to SA Mark McClain and AAG Courtney Kramer on resolving this case!

### Office of Victim Services

OVS extends a warm welcome to the following staff:

06/15/20 – VA Jill Blass

07/27/20 – VA Amberly Frank



Special thanks to OALaura Lyons, VALinda Carthen and VAAAlbert Fimbres for their excellent work on developing a comprehensive, thoughtful and engaging plan to help the AGO recognize Domestic Violence Awareness month! By helping bring awareness, their plan also was a source of support to others who may be experiencing or others working in the field of domestic violence. Thanks for the time and effort spent to develop this necessary plan!

The OVS Outreach team worked hard converting its five hour Basic and three hour Advanced victim rights trainings to engaging, effective Webinars over the last few months. In September 2020, training included videos, polling and even a crossword puzzle. Remarkably, the team successfully trained over 800 victims' rights professionals from all 15 counties in just three weeks. Attendee evaluations were overwhelmingly positive for the content and method of delivery.

# Criminal Division



Photo includes Outreach team members Janelle Miller (top right) and Ashtyn Beuchler (bottom right) who presented the criminal appeals process and showed a video of Appeals AAG Michael O'Toole (left) in a Supreme Court Oral Argument.

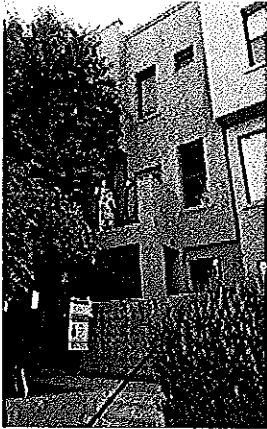
Office of Victim Services staff has been reading about LEADERSHIP and BUILDING their skills by taking turns leading engaging and enlightening discussions each month. Current and future AGO leaders learning from each other!



Pictured from left to right: Amy Bocks, Evelyn Robles, Kirstin Flores, Briana Bobertz, Kennesha Jackson, Colette Chapman, Ashtyn Buechler, Linda Carthen and Veronica Driz.

# Criminal Division

On September 26th, OVS Outreach Coordinator Ashtyn Cronk (now Beuchler) got married. Although it was not her original plan, the couple had a small family-only ceremony that was beautiful. Congrats!



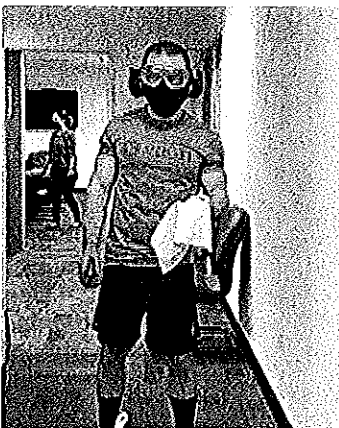
In November 2020, VA Supervisor Evelyn Robles who, as of November, 2020, is a new homeowner! House comes complete with a rooftop terrace sporting a city view! Congrats Evelyn!

OVS Advocate Program Manager, Amy Bocks, was awarded a Director's Unit Citation from the Arizona Department of Public Safety for her volunteer work on the 2019 DPS Annual Memorial 5K in Tucson. She has been part of the main planning committee for more than five years. Although challenging, this year's virtual event ran smoothly thanks to Amy's commitment.



## Southern Arizona White Collar and Criminal Enterprise Section:

Section Chief Nick Klingerman and OA Martita Jimenez (in background) are taking cleaning seriously by sanitizing the entire section.





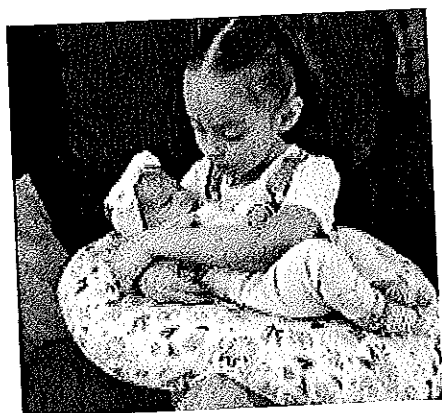
## Criminal Division



In October 2020, Section Chief Nick Klingerman argued in front of the Arizona Supreme Court in *State v. Goldin*. While bantering with the justices, Nick articulately and persuasively explained to the full court why the appearance of impropriety standard set out on *State v. Gomez* should not apply to imputed disqualification of the entire Tucson office of the AGO. Nick highlighted the strategic nature and timing of defendant's motion to disqualify the office from prosecuting a 20 year old cold case homicide and proposed a new standard of analysis. He stepped back into his old appellate shoes, briefing and preparing tirelessly for oral argument, while continuing to supervise the unit. While a ruling is still pending, Nick won unanimous praise and enthusiasm from his SAWCEE colleagues who eagerly watched a livestream of the arguments! Special thanks to AAG Lindsay St. John as well. Lindsay is the second chair on this case and has provided valuable legal analysis and assistance.

In June 2020, AAG Julia Kaiserman joined the Section. She previously worked for the last 12 years at the Pima County Attorney's Office. While at PCAO, she was a dedicated trial and charging attorney, along with an 88-CRIME Safe School Program Manager. She hit the ground running at the AGO. Welcome, Julia!

In September 2020, SLA Adrienne Gutierrez welcomed her granddaughter, Lucy Grace Gutierrez. Congrats Mimi!



On October 7, 2020, LSII Maria Slinger and family welcomed daughter, Faith Gabrielle Slinger. Big Sister Sienna LOVES her real life baby doll. Congrats!

After an exceptional 20 year career with the AGO, LA PS Allison Bradford decided to retire. The Section has benefited from Allison's experience, institutional knowledge and mentorship. Her "Cheat Sheet" for tracking cases will continue to benefit others after she retires. Allison is a dedicated, thoughtful public servant, who truly cares about her community. Her drive to make Tucson, and Arizona, better showed in her work, with Allison receiving numerous awards during her tenure. Notably, Allison was APAAC's 2018 Legal Assistant of the Year. Congrats Allison! We are excited for your new journey!



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# Criminal Division

In November 2020, LSII Jenny Lewis accepted a job offer at Raytheon. It has been great working with Jenny over the past year. We wish her well in her new position!

## Special Investigations Section:

SIS extends a huge welcome to the following staff:

06/15/20	SA Carri Stubblefield
07/27/20	SA Mark Smith
08/10/20	SA John Hillman
09/08/20	SA Peter Tran
09/21/20	SA Desire Urbina
10/05/20	SA Kelly Angel
10/19/20	SA Jeffery Whitbeck
11/16/20	SA Roy Garrison
12/14/20	Eric Marlowe



SA Steven Sussen was recognized as a recipient by the Tucson Police Department for his efforts on behalf of vulnerable children. This achievement is truly representative of his commitment to ensure the safety of those least able to protect themselves. The Awards presentation is scheduled for January 2021. Congrats Steven! We are proud to work with you!



On July 9, 2020, SA Danny Miller and his wife Ramona extended their family. Cameron Arman Miller weighed in at 8lbs 2oz, and was 20.25 inches long. Congrats Danny!

On November 3, 2020, members of the SIS Election Integrity Unit, SA Bill Knuth, SA Annalisa Madsen and Criminal Investigator Don Carroll worked a 16 hour day monitoring a law enforcement hotline that had been established to assist other law enforcement agencies and personnel who were called out to respond to any election or voting fraud matters. Members of the unit were also available to respond to any polling locations or election scenes as needed. Members of the unit have coordinated with various agencies and had the opportunity to resolve several matters. Outstanding work by all involved.

## Criminal Division

SA Annalisa Madsen conducted the investigation into former charter school principal, Harold Cadiz. In September 2020, Cadiz was sentenced to 3.75 years in prison followed by five years' probation and ordered to pay \$2,538,722 in restitution for his role in enrolling fake students to obtain funding from the Arizona Department of Education, the U.S. Department of Education and the U.S. Department of Agriculture. As part of the investigation, the AGO seized hundreds of fraudulent documents. SLC Mary Harriss prosecuted the case. Congrats Team!

After serving 34 years in law enforcement, nine years with the AGO, SA Ron Perreira, is officially retired. SA Perreira has worked tirelessly on many wiretaps and drug related crimes with the AGO. Congrats Ron – you have fought the good fight, you have finished the race! You will be missed at the AGO.



Pictured from left to right: SAS Chad Brink, DPS Detective Richard Campbell, SA Bruce Myers, SA Ron Perreira, DPS Detective Steve Babcock, SA Brady Wilkins and SA Norm Peterson.

In November 2019, former SA John "JT" Walsh passed away unexpectedly. As a former long-standing member of the AGO Running Team, it had been planned to honor JT at the Baker to Vegas Race with a custom designed runner's bib for the 2020 race. However, the 2020 race was canceled due to the pandemic. The AGO Running Team still ordered the bibs in remembrance of our dear friend and colleague. The team will present the bib to JT's wife Franzi who was going to attend the 2020 race in his honor.

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**189**

**36TH BAKER TO VEGAS RELAY  
ARIZONA ATT GEN OFC**

AZ-AG-20-1956-C-000716

Agendas can be obtained via the Internet at <https://apps.azleg.gov/BillStatus/AgendaSearch>  
Persons with a disability may request a reasonable accommodation such as a sign language interpreter, by contacting the Senate Secretary's Office: (602) 926-4231 (voice). Requests should be made as early as possible to allow time to arrange the accommodation.

# ARIZONA STATE SENATE

## Fifty-fourth Legislature - Second Regular Session

### SPECIAL MEETING AGENDA

### COMMITTEE ON JUDICIARY

DATE: Monday, December 14, 2020

TIME: 9:00 A.M.\*

ROOM: Teleconference\*\*

SENATORS:

Borrelli  
Contreras  
Dalessandro

Leach  
Quezada  
Ugenti-Rita

Gray, Vice-Chairman  
Farnsworth E, Chairman

1. Call to Order
2. Roll Call
3. Presentations
  - a. Maricopa County Board of Supervisors-Election Day and Emergency Voting Division
  - b. Arizona Attorney General-Election Integrity Unit
4. Committee Discussion
5. Adjourn

\* With permission of the President

\*\* This meeting will be held via teleconference software. Members of the public may access a livestream of the meeting here: [https://azleg.granicus.com/MediaPlayer.php?publish\\_id=2](https://azleg.granicus.com/MediaPlayer.php?publish_id=2)

## NEWS NOTES AND GOSSIP

### LEGISLATIVE STAFFERS WORRY ABOUT MASKLESS LEGISLATORS



The 2021 session begins one month from tomorrow, and legislative staffers worry about staying safe from COVID-19. Current and former staffers who spoke to our reporter said they are particularly wary of Republican lawmakers who refuse to wear masks or maintain social distancing. They are also worried about legislators – and others – resuming social lives in the middle of the pandemic. One House employee described a

recent encounter with a maskless lawmaker in which the employee tried backing away during the conversation to signal discomfort and the lawmaker didn't take the hint. Senior employees, such as the chief clerk, rules attorney or JLBC director, are often bold enough to request that lawmakers put on their masks, but may not necessarily push the issue if legislators ignored their requests. Our reporter witnessed this dynamic this fall, during a meeting in which senior GOP Senate staff persuaded Borrelli and Leach to put on their masks in front of visiting business owners and the press, but couldn't stop them from pulling Republicans initially took the disease seriously in early spring: Fann had the pages disinfecting surfaces, handrails and doorknobs every hour. Covid spreads primarily through respiratory droplets, and while disinfecting surfaces can minimize the risk, state and federal health officials strongly recommend wearing a mask and keeping a safe distance. Now, Singh said she's worried for friends who are still working at the Senate. Lawmakers and pages often interact closely, with legislators whispering instructions to pages. "They are literally risking their lives every day to serve their senators and it feels like their senators are laughing in their faces," she said. "They can't boss the senators around, and the senators have no bosses, so it kind of feels like a no-win situation for them."

### PERSONAL RESPONSIBILITY WORKS IF FOLKS ARE RESPONSIBLE

Republican lawmakers who routinely wear masks are also reluctant to require their colleagues to do the same. Shope told our reporter he thinks only a Senate rule change would truly enforce a mask mandate, but he wouldn't vote for such a rule even though he religiously wears his own mask. "I just don't really feel like it's my prerogative or my job to be everybody's parent," he said. Boyer, who along with Carter started social distancing early in the spring, decided over the summer that COVID-19 isn't as serious as he thought in the spring. He's not a fan of masks, he said, but he wears them at work and will wear one at the Senate if Fann requires it or someone asks him to. "I never want anyone to feel uncomfortable around me, so if somebody asked me to put a mask on, I certainly would," he said. Boyer, who was a House GOP spokesman for three years before he ran for office, acknowledged that staffers may not be comfortable

December 1

asking or telling a legislator to do anything. Mesnard told our reporter he wouldn't support a rule change and that the rules already give Fann wide latitude to manage the building and the people in it. He would prefer to do as much business as possible through phone calls and video calls, though he'll meet with people in person if they ask to do it. He argued that taking safety precautions could help and certainly won't hurt, and that they are one way to ensure the Legislature can continue doing its business without abruptly recessing or adjourning like it did last year. "I'm very, very much opposed to government shutdowns, and part of the way we can avoid others wanting to go down that road is to take certain precautions," he said.

### THE WEATHER WILL BE LOVELY

Some are considering holding the ceremonies for the first day of the 2021 legislative session outside. Typically, both chambers would hold their own ceremonies before congregating in the House chamber to hear the governor's state of the state address. As such, plans need to be closely coordinated among the three entities, as well as with the security agencies. "What I've heard so far about opening day is that it could be held outside," Blackman said during the *Capitol Times* Morning Scoop on criminal justice today. Engel, who is joining the Senate next year, said whatever leaders ultimately decide, the Legislature needs to protect legislators, particularly those who are elderly and those who might have a family member at risk of complications, as well as staffers, lobbyists and other members of the public. "I think opening day outside is a great idea," Engel said.

### LAWMAKERS MOVE TO REGAIN TRUST IN ELECTIONS

As reported in the *Arizona Capitol Times* last night, Ugenti-Rita has been temporarily added to Senate jud for a hearing on election integrity. The meeting won't happen until at least next week - though Finchem claimed it would take place tomorrow - and an agenda still isn't set. Arizona's 11 electors, and the 527 others from across the country, will meet on Monday to cast their states' electoral votes for Biden or Trump. Separately, Bowers and Fann announced in a press release last night that they continue to push Maricopa County to conduct an audit of its election equipment and software, but that the county has said it could not do that in the middle of litigation proceedings as the machines are considered evidence. Ugenti-Rita dismissed the county's position in a tweet last night ([LINK](#)): "Another day, another excuse from the @maricopacounty Board of Supervisors about why they can never seem to do anything meaningful when it comes to election integrity."



### PERSEUS NEEDED MEDUSA'S EYES

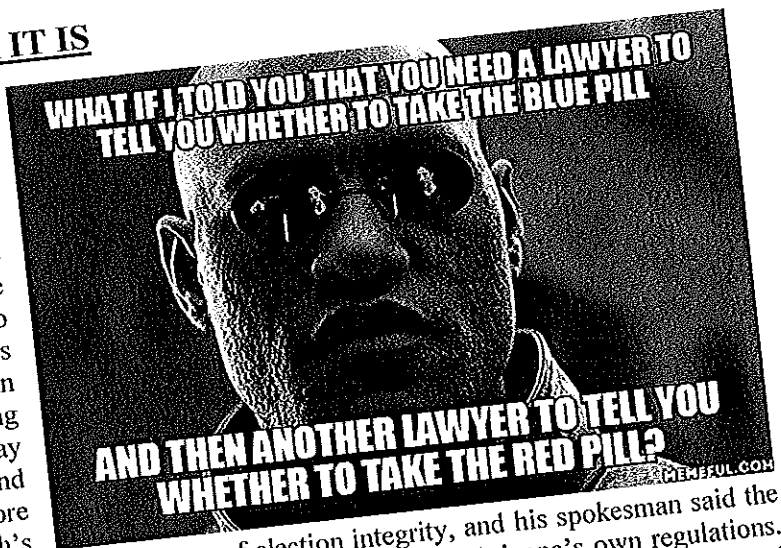
The tentacles of the "Arizona Kraken" lawsuit are still twitching even after yesterday afternoon's dismissal of the case. The challenge, a sprawling complaint claiming election fraud, is similar to lawsuits dismissed in Georgia, Michigan and Wisconsin. Arizona District Court Judge Diane Humetewa took a dim view of

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the case, writing in part in her dissent that “allegations that find favor in the public sphere of gossip and innuendo cannot be a substitute for earnest pleadings and procedure in federal court. They most certainly cannot be the basis for upending Arizona’s 2020 General Election.” Trump advocate Sidney Powell promptly appealed it to the Ninth Circuit Court of Appeals, but, as flagged by Arizona attorney and blogger Paul Weich, Powell neglected to file a motion for an expedited appeal and the case now looks like it will continue past May ([LINK](#)). Separately, state GOP chair Kelli Ward is still weighing whether to appeal her own lawsuit seeking to overturn the election results. And another new suit has been filed in Pinal County, resurfacing already-litigated fraud claims and adding another claim that someone who may or may not be related to the Koch brothers was involved in a scheme to move ballots from an airplane at Sky Harbor International Airport to the Maricopa County tabulation center because wealthy conservatives wanted to sabotage Trump ([LINK](#)).

### IT’S NOT WHAT YOU THINK IT IS

In advance of a lunch with Trump and other attorneys general at the White House today, Brnovich is filing a motion for leave to be able to submit an amicus brief in the *Texas v. Pennsylvania* SCOTUS case. But filing a brief in the case is not the same as supporting the case’s merit. The Texas AG wants to overturn the election, while Brnovich has not expressed that same sentiment. In fact, he was the first high-ranking Republican official in Arizona to say Trump did not have a path to victory and acknowledged Biden’s likely win before others have called the race. Brnovich’s motion ([LINK](#)) is only going to touch on the importance of election integrity, and his spokesman said the AG wants to ensure any ruling by the US Supreme Court does not undermine Arizona’s own regulations.



Brnovich has been clear in his position that Arizona did things correctly and signed, along with Ducey and Hobbs, the certification of votes last week. AG spokesman Ryan Anderson and *Daily Star* columnist Tim Steller got into a Twitter argument over the intention of Brnovich’s filing last night. Steller argued it was a political move – one he vehemently disagreed with – given Brnovich is viewed as a likely choice to seek the open governor seat in 2022. “I don’t think people are appreciating how breathtaking a step it is to try to disenfranchise the people of a different state. If people were doing that to my state, I’d be furious,” Steller tweeted. Anderson shot down that accusation, saying there’s nothing in the motion that says such a thing. “Were you not implying Arizona is advocating to toss out the election results in other states? If so, that statement is not supported by facts. A cite or review of the AZ brief would make that clear,” Anderson replied.

### REALLY?

Dysart Unified School District appears to be encouraging its employees to continue working in-person even when they have been exposed to COVID-19, which contradicts the U.S. Centers for Disease Control and Preventions’ guidelines. The district did not return calls for comment at our deadline. In what appears to be a slideshow our reporter obtained, Dysart says “continue to work at worksite” under the section for “direct exposure and asymptomatic.” The slide show also shows a section for “positive test or symptomatic,” under which a person must isolate or quarantine. The Dept of Education and Arizona School Board Assn told our reporter this case is isolated to Dysart, and, to their knowledge, no other district is recommending what

December 10, 2020

Dysart appears to suggest. Typically, schools that experience an outbreak shift to virtual learning for the classroom – or, in some cases, for the entire school particularly when staffing shortages occur – until it's deemed safe to return to hybrid learning. Given that the metrics Ducey, Hoffman and the Dept of Health Services agreed upon months ago are merely recommendations and not requirements, nothing prevents school governing boards and districts from adopting their own plans. The CDC says anyone who has had close contact with a person who has COVID-19 needs to quarantine ([LINK](#)). CDC defines "close contact" to include having been within 6 feet of someone who has COVID-19 for a total of 15 minutes or having had direct physical contact with the infected person, such as by hugging or kissing them. Under these scenarios, the CDC says a person should stay at home for 14 days and monitor symptoms. Numerous districts across the state have already shifted to online or remote learning, but others, such as Dysart, remain in hybrid learning. Recent benchmarks show the entire state is roughly two weeks away from reaching substantial spread across all metrics for consecutive weeks, which is when state health officials recommended pulling back any in-person learning options.

### FROM NO. 1 TO NO. 2

Maricopa County Recorder Adrian Fontes will move from the No. 1 role in the state's largest county to the No. 2 role in Pima County once his term ends in January. He announced on Twitter today he will join County Recorder-elect Gabriella Cazares-Kelly as her Deputy for a 90-day interim period to help with her transition. "I am passionate about this kind of work, and helping voters, and she called upon me to do that," he told our reporter. "It seemed like a really fantastic opportunity to take a step out of the No. 1 role and try a No. 2 role for a change, and I'm excited about having a boss again." He said he will travel to Tucson four days a week once his term ends next month. He will work to find Cazares-Kelly a full-time deputy, but he is keeping his options open on whether he wants the job permanently, he said. "Mr. Fontes' visionary solutions to increasing accessibility in his county encouraged me to imagine new programs for Pima County voters. We are fortunate to have him help us implement programs like those that inspired so many Pima County voters to elect me," Cazares-Kelly said in a news release.

## ·PRESS RELEASES AND NEWS CLIPS·

### **Lesko Bill to Rename Surprise Post Office Passes House**

WASHINGTON, D.C.—Today, U.S. Congresswoman Debbie Lesko's (AZ-08) bill to rename the Surprise Arizona United States Post Office at 14955 West Bell Road, in honor of Purple Heart recipient, Marc Lee, passed the United States House of Representatives by Unanimous Consent.

To mark the occasion, Congresswoman Lesko spoke on the floor of the U.S. House of Representatives. Watch her full remarks below:

Marc Lee exposed himself to enemy fire three times on August 2, 2006, when his team encountered insurgents outside of Ramadi, Iraq. He was posthumously awarded the Silver Star and Purple Heart for his heroic actions. His mother, Debbie Lee, founded America's Mighty Warriors, to honor the sacrifices of our troops, the fallen, and their families by providing programs that improve quality of life, resiliency, and recovery. Debbie Lee lives in Surprise, Arizona.

"Marc Lee, the first Navy SEAL killed in Iraq, loved deeply and was deeply loved. He selflessly sacrificed his life to save his teammates. Naming this Post Office will keep his legacy alive and remind us to live lives worthy of their sacrifices," said Debbie Lee. "It has been such a blessing to work with Congresswoman Lesko and her staff who introduced this bill. She loves our military and understands the sacrifice that is made for the freedoms we enjoy every day. Our foundation, America's Mighty Warriors, has worked with

December 10, 2020



her on numerous issues affecting our Troops and Veterans and they are always quick and thorough in resolving the issues."

Other members of Congress also spoke on the floor about the bill, including House Republican Conference Chairwoman Liz Cheney (R-WY-AL).  
Congressman Brian Babin (R-TX-36), whose son Leif Babin was also a Navy SEAL and served with Marc Lee in Iraq, also spoke on the floor to highlight the bill.

###

## Sinema Advocates for Arizona Veterans' Financial Security During Pandemic

*During Senate Veterans' Affairs Committee hearing Sinema pressed VA officials on their actions to ensure financial security and debt relief for Arizona veterans during the coronavirus pandemic*

WASHINGTON – Arizona senior Senator Kyrsten Sinema spoke during a Senate Veterans' Affairs Committee hearing and pressed Department of Veterans Affairs (VA) officials about the VA's efforts to ensure Arizona veterans are financially secure during the coronavirus pandemic.

"The VA must extend debt-relief for Arizona veterans and help ensure their financial security during the coronavirus pandemic," said Sinema, a member of the Senate Veterans' Affairs Committee.

VA announced in April certain actions providing financial relief to veterans during the coronavirus pandemic, including suspending all actions on veteran debt. These actions expire on December 31, 2020 and have not been extended. Sinema inquired whether these actions will be extended and whether they will be automatically applied or will require additional action by the veteran.

Arizona veterans have reported to Sinema concerns about the potential resumption of VA debt collection in January 2021 and confusion about VA's guidance on debt relief. VA's Health Administration released information to veterans stating their debt billing was automatically stopped and will resume January 1, 2021. Meanwhile, the Veterans Benefits Administration has not provided clear information whether their debt billing automatically stopped or how debt collection will change on January 1, 2021. Sinema expressed concern that the VA is not coordinated in this effort or communicating it well while Arizona veterans need answers now to ensure their financial security.

## Nonprofits and Foundations Advocate Again for Statewide Eviction Moratorium Extension

Family Housing Resources (FHR) Spearheads Urgent Second Request to Governor Ducey  
With less than 21 days left before the year ends and national eviction protections from the Center for Disease Control (CDC) expire, a group of 24 nonprofit agencies and foundations are once again, advocating to Governor Doug Ducey to take action to curb the potential humanitarian and economic crisis that may result if an additional extension is not put in place. In July of 2020, the coalition, which has grown from 14 to 24 made a similar effort, days after which Ducey announced an Executive Order extending the moratorium through Oct. 31. National protections were put in place by the CDC in September through Dec. 31, but come Jan. 1, 2021, if no actions are taken, projections are grim.

FHR is a regional nonprofit leading this coalition's effort and sharing the critical information and insight sharing that, "Without intervention, mass evictions will disrupt the lives of tens of thousands of Arizona's renters, and will cause severe harm to their economic, social, mental, and physical well-being. These evictions will also trigger a wave of debilitating downstream costs that will ripple through all of our social systems." The letter goes on to share that, "Recent research shows the partial annual cost of caring for Arizona families that will face homelessness as a result of eviction is \$2.5 billion, while the current rental shortfall is only estimated to be between \$200-\$400 million."

December 10, 2020

Meghan Heddings, Executive Director of FHR states, “This is a complex problem that continues to grow as federal protections are running out. COVID cases are the highest they have been nationally. Arizonans are being asked to stay home to keep our communities safe. In order to do so, they must have the means to stay housed. We are advocating for not only additional time for residents who may be facing eviction, but for the necessary resources and guidelines to distribute those resources to keep Arizonans safe as the pandemic rages across the nation.”

[CLICK HERE TO REVIEW THE LETTER IN FULL](#)

###

## Rep. Grijalva Cheers House Passage of Saguaro National Park Expansion

TUCSON— Today the U.S. House of Representatives passed Rep. Raúl M. Grijalva’s *Saguaro National Park Boundary Expansion and Study Act of 2020* (H.R. 7098). The bill will expand Saguaro National Park and further protect the unique Sonoran Desert habitat of the greater Tucson area in Arizona, an effort he has championed since 2007.

Under the terms of the bill, the Secretary of the Interior is authorized to acquire a total of approximately 1,232 total acres of land to include in the park. The bill also directs the National Park Service to study future opportunities for expansion with a focus on land with high natural, cultural, recreational, and scenic values.

“Expanding and protecting Saguaro National Park is a no brainer in Southern Arizona because this park is our backyard,” Grijalva said. “This expansion will benefit both people and nature by increasing parkland in our community, improving wildlife habitats and connecting recreational trails in the area. Saguaro is already a popular destination for Arizonans and visitors from all over, and this is an exciting opportunity to permanently protect open space and provide more recreational opportunities. Today, with the House passage of my bill, we’re one step closer to achieving our goal. I am grateful to the community members who have worked with me to get to this point, and we’re going to continue until it becomes law.”

Saguaro National Park is home to iconic southwestern species including the saguaro cactus, desert tortoise, and coyote. The park received more than 1 million visitors in 2019, the largest amount the site has received since it first received federal protection 87 years ago.

The parcels identified for inclusion in the park will protect biodiverse riparian areas, wildlife habitat, scenic views, and archaeological sites and create an important linkage between Saguaro National Park and Pima County’s Sweetwater Preserve. The parcels in question were identified for inclusion in the park because of their high conservation value, the immediate threat of sale, and significant local support.

H.R. 7098 is supported by the Pima County Board of Supervisors, the Tucson Mountain Homeowners Association, the National Parks Conservation Association, and the Trust for Public lands, and many other conservation organizations.

[Click here](#) for a video message from Rep. Grijalva on the bill’s passage.

###

## Statewide Electronic Search Warrant Program Update

PHOENIX – The high cost of impaired driving on the lives of Arizona’s citizens and communities continues. One approach to addressing the problem is the Arizona Supreme Court’s participation in the statewide electronic search warrant program for vehicular offenses, which is made possible with a grant from the Governor’s Office of Highway Safety.

The Impaired Driving Program seeks to reduce alcohol and drug-related deaths and injuries by increasing enforcement, education, and public awareness. The Superior Court in Maricopa County authorizes electronic search warrants to law enforcement statewide through an online electronic warrant program for blood draws on individuals suspected of driving under the influence. The original program was piloted with 24 police departments and is now available to all law enforcement. In the last year, participation has increased from 65 agencies to 85 agencies and 6,565 active users participating across the state.

Under the program, search warrants and affidavits are exchanged electronically and securely between law enforcement and the Maricopa County Superior Court's Initial Appearance court, which operates 24 hours a day, 7 days a week. Faster warrants result in faster, more accurate test results – improving public safety by holding violators accountable.

The electronic search warrant part of the Impaired Driving Program applies to the vehicular offenses of: Driving under the influence, vehicle-related homicide, vehicle-related aggravated assault, vehicle-related endangerment, and other vehicle-related offenses.

###

## Lesko Calls on Barr to Appoint Special Counsel in Hunter Biden Investigation

WASHINGTON, D.C.—Today, U.S. Congresswoman Debbie Lesko (AZ-08) sent a letter to Attorney General William Barr, requesting he appoint a Special Counsel to investigate Hunter Biden.

“As we’ve recently learned, the U.S. Attorney for the District of Delaware has been investigating Hunter Biden’s taxes. This is just the latest in a string of investigations into Biden,” said Congresswoman Lesko. “It is imperative that a thorough and complete investigation be conducted, and the appointment of a Special Counsel is the only way to guarantee this occurs.”

Read Lesko’s full letter [here](#).

###

## ”QUOTE OF THE DAY”

“I think opening day outside is a great idea.”

- Engel, on the opening ceremonies of the 55<sup>th</sup> Legislature in January.

No. 220155

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**In the Supreme Court of the United States**

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STATE OF TEXAS,

*Plaintiff,*

v.

COMMONWEALTH OF PENNSYLVANIA, STATE OF GEORGIA, STATE OF MICHIGAN, AND  
STATE OF WISCONSIN,

*Defendants.*

---

**MOTION FOR LEAVE TO FILE  
AN AMICUS BRIEF FOR THE STATE OF ARIZONA AND MARK  
BRNOVICH, ARIZONA ATTORNEY GENERAL**

---

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*Counsel for the State of Arizona and Mark Brnovich, Arizona Attorney General*

---

## MOTION FOR LEAVE TO FILE

The State of Arizona and Mark Brnovich, Arizona Attorney General (collectively, the “State of Arizona”) respectfully move for leave to file a brief as amici curiae respecting the motions for leave to file a bill of complaint and for a preliminary injunction in this case. See Sup. Ct. R. 37.2(a). If granted leave, the State of Arizona’s brief will make two primary points.<sup>1</sup>

The State of Arizona will first argue that election integrity is of paramount importance. “Every voter” in a federal election “has a right under the Constitution to have his [or her] vote fairly counted, without its being distorted by fraudulently cast votes.” *Anderson v. United States*, 417 U.S. 211, 227 (1974). Given this paramount importance, the State of Arizona, through its Attorney General, vigilantly fights to ensure election integrity, including for the 2020 election. The Attorney General participated in eight different suits to defend from attack Arizona election laws that were enacted by its Legislature. Indeed, in just a few months, the State of Arizona and its Attorney General will appear before this Court in the critical case of *Brnovich et al. v. Democratic National Committee et al.*, No. 19-1257, and urge the Court to adopt a construction of Section 2 of the Voting Rights Act that not only follows the text of that statute but also recognizes that to ensure “fair and honest” elections marked by “order, rather than chaos,” “there must be a substantial regulation of elections.” *Storer v. Brown*, 415 U.S. 724, 730 (1974) (emphasis added);

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<sup>1</sup> Arizona has been named in another original action pending in this Court, which is captioned *Donofrio v. Pennsylvania et al.* That original action names many of the same States as this case. Given that pending case, the State of Arizona’s brief would be limited to the points discussed below.

see also *Smiley v. Holm*, 285 U.S. 355, 366 (1932) (“[E]xperience shows” those “necessary” regulations include not just voting “procedure[s]” but also “safeguards” for the “prevention of fraud and corrupt practices.”).

The State will also argue that if this Court exercises jurisdiction over Texas’s complaint, it is equally important that the Court act quickly to give the Nation certainty. As a preliminary matter, it is the State of Arizona’s consistent position that this Court’s jurisdiction over actions between states is exclusive and non-discretionary. See *Arizona v. California*, 140 S. Ct. 684, 684-85 (2020) (Thomas, J., dissenting). The State recognizes, however, that the Court’s current jurisprudence is that its jurisdiction over such matters is discretionary. If the Court either revisits its prior holdings or exercises discretion to accept jurisdiction here, then it is critical the Court resolve this challenge quickly to give the Nation certainty.

## CONCLUSION

The State respectfully request that the Court grant leave to file an amicus brief respecting Texas’s motions.

December 9, 2020

Respectfully submitted.

/s/ Brunn W. Roysden III  
Mark Brnovich  
*Attorney General*  
Brunn W. Roysden III  
*Solicitor General*  
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MARK BRNOVICH  
ATTORNEY GENERAL

OFFICE OF THE ARIZONA ATTORNEY GENERAL  
EXECUTIVE OFFICE

Rachelle Lump  
Deputy Public Information  
Officer

May 19, 2021

Josh Bendor  
[jbendor@omlaw.com](mailto:jbendor@omlaw.com)

RE: **PRR-2020-2200-271 (AZ-AG-20-1956)**

Dear Mr. Bendor:

Thank you for contacting the Arizona Attorney General's Office ("AGO"). This letter serves as the response to your public records request dated August 4, 2020.

Request:

"All email communications (including email messages, email attachments, complete email chains, calendar invitations, and calendar attachments) sent or received by (a) Attorney General Mark Brnovich, or anyone communicating on his behalf, such as an assistant or scheduler, or (b) Chief Deputy Joe Kanefield containing any of the following key terms:

Search Terms:

- "Election Integrity
- EIU
- "Election unit"
- "Elections unit"

We also took the liberty of including "Elections Integrity Unit" in our search.

Response:

Some of the responsive records are attached. Additional records are forthcoming. Please note that some records have had personally identifiable information redacted in lieu of withholding records in their entirety.

In the event that the Arizona Attorney General's Office has produced any document containing un-redacted confidential or privileged information, AGO hereby asserts that such disclosure was accidental and does not waive any protections afforded under law.



Please feel free to reach out should you have any questions regarding the records.

Sincerely,

*Rachelle Lumpp*

Deputy Public Information Officer

## Lumpp, Rachelle

---

**From:** Resnik, Brahm <bresnik@12NEWS.COM>  
**Sent:** Monday, March 29, 2021 12:55 PM  
**To:** Lumpp, Rachelle  
**Cc:** Conner, Katie; Anderson, Ryan  
**Subject:** Re: Public Records Request

**Categories:** Green category, RELEASE

Good afternoon Rachelle,  
I'm following up on my October public records request.  
Thank you for working diligently on this request.  
Is there an end date in sight for fulfilling the request?  
Best,  
Brahm

---

**From:** Lumpp, Rachelle <Rachelle.Lumpp@azag.gov>  
**Sent:** Wednesday, January 13, 2021 1:17 PM  
**To:** Resnik, Brahm <bresnik@12NEWS.COM>  
**Cc:** Conner, Katie <Katie.Conner@azag.gov>; Anderson, Ryan <Ryan.Anderson@azag.gov>  
**Subject:** RE: Public Records Request

**CAUTION - EXTERNAL EMAIL** - Please use caution opening attachments and never share your password. Send suspicious email to [infosec@tegna.com](mailto:infosec@tegna.com).

Brahm,  
I am working on the EIU complaints. There were approximately 3,000 emails that came into that account between the inception of the EIU and December 11. Each email must first be reviewed (not every email was an actual complaint), categorized (so that we can create a spreadsheet categorizing the complaints for pending requests), and then properly redacted. This will take some time. We are diligently working on getting this completed as soon as practicable.

Thank you.

---

**From:** Resnik, Brahm [<mailto:bresnik@12NEWS.COM>]  
**Sent:** Monday, January 04, 2021 10:36 AM  
**To:** Lumpp, Rachelle  
**Subject:** RE: Public Records Request

Good morning and happy new year!  
I'm following up on this records request sent more than two months ago.  
Did I miss a response or is it still being processed?  
Best,  
Brahm

**From:** Resnik, Brahm <bresnik@12NEWS.COM>  
**Sent:** Friday, October 16, 2020 12:08 PM  
**To:** Lumpp, Rachelle <Rachelle.Lumpp@azag.gov>  
**Subject:** Re: Public Records Request

Since June 30. Thank you!

**From:** Lumpp, Rachelle <[Rachelle.Lumpp@azag.gov](mailto:Rachelle.Lumpp@azag.gov)>  
**Sent:** Friday, October 16, 2020 12:05 PM  
**To:** Resnik, Brahm <[bresnik@12NEWS.COM](mailto:bresnik@12NEWS.COM)>  
**Subject:** Public Records Request

**CAUTION - EXTERNAL EMAIL** - Please use caution opening attachments and never share your password.  
Send suspicious email to [infosec@tegna.com](mailto:infosec@tegna.com).

Brahm,  
Please let me know what time frame you are seeking EIU complaints for.  
Thanks!

Rachelle Lumpp  
Executive Assistant to the Attorney General  
Executive Assistant to the Director of Communications  
Office of the Arizona Attorney General  
2005 N. Central Avenue  
Phoenix, AZ 85004  
602-542-8351 Office  
[rachelle.lumpp@azag.gov](mailto:rachelle.lumpp@azag.gov)



## Lumpp, Rachelle

---

**From:** Medina, Rick  
**Sent:** Thursday, March 25, 2021 11:17 AM  
**To:** Lumpp, Rachelle  
**Subject:** RE: AG BIO

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

**Categories:** Green category

Let's go with this:

## Mark Brnovich Arizona Attorney General

Mark Brnovich became Arizona's 26<sup>th</sup> Attorney General in January 2015. He was re-elected to a second term in November 2018.

He spent his early career as a prosecutor at the local, state, and federal levels, including serving as an Assistant United States Attorney prosecuting public integrity crimes and criminal activity occurring in Indian Country. He eventually left the U.S. Attorney's Office to serve as the Director of the Arizona Department of Gaming -- a law enforcement agency that works along with Tribal regulators to administer the gaming compacts.

As Attorney General, Mark most recently argued at the United States Supreme Court, to defend Arizona's election integrity laws, including its requirements for in-precinct voting and restrictions on ballot harvesting. His administration has also been actively battling human trafficking and supporting border security. Brnovich is now challenging the Biden Administration's violations of federal immigration laws and the crisis that has been created.

In addition, Brnovich has been instrumental in protecting the liberties of Arizonans and small businesses during the COVID pandemic, upholding religious freedoms, defending the Second Amendment, and securing record levels of restitution for consumers.

Mark's wife Susan, who he met while they were both prosecutors for Maricopa County, was recently appointed by President Trump to serve as a Federal Judge for the District of Arizona. Mark and Susan Brnovich live in Phoenix with their two teenage daughters.

---

**From:** Lumpp, Rachelle  
**Sent:** Thursday, March 25, 2021 9:14 AM  
**To:** Medina, Rick  
**Subject:** RE: AG BIO

Here are a couple diff ones. Thanks!

---

**From:** Medina, Rick  
**Sent:** Thursday, March 25, 2021 9:13 AM  
**To:** Lumpp, Rachelle  
**Subject:** RE: AG BIO

Ok, can you please send me the last versions of the short and regular Bio's that we have used?

Thanks.

---

**From:** Lumpp, Rachelle  
**Sent:** Thursday, March 25, 2021 9:09 AM  
**To:** Medina, Rick; Isaak, Jason; Anderson, Ryan  
**Subject:** AG BIO

I need a bio for the Laughlin event (and the other events he's got coming up). In light of everything that he's been doing recently, we probably need to update.  
If you need old ones for reference lmk and I'll send. I do need to get it over to them today.

Thx

Rachelle Lumpp  
Executive Assistant to the Attorney General  
Executive Assistant to the Director of Communications  
Office of the Arizona Attorney General  
2005 N. Central Avenue  
Phoenix, AZ 85004  
602-542-8351 Office  
[rachelle.lumpp@azag.gov](mailto:rachelle.lumpp@azag.gov)



## Lumpp, Rachelle

---

**From:** Isaak, Jason  
**Sent:** Friday, March 19, 2021 12:14 PM  
**To:** Lumpp, Rachelle  
**Cc:** Stefanski, Daniel  
**Subject:** FW: Date at WOA Event

**Importance:** High

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

**Categories:** Green category

Rachelle –

If you could give her a call when you have a moment to let her know we're working on the calendar and will get back to her, that would be good. One thing you might want to confirm with her is that it would be the AG as a keynote speaker...and that we'll try to get back to her in the next couple biz days.

Thanks!

Jason

---

**From:** Bonnie Ebstyne [<mailto:bjebstyne@mac.com>]  
**Sent:** Friday, March 19, 2021 11:48 AM  
**To:** Isaak, Jason  
**Subject:** Fwd: Date at WOA Event

Sent from my iPhone

Begin forwarded message:

**From:** Bonnie Ebstyne <[bjebstyne@mac.com](mailto:bjebstyne@mac.com)>  
**Date:** March 19, 2021 at 11:47:14 AM MST  
**To:** [rachelle.lumpp@azag.gov](mailto:rachelle.lumpp@azag.gov)  
**Subject:** Date at WOA Event

Women of Arizona just held an event with Kelli Ward & Paul Gosar speaking on Election Integrity & what our elected officials from AZ are doing to protect our Founding Principles ( in other words to stop Socialist Democrats takeover!)

Many people we hear from are disgusted with our politics & government & walking away entirely along with their checkbooks!! Others are finding a new urgency in their desire to get involved & join the fight for our country. They need leadership & some assurance that are elected officials are committed to the right cause.

A logical extension of what we explored with Gosar/Ward would be the viewpoint of AG Brnovich. We had originally contacted Treasurer Yee to speak but feel the AG's view would be a higher priority now.

I have three dates to propose: (Hopefully one will be available.)

Mon., April 26

Min., April 19

Thurs., April 22

Friday., April 23

Besides Kimberly Yee, we have heard from Steve Chucris's office that he would be available. I have to commit to venue & speaker pretty soon.

Thank you,

Bonnie Ebstyn

206-999-0996

Sent from my iPhone

## Lumpp, Rachelle

---

**From:** Attorney General Mark Brnovich <katie.conner@azag.gov>  
**Sent:** Tuesday, March 02, 2021 10:51 AM  
**To:** Lumpp, Rachelle  
**Subject:** AG Brnovich Defends AZ Election Integrity Laws at SCOTUS

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

**Categories:** Green category

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For Immediate Release: March 2, 2021

Contact: Katie Conner at [Katie.Conner@azag.gov](mailto:Katie.Conner@azag.gov)

### **Attorney General Brnovich Defends Arizona Election Integrity Measures at U.S. Supreme Court**

WASHINGTON, D.C. - Attorney General Mark Brnovich argued to protect Arizona's commonsense election integrity laws before the Supreme Court of the United States (SCOTUS) on Tuesday morning. The Attorney General's Office (AGO) is asking the High Court to uphold two Arizona laws that place restrictions on ballot harvesting and prohibit out-of-precinct voting. At the heart of the case is whether states can pass laws to protect the integrity of elections.

"There is no more sacred duty for a public servant than preserving both the people's right to vote and their confidence in the election process," said Attorney General Mark Brnovich. "Arizona's ballot box safeguards are shared by many states, were recommended by a bipartisan commission, and are constitutional because they equally protect us all."

The Democratic National Committee (DNC) has been challenging Arizona's restrictions on out-of-precinct voting and ballot harvesting since 2016.



Since the 1970s, Arizona has required voters who vote in-person to cast ballots at their assigned precinct, where voter rolls can be easily accessed and confirmed. This rational measure ensures order in our elections, minimizes lines, and prevents anyone from being disenfranchised in local races. Today, the majority of states require people to vote at their assigned precinct.

Arizona also restricts the collection and delivery of ballots by third-parties or political operatives, commonly known as ballot harvesting. The Arizona Legislature passed the law in 2016, with exceptions for family, caregivers, mail carriers, and election officials. In 2015, the City of Phoenix warned of reports of unauthorized individuals claiming to be city officials going door-to-door to collect early ballots. Civil Rights leaders had also raised concerns about elderly and vulnerable communities being targeted by ballot harvesting activists. In December 2020, the AGO indicted two individuals from Yuma County for allegedly engaging in ballot harvesting.

And in 2005, the bipartisan Commission on Federal Election Reform, chaired by former President Jimmy Carter and former Secretary of State James Baker (Carter-Baker Commission), recognized that "absentee ballots remain the largest source of potential voter fraud." The Carter-Baker Commission recommended that states prohibit third-parties from handling absentee ballots, except for family members, the post office, or election officials (the same exceptions included in the Arizona law).

The DNC claims Arizona's restrictions on ballot harvesting and out-of-precinct voting violate Section 2 of the Voting Rights Act and the ballot harvesting restriction was also enacted with discriminatory intent. Attorney General Brnovich argued Tuesday morning that Arizona's laws were proper under the Voting Rights Act and U.S. Constitution, something even the Biden Justice Department acknowledged in a recent SCOTUS filing.

SCOTUS is expected to make a decision by this Summer.

A transcript of Attorney General Brnovich's opening and closing statements can be viewed here.

#### **BACKGROUND:**

In 2016, the DNC challenged Arizona's laws restricting ballot harvesting and out-of-precinct voting. A federal district court judge ruled in Arizona's favor and upheld the laws.

The case was then appealed to a 3-judge panel of the Ninth Circuit Court of Appeals, where the laws were again upheld. The DNC then appealed to a larger group of Ninth Circuit Court judges, who struck down the laws, a mere four days before the 2016 General Election. AG Brnovich immediately appealed to the U.S. Supreme Court, and the very next day the High Court overruled the Ninth Circuit, reinstating Arizona's ballot harvesting and out-of-precinct laws, pending a full hearing of the merits in the lower court.

In late 2018, a federal district court judge once again upheld Arizona's laws after a 10-day trial. DNC attorneys appealed the case to a 3-judge panel of the Ninth Circuit, who again upheld Arizona's election integrity laws. Once again, the DNC appealed the case to a larger group of Ninth Circuit judges, and in early 2020 the court reversed itself and struck down the laws just as ballots for the Democratic Presidential Preference Election were beginning to be mailed out. AG Brnovich immediately filed for a stay of the decision, and the Ninth Circuit granted the request, leaving Arizona's laws on ballot harvesting and out-of-precinct voting intact.

In April 2020, General Brnovich asked SCOTUS to rule on Arizona's laws being challenged.

In October 2020, SCOTUS agreed to hear Arizona's case, which has garnered an outpouring of support from local and national leaders seeking to maintain the integrity of elections in Arizona and across the country.

###

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## Lumpp, Rachelle

---

**From:** Attorney General Mark Brnovich <katie.conner@azag.gov>  
**Sent:** Monday, March 01, 2021 4:29 PM  
**To:** Lumpp, Rachelle  
**Subject:** Media Advisory: AG Brnovich SCOTUS Election Integrity Oral Argument

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

**Categories:** Green category

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For Immediate Release: March 1, 2021

Contact: Katie Conner at [Katie.Conner@azag.gov](mailto:Katie.Conner@azag.gov)

### Media Advisory:

## Attorney General Brnovich to Argue before U.S. Supreme Court in Defense of Arizona Election Integrity Laws

**Who:** Attorney General Mark Brnovich will argue before the Supreme Court of the United States (SCOTUS) tomorrow representing the State of Arizona on behalf of two of Arizona's commonsense election integrity laws.

**What:** General Brnovich is asking the High Court to uphold Arizona's laws on ballot harvesting and out-of-precinct voting. At the heart of the case is whether states like Arizona have the authority to enact commonsense election integrity laws such as the two being challenged.

**Where:** Due to the COVID-19 pandemic, oral arguments will be conducted telephonically. The public can monitor on [C-SPAN live here](#).

**When:** Tuesday, March 2, 2021, at 8 AM (MST) / 10 AM (EST).

Press availability tomorrow after arguments conclude and interview requests can be

directed to Katie Conner, Director of Media Relations at [Katie.Conner@azag.gov](mailto:Katie.Conner@azag.gov) or by calling (602) 339-5895.

#### **CASE BACKGROUND:**

In 2016, the Democratic National Committee (DNC) challenged Arizona's laws restricting ballot harvesting and out-of-precinct voting. A federal district court judge ruled in Arizona's favor and upheld the laws. The case was then appealed to a 3-judge panel of the Ninth Circuit Court of Appeals, where the laws were again upheld. The DNC then appealed to a larger group of Ninth Circuit Court judges, who struck down the laws, a mere four days before the 2016 General Election. AG Brnovich immediately appealed to the U.S. Supreme Court, and the very next day the High Court overruled the Ninth Circuit, reinstating Arizona's ballot harvesting and out-of-precinct laws, pending a full hearing of the merits in the lower court.

In late 2018, a federal district court judge once again upheld Arizona's laws after a 10-day trial. DNC attorneys appealed the case to a 3-judge panel of the Ninth Circuit, who again upheld Arizona's laws. The DNC again appealed the case to a larger group of Ninth Circuit judges, and in early 2020 the court reversed itself and struck down the laws just as ballots for the Democratic Presidential Preference Election were beginning to be mailed out. AG Brnovich immediately filed for a stay of the decision, and the Ninth Circuit granted the request, leaving Arizona's restrictions on ballot harvesting and out-of-precinct voting intact for the 2020 election cycle.

In April 2020, General Brnovich asked SCOTUS to rule on Arizona's laws being challenged.

In October 2020, SCOTUS agreed to hear Arizona's case.

SCOTUS is expected to make a decision by this Summer.

#### **ADDITIONAL BACKGROUND:**

Since the 1970s, Arizona has required people to cast ballots at their assigned precinct, where voter rolls can be easily accessed and confirmed. Arizona also restricts the collection and delivery of ballots by third-parties or political operatives, commonly known as ballot harvesting. The Arizona Legislature passed the law in 2016, with exceptions for

family, caregivers, mail carriers, and election officials.

In 2015, the City of Phoenix warned of reports of unauthorized individuals claiming to be City officials going door-to-door to collect early ballots.

In 2005, the bipartisan Commission on Federal Election Reform, chaired by former President Jimmy Carter and former Secretary of State James Baker, recognized that "absentee ballots remain the largest source of potential voter fraud." The Carter-Baker Commission recommended that states prohibit third-parties from handling absentee ballots, except for family members, the post office, or election officials.

The DNC claims Arizona's restrictions on ballot harvesting and out-of-precinct voting violate Section 2 of the Voting Rights Act and the ballot harvesting restriction was also enacted with discriminatory intent; however, even the Biden Justice Department disputed that claim in a recent SCOTUS filing.

###

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**Lumpp, Rachelle**

---

**From:** Kanefield, Joe  
**Sent:** Monday, March 01, 2021 1:58 PM  
**To:** Conner, Katie  
**Subject:** RE: [Test] Media Advisory: Attorney General Brnovich Argues at U.S. Supreme Court in Election Integrity Case

**Categories:** Green category

Looks good. Thx

Joseph Kanefield  
Chief Deputy & Chief of Staff

---



Attorney General Mark Brnovich  
Desk: 602-542-8080  
Joe.Kanefield@azag.gov  
<http://www.azag.gov>

---

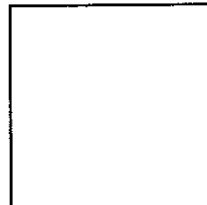
**From:** Conner, Katie  
**Sent:** Monday, March 01, 2021 1:25 PM  
**To:** Kanefield, Joe  
**Subject:** FW: [Test] Media Advisory: Attorney General Brnovich Argues at U.S. Supreme Court in Election Integrity Case

Hey Joe,  
We are planning to send this advisory out this afternoon. Please let us know if you have any edits/concerns. Thank you!

---

**From:** Attorney General Mark Brnovich [mailto:katie.conner@azag.gov]  
**Sent:** Monday, March 01, 2021 1:22 PM  
**To:** Conner, Katie  
**Subject:** [Test] Media Advisory: Attorney General Brnovich Argues at U.S. Supreme Court in Election Integrity Case

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For Immediate Release: March 1, 2021  
Contact: Katie Conner at [Katie.Conner@azag.gov](mailto:Katie.Conner@azag.gov)

**Media Advisory:**

## Attorney General Brnovich to Argue before U.S. Supreme Court in Defense of Arizona Election Integrity Laws

**Who:** Attorney General Mark Brnovich will argue before the United States Supreme Court tomorrow representing the State of Arizona on behalf of two of Arizona's commonsense election integrity laws.

**What:** General Brnovich is asking the High Court to uphold Arizona's laws on ballot harvesting and out-of-precinct voting. At the heart of the case is whether states like Arizona have authority to enact election integrity laws such as the two being challenged.

**Where:** Due to the COVID-19 pandemic, oral arguments will be conducted telephonically. The public can monitor on C-SPAN live here.

**When:** Tuesday, March 2, 2020, at 8 AM (MST) or 10 AM (EST).

A full press release will be sent out tomorrow after arguments conclude. Interview requests can be sent to Katie Conner, Director of Media Relations at Katie.Conner@azag.gov or by calling (602) 339-5895.

### CASE BACKGROUND:

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In late 2018, a federal district court judge once again upheld Arizona's laws after a 10-day trial. DNC attorneys appealed the case to a 3-judge panel of the Ninth Circuit, who again upheld Arizona's laws. The DNC again appealed the case to a larger group of Ninth Circuit judges, and in early 2020 the court inexplicably reversed itself and struck down the laws

just as ballots for the Democratic Presidential Preference Election were beginning to be mailed out. AG Brnovich immediately filed for a stay of the decision, and the Ninth Circuit granted the request, leaving Arizona's restrictions on ballot harvesting and out-of-precinct voting intact for the 2020 election cycle.

In April 2020, General Brnovich asked SCOTUS to rule on Arizona's laws being challenged.

In October 2020, SCOTUS agreed to hear Arizona's case.

SCOTUS is expected to make a decision by this Summer.

#### **ADDITIONAL BACKGROUND:**

Since the 1970s, Arizona has required people to cast ballots at their assigned precinct, where voter rolls can be easily accessed and confirmed. Arizona also restricts the collection and delivery of ballots by third-parties or political operatives, commonly known as ballot harvesting. The Arizona Legislature passed the law in 2016, with exceptions for family, caregivers, mail carriers, and election officials.

In 2015, the City of Phoenix warned of reports of unauthorized individuals claiming to be City officials going door-to-door to collect early ballots.

In 2005, the bipartisan Commission on Federal Election Reform, chaired by former President Jimmy Carter and former Secretary of State James Baker, recognized that "absentee ballots remain the largest source of potential voter fraud." The Carter-Baker Commission recommended that states prohibit third-parties from handling absentee ballots, except for family members, the post office, or election officials.

The DNC claims Arizona's restrictions on ballot harvesting and out-of-precinct voting are a product of intentional discrimination and that they violate Section 2 of the Voting Rights Act, however, even the Biden Justice Department disputed that claim in a recent SCOTUS filing.

###

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## Lumpp, Rachelle

---

**From:** Lumpp, Rachelle  
**Sent:** Monday, March 01, 2021 10:15 AM  
**To:** Isaak, Jason; Diaz, Bethany  
**Cc:** Anderson, Ryan  
**Subject:** RE: Constituent EIU Response FINAL - JK approved

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

**Categories:** Green category

I talked to Jen, she is going to send us the emails she received and we can send the letter from Jen to the constituents. Bethany, if you want to send the emails you have to me, I don't mind sending the response – or I can share the ones I have w/you if you prefer to send them.

Thanks!

---

**From:** Isaak, Jason  
**Sent:** Monday, March 01, 2021 9:34 AM  
**To:** Diaz, Bethany; Lumpp, Rachelle  
**Cc:** Anderson, Ryan  
**Subject:** Constituent EIU Response FINAL - JK approved

Bethany and Rachelle -

This is the final response letter edited by the team and approved by Joe K. I know Rachelle has some of these that came directly to Mark's email. Not sure if we have others, but I'm not sure how to coordinate this with Jennifer since it will be coming from her.

Let me know if I need or can do anything.

Thanks,  
Jason

PS – here's the sample email this responds to:

Attorney General Mark Brnovich,

I voted for you, and I expect you to DO SOMETHING FOR the PEOPLE! We know the AG Elections Integrity Unit received over 2,000 complaints early in Nov., right after the election, and a report was filed on fraudulent ballots flown into Phoenix Sky Harbor Airport and taken to Maricopa County Tabulation Center which was corroborated with affidavits, and video and audio evidence. Considering this, the thousands of complaints and affidavits, and the statistical data, what have you done about it, Mr. Brnovich? Have you even looked at the wild statistical data, sir? How do you explain it? We are ASKING YOU NICELY.

It's my understanding Jennifer Wright wanted to pursue an investigation and you shut it down. You've led the Legislature on a wild goose chase, bouncing them back and forth with the courts, debating on authority and enforcement of subpoenas JUST WASTING OUR PRECIOUS TIME. How convenient that we weren't able to get an audit before the safe harbor rule, and now the machines have been tampered with. WE ARE LIVID!

Not a phony audit like the last few, a forensic audit of the ballots using kinematic artifact technology, which can verify a minimum of 20 validation points on every ballot. This technology is presently utilized to identify counterfeit currency, bank notes, bonds, stocks, passports, etc. AUDITING VALUABLE THINGS, LIKE OUR VOTE! This is the real audit the Senate would ensure, BECAUSE TGE PEOPLE HAVE DEMANDED IT.

We left you alone mostly, but will not REST until our VOTES and ELECETIONS completely and competently handled! We're not good with a baloney audit like currently underway by the Board of Supervisors. WHY ARE THEY TOUCHING OUR VOTING MATERIAL!?

Please wake up. People understand what is going on. We know about the differences in audits, we know about HL8230 plane and Scott Koch, we know about the tampering with the machines, we know about the Board wasting our time and we know how to get your ass out of office! I am a friend of a Governor Jan Brewer and her son who worked as an atty in YOUR OFFICE so I take this personally.

Until we know our votes count, we are all just kind of willy nilly with no LAW & ORDER. That whole board should be DOING TIME. You are not to be trusted, Mr.AG. Your "Elections Integrity Unit" received \$500K AND WE WANT OUR —ING MONEY BACK.

Not just "TAKING IT" anymore. This is our new job... BABYSITTING OUR ELECTED OFFICIALS.

## Lumpp, Rachelle

---

**From:** Isaak, Jason  
**Sent:** Monday, February 22, 2021 5:16 PM  
**To:** Kanefield, Joe  
**Subject:** EIU letter

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

**Categories:** Green category

Joe –

I'll round up with everyone in the AM to get final edits – Angie is already gone...Rick is relooking at it.

We should have both letters ready to get final approval tomorrow AM .

Jason

## Lumpp, Rachelle

---

**From:** Isaak, Jason  
**Sent:** Friday, February 19, 2021 10:48 AM  
**To:** Kanefield, Joe  
**Subject:** Jennifer letter re: EIU

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

**Categories:** Green category

Joe –

I don't see it in my inbox. If she sent you a draft, please forward to me.

Thanks,  
Jason

## Lumpp, Rachelle

---

**From:** Moan, Christina  
**Sent:** Friday, February 19, 2021 8:23 AM  
**To:** Lumpp, Rachelle  
**Subject:** RE: EIU spreadsheet update.

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

**Categories:** Green category

No problem. Just wanted to update Todd at the meeting today. Have a great Friday.

---

**From:** Lumpp, Rachelle  
**Sent:** Friday, February 19, 2021 8:12 AM  
**To:** Moan, Christina  
**Subject:** Re: EIU spreadsheet update.

I'm still working on it. There are around 3000 complaints I had to organize into categories and input.

Sent from my iPhone

On Feb 19, 2021, at 7:23 AM, Moan, Christina <[Christina.Moan@azag.gov](mailto:Christina.Moan@azag.gov)> wrote:

I have a meeting with Todd today at 2pm. When your spreadsheet is complete, he wanted to make see if the cases he has on his spreadsheet are on your spreadsheet. I would like to update him on when and if I will be able to look at your spreadsheet..

Thanks

---

**From:** Lumpp, Rachelle  
**Sent:** Thursday, February 11, 2021 3:47 PM  
**To:** Moan, Christina  
**Subject:** RE: Voter Fraud Cases. . .

It's just for logging all the election complaints that came into EIU.

I have separated them by complaint category: sharpie; dominion voting machines, absentee ballots, requests for audit etc.

---

**From:** Moan, Christina  
**Sent:** Thursday, February 11, 2021 3:46 PM  
**To:** Lumpp, Rachelle  
**Subject:** RE: Voter Fraud Cases. . .

Is it for active cases or also closed cases or both. What are the fields in your spreadsheet.

---

**From:** Lumppp, Rachelle  
**Sent:** Thursday, February 11, 2021 3:38 PM  
**To:** Moan, Christina  
**Subject:** RE: Voter Fraud Cases. . .

My spreadsheet isn't voter fraud cases – it's election complaints.

---

**From:** Moan, Christina  
**Sent:** Thursday, February 11, 2021 3:37 PM  
**To:** Lumppp, Rachelle  
**Subject:** Voter Fraud Cases. . .

Can you share your voter fraud spreadsheet with me and/or Todd Lawson ? Todd Lawson has a spreadsheet (HB# 8693626). I was hoping that we are not duplicating work.

Thanks

## Lumpp, Rachelle

---

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**Sent:** Friday, February 19, 2021 8:12 AM  
**To:** Moan, Christina  
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**Follow Up Flag:** Follow up  
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**Categories:** Green category

I have a meeting with Todd today at 2pm. When your spreadsheet is complete, he wanted to make see if the cases he has on his spreadsheet are on your spreadsheet. I would like to update him on when and if I will be able to look at your spreadsheet..

Thanks

---

**From:** Lumpp, Rachelle  
**Sent:** Thursday, February 11, 2021 3:47 PM  
**To:** Moan, Christina  
**Subject:** RE: Voter Fraud Cases. . .

It's just for logging all the election complaints that came into EIU.

I have separated them by complaint category: sharpie; dominion voting machines, absentee ballots, requests for audit etc.

---

**From:** Moan, Christina  
**Sent:** Thursday, February 11, 2021 3:46 PM  
**To:** Lumpp, Rachelle  
**Subject:** RE: Voter Fraud Cases. . .

Is it for active cases or also closed cases or both. What are the fields in your spreadsheet.

---

**From:** Lumpp, Rachelle  
**Sent:** Thursday, February 11, 2021 3:38 PM  
**To:** Moan, Christina  
**Subject:** RE: Voter Fraud Cases. . .

My spreadsheet isn't voter fraud cases – it's election complaints.

---

**From:** Moan, Christina  
**Sent:** Thursday, February 11, 2021 3:37 PM  
**To:** Lumpp, Rachelle  
**Subject:** Voter Fraud Cases. . .

Can you share your voter fraud spreadsheet with me and/or Todd Lawson ? Todd Lawson has a spreadsheet (HB# 8693626). I was hoping that we are not duplicating work.

Thanks

## Lumpp, Rachelle

---

**From:** Lumpp, Rachelle  
**Sent:** Thursday, February 11, 2021 3:47 PM  
**To:** Moan, Christina  
**Subject:** RE: Voter Fraud Cases. . .

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

**Categories:** Green category

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I have separated them by complaint category: sharpie; dominion voting machines, absentee ballots, requests for audit etc.

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**To:** Lumpp, Rachelle  
**Subject:** RE: Voter Fraud Cases. . .

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Thanks

## Lumpp, Rachelle

---

**From:** Madsen, Annalisa  
**Sent:** Monday, February 08, 2021 10:13 AM  
**To:** Brnovich, Mark  
**Subject:** Thank You

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

**Categories:** Green category

Attorney General Brnovich,

Thank you for the kindly-worded letter and generous Meritorious Leave acknowledging my work on the Election Integrity Unit. They were both a huge surprise and very much appreciated.

Regards,

Annalisa Madsen, CFCI, CECFE  
Special Agent



---

Office of the Attorney General  
Special Investigations Section - Major Fraud Unit 1  
2005 N. Central Ave., Phoenix, AZ 85004  
Desk: 602.542.4975 Fax: 602.542.4882  
<https://fileshare.azag.gov/filedrop/~pYF4lk>

LAW ENFORCEMENT SENSITIVE NOTICE: This message is intended exclusively for the individual or entity to which it is addressed. This communication may contain information that is law enforcement sensitive, for official use only, sensitive but unclassified, proprietary, privileged, and may be legally protected or otherwise exempt from disclosure. If you are not the intended recipient, you are hereby notified that any disclosure, dissemination, copying or distribution of this transmission is strictly prohibited. If you have received this message in error, please notify the sender immediately by email and immediately delete this message and all of its attachments.

## Lumpp, Rachele

---

**From:** Kredit, Joshua  
**Sent:** Thursday, January 28, 2021 1:48 PM  
**To:** Kanefield, Joe; Roysden, Beau; Wright, Jennifer  
**Cc:** Lefevre, Edith; Anderson, Ryan  
**Subject:** Townsend bill to transfer EIU to auditor general

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

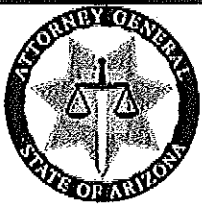
**Categories:** Green category

<https://www.azleg.gov/legtext/55leg/1R/bills/SB1427P.pdf>

Referred to Senate Government

Josh Kredit  
Deputy Attorney General for Law & Policy

---



Attorney General Mark Brnovich  
2005 N. Central Ave  
Phoenix, AZ 85004  
Direct: 602-542-3454  
Cell: 602-339-2082  
[Joshua.Kredit@azag.gov](mailto:Joshua.Kredit@azag.gov)

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## Lumpp, Rachelle

---

**From:** Lumpp, Rachelle  
**Sent:** Wednesday, January 27, 2021 2:32 PM  
**To:** Moan, Christina  
**Subject:** RE: PRR2020-2200 -166 FW: NBC News Vote Watch Request: AZ: Vote Fraud / Vote Disenfranchisement #s

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

**Categories:** Green category

The spreadsheet I'm working on is strictly for any complaints that have come in through EIU. It does not differentiate between complaints and investigations or convictions.

---

**From:** Moan, Christina  
**Sent:** Wednesday, January 27, 2021 2:10 PM  
**To:** Lumpp, Rachelle  
**Subject:** RE: PRR2020-2200 -166 FW: NBC News Vote Watch Request: AZ: Vote Fraud / Vote Disenfranchisement #s

Is this spreadsheet for criminal election cases or for the civil ones also?

---

**From:** Lumpp, Rachelle  
**Sent:** Tuesday, January 26, 2021 5:04 PM  
**To:** Moan, Christina  
**Subject:** RE: PRR2020-2200 -166 FW: NBC News Vote Watch Request: AZ: Vote Fraud / Vote Disenfranchisement #s

It's new

---

**From:** Moan, Christina  
**Sent:** Tuesday, January 26, 2021 4:36 PM  
**To:** Lumpp, Rachelle  
**Subject:** RE: PRR2020-2200 -166 FW: NBC News Vote Watch Request: AZ: Vote Fraud / Vote Disenfranchisement #s

Is this a new spreadsheet or an addition to the one Todd created?

---

**From:** Lumpp, Rachelle  
**Sent:** Tuesday, January 26, 2021 4:18 PM  
**To:** Moan, Christina; Rodriguez, Lisa  
**Subject:** RE: PRR2020-2200 -166 FW: NBC News Vote Watch Request: AZ: Vote Fraud / Vote Disenfranchisement #s

Thanks Christina,  
I am working on preparing the voter spreadsheet. I have reviewed and categorized all of the election complaints received from the inception of EIU through November 3, 2020. I will be reviewing the post-election complaints later this week. Once I complete that review, I will be able to prepare the spreadsheet.

---

**From:** Moan, Christina  
**Sent:** Tuesday, January 26, 2021 3:53 PM

**To:** Rodriguez, Lisa; Lumpp, Rachelle

**Subject:** RE: PRR2020-2200 -166 FW: NBC News Vote Watch Request: AZ: Vote Fraud / Vote Disenfranchisement #s

I just had a meeting with Todd Lawson on this PRR. This is the request where we had a meeting which resulted that the request could not be completed until a spreadsheet was created to keep better track of voter fraud cases. You were going to ask the requestor for a 6-8 month extension. Not sure what date of the meeting and therefore not sure if we already are at the 6-8 month extension date. Todd is setting up meetings for the spreadsheet but the information in this request is still not available. Todd wanted me to ask you if you communicated to the requestor to resubmit in 6-8 months if that means the request is closed and will reopen when the request is resubmitted or goes it stay open until we have the number of voter fraud cases they requested?

---

**From:** Rodriguez, Lisa

**Sent:** Monday, January 25, 2021 3:04 PM

**To:** Lumpp, Rachelle

**Cc:** Moan, Christina; Rodriguez, Lisa

**Subject:** RE: PRR2020-2200 -166 FW: NBC News Vote Watch Request: AZ: Vote Fraud / Vote Disenfranchisement #s

I believe Christina is working on this one.

---

**From:** Lumpp, Rachelle

**Sent:** Monday, January 25, 2021 2:51 PM

**To:** Rodriguez, Lisa

**Subject:** FW: PRR2020-2200 -166 FW: NBC News Vote Watch Request: AZ: Vote Fraud / Vote Disenfranchisement #s

Any update on this one?

---

**From:** Lumpp, Rachelle

**Sent:** Thursday, September 24, 2020 3:49 PM

**To:** Rodriguez, Lisa

**Subject:** FW: PRR2020-2200 -166 FW: NBC News Vote Watch Request: AZ: Vote Fraud / Vote Disenfranchisement #s

Pls let me know about this one too. Thx!

---

**From:** Rodriguez, Lisa

**Sent:** Tuesday, August 25, 2020 10:00 AM

**To:** Lumpp, Rachelle

**Cc:** Rodriguez, Lisa; Martinez, Gilda

**Subject:** RE: PRR2020-2200 -166 FW: NBC News Vote Watch Request: AZ: Vote Fraud / Vote Disenfranchisement #s

No. we need to make this a priority. PRR's are next on my list.

Gilda – There are several elections PRRs that we need to revisit. Let's try to do this week! Lisa

---

**From:** Lumpp, Rachelle

**Sent:** Tuesday, August 25, 2020 8:07 AM

**To:** Rodriguez, Lisa

**Subject:** FW: PRR2020-2200 -166 FW: NBC News Vote Watch Request: AZ: Vote Fraud / Vote Disenfranchisement #s

Any update on this one?

---

**From:** Lumpp, Rachelle

**Sent:** Wednesday, July 08, 2020 9:19 AM

**To:** Rodriguez, Lisa



**Cc:** Ahler, Paul

**Subject:** PRR2020-2200 -166 FW: NBC News Vote Watch Request: AZ: Vote Fraud / Vote Disenfranchisement #s

Lisa,

I attached a copy of the information we already have, so no need to provide that portion again. Also sending to ACL.  
Thanks!

---

**From:** Tellez, Anthony (NBCUniversal) [mailto:Anthony.Tellez@nbcuni.com]

**Sent:** Friday, June 19, 2020 8:36 AM

**To:** Conner, Katie

**Cc:** Gardella, Rich (NBCUniversal)

**Subject:** RE: NBC News Vote Watch Request: AZ: Vote Fraud / Vote Disenfranchisement #s

Hi Katie,

Please see email with NBC News Vote Watch request and questions below.

I will call to follow up in the coming days.

Thank you for your time and consideration,

**Anthony Tellez**

**NBC News/MSNBC Election Vote Watch 2020**

NBC News Washington Bureau

(917)-455-7863

[Anthony.tellez@nbcuni.com](mailto:Anthony.tellez@nbcuni.com)



**From:** Gardella, Rich (NBCUniversal)

**Sent:** Wednesday, June 17, 2020 1:25 PM

**To:** Gardella, Rich (NBCUniversal) ([Rich.Gardella@nbcuni.com](mailto:Rich.Gardella@nbcuni.com)) <[Rich.Gardella@nbcuni.com](mailto:Rich.Gardella@nbcuni.com)>

**Subject:** NBC News Vote Watch Request: [xx]: Vote Fraud / Vote Disenfranchisement #s EMAIL

[TO STATE ATTORNEYS GENERAL, SECRETARIES OF STATE, STATE BOARDS OF ELECTION:]

Thank you for all your efforts to administer and to help protect elections during this time of political polarization and of the coronavirus pandemic.

We apologize for adding to your workloads with this request.

**\* If you are not the appropriate entity in your government's administration to provide responses to the below, please forward this request to the appropriate entity in your government's administration. \***

NBC News/MSNBC Vote Watch is contacting Offices of Attorneys General and Secretaries of State/state election administrators to gather direct information on the following questions:

**1) What is accurate language to describe the prevalence of vote fraud involving U.S. election voting – and in absentee ballot / vote-by-mail election voting?**

2) What is accurate language to describe the prevalence of vote disenfranchisement (intentional or accidental) involving U.S. election voting – and in U.S. absentee ballot / vote-by-mail election voting?

Determining answers to those questions must begin with the gathering of facts.

Towards that end, NBC News/MSNBC Vote Watch requests that you reply to the questions above and below in the coming weeks.

### Vote Fraud

3a) How many reports/complaints of vote fraud involving U.S. election voting has your state received from the beginning of 2016 through now?

3b) How many reports/complaints of vote fraud involving U.S. absentee ballot / vote-by-mail election voting has your state received from the beginning of 2016 through now?

4a) How many cases of possible vote fraud involving U.S. election voting has your state investigated from the beginning of 2016 through now?

4b) How many cases of possible vote fraud involving U.S. absentee ballot / vote-by-mail election voting has your state investigated from the beginning of 2016 through now?

5a) How many cases of charged vote fraud involving U.S. election voting has your state prosecuted from the beginning of 2016 through now?

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### Vote Disenfranchisement

7a) How many reports/complaints of vote disenfranchisement involving U.S. election voting has your state received from the beginning of 2016 through now?

7b) How many reports/complaints of vote disenfranchisement involving U.S. absentee ballot / vote-by-mail election voting has your state received from the beginning of 2016 through now?

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#### Additional Request

11) Please provide contact information for the individual(s) and office(s) that investigate each/all the above in your state/commonwealth/district/territory.

Our Vote Watch team members will follow up with you by email and phone in the coming days – until this project is as completed as possible.

We very much appreciate your responses.

Rich Gardella  
Editorial Coordinating Producer  
NBC News/MSNBC Election Vote Watch 2020  
Off-Air Investigative Reporter/Producer  
NBC News Investigative Unit  
NBC News Washington Bureau  
202.885.4655 (Direct) 202.445.3826 (Cell)  
[rich.gardella@nbcuni.com](mailto:rich.gardella@nbcuni.com)



## Lumpp, Rachelle

---

**From:** Lumpp, Rachelle  
**Sent:** Tuesday, January 26, 2021 4:18 PM  
**To:** Moan, Christina; Rodriguez, Lisa  
**Subject:** RE: PRR2020-2200 -166 FW: NBC News Vote Watch Request: AZ: Vote Fraud / Vote Disenfranchisement #s

**Follow Up Flag:** Follow up  
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Thanks Christina,

I am working on preparing the voter spreadsheet. I have reviewed and categorized all of the election complaints received from the inception of EIU through November 3, 2020. I will be reviewing the post-election complaints later this week. Once I complete that review, I will be able to prepare the spreadsheet.

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Any update on this one?

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**Cc:** Rodriguez, Lisa; Martinez, Gilda  
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**Sent:** Friday, June 19, 2020 8:36 AM  
**To:** Conner, Katie  
**Cc:** Gardella, Rich (NBCUniversal)  
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Anthony Tellez  
NBC News/MSNBC Election Vote Watch 2020  
NBC News Washington Bureau  
(917)-455-7863  
[Anthony.tellez@nbcuni.com](mailto:Anthony.tellez@nbcuni.com)

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Our Vote Watch team members will follow up with you by email and phone in the coming days – until this project is as completed as possible.

We very much appreciate your responses.

**Rich Gardella**  
**Editorial Coordinating Producer**  
**NBC News/MSNBC Election Vote Watch 2020**  
Off-Air Investigative Reporter/Producer  
NBC News Investigative Unit  
NBC News Washington Bureau  
202.885.4655 (Direct) 202.445.3826 (Cell)  
[rich.gardella@nbcuni.com](mailto:rich.gardella@nbcuni.com)





## Lumpp, Rachelle

---

**From:** Kanefield, Joe  
**Sent:** Tuesday, January 19, 2021 4:00 PM  
**To:** Kredit, Joshua; Anderson, Ryan  
**Cc:** Lefevre, Edith  
**Subject:** RE: attorney general; voter fraud; subpoenas

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

**Categories:** Green category

This bill references our "voter fraud unit". Is that the language used in the session law creating the EIU? If so, if this bill moves forward, I think the language creating the voter fraud unit needs to be codified.

Joseph Kanefield  
Chief Deputy & Chief of Staff

---



Attorney General Mark Brnovich  
Desk: 602-542-8080  
[Joe.Kanefield@azag.gov](mailto:Joe.Kanefield@azag.gov)  
<http://www.azag.gov>

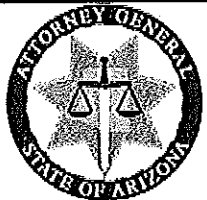
---

**From:** Kredit, Joshua  
**Sent:** Tuesday, January 19, 2021 3:58 PM  
**To:** Kanefield, Joe; Anderson, Ryan  
**Cc:** Lefevre, Edith  
**Subject:** attorney general; voter fraud; subpoenas

<https://www.azleg.gov/legtext/55leg/1R/bills/HB2357P.pdf>

Josh Kredit  
Deputy Attorney General for Law & Policy

---



Attorney General Mark Brnovich  
2005 N. Central Ave  
Phoenix, AZ 85004  
Direct: 602-542-3454  
Cell: 602-339-2082  
[Joshua.Kredit@azag.gov](mailto:Joshua.Kredit@azag.gov)

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## Lumpp, Rachelle

---

**From:** Lumpp, Rachelle  
**Sent:** Wednesday, January 13, 2021 1:18 PM  
**To:** 'Resnik, Brahm'  
**Cc:** Conner, Katie; Anderson, Ryan  
**Subject:** RE: Public Records Request

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

**Categories:** Green category

Brahm,

I am working on the EIU complaints. There were approximately 3,000 emails that came into that account between the inception of the EIU and December 11. Each email must first be reviewed (not every email was an actual complaint), categorized (so that we can create a spreadsheet categorizing the complaints for pending requests), and then properly redacted. This will take some time. We are diligently working on getting this completed as soon as practicable.

Thank you.

---

**From:** Resnik, Brahm [<mailto:bresnik@12NEWS.COM>]  
**Sent:** Monday, January 04, 2021 10:36 AM  
**To:** Lumpp, Rachelle  
**Subject:** RE: Public Records Request

Good morning and happy new year!  
I'm following up on this records request sent more than two months ago.  
Did I miss a response or is it still being processed?  
Best,  
Brahm

**From:** Resnik, Brahm <[bresnik@12NEWS.COM](mailto:bresnik@12NEWS.COM)>  
**Sent:** Friday, October 16, 2020 12:08 PM  
**To:** Lumpp, Rachelle <[Rachelle.Lumpp@azag.gov](mailto:Rachelle.Lumpp@azag.gov)>  
**Subject:** Re: Public Records Request

Since June 30. Thank you!

---

**From:** Lumpp, Rachelle <[Rachelle.Lumpp@azag.gov](mailto:Rachelle.Lumpp@azag.gov)>  
**Sent:** Friday, October 16, 2020 12:05 PM  
**To:** Resnik, Brahm <[bresnik@12NEWS.COM](mailto:bresnik@12NEWS.COM)>  
**Subject:** Public Records Request

**CAUTION - EXTERNAL EMAIL** - Please use caution opening attachments and never share your password.  
Send suspicious email to [infosec@tegna.com](mailto:infosec@tegna.com).

Brahm,  
Please let me know what time frame you are seeking EIU complaints for.

Thanks!

Rachelle Lumpp  
Executive Assistant to the Attorney General  
Executive Assistant to the Director of Communications  
Office of the Arizona Attorney General  
2005 N. Central Avenue  
Phoenix, AZ 85004  
602-542-8351 Office  
[rachelle.lumpp@azag.gov](mailto:rachelle.lumpp@azag.gov)



## Lumpp, Rachele

---

**From:** Kanefield, Joe  
**Sent:** Monday, January 04, 2021 1:34 PM  
**To:** Johnson, John  
**Subject:** Re: where are you guys with this

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

**Categories:** Green category

Yes. Thanks John!

Sent from my iPad

On Jan 4, 2021, at 1:28 PM, Johnson, John <[John.Johnson@azag.gov](mailto:John.Johnson@azag.gov)> wrote:

Hello Mr. Kanefield,

I have been advised that we were not involved in this investigation. Is it OK to let Katie know? Please let me know. Thanks.

John

John Johnson  
Division Chief Counsel  
Office of the Attorney General Mark Brnovich  
Criminal Division  
2005 N. Central Ave.  
Phoenix, AZ 85004  
Phone: 602-542-8482  
[John.Johnson@azag.gov](mailto:John.Johnson@azag.gov)

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---

**From:** Conner, Katie <[Katie.Conner@azag.gov](mailto:Katie.Conner@azag.gov)>  
**Sent:** Monday, January 4, 2021 9:02:04 AM  
**To:** Kanefield, Joe <[Joe.Kanefield@azag.gov](mailto:Joe.Kanefield@azag.gov)>; Johnson, John <[John.Johnson@azag.gov](mailto:John.Johnson@azag.gov)>; Gadow, Blaine <[Blaine.Gadow@azag.gov](mailto:Blaine.Gadow@azag.gov)>  
**Cc:** Anderson, Ryan <[Ryan.Anderson@azag.gov](mailto:Ryan.Anderson@azag.gov)>  
**Subject:** FW: where are you guys with this

Good morning,

This reporter is asking about a search warrant served at a Fountain Hills home in November for alleged stolen voter information. The AZ Central article I read said the FBI was handling. I was going to send the reporter over there but wanted to make sure we weren't involved. Thank you!

---

**From:** Terri Jo Neff [[mailto:cjw\\_media@yahoo.com](mailto:cjw_media@yahoo.com)]

**Sent:** Thursday, December 31, 2020 5:06 PM

**To:** Conner, Katie; Anderson, Ryan

**Subject:** where are you guys with this

- 1) Is your Election Integrity Unit involved
- 2) If not, is any part of your office involved in the investigation?
- 3) and if either 1 or 2, what's the status?

On the morning of November 5, as the 2020 election hung in the balance, Arizona federal agents raided a two-story house in Fountain Hills, Maricopa County, a county that had become a key battleground in the presidential race. The agents were looking for evidence of a cyberattack on an unnamed organization and stolen voter data. They left with eight hard drives, three computers and a bag of USB sticks. The resident of the property, a 56-year-old IT expert named Elliot Kerwin, was served the warrant. He is not yet facing charges and was unreachable for comment at the time of publication. There is no indication that anything other than voters' information, which can be acquired for a few hundred dollars in Arizona counties, was taken from the affected office.

**Terri Jo Neff**  
520-508-3660

<https://arizonadailyindependent.com/author/terrijoneffadi/>

## Lumpp, Rachelle

---

**From:** Johnson, John  
**Sent:** Monday, January 04, 2021 1:29 PM  
**To:** Kanefield, Joe  
**Subject:** Fwd: where are you guys with this

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

**Categories:** Green category

Hello Mr. Kanefield,

I have been advised that we were not involved in this investigation. Is it OK to let Katie know? Please let me know. Thanks.

John

John Johnson  
Division Chief Counsel  
Office of the Attorney General Mark Brnovich  
Criminal Division  
2005 N. Central Ave.  
Phoenix, AZ 85004  
Phone: 602-542-8482  
[John.Johnson@azag.gov](mailto:John.Johnson@azag.gov)

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**From:** Conner, Katie <[Katie.Conner@azag.gov](mailto:Katie.Conner@azag.gov)>  
**Sent:** Monday, January 4, 2021 9:02:04 AM  
**To:** Kanefield, Joe <[Joe.Kanefield@azag.gov](mailto:Joe.Kanefield@azag.gov)>; Johnson, John <[John.Johnson@azag.gov](mailto:John.Johnson@azag.gov)>; Gadow, Blaine <[Blaine.Gadow@azag.gov](mailto:Blaine.Gadow@azag.gov)>  
**Cc:** Anderson, Ryan <[Ryan.Anderson@azag.gov](mailto:Ryan.Anderson@azag.gov)>  
**Subject:** FW: where are you guys with this

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---

**From:** Terri Jo Neff [[mailto:cjw\\_media@yahoo.com](mailto:cjw_media@yahoo.com)]  
**Sent:** Thursday, December 31, 2020 5:06 PM  
**To:** Conner, Katie; Anderson, Ryan  
**Subject:** where are you guys with this

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- 2) If not, is any part of your office involved in the investigation?
- 3) and if either 1 or 2, what's the status?

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**Terri Jo Neff**  
520-508-3660

<https://arizonadailyindependent.com/author/terrijoneffadi/>

## Lumpp, Rachelle

---

**From:** Resnik, Brahm <bresnik@12NEWS.COM>  
**Sent:** Monday, January 04, 2021 10:36 AM  
**To:** Lumpp, Rachelle  
**Subject:** RE: Public Records Request

**Categories:** Green category

Good morning and happy new year!  
I'm following up on this records request sent more than two months ago.  
Did I miss a response or is it still being processed?  
Best,  
Brahm

**From:** Resnik, Brahm <bresnik@12NEWS.COM>  
**Sent:** Friday, October 16, 2020 12:08 PM  
**To:** Lumpp, Rachelle <Rachelle.Lumpp@azag.gov>  
**Subject:** Re: Public Records Request

Since June 30. Thank you!

**From:** Lumpp, Rachelle <Rachelle.Lumpp@azag.gov>  
**Sent:** Friday, October 16, 2020 12:05 PM  
**To:** Resnik, Brahm <bresnik@12NEWS.COM>  
**Subject:** Public Records Request

**CAUTION - EXTERNAL EMAIL - Please use caution opening attachments and never share your password.**  
Send suspicious email to [infosec@tegna.com](mailto:infosec@tegna.com).

Brahm,  
Please let me know what time frame you are seeking EIU complaints for.  
Thanks!

Rachelle Lumpp  
Executive Assistant to the Attorney General  
Executive Assistant to the Director of Communications  
Office of the Arizona Attorney General  
2005 N. Central Avenue  
Phoenix, AZ 85004  
602-542-8351 Office  
[rachelle.lumpp@azag.gov](mailto:rachelle.lumpp@azag.gov)





## Lumpp, Rachelle

---

**From:** Conner, Katie  
**Sent:** Monday, January 04, 2021 9:02 AM  
**To:** Kanefield, Joe; Johnson, John; Gadow, Blaine  
**Cc:** Anderson, Ryan  
**Subject:** FW: where are you guys with this

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

**Categories:** Green category

Good morning,

This reporter is asking about a search warrant served at a Fountain Hills home in November for alleged stolen voter information. The AZ Central article I read said the FBI was handling. I was going to send the reporter over there but wanted to make sure we weren't involved. Thank you!

---

**From:** Terri Jo Neff [[mailto:cjw\\_media@yahoo.com](mailto:cjw_media@yahoo.com)]  
**Sent:** Thursday, December 31, 2020 5:06 PM  
**To:** Conner, Katie; Anderson, Ryan  
**Subject:** where are you guys with this

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- 2) If not, is any part of your office involved in the investigation?
- 3) and if either 1 or 2, what's the status?

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**Terri Jo Neff**  
520-508-3660

<https://arizonadailyindependent.com/author/terrijoneffadi/>

## Lumpp, Rachelle

---

**From:** Conner, Katie  
**Sent:** Monday, December 28, 2020 9:47 AM  
**To:** 'Griselda Zetino'  
**Subject:** RE: Two Individuals Accused of Ballot Harvesting

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

**Categories:** Green category

Good morning Griselda,  
I hope you are doing well!  
I apologize but we can't comment any further on the ballot harvesting case than the press release at this time.

I can check to see if we have anything else brewing this week or upcoming plans for the New Year. We might put out a press release about those annoying third-party robocalls trying to sell people an extended car warranty. If this interests you, just let me know!

---

**From:** Griselda Zetino [mailto:gzetino@ktar.com]  
**Sent:** Monday, December 28, 2020 9:21 AM  
**To:** Conner, Katie  
**Subject:** RE: Two Individuals Accused of Ballot Harvesting

Good morning Katie,

I hope you had a wonderful Christmas. I'm reaching out to see if Mr. Brnovich is available for a phone or Zoom (preferred) interview on this today. We could also take this time to discuss any plans or things that his office has coming up for the new year.

Please let me know if we can make this happen today.

Thank you!

**GRISELDA ZETINO**  
News Reporter



[gzetino@ktar.com](mailto:gzetino@ktar.com)

Newsroom: 602-263-5556

Work Cell: 480-521-5758

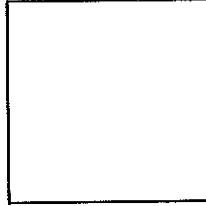
Personal Cell: 480-255-1324

Follow me on Twitter: @GriseldaZetino

**From:** Attorney General Mark Brnovich [mailto:katie.conner@azag.gov]  
**Sent:** Wednesday, December 23, 2020 2:44 PM

To: Griselda Zetino  
Subject: Two Individuals Accused of Ballot Harvesting

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**For Immediate Release: December 23, 2020**

**Contact: Katie Conner (602) 339-5895 or [Katie.Conner@azag.gov](mailto:Katie.Conner@azag.gov)**

## **Two Individuals Accused of Ballot Harvesting in Yuma County**

**YUMA** - Attorney General Mark Brnovich announced that a State Grand Jury indicted Guillermina Fuentes and Alma Juarez, both of San Luis, Arizona, for 1 count each of Ballot Abuse, also known as "ballot harvesting."

The indictment alleges that during the August 2020 Primary Election, Fuentes and Juarez knowingly collected four voted ballots from another person, in violation of Arizona law. The early ballots were deposited into a ballot box on Election Day, and were processed and counted by the Yuma County Recorder during the election. Arizona law only provides for a family member, household member, or caregiver of the voter to collect voted or unvoted early ballots from another person.

Ballot abuse under Arizona law is a class 6 felony and each defendant faces up to two years in prison and a \$150,000 fine.

This investigation was conducted by the Arizona Attorney General's Office Special Investigations Section, Election Integrity Unit, Special Agent Bill Knuth.

Assistant Attorney General Todd Lawson is prosecuting this case.

All defendants are presumed innocent until proven guilty in a court of law.

No booking photographs are available.

Copy of filing [here](#).

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## Lumpp, Rachelle

---

**From:** Conner, Katie <Katie.Conner@azag.gov>  
**Sent:** Wednesday, December 23, 2020 3:59 PM  
**To:** Terri Jo Neff  
**Cc:** Anderson, Ryan; Loretta Hunnicutt  
**Subject:** Re: [Test] Two Individuals Accused of Ballot Harvesting

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

**Categories:** Green category

Hi Terri Jo,  
I apologize but we cannot comment further than the indictment and press release at this time.  
Thank you,  
Katie

Sent from my iPhone

On Dec 23, 2020, at 2:06 PM, Terri Jo Neff wrote:

Hey guys---

1) Are you meaning they obtained these 4 voted ballots from 1 specific other person, or that they obtained voted ballots from 4 different voters?

2) Did your investigation determine if these two women engaged in ballot harvesting on behalf of an organization? Or for pecuniary benefit?

3) Also was there any determination of whether the 2 women had some relationship with the voters, even if that relationship did not satisfy the statute?

4) Are they being summoned on the indictment or were taken into custody?

Thanks!!!!

**Terri Jo Neff**  
520-508-3660

<https://arizonadailyindependent.com/author/terrijoneffadi/>

On Wednesday, December 23, 2020, 1:40:39 PM MST, Conner, Katie wrote:

Hi Terri Jo,

Please see the press release below. We are planning to send out around 2:15 PM today. Thank you!

---

**From:** Attorney General Mark Brnovich [<mailto:katie.conner@azag.gov>]  
**Sent:** Wednesday, December 23, 2020 1:05 PM  
**To:** Conner, Katie  
**Subject:** [Test] Two Individuals Accused of Ballot Harvesting

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**For Immediate Release:** December 23, 2020

**Contact:** Katie Conner (602) 339-5895 or [Katie.Conner@azag.gov](mailto:Katie.Conner@azag.gov)

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Ballot abuse under Arizona law is a class 6 felony and each defendant faces up to two years in prison and a \$150,000 fine.

This investigation was conducted by the Arizona Attorney General’s Office Special Investigations Section, Election Integrity Unit, Special Agent Bill Knuth.

Assistant Attorney General Todd Lawson is prosecuting this case.

All defendants are presumed innocent until proven guilty in a court of law.

No booking photographs are available.

Copy of indictment.

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## Lumpp, Rachelle

---

**From:** Attorney General Mark Brnovich <katie.conner@azag.gov>  
**Sent:** Wednesday, December 23, 2020 2:44 PM  
**To:** Lumpp, Rachelle  
**Subject:** Two Individuals Accused of Ballot Harvesting

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

**Categories:** Green category

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**For Immediate Release:** December 23, 2020

**Contact:** Katie Conner (602) 339-5895 or [Katie.Conner@azag.gov](mailto:Katie.Conner@azag.gov)

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## Lumpp, Rachelle

---

**From:** Attorney General Mark Brnovich <katie.conner@azag.gov>  
**Sent:** Wednesday, December 23, 2020 2:44 PM  
**To:** Mejia, Catherine  
**Subject:** Two Individuals Accused of Ballot Harvesting

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

**Categories:** Green category

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**For Immediate Release:** December 23, 2020

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## Lumpp, Rachelle

---

**From:** Conner, Katie  
**Sent:** Wednesday, December 23, 2020 1:41 PM  
**To:** 'editor@arizonadailyindependent.com'; Terri Jo Neff (cjw\_media@yahoo.com)  
**Cc:** Anderson, Ryan  
**Subject:** FW: [Test] Two Individuals Accused of Ballot Harvesting

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

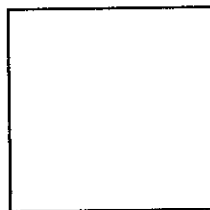
**Categories:** Green category

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---

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**Sent:** Wednesday, December 23, 2020 1:05 PM  
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**Subject:** [Test] Two Individuals Accused of Ballot Harvesting

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Copy of [indictment](#).

###

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## Lumpp, Rachelle

---

**From:** Wright, Jennifer  
**Sent:** Friday, December 18, 2020 10:54 AM  
**To:** Lumpp, Rachelle; Anderson, Ryan  
**Subject:** FW: Washington Post inquiry

**Categories:** Green category

Please see inquiry below that appears to be from the Washington Post that was emailed to the [ei@azag.gov](mailto:ei@azag.gov) email. I will await instructions from you before I attempt to compile any information.

Jen

---

**From:** Helderman, Rosalind [<mailto:Rosalind.Helderman@washpost.com>]  
**Sent:** Thursday, December 17, 2020 1:45 PM  
**To:** Election Integrity Unit  
**Subject:** Washington Post inquiry

Hello--

I'm a reporter with the Washington Post. I was referred over to this division of the Arizona AG's office by the Arizona Secretary of State's Office. I hoping you can help answer a question for me -- or refer me to the right place to get this question answered.

We are aware that in any election, authorities investigate reports of people voting twice, or people casting votes in the names of people are deceased. When there is indication that law have been violated, prosecutors sometimes file suit. We are trying to get a better handle on what known instances of fraud are believed to have taken place this year? Not necessarily widespread fraud that would have affected the outcome, but individual specific cases of possible fraud that have been charged or are under investigation?

What can you tell me about investigations under way currently in Arizona? How many votes or voters are being investigated, what are the allegations in those cases? Have any charges so far been filed related to voting in the November 2020 election?

I'd be happy to discuss this further -- I'm at (202) 494-4860.

Thank you so much for your assistance!

Rosalind Helderman

Staff writer, The Washington Post

## Lumpp, Rachelle

---

**From:** PublicRecords  
**Sent:** Wednesday, December 16, 2020 1:52 PM  
**To:** Diaz, Bethany; Lumpp, Rachelle  
**Subject:** FW: Fake electors in Arizona using state seal and notarizing spouse's documents

**Categories:** Green category

---

**From:** Conner, Katie  
**Sent:** Wednesday, December 16, 2020 1:51:37 PM (UTC-07:00) Arizona  
**To:** 'Hansen, Ronald'  
**Cc:** PublicRecords  
**Subject:** RE: Fake electors in Arizona using state seal and notarizing spouse's documents

Hi Ron,  
Regarding your first question, we cannot confirm or deny the existence of an investigation.

For your second question regarding money appropriated for investigating voter fraud, I'm copying our Public Records Department because I think you are looking for more of a specific breakdown.

I wanted to make sure you saw this link for our Election Integrity Unit (EIU): <https://www.azag.gov/criminal/eiu>  
EIU was created in the FY2020 budget and is funded with an annual appropriation of \$530,000. There are currently four members on EIU (senior criminal prosecutor, senior civil attorney, special agent, and administrative employee). In the tabs at the bottom of the webpage, you will find a lot of information on what the EIU has worked on and, when appropriate, the final disposition. If this is the information you're looking for just let me know and I'll inform our Public Records Department to disregard.

Please let me know if you have any questions.  
Thank you,  
Katie

---

**From:** Hansen, Ronald [<mailto:ronald.hansen@arizonarepublic.com>]  
**Sent:** Wednesday, December 16, 2020 1:04 PM  
**To:** Conner, Katie  
**Subject:** Fake electors in Arizona using state seal and notarizing spouse's documents

Katie:

I'm following up on our text messages earlier today.

I wanted to know what, if anything, the AGO intends to do regarding the people who sent what they intended as the electoral votes for the state of Arizona to the National Archives in Washington. This group, who were not the elected electors, used the seal of Arizona in their submission, and Melanie Hunsaker, the notary who vouched for the various would-be electors, stamped the submission for her husband as well. It's my understanding that this could run afoul of state laws regarding unauthorized use of the state seal and of statutes regarding notarizing documents for family members.

As a separate request, I would like a breakdown of how the AGO used the money appropriated to it to investigate election fraud in Arizona. This should include, but not be limited to, any and all people hired using these funds, an inventory of the cases opened for investigation with some sense of how these matters were ultimately disposed.

For your information, my article on the fake electors is linked below:

<https://www.azcentral.com/story/news/politics/elections/2020/12/14/arizona-groups-fake-electors-try-cast-11-electoral-votes-trump/6536056002/>

You can reach me on my cell at 602-471-6622.

Thanks.

rjh

**Ronald J. Hansen**  
National Political Reporter

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[@ronaldjhansen](#)  
[azcentral.com](http://azcentral.com)



## Lumpp, Rachelle

---

**From:** Anderson, Ryan  
**Sent:** Thursday, December 10, 2020 5:01 PM  
**To:** Kanefield, Joe  
**Subject:** FW:

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

**Categories:** Green category

---

**From:** Anderson, Ryan  
**Sent:** Thursday, December 10, 2020 4:59 PM  
**To:** Roysden, Beau  
**Subject:**

## Brnovich at arm's length in election suit

By: [Howard Fischer, Capitol Media Services](#) December 10, 2020

In this Nov. 5, 2020, file photo, the Supreme Court in Washington. (AP Photo/J. Scott Applewhite)

Arizona is seeking a voice in the lawsuit Texas has brought against some other states won by President-elect Joe Biden. But exactly who Attorney General Mark Brnovich will side with remains unclear. In legal papers filed with the U.S. Supreme Court, Brnovich said he wants to file a brief to argue the importance of "election integrity." And he said he wants a quick decision in the case.

What's telling, though, is that Brnovich is not joining with 17 other Republican attorneys general who filed their own brief with the Supreme Court siding with Texas. That asks the justices to back Texas in its bid to block a final vote by the Electoral College while the court considers allegations that illegal changes in laws in Pennsylvania, Georgia, Michigan and Wisconsin created the opportunity for fraud. Instead, Brnovich aide Ryan Anderson said his boss wants to ensure that any ruling from the U.S. Supreme Court about laws and rules that govern election laws – in this case, in particular, about the presidential race – do not undermine Arizona's own regulations. And Anderson said as far as his boss is concerned, Arizona does elections right, which is why it wasn't sued by Texas as were the four other states where, like Arizona, Biden won the popular vote. "Had Arizona been sued, that would have put our office in a situation where we would have had to decide what we would have filed and what we would have done," Anderson said. That would have put Brnovich in the position of having to defend not only the state but the election – and Biden's win – against Texas Attorney General Ken Paxton.

Mark Brnovich

And Anderson left no question about what Brnovich thinks of how Arizona conducted the election. "The Arizona attorney general will not be advocating to overturn the election results in Arizona," he said.

Anderson said Brnovich does share one sentiment with his Texas counterpart.

"We all agree that the integrity of our elections are important," he said. "And there are too many Americans who do not trust the outcome of the election."

But Anderson said that Arizona's interest in the legal fight is different than that of the other Republican attorneys general.

The lawsuit filed by Paxton charges that changes made this year to election procedures in the four battleground states, many due to the impact of the pandemic, are illegal.

In essence, he said that the changes, some enacted by courts, weakened ballot-integrity statutes. And that, in turn, has created the opportunity for fraud, though he does not allege any actual instances where that has occurred.

Courts in each of those states have dismissed similar claims. But Paxton is arguing that it is the responsibility of the nation's highest court to intercede and declare that the procedures used in those four states were illegal and therefore the results should not be allowed to stand.

Anderson said it is noteworthy that Texas did not sue Arizona despite the fact that the election returns, which remain standing after several legal challenges, are awarding the state's 11 electoral votes to Biden.

He said some of that is due to the fact that Brnovich has fought off various efforts to allow last-minute changes in election laws, ranging from how county election officials have to handle unsigned early ballots to extending the deadline for people registering to vote.

Anderson said it's not clear the Supreme Court will even consider the Texas petition. But he said if the justices take it up, Brnovich wants to be sure that any ruling they issue respects the interests of Arizona.

Those interests, he said, is that the justices recognize and affirm that it is the legislature that has prime say over how elections are conducted and not courts or even officials of the executive branch. That's crucial because Arizona already has some of the laws that the Texas lawsuit says are lacking or were ignored elsewhere.

For example, Paxton complained that some states do not require that signatures on envelopes with early ballots be compared with records on file. Arizona requires matching of all envelopes received.

He also said that some states “flooded their citizenry with tens of millions of ballot applications and ballots,” ignoring normal controls. Arizona, by contrast, sends early ballots only to those who request them, whether on an election-by-election basis or by signing up on the permanent early voting list. Brnovich is not the only Arizona elected official weighing in at the Supreme Court.

Ten state representatives and three senators, all Republicans, joined with counterparts from Alaska and Idaho on Thursday filed their own brief in support of Texas.

“An elite group of sitting Democrat officers in each of the defendant states coordinated with the Democrat party to illegally and unconstitutionally change the rules established by the legislature in the defendant states, thereby depriving the people of their states a free and fair election — the very basis of a republican form of government,” they charged through their attorneys.

The representatives are Nancy Barto, Frank Carroll, John Fillmore, Mark Finchem, Travis Grantham, Anthony Kern, David Livingston, Steve Pierce, Bret Roberts and Kelly Townsend. The senators are Sylvia Allen, Sonny Borrelli and David Gowan.

## Lumpp, Rachelle

---

**From:** Attorney General Mark Brnovich <katie.conner@azag.gov>  
**Sent:** Thursday, December 10, 2020 9:34 AM  
**To:** Lumpp, Rachelle  
**Subject:** AG Brnovich Receives Outpouring of Support in US Supreme Court Ballot Harvesting Case

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**Categories:** Green category

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**For Immediate Release:** December 10, 2020

**Contact:** Katie Conner (602) 339-5895 or [Katie.Conner@azag.gov](mailto:Katie.Conner@azag.gov)

### **Attorney General Mark Brnovich Receives Outpouring of Support in Election Integrity Case at U.S. Supreme Court**

*AGO is defending Arizona's measures restricting ballot harvesting and out-of-precinct voting*

WASHINGTON, D.C. – With a little over a month before the U.S. Supreme Court (SCOTUS) hears arguments in *Brnovich v. DNC*, Attorney General Mark Brnovich has once again received an outpouring of support from local and national leaders in his defense of Arizona's commonsense election integrity measures regarding ballot harvesting and out-of-precinct voting.

"States must maintain the authority to enact and enforce commonsense election integrity measures to ensure the public's trust," said Attorney General Brnovich. "I appreciate the widespread support from leaders across the country who recognize that state legislatures have the responsibility to set election policy, not the courts."

In October 2020, SCOTUS announced it will review *Brnovich v. DNC*. The Attorney General's Office (AGO) is asking SCOTUS to bring clarity after the Ninth Circuit bizarrely struck down Arizona's measures on ballot harvesting and out-of-precinct voting after

previously upholding.

The AGO obtained a stay of the Ninth Circuit's decision in February 2020, leaving Arizona's laws intact for the 2020 election cycle. With similar laws enacted in several other states, this case presents an opportunity to establish a clear rule of law for the country, and the Supreme Court can and should bring clarity to these important matters that are vital to state elections.

Oral argument is expected in late January or early February 2021.

Below are the seventeen amicus briefs filed in support of the AGO:

- 11 United States Senators led by Texas Senator Ted Cruz
- 17 State Attorneys General led by Ohio AG Dave Yost
- House Speaker Rusty Bowers, Senate President Karen Fann, and Governor Doug Ducey
- State Legislative Leaders led by Missouri Representative Elijah Haahr
- Wisconsin Majority Leader Scott Fitzgerald and Speaker Robin Vos
- South Dakota Governor Kristi Noem
- United States Department of Justice – Solicitor General
- Former Maricopa County Recorder Helen Purcell
- Election Integrity Project California and Arizona
- Pacific Legal Foundation
- The Cato Institute
- Public Interest Legal Foundation
- American Constitutional Rights Union
- Liberty Justice Center
- Judicial Watch, Inc. and Allied Educational Foundation
- Republican Governors Public Policy Committee
- Honest Elections Project

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## Lumpp, Rachelle

---

**From:** Conner, Katie  
**Sent:** Thursday, December 10, 2020 8:43 AM  
**To:** Mejia, Catherine  
**Cc:** Anderson, Ryan  
**Subject:** FW: [Test] Attorney General Mark Brnovich Receives Outpouring of Support in Election Integrity Case at U.S. Supreme Court

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

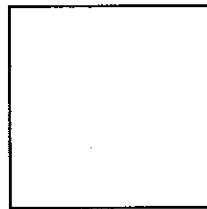
**Categories:** Green category

Hey Catherine,  
When you get in, can you please upload this version of the press release to our website? We updated the PDF's though on this version of the press release – some in the earlier versions of the press release had the June amicus. I don't know if this impacts you for hyperlinks. Thank you!

---

**From:** Attorney General Mark Brnovich [mailto:katie.conner@azag.gov]  
**Sent:** Thursday, December 10, 2020 8:40 AM  
**To:** Conner, Katie  
**Subject:** [Test] Attorney General Mark Brnovich Receives Outpouring of Support in Election Integrity Case at U.S. Supreme Court

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**For Immediate Release:** December 10, 2020

**Contact:** Katie Conner (602) 339-5895 or [Katie.Conner@azag.gov](mailto:Katie.Conner@azag.gov)

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- Wisconsin Majority Leader Scott Fitzgerald and Speaker Robin Vos
- South Dakota Governor Kristi Noem
- United States Department of Justice – Solicitor General
- Former Maricopa County Recorder Helen Purcell
- Election Integrity Project California and Arizona
- Pacific Legal Foundation
- The Cato Institute
- Public Interest Legal Foundation



- [American Constitutional Rights Union](#)
- [Liberty Justice Center](#)
- [Judicial Watch, Inc. and Allied Educational Foundation](#)
- [Republican Governors Public Policy Committee](#)
- [Honest Elections Project](#)

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## Lumpp, Rachelle

---

**From:** Conner, Katie  
**Sent:** Thursday, December 10, 2020 8:35 AM  
**To:** Kanefield, Joe  
**Subject:** FW: [Test] Attorney General Mark Brnovich Receives Outpouring of Support in Election Integrity Case at U.S. Supreme Court

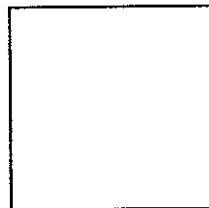
**Follow Up Flag:** Follow up  
**Flag Status:** Completed

**Categories:** Green category

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**From:** Attorney General Mark Brnovich [mailto:katie.conner@azag.gov]  
**Sent:** Thursday, December 10, 2020 8:28 AM  
**To:** Conner, Katie  
**Subject:** [Test] Attorney General Mark Brnovich Receives Outpouring of Support in Election Integrity Case at U.S. Supreme Court

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**For Immediate Release:** December 10, 2020

**Contact:** Katie Conner (602) 339-5895 or [Katie.Conner@azag.gov](mailto:Katie.Conner@azag.gov)

### **Attorney General Mark Brnovich Receives Outpouring of Support in Election Integrity Case at U.S. Supreme Court**

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- Wisconsin Majority Leader Scott Fitzgerald and Speaker Robin Vos
- South Dakota Governor Kristi Noem
- United States Department of Justice – Solicitor General
- Former Maricopa County Recorder Helen Purcell
- Election Integrity Project California and Arizona
- Pacific Legal Foundation
- The Cato Institute
- Public Interest Legal Foundation
- American Constitutional Rights Union
- Liberty Justice Center

- [Judicial Watch, Inc. and Allied Educational Foundation](#)
- [Republican Governors Public Policy Committee](#)
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## Lumpp, Rachelle

---

**From:** Lumpp, Rachelle  
**Sent:** Wednesday, December 09, 2020 2:41 PM  
**To:** Dupree, Terry  
**Cc:** Heathcotte, Leslie; Anderson, Ryan; Wright, Jennifer  
**Subject:** EIU Email

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

**Categories:** Green category

Can you please create a discovery folder called EIU, and put all emails that have been received by [eiu@azag.gov](mailto:eiu@azag.gov) (I think that's the email) from January 1, 2020 to current. Please give access to Jennifer Wright, Ryan Anderson and myself. Thank you!

Rachelle Lumpp  
Executive Assistant to the Attorney General  
Executive Assistant to the Director of Communications  
Office of the Arizona Attorney General  
2005 N. Central Avenue  
Phoenix, AZ 85004  
602-542-8351 Office  
[rachelle.lumpp@azag.gov](mailto:rachelle.lumpp@azag.gov)



## Lumpp, Rachelle

---

**From:** Wright, Jennifer  
**Sent:** Monday, December 07, 2020 2:25 PM  
**To:** Lumpp, Rachelle  
**Subject:** RE: PRR2020-2200-250 FW: Rep. Gosar Letter

**Categories:** Green category

Hey Rachelle!

I was under the impression that most (all) of the sharpie PRRs were retracted by the requestors as moot. Can you let me know which PRRs are open related to sharpies? I apologize, that is certainly still at the lower of my priority list as I am still dealing with lots of election-related issues.

Could we have ISS make a search folder with all emails to the EIU inbox that say "sharpie" or "ballpoint". Alternatively, if we can have a search folder created that has all emails to the EIU inbox, I can use that both for my general search folder, and also make my own searches and copy those emails relative to this request into a separate folder.

Notably, the two words specified in the request were not the only words used by complainants to describe "sharpie" related problems. For example, people sometimes used "felt" pens or "markers". I don't know if we want to include more than he is requesting, but limiting to "sharpie" and "ballpoint" will be under representative of the complaints we received.

Finally, in disclosing these ostensibly public documents, to what extent is redaction necessary, especially when being forwarded to a federal legislator? If redaction is necessary, I expect the number to exceed 1000 emails, so I will need help in redacting these documents. I think to the extent we can use an e-discovery tool, that might be helpful.

Thanks!

Jen

---

**From:** Lumpp, Rachelle  
**Sent:** Monday, December 07, 2020 2:11 PM  
**To:** Wright, Jennifer  
**Subject:** PRR2020-2200-250 FW: Rep. Gosar Letter

Hi Jen,  
Here is another PRR for records re sharpies (this makes 4 re sharpie requests).

---

**From:** Isaak, Jason  
**Sent:** Monday, December 07, 2020 9:57 AM  
**To:** Anderson, Ryan  
**Cc:** Lumpp, Rachelle; Diaz, Bethany; Kanefield, Joe  
**Subject:** Fwd: Rep. Gosar Letter

Get Outlook for iOS

From: MacMullan, Troy <Troy.MacMullan@mail.house.gov>

Sent: Saturday, December 5, 2020 7:39:00 AM

To: Jason.Isaak@azag.gov <Jason.Isaak@azag.gov>

Subject: Rep. Gosar Letter

Hello Jason,

I hope this email finds you well. Please find attached a letter from Congressman Gosar to Attorney General Brnovich regarding the 2020 Election. If there is a more appropriate contact in your office for this matter please feel free to either share that contact with me or forward along this message. A confirmation of receipt of this letter would be greatly appreciated. Thank you in advance for your assistance and have a great weekend.

Best,

Troy MacMullan  
— ★ —  
CONGRESSMAN  
**PAUL**  
**Gosar**  
— D.D.S. —  
Arizona's 4<sup>th</sup> District  
2057 RHOB | Washington, DC 20515

## Lumpp, Rachelle

---

**From:** Mejia, Catherine  
**Sent:** Friday, December 04, 2020 2:49 PM  
**To:** Conner, Katie  
**Cc:** Anderson, Ryan  
**Subject:** RE: Brnovich v. DNC, Case No. 19-1257; Rep. Party v. DNC, Case No. 19-1258

**Categories:** Green category

All three files uploaded here on records of interest:

<https://www.azag.gov/media/interest/brnovich-v-dnc-states-amicus-brief>

Great idea! I'll work on layout with Michael and verbiage to add about ballot harvesting to EIU. Will run by you and Ryan before we make anything live.

Thanks!

**Catherine Mejia**

Digital Media Manager

---



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Cell: 602.689.0283  
[Catherine.Mejia@azag.gov](mailto:Catherine.Mejia@azag.gov)

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---

**From:** Conner, Katie  
**Sent:** Friday, December 4, 2020 2:27 PM  
**To:** Mejia, Catherine  
**Cc:** Anderson, Ryan  
**Subject:** FW: Brnovich v. DNC, Case No. 19-1257; Rep. Party v. DNC, Case No. 19-1258

Hey Catherine,

Can you please upload these to our records of interest? Also, let's chat today about building a page specific for our webpage. Thank you!

---

**From:** Kanefield, Joe  
**Sent:** Friday, December 04, 2020 2:25 PM  
**To:** Conner, Katie; Anderson, Ryan  
**Subject:** FW: Brnovich v. DNC, Case No. 19-1257; Rep. Party v. DNC, Case No. 19-1258

Attached is the States' amicus brief. We have received a few others and will receive more on Monday, which is the deadline.

Joseph Kanefield





Attorney General Mark Brnovich  
Desk: 602-542-8080  
[Joe.Kanefield@azag.gov](mailto:Joe.Kanefield@azag.gov)  
<http://www.azag.gov>

---

**From:** Flanagan, Allyson  
**Sent:** Friday, December 04, 2020 9:05 AM  
**To:** Roysden, Beau; Sawyer, Kate; Catlett, Michael; Hartwick, Carolyn; Kanefield, Joe  
**Subject:** FW: Brnovich v. DNC, Case No. 19-1257; Rep. Party v. DNC, Case No. 19-1258

---

**From:** Joshua Richardson [<mailto:Joshua.Richardson@ohioattorneygeneral.gov>]  
**Sent:** Friday, December 4, 2020 8:48 AM  
**To:** [macarvin@jonesday.com](mailto:macarvin@jonesday.com); [JAmunson@jenner.com](mailto:JAmunson@jenner.com); Flanagan, Allyson; [melias@perkinscoie.com](mailto:melias@perkinscoie.com)  
**Cc:** Benjamin Flowers; Zachery Keller; Michael Hendershot  
**Subject:** Brnovich v. DNC, Case No. 19-1257; Rep. Party v. DNC, Case No. 19-1258

Counsel,

Please see the attached amicus brief and accompanying certificates, which were filed today in the above cases. We will also send hard copies of the booklets. Thank you.

Regards,



Joshua Richardson  
Executive Assistant – Office of the Solicitor General  
Office of Ohio Attorney General Dave Yost  
Office number: 614-728-7510  
[Joshua.Richardson@OhioAttorneyGeneral.gov](mailto:Joshua.Richardson@OhioAttorneyGeneral.gov)

*\* Please note that, in adherence to best practices brought about in response to COVID-19, the Ohio Attorney General's Office moved to a "remote work" status effective March 18, 2020. All members of the office remain available remotely during normal business hours. Thank you for your patience*

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## Lumpp, Rachele

---

**From:** Conner, Katie  
**Sent:** Friday, December 04, 2020 1:57 PM  
**To:** 'Alexis Berdine'  
**Cc:** Anderson, Ryan  
**Subject:** RE: News 4 Tucson- Dominion Voting

**Categories:** Green category

Hi Alexis,  
It was a routine inspection and we were invited to observe. The Maricopa County Board of Supervisors or the Maricopa County Recorder's Office should be able to answer more specific questions if you have them.  
Thank you!

---

**From:** Alexis Berdine [<mailto:aberdine@kvoa.com>]  
**Sent:** Friday, December 04, 2020 12:04 PM  
**To:** Conner, Katie  
**Cc:** Anderson, Ryan  
**Subject:** Re: News 4 Tucson- Dominion Voting

Hi Katie,

I am just following up to see if you are able to please answer the questions in my last email. It would help us better understand what is going on.

Thank you again for your help.

Sincerely,

Alexis Berdine  
Multi-Media Journalist  
KVOA-TV, News 4 Tucson  
520-488-8308  
[Facebook](#) | [Twitter](#)



---

**From:** Alexis Berdine  
**Sent:** Tuesday, November 24, 2020 10:14 AM  
**To:** Conner, Katie  
**Cc:** Anderson, Ryan  
**Subject:** Re: News 4 Tucson- Dominion Voting

Good morning Katie,

Thank you for getting this information to me so quickly. I have a few more questions... just to make sure I am understanding this correctly.

Is the AG's office investigating any of the complaints? When you say there is an attorney from the AG's office at the post-election equipment testing... can you please explain what the attorney is doing/why he or she is there? Is it routine?

Sincerely,

Alexis Berdine  
Multi-Media Journalist  
KVOA-TV, News 4 Tucson  
520-488-8308  
[Facebook](#) | [Twitter](#)



---

**From:** Conner, Katie  
**Sent:** Wednesday, November 18, 2020 3:52 PM  
**To:** Alexis Berdine  
**Cc:** Anderson, Ryan  
**Subject:** RE: News 4 Tucson- Dominion Voting

External Email: Please use caution opening links and attachments.

Hi Alexis,  
Ensuring the integrity of our elections remains a top priority for General Brnovich. Our Election Integrity Unit (EIU) receives, reviews, and investigates complaints as appropriate. Regarding the Dominion software specifically, we have received over 150 complaints. The Maricopa County Board of Supervisors exercises authority over election software and systems used in Maricopa County and is the appropriate governmental body to perform audits.

Our office will continue to vigilantly monitor the election certification process, and today, we have one of our attorneys at the post-election equipment testing.

I hope this helps.  
Thank you,  
Katie

---

**From:** Conner, Katie  
**Sent:** Wednesday, November 18, 2020 9:04 AM

**To:** 'Alexis Berdine'  
**Subject:** RE: News 4 Tucson- Dominion Voting

Hi Alexis,

I am looking into this for you with our election integrity unit. Also, have you checked with Pima County officials to see if they use this specific software? I know Maricopa County does. Thank you!

---

**From:** Alexis Berdine [<mailto:aberdine@kvoa.com>]  
**Sent:** Tuesday, November 17, 2020 4:08 PM  
**To:** Conner, Katie  
**Subject:** News 4 Tucson- Dominion Voting

Good afternoon Katie,

I am wondering if the AG's office has received any complaints/requests to look into Maricopa County's use of Dominion Voting Systems. If so, how many complaints and is the AG's office looking into the complaints or investigating the use of the system?

Thank you in advance for your time.

Sincerely,

Alexis Berdine  
Multi-Media Journalist  
KVOA-TV, News 4 Tucson  
520-488-8308  
[Facebook](#) | [Twitter](#)



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# Lumpp, Rachelle

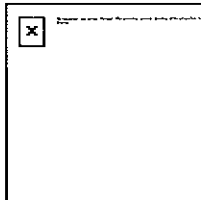
**From:** Arizona Capitol Times <dailyupdates@azcapitoltimes.com>  
**Sent:** Friday, December 04, 2020 8:27 AM  
**To:** Kanefield, Joe  
**Subject:** Dissension in AZGOP as Trump dumps Ducey  
**Categories:** Green category

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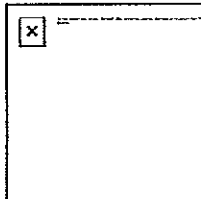
**Morning Edition**

## TOP NEWS - December 4



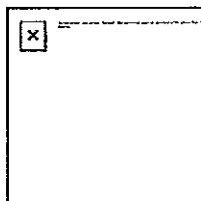
### Dissension in AZGOP as Trump dumps Ducey

Gov. Doug Ducey got a phone call as he rustled through papers to find where to put his signature to certify the 2020 election results on November 30.



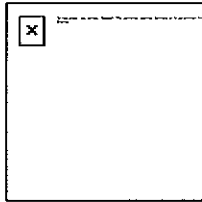
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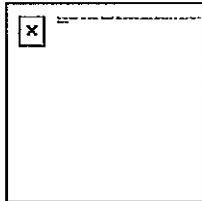
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With COVID-19 again on the rise in Arizona and the next legislative session looming, some in the Legislature are coming around to the idea of passing a so-called "skinny budget" that retains baseline spending levels from the previous fiscal year and ducking out early, just as lawmakers did last session.



**Ducey shorts some schools on promised funding**

Some Arizona school districts are facing budget cuts of potentially millions of dollars after a grant created by Gov. Doug Ducey's office failed to provide the sums they expected.

**YELLOW SHEET REPORT**

**THEY MADE IT, THEY CAN TAKE IT BACK**

Townsend wants the Legislature to take control of the election integrity unit after Brnovich declined to investigate allegations of election fraud from a 10-hour meeting between lawmakers and Trump's attorney at a hotel this week.

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# Lumpp, Rachelle

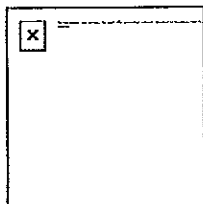
**From:** Arizona Capitol Times <dailyupdates@azcapitoltimes.com>  
**Sent:** Friday, December 04, 2020 8:26 AM  
**To:** Brnovich, Mark  
**Subject:** Dissension in AZGOP as Trump dumps Ducey  
**Categories:** Green category

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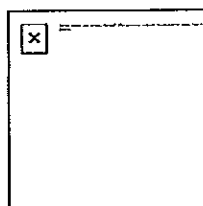
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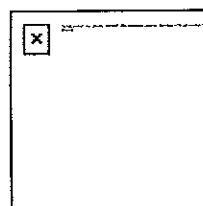
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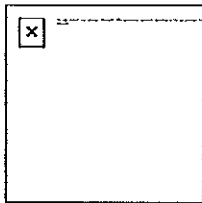
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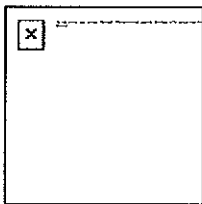
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## Lumpp, Rachelle

---

**From:** Medina, Rick  
**Sent:** Thursday, December 03, 2020 4:48 PM  
**To:** Kanefield, Joe  
**Subject:** reply draft

**Categories:** Green category

Hi Joe — below is draft of how we might respond to all of the (form) emails asking us to sign on to efforts to have SCOTUS intervene in Pennsylvania.

-R

Sent from my iPhone

Dear \_\_\_\_\_:

Thank you for reaching out to the Arizona Attorney General's Office. We share your concerns for maintaining the integrity of our elections. Here in Arizona, we have a majority of voters that regularly cast their ballots by mail and in 2020 alone, our office filed five lawsuits to defend our state's common sense election safeguards when other public officials refused to do so. The next case will be litigated this spring when we will be defending Arizona's ballot harvesting laws at the United States Supreme Court in *Brnovich vs. DNC*.

We remain dedicated to ensuring the reliability of our voting system in Arizona and believe that other states must do the same for themselves.

Thanks again for sharing your thoughts with the Arizona Attorney General's Office and for your commitment to election integrity.

## Lumpp, Rachelle

---

**From:** Conner, Katie  
**Sent:** Thursday, December 03, 2020 1:23 PM  
**To:** Lumpp, Rachelle  
**Subject:** RE: Public Hearing

**Categories:** Green category

Done!

---

**From:** Lumpp, Rachelle  
**Sent:** Thursday, December 03, 2020 1:22 PM  
**To:** Conner, Katie  
**Subject:** Re: Public Hearing

Nope! Just save it as PDF :)

Sent from my iPhone

On Dec 3, 2020, at 1:20 PM, Conner, Katie <Katie.Conner@azag.gov> wrote:

I didn't realize how easy it was – I just hit "convert to PDF" is there anything else I need to do?

---

**From:** Kredit, Joshua  
**Sent:** Thursday, December 03, 2020 12:47 PM  
**To:** Lumpp, Rachelle  
**Cc:** Conner, Katie  
**Subject:** FW: Public Hearing

Josh Kredit  
Deputy Attorney General for Law & Policy

---

<image002.jpg>	Attorney General Mark Brnovich 2005 N. Central Ave Phoenix, AZ 85004 Direct: 602-542-3454 Cell: 602-339-2082 <a href="mailto:Joshua.Kredit@azag.gov">Joshua.Kredit@azag.gov</a>
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---

**From:** Wright, Jennifer  
**Sent:** Thursday, December 3, 2020 12:42 PM  
**To:** Kredit, Joshua  
**Subject:** Fwd: Public Hearing

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**From:** Wright, Jennifer <Jennifer.Wright@azag.gov>  
**Sent:** Thursday, December 3, 2020 12:27:47 PM  
**To:** 'Kelly Townsend' <ktownsend@azleg.gov>  
**Subject:** RE: Public Hearing

Dear Rep. Townsend:

Thank you for the opportunity to clarify our conversation. The Elections Integrity Unit has received over 2,000 complaints related to the November 2020 election, and we are actively reviewing every credible allegation. Regarding civil violations of title 16, the legislature has not provided the Attorney General with civil subpoena power under title 16, except as it relates to campaign finance investigations. See A.R.S. 16-938(E)(1).

Please note that election equipment and software is under the control of the county boards of supervisors, who may audit or review equipment as part of their responsibilities.

Sincerely,

**Jennifer Wright**  
**Assistant Attorney General**

---

<image001.jpg>	Office of the Arizona Attorney General Solicitor General's Office Elections Integrity Unit 2005 N. Central Ave., Phoenix, AZ 85004 Fax: 602.542.8308 <a href="mailto:ei@azag.gov">ei@azag.gov</a>
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**From:** Kelly Townsend [mailto:ktownsend@azleg.gov]  
**Sent:** Wednesday, December 02, 2020 3:04 PM  
**To:** Wright, Jennifer  
**Subject:** Re: Public Hearing

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Thanks,  
kt

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**From:** Wright, Jennifer <Jennifer.Wright@azag.gov>  
**Sent:** Wednesday, December 2, 2020 2:56 PM

**To:** Kelly Townsend <ktownsend@azleg.gov>; Anderson, Ryan <Ryan.Anderson@azag.gov>; Kredit, Joshua <Joshua.Kredit@azag.gov>  
**Subject:** RE: Public Hearing

Dear Rep. Townsend:

Thank you for your communication of December 1, 2020. As you may be aware, many of the allegations raised at Monday's public hearing are being litigated in court. We will continue to monitor those proceedings.

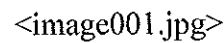
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**From:** Kelly Townsend [mailto:ktownsend@azleg.gov]  
**Sent:** Tuesday, December 01, 2020 1:55 PM  
**To:** Wright, Jennifer; Anderson, Ryan; Kredit, Joshua  
**Cc:** Election Integrity Unit  
**Subject:** Public Hearing

Colleagues,

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<https://www.youtube.com/watch?v=rri6flxaXww>

I request a response with feedback within 24-48 hours of the sending of this email.

Thank you,

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Chair – Elections Committee  
Member, Legislative District 16  
Arizona House of Representatives  
602.926.4467  
[ktownsend@azleg.gov](mailto:ktownsend@azleg.gov)

<FW\_ Public Hearing\_PRR.pdf>

## Lumpp, Rachelle

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<image001.jpg>

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**From:** efilingsupport@supremecourt.gov  
**Sent:** Thursday, December 03, 2020 1:08 PM  
**To:** Kanefield, Joe  
**Subject:** Supreme Court Electronic Filing System

**Categories:** Green category

A new docket entry, "Amicus brief of Election Integrity Project California and Arizona submitted." has been added for Mark Brnovich, Attorney General of Arizona, et al., Petitioners v. Democratic National Committee, et al.. You have been signed up to receive email notifications for 19-1257.

If you no longer wish to receive email notifications on this case, please [click here](#).

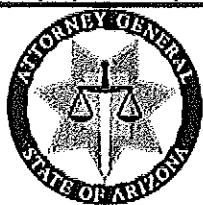
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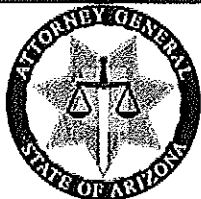
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**Sent:** Wednesday, December 02, 2020 3:06 PM  
**To:** Kanefield, Joe  
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**Categories:** Green category

Josh Kredit  
Deputy Attorney General for Law & Policy

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Attorney General Mark Brnovich  
2005 N. Central Ave  
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**Assistant Attorney General**



Office of the Arizona Attorney General  
Solicitor General's Office  
Elections Integrity Unit  
2005 N. Central Ave., Phoenix, AZ 85004  
Fax: 602.542.8308  
[ei@azag.gov](mailto:ei@azag.gov)

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**From:** Kelly Townsend [mailto:ktownsend@azleg.gov]  
**Sent:** Tuesday, December 01, 2020 1:55 PM  
**To:** Wright, Jennifer; Anderson, Ryan; Kredit, Joshua  
**Cc:** Election Integrity Unit  
**Subject:** Public Hearing

Colleagues,

In light of the hours of testimony that we received yesterday in a public hearing regarding election fraud, I hereby request that you investigate each claim made. Understanding that this was an unusual method of delivery (barring the ability to have a formal hearing) I request that you accept it as a sufficient method to give initial testimony in the first effort to find action / relief.

Under Article 2, Section 1 of the US Constitution, it is our duty to select electors for the Presidential election, and I am not confident that fraud did not exist in the 2020 general election. Please receive this video as initial evidence, and an itemized list of the contents will be forthcoming, however I wanted you to have it in the interest of time.

<https://www.youtube.com/watch?v=rri6flxaXww>

I request a response with feedback within 24-48 hours of the sending of this email.

Thank you,

**Kelly J. Townsend**  
Chair – Elections Committee  
Member, Legislative District 16  
Arizona House of Representatives

602.926.4467  
[ktownsend@azleg.gov](mailto:ktownsend@azleg.gov)



## Lumpp, Rachelle

---

**From:** Wright, Jennifer  
**Sent:** Wednesday, December 02, 2020 2:56 PM  
**To:** 'Kelly Townsend'; Anderson, Ryan; Kredit, Joshua  
**Subject:** RE: Public Hearing

**Categories:** Green category

Dear Rep. Townsend:

Thank you for your communication of December 1, 2020. As you may be aware, many of the allegations raised at Monday's public hearing are being litigated in court. We will continue to monitor those proceedings.

Our office has received thousands of election-related complaints, and we are actively reviewing them. We encourage anyone with concrete evidence of voter fraud to file a complaint with our office. At this time, we have several active investigations.

If there are concerns regarding election procedures, they need to be directed to election officials, county boards of supervisors, and/or to state policymakers.

Best regards,

Jennifer Wright  
Assistant Attorney General



---

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602.926.4467

[ktownsend@azleg.gov](mailto:ktownsend@azleg.gov)

## Lumpp, Rachelle

---

**From:** Conner, Katie  
**Sent:** Tuesday, December 01, 2020 6:49 AM  
**To:** Brnovich, Mark; Anderson, Ryan  
**Subject:** Fwd: AG Mark Brnovich/CNN - Erin Burnett OutFront

**Categories:** Green category

Sent from my iPhone

Begin forwarded message:

**From:** "Steinmetz, Kayte" <Kayte.Steinmetz@turner.com>  
**Date:** December 1, 2020 at 5:41:17 AM MST  
**To:** "Anderson, Ryan" <Ryan.Anderson@azag.gov>, "Conner, Katie" <Katie.Conner@azag.gov>  
**Subject:** AG Mark Brnovich/CNN - Erin Burnett OutFront

Good Morning Ryan and Katie – I hope you both are well!

I'm reaching out to see if AG Brnovich may be available to join Erin Burnett tonight in the 5PM MT/7PM ET hour to discuss election integrity in the 2020 race and any claims of fraud?

I know he has an incredibly busy schedule, but please let me know if you see any opportunity and we can work on logistics for him to join us via cisco/skype or via a local studio.

Thanks so much.

Kayte

**Kayte Steinmetz**  
**CNN | Erin Burnett OutFront**  
m: 202-330-3175

## Lumpp, Rachelle

---

**From:** Conner, Katie  
**Sent:** Wednesday, November 18, 2020 3:52 PM  
**To:** 'Alexis Berdine'  
**Cc:** Anderson, Ryan  
**Subject:** RE: News 4 Tucson- Dominion Voting

**Categories:** Green category

Hi Alexis,

Ensuring the integrity of our elections remains a top priority for General Brnovich. Our Election Integrity Unit (EIU) receives, reviews, and investigates complaints as appropriate. Regarding the Dominion software specifically, we have received over 150 complaints. The Maricopa County Board of Supervisors exercises authority over election software and systems used in Maricopa County and is the appropriate governmental body to perform audits.

Our office will continue to vigilantly monitor the election certification process, and today, we have one of our attorneys at the post-election equipment testing.

I hope this helps.

Thank you,  
Katie

---

**From:** Conner, Katie  
**Sent:** Wednesday, November 18, 2020 9:04 AM  
**To:** 'Alexis Berdine'  
**Subject:** RE: News 4 Tucson- Dominion Voting

Hi Alexis,

I am looking into this for you with our election integrity unit. Also, have you checked with Pima County officials to see if they use this specific software? I know Maricopa County does. Thank you!

---

**From:** Alexis Berdine [mailto:aberdine@kvoa.com]  
**Sent:** Tuesday, November 17, 2020 4:08 PM  
**To:** Conner, Katie  
**Subject:** News 4 Tucson- Dominion Voting

Good afternoon Katie,

I am wondering if the AG's office has received any complaints/requests to look into Maricopa County's use of Dominion Voting Systems. If so, how many complaints and is the AG's office looking into the complaints or investigating the use of the system?

Thank you in advance for your time.

Sincerely,

Alexis Berdine  
Multi-Media Journalist  
KVOA-TV, News 4 Tucson  
520-488-8308  
[Facebook](#) | [Twitter](#)



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## Lumpp, Rachelle

---

**Subject:** Meeting w/Chairman Gates  
**Location:** EXO

**Start:** Mon 8/12/2019 11:00 AM  
**End:** Mon 8/12/2019 12:00 PM

**Recurrence:** (none)

**Meeting Status:** Not yet responded

**Organizer:** Brnovich, Mark

**Categories:** Green category

election integrity issues and the new "task force"

## Lumpp, Rachelle

---

**Subject:** Pinal County Republican Meeting  
**Location:** Florence School Board Auditorium 1000 S main Street, Florence, AZ

**Start:** Sat 9/19/2020 10:00 AM  
**End:** Sat 9/19/2020 10:30 AM

**Recurrence:** (none)

**Meeting Status:** Not yet responded

**Organizer:** Brnovich, Mark

**Categories:** Green category

AG to speak at 10:15 a.m. for approximately 15 minutes. Re election integrity

Contact: Michael Burke [mjburke917@gmail.com](mailto:mjburke917@gmail.com) 609-772-0100

SECURITY Contact: Dan Culver, Sgt. At arms, [danielculver100@aol.com](mailto:danielculver100@aol.com) 520-329-6458 parking available adjacent to building

## Lumpp, Rachelle

---

**From:** Conner, Katie  
**Sent:** Tuesday, November 17, 2020 2:52 PM  
**To:** Mejia, Catherine; Anderson, Ryan  
**Subject:** RE: [Test] AG Mark Brnovich November Update

**Categories:** Green category

Great!!!

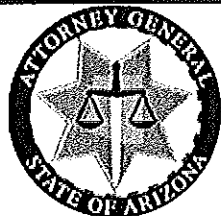
---

**From:** Mejia, Catherine  
**Sent:** Tuesday, November 17, 2020 2:51 PM  
**To:** Anderson, Ryan; Conner, Katie  
**Subject:** RE: [Test] AG Mark Brnovich November Update

I scheduled newsletter to go out at 3:45pm, per my convo with Ryan 😊

**Catherine Mejia**  
Digital Media Manager

---



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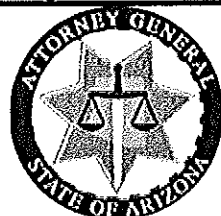
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**Sent:** Tuesday, November 17, 2020 11:54 AM  
**To:** Anderson, Ryan; Conner, Katie  
**Subject:** RE: [Test] AG Mark Brnovich November Update

Joe is good with newsletter. I can schedule it to go out at 1pm today. Does that sound good to you guys?

**Catherine Mejia**  
Digital Media Manager

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Cell: 602.689.0283  
[Catherine.Mejia@azag.gov](mailto:Catherine.Mejia@azag.gov)

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---

**From:** Kanefield, Joe  
**Sent:** Tuesday, November 17, 2020 11:50 AM  
**To:** Mejia, Catherine  
**Cc:** Anderson, Ryan; Conner, Katie  
**Subject:** RE: [Test] AG Mark Brnovich November Update

This is great. Good job. I've got nothing else to add. Thank you!!

Joseph Kanefield  
Chief Deputy & Chief of Staff



---

Attorney General Mark Brnovich  
Desk: 602-542-8080  
Joe.Kanefield@azag.gov  
<http://www.azag.gov>

---

**From:** Mejia, Catherine  
**Sent:** Tuesday, November 17, 2020 11:27 AM  
**To:** Kanefield, Joe  
**Cc:** Anderson, Ryan; Conner, Katie  
**Subject:** FW: [Test] AG Mark Brnovich November Update

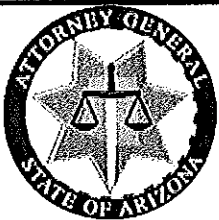
Hi Joe,

Ryan asked me to send this (November newsletter) your way for final review. Let me know if there's anything you want us to edit/add.

If not, it will go out this afternoon to the mailing list ☺

Thank you for looking it over,

**Catherine Mejia**  
Digital Media Manager



---

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[Catherine.Mejia@azag.gov](mailto:Catherine.Mejia@azag.gov)

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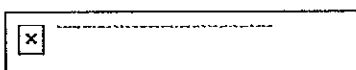


**From:** Attorney General Mark Brnovich [mailto:AGInfo@azag.gov]  
**Sent:** Tuesday, November 17, 2020 9:37 AM  
**To:** Mejia, Catherine  
**Subject:** [Test] AG Mark Brnovich November Update

[View this email in your browser](#)



*November 2020*



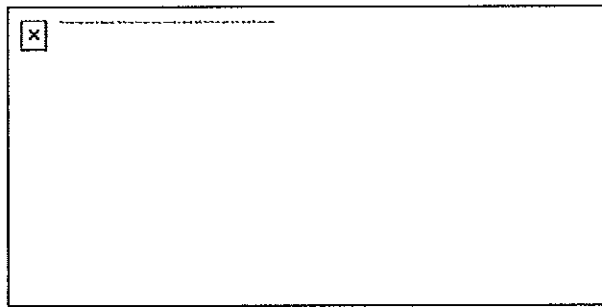
The ongoing pandemic and election cycle continue to test our perseverance, patience, and civility. Nevertheless, as we approach Thanksgiving, let us be reminded that we still have much to be grateful for.

As your Attorney General, I am committed to upholding the rule of law because that, in itself, can be the difference between freedom and suppression. We continue to investigate complaints filed by voters related to this election cycle. As a law enforcement agency, we are guided by facts and evidence. If you have evidence of fraud committed against your voting record, report it to our [Election Integrity Unit](#). Below are updates on our team's ongoing actions to ensure that the rights of Arizona voters are respected and the integrity of our election is protected.

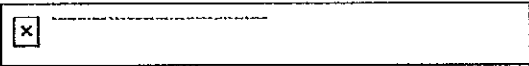
Also in this edition, you'll find information on the unprecedented settlement we reached with Honda to make Arizona roads safer. In the wake of a deadly airbag recall, our settlement provides consumers with monetary incentives and restitution -- proving that while Arizona is always late to fall weather, our office shows up early to protect consumers.

It's true that we must contend with holiday scams each year, and if you or anyone that you know is victimized, please file a report with our office. Looking out for ourselves and each other, we will make it into the New Year.

I hope you enjoy this update and I wish peace and justice unto all.



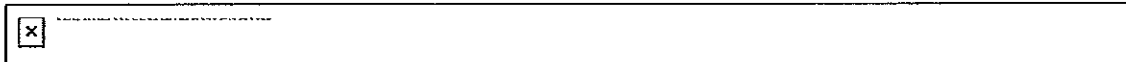
## **AZAG NOVEMBER UPDATE:**



### **Attorney General's 2020 Annual Report**

Each year, our office releases an annual report highlighting our accomplishments and high profile cases across our seven divisions. Find out more about what we accomplished for Arizona in Fiscal Year 2020.

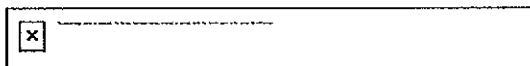
**See Full Report**



## **\$5M Airbag Settlement with Honda Provides Recall Incentives & Restitution for Consumers**

Approximately 40,000 Arizonans are eligible for restitution and/or repair incentive gift cards due to a settlement between the Attorney General's Office (AGO) and Honda regarding defective Takata airbags, which have killed at least 15 people -- including two in Arizona. Consumers with these dangerous airbags need to get their vehicles repaired immediately.

**Check Eligibility**



## **AG Brnovich Secures \$71M in Ticketmaster Refunds for Events Impacted by COVID-19**

The AGO secured \$71 million in refunds for consumers who bought tickets to Arizona events that were cancelled, rescheduled, or postponed due to COVID-19. Ticketholders who purchased tickets prior to March 14, 2020, and who have not received an email from Ticketmaster offering a refund, are encouraged to file a consumer complaint with our office.

---

## **AGO Fights to Protect Victims' Rights**

Attorney General Mark Brnovich is dedicated to a system of justice that remembers, respects, and protects victims of all crime. The AGO filed an amicus brief in a murder case under review at the Arizona Supreme Court. The brief argues that crime victims have a constitutional right to keep their personal information, such as medical records, private from defendants under the Victim's Bill of Rights.

**Read Amicus Brief**

---

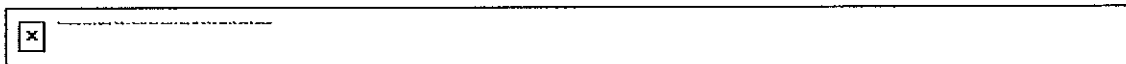
## **AGO Seeks Answer for Voters on Use of Sharpies**

After receiving hundreds of complaints from concerned voters regarding the use of Sharpie markers at polling locations, the AGO sent an [inquiry](#) to Maricopa County election officials inquiring about the voters' concerns. The County's prompt response provided insight, assurances, and

confirmation that the use of Sharpie markers did not result in disenfranchisement for Arizona voters.

[Read AGO Letter](#)

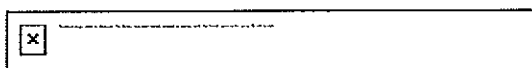
[Read County's Reply](#)



## **Attorney General's Office and Glendale Police Department Return Stolen Ballots**

A worker located a stack of unopened mail-in ballots hidden under a rock in Glendale. According to investigators, the ballots were stolen from individual mailboxes and discarded near 107th and Northern avenues. Agents from the AGO and Glendale Police Department immediately hand-delivered the sealed envelopes back to the registered voters to inform them of what happened to their missing ballots and ensure they could vote in the November election.

[Read More](#)

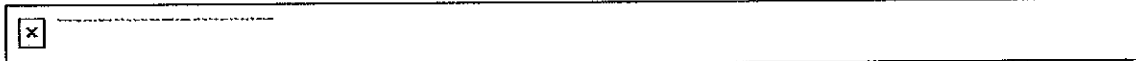


## **Phoenix Petition Signature Gathering Company Faces Criminal**

## Charges for Alleged Illegal Payments to Prop 208 Initiative Circulators

The AGO announced 50 misdemeanor charges against AZ Petition Partners LLC, an Arizona Limited Liability Company doing business as "Petition Partners," in connection with payments under an alleged illegal bonus programs paid to contracted petition circulators for the Invest in Education ballot initiative (Prop 208).

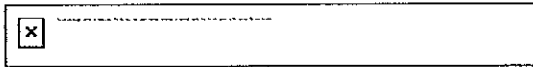
[Read Charging Document](#)



## Goodyear Man Receives Fine and Probation for Disrupting Polling Place in 2018

A Goodyear man was convicted of videotaping inside a West Valley polling place in 2018. Brad Luebke pleaded guilty to a violation of the "seventy-five foot limit" statute, a Class 2 Misdemeanor. Additionally, the AGO offered its services to assist law enforcement agencies on Election Day should they receive reports of criminal activity related to election or voting matters.

[Read AG's Letter to Law Enforcement Agencies on Election Security](#)



## **Customs and Border Protection Officer Accused of Interfering with Investigation**

The AGO indicted U.S. Customs and Border Protection Officer Elizabeth Landeros on five counts of Computer Tampering, one count of Obstructing Criminal Investigation or Prosecutions, and one count of Conspiracy. She is accused of using law enforcement databases to search for victim information related to her son's criminal case involving the abuse of a child.

[Read More](#)



## **Shred-a-thon and Prescription Drug Take-back Event in Tucson**

AGO Community Outreach partnered with the Pima County Sheriff's Department, AARP Arizona, and Christian Fellowship Ministries to collect sensitive documents and unused prescription pills from residents in a "no-contact" free community event.

*Cars Served: 307*

*Paper Shredded: 14,400 lbs.*

*Pills Collected: 160.25 lbs.*



## COMING UP NEXT:



**What:** FREE No- Contact Shred-A-Thon\* & Prescription Drug Take-Back Event

**Time:** 8:00 A.M. - Noon (or until trucks are full)

**Where:** St. Patrick Catholic Community

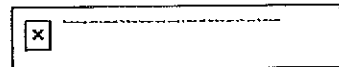
10815 N 84th Street

Scottsdale, AZ 85260

\* Five-box limit

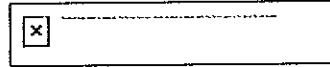
**See Flyer**

## COMMUNITY CORNER:



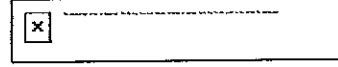
The AGO is dedicated to vigorously defending our state's election and voter integrity laws. If you have evidence of fraud committed against your voting record, report it to our Election Integrity Unit.

**File Elections-**



AGO Community Outreach offers free youth and adult presentations on topics such as human trafficking, vaping, and anti-bullying. We offer virtual sessions due to COVID-19.

**Request Free**



Since 2015, we've returned more than \$150 million to Arizona consumers who have been impacted by consumer fraud. Are you a victim of consumer fraud? Report it to our office.

**File Consumer**

**Related  
Complaint**

**Education  
Session**

**Complaint**

With Gratitude,



**MARK BRNOVICH**  
**ARIZONA ATTORNEY GENERAL**



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## Lumpp, Rachelle

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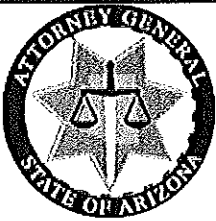
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Digital Media Manager

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Joseph Kanefield  
Chief Deputy & Chief of Staff



Attorney General Mark Brnovich  
Desk: 602-542-8080  
Joe.Kanefield@azag.gov  
<http://www.azag.gov>

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*November 2020*



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**Nevertheless, as we approach Thanksgiving, let us be reminded that we still have much to be grateful for.**

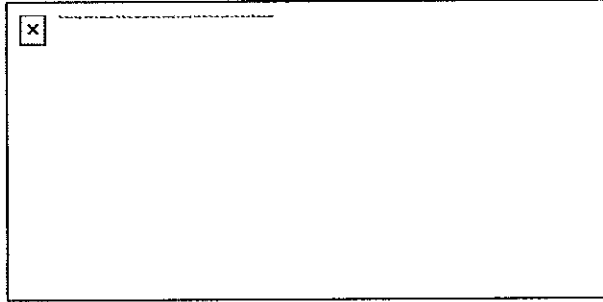
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make it into the New Year.

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justice unto all.



**AZAG NOVEMBER UPDATE:**



**Attorney General's 2020  
Annual Report**

Each year, our office releases an annual  
report highlighting our  
accomplishments and high profile cases  
across our seven divisions. Find out  
more about what we accomplished for  
Arizona in Fiscal Year 2020.

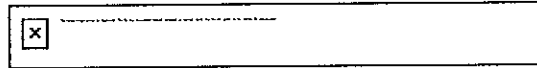
**See Full Report**



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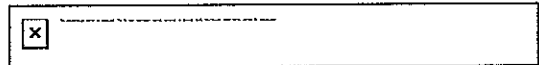
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[Read AGO Letter](#)

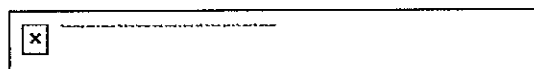
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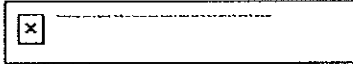
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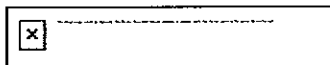
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10815 N 84th Street  
Scottsdale, AZ 85260

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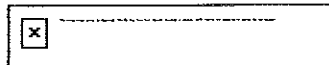
**See Flyer**

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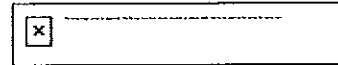
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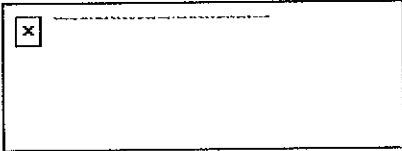
**File Consumer**

**Related  
Complaint**

**Education  
Session**

**Complaint**

With Gratitude,



**MARK BRNOVICH**  
**ARIZONA ATTORNEY GENERAL**



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## Lumpp, Rachelle

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**Sent:** Tuesday, November 17, 2020 11:54 AM  
**To:** Anderson, Ryan; Conner, Katie  
**Subject:** RE: [Test] AG Mark Brnovich November Update

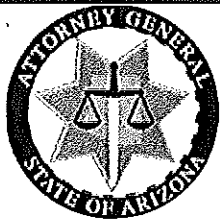
**Categories:** Green category

Joe is good with newsletter. I can schedule it to go out at 1pm today. Does that sound good to you guys?

## Catherine Mejia

Digital Media Manager

---



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Desk: 602.542.8935  
Cell: 602.689.0283  
[Catherine.Mejia@azag.gov](mailto:Catherine.Mejia@azag.gov)

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---

**From:** Kanefield, Joe  
**Sent:** Tuesday, November 17, 2020 11:50 AM  
**To:** Mejia, Catherine  
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Chief Deputy & Chief of Staff

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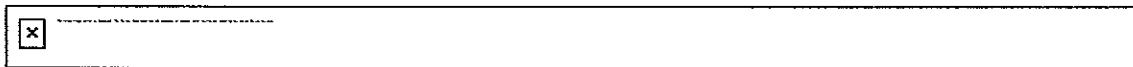
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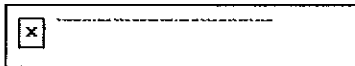
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*November 2020*



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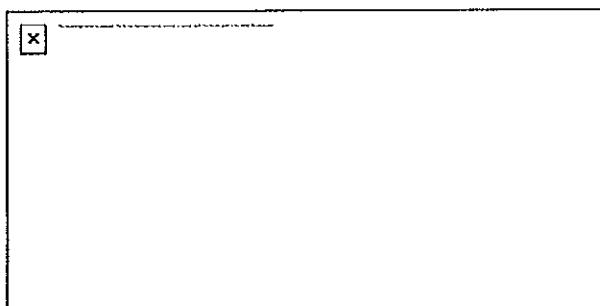
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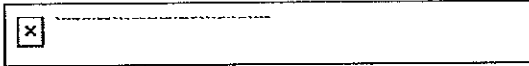
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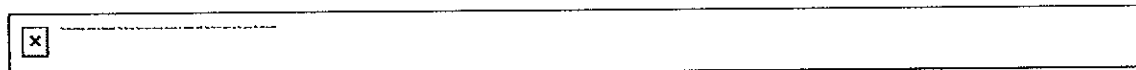
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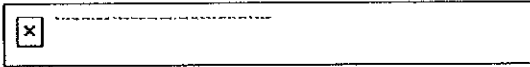
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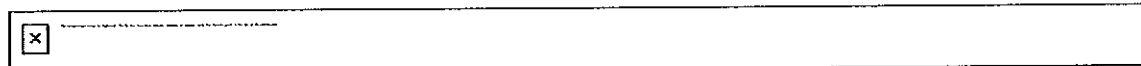
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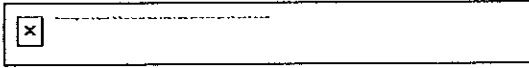
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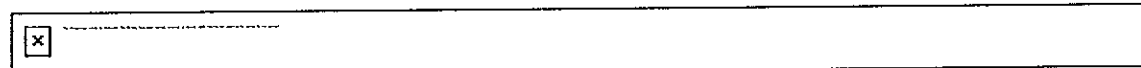


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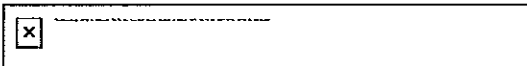
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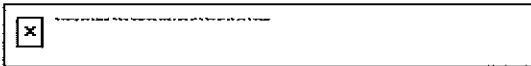
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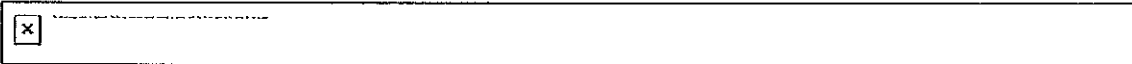
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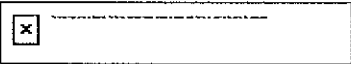
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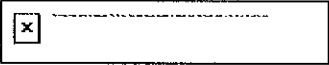
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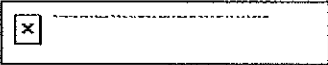
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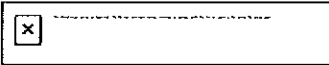
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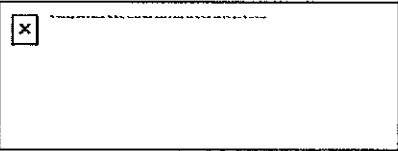
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**Sent:** Tuesday, November 17, 2020 11:51 AM  
**To:** Kanefield, Joe  
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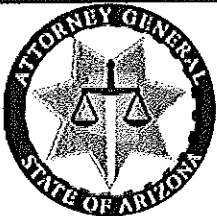
**Categories:** Green category

Awesome! Thank you!

## Catherine Mejia

Digital Media Manager

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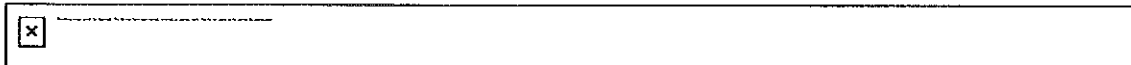
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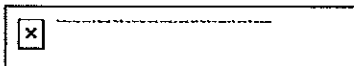
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*November 2020*



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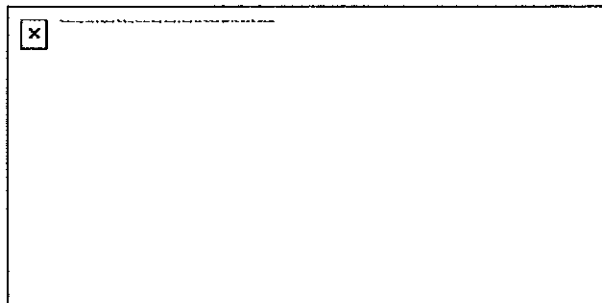
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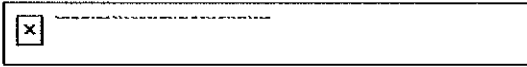
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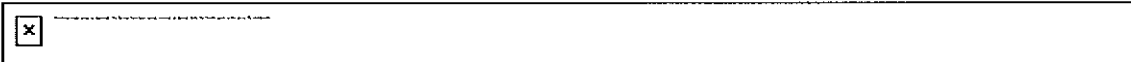
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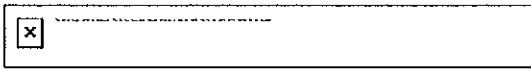
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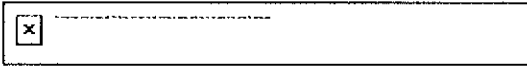


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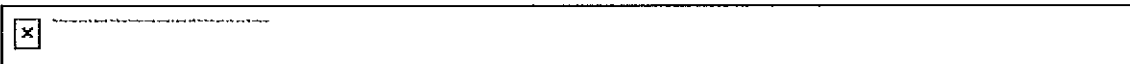


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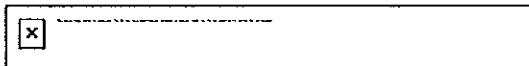
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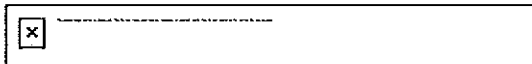
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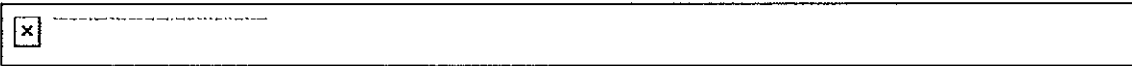


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**Read More**





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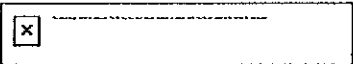
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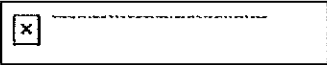
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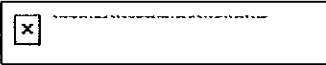
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**See Flyer**

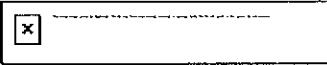
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## Lumpp, Rachelle

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**Sent:** Tuesday, November 17, 2020 11:50 AM  
**To:** Mejia, Catherine  
**Cc:** Anderson, Ryan; Conner, Katie  
**Subject:** RE: [Test] AG Mark Brnovich November Update

**Categories:** Green category

This is great. Good job. I've got nothing else to add. Thank you!!

Joseph Kanefield  
Chief Deputy & Chief of Staff

---



Attorney General Mark Brnovich  
Desk: 602-542-8080  
[Joe.Kanefield@azag.gov](mailto:Joe.Kanefield@azag.gov)  
<http://www.azag.gov>

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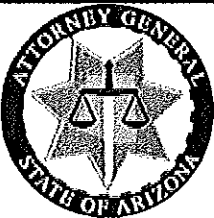
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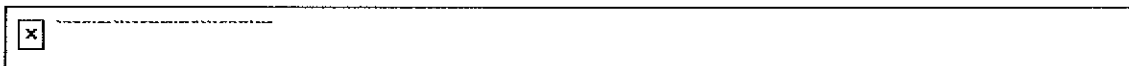
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Follow us on Social Media!

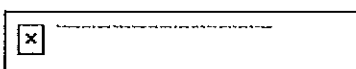


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[View this email in your browser](#)



*November 2020*



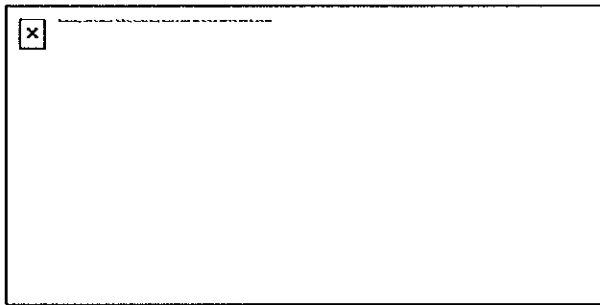
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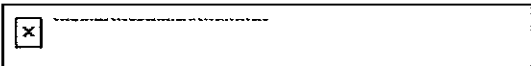
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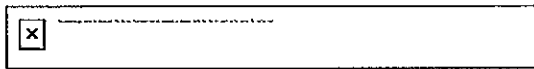
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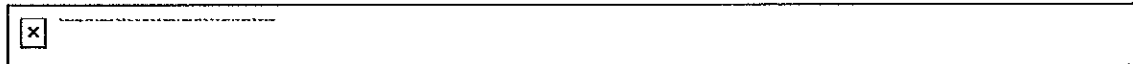
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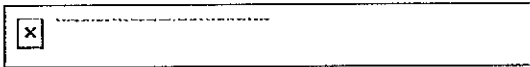
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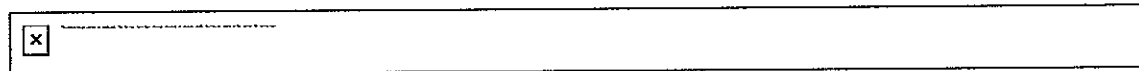
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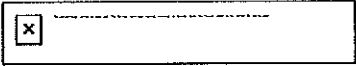
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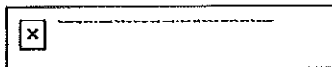
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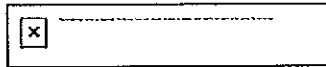
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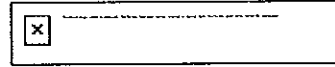
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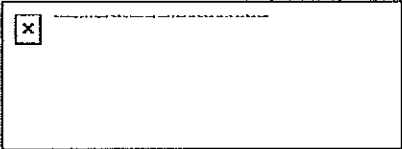
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**Related  
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**Education  
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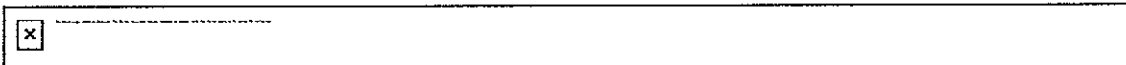
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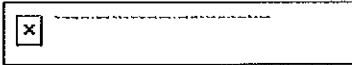
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*November 2020*



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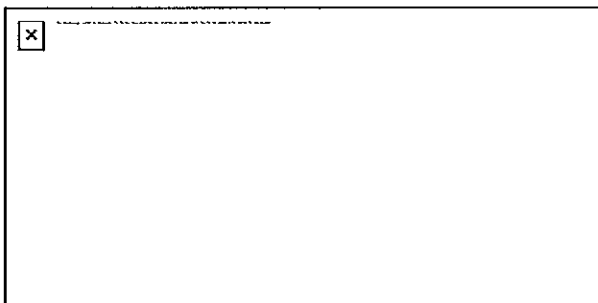
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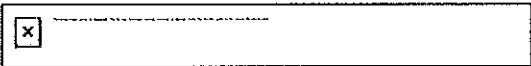
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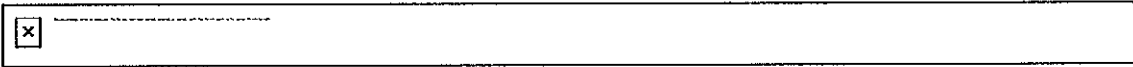
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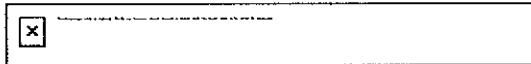
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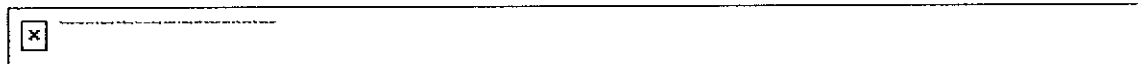
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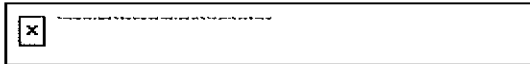


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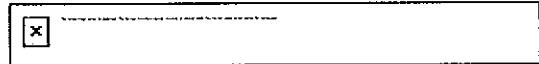
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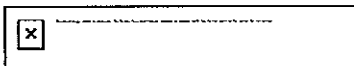
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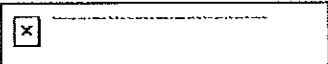
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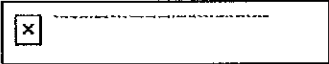
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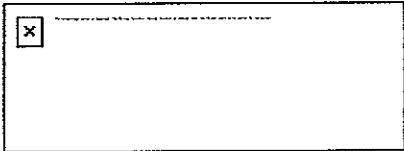
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**Sent:** Tuesday, November 17, 2020 10:52 AM  
**To:** Conner, Katie  
**Cc:** Anderson, Ryan  
**Subject:** Re: KTAR inquiry Re: Petition Signature Gathering Company

**Categories:** Green category

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**From:** Conner, Katie  
**Date:** Tuesday, November 17, 2020 at 10:10 AM  
**To:** Kevin Stone  
**Cc:** Anderson, Ryan  
**Subject:** RE: KTAR inquiry Re: Petition Signature Gathering Company

Hi Kevin,  
Good question – the entity was charged, not individuals. Here’s the correct statute for enterprises ARS 13-803  
<https://www.azleg.gov/viewdocument/?docName=https://www.azleg.gov/ars/13/00803.htm>

---

**From:** Kevin Stone [mailto:kstone@bonneville.com]  
**Sent:** Tuesday, November 17, 2020 8:52 AM  
**To:** Conner, Katie  
**Subject:** KTAR inquiry Re: Petition Signature Gathering Company

Good morning,

Can you explain how you got the potential \$20,000 fine per charge?

I thought the class 1 misdemeanor fine limit was \$2,500: <https://www.azleg.gov/ars/13/00802.htm>

Thanks,  
Kevin Stone  
KTAR.com Web Content Editor  
[kstone@bonneville.com](mailto:kstone@bonneville.com)

---

**From:** Attorney General Mark Brnovich  
**Date:** Monday, November 16, 2020 at 2:29 PM  
**To:** Kevin Stone  
**Subject:** Petition Signature Gathering Company Faces Criminal Charges for Illegal Payments to Initiative Circulators

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**For Immediate Release:** November 16, 2020

**Contact:** Katie Conner at [Katie.Conner@azag.gov](mailto:Katie.Conner@azag.gov)

### **Phoenix Petition Signature Gathering Company Faces Criminal Charges for Alleged Illegal Payments to Prop 208 Initiative Circulators**

**PHOENIX** – Attorney General Mark Brnovich announced today that AZ Petition Partners LLC, an Arizona Limited Liability Company doing business as “Petition Partners,” has been charged with fifty (50) misdemeanor counts in connection with alleged payments under illegal bonus programs purportedly paid to contracted petition circulators gathering signatures for the Invest in Education ballot initiative (Prop 208).

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Each of the fifty (50) misdemeanor charge carries a potential fine of up to \$20,000.00 for Petition Partners, if convicted.

The case is being prosecuted by Assistant Attorney General Todd Lawson with the Election Integrity Unit (EIU) of the Arizona Attorney General's Office.

The case was investigated by Special Agent Annalisa Madsen.

Attached is a copy of the charging document.

###

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## Lumpp, Rachelle

---

**From:** Conner, Katie  
**Sent:** Tuesday, November 17, 2020 10:11 AM  
**To:** 'Kevin Stone'  
**Cc:** Anderson, Ryan  
**Subject:** RE: KTAR inquiry Re: Petition Signature Gathering Company

**Categories:** Green category

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Good question – the entity was charged, not individuals. Here's the correct statute for enterprises ARS 13-803  
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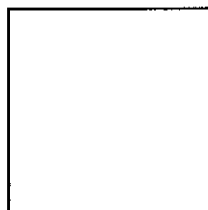
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For Immediate Release: November 16, 2020

Contact: Katie Conner at [Katie.Conner@azag.gov](mailto:Katie.Conner@azag.gov)

## Phoenix Petition Signature Gathering Company Faces Criminal Charges for Alleged Illegal Payments to Prop 208 Initiative Circulators

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Each of the fifty (50) misdemeanor charge carries a potential fine of up to \$20,000.00 for Petition Partners, if convicted.

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###

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## Lumpp, Rachelle

---

**From:** Conner, Katie  
**Sent:** Monday, November 16, 2020 3:57 PM  
**To:** 'Warren, John'  
**Cc:** Anderson, Ryan  
**Subject:** RE: Petition Signature Gathering Company Faces Criminal Charges for Illegal Payments to Initiative Circulators

**Categories:** Green category

Hey John,  
No it won't -- the AZ Supreme Court already addressed that issue in its opinion -- page 12.  
[https://mcusercontent.com/cc1fad182b6d6f8b1e352e206/files/bb15298b-7a81-4dc2-b680-7593acbe557a/2020\\_cv\\_20\\_0213\\_ap\\_el\\_0.pdf](https://mcusercontent.com/cc1fad182b6d6f8b1e352e206/files/bb15298b-7a81-4dc2-b680-7593acbe557a/2020_cv_20_0213_ap_el_0.pdf)

"The superior court rejected Challengers' arguments that Petition Partners' hourly rate structure and the "spin-the-wheel" program violated § 19-118.01(A), which prohibits paying circulators "based on the number of signatures collected." It agreed with Challengers that four other incentive programs violated § 19-118.01(A). But after approximating the number of disqualified signatures, the court concluded that more than 300,000 valid signatures remained, which was "well in excess of the legal requirement."

Please let me know if you have any other questions.  
Thank you,  
Katie

---

**From:** Warren, John [mailto:jhwarren@12NEWS.COM]  
**Sent:** Monday, November 16, 2020 2:48 PM  
**To:** Conner, Katie  
**Subject:** RE: Petition Signature Gathering Company Faces Criminal Charges for Illegal Payments to Initiative Circulators

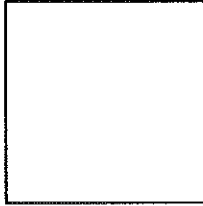
Hi Katie,  
Will this Petition signature gathering charge have any affect on Proposition 208's approval by the voters?  
Thank you

John Warren  
12News  
602-316-5993  
KPNX-Assignmentdesk-Ext

**From:** Attorney General Mark Brnovich  
**Sent:** Monday, November 16, 2020 2:29 PM  
**To:** KPNX-Assignmentdesk-Ext  
**Subject:** Petition Signature Gathering Company Faces Criminal Charges for Illegal Payments to Initiative Circulators

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For Immediate Release: November 16, 2020

Contact: Katie Conner at [Katie.Conner@azag.gov](mailto:Katie.Conner@azag.gov)

## **Phoenix Petition Signature Gathering Company Faces Criminal Charges for Alleged Illegal Payments to Prop 208 Initiative Circulators**

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Attached is a copy of the charging document.

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**Lumpp, Rachelle**

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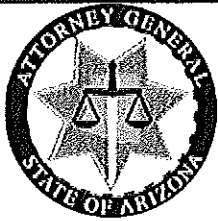
**From:** Mejia, Catherine  
**Sent:** Monday, November 16, 2020 2:44 PM  
**To:** Conner, Katie; Anderson, Ryan  
**Subject:** RE: Petition Signature Gathering Company Faces Criminal Charges for Illegal Payments to Initiative Circulators

**Categories:** Green category

Press release link: <https://www.azag.gov/press-release/phoenix-petition-signature-gathering-company-faces-criminal-charges-alleged-illegal>

**Catherine Mejia**  
Digital Media Manager

---



Office of the Arizona Attorney General  
Communications Department  
2005 N. Central Ave. Phoenix, AZ 85004  
Desk: 602.542.8935  
Cell: 602.689.0283  
[Catherine.Mejia@azag.gov](mailto:Catherine.Mejia@azag.gov)

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---

**From:** Attorney General Mark Brnovich [<mailto:katie.conner@azag.gov>]  
**Sent:** Monday, November 16, 2020 2:29 PM  
**To:** Mejia, Catherine  
**Subject:** Petition Signature Gathering Company Faces Criminal Charges for Illegal Payments to Initiative Circulators

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**For Immediate Release:** November 16, 2020  
**Contact:** Katie Conner at [Katie.Conner@azag.gov](mailto:Katie.Conner@azag.gov)

**Phoenix Petition Signature Gathering Company Faces Criminal Charges**

## for Alleged Illegal Payments to Prop 208 Initiative Circulators

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## Lumpp, Rachelle

---

**From:** Attorney General Mark Brnovich <katie.conner@azag.gov>  
**Sent:** Monday, November 16, 2020 2:29 PM  
**To:** Lumpp, Rachelle  
**Subject:** Petition Signature Gathering Company Faces Criminal Charges for Illegal Payments to Initiative Circulators

**Categories:** Green category

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**For Immediate Release:** November 16, 2020

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## Lumpp, Rachelle

---

**From:** Knuth, William  
**Sent:** Tuesday, November 03, 2020 4:54 PM  
**To:** Conner, Katie; Grigsby, Reginald; White, John; Geisler, Roger  
**Cc:** Kanefield, Joe; Anderson, Ryan; Johnson, John  
**Subject:** RE: Attorney General's Office and Glendale Police Department Return Stolen Ballots

**Categories:** Green category

My apologies to the group, I did not reply all the first time. The ballots were all returned.

---

**From:** Conner, Katie  
**Sent:** Tuesday, November 03, 2020 4:41 PM  
**To:** Knuth, William; Grigsby, Reginald; White, John; Geisler, Roger  
**Cc:** Kanefield, Joe; Anderson, Ryan; Johnson, John  
**Subject:** RE: Attorney General's Office and Glendale Police Department Return Stolen Ballots

Thank you!  
Were we able to deliver all 18 ballots back to the correct voters?

---

**From:** Knuth, William  
**Sent:** Tuesday, November 03, 2020 3:33 PM  
**To:** Conner, Katie; Grigsby, Reginald; White, John; Geisler, Roger  
**Cc:** Kanefield, Joe; Anderson, Ryan; Johnson, John  
**Subject:** RE: Attorney General's Office and Glendale Police Department Return Stolen Ballots

The ballots were in the original mailing envelopes, leaving no clear distinction between parties.

---

**From:** Conner, Katie  
**Sent:** Tuesday, November 03, 2020 3:30 PM  
**To:** Grigsby, Reginald; White, John; Knuth, William; Geisler, Roger  
**Cc:** Kanefield, Joe; Anderson, Ryan; Johnson, John  
**Subject:** FW: Attorney General's Office and Glendale Police Department Return Stolen Ballots  
**Importance:** High

Hi all,  
Were the affected parties from both parties? The Glendale PIO thought they were but I wanted to confirm with our team. Thank you!

---

**From:** Tin, Alex [mailto:TinA@cbsnews.com]  
**Sent:** Tuesday, November 03, 2020 3:16 PM  
**To:** Conner, Katie  
**Subject:** Re: Attorney General's Office and Glendale Police Department Return Stolen Ballots

Are you able to identify the registered party of the affected voters?

Sent from my phone (202) 381-7107

---

**From:** Attorney General Mark Brnovich

**Sent:** Tuesday, November 3, 2020 2:14 PM

**To:** Tin, Alex

**Subject:** Attorney General's Office and Glendale Police Department Return Stolen Ballots

<External Email>

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**For Immediate Release:** November 3, 2020

**Contact:** Katie Conner at [Katie.Conner@azag.gov](mailto:Katie.Conner@azag.gov)

### **Attorney General's Office and Glendale Police Department Return Stolen Ballots**

**GLENDALE** – The Attorney General's Office (AGO) and the Glendale Police Department (Glendale PD) worked together to deliver more than a dozen stolen ballots back to Glendale residents this weekend.

On Friday afternoon, a worker located a stack of unopened mail-in ballots hidden under a rock located off 99th and Glendale avenues. The individual contacted the Glendale Police Department and responding officers located 18 ballots on the side of the road. According to investigators, the ballots were stolen from individual mailboxes in a neighborhood just south of 107th and Northern avenues (in between Vista Avenue and Kaler Drive). The envelopes were still sealed.

On Saturday, AGO agents and Glendale PD hand-delivered the ballots back to the registered voters. It is possible there are additional victims. The motive for stealing the

ballots is presently unknown. At this time, the investigation is still ongoing and no arrests have been made.

Anyone with information regarding this specific incident in Glendale is encouraged to submit tips to the Attorney General's Election Integrity Unit [online](#) or by emailing [EIU@azag.gov](mailto:EIU@azag.gov).

Arizona voters are encouraged to check the status of their ballots at the [Secretary of State's website](#).

In October, the AGO sent a letter to [law enforcement agencies](#) across the state to offer assistance from the Election Integrity Unit (EIU) with any issues on Election Day. The EIU has created a statewide hotline for law enforcement agencies to call if they receive any criminal reports related to election or voting matters.

The AGO would like to remind the public that if an election-related crime is in progress or a situation is escalating, they should immediately contact their local police department.

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## Lumpp, Rachelle

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**Categories:** Green category

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**For Immediate Release:** November 3, 2020

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## Lumpp, Rachelle

---

**From:** Conner, Katie  
**Sent:** Tuesday, November 03, 2020 3:51 PM  
**To:** 'Tin, Alex'  
**Cc:** Anderson, Ryan  
**Subject:** RE: Attorney General's Office and Glendale Police Department Return Stolen Ballots

**Categories:** Green category

No.  
Were you able to see the picture and video? The ballots were in the original mailing envelopes which does not identify a party.

---

**From:** Tin, Alex [mailto:TinA@cbsnews.com]  
**Sent:** Tuesday, November 03, 2020 3:16 PM  
**To:** Conner, Katie  
**Subject:** Re: Attorney General's Office and Glendale Police Department Return Stolen Ballots

Are you able to identify the registered party of the affected voters?

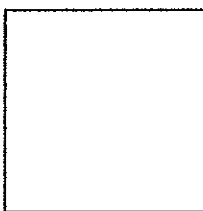
Sent from my phone (202) 381-7107

---

**From:** Attorney General Mark Brnovich  
**Sent:** Tuesday, November 3, 2020 2:14 PM  
**To:** Tin, Alex  
**Subject:** Attorney General's Office and Glendale Police Department Return Stolen Ballots

**External Email**

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**For Immediate Release:** November 3, 2020

**Contact:** Katie Conner at [Katie.Conner@azag.gov](mailto:Katie.Conner@azag.gov)

**Attorney General's Office and Glendale Police Department Return Stolen  
Ballots**

**GLENDALE** – The Attorney General’s Office (AGO) and the Glendale Police Department (Glendale PD) worked together to deliver more than a dozen stolen ballots back to Glendale residents this weekend.

On Friday afternoon, a worker located a stack of unopened mail-in ballots hidden under a rock located off 99th and Glendale avenues. The individual contacted the Glendale Police Department and responding officers located 18 ballots on the side of the road. According to investigators, the ballots were stolen from individual mailboxes in a neighborhood just south of 107th and Northern avenues (in between Vista Avenue and Kaler Drive). The envelopes were still sealed.

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▪

## Lumpp, Rachelle

---

**From:** Knuth, William  
**Sent:** Tuesday, November 03, 2020 3:33 PM  
**To:** Conner, Katie; Grigsby, Reginald; White, John; Geisler, Roger  
**Cc:** Kanefield, Joe; Anderson, Ryan; Johnson, John  
**Subject:** RE: Attorney General's Office and Glendale Police Department Return Stolen Ballots

**Categories:** Green category

The ballots were in the original mailing envelopes, leaving no clear distinction between parties.

---

**From:** Conner, Katie  
**Sent:** Tuesday, November 03, 2020 3:30 PM  
**To:** Grigsby, Reginald; White, John; Knuth, William; Geisler, Roger  
**Cc:** Kanefield, Joe; Anderson, Ryan; Johnson, John  
**Subject:** FW: Attorney General's Office and Glendale Police Department Return Stolen Ballots  
**Importance:** High

Hi all,

Were the affected parties from both parties? The Glendale PIO thought they were but I wanted to confirm with our team. Thank you!

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**To:** Tin, Alex  
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## Lumpp, Rachelle

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**From:** Attorney General Mark Brnovich <katie.conner@azag.gov>  
**Sent:** Tuesday, November 03, 2020 2:14 PM  
**To:** Lumpp, Rachelle  
**Subject:** Attorney General's Office and Glendale Police Department Return Stolen Ballots

**Categories:** Green category

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**Lumpp, Rachelle**

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**Sent:** Tuesday, November 03, 2020 2:14 PM  
**To:** 'Ngalula, Tiffany'  
**Cc:** Anderson, Ryan  
**Subject:** RE: AG Contact Information

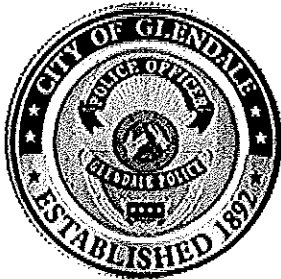
**Categories:** Green category

Here's our live link to the press release: <https://www.azag.gov/press-release/attorney-generals-office-and-glendale-police-department-return-stolen-ballots>

**From:** Ngalula, Tiffany [mailto:TNgalula@GLENDALEAZ.com]  
**Sent:** Tuesday, November 03, 2020 2:07 PM  
**To:** Conner, Katie  
**Cc:** Anderson, Ryan  
**Subject:** RE: AG Contact Information

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*Respectfully,*  
**Officer Tiffany Ngalula #13507**  
**Public Information Officer**  
**Glendale Police Department**  
**6835 N. 57<sup>th</sup> Drive**  
**Glendale, AZ 85301**  
[tngalula@glendaleaz.com](mailto:tngalula@glendaleaz.com)  
[Police\\_pio@glendaleaz.com](mailto:Police_pio@glendaleaz.com)  
**Tues-Fri 7am-5pm**  
**Office: (623) 930-3276**  
**Cell: (623) 694-5333**  
**On Call: (602) 888-3908**



Connect with Glendale Police





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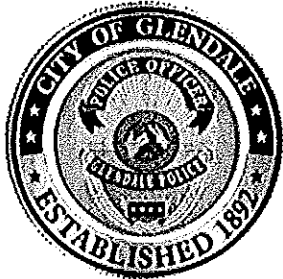
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Katie,  
<https://mywebshare.glendaleaz.com/public/file/NEQBDSUtX06fPo3cZKQP4g/ballots.mp4>

pw agoffice  
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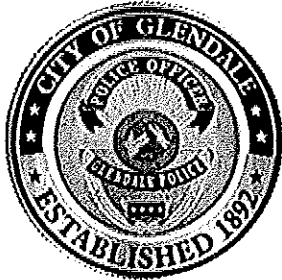
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Thanks Katie. Realistically I am hoping to get it out there by 2pm. I was about 20 seconds away from done when my redaction software crashed! Go figure. So I had to start over. But, I think we will get it out there relatively soon =) I will send you a copy with a FTP before I send out for you to see. The password will be: agoffice

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Best,

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## Katie Conner

Spokesperson/ Director of Media Relations

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Office of Attorney General Mark Brnovich  
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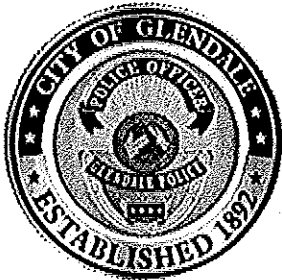
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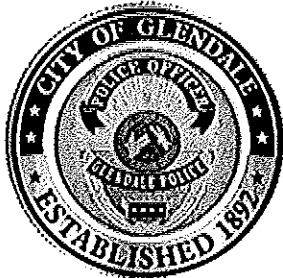
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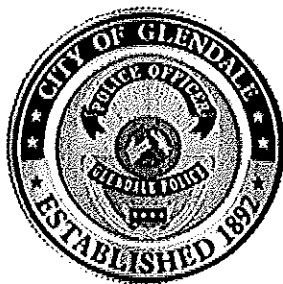
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Brnovich

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85004

Cell: 602-339-5895

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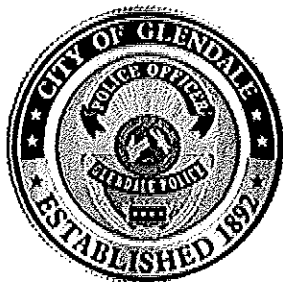
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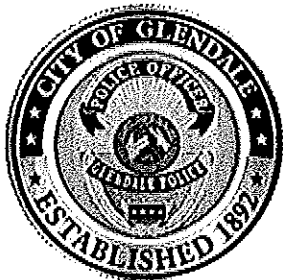
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---

**From:** Ngalula, Tiffany [<mailto:TNgalula@GLENDALEAZ.com>]  
**Sent:** Tuesday, November 03, 2020 11:28 AM  
**To:** Conner, Katie  
**Cc:** Anderson, Ryan  
**Subject:** RE: AG Contact Information

Thanks Katie. Realistically I am hoping to get it out there by 2pm. I was about 20 seconds away from done when my redaction software crashed! Go figure. So I had to start over. But, I think we will get it out there relatively soon =) I will send you a copy with a FTP before I send out for you to see. The password will be: agoffice

*Respectfully,*  
*Officer Tiffany Ngalula #13507*  
*Public Information Officer*  
*Glendale Police Department*  
*6835 N. 57<sup>th</sup> Drive*  
*Glendale, AZ 85301*  
*[tngalula@glendaleaz.com](mailto:tngalula@glendaleaz.com)*  
*[Police\\_pio@glendaleaz.com](mailto:Police_pio@glendaleaz.com)*  
*Tues-Fri 7am-5pm*  
*Office: (623) 930-3276*  
*Cell: (623) 694-5333*  
*On Call: (602) 888-3908*



Connect with Glendale Police



**From:** Conner, Katie <[Katie.Conner@azag.gov](mailto:Katie.Conner@azag.gov)>  
**Sent:** Tuesday, November 3, 2020 11:23 AM  
**To:** Ngalula, Tiffany <[TNgalula@GLENDALEAZ.com](mailto:TNgalula@GLENDALEAZ.com)>  
**Cc:** Anderson, Ryan <[Ryan.Anderson@azag.gov](mailto:Ryan.Anderson@azag.gov)>  
**Subject:** AG Contact Information

Hi Tiffany,  
Thank you for reaching out to us on this. Will this work for your post?

Submit tips regarding this specific incident to the Attorney General's Election Integrity Unit online at <https://www.azag.gov/complaints/election> or by emailing [EIU@azag.gov](mailto:EIU@azag.gov).

Do you know what time you are planning to post? I'll try to gather some additional information from our agents and throw together a release/warning. Feel free to call me if I can help!

Best,  
Katie

## **Katie Conner**

Spokesperson/ Director of Media Relations

---



Office of Attorney General Mark Brnovich  
2005 N. Central Ave., Phoenix, AZ 85004  
Cell: 602-339-5895  
[Katie.Conner@azag.gov](mailto:Katie.Conner@azag.gov)  
<http://www.azag.gov>

## Lumpp, Rachelle

---

**From:** Ngalula, Tiffany <TNgalula@GLENDALEAZ.com>  
**Sent:** Tuesday, November 03, 2020 2:01 PM  
**To:** Conner, Katie  
**Cc:** Anderson, Ryan  
**Subject:** RE: AG Contact Information

**Categories:** Green category

Katie,

<https://mywebshare.glendaleaz.com/public/file/NEQBDSUtX06fPo3cZKQP4g/ballots.mp4>

pw agoffice

*Respectfully,*

*Officer Tiffany Ngalula #13507*

*Public Information Officer*

*Glendale Police Department*

*6835 N. 57<sup>th</sup> Drive*

*Glendale, AZ 85301*

*[tngalula@glendaleaz.com](mailto:tngalula@glendaleaz.com)*

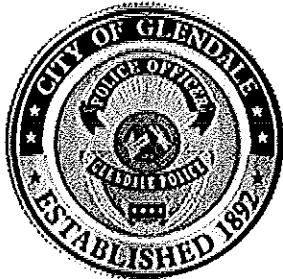
*[Police\\_pio@glendaleaz.com](mailto:Police_pio@glendaleaz.com)*

*Tues-Fri 7am-5pm*

*Office: (623) 930-3276*

*Cell: (623) 694-5333*

*On Call: (602) 888-3908*



*Connect with Glendale Police*



**From:** Conner, Katie  
**Sent:** Tuesday, November 3, 2020 1:24 PM  
**To:** Ngalula, Tiffany  
**Cc:** Anderson, Ryan  
**Subject:** RE: AG Contact Information

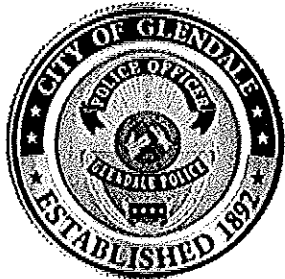
Hi Tiffany,

Here is the press release (attached) we are planning to push out when you post to social. Are you still planning 2 PM? Please let me know if you have any changes/concerns. Thank you!

From: Ngalula, Tiffany [mailto:TNgalula@GLENDALEAZ.com]  
Sent: Tuesday, November 03, 2020 11:28 AM  
To: Conner, Katie  
Cc: Anderson, Ryan  
Subject: RE: AG Contact Information

Thanks Katie. Realistically I am hoping to get it out there by 2pm. I was about 20 seconds away from done when my redaction software crashed! Go figure. So I had to start over. But, I think we will get it out there relatively soon =) I will send you a copy with a FTP before I send out for you to see. The password will be: agoffice

Respectfully,  
Officer Tiffany Ngalula #13507  
Public Information Officer  
Glendale Police Department  
6835 N. 57<sup>th</sup> Drive  
Glendale, AZ 85301  
[tngalula@glendaleaz.com](mailto:tngalula@glendaleaz.com)  
[Police\\_pio@glendaleaz.com](mailto:Police_pio@glendaleaz.com)  
Tues-Fri 7am-5pm  
Office: (623) 930-3276  
Cell: (623) 694-5333  
On Call: (602) 888-3908



Connect with Glendale Police



From: Conner, Katie <Katie.Conner@azag.gov>  
Sent: Tuesday, November 3, 2020 11:23 AM  
To: Ngalula, Tiffany <TNgalula@GLENDALEAZ.com>  
Cc: Anderson, Ryan <Ryan.Anderson@azag.gov>  
Subject: AG Contact Information

Hi Tiffany,  
Thank you for reaching out to us on this. Will this work for your post?

Submit tips regarding this specific incident to the Attorney General's Election Integrity Unit online at <https://www.azag.gov/complaints/election> or by emailing [EIU@azag.gov](mailto:EIU@azag.gov).

Do you know what time you are planning to post? I'll try to gather some additional information from our agents and throw together a release/warning. Feel free to call me if I can help!

Best,

Katie

**Katie Conner**

Spokesperson/ Director of Media Relations

---



Office of Attorney General Mark

Brnovich

2005 N. Central Ave., Phoenix, AZ

85004

Cell: 602-339-5895

[Katie.Conner@azag.gov](mailto:Katie.Conner@azag.gov)

<http://www.azag.gov>

## Lumpp, Rachelle

---

**From:** Conner, Katie  
**Sent:** Tuesday, November 03, 2020 1:28 PM  
**To:** Medina, Rick  
**Cc:** Anderson, Ryan  
**Subject:** Fwd: [Test] Attorney General's Office and Glendale Police Department Return Stolen Ballots

**Categories:** Green category

Hey Rick!

Mark wanted to have you look this over. We are planning to send this out at 2 PM. Let me know if you have any edits. Thank you!

Sent from my iPhone

Begin forwarded message:

**From:** Attorney General Mark Brnovich  
**Date:** November 3, 2020 at 1:22:12 PM MST  
**To:** "Conner, Katie"  
**Subject:** [Test] Attorney General's Office and Glendale Police Department Return Stolen Ballots  
**Reply-To:**

is this email not displaying correctly?  
[View it in your browser.](#)



**For Immediate Release:** November 3, 2020

**Contact:** Katie Conner at [Katie.Conner@azag.gov](mailto:Katie.Conner@azag.gov)

### **Attorney General's Office and Glendale Police Department Return Stolen Ballots**

**GLENDALE** – The Attorney General's Office (AGO) and the Glendale Police Department (Glendale PD) worked together to deliver more than a dozen stolen ballots back to Glendale residents this weekend. The investigation is ongoing.

On Friday afternoon, a worker located a stack of unopened mail-in ballots hidden under a

rock located off 99th and Glendale avenues. The individual contacted the Glendale Police Department and responding officers located 18 ballots on the side of the road. According to investigators, the ballots were stolen from individual mailboxes in a neighborhood just south of 107th and Northern avenues (in between Vista Avenue and Kaler Drive). The envelopes were still sealed.

On Saturday, AGO agents and Glendale PD hand-delivered the ballots back to the registered voters. It is possible there are additional victims. The motive for stealing the ballots is presently unknown. At this time, no arrests have been made.

Anyone with information regarding this specific incident in Glendale is encouraged to submit tips to the Attorney General's Election Integrity Unit [online](#) or by emailing [EIU@azag.gov](mailto:EIU@azag.gov).

Arizona voters are encouraged to check the status of their ballots the [Secretary of State's website](#).

In October, the AGO sent a letter to [law enforcement agencies](#) across the state to offer assistance from the Election Integrity Unit (EIU) with any issues on Election Day. The EIU has created a statewide hotline for law enforcement agencies to call if they receive any criminal reports related to election or voting matters.

The AGO would like to remind the public that if an election-related crime is in progress or a situation is escalating, they should immediately contact their local police department.

###

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Phoenix, AZ 85004

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## Lumpp, Rachelle

---

**From:** Conner, Katie  
**Sent:** Friday, October 30, 2020 9:58 AM  
**To:** Brnovich, Mark; Kanefield, Joe  
**Cc:** Anderson, Ryan  
**Subject:** FW: election day stuff

**Categories:** Green category

Howie is looking to do an interview with you on incidents that occur outside the 75-foot-limit.

---

**From:** - Capitol Media Services [<mailto:capmedia@hotmail.com>]  
**Sent:** Friday, October 30, 2020 9:52 AM  
**To:** Conner, Katie; Anderson, Ryan  
**Subject:** Re: election day stuff

thanks. that's helpful.

still hoping to chat with brno -- or someone -- about the things that occur OUTSIDE that 75-foot limit that aren't clear violations of 16-1006 (e.g. obvious threats) but could be seen as intimidation.

-- howie

---

**From:** Conner, Katie <[Katie.Conner@azag.gov](mailto:Katie.Conner@azag.gov)>  
**Sent:** Friday, October 30, 2020 9:21 AM  
**To:** '- Capitol Media Services' <[capmedia@hotmail.com](mailto:capmedia@hotmail.com)>; Anderson, Ryan <[Ryan.Anderson@azag.gov](mailto:Ryan.Anderson@azag.gov)>  
**Subject:** RE: election day stuff

Both have jurisdiction but depends on the matter/what occurred. Our office is authorized under [ARS 16-1021](#) to enforce certain violations of Arizona's election laws. We just prosecuted Brad Luebke for 75-foot-limit violation.

---

**From:** - Capitol Media Services [<mailto:capmedia@hotmail.com>]  
**Sent:** Friday, October 30, 2020 9:15 AM  
**To:** Anderson, Ryan  
**Cc:** Conner, Katie  
**Subject:** Re: election day stuff

The other question that comes to mind is does the AG have jurisdiction in these cases or is it county attorneys? Or can he only offer legal advice?

---

**From:** Anderson, Ryan <[Ryan.Anderson@azag.gov](mailto:Ryan.Anderson@azag.gov)>  
**Sent:** Friday, October 30, 2020 5:18:31 AM  
**To:** - Capitol Media Services ([capmedia@hotmail.com](mailto:capmedia@hotmail.com)) <[capmedia@hotmail.com](mailto:capmedia@hotmail.com)>  
**Cc:** Conner, Katie <[Katie.Conner@azag.gov](mailto:Katie.Conner@azag.gov)>  
**Subject:** Fw: election day stuff

Well, let's start with these....

this was sent to every police chief in the state: [https://www.azag.gov/sites/default/files/2020-10/AZAG Election Resources LEO 10-20-20 Redacted.pdf](https://www.azag.gov/sites/default/files/2020-10/AZAG%20Election%20Resources%20LEO%2010-20-20%20Redacted.pdf)

And last week we issued this release: <https://www.azag.gov/press-release/goodyear-man-receives-probation-and-fine-disrupting-polling-place-2018>

As for the broader topic, let's discuss further today. We've got dozens of open investigations in our election integrity unit, including some recent actions / results that are "enfranchisement" related.

Ryan

---

**From:** - Capitol Media Services <[capmedia@hotmail.com](mailto:capmedia@hotmail.com)>  
**Sent:** Thursday, October 29, 2020 11:07 PM  
**To:** Anderson, Ryan; Conner, Katie  
**Subject:** election day stuff

hi.

i know that AGs in some states have put out warnings or advisories about so-called "poll watchers," unofficial folks hanging around outside in a possibly intimidating fashion.

and we've seen a history in arizona of a lot of heavily armed folks walking around at certain events (like protests at the capitol to reopen businesses).

so what advice or other suggestions, cautions or whatever has brno put out or intends to put out?

and, if nothing else, would he like to talk about the issue? i am doing a story friday about possible voter intimidation. in fact, i've already talked with the chief justice about the role of the courts in all this.

let me know.

thanks.

-- howie  
[capmedia@hotmail.com](mailto:capmedia@hotmail.com)  
602-390-1170

## Lumpp, Rachelle

---

**From:** Rodbell, Alan - 855 <arodbell@Scottsdaleaz.Gov>  
**Sent:** Monday, October 26, 2020 10:49 AM  
**To:** Lumpp, Rachelle  
**Subject:** RE: Attorney General's Office - Election Resources for LEO

**Categories:** Green category

Thank you

**From:** Lumpp, Rachelle <[Rachelle.Lumpp@azag.gov](mailto:Rachelle.Lumpp@azag.gov)>  
**Sent:** Tuesday, October 20, 2020 2:46 PM  
**To:** Rodbell, Alan - 855 <[arodbell@Scottsdaleaz.Gov](mailto:arodbell@Scottsdaleaz.Gov)>  
**Subject:** Attorney General's Office - Election Resources for LEO

**External Email: Please use caution if opening links or attachments!**  
Dear Chief Rodbell

You will be receiving a letter shortly via email from the Attorney General's office regarding the November election and resources available to you and your agency should you require assistance from our Election Integrity Unit.

Best regards,

Rachelle Lumpp on behalf of Attorney General Mark Brnovich  
Executive Assistant  
602-542-8351 Office  
[rachelle.lumpp@azag.gov](mailto:rachelle.lumpp@azag.gov)

## Lumpp, Rachelle

---

**From:** Mark Lamb <mark.lamb@pinal.gov>  
**Sent:** Friday, October 23, 2020 11:30 AM  
**To:** Lumpp, Rachelle  
**Subject:** Re: Attorney General's Office - Election Resources for LEO

**Categories:** Green category

Thank you Rachelle! I apologize for the delayed response.

Sheriff Lamb

On Tue, Oct 20, 2020 at 2:47 PM Lumpp, Rachelle <[Rachelle.Lumpp@azag.gov](mailto:Rachelle.Lumpp@azag.gov)> wrote:

Dear Sheriff Lamb

You will be receiving a letter shortly via email from the Attorney General's office regarding the November election and resources available to you and your agency should you require assistance from our Election Integrity Unit.

Best regards,

Rachelle Lumpp on behalf of Attorney General Mark Brnovich

Executive Assistant

602-542-8351 Office

[rachelle.lumpp@azag.gov](mailto:rachelle.lumpp@azag.gov)

--

Sheriff Mark Lamb  
Pinal County Sheriff's Office  
[520-866-5133](tel:520-866-5133)

"Victory is reserved for those willing to pay its price." - Sun Tzu

## Lumpp, Rachelle

---

**From:** Lumpp, Rachelle  
**Sent:** Friday, October 23, 2020 10:10 AM  
**To:** Anderson, Ryan  
**Subject:** FW: Attorney General's Office - Election Resources for LEO

**Categories:** Green category

---

**From:** Chief [mailto:Chief@miamiaz.gov]  
**Sent:** Friday, October 23, 2020 10:09 AM  
**To:** Lumpp, Rachelle  
**Subject:** RE: Attorney General's Office - Election Resources for LEO

Thank you, I am in receipt of the letter and wanted to reach out and personally say thank you for the information. I will pass on this information to those who may need it within my department and area.

Respectfully,



**Miami Police Department**  
Chief Keith Thompson  
740 W. Sullivan St.  
Miami, AZ 85501  
(928)473-2466

---

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**From:** Lumpp, Rachelle  
**Sent:** Tuesday, October 20, 2020 2:46 PM  
**To:** Chief  
**Subject:** [External] Attorney General's Office - Election Resources for LEO

Dear Chief Thompson

You will be receiving a letter shortly via email from the Attorney General's office regarding the November election and resources available to you and your agency should you require assistance from our Election Integrity Unit.

Best regards,

Rachelle Lumpp on behalf of Attorney General Mark Brnovich  
Executive Assistant  
602-542-8351 Office  
[rachelle.lumpp@azag.gov](mailto:rachelle.lumpp@azag.gov)

## Lumpp, Rachelle

---

**From:** Chief <Chief@miamiaz.gov>  
**Sent:** Friday, October 23, 2020 10:09 AM  
**To:** Lumpp, Rachelle  
**Subject:** RE: Attorney General's Office - Election Resources for LEO

**Categories:** Green category

Thank you, I am in receipt of the letter and wanted to reach out and personally say thank you for the information. I will pass on this information to those who may need it within my department and area.

Respectfully,



**Miami Police Department**

Chief Keith Thompson  
740 W. Sullivan St.  
Miami, AZ 85501  
(928)473-2466

---

This transmission may contain information that is privileged, confidential and/or exempt from disclosure under applicable law. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution, or use of the information contained herein (including any reliance thereon) is STRICTLY PROHIBITED. If you received this transmission in error, please immediately contact the sender and destroy the material in its entirety, whether in electronic or hard copy format.

**From:** Lumpp, Rachelle  
**Sent:** Tuesday, October 20, 2020 2:46 PM  
**To:** Chief  
**Subject:** [External] Attorney General's Office - Election Resources for LEO

Dear Chief Thompson

You will be receiving a letter shortly via email from the Attorney General's office regarding the November election and resources available to you and your agency should you require assistance from our Election Integrity Unit.

Best regards,

Rachelle Lumpp on behalf of Attorney General Mark Brnovich  
Executive Assistant  
602-542-8351 Office  
[rachelle.lumpp@azag.gov](mailto:rachelle.lumpp@azag.gov)





## Lumpp, Rachelle

---

**From:** John Bailey (MCSO, Chief) <J\_Bailey@MCSO.Maricopa.gov>  
**Sent:** Thursday, October 22, 2020 2:48 PM  
**To:** Lumpp, Rachelle  
**Subject:** RE: Attorney General's Office - Election Resources for LEO

**Categories:** Green category

Thanks you

**From:** Lumpp, Rachelle <Rachelle.Lumpp@azag.gov>  
**Sent:** Tuesday, October 20, 2020 2:46 PM  
**To:** John Bailey (MCSO, Chief) <J\_Bailey@MCSO.Maricopa.gov>  
**Subject:** Attorney General's Office - Election Resources for LEO

Dear Chief Bailey

You will be receiving a letter shortly via email from the Attorney General's office regarding the November election and resources available to you and your agency should you require assistance from our Election Integrity Unit.

Best regards,

Rachelle Lumpp on behalf of Attorney General Mark Brnovich  
Executive Assistant  
602-542-8351 Office  
[rachelle.lumpp@azag.gov](mailto:rachelle.lumpp@azag.gov)

## Lumpp, Rachelle

---

**From:** Attorney General Mark Brnovich <katie.conner@azag.gov>  
**Sent:** Wednesday, October 21, 2020 3:14 PM  
**To:** Lumpp, Rachelle  
**Subject:** Goodyear Man Receives Probation and Fine For Disrupting Polling Place

**Categories:** Green category

Is this email not displaying correctly?  
[View it in your browser.](#)



**For Immediate Release:** October 21, 2020  
**Contact:** Katie Conner at [Katie.Conner@azag.gov](mailto:Katie.Conner@azag.gov)

### **Goodyear Man Receives Probation and Fine for Disrupting Polling Place in 2018**

**GOODYEAR** – Attorney General Mark Brnovich announced that Brad Luebke, age 39 of Goodyear, was convicted of videotaping inside a west valley polling place in 2018.

On Tuesday afternoon, Luebke pleaded guilty to a violation of the "seventy-five foot limit" statute, a Class 2 misdemeanor. On November 6, 2018, Luebke entered a polling place at Desert Springs Community Church in Goodyear with a holstered BB gun and a camera inside the 75-foot limit. Poll workers explained to Luebke that he needed to remove the items from the polling place in order to vote. Luebke refused, and when officers arrived, they found Luebke outside the church with a holstered BB gun and a camera - specifically a cellphone on a specialized mount with a microphone attached.

Luebke was sentenced by Justice of the Peace Anna Huberman to six months of probation and fined \$400 -- plus the mandatory surcharge.

"As a first-generation American, I value the right to vote and believe every Arizonan should be able to make their voice heard without feeling intimidated," said Attorney General Mark Brnovich. "My office stands ready to assist local law enforcement agencies across the state if any issues arise on Election Day."

On Tuesday, the Arizona Attorney General's Office (AGO) sent a letter to law enforcement agencies across the state to offer assistance from the Election Integrity Unit (EIU) with any issues on Election Day.

The EIU established a statewide hotline that law enforcement agencies can call on Election Day if they receive any criminal activity reports relating to election or voting matters. AGO agents will be on standby to assist local officials telephonically in whatever way is needed.

In Arizona, there are laws that protect voters' rights to access polling places and authorize what conduct is and is not allowed inside and outside polling sites.

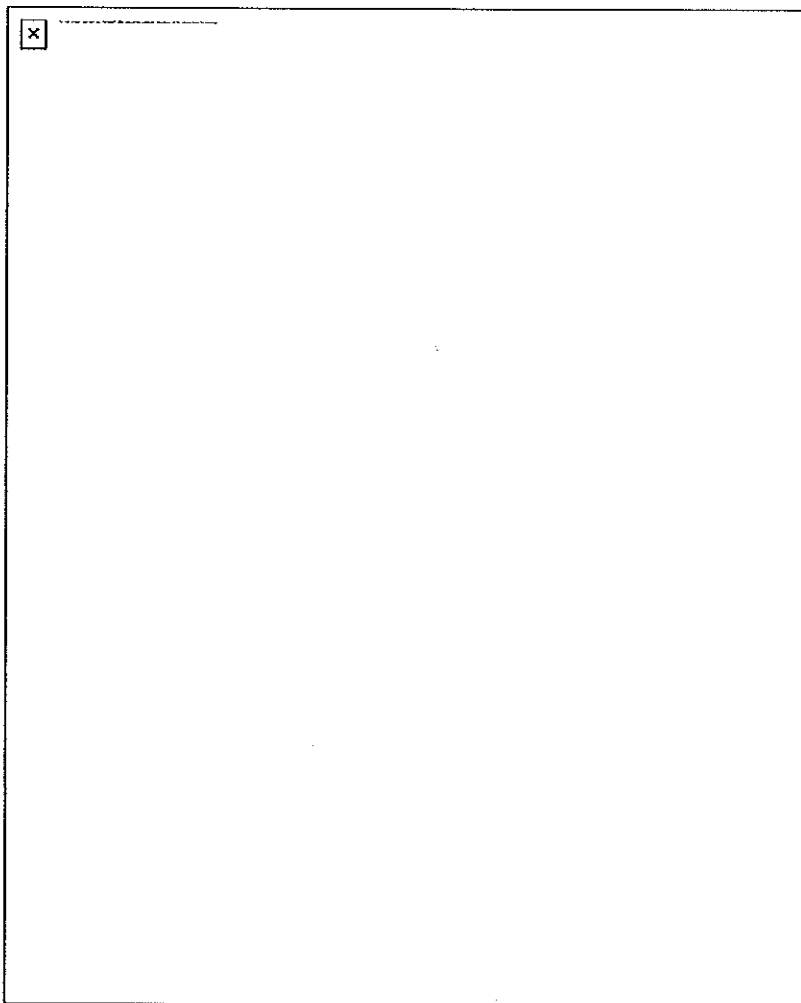
- ARS 16-515: Restrictions on activity within 75 feet of a polling location, a Class 2 Misdemeanor
- ARS 16-1004: Interference with election officers, a Class 5 Felony
- ARS 16-1005: Ballot fraud and abuse, including the harvesting of ballots, Class 4, 5, and 6 Felonies
- ARS 16-1006: Hindering or disrupting voting by force, threats, menaces, bribery or any corrupt means, a Class 5 Felony

The AGO would like to remind the public that if an election-related crime is in progress or a situation is escalating, they should immediately contact their local police department.

Assistant Attorney General Todd Lawson prosecuted the case against Luebke.

The case was investigated by Detective Jamie Cole of the Goodyear Police Department.

Booking photograph of Luebke:



###

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**2005 N. Central Ave.**

**Phoenix, AZ 85004**

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## Lumpp, Rachelle

---

**From:** Glover, Jeffrey <jeffrey\_glover@tempe.gov>  
**Sent:** Wednesday, October 21, 2020 12:01 PM  
**To:** Lumpp, Rachelle  
**Subject:** RE: Attorney General's Office - Election Resources for LEO

**Categories:** Green category

Thank you Rachelle!

Jeff

**From:** Lumpp, Rachelle <Rachelle.Lumpp@azag.gov>  
**Sent:** Tuesday, October 20, 2020 2:46 PM  
**To:** Glover, Jeffrey <jeffrey\_glover@tempe.gov>  
**Subject:** Attorney General's Office - Election Resources for LEO

Dear Chief Glover:

You will be receiving a letter shortly via email from the Attorney General's office regarding the November election and resources available to you and your agency should you require assistance from our Election Integrity Unit.

Best regards,

Rachelle Lumpp on behalf of Attorney General Mark Brnovich  
Executive Assistant  
602-542-8351 Office  
[rachelle.lumpp@azag.gov](mailto:rachelle.lumpp@azag.gov)

## Lumpp, Rachelle

---

**From:** Drew Sanders <dsanders@pageaz.gov>  
**Sent:** Wednesday, October 21, 2020 9:31 AM  
**To:** Lumpp, Rachelle  
**Subject:** RE: Letter from Attorney General's Office - Election Resources for LEO

**Categories:** Green category

Rachelle,

Thanks for sending this, it is very helpful.

Regards,

**Drew C. Sanders**  
Chief of Police  
Page Police Department  
808 Coppermine Rd  
P.O. Box 3005, Page, AZ 86040  
Tel: 928.645.4357 | Fax: 928.645.4250  
[dsanders@pageaz.gov](mailto:dsanders@pageaz.gov) | 



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**From:** Lumpp, Rachelle  
**Sent:** Tuesday, October 20, 2020 3:33 PM  
**Subject:** Letter from Attorney General's Office - Election Resources for LEO

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Attached, please find information regarding election day resources available from the Attorney General's office and our Election Integrity Unit.

Please let us know if you have any additional questions.

Best regards,

Rachelle Lumpp  
Executive Assistant to the Arizona Attorney General  
602-542-8351 Office  
2005 N Central Avenue  
Phoenix, AZ 85004  
[rachelle.lumpp@azag.gov](mailto:rachelle.lumpp@azag.gov)



## Lumpp, Rachele

---

**From:** Peter Wingert <pwingert@paradisevalleyaz.gov>  
**Sent:** Tuesday, October 20, 2020 4:57 PM  
**To:** Lumpp, Rachele  
**Subject:** RE: Attorney General's Office - Election Resources for LEO

**Categories:** Green category

Thank you, I have received the information you provided.

Best regards,

**Peter Wingert**

*Chief of Police*

Paradise Valley Police Department

6433 E. Lincoln Dr.

Paradise Valley, AZ 85253

[pwingert@paradisevalleyaz.gov](mailto:pwingert@paradisevalleyaz.gov)

(480)948-7418

[www.ParadiseValleyPD.com](http://www.ParadiseValleyPD.com)

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Sign up for the Town's weekly COVID-19 Update by visiting: <https://l.townofpv.com/COVID19>

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**From:** Lumpp, Rachele <Rachele.Lumpp@azag.gov>  
**Sent:** Tuesday, October 20, 2020 2:46 PM  
**To:** Peter Wingert <pwingert@paradisevalleyaz.gov>  
**Subject:** Attorney General's Office - Election Resources for LEO

---

EXTERNAL

Dear Chief Wingert

You will be receiving a letter shortly via email from the Attorney General's office regarding the November election and resources available to you and your agency should you require assistance from our Election Integrity Unit.



Best regards,

Rachelle Lumpp on behalf of Attorney General Mark Brnovich  
Executive Assistant  
602-542-8351 Office  
[rachelle.lumpp@azag.gov](mailto:rachelle.lumpp@azag.gov)

## Lumpp, Rachelle

---

**From:** Terry Rozema <trozema@MARANAAZ.GOV>  
**Sent:** Tuesday, October 20, 2020 4:30 PM  
**To:** Lumpp, Rachelle  
**Subject:** RE: Attorney General's Office - Election Resources for LEO

**Categories:** Green category

Thank you !

## Terry S. Rozema

Chief of Police

Town of Marana

[trozema@maranaaz.gov](mailto:trozema@maranaaz.gov)

(O) 520-382-2032

(F) 520-382-2001

*"Unparalleled Service, Unwavering Protection, Uncompromised Integrity"*



---

**From:** Lumpp, Rachelle [mailto:Rachelle.Lumpp@azag.gov]  
**Sent:** Tuesday, October 20, 2020 2:46 PM  
**To:** Terry Rozema  
**Subject:** Attorney General's Office - Election Resources for LEO

### PLEASE BE CAUTIOUS

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Dear Chief Rozema

You will be receiving a letter shortly via email from the Attorney General's office regarding the November election and resources available to you and your agency should you require assistance from our Election Integrity Unit.

Best regards,

Rachelle Lumpp on behalf of Attorney General Mark Brnovich  
Executive Assistant  
602-542-8351 Office  
rachelle.lumpp@azag.gov

## Lumpp, Rachelle

---

**From:** Frank Alanis <frank.alanis@pinal.gov>  
**Sent:** Tuesday, October 20, 2020 3:42 PM  
**To:** Lumpp, Rachelle  
**Subject:** Re: Letter from Attorney General's Office - Election Resources for LEO

**Categories:** Green category

Thank you for the information.

Frank Alanis  
Chief of Police  
Superior Police Department

On Tue, Oct 20, 2020 at 3:33 PM Lumpp, Rachelle <[Rachelle.Lumpp@azag.gov](mailto:Rachelle.Lumpp@azag.gov)> wrote:

Attached, please find information regarding election day resources available from the Attorney General's office and our Election Integrity Unit.

Please let us know if you have any additional questions.

Best regards,

Rachelle Lumpp

Executive Assistant to the Arizona Attorney General

602-542-8351 Office

2005 N Central Avenue

Phoenix, AZ 85004

[rachelle.lumpp@azag.gov](mailto:rachelle.lumpp@azag.gov)



## Lumpp, Rachelle

---

**From:** Joe Shelley <jshelley@showlowaz.gov>  
**Sent:** Tuesday, October 20, 2020 3:40 PM  
**To:** Lumpp, Rachelle  
**Subject:** RE: Letter from Attorney General's Office - Election Resources for LEO

**Categories:** Green category

Thank you ..

---

**From:** Lumpp, Rachelle [<mailto:Rachelle.Lumpp@azag.gov>]  
**Sent:** Tuesday, October 20, 2020 3:33 PM  
**To:** Undisclosed recipients  
**Subject:** Letter from Attorney General's Office - Election Resources for LEO

Attached, please find information regarding election day resources available from the Attorney General's office and our Election Integrity Unit.

Please let us know if you have any additional questions.

Best regards,

Rachelle Lumpp  
Executive Assistant to the Arizona Attorney General  
602-542-8351 Office  
2005 N Central Avenue  
Phoenix, AZ 85004  
[rachelle.lumpp@azag.gov](mailto:rachelle.lumpp@azag.gov)



## Lumpp, Rachelle

---

**From:** Dan Barnes <dbarnes@pinetoplakesideaz.gov>  
**Sent:** Tuesday, October 20, 2020 3:39 PM  
**To:** Lumpp, Rachelle  
**Subject:** RE: EXTERNAL: Letter from Attorney General's Office - Election Resources for LEO

**Categories:** Green category

Thanks Rachelle.

### *"Celebrate the Seasons" Safely*

Dan Barnes, Chief of Police  
Pinetop-Lakeside Police Department  
1360 N. Niels Hansen Lane  
Lakeside, AZ 85929  
Office: (928) 368-8803



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**From:** Lumpp, Rachelle <Rachelle.Lumpp@azag.gov>  
**Sent:** Tuesday, October 20, 2020 3:33 PM  
**Subject:** EXTERNAL: Letter from Attorney General's Office - Election Resources for LEO

**CAUTION:** This email originated from outside of the Town of Pinetop-Lakeside. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Attached, please find information regarding election day resources available from the Attorney General's office and our Election Integrity Unit.

Please let us know if you have any additional questions.

Best regards,

Rachelle Lumpp  
Executive Assistant to the Arizona Attorney General  
602-542-8351 Office  
2005 N Central Avenue  
Phoenix, AZ 85004  
[rachelle.lumpp@azag.gov](mailto:rachelle.lumpp@azag.gov)





## Lumpp, Rachelle

---

**From:** Lance Spivey <lspivey@StJohnsAZ.gov>  
**Sent:** Tuesday, October 20, 2020 3:28 PM  
**To:** Lumpp, Rachelle  
**Subject:** RE: Attorney General's Office - Election Resources for LEO

**Categories:** Green category

Thank you!

Lance Spivey, Ed.D.  
Chief of Police  
St. Johns Police Department  
Email: [lspivey@stjohnsaz.gov](mailto:lspivey@stjohnsaz.gov)  
Office: (928) 337-2440  
Fax: (928) 337-3152

**From:** Lumpp, Rachelle <[Rachelle.Lumpp@azag.gov](mailto:Rachelle.Lumpp@azag.gov)>  
**Sent:** Tuesday, October 20, 2020 2:46 PM  
**To:** Lance Spivey <lspivey@StJohnsAZ.gov>  
**Subject:** Attorney General's Office - Election Resources for LEO

Dear Chief Spivey

You will be receiving a letter shortly via email from the Attorney General's office regarding the November election and resources available to you and your agency should you require assistance from our Election Integrity Unit.

Best regards,

Rachelle Lumpp on behalf of Attorney General Mark Brnovich  
Executive Assistant  
602-542-8351 Office  
[rachelle.lumpp@azag.gov](mailto:rachelle.lumpp@azag.gov)

## Lumpp, Rachelle

---

**From:** John Noland <jnoland@sahuaritaaz.gov>  
**Sent:** Tuesday, October 20, 2020 3:23 PM  
**To:** Lumpp, Rachelle  
**Subject:** RE: Attorney General's Office - Election Resources for LEO

**Categories:** Green category

Thank you.



John Noland | Police Chief

Email: [jnoland@sahuaritaaz.gov](mailto:jnoland@sahuaritaaz.gov) — Office: 520-344-7000 — Fax: 520-344-7050  
315 W. Sahuarita Center Way, Sahuarita, AZ 85629 — [sahuaritaAZ.gov](http://sahuaritaAZ.gov)

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**From:** Lumpp, Rachelle [<mailto:Rachelle.Lumpp@azag.gov>]  
**Sent:** Tuesday, October 20, 2020 2:46 PM  
**To:** John Noland <[jnoland@sahuaritaaz.gov](mailto:jnoland@sahuaritaaz.gov)>  
**Subject:** Attorney General's Office - Election Resources for LEO

Dear Chief Noland

You will be receiving a letter shortly via email from the Attorney General's office regarding the November election and resources available to you and your agency should you require assistance from our Election Integrity Unit.

Best regards,

Rachelle Lumpp on behalf of Attorney General Mark Brnovich  
Executive Assistant  
602-542-8351 Office  
[rachelle.lumpp@azag.gov](mailto:rachelle.lumpp@azag.gov)

## Lumpp, Rachelle

---

**From:** Dannels, Mark <MDannels@cochise.az.gov>  
**Sent:** Tuesday, October 20, 2020 3:13 PM  
**To:** Lumpp, Rachelle  
**Subject:** Re: Attorney General's Office - Election Resources for LEO

**Categories:** Green category

Thank You Rachelle!

Sent from my iPhone

On Oct 20, 2020, at 2:46 PM, Lumpp, Rachelle <[Rachelle.Lumpp@azag.gov](mailto:Rachelle.Lumpp@azag.gov)> wrote:

**CAUTION: EXTERNAL EMAIL\***

Dear Sheriff Dannels

You will be receiving a letter shortly via email from the Attorney General's office regarding the November election and resources available to you and your agency should you require assistance from our Election Integrity Unit.

Best regards,

Rachelle Lumpp on behalf of Attorney General Mark Brnovich  
Executive Assistant  
602-542-8351 Office  
[rachelle.lumpp@azag.gov](mailto:rachelle.lumpp@azag.gov)

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## Lumpp, Rachelle

---

**From:** Donald Jones <djones@town.wellton.az.us>  
**Sent:** Tuesday, October 20, 2020 3:09 PM  
**To:** Lumpp, Rachelle  
**Subject:** RE: Attorney General's Office - Election Resources for LEO

**Categories:** Green category

Thank you, Ms. Lumpp,

We appreciate your assistance!

Donny Jones

D. E. Jones  
Chief of Police  
Wellton Police Department  
(928)785-4887 Office  
(928)785-4065 Fax  
[djones@town.wellton.az.us](mailto:djones@town.wellton.az.us)



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**From:** Lumpp, Rachelle <[Rachelle.Lumpp@azag.gov](mailto:Rachelle.Lumpp@azag.gov)>  
**Sent:** Tuesday, October 20, 2020 2:46 PM  
**To:** Donald Jones <[djones@town.wellton.az.us](mailto:djones@town.wellton.az.us)>  
**Subject:** Attorney General's Office - Election Resources for LEO

Dear Chief Jones

You will be receiving a letter shortly via email from the Attorney General's office regarding the November election and resources available to you and your agency should you require assistance from our Election Integrity Unit.

Best regards,

Rachelle Lumpp on behalf of Attorney General Mark Brnovich  
Executive Assistant  
602-542-8351 Office  
[rachelle.lumpp@azag.gov](mailto:rachelle.lumpp@azag.gov)

## Lumpp, Rachelle

---

**From:** Joe Shelley <jshelley@showlowaz.gov>  
**Sent:** Tuesday, October 20, 2020 3:08 PM  
**To:** Lumpp, Rachelle  
**Subject:** RE: Attorney General's Office - Election Resources for LEO

**Categories:** Green category

Thank you Rachelle

---

**From:** Lumpp, Rachelle [<mailto:Rachelle.Lumpp@azag.gov>]  
**Sent:** Tuesday, October 20, 2020 2:46 PM  
**To:** Joe Shelley  
**Subject:** Attorney General's Office - Election Resources for LEO

Dear Chief Shelley

You will be receiving a letter shortly via email from the Attorney General's office regarding the November election and resources available to you and your agency should you require assistance from our Election Integrity Unit.

Best regards,

Rachelle Lumpp on behalf of Attorney General Mark Brnovich  
Executive Assistant  
602-542-8351 Office  
[rachelle.lumpp@azag.gov](mailto:rachelle.lumpp@azag.gov)

## Lumpp, Rachelle

---

**From:** Araceli Juarez <aracelijuarez@somertonaz.gov>  
**Sent:** Tuesday, October 20, 2020 2:59 PM  
**To:** Lumpp, Rachelle  
**Subject:** RE: Attorney General's Office - Election Resources for LEO

**Categories:** Green category

Thank you.

### Araceli Juarez - Chief of Police

Somerton Police Department  
445 E Main St. | P.O. Box 477 | Somerton, Az. 85350  
(928) 722-7326 Ext. 7304 Work  
(928) 722-7315 Fax  
Email: [aracelijuarez@somertonaz.gov](mailto:aracelijuarez@somertonaz.gov)



**From:** Lumpp, Rachelle <Rachelle.Lumpp@azag.gov>  
**Sent:** Tuesday, October 20, 2020 2:46 PM  
**To:** Araceli Juarez <aracelijuarez@somertonaz.gov>  
**Subject:** Attorney General's Office - Election Resources for LEO

Dear Chief Juarez

You will be receiving a letter shortly via email from the Attorney General's office regarding the November election and resources available to you and your agency should you require assistance from our Election Integrity Unit.

Best regards,

Rachelle Lumpp on behalf of Attorney General Mark Brnovich  
Executive Assistant  
602-542-8351 Office  
[rachelle.lumpp@azag.gov](mailto:rachelle.lumpp@azag.gov)





## Lumpp, Rachelle

---

**From:** Richard Jessup <rjessup@sanluisaz.gov>  
**Sent:** Tuesday, October 20, 2020 2:55 PM  
**To:** Lumpp, Rachelle  
**Subject:** RE: Attorney General's Office - Election Resources for LEO

**Categories:** Green category

Good afternoon Rachelle,

Thank you for the note. We will look forward to the information forthcoming.

*Richard Jessup  
Chief of Police*



*San Luis Police Department  
1030 E Union Street | P.O. Box 3720 | San Luis, AZ 85349  
Office- 928-341-2420  
Cell- 928-919-4635  
Fax-928-627-5446  
[rjessup@sanluisaz.gov](mailto:rjessup@sanluisaz.gov)*

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**From:** Lumpp, Rachelle <[Rachelle.Lumpp@azag.gov](mailto:Rachelle.Lumpp@azag.gov)>  
**Sent:** Tuesday, October 20, 2020 2:46 PM  
**To:** Richard Jessup <[rjessup@sanluisaz.gov](mailto:rjessup@sanluisaz.gov)>  
**Subject:** [EXTERNAL] Attorney General's Office - Election Resources for LEO

Dear Chief Jessup

You will be receiving a letter shortly via email from the Attorney General's office regarding the November election and resources available to you and your agency should you require assistance from our Election Integrity Unit.

Best regards,

Rachelle Lumpp on behalf of Attorney General Mark Brnovich  
Executive Assistant  
602-542-8351 Office  
[rachelle.lumpp@azag.gov](mailto:rachelle.lumpp@azag.gov)

## Lumpp, Rachele

---

**From:** Jennifer Mathe <jmathe@cottonwoodaz.gov>  
**Sent:** Tuesday, October 20, 2020 2:57 PM  
**To:** Lumpp, Rachele  
**Subject:** Re: Attorney General's Office - Election Resources for LEO

**Categories:** Green category

Thank you!

---

**From:** Lumpp, Rachele <[Rachele.Lumpp@azag.gov](mailto:Rachele.Lumpp@azag.gov)>  
**Sent:** Tuesday, October 20, 2020 2:45 PM  
**To:** Jennifer Mathe <jmathe@cottonwoodaz.gov>  
**Subject:** Attorney General's Office - Election Resources for LEO

Dear Chief Gesell

You will be receiving a letter shortly via email from the Attorney General's office regarding the November election and resources available to you and your agency should you require assistance from our Election Integrity Unit.

Best regards,

Rachele Lumpp on behalf of Attorney General Mark Brnovich  
Executive Assistant  
602-542-8351 Office  
[rachele.lumpp@azag.gov](mailto:rachele.lumpp@azag.gov)



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## Lumpp, Rachelle

---

**From:** Steven Roser <sroser@pvaz.net>  
**Sent:** Tuesday, October 20, 2020 2:56 PM  
**To:** Lumpp, Rachelle  
**Subject:** Re: Attorney General's Office - Election Resources for LEO

**Categories:** Green category

Okay thank you

Get [Outlook for iOS](#)

---

**From:** Lumpp, Rachelle <[Rachelle.Lumpp@azag.gov](mailto:Rachelle.Lumpp@azag.gov)>  
**Sent:** Tuesday, October 20, 2020 2:46:01 PM  
**To:** Steven Roser <[sroser@pvaz.net](mailto:sroser@pvaz.net)>  
**Subject:** Attorney General's Office - Election Resources for LEO

Dear Chief Roser

You will be receiving a letter shortly via email from the Attorney General's office regarding the November election and resources available to you and your agency should you require assistance from our Election Integrity Unit.

Best regards,

Rachelle Lumpp on behalf of Attorney General Mark Brnovich  
Executive Assistant  
602-542-8351 Office  
[rachelle.lumpp@azag.gov](mailto:rachelle.lumpp@azag.gov)

## Lumpp, Rachelle

---

**From:** Jeri L Williams <jeri.l.williams@phoenix.gov>  
**Sent:** Tuesday, October 20, 2020 2:56 PM  
**To:** Lumpp, Rachelle  
**Subject:** RE: Attorney General's Office - Election Resources for LEO  
  
**Categories:** Green category

Sounds great!

**From:** Lumpp, Rachelle <Rachelle.Lumpp@azag.gov>  
**Sent:** Tuesday, October 20, 2020 2:46 PM  
**To:** Jeri L Williams <jeri.l.williams@phoenix.gov>  
**Subject:** Attorney General's Office - Election Resources for LEO

Dear Chief Williams

You will be receiving a letter shortly via email from the Attorney General's office regarding the November election and resources available to you and your agency should you require assistance from our Election Integrity Unit.

Best regards,

Rachelle Lumpp on behalf of Attorney General Mark Brnovich  
Executive Assistant  
602-542-8351 Office  
[rachelle.lumpp@azag.gov](mailto:rachelle.lumpp@azag.gov)

## Lumpp, Rachelle

---

**From:** Charles Husted <CHusted@sedonaaz.gov>  
**Sent:** Tuesday, October 20, 2020 2:52 PM  
**To:** Lumpp, Rachelle  
**Subject:** Re: Attorney General's Office - Election Resources for LEO

**Categories:** Green category

Thanks very much for reaching out..

---

**From:** Lumpp, Rachelle <[Rachelle.Lumpp@azag.gov](mailto:Rachelle.Lumpp@azag.gov)>  
**Sent:** Tuesday, October 20, 2020 2:46 PM  
**To:** Charles Husted <[CHusted@sedonaaz.gov](mailto:CHusted@sedonaaz.gov)>  
**Subject:** Attorney General's Office - Election Resources for LEO

Dear Chief Husted

You will be receiving a letter shortly via email from the Attorney General's office regarding the November election and resources available to you and your agency should you require assistance from our Election Integrity Unit.

Best regards,

Rachelle Lumpp on behalf of Attorney General Mark Brnovich  
Executive Assistant  
602-542-8351 Office  
[rachelle.lumpp@azag.gov](mailto:rachelle.lumpp@azag.gov)

## Lumpp, Rachelle

---

**From:** Bruce Tucker <Bruce.Tucker@navajocountyaz.gov>  
**Sent:** Tuesday, October 20, 2020 2:48 PM  
**To:** Lumpp, Rachelle  
**Subject:** RE: Attorney General's Office - Election Resources for LEO  
  
**Categories:** Green category

Thank you ma'am.

Bruce

Bruce M. Tucker # 1004  
Navajo County Sheriff's Office  
Deputy Chief / Patrol Commander  
**Desk:** (928) 532 – 6042  
**Cell:** (928) 241 – 8047  
**E Mail:** [bruce.tucker@navajocountyaz.gov](mailto:bruce.tucker@navajocountyaz.gov)

Navajo County - For Official Use Only

**From:** Lumpp, Rachelle <[Rachelle.Lumpp@azag.gov](mailto:Rachelle.Lumpp@azag.gov)>  
**Sent:** Tuesday, October 20, 2020 2:46 PM  
**To:** Bruce Tucker <[Bruce.Tucker@navajocountyaz.gov](mailto:Bruce.Tucker@navajocountyaz.gov)>  
**Subject:** Attorney General's Office - Election Resources for LEO

**Caution: Please verify the actual email address matches the sender's name to avoid phishing attacks. This email originated from outside of Navajo County. Please be careful and think before you click.**

Dear Sheriff Clouse

You will be receiving a letter shortly via email from the Attorney General's office regarding the November election and resources available to you and your agency should you require assistance from our Election Integrity Unit.

Best regards,

Rachelle Lumpp on behalf of Attorney General Mark Brnovich  
Executive Assistant  
602-542-8351 Office

[rachelle.lumpp@azag.gov](mailto:rachelle.lumpp@azag.gov)



## Lumpp, Rachelle

---

**From:** Larry Hall <lhall@buckeyeaz.gov>  
**Sent:** Tuesday, October 20, 2020 2:48 PM  
**To:** Lumpp, Rachelle  
**Subject:** RE: Attorney General's Office - Election Resources for LEO

**Categories:** Green category

Thank you Rachelle!



Larry Hall  
Chief of Police  
Buckeye Police Department  
21699 W. Yuma Road  
Buckeye AZ 85326  
Desk: 623-349-6438

*"Serving the Community with courage, commitment, and excellence."*



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**From:** Lumpp, Rachelle  
**Sent:** Tuesday, October 20, 2020 2:46 PM  
**To:** Larry Hall  
**Subject:** Attorney General's Office - Election Resources for LEO

[NOTICE: This message originated outside of the City of Buckeye -- **DO NOT CLICK** on links or open attachments unless you are sure the content is safe.]

Dear Chief Hall

You will be receiving a letter shortly via email from the Attorney General's office regarding the November election and resources available to you and your agency should you require assistance from our Election Integrity Unit.

Best regards,

Rachelle Lumpp on behalf of Attorney General Mark Brnovich  
Executive Assistant  
602-542-8351 Office  
[rachelle.lumpp@azag.gov](mailto:rachelle.lumpp@azag.gov)

---

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## Lumpp, Rachelle

---

**From:** Briggs, Chris <CBriggs@GLENDALEAZ.com>  
**Sent:** Tuesday, October 20, 2020 2:48 PM  
**To:** Lumpp, Rachelle  
**Subject:** RE: Attorney General's Office - Election Resources for LEO

**Categories:** Green category

Thank you very much!!



**Chris Briggs**  
Police Chief  
Glendale Police Department

cbriggs@glendaleaz.com  
P 623.930.3277  
6835 N. 57<sup>th</sup> Drive  
Glendale, AZ 85301

We improve the lives of the people we serve every day.  
Community • Integrity • Excellence • Innovation • Learning

**From:** Lumpp, Rachelle <Rachelle.Lumpp@azag.gov>  
**Sent:** Tuesday, October 20, 2020 2:46 PM  
**To:** Briggs, Chris <CBriggs@GLENDALEAZ.com>  
**Subject:** Attorney General's Office - Election Resources for LEO

Dear Chief Briggs

You will be receiving a letter shortly via email from the Attorney General's office regarding the November election and resources available to you and your agency should you require assistance from our Election Integrity Unit.

Best regards,

Rachelle Lumpp on behalf of Attorney General Mark Brnovich  
Executive Assistant  
602-542-8351 Office  
[rachelle.lumpp@azag.gov](mailto:rachelle.lumpp@azag.gov)

## Lumpp, Rachelle

---

**From:** Dale Nannenga <dnannenga@avondaleaz.gov>  
**Sent:** Tuesday, October 20, 2020 2:48 PM  
**To:** Lumpp, Rachelle  
**Subject:** RE: Attorney General's Office - Election Resources for LEO  
  
**Categories:** Green category

Thank you

Sent via the Samsung Galaxy Note9, an AT&T 5G Evolution capable smartphone

----- Original message -----

**From:** "Lumpp, Rachelle" <Rachelle.Lumpp@azag.gov>  
**Date:** 10/20/20 2:45 PM (GMT-07:00)  
**To:** Dale Nannenga <dnannenga@avondaleaz.gov>  
**Subject:** Attorney General's Office - Election Resources for LEO

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---

Dear Chief Nannenga

You will be receiving a letter shortly via email from the Attorney General's office regarding the November election and resources available to you and your agency should you require assistance from our Election Integrity Unit.

Best regards,

Rachelle Lumpp on behalf of Attorney General Mark Brnovich  
Executive Assistant  
602-542-8351 Office  
[rachelle.lumpp@azag.gov](mailto:rachelle.lumpp@azag.gov)

## Lumpp, Rachelle

---

**From:** Resnik, Brahm <bresnik@12NEWS.COM>  
**Sent:** Friday, October 16, 2020 12:08 PM  
**To:** Lumpp, Rachelle  
**Subject:** Re: Public Records Request

**Categories:** Green category

Since June 30. Thank you!

---

**From:** Lumpp, Rachelle  
**Sent:** Friday, October 16, 2020 12:05 PM  
**To:** Resnik, Brahm  
**Subject:** Public Records Request

**CAUTION - EXTERNAL EMAIL** - Please use caution opening attachments and never share your password. Send suspicious email to [infosec@tegna.com](mailto:infosec@tegna.com).

Brahm,  
Please let me know what time frame you are seeking EIU complaints for.  
Thanks!

Rachelle Lumpp  
Executive Assistant to the Attorney General  
Executive Assistant to the Director of Communications  
Office of the Arizona Attorney General  
2005 N. Central Avenue  
Phoenix, AZ 85004  
602-542-8351 Office  
[rachelle.lumpp@azag.gov](mailto:rachelle.lumpp@azag.gov)



## Lumpp, Rachelle

---

**From:** Conner, Katie  
**Sent:** Friday, October 16, 2020 10:19 AM  
**To:** Lumpp, Rachelle; Anderson, Ryan  
**Subject:** Fwd: Public records request

**Categories:** Green category

Sent from my iPhone

Begin forwarded message:

**From:** "Resnik, Brahm"  
**Date:** October 16, 2020 at 10:06:12 AM MST  
**To:** "Conner, Katie"  
**Subject:** Public records request

Good morning Katie,

This is a public records request for documents related to the AG's Elections Integrity Unit. I am requesting:

-Copies of all complaints and supporting documents sent to the EIU.

-Copies of Jennifer Wright's incoming and outgoing emails from Oct. 9, 2020, through Oct. 16, 2020.

This request is pursuant to ARS 39-121, Arizona's inspection of public records law. It is for media use.

KPNX-TV is prepared to pay reasonable costs for locating the requested information and reproducing it. A response is requested if this request will take longer than 30 days under state statute.

KPNX-TV would prefer delivery of items in digital format. Please provide the requested documents in the order in which they become available.

Please call me at 602 799 0127 when any part of this request is ready.

Thank you!

Best,

Brahm

***Brahm Resnik***  
Anchor/reporter  
Host, "Sunday Square Off"  
M: 602 799 0127  
Twitter: @brahmresnik  
Facebook: Brahm Resnik

**12 NEWS/KPNX-TV**  
200 E. Van Buren Street  
Phoenix, AZ 85004-2238



## Lumpp, Rachelle

---

**From:** Conner, Katie  
**Sent:** Monday, October 05, 2020 8:16 PM  
**To:** Crenshaw, Zachary  
**Cc:** Anderson, Ryan  
**Subject:** Re: ABC15 seeking comment/interview 10-5

**Categories:** Green category

Hi Zach,

I apologize but the AG isn't available for an interview. Here's a statement you can use -- please attribute to Katie Conner Spokesperson for Attorney General's Office.

"We are still reviewing today's court decision. It is important to ensure all voters can safely cast their votes while also maintaining Arizona's election integrity safeguards. We will continue to work with the court and election officials to achieve those goals."

Thank you,  
Katie

---

**From:** Crenshaw, Zachary  
**Sent:** Monday, October 5, 2020 5:33:20 PM  
**To:** Conner, Katie  
**Cc:** Anderson, Ryan  
**Subject:** Re: ABC15 seeking comment/interview 10-5

Sounds good.

Thank you, Katie. I appreciate it.

---

**From:** Conner, Katie  
**Sent:** Monday, October 5, 2020 5:31 PM  
**To:** Crenshaw, Zachary  
**Cc:** Anderson, Ryan  
**Subject:** Re: ABC15 seeking comment/interview 10-5

[EXTERNAL SENDER]

Hi Zach,

We are reviewing the ruling. Let me see if the AG is available. If not, I'll get you a statement.

Thank you,  
Katie

Sent from my iPhone

On Oct 5, 2020, at 4:28 PM, Crenshaw, Zachary wrote:



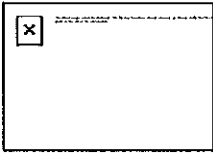
Hi Katie,

Hope you're doing well.

I'm reaching out for a comment, and ideally an on-camera Zoom interview with AG Brnovich, regarding the ruling this afternoon (CV2020-011845).

Thank you in advance. Hope to hear back by 5:30pm for our story airing tonight.

Best regards,  
Zach



**Zach Crenshaw** - Reporter  
Cell: 602-320-2695  
Facebook: [Zach Crenshaw ABC15](#)  
[facebook.com]  
Twitter: [@ZachCrenshaw](#)  
[twitter.com]

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## Lumpp, Rachelle

---

**From:** Mejia, Catherine  
**Sent:** Thursday, September 17, 2020 11:25 AM  
**To:** Anderson, Ryan  
**Cc:** Conner, Katie  
**Subject:** RE: Tweet

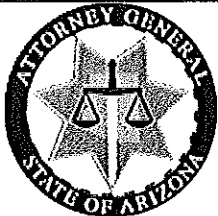
**Categories:** Green category

Can I put it on AG's Facebook too?

## Catherine Mejia

Digital Media Manager

---



Office of the Arizona Attorney General  
Communications Department  
2005 N. Central Ave. Phoenix, AZ 85004  
Desk: 602.542.8935  
Cell: 602.689.0283  
[Catherine.Mejia@azag.gov](mailto:Catherine.Mejia@azag.gov)

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---

**From:** Anderson, Ryan  
**Sent:** Thursday, September 17, 2020 11:10 AM  
**To:** Mejia, Catherine  
**Subject:** RE: Tweet

---

**From:** Mejia, Catherine  
**Sent:** Thursday, September 17, 2020 11:05 AM  
**To:** Anderson, Ryan; Conner, Katie  
**Subject:** Tweet

Former AZ Senate candidate Larry Herrera has been indicted on 34 felony counts, including Attempted Fraudulent Schemes and Practices, Forgery, and Perjury, for allegedly forging signatures to qualify for Clean Elections Funding in 2018. Indictment: [LINK]

2/ To report voter or election-related fraud, fill out an online election complaint form here: <https://www.azag.gov/criminal/eiu>

Let me know of any changes, thanks!

**Catherine Mejia**  
Digital Media Manager

---



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## Lumpp, Rachelle

---

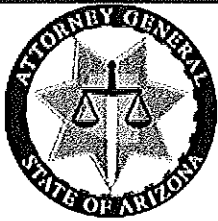
**From:** Mejia, Catherine  
**Sent:** Thursday, September 17, 2020 11:08 AM  
**To:** Burkett Crist, Michael; Anderson, Ryan  
**Subject:** RE:

**Categories:** Green category

Thank you, Michael!

**Catherine Mejia**  
Digital Media Manager

---



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Cell: 602.689.0283  
[Catherine.Mejia@azag.gov](mailto:Catherine.Mejia@azag.gov)

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---

**From:** Burkett Crist, Michael  
**Sent:** Thursday, September 17, 2020 11:06 AM  
**To:** Anderson, Ryan  
**Cc:** Mejia, Catherine  
**Subject:** Re:

<https://tinyurl.com/y36ga53t>

---

**From:** Burkett Crist, Michael  
**Sent:** Thursday, September 17, 2020 10:57:04 AM  
**To:** Anderson, Ryan  
**Cc:** Mejia, Catherine  
**Subject:** Re:

Prepped for 11:05.

---

**From:** Anderson, Ryan  
**Sent:** Thursday, September 17, 2020 10:52:02 AM  
**To:** Burkett Crist, Michael  
**Cc:** Mejia, Catherine  
**Subject:** FW:

Can you post this at 11:05 am?

For Immediate Release: September 17, 2020

Contact: Katie Conner at [Katie.Conner@azag.gov](mailto:Katie.Conner@azag.gov)

## Former State Senate Candidate Indicted for Forging Signatures to Qualify for Citizens Clean Elections Fund

PHOENIX -- Attorney General Mark Brnovich announced today that a State Grand Jury indicted Lorenzo U. Herrera a/k/a Larry Herrera, a former candidate for the Arizona Senate, on 34 felony counts including Attempted Fraudulent Schemes and Practices, Forgery, and Perjury.

The charges arise from Herrera's attempt to qualify for Clean Elections Funding in 2018. The indictment alleges that Herrera offered or presented forged Citizens Clean Elections Commission Qualifying Contribution forms to the Secretary of State's Office and that on each of those forms he perjured himself by falsely asserting that he had obtained \$5.00 qualifying contributions from individuals. To do this, Herrera purportedly took the identities of sixteen individuals with the goal of attempting to obtain money from the Citizens Clean Elections Fund.

Assistant Attorney General Todd Lawson is prosecuting the case.

The Arizona Attorney General's Office recently launched its [Election Integrity Unit \(EIU\)](#) webpage that includes an online election complaint form. EIU was created with the support of the Arizona Legislature to combat reports of voter fraud. Currently, EIU has more than two dozen active criminal and civil investigations.

No booking photograph is available.

All defendants are presumed innocent until found guilty in a court of law.

Copy of indictment [here](#).

###

## Lumpp, Rachelle

---

**From:** Mejia, Catherine  
**Sent:** Thursday, September 17, 2020 11:05 AM  
**To:** Anderson, Ryan; Conner, Katie  
**Subject:** Tweet

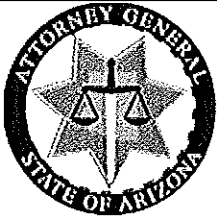
**Categories:** Green category

A State Grand Jury indicted former AZ Senate candidate Larry Herrera for allegedly forging signatures to qualify for Clean Elections Funding. Indictment: [LINK] To report voter fraud, fill out an online election complaint form here: <https://www.azag.gov/criminal/eiu>

Let me know of any changes, thanks!

**Catherine Mejia**  
Digital Media Manager

---



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Cell: 602.689.0283  
[Catherine.Mejia@azag.gov](mailto:Catherine.Mejia@azag.gov)

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**Lumpp, Rachelle**

---

**From:** Conner, Katie  
**Sent:** Wednesday, September 16, 2020 2:39 PM  
**To:** Kanefield, Joe  
**Cc:** Anderson, Ryan  
**Subject:** FW: [Test] Former State Senate Candidate Indicted for Forging Signatures to Qualify for Citizens Clean Elections Funding

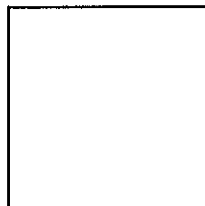
**Categories:** Green category

Hi Joe,  
Please see the press release for Larry Herrera and let us know if you have any questions/concerns.  
Thank you!

---

**From:** Attorney General Mark Brnovich [<mailto:katie.conner@azag.gov>]  
**Sent:** Wednesday, September 16, 2020 2:38 PM  
**To:** Conner, Katie  
**Subject:** [Test] Former State Senate Candidate Indicted for Forging Signatures to Qualify for Citizens Clean Elections Funding

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**For Immediate Release:** September 17, 2020  
**Contact:** Katie Conner at [Katie.Conner@azag.gov](mailto:Katie.Conner@azag.gov)

### **Former State Senate Candidate Indicted for Forging Signatures to Qualify for Citizens Clean Elections Fund**

PHOENIX -- Attorney General Mark Brnovich announced today that a State Grand Jury indicted Lorenzo U. Herrera a/k/a Larry Herrera, a former candidate for the Arizona Senate, on 34 felony counts including Attempted Fraudulent Schemes and Practices, Forgery, and Perjury.

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Commission Qualifying Contribution forms to the Secretary of State's Office and that on each of those forms he perjured himself by falsely asserting that he had obtained \$5.00 qualifying contributions from individuals. To do this, Herrera purportedly took the identities of sixteen individuals with the goal of attempting to obtain money from the Citizens Clean Elections Fund.

Assistant Attorney General Todd Lawson is prosecuting the case.

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No booking photograph is available.

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###

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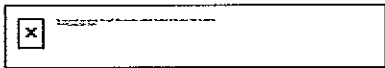


**Lumpp, Rachelle**

---

**From:** The Well News <sbtw@thewellnews.com>  
**Sent:** Wednesday, August 05, 2020 11:55 AM  
**To:** Brnovich, Mark  
**Subject:** SAVED BY THE WELL | Congress Reviews Security for Upcoming Federal Election  
**Categories:** Green category

[View in browser](#)



## Saved by The Well

Wednesday, August 5, 2020

### Congress Reviews Security for Upcoming Federal Election



WASHINGTON — Security systems for mail-in ballots need additional funding and information technology assistance to be ready for the upcoming November election, security experts told Congress Tuesday.

They warned that foreign adversaries and other hackers will try to influence the election unless they can be blocked by the government.

Their warnings raised concern among members of a House Homeland Security subcommittee, who said they were worried about repeating the kind of manipulation traced to Russians in 2016 as they sought to sway the election in their favor.

Donald Trump was one of the candidates favored by a Russian social media campaign and attempted hacking of election computers, according to Homeland Security Department officials.



"It is absolutely critical that we make the current system work," said Rep. Bennie Thompson, D-Miss. "Any finagling with that system puts the process in jeopardy."

The House approved the Election Security Act earlier this year to increase funding for states to protect their elections against foreign interference. In addition, the COVID-19 pandemic relief Heroes Act would give states \$3.6 billion to help them modify their election procedures to respond to the emergency.

Plans for a dramatic increase in mail-in ballots has been the primary response.

Other procedures being considered would move polling places to large forums to allow social distancing, such as stadiums or fairgrounds.

Thompson, the Homeland Security Committee chairman, lamented that, "Both bills are languishing in the Senate."

Trump has cautioned that mail-in ballots could be more susceptible to voter fraud than ballots cast at traditional polling places.

"The good news is that many of these issues can be easily fixed by Election Day," said David Levine, who oversees election integrity issues for the national security advocacy group Alliance for Securing Democracy. "The bad news is that many local election offices are unable to make these fixes quickly because they lack the necessary resources or IT support."

Continuing dangers include election officials who use common computer passwords or who are deceived by phishing attacks from hackers trying to inject malware, Levine said.

He mentioned the District of Columbia's June 2 primary election as an example of how to do things wrong during an election.

The D.C. Board of Elections allowed some voters who did not receive the absentee ballots they requested to vote by email.

Levine told the subcommittee on cybersecurity, infrastructure protection and innovation the incident serves as an example of why election security measures "must be part of the design and not introduced after the fact."

"While the effort was well-intentioned, it put the election results at risk because there is no way either for those voters to verify that their votes were recorded

accurately, nor is there a way to ensure that those votes were not altered in transmission by bad actors,” Levine said.

However, Amber McReynolds, chief executive of the public policy group National Vote at Home Institute, tried to reassure lawmakers mail-in ballots could be made secure with proper preparation.

“Voting by mail is proven, time-tested and secure and dates all the way back to the Civil War,” she said.

One secure method for votes-by-mail uses a ballot tracking system that can be set up quickly by states, McReynolds said.

The congressional hearing follows by one week a suggestion by Trump to delay the date for the election to deal with the COVID-19 pandemic.

The suggestion met with quick criticism from Democrats, such as Rep. Cedric Richmond of Louisiana, who chairs the subcommittee on cybersecurity, infrastructure protection and innovation.

“For the record, the president does not have the power to move the date of the election from November,” Richmond said.

He agreed there were fraud risks for the election but cited a recent Cybersecurity and Infrastructure Security Agency report that says mail-in ballots but could be made safe.



## TODAY ON THE CAMPAIGN TRAIL

Vice President Mike Pence will participate in a “Faith in America Tour” event at the Hilton Clearwater Beach Resort & Spa in Clearwater, Florida at 3 p.m.

The Trump re-election campaign will hold a Trump for President “The Right View” online event hosted by Trump 2020 campaign Senior Advisors Lara Trump and Kimberly Guilfoyle, Trump for President campaign official Mercedes Schlapp, and communications consultant and Trump 2016 presidential campaign national spokesperson Katrina Pierson.

For additional information about these events, click [here](#).

Meanwhile, the Biden for President “Made in America” tour continues today in Chillicothe, Ohio, where Mayor Luke Feeney will participate in a roundtable discussion on Biden’s “Build Back Better” economic recovery plan.

For additional information about this event, click [here](#).

*Want to follow the 2020 elections more closely? [Download](#) our calendars to your favorite calendar app!*

## MOST READ THIS WEEK

- [Lujan Grisham Builds Profile as Biden Looks to Make VP Pick](#)  
By Morgan Lee
- [‘Sobering’ Report Shows Hardening Attitudes Against Media](#)  
By David Bauder
- [Nevada to Mail All Voters Ballots; Trump Promises Lawsuit](#)  
By Sam Metz

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## Lumpp, Rachelle

---

**From:** Anderson, Ryan  
**Sent:** Monday, July 20, 2020 4:14 PM  
**To:** Lumpp, Rachelle  
**Subject:** RE: SPN BIO

**Categories:** Green category

---

**From:** Lumpp, Rachelle  
**Sent:** Monday, July 20, 2020 3:38 PM  
**To:** Anderson, Ryan  
**Subject:** SPN BIO

Mark Brnovich was elected to serve as Arizona's Attorney General in November of 2014, and re-elected to serve a second four-year term in 2018. He has spent most of his career as a prosecutor at the local, state, and federal levels. He has been instrumental in restoring public confidence to the Office and pursuing justice for all Arizonans. Brnovich is a nationally recognized authority and popular speaker in the areas of federalism, data privacy, consumer fraud restitution, and class action fairness and reform. His team has facilitated record levels of restitution for victims of consumer fraud, returning more than \$100 million to Arizona consumers since 2015. Brnovich is currently working to promote and ensure election integrity and is pushing for greater accountability and transparency for higher education institutions in Arizona.

Rachelle Lumpp  
Executive Assistant to the Attorney General  
Executive Assistant to the Director of Communications  
Office of the Arizona Attorney General  
2005 N. Central Avenue  
Phoenix, AZ 85004  
602-542-8351 Office  
[rachelle.lumpp@azag.gov](mailto:rachelle.lumpp@azag.gov)



**Lumpp, Rachelle**

---

**From:** Conner, Katie  
**Sent:** Friday, July 17, 2020 1:58 PM  
**To:** Kanefield, Joe  
**Cc:** Anderson, Ryan  
**Subject:** FW: [Test] Arizona Attorney General's Office Determines Tucson's Election Ordinance May Violate State Law

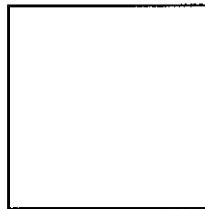
**Categories:** Green category

Hi Joe,  
Here's the press release for the 1487 investigative report. Please let us know if you have any concerns. We may add a quote from the AG still. Thank you!

---

**From:** Attorney General Mark Brnovich [mailto:katie.conner@azag.gov]  
**Sent:** Friday, July 17, 2020 1:54 PM  
**To:** Conner, Katie  
**Subject:** [Test] Arizona Attorney General's Office Determines Tucson's Election Ordinance May Violate State Law

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**For Immediate Release:** July 17, 2020  
**Contact:** Katie Conner at [Katie.Conner@azag.gov](mailto:Katie.Conner@azag.gov)

## **Arizona Attorney General's Office Determines Tucson's Election Ordinance May Violate State Law**

*AGO Will Seek Relief from AZ Supreme Court Regarding Tucson's "Off-Cycle" Election Date Ordinance*

**PHOENIX** – The Arizona Attorney General's Office (AGO) released its findings in the 1487 investigation of whether Tucson's ordinance, which calls for elections for city council and city ballot measures to be held "off-cycle" in 2021 rather than on the statewide election dates in 2022, violates state law. The AGO has determined that the ordinance (11731), enacted on February 19, 2020, may violate state law.

Arizona law establishes that when charter cities, such as Tucson, "demonstrate low voter turnout in the elections that are not held on the consolidated election dates...the low voter turnout constitutes sufficient factual support for requiring candidate and other elections to be held on certain specific consolidate dates." Statute defines "significant decrease in voter turnout" as at least a 25% decline in voter turnout for an at-large candidate election.

During the 2018 statewide general election, turnout within Tucson city limits was 67%. However, turnout for Tucson's off-cycle 2019 election was a meager 39.26%. By law, this significant decrease in turnout would require Tucson to hold its next city election on the statewide election dates in 2022. Despite the decrease in voter turnout, Tucson City Council voted in February 2020 to hold the next city primary election on August 3, 2021 and the next City general election on November 2, 2021.

As a charter city, Tucson may enact ordinances that conflict with state law when those ordinances relate to matters of purely local concern. However, the decision of when to hold an election is likely not a matter of purely local concern. The statute expressly states that it is a matter of statewide concern to increase voter participation in elections and that when evidence of low voter turnout occurs in a local charter city election, it is clearly a matter of statewide concern. Election dates also implicate the State's interests in protecting Arizonans' constitutional right to vote and safeguarding election integrity. Additionally, the Arizona Supreme Court has previously stated that some aspects of local election are matters of statewide concern, including election dates.

The AGO's "may violate" determination will allow for the AGO to expeditiously seek relief in the nature of declaratory judgment against the City of Tucson in the Arizona Supreme Court.

The AGO will promptly file a special action petition with the Arizona Supreme Court to strike down the Tucson's ordinance to hold elections in odd-numbered years. If the high court agrees with the AGO's determination, Tucson's ordinance will be void.

Senator J.D. Mesnard requested the AGO investigation of whether Tucson's ordinance violates state law.

A copy of the AGO's findings can be viewed [here](#).

A copy of Exhibit A can be found [here](#).

The AGO's 1487 investigation page can be [viewed here](#).

###

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**Lumpp, Rachelle**

---

**From:** Kanefield, Joe  
**Sent:** Friday, July 17, 2020 11:58 AM  
**To:** Conner, Katie  
**Cc:** Anderson, Ryan  
**Subject:** RE: [Test] AG's Office Election Integrity Unit Launches New Elections Complaint Form

**Categories:** Green category

Looks good to me. Thanks for your work on this. Very important to the office.

Joseph Kanefield  
Chief Deputy & Chief of Staff



Attorney General Mark Brnovich  
Desk: 602-542-8080  
Joe.Kanefield@azag.gov  
<http://www.azag.gov>

---

**From:** Conner, Katie  
**Sent:** Friday, July 17, 2020 11:57 AM  
**To:** Kanefield, Joe  
**Cc:** Anderson, Ryan  
**Subject:** Fw: [Test] AG's Office Election Integrity Unit Launches New Elections Complaint Form

Hi Joe,  
Here's the updated version of the press release.  
Thank you!

---

**From:** Attorney General Mark Brnovich  
**Sent:** Friday, July 17, 2020 10:27 AM  
**To:** Conner, Katie  
**Subject:** [Test] AG's Office Election Integrity Unit Launches New Elections Complaint Form

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**For Immediate Release:** July 17, 2020

**Contact:** Katie Conner at [Katie.Conner@azag.gov](mailto:Katie.Conner@azag.gov)

## **Arizona Attorney General's Election Integrity Unit Launches New Complaint Form**

PHOENIX - The Office of Arizona Attorney General Mark Brnovich (AGO) recently launched its Election Integrity Unit (EIU) webpage that includes an online [election complaint form](#). With the 2020 elections underway, the AGO created [this webpage](#) to provide the public with a "one-stop shop" for reporting Arizona election-related concerns.

During the 2019 legislative session, the Arizona legislature re-appropriated funds from civil penalties obtained by the AGO for purposes of establishing the EIU.

"We must all work to preserve public confidence in the integrity of our elections by vigilantly defending our regulatory safeguards and common-sense laws," said Attorney General Mark Brnovich. "If anyone has reason to suspect voter fraud or manipulation of Arizona's electoral process, please come forward and report it to our office."

The EIU, through the AGO, is authorized under A.R.S. § 16-1021 to enforce certain violations of Arizona's election laws. With the establishment of the EIU, the AGO is able to accept election-related complaints through the [Election Complaint Form](#), bolstering the election integrity provisions enshrined in Arizona's constitution.

The EIU is comprised of civil and criminal attorneys and investigators. Currently, EIU has approximately 19 active criminal and civil investigations\*. Recently, a former Tucson man [pleaded guilty](#) to voting twice by mail in the 2016 General Election.

Additionally, the EIU works on elections-related litigation, opinion requests, public monies complaints, and specific elections administrative functions assigned to the office. Recent examples of election-related matters the EIU has worked on include:

- [Brnovich v. DNC](#)
- [Americans for Fair Elections v. Hobbs](#)
- [Second Chances v. Hobbs](#)
- [Miracle v. Hobbs](#)
- [State v. Fontes](#)
- [President Karen Fann opinion request RE: Candidate petition filings](#)
- 2019 Elections Procedure Manual, and the 2020 Addendum

Additionally, the AGO provides an online complaint process related to allegations of [misuse of public money to influence an election](#) and to file election-related [civil rights violation complaints](#).

The Arizona Constitution guarantees that "[a]ll elections shall be free and equal" and that laws shall be enacted to "secure the purity of elections and guard against abuses of the elective franchise," Ariz. Const. Art. II, § 21, Art. VII, § 12. The AGO would like to remind

the public that if an elections-related crime is in progress or a situation is escalating, they should contact their local police department immediately, followed by a report to our office.

*\*Due to the sensitive nature of criminal investigations, and ethical rules for prosecutors, the amount of information that can be provided on active criminal cases is limited to the number of cases.*

###

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**Lumpp, Rachelle**

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**Categories:** Green category

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Thank you!

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**For Immediate Release:** July 17, 2020

**Contact:** Katie Conner at [Katie.Conner@azag.gov](mailto:Katie.Conner@azag.gov)

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"We must all work to preserve public confidence in the integrity of our elections by vigilantly defending our regulatory safeguards and common-sense laws," said Attorney General Mark Brnovich. "If anyone has reason to suspect voter fraud or manipulation of Arizona's electoral process, please come forward and report it to our office."

The EIU, through the AGO, is authorized under A.R.S. § 16-1021 to enforce certain violations of Arizona's election laws. With the establishment of the EIU, the AGO is able to accept election-related complaints through the Election Complaint Form, bolstering the election integrity provisions enshrined in Arizona's constitution.

The EIU is comprised of civil and criminal attorneys and investigators. Currently, EIU has approximately 19 active criminal and civil investigations\*. Recently, a former Tucson man pleaded guilty to voting twice by mail in the 2016 General Election.

Additionally, the EIU works on elections-related litigation, opinion requests, public monies complaints, and specific elections administrative functions assigned to the office. Recent examples of election-related matters the EIU has worked on include:

- Brnovich v. DNC
- Americans for Fair Elections v. Hobbs
- Second Chances v. Hobbs
- Miracle v. Hobbs
- State v. Fontes
- President Karen Fann opinion request RE: Candidate petition filings
- 2019 Elections Procedure Manual, and the 2020 Addendum

Additionally, the AGO provides an online complaint process related to allegations of misuse of public money to influence an election and to file election-related civil rights violation complaints.

The Arizona Constitution guarantees that "[a]ll elections shall be free and equal" and that laws shall be enacted to "secure the purity of elections and guard against abuses of the elective franchise," Ariz. Const. Art. II, § 21, Art. VII, § 12. The AGO would like to remind the public that if an elections-related crime is in progress or a situation is escalating, they should contact their local police department immediately, followed by a report to our office.

*\*Due to the sensitive nature of criminal investigations, and ethical rules for prosecutors, the amount of information that can be provided on active criminal cases is limited to the number of cases.*

###

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**Lumpp, Rachelle**

---

**From:** Paton, Angela  
**Sent:** Friday, July 17, 2020 10:30 AM  
**To:** Conner, Katie; Kredit, Joshua  
**Cc:** Anderson, Ryan  
**Subject:** RE: [Test] AG's Office Election Integrity Unit Launches New Elections Complaint Form

**Categories:** Green category

Looks good -- I'd capitalize Legislature in the 2<sup>nd</sup> paragraph: , the Arizona legislature

---

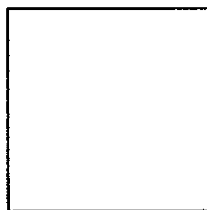
**From:** Conner, Katie  
**Sent:** Friday, July 17, 2020 10:08 AM  
**To:** Kredit, Joshua; Paton, Angela  
**Cc:** Anderson, Ryan  
**Subject:** FW: [Test] AG's Office Election Integrity Unit Launches New Elections Complaint Form

Good morning!  
Will you both look this over and let Ryan and me know of any changes?  
Thank you!

---

**From:** Attorney General Mark Brnovich [mailto:katie.conner@azag.gov]  
**Sent:** Friday, July 17, 2020 10:07 AM  
**To:** Conner, Katie  
**Subject:** [Test] AG's Office Election Integrity Unit Launches New Elections Complaint Form

Is this email not displaying correctly?  
[View it in your browser.](#)



**For Immediate Release:** July 17, 2020  
**Contact:** Katie Conner at [Katie.Conner@azag.gov](mailto:Katie.Conner@azag.gov)

## **Arizona Attorney General's Election Integrity Unit Launches New Complaint Form**

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###

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## Lumpp, Rachelle

---

**From:** Team CMTS <team\_cmts@mycmts.com>  
**Sent:** Tuesday, June 23, 2020 5:38 AM  
**To:** Brnovich, Mark  
**Subject:** Election integrity

**Categories:** Green category

Hello Mark,

Maintaining confidence in US elections runs as a high priority. The fewer people who believe their legislators were legitimately elected, the less legitimacy the legislative process has.

For investigative agencies charged with election integrity, this makes the 2020 election one of the biggest challenges they've ever faced.

While many of these agencies are charged with keeping elections free and fair, they're also supposed to ensure citizens *believe* elections are free and fair.

**Read more on maintaining confidence through this 2020 election: <https://securecasemanagement.com/a-tough-assignment-maintaining-confidence-in-us-elections/>**

Take care,

Team CMTS

919-600-5102

<https://securecasemanagement.com/>

800 Benson Rd. • Garner, NC 27529 • United States • [Click here](#) to unsubscribe.

## Lumpp, Rachelle

---

**From:** PublicRecords  
**Sent:** Thursday, June 11, 2020 11:28 AM  
**To:** Diaz, Bethany; Lumpp, Rachelle  
**Subject:** FW: Election Integrity Unit

**Categories:** Green category

---

**From:** Conner, Katie  
**Sent:** Thursday, June 11, 2020 11:27:42 AM (UTC-07:00) Arizona  
**To:** Lumpp, Rachelle; PublicRecords  
**Subject:** FW: Election Integrity Unit

I think this is a public records request now since she is asking for the edits. I can send her the voter fraud list.  
Thank you!

---

**From:** Harte, Julia (Reuters) [<mailto:Julia.Harte@thomsonreuters.com>]  
**Sent:** Monday, June 08, 2020 3:14 PM  
**To:** Conner, Katie  
**Cc:** Anderson, Ryan  
**Subject:** RE: Election Integrity Unit

Hi Katie, thanks very much for this! I'm looking forward to getting the full list of pending voter fraud cases that the Unit is working on, and the edits that the Unit made to Arizona's election procedures manual, along with any other information about the Unit's activities to date that you can share. (I think that was everything we'd discussed, but forgive me if I forgot something!)

Best,  
Julia

---

**From:** Conner, Katie  
**Sent:** Friday, June 5, 2020 5:32 PM  
**To:** Harte, Julia (Reuters)  
**Cc:** Anderson, Ryan  
**Subject:** RE: Election Integrity Unit

Hi Julia,  
The two attorneys are:  
Senior Litigation Counsel Todd Lawson (Criminal)  
Assistant Attorney General Jennifer Wright (Civil)  
I'm working on your other questions.  
Thank you,  
Katie

---

**From:** Harte, Julia (Reuters) [<mailto:Julia.Harte@thomsonreuters.com>]  
**Sent:** Thursday, June 04, 2020 11:16 AM  
**To:** Conner, Katie  
**Subject:** Election Integrity Unit

Hi Katie,  
I hope this finds you well. I'm the Reuters reporter who left you a voicemail just now.  
I'm trying to learn more about the staff and activities of the Election Integrity Unit in the Attorney General's office. I see that there are four full-time staff assigned to the unit (Senior Criminal Prosecutor, Senior Civil Attorney, Special Agent, Administrative Employee) – can you tell me who fills these roles currently?

Additionally, the "Criminal" tab on the main [EIU webpage](#) says a list of AGO criminal prosecutions related to voter fraud since 2010 can be found "below," but I don't see the list on that page. Could you share the most up-to-date such list with me?

Thank you very much,

Julia

**Julia Harte**

Reporter

**Thomson Reuters**

1333 H Street NW

Suite 700, East Tower

Washington, D.C. 20005

Mobile: +1-917-848-1937

Office: +1-202-590-7402

[julia.harte@thomsonreuters.com](mailto:julia.harte@thomsonreuters.com)

[twitter.com/juliaharte1](https://twitter.com/juliaharte1)

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<https://www.thomsonreuters.com/en/resources/disclosures.html>

## Lumpp, Rachelle

---

**From:** Rodriguez, Lisa  
**Sent:** Tuesday, October 15, 2019 1:41 PM  
**To:** Lumpp, Rachelle  
**Subject:** RE: PRR2019-4901-138

**Categories:** Green category

#yourekillimgme

---

**From:** Lumpp, Rachelle  
**Sent:** Tuesday, October 15, 2019 1:38 PM  
**To:** Rodriguez, Lisa  
**Subject:** RE: PRR2019-4901-138

I do remember that list – I probably just didn't mark this off my sheet. Let me double check my records...

---

**From:** Rodriguez, Lisa  
**Sent:** Tuesday, October 15, 2019 1:38 PM  
**To:** Lumpp, Rachelle  
**Cc:** Rodriguez, Lisa  
**Subject:** RE: PRR2019-4901-138

I thought we already sent you Todd's list he keeps updated. Let me check.

---

**From:** Lumpp, Rachelle  
**Sent:** Tuesday, October 15, 2019 1:25 PM  
**To:** Rodriguez, Lisa  
**Subject:** FW: PRR2019-4901-138

Lisa,  
Where are we on this one? It's old...

---

**From:** Lumpp, Rachelle  
**Sent:** Friday, January 25, 2019 10:12 AM  
**To:** Johnson, Lauren  
**Subject:** PRR2019-4901-138

Hi Lauren,  
Please see PRR below. Thanks!

---

**From:** PublicRecords  
**Sent:** Thursday, January 24, 2019 8:33 AM  
**To:** Diaz, Bethany; Lumpp, Rachelle  
**Subject:** FW: Public Records Request: Submission

---

**From:** Webmaster  
**Sent:** Thursday, January 24, 2019 8:33:16 AM (UTC-07:00) Arizona

To: PublicRecords  
Subject: Public Records Request: Submission

Office of Arizona Attorney General  
**Mark Brnovich**  
**Public Records Request Form**

**Submitted by:**

Full Name: Caleb morrison  
Company: Heritage Foundation  
Street Address: Heritage Foundation C/O Meese Legal Center  
City, State: 214 Massachussets Ave. NE, District of Columbia  
Zip Code: 20002 - 4999  
Phone: 903-343-9228  
E-mail Address: [Caleb.Morrison@thfintern.org](mailto:Caleb.Morrison@thfintern.org)

-----  
AFFIRM that the records are for personal use and not for commercial purposes: I affirm  
-----

**Details of Request**

Records Requested:

In the course of my research into election integrity, I am delighted to contact you to make a records request re. records maintained by the AG's office. I am requesting documents recording all investigations, prosecutions, or convictions of electoral code violations (ballot fraud, voter intimidation etc.) that have been recorded or conducted by the Arizona Attorney General's office from 1990 to the present day.

Intake Number: **PRR-2019-4901-138**

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---

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Intake Number: **PRR-2019-4901-138**



## Lumpp, Rachelle

---

**From:** Brnovich, Mark  
**Sent:** Wednesday, December 23, 2020 3:34 PM  
**To:** EXO-ALL  
**Subject:** Winter Newsletter 2020  
**Attachments:** Winter 2020.pdf  
  
**Categories:** Green category

Please take a moment to look over the Fall/Winter 2020 Newsletter. Thank you to everyone for Happy Holidays and Happy New Year!

2020  
Edition

# THE OPENING STATEMENT

Staff Newsletter  
Arizona Attorney General's Office



Attorney General  
Mark Brnovich

Thank you!

Thank you to all who contributed items for this issue of The Opening Statement.

Please submit your newsworthy items to [Newsletter@azag.gov](mailto:Newsletter@azag.gov) – and don't forget to include photographs!

Your participation and assistance are greatly appreciated.

## Did you know?

Please visit ADOA's [Benefits Page](#) to learn about Covid-19 testing, the Employee Assistance Program, Telehealth, Wellness and more!

## Facilities Reminder

Stop by the newly remodeled Palm Mailroom if you need any PPE (including masks, hand sanitizers and sanitizing wipes).

## Cards for Troops

Thank you to everyone who took the time to create Holiday Cards for the troops! Our office sent over 1,200 cards!

Click [here](#) to watch AG Brnovich on KSLX!



## A Message From Attorney General Mark Brnovich

At the end of the year, I've always believed it's important to be with our families, raise a glass with friends and reflect on what is really important in our lives. In 2020, however, even that time honored tradition may look different. Health officials say we should avoid large gatherings of extended family and friends, especially for those at higher risk for COVID 19 due to age and comorbidities. That is both awful and solid advice. It turns out that it's not just the Grinch and fraudsters who are out to steal our holiday cheer.

While family gatherings may look different or even be virtual, we can nevertheless still engage in the part of the Season where we reflect on what's important in our lives. When we do, we are reminded that protecting ourselves and each other is not just something that we do at home, but throughout our career at the Attorney General's Office. From the Supreme Court to the Internet, Election Integrity to Community Shred-a-thons, Family Court to representing State Agencies, and from Law Enforcement to Student Outreach, our team continues to do fantastic work in protecting the public and making our state a better place for all Arizonans.

I know this month's newsletter cannot replace the joy of sharing a home-cooked meal with our families, but perhaps it can provide food for thought and some inspiration regarding the difference we are making. I also hope you know just how much I appreciate all of your efforts during this especially challenging time. I wish everyone Peace and Joy this Holiday Season and good health and cheer as we welcome the New Year.

## A Message From Chief Deputy & Chief of Staff Joe Kanefield



Wiley E. Jones served as Arizona Attorney General from 1915 to 1921. He was our State's second Attorney General and had the dubious honor of serving during the 1918 flu pandemic which lasted from 1918 to 1920 and infected 500 million people, nearly a third of the world's population at the time. Through four devastating waves this flu was one of the most deadly pandemics in human history. Although the State and the Office of the Attorney General were much smaller at the time, General Jones and his team were able to help guide Arizonans through the turmoil and usher in more prosperous times.

We can glean great knowledge and inspiration from history. With General Brnovich's leadership and everyone's help, we have and will continue to do our part to guide Arizona through the current pandemic and follow in the footsteps of our predecessors who overcame similar adversity.

As I have said many times, the people who work at the Attorney General's Office are committed to serving the public with pride and professionalism. We choose to be here because we believe in our mission. It's for this reason more than any other that we have been able to navigate the challenges of protecting the public during this health crisis with the unwavering ability to adapt to what has become the new norm of remote working. Attorney General Brnovich and I thank you again for doing your part to accomplish this mission without missing a beat.

To close, I'll share some trivia about AG Jones who was quite a character. A few months after being defeated by W.J. Galbraith in the election of 1920, AG Jones was bit by a gila monster while staying at the Jones Hotel in Safford, Arizona. To add embarrassment to injury, it was a gila monster that he had brought with him into the hotel in a failed effort to impress some women in the lobby. As the former AG discussed the beauty and virtues of the reptile, it bit into his left middle finger and did not release its grip for more than a minute. Jones couldn't speak for five hours as a result of the swelling in his tongue. Perhaps that was a good thing.

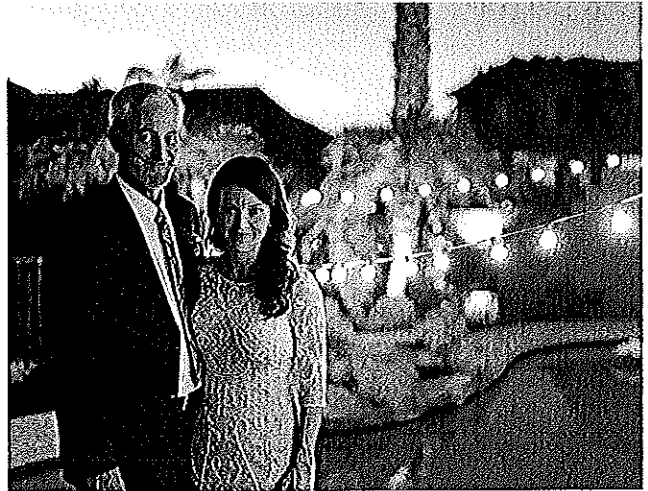
There's no doubt a lesson to be learned from AG Jones' gila monster experience in Safford, but I'll leave that one for you to contemplate. Right now, let's just reflect on his success in assisting Arizona through a pandemic in 1921 ... and how we will do the same in 2021.

With that said, Attorney General Brnovich and I would like to wish you and your families a safe and happy holiday season.

# Operations Division

Let's Celebrate!

In October, Leslie Welch and Brock Heathcotte had an "Unprecedented" wedding! Congratulations to the happy couple!!



Michael Burkett Crist and his wife have a new daughter! Cosima Guinevere was born November 3rd at 9:48am weighing 6 lbs 4 oz, and was 19.75 inches long. Welcome to the world!

# Operations Division

## Mailroom Makeover

In November, the Palm building mailroom underwent a much needed renovation. To make things more convenient, the mail boxes are now located within the mailroom, and we also created an area where employees can stock up on necessary PPE (hand sanitizers, surface wipes, masks and more!).



# State Government Division

## Agency Counsel Section



AAG Caroline Guerrero and husband TJ welcomed beautiful daughter Zara Ada on November 1, 2020. She was 6 pounds, 9 ounces and 19 inches!

AAG Kara Karlson made the news by volunteering to test Moderna's COVID19 vaccine:

*Mesa mom volunteered to test Moderna's COVID-19 vaccine*



*Thousands of Americans have volunteered to test the COVID-19 vaccine, and one of them lives in Mesa. Kara Karlson says she did it to protect her 2-year-old daughter.*

AAG Kelly Gillilan-Gibson's sons, Kellen #45 (2021 graduate) and Cayden #42 (2024 graduate), attend Arizona College Prep and are on its football team. Their team won the Metro East title and they played in the state playoffs.



# State Government Division

## Licensing & Enforcement Section



AAG Sunita Krishna Cairo and her husband Manny welcomed their son Emilio Gael Cairo to their family on July 16, 2020. Baby Emilio joins big sister Indra who is 2. Congratulations to all!

Tanya Martinez joined LES as a legal secretary. Tanya relocated back to Phoenix after spending several years in Gallup, New Mexico, where she worked as an assistant to the Gallup City Attorney and Mayor.

Former AAG and LES Section Chief Monty Lee unexpectedly passed away on September 1, 2020. Monty was a great friend and mentor to the attorneys in LES who had the pleasure of working with him.

The Licensing and Enforcement Section spread holiday cheer by participating in the St. Vincent De Paul's Adopt-a-Family program. LES provided gifts for a family of five from Chandler. The gifts included games, sporting equipment and clothes along with a gift card for groceries. Employees of LES delivered the gifts on December 18th. All of the LES staff enjoyed contributing to such a worthy cause.



## Liability Management Section

Trial Successes:

### ***Keates v. Koile, et al.***

In March, 2020, Senior Litigation Counsels Cynthia Starkey and Tim Watson obtained a defense verdict in the federal district court on behalf of the Department of Child Safety. Thanks to Senior Paralegals Erica Amaral, Kasey Rivera, and Jessica Thompson and Legal Secretaries Lynda Ficarra and Jennifer Navarro for assisting in trial preparation and at trial

### ***Jose H. Peralta v. Collins***

In February, 2020, AAGs Mike Gaughan and Kara Klima obtained a defense verdict in federal district court on behalf of DPS. Plaintiff alleged negligence and constitutional violations arising out of Plaintiff's arrest for suspicion of driving under the influence. After a four day trial, the jury returned a defense verdict on all counts. Thanks to Senior Paralegals Linda Hettich and Yana Sarumov and Legal Secretary Lynda Ficarra.



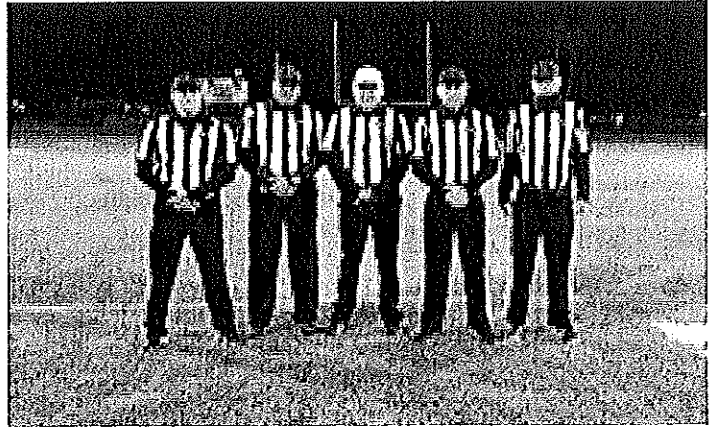
# State Government Division

## Additional Appellate Successes:

In the past year, LMS AAGs, with assistance from paralegals and legal secretaries, successfully defended the State in 17 Appellate cases.

## Personal Accomplishments:

Senior Litigation Counsel Chris Feasel completed his 8th season as a high school football official, acting as line judge for the 2A playoff game between Arizona Lutheran and Wilcox. Feasel, pictured here (far left) began his officiating career in California in the Contra Costa Football Officials Association, where he officiated over games including state powerhouse De La Salle High School. After moving to Arizona in 2016, he became an official with the Arizona Interscholastic Association ("AIA") and has worked playoff games 2 out of the last 3 years. Anyone interested in becoming an official can contact him at [Christopher.Feasel@azag.gov](mailto:Christopher.Feasel@azag.gov).



## LMS Welcomes New Employees



Ena Narvaez  
Legal Secretary II



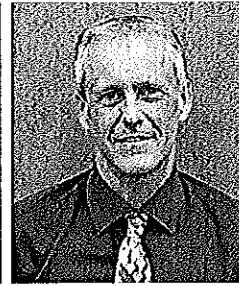
Jose Munoz  
Legal Secretary II



Michelle Cruz  
Legal Secretary II



Michelle Roth  
Legal Secretary II



Tod Brewer  
Legal Secretary II



Amanda Parks  
Senior Paralegal



Lindsey Hughes  
AAG



Neil Singh  
AAG



Stephanie Elliott  
AAG



Christopher Feasel  
Sr. Litigation Counsel

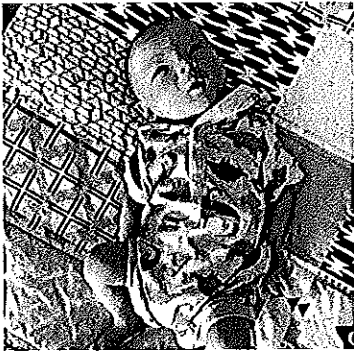


Lawrence Robertson, Jr.  
Sr. Litigation Counsel

# State Government Division

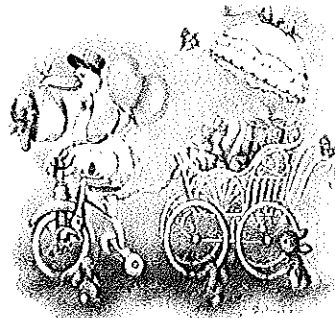
## Natural Resources Section

NRS closed two huge deals this year!



Jack Crestin, born Leap Day, February 29, 2020, to Kevin Crestin and his wife, Christy.

*congratulations*



Melody Rose Rigsby, born July 17, 2020, to Maracia Rigsby and her husband, James.

In addition, NRS assisted the State Land Department to close two substantial deals bringing hundreds of millions of dollars into the State Land Trust to benefit K-12 education. On November 4, 2020, ASLD auctioned 2,800 acres of land east of Apache Junction in return for \$245 million plus a 50% share in future net revenues from development of a master planned community. And on December 9, 2020, ASLD auctioned 1,200 acres of land in north Phoenix west of I-17 in return for \$89 million plus the installation of over \$200 million of infrastructure. The successful bidder, Taiwan Semiconductor Manufacturing Company, is expected to begin construction shortly on a \$12 billion semiconductor plant.

# Civil Litigation Division



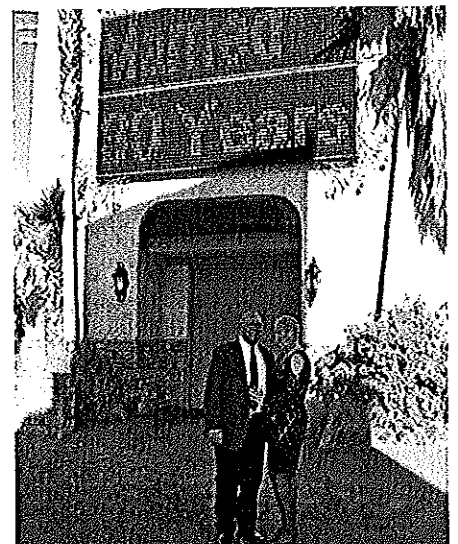
## CLD New Employee



### Marie Elena Cobb, Executive Assistant

Marie has been with the AGO since July 2016 but has been in and around the legal field for 23+ years. Prior to joining CLD in October, Marie was with the Liability Management and Protective Services Sections as a Legal Secretary. Marie is an Arizona native originally from Sierra Vista near Fort Huachuca. She has 2 daughters, Isabelle and Makayla, ages 13 and 10, respectively, and enjoys doing re-enactments in Tombstone, Arizona. In her free time Marie also enjoys photography, geocaching, hiking, crafting, live theatre, singing, jewelry making and anything else that allows her to explore her creative side.

In January, CLD OA Kim Cundiff and husband Tony celebrated their 30th wedding anniversary in Las Vegas with their children.



# Civil Litigation Division

## Bankruptcy Collection & Enforcement Section (BCE)



Kristin McDonald, Assistant Attorney General

Prior to joining the AGO, Kristin represented institutional mortgage lenders for 10 years in the default servicing industry including foreclosure related matters, bankruptcy, excess proceeds, and title curative litigation. Kristin grew up in the Seattle area and upon moving to AZ in 1997 (Go Sundevils!!) was shocked to learn it was possible to live in sunshine and a warm climate versus constant grey and rain. In her spare time, she enjoys reading – currently binging on Elin Hilderbrand novels, volunteering with Phoenix Children’s Chorus, taking random group fitness classes, and spending time with her husband and 10 year old daughter.

Alexis Galindo, Administrative Assistant, started with BCE in January.

---

BCE, on the personal side:

On October 29, Andrea Freeman, Collector III, retired. Even during COVID she was given a proper send off as we thanked her for 25 years of service to the State of Arizona with a buffet of treats, snacks and gifts.



Left to right: Linda Gonzalez; Tiare Viscaina, Frank Armijo; Jill Wieden; Andrea Freeman; Mariah Fondren; Melissa Cordova (holding picture of Heather Suggs who was not able to participate in Andrea’s send-off); Kele Sessions; Gabe Ruiz, Diana Norris, Tina Heer; Jan Jones

# Civil Litigation Division

## Community Outreach & Education Section (COED)

### COED New Employees:



Marle Ethelbah, Community Outreach and Education Coordinator  
Marle started with COED in November. She is an ASU graduate, with a Bachelor's Degree in Social Work. After graduation, she decided to teach English in Japan. This is where she developed a passion for education and public speaking. Upon her return to the United States, Marle worked for agencies that helped at-risk populations. She is excited to work for the Community Outreach section of the Attorney General's Office, because it combines her educational background and passion for helping vulnerable populations. In her spare time, Marle enjoys painting, reading, and spending time with friends and family.

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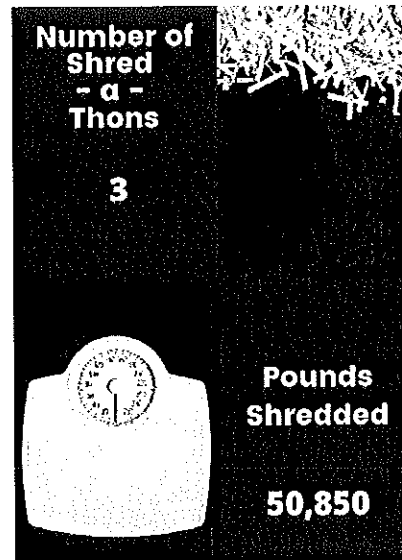
In June of 2020, Community Outreach was excited to learn we would be moving to the Civil Litigation Division. This move allows Community Outreach to work more closely with Consumer Protection, Civil Rights, and the Tobacco Enforcement Unit to help constituents across Arizona.

Since the beginning of the pandemic, Community Outreach, like the rest of the office, had to adapt to a new way of reaching the public. Outreach staff was able to quickly transition to virtual trainings and were able to offer live webinars to the public as well as recorded webinars for the public to watch when convenient. Because of this, Outreach has been able to reach thousands of Arizonans virtually.



# Civil Litigation Division

In addition to virtual learning, in September of 2020 Community Outreach began offering free No Contact Shred-a-thons and Prescription Drug take back events to the public. Because of these events we were able to help over 900 Arizonans shred over 50,000 pounds of documents and recover hundreds of pounds of prescription medications.



# Civil Litigation Division

## Division of Civil Rights Section (DCRS)

### DCRS New Employees:



**Chris Carlsen, Senior Litigation Counsel**

Chris Carlsen rejoined DCRS in April. As an experienced trial and appellate attorney, Chris has worked in private and public practice, primarily litigating civil rights, family law, and personal injury actions. Previously with the Attorney General's Office and while employed with 501(c)(3) non-profit entities, Chris practiced before the Ninth Circuit. In addition to his wealth of knowledge regarding civil and appellate practice, Chris brings to DCRS an expertise in disability law and employment law. Chris also teaches disability law classes at Northern Arizona University.



**Valerie Grijalva, Compliance Officer**

Valerie Grijalva joined DCRS in August as a Compliance Officer. Valerie is an experienced investigator who has worked with some of Arizona's largest State agencies. Valerie's expertise involves working with vulnerable populations in high pressure situations. In her spare time she enjoys spending time with her family and taking family hikes with her dog.

Karla Mejia Rivera, Administrative Assistant, started with DCRS in June.

La-Rae Subay, Compliance Officer II, started with DCRS in October.

Virgil Clark, Compliance Officer I, started with DCRS in June.

Ryan Bishop, Assistant Attorney General, started with DCRS in August.

Sasha Gonzalez, Compliance Officer, started with DCRS in November.

## Civil Litigation Division

DCRS, on the personal side:



On July, 21, the Civil Rights Section welcomed its youngest addition, Vivienne Rai weighing 7 pounds. Congratulations to Compliance Officer Ian Rai and wife Genesis on their beautiful baby girl.



Congratulations to Compliance Officer Gamaliel Vance on his marriage to his longtime girlfriend Desiree on July 25.

In December, two valued DCRS team members will be retiring – Dorothy Jim, Compliance Officer III and Patricia Bianchi, Tucson Compliance Manager. We are grateful to their service to Arizonans, to civil rights, and to the Arizona Attorney General's Office.



# Civil Litigation Division

## DCRS Case Highlights

### ***State of Arizona v. Obrigis, LLC d/b/a O'Brien's Sports Bar***

In February, 2020, DCRS resolved its lawsuit against Obrigis, LLC d/b/a O'Brien's Sports Bar. In its October 25, 2019 lawsuit, DCRS alleged that Obrigis violated the Arizona Americans with Disabilities Act (AzDA) when it refused to serve Bill Larson because of his service animal. Mr. Larson has a brain injury which causes him to experience transient ischemic attacks (referred to as mini-strokes). His American Bulldog service animal, Whopper, is trained to detect the onset of the mini-strokes and alert Mr. Larson so that he may take steps to ensure his safety and the safety of others.

DCRS resolved this matter through Consent Decree. Under the terms of the Consent Decree, Obrigis was required to pay monetary damages of \$7,500 to Mr. Larson and \$2,500 in civil penalties to the State. In addition, Obrigis agreed to create and disseminate policies prohibiting discrimination on the basis of disability and permitting reasonable modifications to its policies as necessary to serve customers with disabilities. The Consent Decree further required that Obrigis pay for and participate in robust training on disability law under AzDA and Title III of the Americans with Disabilities Act.

### ***State of Arizona v. Big Tex Trailer World, Inc. d/b/a Big Tex Trailers***

On May 30, 2019, DCRS filed a lawsuit against employer Big Tex Trailer World, Inc. d/b/a Big Tex Trailers, a company which sells, rents, and services trailers from its three Arizona locations. DCRS alleged that Big Tex violated the Arizona Civil Rights Act (ACRA) when it failed to make reasonable accommodations to the known physical limitations of its employee, Ed Litzinger. DCRS further alleged that Big Tex terminated Litzinger on the basis of his disability in violation of ACRA. Mr. Litzinger, a retired detective, filed a charge of discrimination with DCRS on May 31, 2018. While employed as a Sales Representative in Big Tex's Tucson location, Litzinger underwent hip replacement surgery and returned to work with the assistance of a cane. Litzinger alleged that Big Tex would not reasonably accommodate his return to work condition and subsequently terminated him due to his disability.

DCRS resolved the litigation through a Consent Decree that provided for monetary damages of \$45,000 to Mr. Litzinger and injunctive relief for DCRS including Big Tex's obligation to revise its policies and practices, pay for and participate in mandatory training, and maintain employment records related to its Arizona business operations subject to audit by DCRS.

### ***State of Arizona v. Shree Yogiji d/b/a the Tombstone Grand Hotel and Landmark Hospitality, LLC d/b/a Hampton Inn Sierra Vista***

On October 22, 2020, DCRS filed a lawsuit alleging that that employers Shree Yogiji d/b/a the Tombstone Grand Hotel and Landmark Hospitality, LLC d/b/a Hampton Inn Sierra Vista (collectively, Defendants) violated the Arizona Civil Rights Act (ACRA) when its supervisors harassed their joint employee because of her disability and created a hostile work environment. On October 23, 2019, an aggrieved party and employee of Defendants filed a charge of discrimination with DCRS alleging that her employers subjected her to different terms and conditions of employment and a hostile and intimidating work environment based on her disability. Specifically, the aggrieved party, who has intellectual disabilities and speech delays, alleged that her supervisors repeatedly referred to her in unwelcome and derogatory ways,

## Civil Litigation Division

openly chastised her in employee meetings and in front of guests, shoved her head into a sink until she cried, and poked her between the shoulders so that she would move quicker. After investigating the charge, DCRS issued a reasonable cause determination on September 14, 2020. This matter is currently pending in Maricopa County Superior Court.

### ***State of Arizona v. Solterra of Arizona, LLC d/b/a Solterra La Cholla***

On November 2, 2020, DCRS filed a lawsuit against employer Solterra of Arizona, LLC d/b/a Solterra La Cholla (Solterra), alleging that it violated the Arizona Civil Rights Act when it failed to remedy a hostile work environment based on sex and terminated its employee after she complained about being sexually assaulted by a colleague while at work. On November 24, 2019, DCRS received a charge of discrimination from Solterra's former employee alleging that (1) Solterra subjected her to sexual harassment and a sex-based hostile work environment, (2) Solterra terminated her, and (3) Solterra retaliated against her after she engaged in protected activity. Specifically, the aggrieved party alleged that while at work she was sexually assaulted by a colleague. Additionally, she alleged that the colleague followed her outside the facility while she was on break and attempted to sexually assault her again. The aggrieved party complained to management about the sexual assault and was thereafter terminated. On September 30, 2020, DCRS completed its investigation and issued a reasonable cause determination. It thereafter filed this lawsuit. This matter is currently pending in Maricopa County Superior Court.

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### Consumer Protection and Advocacy Section (CPA)

On February 27, (pre-COVID), as part of Consumer Protection Awareness Week, AG Brnovich posed for a picture with CPA staff which includes the Consumer Information & Complaints Unit; Consumer Litigation Unit; Tobacco Enforcement Unit; and Competition, Innovation & Privacy Unit.



## Civil Litigation Division

### CPA New Employees:



**Alex Bernard, Pre-Law Legal Assistant**

Alex started with CPA in February after working for the Maricopa County Attorney's Office in the Grand Jury/Probation Violation Bureau. Before the County Attorney's Office, Alex graduated Arizona State University in May 2018 with a degree in Political Science where he received the Moeur Award. In his spare time, Alex loves to hike, read, and spend time with his family.



**Leticia Bdeir, Legal Administrative Assistant**

Leticia started with CPA in February. She previously worked with The Department of Economic Security as an Administrative Assistant serving as a middle man to State AHCCCS by sending referrals for medical emergencies for Arizona families. Leticia was born and raised in Northern California. She has 4 children and 3 grandchildren. Her fur babies are Aslan (dog) and Sophie (cat). She loves to cook, travel, listen to music and spend time with her husband and family. Leticia is happy to be at the AG's office.



**Gabriella Guzman, Administrative Assistant**

Gabby started with the Tobacco Enforcement Unit ("TEU") in January. She graduated from Northern Arizona University with a Justice Study degree, emphasis in intelligence and minor in Homeland Security. She has previously worked in child care and more recently, as a customer service representative. Her favorite TV show is The Office and her dogs name is Diamond.

## Civil Litigation Division



Alexes Ramirez, Legal Administrative Assistant

Alexes returned to CPA in November and is excited to be back. She graduated from Southern Utah University with a degree in Sociology. She enjoys traveling, going on walks with her dog, and spending time with her younger sisters.



Dominique Jackson, Legal Assistant II

Dominique started with TEU in March. She graduated in 2017 with a Bachelor of Science in Criminal Justice from New Mexico State University, where she also excelled as a track athlete for the Aggies. After graduation, Dominique returned to Arizona and enrolled at Grand Canyon University, where she is currently pursuing a Masters in Criminal Justice with Emphasis in Legal Studies. Prior to joining the AG's Office, Dominique worked in private practice for a civil litigation firm. Dominique has quickly become an integral member of TEU, supporting the AG's Youth Tobacco Program in our efforts to reduce youth exposure to tobacco products.



Jocelyne Jones, Administrative Assistant

Jocelyn started with the Consumer Information & Complaints Unit ("CIC") in November.

## Civil Litigation Division



**Justin Heywood, Pre-Law Legal Assistant**

Justin started with CIC in July. He is a native Arizonan who graduated from Arizona State University with a bachelor's in political science and civic and economic thought. In his free time, he enjoys learning new things and finding new experiences, which led him to learn how to juggle and go bungee jumping. He considers himself an ice cream enthusiast, with his favorite flavors being mint chocolate chip and salted caramel.



**Christopher Slood, Assistant Attorney General**

Christopher started with CPA in November. He is a 2016 University of Arizona Law grad. Prior to joining the Arizona Attorney General's Office, Christopher clerked at the Arizona Court of Appeals, Arizona Supreme Court, and the United States District Court for the District of Arizona. In his spare time, he enjoys hanging out with family and getting outside.

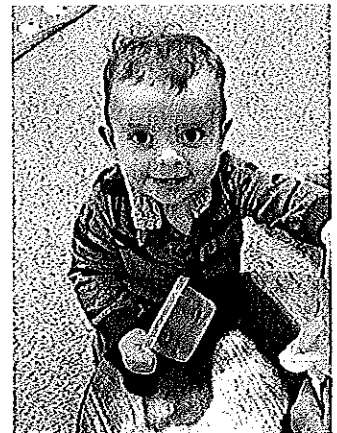
Mitchell Allee, Senior Litigation Counsel, returned to CPA in June.

Syreeta Tyrell, Assistant Attorney General, started with CPA in August.

Laura Dilweg, Senior Litigation Counsel, started with CPA in November.

DCRS, on the personal side:

On February 20 at 4:04pm, Alyse Meislik, Assistant AG, and her husband Matt, welcomed their son Robert ("Robbie") into the world. He weighed in at 8 lbs. 7 oz., 20.5 inches.



## Civil Litigation Division

Senior Lit Counsel Mitchell Allee and wife, Tara, welcomed their son, Harrison William Allee, into the world on October 30. He weighed 8 lbs. 9 ozs.



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### CPA Case Highlights

- As of July 2020, CPA had secured well over \$100 million in restitution for Arizona consumers since Attorney General Mark Brnovich took office in 2015. Significantly, this is more than the total restitution from 2001 to 2014.
- Obtained tens of millions of dollars of relief for consumers who had loans from Santander, one of the nation's largest subprime auto lenders. Santander had provided high-interest loans to consumers that Santander knew were likely to default.
- Sued JUUL Labs and Eon Smoke, alleging that both companies engaged in deceptive and unfair practices in their sales and marketing of vaping products, particularly to youth. The AGO also obtained a permanent injunction banning Eon Smoke from selling certain products in Arizona.
- Obtained an \$11 million settlement with Century Link regarding deceptive and unfair billing and marketing practices, under which Century Link paid nearly \$2 million in refunds to consumers and \$2 million toward fiber-optic infrastructure in Arizona.
- Obtained a consent judgment against Equifax, resolving the multistate investigation into the company's massive 2017 data breach. The multistate settlement included a \$425 million restitution fund, a \$175 million payment to the states, and injunctive relief.
- Sued several former executives of the Chandler-based opioid manufacturer Insys Therapeutics, Inc., including the company's founder, John Kapoor, alleging that the company illegally paid doctors to prescribe its highly addictive opioid medication.
- Sued several members of the Sackler family, who were responsible for operating Purdue Pharma, which the State has alleged violated a consent judgment ordering Purdue not to engage in deceptive marketing of its opioids.

## Civil Litigation Division

- Obtained over \$90,000 in restitution from Dependable Auto, a Tucson-based car dealership that allegedly engaged in a wide variety of unlawful practices.
- Sued Choice Home Warranty, alleging that the company raked in millions of dollars by deceiving and misleading Arizonans about what its home warranties would cover.
- Obtained over \$100,000 in restitution for consumers from a former owner of DIY Neurocare, which sold LED light pads as neuropathy treatments and failed to deliver on its money-back guarantee.
- Sued Valley Delivery, alleging that the company put up fake delivery slips in order to trick new homeowners into giving the company their phone numbers.
- Obtained \$600,000 in a settlement with a Sun City vacuum seller that repeatedly violated the Do Not Call list.
- The Division Chief and members of CPA and the Consumer Information & Complaints Unit participated in a phone bank broadcast by ABC15.
- Secured an Amended Final Judgment with Live Nation after discovering that Live Nation violated terms of a 2010 Consent Judgment related to its merger with Ticketmaster by pulling or threatening to pull its shows from a venue if the venue chose not to use Ticketmaster for its ticketing services. The antitrust judgment contains injunctive terms and an additional five-year monitoring period to prevent Live Nation from engaging in future anti-retaliation and anti-conditioning activities and hold Live Nation accountable for any further violations.
- Filed an antitrust complaint against Taro Pharmaceuticals, Perrigo New York, Fougera Pharmaceuticals (now Sandoz), and 23 more of the nation's largest generic drug manufacturers, alleging a broad conspiracy to artificially inflate and manipulate prices and reduce competition for approximately 80 different generic dermatology drugs.

### Tobacco Enforcement Unit Highlights:

#### Youth Volunteer Recognition and Recruitment

- The Counter Strike Youth Tobacco Program usually holds an annual Recognition Ceremony to honor the youth volunteers who donate thousands of hours of time to keep tobacco products out of the hands of Arizona's kids. The Recognition Ceremony is typically hosted by the Arizona Diamondbacks and held at Chase Field with lots of fun and a little pomp and circumstance. Unfortunately, like so many large gatherings this year, the Recognition Ceremony had to be cancelled for the safety of everyone involved. However, the Program could not let this year's group of dedicated volunteers go without recognition. We created certificates for each youth volunteer, signed by the AG, and mailed each youth a package with their certificate, a thank you letter, and an official Counter Strike t-shirt. It was nice to touch base with everyone and let these volunteers know that we did not forget about their contributions!

## Civil Litigation Division

- As we look towards resuming youth tobacco inspections in the near future, the Program has started ramping up youth volunteer recruitment- virtually! We have started reaching out to our school and club partners and scheduling video-conference recruitment presentations. Our Special Agents are becoming Zoom pros as they venture into virtual classrooms! We have had a fantastic response with dozens of new volunteers submitting paperwork. The schools have also been very responsive to presentations in a virtual format. And, while we miss seeing the kids in person, this allows the agents to present to youth all over the state in the same day!

### Non-Participating Manufacturer Adjustment Arbitration Settlement

- The Tobacco Master Settlement Agreement (“MSA”) entitles Arizona to an annual payment of approximately \$100 million. The Tobacco Enforcement Unit goes to great lengths each year to satisfy this diligent enforcement requirement, which requires, among other things, collecting millions of dollars from cigarette manufacturers that have chosen to not join the MSA. These efforts have resulted in a multi-year settlement of the NPM Adjustments for years 2018 – 2022, protecting approximately \$450 Million.

### 2019 Data Clearinghouse Proceeding

- Pursuant to the terms of the Tobacco Non-Participating Manufacturer (NPM) Adjustment settlement, the Settling States and the Participating Manufacturers (PMs) must participate in an annual Data Clearinghouse (DCH) Proceeding, during which BDO USA, a national economics firm, will review state-specific data supplied by the Settling States and PMs to determine if the state in question received Escrow Statute (A.R.S. § 44-7101) compliance on all NPM cigarettes on which state excise tax (SET) was collected. In the event Escrow Statute compliance was not received on all SET-paid NPM cigarettes, the state in question could be subject to an adjustment to its annual Master Settlement Agreement payment if the non-compliance amount goes beyond the safe harbor set forth in the settlement agreement. The 2019 DCH Proceeding began in August 2019. Due to the Tobacco Enforcement Unit’s diligent efforts to enforce the Escrow Statute as to all NPM cigarettes sales in Arizona, BDO USA was able to quickly determine that Arizona has zero non-compliant cigarettes resulting in no adjustment to Arizona’s MSA Payment to be received April 2021.



# Solicitor General's Office

## Fond Farewells and New Faces in Great Places!

### Criminal Appeals

On May 1, 2020 we bid farewell to Criminal Appeals Section Chief, Joe Maziarz. Joe was with the office for 35 years, with the last 8.5 years serving as CAS Section Chief. We would like to give a big thank you to CAS Unit Chief Mike O'Toole for taking on the role of Interim Section Chief until Linley Wilson officially stepped into the position on November 30, 2020. Congratulations, Linley!

CAS also said farewell to Unit Chief Rob Walsh on May 15, 2020. Rob had been in CAS for over 25 years! With Rob leaving, we welcomed back Alice Jones who returned to the office on May 26, 2020 and took over the Unit Chief position. Congratulations, Alice!

On April 21, 2020 we said goodbye to Legal Secretary II, Nancy Romero. In the blink of an eye, Oscar Lopez swiftly learned the ropes and stepped in to that position! On December 4, 2020 we said goodbye to AAG Terry Crist, and on December 16, 2020 we said goodbye to AAG Heather Mosher.

### Capital Litigation

On January 13, 2020 the Capital Litigation Section welcomed two new AAG's, David Ahl and Elizabeth Bingert! Welcome to the AGO David and Elizabeth! On March 16, 2020, CLS said goodbye to Senior Legal Assistant, Stacy Coleman as she reached out for new endeavors!

On April 6, 2020 we were happy to have Jeff Sparks return to the office as a CLS Unit Chief. Welcome back, Jeff! On November 25, 2019, Andrew Reilly transferred from CAS into a Unit Chief position for CLS. Congratulations, Andrew! On September 4, 2020, we said goodbye to AAG Jason Lewis.

### Special Litigation Section

On November 15, 2019 we said goodbye to Deputy Solicitor General, Andrew Pappas as he accepted a position as counsel for the Arizona House of Representatives. On May 18, 2020 we were happy to have Mike Catlett come on board with us as Deputy Solicitor General, and on July 27, 2020 we welcomed Sarah Crank into a Legal Assistant position. Welcome to the AGO, Mike and Sarah!

On September 8, 2020 we bid a fond farewell to Solicitor General/Special Litigation Section Chief Counsel, O.H. Skinner, as he left the office to work on other legal endeavors! And a month later on October 9, 2020, we bid farewell to Deputy Solicitor General/Federalism Unit Chief Rusty Crandell after his appointment to serve as a Maricopa County Superior Court Judge!

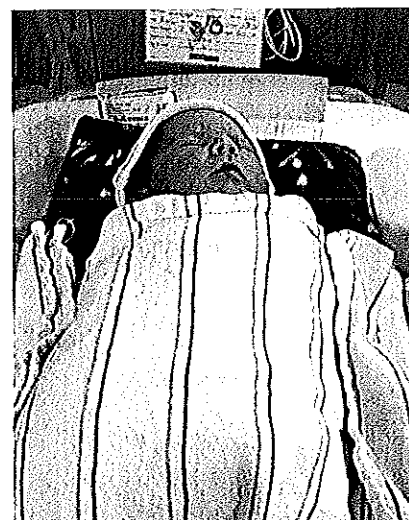
# Solicitor General's Office

## SGO Special Additions

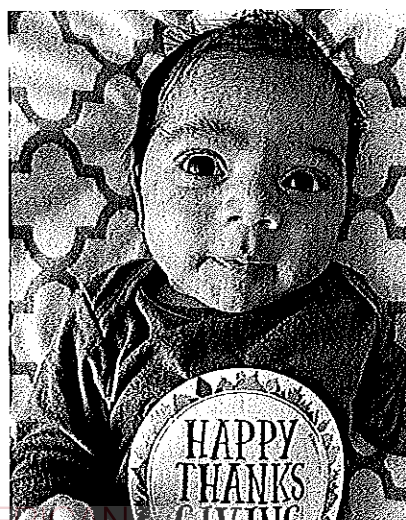
On January 17, 2020, AAG Vineet Shaw and family welcomed twins Zara and Kail



On April 18, 2020, AAG David Ahl and family welcomed their baby Madelyn Jo!



On June 29, 2020, Civil Appeals Section Chief, Drew Ensign and family welcomed their baby Carter Matthew!



On November 13, 2020, AAG Keena Patel and family welcomed their baby Aavi!

# Criminal Division

## FOUR CRIMINAL DIVISION MEMBERS WIN APAAC HONORS



The Criminal Division would like to recognize the following staff members that were nominated and received 2020 APAAC awards:

**Administrator of the Year:** FSP Legal Secretary Stacey Canez received APAAC's 2020 Administrator of the Year award. Stacey is a hard-working and dedicated individual who exhibits all the qualities of an exemplary employee. She completes her assignments with diligence and attention-to-detail. Over the past 15 years, Stacey advanced from a student clerk to a lead legal secretary with a great deal of operational skills and responsibilities. She possesses excellent administrative skills and an ability to work well with everyone. Stacey has taken on additional duties and responsibilities to assist others in the Division. She is able to handle Division fiscal matters including travel, procurement and budgetary issues as well as being able to assist the Division Chief as necessary in the absence of the Division OA. During the past year, Stacey has been instrumental in helping with the transition to a new AGO case management system, which has involved many meetings, additional assignments and the creation of training protocols for all employees.



**Legal Assistant of the Year:** HCFA Senior Legal Assistant Peni Cox received APAAC's 2020 Legal Assistant of the Year award. Peni is known for her tireless dedication and exceptional legal assistance to the attorneys she supports. Peni is tasked with running the HCFA Section in Prescott where she serves as not only a Legal Assistant, but also assists with secretarial and administrative matters as well. For the past nine years, Peni has been an exceptional employee with unwavering dedication to the AGO. She is a key component of the investigation and prosecution team that covers nearly half of the geographic area of the State. Peni is a leader in providing services in the Prescott office and also her assistance to the Phoenix and Tucson HCFA staff. She is always approachable, knowledgeable and is willing to do whatever it takes to get the job done. Thank you, Anne. We appreciate all you do!

**David R. White Excellence in Victim Advocacy Award:** FSP prosecutor Shawn Steinberg received APAAC's 2020 David R. White Excellence in Victim Advocacy Award. Shawn is a remarkable voice for the crime victims she represents and she deserves special recognition for her work with the victim's family in State v. Luna/Carrasco, a murder case involving two defendants who frequently committed home-invasions in an attempt to steal drugs. When she noticed these dangerous offenders would taunt the next of kin, she made appropriate records with the court, often drawing the ire of the defendants and sometimes their attorneys. When confrontations would occur in the hallway, Shawn skillfully defused the situation and protected the victim's family with the assistance of court security, often times securing the removal of antagonistic persons from the courtroom. Shawn worked closely with the victim advocate and the victim's family to craft plea agreements that reflected the nature of the case, the defendants' criminal histories and relative involvement, and at the same time, ensuring that justice prevailed for the

## Criminal Division

victim. Both defendants pled guilty to the murder. Luna was sentenced to 23 years and Carrasco was sentenced to 17 years in prison. The victim's family was pleased with the outcome and Shawn's hard work helped to minimize the trauma that they experienced in the court process. The family expressed their appreciation for Shawn's hard work and dedication.

**Gerda & Kurt Klein Guardian of Freedom Award:** FSP Section Chief Blaine Gadow received APAAC's 2020 Gerda & Kurt Klein Guardian of Freedom Award for his prosecution of a human sex trafficking trial. The victim's testimony was necessary for the case to proceed. The victim was very anxious and worried about testifying. Instead of using the procedural tools available to prosecutors such as an arrest warrant to ensure the victim's participation at trial, he empowered her in a multidisciplinary manner through support, empathy and providing options that resulted in her choosing to testify. Thanks to Blaine and his team's ability to empower the victim to testify, justice prevailed. The jury found the defendant guilty on 11 felony counts, including Child Sex Trafficking, Conspiracy, Money Laundering and Sexual Exploitation of a Minor. After the verdict, the victim's name and location had been released on social media by acquaintances of the defendant. Her safety and well-being were a large concern for Blaine while the defendant awaited sentencing. Blaine advocated for the safety and well-being of the victim after she provided testimony. He collaborated with others in the agency to achieve a unique solution to maintain the victim's safety until her transition to Department of Child Safety (DCS) services could be obtained. Blaine is a compassionate prosecutor and is very deserving of this award.



In addition, the Criminal Division would like to recognize the following additional staff members who were nominated for APAAC recognition:

**Advocate of the Year:** OVS Victim Advocate Evelyn Robles was the AGO's nominee for APAAC's 2020 Advocate of the Year. Evelyn has been employed with the AGO since 2017. Evelyn has a complex case load consisting of fraud, child sexual exploitation, and human trafficking cases in both direct prosecution and appellate cases, also including death penalty cases. Her passion for meeting the needs of survivors of trafficking has positively affected the fight against predators and perpetrators on an international scale. Each victim is an individual often requiring creative advocacy and partnerships atypical for standard prosecution-based advocates. In 2019, Evelyn was an integral part of the successes in the case against Robert Hood. She worked with the trafficking survivor through the investigation and prosecution phases which resulted in the survivor testifying against Hood on her 18th birthday.

These efforts helped to secure a 108-year prison sentence while at the same time helping to find creative ways to serve the survivor post-conviction.

**Felony Prosecutor of the Year Award:** HCFA Section Chief Steve Duplissis was the AGO's nominee for APAAC's Felony Prosecutor of the Year Award. Under Steve's leadership, HCFA was recognized in 2019 as the second highest performing Medicaid Fraud Unit in the nation for filing criminal indictments. This impressive achievement is unsurprising given Steve's unwavering passion to investigate and prosecute medical professionals who defraud the government and abuse some of Arizona's most vulnerable residents. Steve inspires that same passion in his employees, and they directly benefit from his thoughtful leadership and mentoring. Steve's section oversaw over 100 cases in 2019, ranging from

## Criminal Division

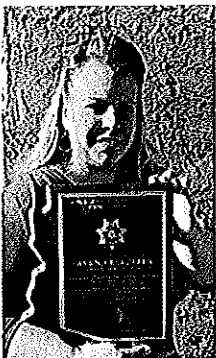
large-scale Medicaid billing fraud to a former doctor's murder-for-hire prosecution. Steve's leadership has made HCFA a model for similar offices across the nation. He is a dedicated prosecutor who cares about the profession, his employees, victims and Arizona's citizens. In fact, the Arizona MFCU team was selected for the Department of Health and Human Services, Office of Inspector General's Award for Excellence in Fighting Fraud, Waste, and Abuse. Steve is an asset to Arizona's prosecution community.

Rising Star Award: FSP prosecutor Evan Malady was the AGO's nominee for APAAC's 2020 Rising Star Award. Evan started working in FSP in February 2019. Evan became quickly proficient in his position, developing his skills in directing and managing complex fraud and other investigations. Although only a two-year lawyer, Evan has successfully handled a wide variety of complex fraud cases. He has exceptional organizational skills, communicates well with law enforcement agents, defense attorneys and court staff and is known for working very hard. When Evan joined the Section, he immediately became involved in several high-profile and complex matters. Evan was instrumental in the Paul Petersen AHCCCS-fraud case. He was part of the initial investigation, participated in witness interviews, attended the search warrants and ultimately presented the case to the State Grand Jury. The Petersen case was extremely complex and it consisted of several different criminal investigations across multiple jurisdictions. Evan has handled the complexity of this case with skill and professional maturity. The defendant in this matter had skilled and experienced defense attorneys. Evan diligently worked with them to move the prosecution forward and effectively represent the State's interests. In June 2020, Petersen pled guilty to Fraudulent Schemes and Artifices, Forgery and Fraudulent Schemes and Practices and was sentenced to six years in prison.

### Drug & Racketeering Enforcement Section

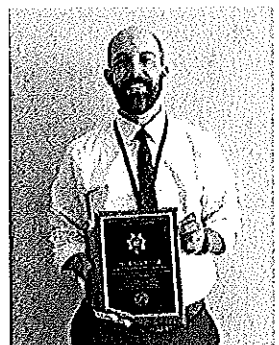
The DRG Section would like the welcome to following team members:

05/18/20 AAG Nichole Galusha-Troicke  
06/15/20 AAG Rebecca Kennelly  
07/27/20 Sr. LA Ronnie Danko



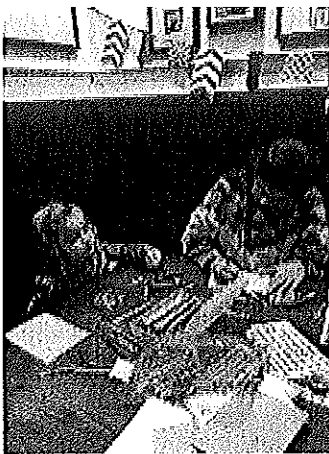
In August, AAG Gina Cucuzella resigned as she accepted a position with the Pinal County Attorney's Office. Good luck Gina!

In September, SLC Nick Saccone resigned as he accepted a position as a Court Commissioner with the Maricopa County Superior Court. Congrats Honorable Saccone!

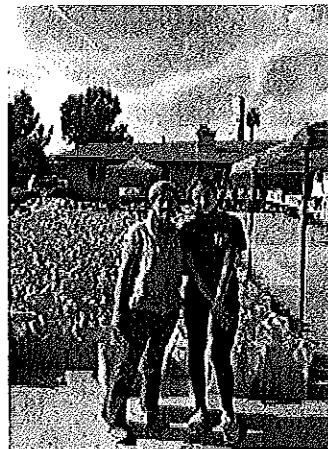


## Criminal Division

AAG Rebecca Jones resolved the case of State v. Angel Bonilla-Hernandez. This case involved a lingering co-defendant on a case where the primary defendants transported five kg of cocaine and were part of a wiretap case. Bonilla-Hernandez had a viable "mere presence" defense and was asking for a class six undesignated plea. Law enforcement was pushing for a prison resolution. The case resolved with a class 4 felony and a three year term of supervised probation, along with a hefty fine. This resolution will allow the defendant to continue working, which will hopefully discourage recidivism



Section Chief Theresa Rassas' daughters Regan (13) and MoMo (4) diligently worked on cards for the troops.

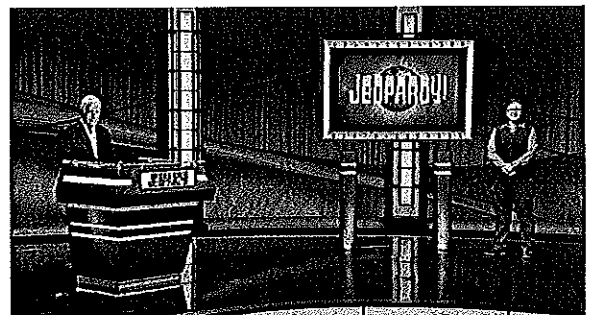


Theresa Rassas and her daughter Regan also volunteered to sort and pack holiday groceries for Feed Our Babies.



SLA Linda Pfohl retired after working nearly eight years in the DRG Section. Linda was extremely knowledgeable and helpful in large, complex wiretap cases. Unfortunately, a retirement party had to be postponed. Linda

After a lot of hard work and testing, AAG Rebecca Jones was chosen to be on the game show Jeopardy! The episode aired on December 10th. She was fortunate to have appeared with Alex Trebek. Great job Rebecca!



# Criminal Division

## Financial Remedies Section

FRS welcomed four new staff during the last several months.

In July 2020, LSII Jennifer Villescascas started in FRS and she has smoothly transitioned into her position. She brings 13+ years of criminal and civil legal secretarial experience to FRS, making her an asset to the team.

In September 2020, AAG Elliot Stratton was hired. Elliot received his JD in 2017 and also holds a Master's Degree in Business Administration. For his first three years of practice, Elliot was a judicial staff clerk for federal judges in Florida and Washington, D.C. Elliot was recommended to FRS by our Solicitor General, under whom Elliot performed an internship at the AGO. That recommendation has proved to be well earned as Elliot is already working on some major cases.

Also in September 2020, AAG Mukai "Kai" Amoo transferred from CFPD to FRS. Kai also holds a Master's Degree and brings nine years of experience and a background in family law, estate planning, criminal defense and civil litigation to her position. Her familiarity with civil practice and procedure has given her a running start on the work she is doing in FRS.

In October 2020, AAG Jake Rapp passed the Bar and started with FRS shortly after. Jake interned with FRS in 2018, during which he authored an article on tactical investigations and enforcement remedies against illegal massage parlor businesses for ANOA Magazine. Jake's strong interest in addressing white collar crime made him an ideal candidate for FRS and a welcome addition.

Recent FRS case work has concentrated on fraud victim recovery. This includes completion of the Paul Petersen adoption fraud case and the recovery of nearly \$700,000 for AHCCCS; assistance in the Hacienda Health Care case in completing a settlement agreement under which Hacienda will be re-paying over \$10 million dollars to AHCCCS and a \$1 million dollar fine; and the execution of search and seizure warrants and the initiation of an FRS case on another AHCCCS fraud case in conjunction with the SIS and HCFA sections based on a \$12 million dollar fraud amount.

## Fraud & Special Prosecutions Section

The FSP Section would like to welcome the following team members that were hired in the last several months!

06/29/20 – AAG John Hudson  
07/13/20 – AAG Maura Quigley (re-hire!)  
08/24/20 – SLA David Rohe

# Criminal Division

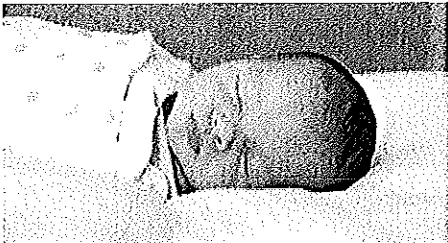
09/21/20 – AAG Carmine Mediate  
09/21/20 – LSI Anna Hunt  
10/05/20 – AAG Tom Maksemous



In December 2020, AAG Rachel Nava resigned to return to the Arizona Supreme Court as a staff attorney. We wish her well in her new position!



In June 2020, the FSP Section bid farewell to SLA Dominique Rivas.



Welcome Baby George! On June 29th, AAG Tarah White and her husband Patrick welcomed their first child! Congrats!

On October 3rd, LSII Sarah Garrett married her long-time love Heath Karr! They have combined their households and their family has multiplied by four. Congrats Sarah!



In October 2020, the FSP Section said farewell to our friend and colleague SLC Scott Blake. Scott left the AGO to return to the cool pines of Prescott and the friendly confines of the Yavapai County Attorney's Office. Normally, for a long-serving employee like Scott, we would have had a potluck or some kind of gathering to celebrate his service and wish him well, but COVID prevents us from doing that this year. Scott has been a dedicated prosecutor and we thank him for his service and dedication to the mission of the office, and to ethical and honest prosecution in general, setting a great standard for the office. He carried a case heavy load and he will be missed. Good luck Scott!



# Criminal Division

## Healthcare Fraud & Abuse Section



In October 2020, the United States Department of Health and Human Services had their virtual annual awards meeting. Of the 50 state Medicaid Fraud Control Units (MFCU), Arizona's Unit had been chosen and formally awarded the Award for Excellence in Fighting Fraud, Waste and Abuse. In making their announcement, HHS-OIG remarked that the Arizona MFCU obtained an impressive number of case outcomes, with 84 indictments, 70 convictions, and total recoveries of over \$7.5 million. The Unit also opened 239 investigations, with a particular focus on drug diversion cases, which accounted for 115 of those investigations. The Unit employs a staff of 27 that includes attorneys, special agents, and other professionals. The Unit is led by Section Chief Steve Duplissis, who has served as the Unit's director since 2005 and is one of the longest serving directors among the MFCUs. Congrats MFCU Team!!

In September 2020, after a thorough Medicaid fraud investigation into Hacienda Healthcare, Inc., it was determined that the former officers improperly allocated direct and indirect costs, inflated reported expenses and engaged in improper billing during 2013-2018, resulting in an overpayment of at least \$10,895,648 from AHCCCS to Hacienda. SIS SAs and AAGs from HCFA, FSP and FRS worked together to reach a civil settlement with Hacienda. Hacienda is to pay the State more than \$11,000,000 to resolve this case. Congrats Team!

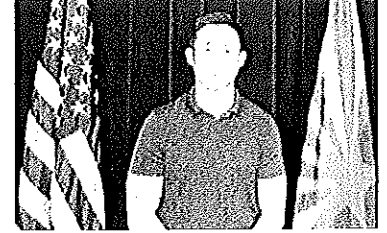
HCFA would like to welcome the following SIS Special Agents assigned to HCFA Units 1 and 2.

SA Kelly Angel started her law enforcement career with the Glendale Police Department. Kelly spent the past eight years with the Tempe Police Department where she served as a Patrol Field Training Officer, DUI Officer, Public Information Officer and IACP Drug Recognition Expert.



## Criminal Division

SA Peter Tran previously served in New York City with the New York County District Attorney's Office as a Detective Investigator for five years where he specialized in financial fraud and organized crime investigations, along with fugitive extraditions. Peter earned his Bachelor's and Master of Science in Criminal Justice from Rochester Institute of Technology.



SA Roy Garrison previously worked for nine years with City of Eloy Police Department in Pinal County where the majority of the time he worked as a General Detective. Roy is a University of Arizona graduate where he majored in Accounting.

Prescott Valley Police Department contacted HCFA-Prescott regarding Emma-Kaye Parrish. Parrish had been employed as a finance manager by a behavioral health facility in Yavapai County. One of Parrish's duties at the facility was paying vendors for goods and services rendered to the AHCCCS funded facility where she worked. Although Parrish would input the information correctly into the facility's financial program, thus indicating that the vendor had been paid, she would manually change the payee on the check to herself or to other entities for her personal expenses. In June 2020, Parrish pled guilty to Theft and Forgery and was later sentenced to three years in prison, followed by five years' supervised probation. She was also ordered to pay restitution to AHCCCS in the amount of \$65,436. Congrats to SA Mark McClain and AAG Courtney Kramer on resolving this case!

### Office of Victim Services

OVS extends a warm welcome to the following staff:

06/15/20 – VA Jill Blass

07/27/20 – VA Amberly Frank



Special thanks to OALaura Lyons, VALinda Carthen and VAAAlbert Fimbres for their excellent work on developing a comprehensive, thoughtful and engaging plan to help the AGO recognize Domestic Violence Awareness month! By helping bring awareness, their plan also was a source of support to others who may be experiencing or others working in the field of domestic violence. Thanks for the time and effort spent to develop this necessary plan!

The OVS Outreach team worked hard converting its five hour Basic and three hour Advanced victims' rights trainings to engaging, effective Webinars over the last few months. In September 2020, trainings included videos, polling and even a crossword puzzle. Remarkably, the team successfully trained over 800 victims' rights professionals from all 15 counties in just three weeks. Attendee evaluations were overwhelmingly positive for the content and method of delivery.

# Criminal Division



Photo includes Outreach team members Janelle Miller (top right) and Ashtyn Beuchler (bottom right) who presented the criminal appeals process and showed a video of Appeals AAG Michael O'Toole (left) in a Supreme Court Oral Argument.

Office of Victim Services staff has been reading about LEADERSHIP and BUILDING their skills by taking turns leading engaging and enlightening discussions each month. Current and future AGO leaders learning from each other!



Pictured from left to right: Amy Bocks, Evelyn Robles, Kirstin Flores, Briana Bobertz, Kennesha Jackson, Colette Chapman, Ashtyn Buechler, Linda Carthen and Veronica Driz.

# Criminal Division

On September 26th, OVS Outreach Coordinator Ashtyn Cronk (now Beuchler) got married. Although it was not her original plan, the couple had a small family-only ceremony that was beautiful. Congrats!



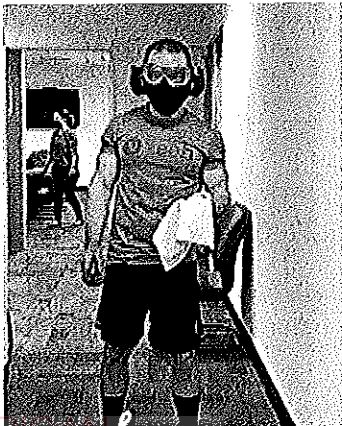
In November 2020, VA Supervisor Evelyn Robles who, as of November, 2020, is a new homeowner! House comes complete with a rooftop terrace sporting a city view! Congrats Evelyn!

OVS Advocate Program Manager, Amy Bocks, was awarded a Director's Unit Citation from the Arizona Department of Public Safety for her volunteer work on the 2019 DPS Annual Memorial 5K in Tucson. She has been part of the main planning committee for more than five years. Although challenging, this year's virtual event ran smoothly thanks to Amy's commitment.



## Southern Arizona White Collar and Criminal Enterprise Section:

Section Chief Nick Klingerman and OA Martita Jimenez (in background) are taking cleaning seriously by sanitizing the entire section.



## Criminal Division



In October 2020, Section Chief Nick Klingerman argued in front of the Arizona Supreme Court in *State v. Goldin*. While bantering with the justices, Nick articulately and persuasively explained to the full court why the appearance of impropriety standard set out on *State v. Gomez* should not apply to imputed disqualification of the entire Tucson office of the AGO. Nick highlighted the strategic nature and timing of defendant's motion to disqualify the office from prosecuting a 20 year old cold case homicide and proposed a new standard of

analysis. He stepped back into his old appellate shoes, briefing and preparing tirelessly for oral argument, while continuing to supervise the unit. While a ruling is still pending, Nick won unanimous praise and enthusiasm from his SAWCEE colleagues who eagerly watched a livestream of the arguments! Special thanks to AAG Lindsay St. John as well. Lindsay is the second chair on this case and has provided valuable legal analysis and assistance.

In June 2020, AAG Julia Kaiserman joined the Section. She previously worked for the last 12 years at the Pima County Attorney's Office. While at PCAO, she was a dedicated trial and charging attorney, along with an 88-CRIME Safe School Program Manager. She hit the ground running at the AGO. Welcome, Julia!

In September 2020, SLA Adrienne Gutierrez welcomed her granddaughter, Lucy Grace Gutierrez. Congrats Mimi!



On October 7, 2020, LSII Maria Slinger and family welcomed daughter, Faith Gabrielle Slinger. Big Sister Sienna LOVES her real life baby doll. Congrats!

After an exceptional 20 year career with the AGO, LA PS Allison Bradford decided to retire. The Section has benefited from Allison's experience, institutional knowledge and mentorship. Her "Cheat Sheet" for tracking cases will continue to benefit others after she retires. Allison is a dedicated, thoughtful public servant, who truly cares about her community. Her drive to make Tucson, and Arizona, better showed in her work, with Allison receiving numerous awards during her tenure. Notably, Allison was APAAC's 2018 Legal Assistant of the Year. Congrats Allison! We are excited for your new journey!



## Criminal Division

In November 2020, LSII Jenny Lewis accepted a job offer at Raytheon. It has been great working with Jenny over the past year. We wish her well in her new position!

### Special Investigations Section:

SIS extends a huge welcome to the following staff:

06/15/20	SA Carri Stubblefield
07/27/20	SA Mark Smith
08/10/20	SA John Hillman
09/08/20	SA Peter Tran
09/21/20	SA Desire Urbina
10/05/20	SA Kelly Angel
10/19/20	SA Jeffery Whitbeck
11/16/20	SA Roy Garrison
12/14/20	Eric Marlowe



SA Steven Sussen was recognized as a recipient by the Tucson Police Department for his efforts on behalf of vulnerable children. This achievement is truly representative of his commitment to ensure the safety of those least able to protect themselves. The Awards presentation is scheduled for January 2021. Congrats Steven! We are proud to work with you!



On July 9, 2020, SA Danny Miller and his wife Ramona extended their family. Cameron Arman Miller weighed in at 8lbs 2oz, and was 20.25 inches long. Congrats Danny!

On November 3, 2020, members of the SIS Election Integrity Unit, SA Bill Knuth, SA Annalisa Madsen and Criminal Investigator Don Carroll worked a 16 hour day monitoring a law enforcement hotline that had been established to assist other law enforcement agencies and personnel who were called out to respond to any election or voting fraud matters. Members of the unit were also available to respond to any polling locations or election scenes as needed. Members of the unit have coordinated with various agencies and had the opportunity to resolve several matters. Outstanding work by all involved.

## Criminal Division

SA Annalisa Madsen conducted the investigation into former charter school principal, Harold Cadiz. In September 2020, Cadiz was sentenced to 3.75 years in prison followed by five years' probation and ordered to pay \$2,538,722 in restitution for his role in enrolling fake students to obtain funding from the Arizona Department of Education, the U.S. Department of Education and the U.S. Department of Agriculture. As part of the investigation, the AGO seized hundreds of fraudulent documents. SLC Mary Harriss prosecuted the case. Congrats Team!

After serving 34 years in law enforcement, nine years with the AGO, SA Ron Perreira, is officially retired. SA Perreira has worked tirelessly on many wiretaps and drug related crimes with the AGO. Congrats Ron – you have fought the good fight, you have finished the race! You will be missed at the AGO.



Pictured from left to right: SAS Chad Brink, DPS Detective Richard Campbell, SA Bruce Myers, SA Ron Perreira, DPS Detective Steve Babcock, SA Brady Wilkins and SA Norm Peterson.

In November 2019, former SA John "JT" Walsh passed away unexpectedly. As a former long-standing member of the AGO Running Team, it had been planned to honor JT at the Baker to Vegas Race with a custom designed runner's bib for the 2020 race. However, the 2020 race was canceled due to the pandemic. The AGO Running Team still ordered the bibs in remembrance of our dear friend and colleague. The team will present the bib to JT's wife Franzi who was going to attend the 2020 race in his honor.

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**189**

**36TH BAKER TO VEGAS RELAY**  
**ARIZONA ATT GEN OFC**



MARK BRNOVICH  
ATTORNEY GENERAL

OFFICE OF THE ARIZONA ATTORNEY GENERAL  
EXECUTIVE OFFICE

Rachelle Lumpp  
Deputy Public Information  
Officer

April 1, 2021

American Oversight  
[records@americanoversight.org](mailto:records@americanoversight.org)

**RE: PRR-2020-2200-270**

Dear Mr. Evers:

Thank you for contacting the Arizona Attorney General's Office ("AGO"). This letter serves as the response to your public records request dated August 4, 2020.

Original Request:

"1. All records containing any charters, by-laws, or other formation documents, policies, procedures, or reports in the possession of (or created, utilized, maintained, received, or distributed by) Arizona's Election Integrity Unit.

2. All records containing any agendas or minutes for any meetings held or planned by Arizona's Election Integrity Unit.

3. All records reflecting the time, date, and location of any meetings held or planned by Arizona's Election Integrity Unit, including meeting notices (internal or public) and calendar invitations and entries. With respect to calendar invitations or entries, to the extent that this information is aggregated and maintained on a single calendar, we would accept as responsive a printout from said calendar containing fields reflecting the location, date, and time of each meeting.

4. All transcripts and audio or video recordings of any meetings held by Arizona's Election Integrity Unit. Please provide all responsive records from August 1, 2019, to the date the search is conducted.."

Response:

The Arizona Attorney General's Office has no responsive records.

Sincerely,

*Rachelle Lumpp*

Deputy Public Information Officer



## Lumpp, Rachelle

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**From:** Kanefield, Joe  
**Sent:** Monday, March 15, 2021 5:00 PM  
**To:** Roysden, Beau  
**Subject:** FW: Letter in Opposition to H.R. 1, "For the People Act of 2021"  
**Attachments:** 2021-03-15 Letter in Opposition to H.R. 1, For the People Act of 2021.pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

**Categories:** Green category

Please get this to OH & Tyler. Thx

Joseph Kanefield  
Chief Deputy & Chief of Staff

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Attorney General Mark Brnovich  
Desk: 602-542-8080  
[Joe.Kanefield@azag.gov](mailto:Joe.Kanefield@azag.gov)  
<http://www.azag.gov>

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**From:** Flanagan, Allyson  
**Sent:** Monday, March 15, 2021 11:10 AM  
**To:** 'Meg Joseph ([Meg\\_joseph@sinema.senate.gov](mailto:Meg_joseph@sinema.senate.gov))'  
**Subject:** Letter in Opposition to H.R. 1, "For the People Act of 2021"

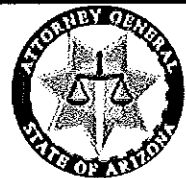
Good morning Ms. Joseph,

On behalf of General Brnovich and Chief Deputy Joseph Kanefield, please find attached letter regarding H.R. 1, "For the People Act of 2021".

Thank you,

**Allyson Flanagan**  
Executive Assistant to Chief Deputy & Chief of Staff Joe Kanefield  
Office of the Attorney General, State of Arizona

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Attorney General Mark Brnovich  
2005 N. Central Avenue, Phoenix, AZ 85004  
☎ 602-542-8017  
[Allyson.Flanagan@azag.gov](mailto:Allyson.Flanagan@azag.gov)  
<http://www.azag.gov>

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MARK BRNOVICH  
ATTORNEY GENERAL

OFFICE OF THE ATTORNEY GENERAL  
STATE OF ARIZONA

March 15, 2021

The Honorable Kyrsten Sinema  
United States Senate  
317 Hart Senate Office Building  
Washington, D.C. 20510

The Honorable Mark Kelly  
United States Senate  
Dirksen Senate Office Suite B40B  
Washington, D.C. 20510

**Letter in Opposition to H.R. 1, "For the People Act of 2021"**

Dear Senators Sinema and Kelly:

Public servants have no duty more sacred than protecting the peoples' right to vote while maintaining the integrity of elections. As the chief legal officer for Arizona, I respectfully urge you to vote "No" on the companion Senate bill to H.R. 1, the *For the People Act of 2021* (the "Act") because it would not expand Arizonans' right to vote, but only eviscerate the integrity of Arizona elections and undermine voter confidence.

For decades, Arizona has enacted commonsense and commonplace laws to not only expand opportunities for people to vote, but also maintain the integrity of our elections. Arizona legislators have struck a careful balance in our election laws, and the Act would undermine those efforts. The Act would subvert Arizona's ability to continue to do so and impede traditional notions of federalism by eradicating virtually all state control of the time, place, and manner of federal elections.

States are considered the "laboratories of democracy," with each state instituting its own unique election systems through their democratic processes. Over the course of the past century, Arizona has carefully crafted and culled election procedures and laws to maximize voter turnout while not only securing the integrity of our elections, but also instilling confidence in our election systems.<sup>1</sup> The Act threatens to bring chaos to Arizona's well-established election procedures without improving access for Arizona voters. And while Arizona has successfully implemented an expansive early voting program, Arizona has invested incredible time and resources over the past three decades to make it work. Forcing nationwide changes to state voting systems at a time

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<sup>1</sup> The November 2020 General Election elicited Arizona's largest voter turnout since 1980, with 79.9% registered voters casting a ballot. 2020 Arizona Official General Election Canvass, available at [https://azsos.gov/sites/default/files/2020\\_General\\_State\\_Canvass.pdf](https://azsos.gov/sites/default/files/2020_General_State_Canvass.pdf); 1980 Arizona Official General Election Canvass, available at <https://azsos.gov/sites/default/files/canvass1980ge.pdf>.

when voter confidence is at an all-time low is likely to further erode trust in America's democratic institutions.<sup>2</sup>

Notably, most of the provisions of the Act seeking to expand voting opportunities are already available in Arizona. While the Act mandates no-excuse absentee balloting<sup>3</sup> and requires in-person early voting opportunities,<sup>4</sup> Arizona has permitted no-excuse early voting for three decades<sup>5</sup> and enabled counties to establish in-person early voting centers for nearly as long.<sup>6</sup> Over the years, early voting has been expanded extensively; and in-person early voting is now offered starting 27 days before every statewide and federal election.<sup>7</sup> In fact, Arizona's expansive early voting laws permit voters to request an early ballot up to ten days before an election,<sup>8</sup> or make a one-time, permanent request to receive early ballots by mail for all elections.<sup>9</sup> Like provisions of the Act,<sup>10</sup> Arizona statutorily requires counties to provide voters with postage-paid early ballot return envelopes.<sup>11</sup>

Arizona also makes sensible use of technology by mandating auditable, durable, and voter verifiable paper ballots to be used in conjunction with electronic voting systems.<sup>12</sup> Further, balancing both accessibility and security, Arizona permits use of early ballot drop boxes, but requires implementation of sound security protocols to preserve ballot secrecy and prevent fraud.<sup>13</sup>

Conversely, provisions of the Act would invalidate several of Arizona's commonsense election integrity safeguards; safeguards that mirror recommendations made by former President Jimmy Carter and former Secretary of State James A. Baker III in their 2005 bipartisan Commission on Federal Election Reform (the "Commission") report.<sup>14</sup> The Commission recognized that "[a]bsentee ballots remain the largest source of potential voter fraud"<sup>15</sup> and recommended states prohibit third-parties from handling absentee ballots (a practice known as "ballot harvesting").<sup>16</sup> In 2016, Arizona enacted a sensible law restricting ballot harvesting, a law that I personally defended on March 2, 2021 before the Supreme Court of the United States. The

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<sup>2</sup> <https://news.gallup.com/poll/321665/confidence-accuracy-election-matches-record-low.aspx>;  
<https://kateto.net/covid19/COVID19%20CONSORTIUM%20REPORT%202029%20ELECTION%20DEC%202020.pdf>;  
*see also* <https://news.gallup.com/poll/285608/faith-elections-relatively-short-supply.aspx>.

<sup>3</sup> H.R. 1, Sec. 1621

<sup>4</sup> H.R. 1, Sec. 1611

<sup>5</sup> Arizona Revised Statutes ("A.R.S.") § 16-541 ("Any election called pursuant to the laws of this state shall provide for early voting. Any qualified elector may vote by early ballot.")

<sup>6</sup> S.B. 1003, 43<sup>rd</sup> Leg., 2<sup>nd</sup> Spec. Sess., 1997 Ariz. Legis. Serv. 2<sup>nd</sup> Sp. Sess. Ch. 5 (West).

<sup>7</sup> *See generally* A.R.S. § 16-542; *see also* 2019 Elections Procedures Manual, Ch. 2, § II On-Site Early Voting available at [https://azsos.gov/sites/default/files/2019\\_ELECTIONS\\_PROCEDURES\\_MANUAL\\_APPROVED.pdf](https://azsos.gov/sites/default/files/2019_ELECTIONS_PROCEDURES_MANUAL_APPROVED.pdf) (last accessed 3/3/21).

<sup>8</sup> A.R.S. § 16-542(A).

<sup>9</sup> A.R.S. § 16-544.

<sup>10</sup> H.R. 1, Sec. 1623.

<sup>11</sup> A.R.S. § 16-542(C).

<sup>12</sup> H.R. 1, Sec. 1502; A.R.S. § 16-446(B)(4),(7).

<sup>13</sup> 2019 Elections Procedures Manual, Ch. 2, § I Ballot-By-Mail(H) at 60.

<sup>14</sup> Building Confidence in U.S. Elections; Report of the Commission on Federal Election Reform (Sept. 2005).  
[https://web.archive.org/web/20050919164225/https://www.american.edu/ia/cfer/report/full\\_report.pdf](https://web.archive.org/web/20050919164225/https://www.american.edu/ia/cfer/report/full_report.pdf)

<sup>15</sup> *Id.* at 46.

<sup>16</sup> *Id.* at 47.

Act dispenses with the Commission's recommendations and would override Arizona law, instead requiring Arizona to permit *anyone* to collect an unlimited number of ballots.<sup>17</sup>

Further, one of the five "sturdy" pillars the Commission identified as necessary to "increase voter participation and to assure the integrity of the electoral system,"<sup>18</sup> included use of photo voter identification. In fact, the Commission noted that an "electoral system cannot inspire confidence if no safeguards exist to deter or detect fraud or to confirm the identity of voters."<sup>19</sup> The Act, in complete disregard of these recommendations, would prevent Arizona from requiring any type of photo or non-photo identification from a voter before issuing a ballot. Instead, the Act would allow a voter to receive a ballot by simply signing an attestation affirming identity.<sup>20</sup> The Act would even criminalize good-faith challenges to a voter's identity.<sup>21</sup>

These provisions of the Act would conflict with Arizona's statutory requirement that voters present identification (either photo or two forms of acceptable non-photo identification) prior to receiving a ballot, which was enacted by Arizona voters in 2004.<sup>22</sup> Given the Act's conflict with Arizona's voter-protected<sup>23</sup> identification law, Arizona will necessarily have to create a bifurcated identification and voting system. Voters who attempt to vote without identification will receive a "federal-only" ballot (containing only federal offices) while voters with proper identification will receive a "full-ballot" (including all candidates/issues). Such a bifurcated system will lead to voter confusion and distrust in election administration. The Act would also create an opportunity for widespread voter disenfranchisement, as all safeguards to prevent voter impersonation will be removed.

The Act would also eliminate many of Arizona's commonsense tools to maintain voter registration records, including preventing election officials from moving voters to an inactive status when mail is returned as undeliverable.<sup>24</sup> And it would reduce Arizona's ability to use the multistate Electronic Registration Information Center ("ERIC") system to move voter registrations to an inactive status when individuals are identified as having moved within 6 months of *any* federal election.<sup>25</sup>

In addition to regulating election administration, the Act would also establish a new and comprehensive set of campaign finance laws. Arizona, however, already has a robust set of campaign finance laws that regulate the source, amount, and use of contributions in elections, as well as required disclosures.<sup>26</sup> These laws balance the need to prevent corruption in elections and

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<sup>17</sup> A.R.S. § 16-1005(H); H.R. 1, Sec. 1621.

<sup>18</sup> *Supra* note 13, at 6.

<sup>19</sup> *Supra* note 13, at 18.

<sup>20</sup> H.R. 1, Sec. 1903.

<sup>21</sup> H.R. 1, Sec. 1201.

<sup>22</sup> A.R.S. 16-579(A).

<sup>23</sup> Arizona's constitution prevents the state legislature from repealing or amending "an initiative measure approved by a majority of the votes cast thereon[.]" Ariz. Const. Art. IV, Pt. 1 § 1(6)(B),(C),

<sup>24</sup> H.R. 1, Sec. 1201.

<sup>25</sup> H.R. 1, Sec. 1041; In practice, within 6 months of any federal election prevents election officials from putting any voter on the inactive list from September of the year before a presidential election through Election Day (March Presidential Preference Election, August Primary, through the November General Election) and from February through Election Day during midcycle elections (August Primary through November General Election).

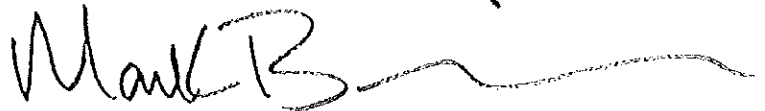
<sup>26</sup> See A.R.S. §§ 16-901 *et seq.*

promote transparency with Arizona citizens' constitutional right to freedom of speech and association. The campaign finance provisions in the Act would upset that balance. Notably, while the Act appears aimed at preventing foreign money from influencing federal, state and local elections (including initiatives and referendums), the broad definition of foreign entity combined with the expansive definition of disbursements will prevent many locally controlled entities from so much as tweeting statements that could be construed as promoting, supporting, attacking, or opposing a candidate/issue, "regardless of whether the communication contains express advocacy."<sup>27</sup> Not only would such broad restrictions on political speech be constitutionally suspect, they would do nothing to combat actual corruption or promote transparency.

Finally, since a constitutional amendment adopted by voters in 2000<sup>28</sup>, Arizona has utilized a five-member independent redistricting commission to "foster[] increased competition in individual legislative districts and promot[e] partisan fairness in the state as a whole[.]"<sup>29</sup> The Act would require every state to utilize a fifteen-member commission for drawing congressional boundaries and would impose federal map drawing requirements. Unless Arizona's constitution was amended to reflect a fifteen-member commission for state legislative boundaries, Arizona would be required to create two independent commissions: one with fifteen members for drawing congressional districts<sup>30</sup> and one with five members for drawing state legislative districts.<sup>31</sup> Those two commissions would likely utilize different district drawing standards. With two different commissions and two different map drawing standards, district boundaries for congressional and state legislative districts are likely to have little overlap, burdening election administrators in crafting convenient voting precincts and resulting in unnecessary polling place confusion.

As public officials, there is no higher priority than maintaining the integrity of our elections. The very foundation of our nation and our state rests on the notion that our government is derived from the consent of the governed. Distrust in the elective franchise shakes the core of that foundation and delegitimizes those in power. In Arizona we have laws that allow every voter ample opportunity to vote, free from intimidation, and that prevent disenfranchisement and fraud. Our systems maintain the public's trust and provide for secure elections. Let's keep it that way.

Respectfully,



Mark Brnovich  
Arizona Attorney General

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<sup>27</sup> H.R. 1, Sec. 4101-05.

<sup>28</sup> Ariz. Const. Art. IV, Pt. 2 § 1 (14) (requiring Arizona's Independent Redistricting Commission to "establish congressional and legislative districts").

<sup>29</sup> <https://ash.harvard.edu/news/arizona-redistricting-policy-brief>

<sup>30</sup> H.R. 1, Sec. 2400.

<sup>31</sup> Ariz. Const. Art. IV, Pt. 2 § 1.

## Lumpp, Rachelle

---

**From:** Kanefield, Joe  
**Sent:** Monday, March 15, 2021 11:37 AM  
**To:** Anderson, Ryan; Conner, Katie; Medina, Rick; Isaak, Jason; Kredit, Joshua; Paton, Angela  
**Subject:** Fwd: Letter in Opposition to H.R. 1, "For the People Act of 2021"  
**Attachments:** image001.png; 2021-03-15 Letter in Opposition to H.R. 1, For the People Act of 2021.pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

**Categories:** Green category

FYI

Sent from my iPhone

Begin forwarded message:

**From:** "Flanagan, Allyson" <[Allyson.Flanagan@azag.gov](mailto:Allyson.Flanagan@azag.gov)>  
**Date:** March 15, 2021 at 11:09:58 AM MST  
**To:** [jennifer\\_cox@kelly.senate.gov](mailto:jennifer_cox@kelly.senate.gov)  
**Subject:** Letter in Opposition to H.R. 1, "For the People Act of 2021"

Good morning Ms. Cox,

On behalf of General Brnovich and Chief Deputy Joseph Kanefield, please find attached letter regarding H.R. 1, "For the People Act of 2021".

Thank you,

**Allyson Flanagan**  
Executive Assistant to Chief Deputy & Chief of Staff Joe Kanefield  
Office of the Attorney General, State of Arizona

---

Attorney General Mark Brnovich  
2005 N. Central Avenue, Phoenix, AZ 85004  
☎ 602-542-8017  
[Allyson.Flanagan@azag.gov](mailto:Allyson.Flanagan@azag.gov)  
<http://www.azag.gov>

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for improper use or further disclosure of the information in this e-mail and its attachments. If you have received this email in error, please immediately notify the person named above by reply email, and then delete the original email. Thank you.



## Lumpp, Rachelle

---

**From:** Lumpp, Rachelle  
**Sent:** Tuesday, March 02, 2021 8:46 AM  
**To:** Stoner, Nadine  
**Subject:** RE: AGO newsletter?  
**Attachments:** Winter 2020.pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

**Categories:** Green category

Here you go! 😊

---

**From:** Stoner, Nadine  
**Sent:** Tuesday, March 02, 2021 8:40 AM  
**To:** Lumpp, Rachelle  
**Subject:** AGO newsletter?

Hi Rachelle,

Do you have the last AGO employee newsletter that you can forward me?

Thank you,

Nadine Stoner  
Law Enforcement Administrator, CRM/SIS



---

Office of the Attorney General  
Special Investigations Section  
2005 N. Central Ave. Phoenix, AZ 85004  
602-542-7903  
[Nadine.Stoner@azag.gov](mailto:Nadine.Stoner@azag.gov)  
<http://www.azag.gov>

LAW ENFORCEMENT SENSITIVE NOTICE: This message is intended exclusively for the individual or entity to which it is addressed. This communication contains information that is law enforcement sensitive, for official use only, sensitive but unclassified, proprietary, privileged, and may be legally protected or otherwise exempt from disclosure. If you are not the intended recipient, you are hereby notified that any disclosure, dissemination, copying or distribution of this transmission is strictly prohibited. If you have received this message in error, please notify the sender immediately by email and immediately delete this message and all of its attachments.

## Lumpp, Rachelle

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**From:** Conner, Katie  
**Sent:** Wednesday, February 24, 2021 10:24 AM  
**To:** Brnovich, Mark  
**Subject:** Final Oped  
**Attachments:** Ballot Oped Wednesday Latest.docx

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

**Categories:** Green category

I have a few hesitations on the second to last paragraph of confirmed cases. I am triple checking we have confirmed cases. Let me know if you have any edits. We have a hard copied printed as well.

## Katie Conner

Spokesperson/ Director of Media Relations

---



Office of Attorney General Mark Brnovich  
2005 N. Central Ave., Phoenix, AZ 85004  
Cell: 602-339-5895  
[Katie.Conner@azag.gov](mailto:Katie.Conner@azag.gov)  
<http://www.azag.gov>

## We Must All Work to Ensure the Integrity of Elections

By Mark Brnovich

There is no more sacred duty for public servants than protecting the peoples' right to vote while maintaining public confidence in the integrity of the results. It's a responsibility that I take very seriously, and I will not waiver as I speak for Arizona at the U.S. Supreme Court. The justices will hear arguments in *Brnovich v. DNC* – a case about preserving two of Arizona's most important election safeguards: restrictions on out-of-precinct voting and ballot harvesting. The decision will impact every election across the country.

All states must adopt rules to ensure the integrity of elections. Since the 1970s, Arizona has required people who choose to cast their ballots in person to vote at their locally assigned precinct, where voter rolls can be easily accessed and confirmed. This ensures order in our elections, minimizes lines, and prevents anyone from being disenfranchised in local races. Today, the majority of states require people to vote at their specific precinct.

Arizona also restricts the collection and delivery of ballots by third-parties or political operatives, commonly known as ballot harvesting. The Arizona Legislature passed the law in 2016 -- which includes exceptions for family, caregivers, mail carriers, and election officials -- after the City of Phoenix warned of reports of unauthorized individuals claiming to be City officials going door-to-door to collect early ballots. Civil Rights leaders had also raised concerns about elderly and vulnerable communities being targeted by ballot harvesting activists. And, just this past December, the Arizona Attorney General's Office, indicted two individuals from Yuma County for allegedly engaging in ballot harvesting.

Of course, everything has to be political so the Democratic National Committee (DNC) filed lawsuits in federal court claiming the laws were a product of intentional discrimination and violated Section 2 of the Voting Rights Act.

After a ten-day trial at the U.S. District Court for Arizona, the restrictions were upheld. That ruling was appealed to the Ninth Circuit Court of Appeals where we won again, until the Court inexplicably reversed itself and now claims the restrictions violate Section 2 of the Voting Rights Act and the Fifteenth Amendment. By that twisted logic, every common sense election-integrity law across the country would be in jeopardy.

What Section 2 of the Voting Rights Act requires is an "equal opportunity for all voters to participate in a State's political processes" and what it bans are "laws that cause substantial disparities in minority voters' opportunities to participate in those processes" and "to elect representatives of one's choice." Upon careful consideration, it becomes clear that the Ninth Circuit erred.

Arizona's election-integrity safeguards do not have a substantial impact on voters simply based on their race. The out-of-precinct policy is lawful because it applies to all voters, equally and it did not cause people of any race to vote in the wrong precinct.

As for Arizona's restrictions on ballot harvesting, it is a practical means of protecting the secrecy of the ballot, and was a key recommendation by a bipartisan commission on federal election reform, co-chaired by former President Jimmy Carter and former Secretary of State James Baker. Just look at who else supports these types of measures. In 2016, the Arizona Latino Republican Association for the Tucson Chapter expressed concerns that elderly people in the Latino community were being taken advantage of by ballot collectors. Likewise, Michael Johnson, an African American who had served on the Phoenix City Council, also expressed concern about ballot collectors misrepresenting themselves as election workers. And during the ten-day trial, Representative Charlene Fernandez, a Democrat representing Yuma, testified that she didn't believe the bill was enacted with the intent to suppress Hispanic voting.

While proponents of ballot harvesting insist it enhances voter participation by assisting those who cannot get to the polls, there are other more secure options readily available in Arizona, including vote-by-mail, vote centers, and secure ballot drop-off locations. In reality, ballot harvesting often exploits vulnerable communities when third-parties not only gather and claim to deliver all ballots, but also "assist" people in filling them out! This opens the door and rolls out the carpet for anyone who may be attempting to commit voter fraud, suppression, or intimidation.

It's also true that some of our country's most high-profile instances of suspected ballot tampering occurred through ballot harvesting in North Carolina, Florida, Missouri, and California (where ballot harvesting is legal). These cases, it is important to note, were not confined to one political party, but instead reflected problems with voting processes that do not respect the proper custody of ballots. There are other states with less publicized, but no less salient concerns.

The High Court is now stepping in to review Arizona's election safeguards, and it will hopefully provide guidance and eliminate future challenges to basic voting laws that make baseless allegations of racial discrimination. One thing that should be clear to everyone is we must avoid even the appearance of impropriety at the polls. All efforts to enhance voting convenience must respect the imperatives of accuracy and confidence in the results. Arizona's common sense precinct based voting system and restrictions on ballot harvesting do both and should be upheld by the U.S. Supreme Court.

## Lumpp, Rachelle

---

**From:** Lumpp, Rachelle  
**Sent:** Tuesday, February 16, 2021 9:17 AM  
**To:** Lumpp, Rachelle  
**Attachments:** Election Integrity Audit; Forensic Audit ; Forensic audit; We demand a legitimate Senate-directed audit; DANGER!! You have violated the constitution!; AUDIT THE VOTE; CALL To Action; Election; Forensic Audit and recount; Audit

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

**Categories:** Green category

## Lumpp, Rachelle

---

**From:** Valerie Tetrault <valtatro@gmail.com>  
**Sent:** Sunday, February 14, 2021 8:26 AM  
**To:** Doug.ducey@azgovernor.gov; Kfann@azleg.gov; Stephen@RicherForRecorder.com; AGInfo; chickman@mail.maricopa.gov; chucris@mail.maricopa.gov; dgowan@azleg.gov; district3@mail.maricopa.gov; district5@mail.maricopa.gov; dlivingston@azleg.gov; elections@azsos.gov; engage@az.gov; jmendez@azleg.gov; khobbs@azsos.gov; ktownsend@azleg.gov; Brnovich, Mark; mugenti-rita@azleg.gov; nbarto@azleg.gov; pboyer@azleg.gov; rgray@azleg.gov; sborrelli@azleg.gov; sellersj@mail.maricopa.gov; tpace@azleg.gov; tshope@azleg.gov; vleach@azleg.gov; wpetersen@azleg.gov; wrogers@azleg.gov  
**Subject:** Election Integrity Audit

Dear Arizona Officials,

This audit affects a national election and therefore the vote of every citizen.

We demand a complete & legitimate forensic audit of the machines and ballots by the State Senate, not the sham audit proposed by the Board of Supervisors. We will accept nothing less.

The country is watching and has waited long enough.

## Lumpp, Rachelle

---

**From:** Carol Patterson <pattersc12@outlook.com>  
**Sent:** Sunday, February 14, 2021 1:07 AM  
**To:** nbarto@azleg.gov; sborrelli@azleg.gov; pboyer@azleg.gov; Kfann@azleg.gov; dgowan@azleg.gov; rgray@azleg.gov; vleach@azleg.gov; dlivingston@azleg.gov; jmendez@azleg.gov; tpace@azleg.gov; wpetersen@azleg.gov; wrogers@azleg.gov; tshope@azleg.gov; ktownsend@azleg.gov; mugenti-rita@azleg.gov; Stephen@RicherForRecorder.com; chucris@mail.maricopa.gov; sellersj@mail.maricopa.gov; district3@mail.maricopa.gov; district5@mail.maricopa.gov; chickman@mail.maricopa.gov; Doug.ducey@azgovernor.gov; engage@az.gov; Brnovich, Mark; AGInfo; elections@azsos.gov; khobbs@azsos.gov  
**Subject:** Forensic Audit

Dear Arizona Officials,

This audit affects a national election and therefore the vote of every citizen.

We demand a complete & legitimate forensic audit of the machines and ballots by the State Senate, not the sham audit proposed by the Board of Supervisors. We will accept nothing less.

The country is watching and has waited long enough.

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## Lumpp, Rachelle

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**From:** carol patterson <pattersc12@gmail.com>  
**Sent:** Sunday, February 14, 2021 1:03 AM  
**To:** Doug.ducey@azgovernor.gov; Kfann@azleg.gov; Stephen@RicherForRecorder.com; AGInfo; chickman@mail.maricopa.gov; chucris@mail.maricopa.gov; dgowan@azleg.gov; district3@mail.maricopa.gov; district5@mail.maricopa.gov; dlivingston@azleg.gov; elections@azsos.gov; engage@az.gov; jmendez@azleg.gov; khobbs@azsos.gov; ktownsend@azleg.gov; Brnovich, Mark; mugenti-rita@azleg.gov; nbarto@azleg.gov; pboyer@azleg.gov; rgray@azleg.gov; sborrelli@azleg.gov; sellersj@mail.maricopa.gov; tpace@azleg.gov; tshope@azleg.gov; vleach@azleg.gov; wpetersen@azleg.gov; wrogers@azleg.gov  
**Subject:** Forensic audit

Dear Arizona Officials,

This audit affects a national election and therefore the vote of every citizen.

We demand a complete & legitimate forensic audit of the machines and ballots by the State Senate, not the sham audit proposed by the Board of Supervisors. We will accept nothing less.

The country is watching and has waited long enough.



## Lumpp, Rachelle

---

**From:** AMANDA <amanda.bastiat@gmail.com>  
**Sent:** Saturday, February 13, 2021 9:32 PM  
**To:** Doug.ducey@azgovernor.gov; Kfann@azleg.gov; Stephen@RicherForRecorder.com; AGInfo; chickman@mail.maricopa.gov; chucris@mail.maricopa.gov; dgowan@azleg.gov; district3@mail.maricopa.gov; district5@mail.maricopa.gov; dlivingston@azleg.gov; elections@azsos.gov; engage@az.gov; jmendez@azleg.gov; khobbs@azsos.gov; ktownsend@azleg.gov; Brnovich, Mark; mugenti-rita@azleg.gov; nbarto@azleg.gov; pboyer@azleg.gov; rgray@azleg.gov; sborrelli@azleg.gov; sellersj@mail.maricopa.gov; tpace@azleg.gov; tshope@azleg.gov; vleach@azleg.gov; wpetersen@azleg.gov; wrogers@azleg.gov  
**Subject:** We demand a legitimate Senate-directed audit

Dear Arizona Officials,

This audit affects a national election and therefore the vote of every citizen.

We demand a complete & legitimate forensic audit by the State Senate, not the sham audit proposed by the Board of Supervisors. We will accept nothing less.

It is our right to have the ballots and machines inspected by Senate-selected firms. What are the Maricopa BOS hiding? The country is watching and has waited long enough.

Keep fighting for us Senators!

-Amanda

## Lumpp, Rachele

---

**From:** Bob Goodman <bobgoodman707@gmail.com>  
**Sent:** Saturday, February 13, 2021 9:30 PM  
**To:** nbarto@azleg.gov; sborrelli@azleg.gov; pboyer@azleg.gov; Kfann@azleg.gov; dgowan@azleg.gov; rgray@azleg.gov; vleach@azleg.gov; dlivingston@azleg.gov; jmendez@azleg.gov; tpace@azleg.gov; wpetersen@azleg.gov; wrogers@azleg.gov; tshope@azleg.gov; ktownsend@azleg.gov; mugenti-rita@azleg.gov; Stephen@richerforrecorder.com; chucris@mail.maricopa.gov; sellersj@mail.maricopa.gov; district3@mail.maricopa.gov; district5@mail.maricopa.gov; chickman@mail.maricopa.gov; Doug.ducey@azgovernor.gov; engage@az.gov; Brnovich, Mark; AGInfo; elections@azsos.gov; khobbs@azsos.gov  
**Subject:** DANGER!! You have violated the constitution!

Dear Arizona Officials,

This audit affects a national election and therefore the vote of every citizen.

We demand a complete & legitimate forensic audit of the machines and ballots by the State Senate, not the sham audit proposed by the Board of Supervisors.

The country is watching and has waited long enough. Our voices have been silenced by the liberal agenda to never allow another democratic election to be legitimately and constitutionally done. They have violated the constitution and allowed fake ballots to be cast, along with dead people, illegal aliens as well as out of state voters counted in states they don't live in. They have pre printed and filled out thousands of ballots that were delivered prior to the official ballots ever being mailed out. Stop this before it's too late and our democracy becomes an oligarchy.

One ticked off American Patriot,  
Robert Goodman

## Lumpp, Rachelle

---

**From:** Joelle Casley <joelleperry@gmail.com>  
**Sent:** Saturday, February 13, 2021 9:26 PM  
**To:** nbarto@azleg.gov; sborrelli@azleg.gov; pboyer@azleg.gov; Kfann@azleg.gov; dgowan@azleg.gov; rgray@azleg.gov; vleach@azleg.gov; dlivingston@azleg.gov; jmendez@azleg.gov; tpace@azleg.gov; wpetersen@azleg.gov; wrogers@azleg.gov; tshope@azleg.gov; ktownsend@azleg.gov; mugenti-rita@azleg.gov; Stephen@richerforrecorder.com; chucris@mail.maricopa.gov; sellersj@mail.maricopa.gov; district3@mail.maricopa.gov; district5@mail.maricopa.gov; chickman@mail.maricopa.gov; Doug.ducey@azgovernor.gov; engage@az.gov; Brnovich, Mark; AGInfo; elections@azsos.gov; khobbs@azsos.gov  
**Subject:** AUDIT THE VOTE

Dear Arizona Officials,

This audit affects a national election and therefore the vote of every citizen.

We demand a complete & legitimate forensic audit of the machines and ballots by the State Senate, not the sham audit proposed by the Board of Supervisors. We will accept nothing less.

The country is watching and has waited long enough.

Thank you,  
Joelle Casley  
Arizona Resident

## Lumpp, Rachelle

---

**From:** Bryan N <bnel2010@gmail.com>  
**Sent:** Saturday, February 13, 2021 8:40 PM  
**To:** Doug.ducey@azgovernor.gov; AGInfo; chickman@mail.maricopa.gov; chucris@mail.maricopa.gov; district3@mail.maricopa.gov; district5@mail.maricopa.gov; elections@azsos.gov; engage@az.gov; khobbs@azsos.gov; Brnovich, Mark; sellersj@mail.maricopa.gov  
**Subject:** CALL To Action

To All,

Article 2, Section 21 of the Arizona Constitution states, "All elections shall be free and equal, and no power, civil or military, shall at any time interfere to prevent the free exercise of the right of suffrage." Article 7, Section 7 states, "In all elections held by the people in this state, the person, or persons receiving the highest number of legal votes shall be declared elected."

To the Maricopa County Board of Supervisors:

You are ignoring illegal activity and have allowed it to run rampant - unchecked and unchallenged. Whether every single person in Arizona wants this audit or not – that is irrelevant. It is your duty to help ensure the elections are fair and legal. We are at this point because of overwhelming evidence proving our election was anything but fair and legal. You pretend your "audit" is going to be sufficient, while ignoring the legitimate complaints brought forward. We need multiple independent and highly professional auditors to audit the machines and ballots. Your irresponsible conduct, your use of stall-tactics, and your obvious inability to even conduct proper screening for an audit team, renders you INCAPABLE of handling this process.

To quote the Statement issued by the Senate Republicans in response to your frivolous and shameful complaint, February 8, 2021:

- "In January, the county admitted the Senate had a valid legislative purpose to issue subpoenas. Now, in the complaint, the county denies a valid legislative purpose.
- In January, the county agreed to produce ballot images to the Senate. Now, in the complaint, it claims it is legally prohibited from producing the images.
- In December, the county adopted a clear view of the Senate's right to hold the Board of Supervisors in contempt. Now, in the complaint, the county asks the judicial branch to interfere with the legislative branch's previously conceded remedy of contempt."

Your refusal to do your job and honor your oath is shocking. Your refusal to comply with the Senate's subpoena leads us to believe you may be caught in a nasty web of corruption. Is this true?

1. Are you acting in the interest of the people or are you acting for your personal and financial interests?
2. Did you participate in the fraud?
3. Are you knowingly covering up fraud? Have you been paid to do so?
4. Are you aware of the thousands of volunteers in various groups who have racked up proof of fraud? Do you realize people have not been sitting quietly at home – we have been out on the streets, investigating? Do you realize the number of professionals that have assessed the data? Do you realize certain groups have video evidence of illegal conduct? Do you pretend you have seen nothing?

Every single day, hundreds of thousands of people across the nation, discuss the above questions we have posed to you. We have had enough with the backtracking. We have been more than patient. We have not wavered. We demand you comply with the Senate Subpoena.

A Concerned Citizen,

## Lumpp, Rachele

---

**From:** Marta Kos <marta2004k@yahoo.com>  
**Sent:** Saturday, February 13, 2021 5:33 PM  
**To:** Doug.ducey@azgovernor.gov; engage@az.gov; Brnovich, Mark; AGInfo; elections@azsos.gov; khobbs@azsos.gov; chickman@mail.maricopa.gov; chucris@mail.maricopa.gov; sellersj@mail.maricopa.gov; district3@mail.maricopa.gov; district5@mail.maricopa.gov  
**Subject:** Election

To All,

Article 2, Section 21 of the Arizona Constitution states, "All elections shall be free and equal, and no power, civil or military, shall at any time interfere to prevent the free exercise of the right of suffrage." Article 7, Section 7 states, "In all elections held by the people in this state, the person, or persons receiving the highest number of legal votes shall be declared elected."

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- In January, the county agreed to produce ballot images to the Senate. Now, in the complaint, it claims it is legally prohibited from producing the images.
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Your refusal to do your job and honor your oath is shocking. Your refusal to comply with the Senate's subpoena leads us to believe you may be caught in a nasty web of corruption. Is this true?

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3. Are you knowingly covering up fraud? Have you been paid to do so?
4. Are you aware of the thousands of volunteers in various groups who have racked up proof of fraud? Do you realize people have not been sitting quietly at home – we have been out on the streets, investigating? Do you realize the number of professionals that have assessed the data? Do you realize certain groups have video evidence of illegal conduct? Do you pretend you have seen nothing?

Every single day, hundreds of thousands of people across the nation discuss the above questions we have posed to you. We have had enough with the backtracking. We have been more than patient. We have not wavered. We demand you comply with the Senate Subpoena.

Sincerely,  
A Concerned Citizen

## Lumpp, Rachelle

---

**From:** Jenee Nichols <jeneenichols@gmail.com>  
**Sent:** Saturday, February 13, 2021 4:58 PM  
**To:** nbarto@azleg.gov; sborrelli@azleg.gov; pboyer@azleg.gov; Kfann@azleg.gov; dgowan@azleg.gov; rgray@azleg.gov; vleach@azleg.gov; dlivingston@azleg.gov; jmendez@azleg.gov; tpace@azleg.gov; wpetersen@azleg.gov; wrogers@azleg.gov; tshope@azleg.gov; ktownsend@azleg.gov; mugenti-rita@azleg.gov; Stephen@richerforrecorder.com; chucris@mail.maricopa.gov; sellersj@mail.maricopa.gov; district3@mail.maricopa.gov; district5@mail.maricopa.gov; chickman@mail.maricopa.gov; Doug.ducey@azgovernor.gov; engage@az.gov; Brnovich, Mark; AGInfo; elections@azsos.gov; khobbs@azsos.gov  
**Subject:** Forensic Audit and recount

PLEASE! The We The People demand a forensic audit and recount!!!!!!!

Sent from my iPhone

## Lumpp, Rachelle

---

**From:** lori richards <lorijrichards@icloud.com>  
**Sent:** Saturday, February 13, 2021 2:17 PM  
**To:** dgowan@azleg.gov; sborrelli@azleg.gov; nbarto@azleg.gov; pboyer@azleg.gov; Kfann@azleg.gov; rgray@azleg.gov; vleach@azleg.gov; dlivingston@azleg.gov; jmendez@azleg.gov; tpace@azleg.gov; wpetersen@azleg.gov; wrogers@azleg.gov; tshope@azleg.gov; ktownsend@azleg.gov; mugenti-rita@azleg.gov; Stephen@RicherForRecorder.com; chucris@mail.maricopa.gov; sellersj@mail.maricopa.gov; chickman@mail.maricopa.gov; Doug.ducey@azgovernor.gov; engage@az.gov; Brnovich, Mark; AGInfo; elections@azsos.gov; khobbs@azsos.gov  
**Subject:** Audit

As a registered voter and citizen of the United States of America, I demand the Senate conduct a legitimate and complete forensic audit of the ballots and of the machines in the Arizona Presidential election in 2020.

Lori Richards  
26420 484 ave  
Valley Springs, SD 57068

## Lumpp, Rachelle

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**From:** Lumpp, Rachelle  
**Sent:** Friday, February 05, 2021 4:48 PM  
**Subject:** Yellow Sheet 2-4-21  
**Attachments:** Yellow Sheet 2-4-21.pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

**Categories:** Green category

Attached please find today's Yellow Sheet.  
Have a great weekend!

Rachelle Lumpp  
Executive Assistant to the Attorney General  
Executive Assistant to the Director of Communications  
Office of the Arizona Attorney General  
2005 N. Central Avenue  
Phoenix, AZ 85004  
602-542-8351 Office  
[rachelle.lumpp@azag.gov](mailto:rachelle.lumpp@azag.gov)





# YELLOW SHEET REPORT

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## ·NEWS NOTES AND GOSSIP·

### BUT WE WANNA SEE JOE'S CUFFS!

Shope, whose name on the resolution to hold the Board of Supervisors in contempt surprised many people, told our reporter today that while he doesn't believe the "conspiracies" that the election was stolen, he believes in the power of legislative subpoenas. That's a position informed by his battle as House Ethics Committee chair during the fight to subpoena former lawmaker David Stringer. "I don't completely agree with the underlying cause or reason we got here, but I do think subpoenas should be adhered to in some way, shape or form," he said, adding that he was prepared to hold Stringer in contempt for not complying with a subpoena, but he resigned. The Maricopa County Board of Supervisors has repeatedly said it cannot legally hand over those 2.1 million ballots to the Senate because it would violate the law and voter privacy, and Supervisor Bill Gates yesterday hammered the fact that the Senate's allegedly independent auditor is actually a "known and frequently debunked conspiracy theorist." Shope said he asked Fann yesterday point-blank about who is conducting the audit, and she told him nobody had been selected. A Senate press release on Jan 29 said Fann "has hired an independent, qualified forensic auditing firm," but Fann maintains nobody has been selected. At least one firm in the running is Allied Special Operations Group ([YS, 2/3](#)). Shope said he made it "very clear" that the chosen firm needs to be legitimate, but Fann offered no assurances of who she will pick. Shope said he believes Petersen is going to use the audit to look at potential election problems prospectively – and not veer into "fantasy land and conspiracy theory," – but if Petersen does, he'll lose Shope's support. "There's a line somewhere and if we cross over, we'll deal with it then," he said. That line seems to be somewhere between threatening to arrest the board of supervisors and actually arresting them, as Shope said the latter is off the table as far as he is concerned. "I think we all know we're not going to arrest anybody," he said. "That's over the top."



### LET'S HOPE IT'S A SHORT SESSION

If supervisors are, in fact, arrested, it wouldn't be the first time someone in Arizona was thrown in jail for not complying with a legislative subpoena, though the last time it happened appears to be more than a half-century ago. In 1964, an attorney refused to produce records during a House investigation into the Corporation Commission, claiming attorney-client privilege. The House committee was digging for more information on a \$25,000 transaction that may have been a campaign contribution – or a bribe. The case (*Buell v. Superior Court of Maricopa County*) made its way to the Arizona Supreme Court ([LINK](#)). The Court affirmed the Legislature's power to conduct investigations and issue subpoenas, as well as its power to hold recalcitrant witnesses in contempt and imprison them through the end of the legislative session. ARS 41-1155 states, "No term of imprisonment shall extend beyond final adjournment of the session." The ruling came shortly before impeachment proceedings for one of the sitting corporation commissioners, A.P. "Jack" Buzard ([LINK](#)). Buzard also failed to comply with a legislative subpoena during that legislative session, but William Rehnquist (yes, that William Rehnquist), who was working for the Senate, said it was too late in the session to bother with holding him in contempt, even though the issue arose after the Supreme Court ruling. (Buzard was ultimately acquitted.) Following the court ruling, it appears the previously imprisoned attorney testified in the impeachment proceedings.

## SO LONG RECALL, HELLO EXPULSION RESOLUTION

The recall effort against Finchem is dead, at least for now, as the group behind the original push handed the reins over to Rural Arizona Action, a nonprofit that plans to have a lawmaker introduce a resolution to expel him Monday. Ralph Atchu, the original organizer of the recall effort, told our reporter that he's not exactly thrilled that the recall morphed into an effort to expel the lawmaker, which he doesn't think is very realistic. "I don't know if they don't believe the group can get the recall done – you know it's a steep hill to climb," he said. "But I've let it go." Pablo Correa, the executive director of Rural Arizona Action, wouldn't say who, exactly, would introduce the resolution, but an email our reporter obtained shows the group scheduled a press conference at the Capitol Monday. One Dem railbird doesn't think the recall option is off the table, but that the coalition needs to lay the groundwork with a resolution to expel him, which would keep the pressure and media attention up and let fellow Republicans smell the "blood in the water" until a recall is possibly launched. And the source said effort to keep the attention on Finchem is already working. "Mark Finchem has been muzzled, not by leadership, but by his lawyer," the source said, adding that they think that shows "there's something there" about his possible involvement in the riot, which Finchem has denied.



## 43 IS DEFINITELY A RECORD



The total number of ethics complaints filed against Finchem, who was in Washington DC on Jan 6 when a pro-Trump mob stormed the Capitol and killed a police officer, is now up to 43. Many of the complainants noted they are LD11 residents, while others said they live in Pima County, though not necessarily in Finchem's district. "If Finchem had admitted that traveling to Washington, D.C. was a mistake, we would not be writing but his continued refusal to acknowledge the role he played or to condemn the insurrectionists left us no choice," wrote Thomas and Jean Meconi of Tucson. "He has made false assertions that Antifa was responsible for the violence and has doubled down on his assertions that the AZ 2020 presidential election was fraudulent." Chávez filed the original complaint against Finchem in mid-January. Chavez argued Finchem violated his oath of office by supporting efforts to stop Congress from certifying the electoral vote count. Nutt has not announced yet whether she plans to hold a hearing on the allegations and Finchem has not filed a written response to the complaint. He has denied witnessing or taking part in violence or anything illegal.

## THE CLOCK IS TICKING



Ducey signed his first bill of the session today, a fast-tracked effort from Weninger and Mesnard to crack down on workplaces discriminating against pregnant women. Brnovich also backed the bill, which has been introduced for three sessions in a row before finally succeeding. Discrimination against pregnant women is already a federal crime, but the law will allow the AG to investigate potential violations and enforce it at the state level, as well. Ducey now has nine bills on his desk. During the session, the governor has five days after transmittal to sign or veto the legislation before it automatically becomes the law. That excludes Sundays. Three of those bills would have a signing deadline today.

## THE IRONY CONTINUES

Fourteen Republican representatives and four senators blasted Kelli Ward, their own party chair, in a letter pointing out her obvious hypocrisy in continuing to spew conspiracies about the presidential election while refusing calls to audit her own election. The 18 Republican lawmakers noted that while the AZGOP election pales in comparison to the importance of the presidential election, the principals they hold about election integrity should apply to both elections. "For more than the last two months, we have all been joined together in a public call for transparency and accountability in our election process," they wrote. "Now, our collective message is being undermined by your insistence that none of these standards should apply to your election as AZ GOP Chairman. This inconsistency is simply not acceptable." They added that if Ward won't submit to an audit of the election that she (allegedly) won, she should "remove yourself from efforts to properly audit the elections" because she would be a "foil for the media to use to discredit our efforts to protect our state's voters." The fact that 18 Republican lawmakers signed on to the letter, which Payne spearheaded, is surprising to Shope, who noted that many of the signatories are natural allies of Ward's. "We went through Robert Graham and Jonathan Lines and I don't ever recall a single time where you've had this many Republicans openly grumbling. And we have a pretty conservative caucus and have had," he said. Asked if he plans to issue a subpoena for the AZGOP election results as well, Shope chuckled and said he's not sure he has the authority. "I wish she would have been defeated, and maybe she was, I don't know," he said. "We've already had one race overturned after everyone turned the lights out and left the building." He said that after so much losing at the top of the ballot, Ward should have had the grace to not run again, as Fernandez did over Democrats' failure to take the House. Ultimately, he said if Ward doesn't come back by Monday and agree to an audit of her (alleged) victory, she should resign. "That was probably unexpected," he said. "I'll give her the benefit of the doubt that she didn't see this coming."



## RULES ARE FOR YOU AND ME, NOT SENATORS



Fann's move to bar reporters, lobbyists and the public from accessing or viewing rules and caucus meetings all session violates the Senate's own rules. While the Legislature has made itself exempt from the state's open meetings law, both chambers adopted portions of the law into their own rules. In the Senate, Rule 7 on committees requires that all committee meetings be open to other members of the Legislature, the press and the public "so long as the proper decorum is maintained." Rule 31, meanwhile, states "all meetings of a party caucus consisting of members of the Senate shall be open to the public except organizational meetings to elect officers of the caucus and the Senate and meetings to discuss matters, including those permitted in executive session as set forth in section 38-431.03, Arizona Revised Statutes. Each caucus shall establish procedures for convening party caucuses." (The Senate modified the rules last January, when the Senate granted itself the right to hold closed caucuses for any reason. Prior to 2020, Senate rules only permitted closed meetings if the caucus elected leaders or for the limited executive session exemptions laid out in state open meetings law, such as discussing litigation.) While lawmakers approved a temporary emergency Rule 32 on the first day of session to address Covid safety, nothing in that rule eliminates public access to meetings. Rather, the new rules specify how legislators and members of the public can participate remotely.

## SO MANY BILLS, SO LITTLE TIME



K Hoffman hopes bills to restore funding for preschool programs, analyze overcrowded classrooms and provide family and medical leave insurance benefits make it to the governor's desk. She gave a shout out to the bills during her third State of Education address before the Senate Education Committee earlier this week, but her spokesman said the Dept of Education is also lobbying to kill a few bills – chief among them, another push for school voucher expansion. S1452 (Arizona empowerment scholarship accounts; revisions) would expand voucher eligibility to low-income students and students who attend Title I schools, a move some opponents say would effectively create the universal vouchers voters rejected in 2018. One concern is the added burden of administering the program to more students — those costs, ADE spokesman Richie Taylor said, have never been fully funded ([LINK](#)). He also pointed to voters' rejection of expanding the voucher program in 2018 with Prop 305. "We thought we should listen to the will of the voters," he said. In her speech, Hoffman pointed to teacher burnout as one reason for the teacher shortage. S1058 (schools; learning materials; activities) would probably add to that burnout, as it would require district and charter schools to provide learning materials to parents for their review. If parents disapprove, they would be able to request to pull their student from the class. Taylor says parents already have ways to review what their children are learning. "Parents do have the right to go and talk to teachers," he said, adding that school board meetings are public and have time for public comment. Next week, Hoffman will deliver her second annual State of Special Education speech to House Education, rather than repeat yesterday's speech as previous superintendents have. Taylor said the gist of her speech is that special education in Arizona needs some work.

## ·WAKE UP CALL·

### **Republican senators vote to find Maricopa County supervisors in contempt**

*Arizona Capitol Times*

All 16 Republicans in the Arizona Senate signed on to a measure introduced Wednesday afternoon that could lead to sending the Senate's sergeant at arms to arrest Maricopa County's elected supervisors as early as Friday.

### **Push is on to lower business property taxes**

*Capitol Media Services*

Republican lawmakers are moving to lower property taxes on businesses.

### **Arizona lawmakers seek to reverse four decades of tough-on-crime policies**

*Capitol Media Services*

Without a single dissent, Arizona House committee votes to restore some sentencing discretion taken away from judges

### **Tucson border aid groups say Border Patrol often fails to help migrants in distress**

*Arizona Daily Star*

Border Patrol counters that in 2019, for example, its agents conducted more than 1,000 rescues in the Tucson Sector

### **Arizona Chamber of Commerce & Industry CEO taking Texas job**

*Associated Press*

Glenn Hamer, the longtime president and CEO of the Arizona Chamber of Commerce & Industry, is leaving to take a similar position with the Texas Association of Business.

### **Ex-Navajo Nation president dies of coronavirus complications**

*Associated Press*

Albert Hale, a former Navajo Nation president and Arizona lawmaker who was known for his commanding presence, sense of humor and advocacy for local government, has died.

### **Yuma Sector Border Patrol agents arrest a group of Iranians**

*Yuma Sun*

Yuma Sector Border Patrol agents arrested a group of 11 Iranian citizens who illegally crossed the border into the United States Monday evening.

### **Call center inundated with vaccine requests**

*Payson Roundup*

Struggling to make an appointment for a person 75 and older?

### **For Sale in Queen Creek: Trump Bus, Heavily Used**

*Phoenix New Times*

An eye-popping tour bus decked out in pro-Donald Trump imagery and used at rallies and events across the country is for sale in Queen Creek with a \$135,000 price tag.

### **Longshot Federal Gun Registration Bill Would Require Psych Exams**

*Phoenix New Times*

A longshot bill in the U.S. House of Representatives that would require psychological examinations for gun owners and a publicly accessible list of ownership is causing a stir with Second Amendment advocates.

### **Fann picks Trump-allied firm with history of false election statements to audit Maricopa election**

*Arizona Mirror*

Senate President Karen Fann has chosen a firm that produced a widely discredited report on voting in Michigan, and which includes a Trump campaign associate with a well-documented history of spreading false and baseless claims about the 2020 election, to conduct an audit of the election in Maricopa County, according to records obtained by Arizona Mirror.

### **Senate GOP all back arresting Maricopa County supervisors for contempt**

*Arizona Mirror*

All 16 Republicans in the Arizona Senate co-sponsored a resolution calling for the Maricopa County Board of Supervisors to be held in contempt and arrested for refusing to comply with wide-ranging subpoenas for election equipment and materials.

### **Brnovich sues Dept. of Homeland Security over deportation pause**

*Arizona Mirror*

In a lawsuit filed Wednesday, Attorney General Mark Brnovich said the Biden administration can't temporarily pause deportations because he signed an agreement with the U.S. Department of Homeland Security in the final days of the Trump administration that gives him broad powers to block changes in how the federal government enforces federal immigration laws.

### **Will Arizona's Republican representatives vote for QAnon or country?**

*Arizona Republic (Opinion, EJ Montini)*

'When a person encourages talk about shooting a member in the head, they should lose the right to serve on any committee. That shouldn't be a radical idea.'

### **COVID-19 testing is feast or famine in Arizona. Here's how to do it better**

*Arizona Republic (Opinion, Joanna Allhands)*

When COVID-19 cases begin to drop, Arizona should ramp up efforts to get more folks tested. That hasn't happened. But it should.

### **Good intentions aren't enough. Joe Biden must make real changes on immigration now**

*Arizona Republic (Opinion, Elvia Diaz)*

The White House says it'll take time to clean up Trump's immigration mess. But studying how to move forward isn't the action we need now.

### **Forget Democrats. Independents should be most upset at bills targeting voting by mail**

*Arizona Republic (Opinion, Abe Kwok)*

Voting trends suggest that independents – not Democrats – would be more hurt by Arizona lawmakers' efforts to limit who receives mail ballots.

## ·PRESS RELEASES·

### **Pushing Back on Anti-Voters Bills, Democratic Legislators and Secretary of State Partner to Introduce Pro-Democracy Legislation**

PHOENIX-- Senator Martin Quezada and Representative Athena Salman, working with Secretary of State Katie Hobbs, have introduced a package of pro-democracy bills to expand voting access, streamline election administration and enhance election security. After months of anti-democracy sentiment and false claims of election fraud from the former President and even Arizona Legislators, these bills will expand access to our Democracy for all Arizonans. "Voting is at the core of American Democracy and we should be fighting to protect it, not attack it," Senator Quezada said. "While Republicans continue casting doubt onto a free and fair election, our slate of bills aim to expand access to democracy and remove hurdles Republicans have placed in front of voters."

"During Black History month, Republicans are dead set on making it harder to participate in an election for any eligible voter they perceive to be not worthy," Representative Salman said. "Elections should be a contest of ideas, not a test of how creatively one side can hold onto power without majority support. Our plan ensures that our government will still depend on the consent of the governed."

"Some of the election bills proposed by Republicans have no intended benefits and create burdens on election officials' ability to make voting as accessible as possible and make it more difficult for Arizonans to register and vote, added Secretary Hobbs. "Senator Quezada and Representative Salman worked with my office to find ways to reassure voters that elections in Arizona are secure and accurate. This is exactly what SB1667 and HB2797 are designed to do. It's time to take the lessons we learned and pass reforms that streamline election administration, expand voting rights, and enhance election security."

See below for the list of pro-democracy bills that have been introduced:

- **HB2797 election laws; revisions; appropriation and SB1667 election laws revisions. These Election Reform Omnibus Bills are mirror bills developed with the Arizona Secretary of State to improve election administration and security while expanding voter access.**
- **SCR1042 conduct of elections; voters; rights.** Asks voters to enact an AZ Voters' Bill of Rights to allow registration without unnecessary barriers; Fair districts where voters choose candidates rather than candidates choosing voters; assurance that all Vote By Mail votes will count; Equal access to the ballot box; preserved power of the initiative; and a requirement that elected officials will serve voters, not special interests.
- **SB1669 voter registration; youth pre-registration.** Allows 16-year old voters to pre-register to vote. The registration becomes effective once they turn 18.
- **SB1668 presidential preference caucuses; independent voters.** Changes Arizona's Presidential Preference Election to a Caucus Election.
- **SB1670 and HB2750 automatic voter registration; same day.** Enacts a same day and automatic voter registration programs in Arizona.
- **SB1671 early ballot collection; limitations; repeal.** Repeals Arizona's unconstitutional ban on assisting fellow voters engage in the democratic process by ensuring their vote is counted.
- **SB1672 early voting locations.** Allows counties to operate early voting locations up until election day.
- **SB1673 polling places; drop boxes; campuses.** Requires polling place drop boxes at higher education campuses.
- **HB2344 early voting; weekend hours.** Keeps early voting locations open until 7 p.m. on the weekend and Monday before Election Day.
- **HB2736 presidential preference election; independent voters.** Allows voters without a political party to participate in the presidential preference election of their choice.

- **HB2343 voting centers; board of supervisors.** Allows counties to use voting centers as polling places, and to stay open during the weekend before Election Day.

### **Senator Shope and Representative Pratt help ensure economic growth in Pinal County through smart water management**

(Phoenix, State Capitol) --- The Arizona House of Representatives today passed SB 1274, a bill harnessing smart water management to drive economic development and housing availability in Pinal County. This follows passage of the bill by the Senate on Wednesday.

A product of several years of discussions, the bill sponsored by Senator T.J. Shope implements locally driven solutions to encourage smart and efficient residential development. "I am proud to sponsor this bill as it is critical to Pinal County's economy," said Senator Shope. "This will conserve water while protecting the county's continued growth, and it allows people in cities and towns great flexibility to protect their community."

"This legislation is the product of a lot of hard work on the part of many local, county and state leaders," said Representative Frank Pratt. "I strongly support it and am pleased that we're able to help continue the responsible growth underway in Pinal County and, potentially, other areas of the State."

With strong bipartisan support, the bill is now headed to the Governor for his signature.

### **Legislative Rural Caucus Elects Leadership Team; Rep. Dunn to Serve as Chair, Rep. Barton as Vice Chair**

STATE CAPITOL, PHOENIX -- The Legislative Rural Caucus has announced its leadership for the 2021-2022 legislative term. Representative Timothy Dunn (R-13) was elected to serve as Caucus chairman, and Representative Brenda Barton (R-6) will serve as vice chairman.

The Legislative Rural Caucus is a bipartisan, bicameral group of state legislators who meet weekly to discuss common challenges and needs of rural communities and identify ideas to solve those challenges.

"I am honored to serve as chairman of the Rural Caucus and look forward to serving the people of my district as well as Arizonans across the state," said Representative Dunn. "The Caucus plays an important role in representing the common interests of rural Arizona in the legislature and through building stronger relationships across the state."

"I love the people and unmatched beauty of rural Arizona," said Representative Barton. "As a legislator, and as a member of the Legislative Rural Caucus, I am here to advance good public policy that serves our rural areas."

The Legislative Rural Caucus actively tracks legislation that might diminish the ability of rural counties to provide vital services to those who live outside of the large city centers of metro Phoenix, Tucson, and Flagstaff. Members of the Caucus recognize that there is a rich, untapped resource in the rural communities which, with the right support and infrastructure, can prosper and contribute greatly to the quality of life for all Arizonans and visitors.

### **Bill to Fund Pinal County Infrastructure Project Passes Transportation Committee**

STATE CAPITOL, PHOENIX -- A bill sponsored by State Representative David Cook (R-8) was passed today by the House Transportation Committee.

HB 2394 appropriates \$4 million to pay for a tier 2 study of the proposed North-South Corridor highway project in Pinal County. Additionally, it provides \$750,000 to the County to supplement a local match to acquire over \$15 million in federal grant money to fund road and infrastructure improvements which would increase access to the area around the Nikola Motors plant.

"I am grateful to my colleagues for their bipartisan support in continuing this long-needed project serving the transportation needs in Pinal County and our state," said Representative Cook. "With the passage of my amendment today, the bill would appropriate \$750,000 to help enable Pinal County to receive over \$15 million in federal money to fund infrastructure projects near the Nikola Motors plant. These projects will be an economic engine in Pinal County and create well-paying jobs for rural Arizona."

The North-South Corridor is a proposed highway project that would improve transit in the Pinal County region.

### **SB 1379 means responsible reform for Arizona vacation rental marketplace**

*Statement by Philip Minardi, director, policy communications, Expedia Group*

"Today's approval of SB 1379 by the Arizona Senate Commerce Committee is a good step to responsibly reform the vacation rental industry while preserving its importance as a driver of tourism and economic opportunity. Vacation rentals both empower Arizona homeowners to earn extra money with their own property and create a unique experience for guests to enjoy all that Arizona has to offer.

"We are mindful of the growing popularity of vacation rentals has created concern in some communities, especially with regard to a relatively small number of nuisance properties. Through our Stay Neighborly initiative, we've instituted a no-tolerance policy toward hosts or guests who have abused the right to rent. We also continue to move swiftly to identify and remove bad actors from the platform, while employing risk-engine technology to flag problems during the booking process. Our support of SB 1379 represents Expedia Group's continued commitment to a balanced approach and smart reforms for the vacation rental marketplace.

"Specifically, SB 1379 establishes strict occupancy limits for host properties; authorizes local officials to impose stiff penalties for vacation-rental violations, and enables the state to suspend any property's tax license for repeated violations; requires vacation rental hosts to maintain at least \$500,000 worth of insurance; and more. These provisions address some of the primary concerns raised by community members and local officials, but preserve the core of what has made Arizona among the nation's most successful markets for vacation-rental hosts and guests.

"We believe strongly that a vibrant vacation-rental industry can help lead Arizona's tourism recovery. Expedia Group looks forward to continued collaboration with our state and local officials."

### **Senator Kelly Speaks with Governor Ducey About Arizona's COVID-19 Response, Priorities**

Today, United States Senator Mark Kelly spoke with Governor Doug Ducey about Arizona's response to the COVID-19 pandemic, the state's vaccination plan, and ensuring that Arizonans get the support and resources they need during this pandemic.

Kelly told Ducey that he supports his request for additional vaccines from the federal government, and will continue working with the congressional delegation and administration to advocate for more vaccinations for Arizona. Kelly also shared concerns he has heard from Arizona mayors and his [Senior Citizen Advisory Group](#) about inadequate vaccine supply in rural and border areas, and the difficulties that seniors and others with limited transportation options are having getting vaccinated.

"Getting Arizonans vaccinated is how we are going to beat this virus for good and get our economy back on track. Governor Ducey and I spoke about the state's vaccination program, issues that I have heard from Arizonans, and actions that need to be taken to get the vaccinations to the people who need them most," said Senator Kelly. "It is critical that we all work together, the governor, our congressional delegation, and local leaders, to get our communities the resources to get Arizonans vaccinated and continue to support those who need it most during this crisis."

Regarding relief, Kelly also raised casework issues that have come to his office including delays in rental and unemployment assistance reaching Arizonans, and the looming threat of evictions for families and individuals. Kelly [last spoke with Ducey in December](#) when they discussed the COVID-19 pandemic and the strain that rising cases and hospitalizations were putting on Arizona's health care system. During that call, Kelly reiterated his support for additional efforts to slow the virus's spread such as a statewide mask mandate.

Since that call, Kelly has joined a [bipartisan working group](#) of 8 Democrats and 8 Republicans working to find common ground on COVID-19 relief, including additional funding for vaccinations. He has also held a number of conversations with his COVID-19 Working Group made up of Arizona public health experts, his [Senior Citizen Advisory Group](#) made up of senior leaders and organizations, and [mayors](#) from the [border](#) to [northern Arizona](#). Kelly has previously [written](#) the Department of Health and Human Services urging them to coordinate on-site vaccinations for Customs and Border Protection officers.

### **Rep. Kirkpatrick Votes to Pass Budget Resolution, A Key Tool to Accelerate Passing COVID Relief for Americans**

(WASHINGTON, DC) – Today, Rep. Kirkpatrick voted to pass H. Con. Res. 11, the FY 2021 Budget Resolution. Passing this budget ensures that Congress can act quickly and decisively in the weeks to come to deliver the robust



relief that American families, workers and communities need to combat the coronavirus pandemic and strengthen the economy.

“For over a year, the COVID-19 pandemic and economic crises have destroyed Americans’ lives and livelihoods, and Arizonans need to know that help is on the way,” said Rep. Kirkpatrick. “In Arizona alone, upwards of 750,000 people have been infected, nearly 13,500 have died, and thousands remain unemployed as well as food and housing insecure. We must act swiftly and boldly, which is why I am proud to join my colleagues to pass this budget resolution.”

In Congress, there is strong precedent for reconciliation bills, which have been passed on a bipartisan basis 17 times in recent years, including for the bipartisan, landmark Children’s Health Insurance Program (CHIP). Democrats hope and expect that Republicans in Congress will support assistance that will bring relief to the communities they represent. Passing this budget does not preclude adopting Republican suggestions that would strengthen the package. But it does ensure that Congress can move forward in a timely way and meet Arizona families’ urgent needs.

Reports indicate that without immediate action, an entire cohort of young people in Arizona and across the country may have lower lifetime earnings because they were deprived of another semester of school. Millions of Arizona parents could be forced to stay at home, reducing their wages and future job prospects because they have no choice but to care for their kids. With interest rates at historic lows and the return on smart investments in the economy having never been higher, top economists are saying that now is the time for bold action.

The budget resolution passed today is an essential first step in Congress’s efforts to deliver the comprehensive, strategic and science-based relief laid out in President Biden’s robust American Rescue Plan:

- **Beat the virus and safely reopen schools** – The plan will mount a national vaccination program that includes setting up community vaccination sites nationwide. It will also take complementary measures to combat the virus, including scaling up testing and tracing, addressing shortages of personal protective equipment and other critical supplies, investing in high-quality treatments and addressing health care disparities. The plan will also make the investments necessary to safely reopen schools.
- **Deliver immediate relief to working families bearing the brunt of the crisis** – The plan will provide direct assistance to households across America by \$1,400 per person, bringing the total (including the \$600 down payment enacted in December) to \$2,000. The plan will also provide direct housing and nutrition assistance to families struggling to get by, expand access to safe and reliable child care and affordable health care, extend and expand Unemployment Insurance so American workers can pay their bills and give families with children as well as childless workers a boost through enhanced tax credits.
- **Support communities struggling with the economic fallout** – The plan will provide crucial support for the hardest-hit small businesses, especially those owned by entrepreneurs from racial and ethnic backgrounds that have experienced systemic discrimination. The plan also provides crucial resources to protect the jobs of first responders, frontline public health workers, teachers, transit workers and other essential workers that all Americans depend on.

“I hope to work with Members on both sides of the aisle to meet the urgent needs of our communities,” continued Rep. Kirkpatrick. “But I will not sacrifice more time or the health and well-being of Arizona families at this critical junction. For hard-working Arizonans, the cost of continued inaction is too high.”

## **Congressman Biggs Named Ranking Member of House Judiciary Subcommittee on Crime, Terrorism and Homeland Security**

WASHINGTON, D.C. – This week, Congressman Andy Biggs was named the Ranking Member of the Subcommittee on Crime, Terrorism and Homeland Security for the United States House Committee on the Judiciary. Congressman Biggs released the following statement:

*“I’m grateful to Ranking Member Jim Jordan for appointing me as a ranking member for this subcommittee. It has been an honor to serve on the Committee on the Judiciary since being sworn into the U.S. House in 2017 and to work with Ranking Member Jordan on many substantive issues. I am privileged to lead the Republican efforts for this important subcommittee to stand against the Democrats’ dangerous agenda for the future of our nation.”*

Congressman Biggs was also appointed to the Subcommittee on Immigration and Citizenship for the U.S. House Committee on the Judiciary. Congressman Biggs also serves on the U.S. House Committee on Oversight and Reform.

# “QUOTE OF THE DAY”

“I think we all know we’re not  
going to arrest anybody.”

*- Shope, on whether senators will follow through on their threat  
to arrest the Maricopa County Board of Supervisors*

## Lumpp, Rachelle

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**From:** Conner, Katie  
**Sent:** Friday, January 22, 2021 3:30 PM  
**To:** Medina, Rick  
**Subject:** RE:  
**Attachments:** Saturday Remarks.docx

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

**Categories:** Green category

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**From:** Medina, Rick  
**Sent:** Friday, January 22, 2021 2:57 PM  
**To:** Conner, Katie  
**Subject:**

## ***Censorship and Cancel Culture are Among the Biggest Threats We Face***

- There are a lot of outrageous things going on in our State and Country ... far more than I could possibly address in the short time slot I have here.
- These are very challenging times and I would like to spend the precious minutes that I have with you today discussing a few of my primary concerns – including the preservation of Arizona’s election integrity laws, and the growing Censorship and Cancel Culture that is attempting to silence Conservative Voices in our State.
- The Attorney General’s Office has an Election Integrity Unit that we created alongside the legislature, in 2019 to respond to complaints and restore public confidence in our elections – which no easy task right now.
- One of the reasons I believe we didn’t have as many problems as some other states was because of our work **before** the election. We were busy defending Arizona’s laws against last-minute lawsuits by democratic groups. We jumped into fight **6 cases** because our Secretary of State wouldn’t defend the law... even though that’s what she was elected to do. *I guess she was too busy tweeting about “Cracken” or taunting Trump supporters.*
- But it wasn’t just the Secretary of State. Remember Recorder Fontes – also commonly known as Captain Chaos? He tried to send out ballots to every voter in Maricopa County during the Democratic Preference Election – even if they hadn’t requested it!
- It doesn’t take an attorney to know – that’s flat out illegal! I said ENOUGH because, (pause) once again, \*no one else would. Our office got a temporary restraining order just in the nick of time to stop Fontes’ from hatching his plan.

- In a few months from now, I'm going to be standing before the U.S. Supreme Court arguing perhaps our biggest election integrity cases called *Brnovich vs. DNC* ... regarding restrictions on ballot harvesting. Other states are watching closely as this case will likely have widespread implications. I will keep you posted.
- Of course there are other areas of the law where just getting our day in court is an arduous process, like our continued concerns with the operation of Arizona's Higher Education Establishment.
- Many of you may recall that I sued the Arizona Board of Regents to stop them from illegally providing in-state tuition to those who didn't qualify, many were in the DACA program.
- We won that case at the State Appeals Court, and yet the Universities defied Arizona voters and the court -- by continuing to provide in-state tuition. We fought and won \*\*\***again** at the Arizona Supreme Court, and were successful in upholding the law.
- When I was here last, I let you know that we were filing suits against the university practices of crony capitalism and sky-rocketing tuition. Well, we had to fight all the way to the Arizona Supreme Court again, because the universities dodged the merits of our complaints by arguing the AG doesn't have legal authority to defend our state constitution.
- We received a partial victory at the Supreme Court keeping portions of our lawsuit alive ... but unfortunately the Court determined the AG doesn't have authority to bring these complaints unless the legislature grants it.
- Think about that: the Attorney General – an independently elected constitutional officer -- doesn't have the legal authority to sue government agencies to enforce the Constitution. If I cannot stick up for the taxpayers of Arizona, who will? And, if the Universities can

silence a conservative AG, you know they can silence many other well-meaning people too.

- Let me list just a few who have been recent victims of Censorship and Cancel Culture of our Higher Education Establishments:
- ASU fired a student from a radio show for sharing a NY Post story -- on her \*personal Twitter account -- regarding the truth behind an out-of-state police involved shooting. Some other students took offense to this so the University decided that she had to be fired.
- When the Walter Cronkite School of Journalism hired a new dean, her tenure was terminated almost instantly after she posted a tweet praying “for the good police officers who keep us safe.” Activists called her tweet “racist” and accused her of “microaggressions.”
- In addition to its Cancel Culture, ASU also gave \$1 million dollars in taxpayer funds to New America, a left-leaning think-tank led by liberals in Washington, D.C. This group has received millions of dollars from Big Tech— and it accepted \$1M from ASU so that Michael Crow could sit on the Board and rub elbows with former Hillary Clinton staffers and columnists from the New York Times, The Atlantic, and the cable TV hosts at CNN. Remember that next time they say there’s no way they can lower tuition.
- So what is really going with all this increasing Censorship and Cancel Culture? In his classic novel 1984, George Orwell warned us about the State: **‘He who controls the past controls the future. He who controls the present controls the past.’**
- Well, it appears that just like my high school class, the Big Tech giants have read George Orwell – and these companies are undeniably the bullies of today’s most vibrant Public Squares. Something needs be done.

- So Arizona was the first state to file suit against Google over its gathering and handling of personal information. We also know that their lack of competition reduces quality of services and stifles innovation.
- I am proud to be a leader in pushing back against technology oligarchs who are leading the charge for Censorship. The U.S. Congress and government agencies have cozied up to Big Tech and allowed these companies to have too much influence and power in our lives.
- Silicon Valley should not be given control over free speech. In our separate lawsuit against Facebook, we assert the company is “de-platforming” emerging competitive threats. We contend Facebook is eroding consumer data and privacy protections when it purchases competitors like Instagram.
- And now, it’s moved beyond killing the competition. Big Tech bosses are silencing opinions they find unsavory. It is Censorship and Cancel Culture run amok -- they brazenly shut down the accounts of our highest public officials, or suppress scandalous stories just before a national election. This must be corrected.
- What do Undermining Election Integrity Safeguards, and practicing Censorship and Cancel Culture have in common? They are all about control and manipulation ...and we must bring it to an end.
- I will leave you this morning with an encouraging truth. While these are difficult times and we have a lot of work to do ... Ad hominem attacks – from personal shaming to public shunning -- are the last resorts of exhausted minds.
- In our defense of free thought and speech, we will be the ones upholding truth, our Constitution and the apex of the political high ground. Thank you all.

## Lumpp, Rachelle

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**From:** Medina, Rick  
**Sent:** Friday, January 22, 2021 2:57 PM  
**To:** Conner, Katie  
**Attachments:** Saturday Remarks.docx

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

**Categories:** Green category



## ***Censorship and Cancel Culture are Among the Biggest Threats We Face***

- There are a lot of outrageous things going on in our State and Country ... far more than I could possibly address in the short time slot I have here. These are very challenging times and I would like to spend the precious minutes that I have with you today discussing a few of my primary concerns – including the preservation of Arizona’s election integrity laws, and the growing Censorship and Cancel Culture that is attempting to silence Conservative Voices in our State.
- The Attorney General’s Office has an Election Integrity Unit that we created alongside the legislature, in 2019 to respond to complaints and maintain public confidence in our elections – no easy task right now.
- One of the reasons I believe we didn’t have as many problems as some other states though was because of our work *before* the election. We were busy defending Arizona’s election integrity measures against last-minute lawsuits by democratic groups. We jumped in to fight 6 cases because our Secretary of State decided not to defend the law – on topics ranging from voter registration and petition circulators to post election-day ballot curing.

In a few months from now, I’m going to be standing before the U.S. Supreme Court arguing perhaps our biggest case called Brnovich vs. DNC ... to defend Arizona’s restrictions on ballot harvesting. Other states are watching this case closely as it will likely have widespread implications and I will keep you posted.

- Of course there are other areas of the law where just getting our day in court is an arduous process, like our continued concerns with the operation of Arizona’s Higher Education Establishment.
- Many of you may recall that I sued the Arizona Board of Regents to stop them from illegally providing in-state tuition to those in the DACA program.

- We won that case at the State Appeals Court, and yet the Universities defied Arizona voters and the court -- by continuing to provide in-state tuition for those who did not qualify for it, pending their appeal to the AZ Supreme Court. We fought and won again at the Supreme Court, and were successful in upholding the law.
- When I was here last, I let you know that we were filing suits against the university practices of crony capitalism and sky-rocketing tuition. Well, we had to fight all the way to the Arizona Supreme Court again, because the universities dodged the merits of our complaints by arguing the AG doesn't have legal authority to defend our state constitution.
- Our Office held firm ... but every other state-wide officer and the chamber of commerce opposed me in bringing these complaints.
- We received a partial victory at the Supreme Court keeping portions of our lawsuit alive ... but unfortunately the Court determined the AG doesn't have authority to bring these complaints unless the legislature grants it.
- Think about that: the Attorney General – an independently elected constitutional officer -- doesn't have the legal authority to sue government agencies to enforce the Constitution. If I cannot stick up for the taxpayers of Arizona, who will? And, if the Universities can silence a conservative AG, you know they can silence many other well-meaning people too.
- Let me list just a few who have been recent victims of Censorship and Cancel Culture of our Higher Education Establishments:
  - ASU fired a student from a radio show for sharing a NY Post story -- on her personal Twitter account -- regarding the truth behind an out-of-state police involved shooting. Some other students took offense to this so the University decided that she had to be fired.

- When the Walter Cronkite School of Journalism hired a new dean, her tenure was terminated almost instantly after she posted a tweet praying “for the good police officers who keep us safe.” Activists called her tweet “racist” and accused her of “microaggressions.”
- When Cronkite News published a poll following the looting in Scottsdale, progressive students complained the poll’s language was too friendly to police officers — so Cronkite News deleted the poll and apologized for causing “divisiveness.”
- In addition to its Cancel Culture, ASU also gave \$1 million dollars in taxpayer funds to New America, a left-leaning think-tank led by liberals in Washington, D.C. This group has received millions of dollars from Big Tech— and it accepted \$1M from ASU so that Michael Crow could sit on the Board and rub elbows with former Hillary Clinton staffers and columnists from the New York Times, The Atlantic, and the cable TV hosts at CNN. Remember that next time they say there’s no way they can lower tuition.
- So what is really going with all this increasing Censorship and Cancel Culture? In his classic novel 1984, George Orwell warned us about the State: **‘He who controls the past controls the future. He who controls the present controls the past.’**
- Well, it appears that just like my high school class, the Big Tech giants have read George Orwell – and these companies are undeniably the bullies of today’s most vibrant Public Squares. Something needs be done.
- So Arizona was the first state to file suit against Google over its gathering and handling of personal information. We also know that their lack of competition reduces quality of services and stifles innovation.

- I am proud to be a leader in pushing back against technology oligarchs who are leading the charge for Censorship. The U.S. Congress and government agencies have cozied up to Big Tech and allowed these companies to have too much influence and power in our lives.
- Silicon Valley should not be given control over free speech. In our separate lawsuit against Facebook, we assert the company is “de-platforming” emerging competitive threats. We contend Facebook is eroding consumer data and privacy protections when it purchases competitors like Instagram.
- And now, it’s moved beyond killing the competition. Big Tech bosses are silencing opinions they find unsavory. It is Censorship and Cancel Culture run amok -- when they brazenly shut down the accounts of our highest public officials, or suppress scandalous stories just before a national election. This must be corrected.
- What do Undermining Election Integrity Safeguards, and practicing Censorship and Cancel Culture have in common? They are all about control and manipulation ...and we must bring it to an end.
- I will leave you this morning with an encouraging truth. While these are difficult times and we have a lot of work to do ... Ad hominem attacks – from personal shaming to public shunning -- are the last resorts of exhausted minds. In our defense of free thought and speech, we will be the ones upholding truth, our Constitution and the apex of the political high ground.
- Thank you all.

## Lumpp, Rachelle

---

**From:** PublicRecords  
**Sent:** Tuesday, January 19, 2021 1:42 PM  
**To:** Diaz, Bethany; Lumpp, Rachelle  
**Subject:** FW: Public Records Request (AZ-AG-21-0104)  
**Attachments:** AZ-AG-21-0104.pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

**Categories:** Green category

---

**From:** AO Records  
**Sent:** Tuesday, January 19, 2021 1:42:21 PM (UTC-07:00) Arizona  
**To:** PublicRecords  
**Subject:** Public Records Request (AZ-AG-21-0104)

Dear Public Records Officer:  
Please find attached a request for records under Arizona's Public Records Law.  
Sincerely,

--

Olivia Bravo  
Paralegal  
American Oversight  
[records@americanoversight.org](mailto:records@americanoversight.org)  
[www.americanoversight.org](http://www.americanoversight.org) | @weareoversight  
PRR: AZ-AG-21-0104



January 19, 2021

VIA EMAIL

Deputy Public Information Officer  
Attorney General's Office  
2005 N Central Ave.  
[publicrecords@azag.gov](mailto:publicrecords@azag.gov)

**Re: Public Records Request**

Dear Public Records Officer:

Pursuant to the Arizona Public Records Law, A.R.S. §§ 39-121 et seq., American Oversight makes the following request for records.

**Requested Records**

American Oversight requests that the Attorney General's Office promptly produce the following records:

1. All email communications (including emails, complete email chains, calendar invitations, and attachments thereto) and text message threads/conversations between (a) any of the state officials listed in Column A below, and (b) any of the external individuals identified in Column B below:

Column A: Arizona State Officials	Column B: External Individuals
<ol style="list-style-type: none"> <li>1. Mark Brnovich, Attorney General</li> <li>2. Rachelle Lump, Executive Assistant</li> <li>3. Joe Kanefield, Chief Deputy &amp; Chief of Staff</li> <li>4. Alyson Flanagan, Executive Assistant</li> <li>5. Jason Isaak, Advisor to the Attorney General</li> <li>6. Ryan Anderson, Director of Communications</li> <li>7. Katie Conner, Director of Media Relations</li> </ol>	<ol style="list-style-type: none"> <li>1. Adam Piper, Executive Director (including, but not limited to, at <a href="mailto:apiper@republicanags.com">apiper@republicanags.com</a> or <a href="mailto:adampiper1@gmail.com">adampiper1@gmail.com</a>)</li> <li>2. Chris Carr, Georgia Attorney General (including, but not limited to, at <a href="mailto:agcarr@law.ga.gov">agcarr@law.ga.gov</a> or <a href="mailto:ccarr@law.ga.gov">ccarr@law.ga.gov</a>)</li> <li>3. Eric Schmitt, Missouri Attorney General (including, but not limited to, at <a href="mailto:ag@ago.mo.gov">ag@ago.mo.gov</a>)</li> <li>4. Steve Marshall, Alabama Attorney General (including, but not limited to, at <a href="mailto:steve.marshall@alabamaag.gov">steve.marshall@alabamaag.gov</a>)</li> <li>5. Any employee or representative of the Republican Attorneys General</li> </ol>

	<p>Association (including, but not limited to, anyone communicating from an email address ending in @republicanags.com)</p> <p>6. Any employee or representative of the Rule of Law Defense Fund (including, but not limited to, anyone communicating from an email address ending in @rldf.org or @ruleoflawdefensefund.org)</p>
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2. All (a) email communications (including emails, complete email chains, calendar invitations, and attachments thereto) sent by and (b) text message threads/conversations sent or received by any of the individuals specified in Column A, above, that contain any of the key terms listed below:

Key Terms:

- i. "Rule of Law"
- ii. RLDF
- iii. "Republican Attorneys General Association"
- iv. RAGA
- v. "Save America"
- vi. "stop the steal"
- vii. Patriot
- viii. Patriots
- ix. "election fraud"
- x. "integrity of our election"
- xi. "election integrity"
- xii. Rally
- xiii. MAGA
- xiv. "great again"
- xv. Piper

For item 2(a) of this request, in an effort to accommodate your office and reduce the number of potentially responsive records to be processed and produced, American Oversight has limited its request to emails sent by the specified officials in the Office of the Attorney General. To be clear, however, American Oversight still requests that complete email chains be produced, displaying both sent and received messages. This means, for example, that both Attorney General Brnovich's response to an email containing one of the key terms listed above and the initial received message are responsive to this request and should be produced.

For item 2(b) of this request, American Oversight requests that complete text message threads/conversations be produced. This means, for example, that if Attorney General Brnovich sent or received a text message containing any of the key terms listed above, American Oversight requests that the complete text

conversation for the timeframe listed below should be produced, and not just the message containing the key term.

For both items of this request, please provide all responsive records from November 3, 2020, to the date the search is conducted.

### Statement of Noncommercial Purpose

This request is made for noncommercial purposes. American Oversight seeks records with the potential to shed light on whether and to what extent officials in the Attorney General's Office were aware of robocalls reportedly made by the Rule of Law Defense Fund urging supporters to travel to Washington, D.C., to "fight" Congress over President Trump's election fraud claims. This matter is a subject of substantial public interest in Arizona and nationwide.<sup>1</sup> Records with the potential to shed light on this matter would contribute significantly to public understanding of operations of the government.

Because American Oversight is a 501(c)(3) nonprofit, this request is not in American Oversight's financial interest and is not made for a commercial purpose. American Oversight's mission is to promote transparency in government, to educate the public about government activities, and to ensure the accountability of government officials. American Oversight uses the information gathered, and its analysis of it, to educate the public through reports, press releases, or other media. American Oversight also makes materials it gathers available on its public website and promotes their availability on social media platforms, such as Facebook and Twitter.<sup>2</sup>

Because this request is made for noncommercial purposes, American Oversight requests that any fees charged in connection with processing this request be limited to copying

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<sup>1</sup> Andrea Salcedo, *Republican AGs Group Sent Robocalls Urging Protestors to the Capitol. GOP Officials Now Insist They Didn't Know About It.*, Wash. Post (Jan. 11, 2021, 7:30AM), <https://www.washingtonpost.com/nation/2021/01/11/gop-robocalls-trump-rally-capitol/>; Lindsay Walker, *Arizona Capitol Increases Security After U.S. Capitol Riots*, Patch (Jan. 12, 2021, 5:29PM), <https://patch.com/arizona/phoenix/arizona-capitol-increases-security-after-u-s-capitol-riots>.

<sup>2</sup> American Oversight currently has approximately 15,600 page likes on Facebook and 105,900 followers on Twitter. American Oversight, Facebook, <https://www.facebook.com/weareoversight/> (last visited Jan. 8 2021); American Oversight (@weareoversight), Twitter, <https://twitter.com/weareoversight> (last visited Jan. 8, 2021).



and postage charges, if applicable.<sup>3</sup> Please notify American Oversight of any anticipated fees or costs in excess of \$100 prior to incurring such costs or fees.

### Guidance Regarding the Search & Processing of Requested Records

In connection with its request for records, American Oversight provides the following guidance regarding the scope of the records sought and the search and processing of records:

- Please search all locations and systems likely to have responsive records, regardless of format, medium, or physical characteristics. For instance, if the request seeks “communications,” please search all locations likely to contain communications, including relevant hard-copy files, correspondence files, appropriate locations on hard drives and shared drives, emails, text messages or other direct messaging systems (such as iMessage, WhatsApp, Signal, or Twitter direct messages), voicemail messages, instant messaging systems such as Lync or ICQ, and shared messages systems such as Slack.
- Our request for records includes any attachments to those records or other materials enclosed with those records when they were previously transmitted. To the extent that an email is responsive to our request, our request includes all prior messages sent or received in that email chain, as well as any attachments to the email.
- Please search all relevant records or systems containing records regarding agency business. Do not exclude records regarding agency business contained in files, email accounts, or devices in the personal custody of your officials, such as personal email accounts or text messages.
- If any records are withheld in full or in part, pursuant to A.R.S. § 39-121.01(D)(2), please provide an index of records or categories of records that have been withheld and the reasons the records or categories of records have been withheld.
- In the event some portions of the requested records are properly exempt from disclosure, please disclose any reasonably segregable non-exempt portions of the requested records. If a request is denied in whole, please state specifically why it is not reasonable to segregate portions of the record for release.
- Please take appropriate steps to ensure that records responsive to this request are not deleted by the agency before the completion of processing for this request. If records potentially responsive to this request are likely to be located on systems where they are subject to potential deletion, including on a scheduled

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<sup>3</sup> A.R.S. § 39-121.01(D)(1); *see also Hanania v. City of Tucson*, 128 Ariz. 135, 624 P.2d 332 (Ct. App. 1980). Furthermore, because this request is for noncommercial purposes, additional fees provided for under A.R.S. § 39-121.03(A) are not applicable and should not be assessed.

basis, please take steps to prevent that deletion, including, as appropriate, by instituting a litigation hold on those records.

### Conclusion

If you have any questions regarding how to construe this request for records or believe that further discussions regarding search and processing would facilitate a more efficient production of records of interest to American Oversight, please do not hesitate to contact American Oversight to discuss this request. American Oversight welcomes an opportunity to discuss its request with you before you undertake your search or incur search or duplication costs. By working together at the outset, American Oversight and your agency can decrease the likelihood of costly and time-consuming litigation in the future.

Where possible, please provide responsive material in an electronic format by email. Alternatively, please provide responsive material in native format or in PDF format on a USB drive. Please send any responsive material being sent by mail to American Oversight, 1030 15th Street NW, Suite B255, Washington, DC 20005. If it will accelerate release of responsive records to American Oversight, please also provide responsive material on a rolling basis.

We share a common mission to promote transparency in government. American Oversight looks forward to working with your agency on this request. If you do not understand any part of this request, please contact Khahilia Shaw at [records@americanoversight.org](mailto:records@americanoversight.org) or 202.539.6507.

Sincerely,



Austin R. Evers  
Executive Director  
American Oversight

## Lumpp, Rachelle

---

**From:** Bokat-Lindell, Noah B. <NBokat-Lindell@jenner.com>  
**Sent:** Wednesday, January 13, 2021 1:38 PM  
**To:** Kanefield, Joe; macarvin@jonesday.com; melias@perkinscoie.com  
**Cc:** Amunson, Jessica Ring; Hirsch, Sam; Johnson, Tassity S.; Deutsch, Elizabeth B.; Langlinais, Jonathan Alexander  
**Subject:** Secretary of State Katie Hobbs's Respondent's Brief in 19-1257, Brnovich et al. v. Democratic National Committee, et al., 19-1258, Arizona Republican Party, et al. v. Democratic National Committee, et al.  
**Attachments:** Brnovich v. DNC - Brief of Respondent Arizona Secretary of State Katie Hobbs AS FILED.pdf  
**Follow Up Flag:** Follow up  
**Flag Status:** Completed  
**Categories:** Green category

### Counsel:

40 copies and 1 unbound copy of Secretary of State Katie Hobbs's Respondents' Brief in 19-1257, *Mark Brnovich, Attorney General of Arizona, et al. v. Democratic National Committee, et al.*, 19-1258, *Arizona Republican Party, et al. v. Democratic National Committee, et al.* were sent via Overnight Service to the U.S. Supreme Court, and Overnight and e-mail service to the following parties listed below, this 13th day of January, 2021.

### Case No. and title:

Secretary of State Katie Hobbs's Respondents' Brief in 19-1257, *Mark Brnovich, Attorney General of Arizona, et al. v. Democratic National Committee, et al.*, 19-1258, *Arizona Republican Party, et al. v. Democratic National Committee, et al.*

### Names & email address of individuals served:

Joseph A. Kanefield  
*Chief Deputy and Chief of Staff*  
Office of the Arizona Attorney General  
2005 N. Central Ave.  
Phoenix, AZ 85004  
(602) 542-5025  
[Joe.Kanefield@azag.gov](mailto:Joe.Kanefield@azag.gov)

### *Counsel for State Petitioners*

Michael A. Carvin  
Jones Day  
51 Louisiana Ave., N.W.  
Washington, DC 20001  
(202) 879-7643

[macarvin@jonesday.com](mailto:macarvin@jonesday.com)

*Counsel for Petitioners  
Arizona Republican Party, et al.*

Marc E. Elias  
*Counsel of Record*  
Bruce V. Spiva  
Elisabeth C. Frost  
Amanda R. Callais  
Lalitha D. Madduri  
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Perkins Coie LLP  
700 Thirteenth Street N.W.  
Suite 800  
Washington, DC 20005-3960  
(202) 654-6200  
[MElias@perkinscoie.com](mailto:MElias@perkinscoie.com)

Sarah R. Gonski  
Perkins Coie LLP  
2901 N. Central Ave  
Suite 2000  
Phoenix, AZ 85012  
(602) 351-8000

Lauren P. Ruben  
Perkins Coie LLP  
1900 Sixteenth Street  
Suite 1400  
Denver, CO 80202  
(303) 291-2385

*Counsel for Democratic National Committee, et al.*

Please let me know if you have any trouble with the attached document.

Sincerely,  
Noah Bokot-Lindell

---

**Noah B. Bokot-Lindell**

**Jenner & Block LLP**  
1099 New York Avenue, NW  
Suite 900, Washington, DC 20001-4412 | [jenner.com](http://jenner.com)  
+1 202 637 6314 | TEL  
+1 202 550 2438 | MOBILE  
Pronouns: He / Him  
[NBokot-Lindell@jenner.com](mailto:NBokot-Lindell@jenner.com)  
[Download V-Card](#) | [View Biography](#)

CONFIDENTIALITY WARNING: This email may contain privileged or confidential information and is for the sole use of the intended recipient(s). Any unauthorized

use or disclosure of this communication is prohibited. If you believe that you have received this email in error, please notify the sender immediately and delete it from your system.

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## Lumpp, Rachelle

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**From:** Isaak, Jason  
**Sent:** Monday, January 11, 2021 3:33 PM  
**To:** Lumpp, Rachelle  
**Subject:** Amicus thx 1-21  
**Attachments:** Amicus thx 1-21.docx

**Categories:** Green category

Rachelle –

For former-Speaker Haahr, you may need to call the Missouri State House to find out if they have any contact info for him. He just was termed out and is no longer Speaker as of last week. It's still appropriate to refer to him as Honorable and use his title.

Thanks,  
Jason

## Lumpp, Rachelle

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**From:** Roysden, Beau  
**Sent:** Tuesday, January 05, 2021 11:42 AM  
**To:** gjernigan@azleg.gov  
**Cc:** Kanefield, Joe; Kredit, Joshua  
**Subject:** FW: Wisconsin Voters Alliance, et al. v. Vice President Michael Richard Pence, et al.  
**Attachments:** 20210104123550121.pdf; Wisconsin Voters Alliance PI mem opinion.pdf; Wisconsin Voters Alliance Complaint.pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

**Categories:** Green category

Greg,

I'm forwarding this to you. Sorry I left you off my initial email.

Beau

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**From:** Roysden, Beau  
**Sent:** Tuesday, January 5, 2021 11:32 AM  
**To:** Anni Foster (afoster@az.gov); Andrew Pappas (APappas@azleg.gov)  
**Cc:** Kanefield, Joe; Kredit, Joshua  
**Subject:** Wisconsin Voters Alliance, et al. v. Vice President Michael Richard Pence, et al.

Anni and Andrew,

Attached is a scan of a cover letter and electronic copy of a complaint that we received that names Governor Ducey and Messrs. Bowers and Gray, all in their official capacities, as defendants. It seeks solely declaratory and injunctive relief. Plaintiffs also sought a preliminary injunction, which the District Court denied yesterday (order attached).

AGO is not representing these defendants in these suits, so I am forwarding these to you as counsel for the governor and majority in the house of representatives.

There are other materials such as summonses, etc. and a thumb drive. Please let me know if you would like us to send these to you or if you have any questions.

Sincerely,  
Beau Roysden  
Arizona Attorney General Mark Brnovich's Office  
602-542-8958 (direct)

MOHRMAN, KAARDAL & ERICKSON, P.A.

ATTORNEYS AND COUNSELORS AT LAW

150 SOUTH FIFTH STREET  
SUITE 3100  
MINNEAPOLIS, MINNESOTA 55402

ERICK G. KAARDAL

TELEPHONE: 612/465-0927  
FACSIMILE: 612/341-1076  
WRITER'S E-MAIL: KAARDAL@MKLAW.COM

December 22, 2020

TO: ATTACHED SERVICE LIST

Re: *Wisconsin Voters Alliance, et al. v. Vice President Michael Richard Pence, et al.*  
USDC-DC Court File No. 20-CV-03791

Enclosed and served upon you in the above referenced matter are the following:

1. Summons;
2. Complaint;
3. Civil Cover Sheet;
4. Motion for Preliminary Injunction;
5. Notice of Hearing;
6. Memorandum of Law in Support of Motion for Preliminary Injunction;
7. Declaration of Erick G. Kaardal;
8. Second Declaration of Erick G. Kaardal;
9. Flash Drive containing Declaration Appendix; and
10. Proposed Order.

If you have any questions or concerns, please do not hesitate to contact me.

Sincerely,



Erick G. Kaardal

EGK/mg  
Enclosures



UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

WISCONSIN VOTERS ALLIANCE, *et al.*,

Plaintiffs,

v.

VICE PRESIDENT MICHAEL R.  
PENCE, *et al.*,

Defendants.

Civil Action No. 20-3791 (JEB)

MEMORANDUM OPINION

Plaintiffs' aims in this election challenge are bold indeed: they ask this Court to declare unconstitutional several decades-old federal statutes governing the appointment of electors and the counting of electoral votes for President of the United States; to invalidate multiple state statutes regulating the certification of Presidential votes; to ignore certain Supreme Court decisions; and, the *coup de grace*, to enjoin the U.S. Congress from counting the electoral votes on January 6, 2021, and declaring Joseph R. Biden the next President.

Voter groups and individual voters from the states of Wisconsin, Pennsylvania, Georgia, Michigan, and Arizona have brought this action against Vice President Michael R. Pence, in his official capacity as President of the Senate; both houses of Congress and the Electoral College itself; and various leaders of the five aforementioned states. Simultaneous with the filing of their Complaint, Plaintiffs moved this Court to preliminarily enjoin the certifying of the electors from the five states and the counting of their votes. In addition to being filed on behalf of Plaintiffs without standing and (at least as to the state Defendants) in the wrong court and with no effort to even serve their adversaries, the suit rests on a fundamental and obvious misreading of the

Constitution. It would be risible were its target not so grave: the undermining of a democratic election for President of the United States. The Court will deny the Motion.

## I. Background

To say that Plaintiffs' 116-page Complaint, replete with 310 footnotes, is prolix would be a gross understatement. After explicitly disclaiming any theory of fraud, see ECF No. 1 (Complaint), ¶ 44 ("This lawsuit is not about voter fraud."), Plaintiffs spend scores of pages cataloguing every conceivable discrepancy or irregularity in the 2020 vote in the five relevant states, already debunked or not, most of which they nonetheless describe as a species of fraud. E.g., id., at 37–109. Those allegations notwithstanding, Plaintiffs' central contention is that certain federal and state election statutes ignore the express mandate of Article II of the Constitution, thus rendering them invalid. Id. at 109–12. Although the Complaint also asserts causes of action for violations of the Equal Protection and Due Process Clauses, those are merely derivative of its first count. Id. at 112–15.

In order to provide an equitable briefing and hearing schedule on a very tight timetable, this Court immediately instructed Plaintiffs to file proofs of service on Defendants so that they could proceed on their preliminary-injunction Motion. See 12/23/20 Min. Order; Fed. R. Civ. P. 65(a)(1) ("The court may issue a preliminary injunction only on notice to the adverse party."). Twelve days later, Plaintiffs have still not provided proof of notice to any Defendant, let alone filed a single proof of service or explained their inability to do so.

## II. Legal Standard

"A preliminary injunction is an extraordinary remedy never awarded as of right." Winter v. NRDC, 555 U.S. 7, 24 (2008). "A plaintiff seeking a preliminary injunction must establish [1] that he is likely to succeed on the merits, [2] that he is likely to suffer irreparable harm in the

absence of preliminary relief, [3] that the balance of equities tips in his favor, and [4] that an injunction is in the public interest.” Sherley v. Sebelius, 644 F.3d 388, 392 (D.C. Cir. 2011) (quoting Winter, 555 U.S. at 20). “The moving party bears the burden of persuasion and must demonstrate, ‘by a clear showing,’ that the requested relief is warranted.” Hospitality Staffing Solutions, LLC v. Reyes, 736 F. Supp. 2d 192, 197 (D.D.C. 2010) (citing Chaplaincy of Full Gospel Churches v. England, 454 F.3d 290, 297 (D.C. Cir. 2006)).

Before the Supreme Court’s decision in Winter, courts weighed these factors on a “sliding scale,” allowing “an unusually strong showing on one of the factors” to overcome a weaker showing on another. Davis v. Pension Ben. Guar. Corp., 571 F.3d 1288, 1291–92 (D.C. Cir. 2009) (quoting Davenport v. Int’l Bhd. of Teamsters, 166 F.3d 356, 361 (D.C. Cir. 1999)). Both before and after Winter, however, one thing is clear: a failure to show a likelihood of success on the merits alone is sufficient to defeat the motion. Ark. Dairy Coop. Ass’n, Inc. v. USDA, 573 F.3d 815, 832 (D.C. Cir. 2009) (citing Apotex, Inc. v. FDA, 449 F.3d 1249, 1253–54 (D.C. Cir. 2006)); Archdiocese of Wash. v. Wash. Metro. Area Transit Auth., 281 F. Supp. 3d 88, 99 (D.D.C. 2017), aff’d on other grounds, 897 F.3d 314 (D.C. Cir. 2018).

### III. Analysis

Given that time is short and the legal errors underpinning this action manifold, the Court treats only the central ones and in the order of who, where, what, and why. Most obviously, Plaintiffs have not demonstrated the “irreducible constitutional minimum of standing.” Lujan v. Defs. of Wildlife, 504 U.S. 555, 560 (1992). Although they claim to have been “disenfranchised,” ECF No. 4 (PI Mem.) at 37, this is plainly not true. Their votes have been counted and their electors certified pursuant to state-authorized procedures; indeed, any vote nullification would obtain only were their own suit to succeed. To the extent that they argue

more broadly that voters maintain an interest in an election conducted in conformity with the Constitution, *id.* at 38, they merely assert a “generalized grievance” stemming from an attempt to have the Government act in accordance with their view of the law. Hollingsworth v. Perry, 570 U.S. 693, 706 (2013). This does not satisfy Article III’s demand for a “concrete and particularized” injury, *id.* at 704, as other courts have recently noted in rejecting comparable election challenges. See Wood v. Raffensperger, 981 F.3d 1307, 1314–15 (11th Cir. 2020); Bowyer v. Ducey, No. 20-2321, 2020 WL 7238261, at \*4–5 (D. Ariz. Dec. 9, 2020); King v. Whitmer, No. 20-13134, 2020 WL 7134198, at \*10 (E.D. Mich. Dec. 7, 2020). Plaintiffs’ contention that the state legislature is being deprived of its authority to certify elections, moreover, cannot suffice to establish a distinct injury-in-fact to the individuals and organizations before this Court. Finally, to the extent that Plaintiffs seek an injunction preventing certain state officials from certifying their election results, *see* PI Mem. at 1, that claim is moot as certification has already occurred. Wood, 981 F.3d at 1317.

Moving on from subject-matter jurisdiction, the Court must also pause at personal jurisdiction. Plaintiffs cannot simply sue anyone they wish here in the District of Columbia. On the contrary, they must find a court or courts that have personal jurisdiction over each Defendant, and they never explain how a court in this city can subject to its jurisdiction, say, the Majority Leader of the Wisconsin State Senate. Absent personal jurisdiction over a particular Defendant, of course, this Court lacks authority to compel him to do anything.

Even if the Court had subject-matter and personal jurisdiction, it still could not rule in Plaintiffs’ favor because their central contention is flat-out wrong. “Plaintiffs claim that Article II of the U.S. Constitution provides a voter a constitutional right to the voter’s Presidential vote being certified as part of the state legislature’s post-election certification of Presidential electors.

Absence [*sic*] such certification, the Presidential electors' votes from that state cannot be counted by the federal Defendants toward the election of President and Vice President." Compl., ¶ 32 (emphasis added); see also PI Mem. at 1. More specifically, "Plaintiffs [*sic*] constitutional claims in this lawsuit are principally based on one sentence in Article II of the U.S. Constitution." Compl., ¶ 54; see also PI Mem. at 1. That sentence states in relevant part that the President "shall hold his Office during the Term of four Years, and . . . be elected[]" as follows: [¶] Each State shall appoint, in such Manner as the Legislature thereof may direct, a Number of Electors . . . ." U.S. Const., art. II, § 1.

Plaintiffs somehow interpret this straightforward passage to mean that state legislatures alone must certify Presidential votes and Presidential electors after each election, and that Governors or other entities have no constitutionally permitted role. See Compl., ¶ 55. As a result, state statutes that delegate the certification to the Secretary of State or the Governor or anyone else are invalid. Id., ¶ 58. That, however, is not at all what Article II says. The above-quoted language makes manifest that a state appoints electors in "such Manner as the Legislature thereof may direct." So if the legislature directs that the Governor, Secretary of State, or other executive-branch entity shall make the certification, that is entirely constitutional. This is precisely what has happened: in each of the five states, the legislature has passed a statute directing how votes are to be certified and electors selected. See Ariz. Rev. Stat. Ann. § 16-212(B); Ga. Code Ann. § 21-2-499(b); Mich. Comp. Laws Ann. § 168.46; Wis. Stat. Ann. § 7.70(5)(b); 25 Pa. Stat. § 3166.

For example, Georgia requires its Secretary of State to "certify the votes cast for all candidates . . . and lay the returns for presidential electors before the Governor. The Governor shall enumerate and ascertain the number of votes for each person so voted and shall certify the

slates of presidential electors receiving the highest number of votes.” Ga. Code Ann. § 21-2-499(b). Similarly, under Michigan law, “the governor shall certify, under the seal of the state, to the United States secretary of state, the names and addresses of the electors of this state chosen as electors of president and vice-president of the United States.” Mich. Comp. Laws Ann. § 168.46. Plaintiffs’ theory that all of these laws are unconstitutional and that the Court should instead require state legislatures themselves to certify every Presidential election lies somewhere between a willful misreading of the Constitution and fantasy.

Plaintiffs readily acknowledge that their position also means that the Supreme Court’s decisions in Bush v. Gore, 531 U.S. 98 (2000), and Texas v. Pennsylvania, No. 155 (Orig.), 2020 WL 7296814 (U.S. Dec. 11, 2020), “are in constitutional error.” Compl., ¶ 76. They do not, however, explain how this District Court has authority to disregard Supreme Court precedent. Nor do they ever mention why they have waited until seven weeks after the election to bring this action and seek a preliminary injunction based on purportedly unconstitutional statutes that have existed for decades — since 1948 in the case of the federal ones. It is not a stretch to find a serious lack of good faith here. See Trump v. Wis. Elections Comm’n, No. 20-3414, 2020 WL 7654295, at \*4 (7th Cir. Dec. 24, 2020).

Yet even that may be letting Plaintiffs off the hook too lightly. Their failure to make any effort to serve or formally notify any Defendant — even after reminder by the Court in its Minute Order — renders it difficult to believe that the suit is meant seriously. Courts are not instruments through which parties engage in such gamesmanship or symbolic political gestures. As a result, at the conclusion of this litigation, the Court will determine whether to issue an order to show cause why this matter should not be referred to its Committee on Grievances for potential discipline of Plaintiffs’ counsel.

**IV. Conclusion**

As Plaintiffs have established no likelihood of success on the merits here, the Court will deny their Motion for Preliminary Injunction. A contemporaneous Order so stating will issue this day.

/s/ James E. Boasberg  
JAMES E. BOASBERG  
United States District Judge

Date: January 4, 2021

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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

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Case No. \_\_\_\_\_

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GEORGIA VOTERS ALLIANCE  
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ELECTION INTEGRITY FUND  
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ARIZONA VOTER INTEGRITY ALLIANCE  
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SENATOR BRANDON BEACH

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Plaintiffs,

v.

VICE PRESIDENT MICHAEL RICHARD PENCE,  
in his official capacity as President of the United States Senate,  
Office of the Vice President  
1600 Pennsylvania Avenue, N.W.  
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U.S. HOUSE OF REPRESENTATIVES,  
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U.S. SENATE,  
U.S. Capitol  
First St SE  
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ELECTORAL COLLEGE,  
U.S. Capitol  
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Washington, DC 20004;

GOVERNOR TOM WOLF OF PENNSYLVANIA,  
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SPEAKER BRYAN CARTER OF THE PENNSYLVANIA  
HOUSE OF REPRESENTATIVES, in his official capacity,  
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SPEAKER DAVID RALSTON OF THE GEORGIA HOUSE  
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332 State Capitol  
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PRESIDENT PRO TEMPORE BUTCH MILLER OF THE  
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GOVERNOR DOUG DUCEY OF ARIZONA,  
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SPEAKER RUSSELL BOWERS OF THE  
ARIZONA HOUSE OF REPRESENTATIVES,  
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Phoenix, Arizona 85007; and

SENATE MAJORITY LEADER RICK GRAY  
OF THE ARIZONA SENATE,  
in his official capacity,  
1700 West Washington  
Room 301  
Phoenix, Arizona 85007,

Defendants.

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## COMPLAINT

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The above-named Plaintiffs Wisconsin Voters Alliance, Pennsylvania Voters Alliance,  
Georgia Voters Alliance, Election Integrity Fund, Arizona Election Integrity Alliance, Lynie Stone,  
Baron Benham, Debi Haas, Brenda Savage, Matthew Dadich, Leah Hoopes, Ron Heuer, Richard W.  
Kucksdorf, Debbie Jacques, John Wood, Sonny Borrelli, Warren Peterson, Matthew Maddock,

Daire Rendon, David Steffen, Jeff L. Mursau, William T. Ligon and Brandon Beach, for their complaint allege as follows:

## INTRODUCTION

### A. State Legislatures are Prohibited from Fulfilling Their Constitutional Responsibility.

This lawsuit seeks protection of voters' rights in Presidential elections. Voters in Presidential elections have a constitutional right to have their respective state legislatures meet after the election and certify their votes and, based on the votes, certify the Presidential electors whose votes are counted in Congress to elect the President and Vice President.

In drafting Article II, the Framers of the Constitution reasoned state legislatures should select Presidential electors so as “to afford as little opportunity as possible to tumult and disorder” and to place “every practicable obstacle [to] cabal, intrigue, and corruption,” including “foreign powers” that might try to insinuate themselves into our elections.<sup>1</sup>

Article II limited Congress's role in selecting the President and provided no constitutional role for Governors. Yet, at present state legislatures are unable to meet. This inability to meet has existed from election day and continues through various congressionally set deadlines for the appointment of presidential electors and the counting of presidential elector votes. The states legislatures of Pennsylvania, Michigan, Wisconsin, Georgia and Arizona (“Defendant States”) are unable to review the manner in which the election was conducted, are prevented from exercising their investigative powers and are unable to vote, debate or as a body speak to the conduct of the election. In sum, State legislatures are impotent to respond to what happened in the November 3, 2020 election.

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<sup>1</sup> Hamilton, Alexander. Federalist No. 68, at 410-11 (C. Rossiter, ed. 1961).

This impotency is caused by the ministerial functions of Congress and the Vice President regarding the counting of the Presidential Elector's votes and also by state law prohibiting the legislative body from meeting without a supermajority or governor or leadership agreement during a time they can respond to what happened in the election. Accordingly, even if the state legislatures were aware of clear fraud by the executive branch – the state legislatures could not meet unless a supermajority, or a governor, or legislative leadership agreed they should meet.

This wholesale delegation of legislative authority operates contrary to the Constitution by inviting “cabal, intrigue and corruption” rather than operating to prevent the same. State legislative bodies have been relegated to observing the ministerial functions of a small group of executive officials who have refused various requests by legislators to be called into special session. Consequently, the legislative bodies as a whole of Defendant States have not engaged in any open discussion, review, investigation, or debate regarding the 2020 general election.

**B. A Cabal of Public-Private Partnerships Directed the Manner of the Election Contrary to State Law Creating Disorder the State Legislatures were Unable to Address.**

The management of elections is a core government function of Congress and state legislatures whose responsibilities are constitutionally defined.<sup>2</sup> “Safeguarding the integrity of the electoral process is a fundamental task of the Constitution, and [the courts] must be keenly sensitive to signs that its validity may be impaired.”<sup>3</sup>

This is especially so when state legislatures have abrogated their responsibilities through the improper delegation of their authority and when a cabal of state and local executives have partnered with private interests to undermine state statutes and plans designed to protect the integrity of the election.

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<sup>2</sup> U.S. Const. Art. II, Section 1, Cl. 1; U.S. Const. Art. 4, Section 1, Cl. 1.

<sup>3</sup> *Johnson v. FCC*, 829 F.2d 157, 163 (D.C. Cir. 1987).

“Confidence in the integrity of our electoral processes is essential to the functioning of our participatory democracy”<sup>4</sup> and due to the wholesale delegation of legislative responsibility only judicial action restoring legislative authority can check unlawful conduct by the involved state executives.

**C. Unprecedented Private Monies Purchased Local Election Offices and Dictated Election Management Encouraging the Evasion of State Laws and Government Partisan Involvement.**

On March 27, 2020 President Trump signed into law the Coronavirus Aid, Relief, and Economic Security Act (CARES) which provided \$400 million to states to manage the 2020 elections during the pandemic.<sup>5</sup> This funding joined previous monies provided by the Help America Vote Act (HAVA) to afford states sufficient federal funding to assist in managing the election.

The CARES Act funding, however, was exceeded by one individual who passed \$400 million to local and state executives through a private charity that dictated how the recipient local government officials would manage the election.<sup>6</sup>

These dictates included the unprecedented use of drop boxes, mobile ballot retrieval, the location and number of polling places or satellite locations, and the consolidation of urban counting centers. Election judges, inspectors and poll workers were paid by these private funds and the tabulating machines purchased with private monies.<sup>7</sup>

The private funds flowed through the Center for Tech and Civic Life (CTCL) and were targeted to facilitate voter turnout of certain demographics in geographic areas dominated by one political

<sup>4</sup> *Purcell v. Gonzalez*, 549 U.S. 1, 4 (2006).

<sup>5</sup> Coronavirus Aid, Relief & Econ. Security Act, Pub. L. 116-136, §15003, 134 Stat. 281, 531.

<sup>6</sup> *Mark Zuckerberg donated \$400M to help local election offices during pandemic*, INDEPENDENT, Nov. 11, 2020. <https://www.independent.co.uk/news/world/americas/mark-zuckerberg-donation-election-facebook-covid-b1721007.html>.

<sup>7</sup> *Id.*

party.<sup>8</sup> CTCL recruited specific cities to apply for the grants and provided grants to select cities to assist those cities in their grant applications.<sup>9</sup>

The funding to local election officials in Democratic strongholds was provided simultaneously with executive decisions to close in-person voting locations in areas not receiving CTCL grants. The CTCL funding and local executive official acceptance created a two-tier election system in which geographic areas benefitting one political party were flush with cash used to increase voter opportunities and turnout, including one city's no-bid purchase of a \$250,000 Winnebago for local voter turnout efforts. The geographic areas dominated by the other party, however, experienced greater difficulty voting due to COVID emergency orders.<sup>10</sup>

For example, CTCL provided funds to 100% of the Pennsylvania counties carried by Hillary Clinton in 2016, including over \$10 million to Philadelphia County.<sup>11</sup> The charity required the heavily Democratic county to establish 800 "satellite" voting locations and implement the drop box collection of ballots. In neighboring Democratic Delaware County, Pennsylvania one drop box was available for every 4,000 voters and one drop box was placed for every four-square-miles.

On the other hand, President Trump carried 59 of 67 Pennsylvania counties in 2016. CTCL contributed to 22% of those counties providing much smaller grants. There was one drop box for every 72,000 voters and every 1,159 square-miles in those counties.

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<sup>8</sup> See, e.g., (city of Philadelphia grant communications), *Unconstitutional? Wisconsin city election officials sought private money to register voters*, <https://justthenews.com/politics-policy/elections/documents-show-wi-municipal-authorities-sought-use-grant-money-voter>; City of Green Bay – Center for Tech and Civic Life grant agreement (July 24, 2020).

<sup>9</sup> See Approval by Center for Tech and Civic Life of grant request for City of Racine, App. 247-48; see also Petition for Permanent Injunction and Declaratory Judgment on behalf of the State of Louisiana, App. 1504-1536.

<sup>10</sup> See Grant Spending Approval by City of Racine for Purchase of Winnebago, App. 1492; see also Carlson Report, App. 31-38.

<sup>11</sup> See Approval by Center for Tech and Civic Life of grant request for City of Philadelphia, App. 1493-1503.



CTCL funding produced similar results in the other Defendant States. Moreover, the use of drop boxes materially breached the chain of custody of ballots. For example, ballot transfer forms in Cobb County, Georgia show 78% of the 89,000 absentee ballots were not transported as Georgia election rules require.<sup>12</sup> Additionally, the use of drop boxes and changes in the signature comparison requirements for absentee ballots were approved by the Georgia Secretary of State without legislative approval.<sup>13</sup>

The presence of CTCL funds in other states facilitated conduct contrary to state law as well. In Wisconsin, at CTCL's request, five cities used CTCL seed monies to draft the "Wisconsin Safe Voting Plan 2020," so named despite the failure of the city leaders to include any other Wisconsin election officials. The plan, and communications relating to the plan, provided for extensive voter turnout efforts, considered state voter identification laws an obstacle and required the use of drop boxes, curbside voting and salaries for additional staffing.<sup>14</sup>

CTCL funding was used to "dramatically expand voter and community education and outreach, particularly to historically disenfranchised residents."<sup>15</sup>

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<sup>12</sup> *Ballot Transfer Forms Show 78 Percent of 89,000 Absentee Ballots from Drop Boxes in Cobb County, Georgia Were Not Transported to the Registrar 'Immediately' As the Election Code Requires – The Georgia Star News*, <https://georgiastarnews.com/2020/12/11/ballot-transfer-forms-show-78-percent-of-89000-absentee-ballots-from-drop-boxes-in-cobb-county-were-not-transported-to-registrar-immediately-as-election-code-rule-requires/>.

<sup>13</sup> *Georgia Secretary of State and State Election Board Changed Absentee Ballot Signature Verification and Added Drop Boxes Without State Legislature's Approval*, <https://georgiastarnews.com/2020/12/16/georgia-secretary-of-state-and-state-election-board-changed-absentee-ballot-signature-verification-and-added-drop-boxes-without-state-legislatures-approval/>.

<sup>14</sup> *Wisconsin Safe Voting Plan 2020*, at 4 (submitted to the Center for Tech and Civic Life by the cities of Green Bay, Kenosha, Madison, Milwaukee and Racine)(June 15, 2020). The report states "[v]oting absentee by mail has been complicated by a fairly recent imposition of state law requiring voters to provide an image of their valid photo ID prior to first requesting an absentee ballot." *Id.*, at 6. The CTCL funding provided "voter navigators" and professional witnesses to increase turnout and \$2.5 million to "overcome these particular barriers." *Id.* at 8-11. The cities received over \$2 million for additional staffing, including pay for poll workers, election "chief inspectors." *Id.*, at 11-12 and 18-19. An additional \$216,500 was provided for drop boxes. *Id.*, at 10-11.

<sup>15</sup> *Id.*, at 13.

CTCL funding enabled urban areas in defendant states to consolidate counting facilities. This consolidation precipitated the exclusion of Republican officials from the ability to view the management, handling and counting of absentee and mail-in ballots.

Election transparency is a prophylactic to fraud. Each defendant state has laws requiring members of both major political parties be present in the location of the receipt, management and counting of ballots. Such common-sense policy is necessary due to the significant afforded election officials.

Local election officials determine the ballots to be received, the ballots eligible to be counted and supervise the count of the ballots. Legislatures have wisely determined the best way to bring accountability to such decisions is to require the participation, or at least the observation, of both political parties.

Yet, these laws were not followed. In Wayne County, Michigan, CTCL paid poll workers boarded up the windows to the counting facility to prevent observation.<sup>16</sup> Inside Detroit's *TCF Center*, election inspectors were receiving, counting and "curing" absentee ballots. The "curing" process involves discerning the voting intent of an absent voter and reflecting that intent on a newly ballot which is then cast and counted.

Michigan law requires representatives of both major political parties to view the process and then sign a form stating the "curing" was completed consistent with voter intent.<sup>17</sup> Yet, Republican inspectors were not appointed in Wayne County. Moreover, Republican poll watchers were kept at such a distance in the cavernous TCF Center they were unable to view the conduct of the inspectors

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<sup>16</sup> *There's a Simple Reason Workers Covered Windows at a Detroit Vote-Counting Site*, THE NEW YORK TIMES (Nov. 5, 2020) (<https://www.nytimes.com/2020/11/05/technology/michigan-election-ballot-counting.html>, retrieved Dec. 20, 2020) (windows covered to prevent "photographs").

<sup>17</sup> *See Mich. Comp. Laws* §168.674(2) (Thomson/West 2006).

at the 134 counting tables operating in the center.<sup>18</sup> City election officials later argued that allowing republicans in the “place” of the counting satisfied state law despite the “place” these poll watchers were required to stand was so remote they could not observe the activity of the democrat party officials.

Urban election officials in other Defendant States which received CTCL funding also restricted or prohibited Republican poll watchers from viewing the receipt, management, curing and counting of ballots.<sup>19</sup> Local election officials in each state represented here received significant funds from CTCL and each also engaged in election improprieties with local officials acting contrary to state law.

State hostility to Republican participation in reviewing the management of the 2020 general election manifested in threats to Republican officeholders and their counsel in Michigan. On December 14, 2020 Governor Gretchen Whitmer mobilized the state police to secure the state capitol to prevent Republican legislators entry to the building while allowing Democrat legislators to enter.<sup>20</sup>

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<sup>18</sup> See, e.g., *Watch, Detroit Absentee Ballot Counting Chaos As Workers Block Windows, Bar Observers*, BREITBART (Nov. 4, 2020) (<https://www.breitbart.com/politics/2020/11/04/watch-detroit-absentee-ballot-counting-chaos-as-workers-block-windows-bar-observers/>, retrieved Dec. 12, 2020); *Chaos erupts at TCF Center as Republican vote challengers cry foul in Detroit*, DETROIT FREE PRESS (Nov. 4, 2020) (<https://www.freep.com/story/news/politics/elections/2020/11/04/tcf-center-challengers-detroit-michigan/6164715002/>, retrieved Dec. 20, 2020).

<sup>19</sup> See, e.g., Affidavit of Gregory Stenstrom (date); ‘The Steal is On’ in Pennsylvania: Poll Watchers Denied Access, Illegal Campaigning at Polling Locations, Breitbart (Nov. 3, 2020) (<https://www.breitbart.com/politics/2020/11/03/the-steal-is-on-in-pennsylvania-poll-watchers-denied-access-illegal-campaigning-at-polling-locations/>, retrieved Dec. 20, 2020);

<sup>20</sup> Michigan governor Gretchen Whitmer and legislative leadership initially claimed COVID-19 necessitated the closing of the Michigan capitol building on December 14, 2020, the congressional deadline for the certification of the presidential electors. *Shirkey: ‘Bad Judgment’ to keep Michigan Capitol closed during electors meeting*, <https://www.detroitnews.com/story/news/politics/2020/12/14/shirkey-bad-judgment-capitol-closed-during-elector-meeting/6536863002/>. Later, Governor Whitmer claimed the closing occurred due to a security threat. *Michigan State House, Senate close over ‘threats of violence’ during Electoral College Meeting*, December 14, 2020, <https://www.usatoday.com/story/news/politics/2020/12/14/michigan-legislative-buildings->

Moreover, Democrat Michigan Attorney General Dana Nessel announced she was criminally investigating Republican legislators who voiced concerns regarding the election outcome and threatened those officials with criminal prosecution for “bribery, perjury, and conspiracy.”<sup>21</sup>

General Nessel also tweeted a claim “GOP efforts to overturn President Trump’s electoral defeat...and [t]hreats against election officials are domestic terrorism. My message to them is ‘We are looking for you. We will find you. You will be held accountable.’”<sup>22</sup> The Michigan State Police whom the Governor ordered to bar Republicans from entering the capitol on the fourteenth<sup>23</sup>, however, announced they “did not recommend the closure of legislative offices ahead of the Electoral College meeting and they were not aware of ‘any credible threats of violence related to Michigan....’”<sup>24</sup>

General Nessel continued her threats with calls for ethics investigations of Republican attorneys. She also chilled free speech during the election by issuing “cease-and-desist letters” to political organizations engaged in political speech.<sup>25</sup>

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closed-security-concerns-covid-19/6536919002/, see also <https://www.npr.org/sections/biden-transition-updates/2020/12/14/946243439/michigan-gov-whitmer-addresses-security-threat-to-electoral-college-vote>. Despite both claims, Democrats were allowed in the state capitol on December 14, 2020 while republican legislators were prohibited from entering. <https://www.prnewswire.com/news-releases/got-freedom-video-shows-police-preventing-gop-electors-in-michigan-from-performing-lawful-duties-301192474.html>. The Michigan State Police, however, revealed that they acted on the Governor’s orders and that the state police were not aware of any credible threat to the capitol or its occupants. <https://nbc25news.com/news/local/michigan-house-and-senate-offices-closed-tomorrow-because-of-safety-concerns>.

<sup>21</sup> *Michigan attorney general ponders criminal probes of state and local officials who bend to Trump’s will on overturning election results*, [https://www.washingtonpost.com/politics/michigan-attorney-general-canvassing-board-lawmakers/2020/11/20/87d19ce6-2b65-11eb-8fa2-06e7cbb145c0\\_story.html](https://www.washingtonpost.com/politics/michigan-attorney-general-canvassing-board-lawmakers/2020/11/20/87d19ce6-2b65-11eb-8fa2-06e7cbb145c0_story.html).

<sup>22</sup> <https://twitter.com/dananessel/status/1338494176883847170>.

<sup>23</sup> *Live Update: Denied to Perform Constitutional Duty in Michigan, GOT FREEDOM?* (December 14, 2020) (<https://www.youtube.com/watch?v=6nH6ZvfAD2w>, (video of entry denial)).

<sup>24</sup> *State Police say there were not aware of any credible threats to the capitol on Monday*, <https://nbc25news.com/news/local/michigan-house-and-senate-offices-closed-tomorrow-because-of-safety-concerns>.

<sup>25</sup> *Nessel issues cease-desist letters to those spreading misinformation during election*, <https://www.wxyz.com/news/election-2020/nessel-issues-cess-and-desist-letters-to-those-spreading-misinformation-during-election>.

Accordingly, the Plaintiffs who are voter groups, voters and state legislators in Pennsylvania, Michigan, Wisconsin, Georgia and Arizona file this complaint seeking to restore the constitutional authority and duty of the legislative bodies of their respective states in the selection of presidential electors to correct “the tumult and disorder”<sup>26</sup> and lawlessness

The federal laws regarding the Presidential electors, codified at 3 U.S.C. §§ 5, 6 and 15 are constitutionally unauthorized and violate Presidential voters’ rights to state legislative post-election certification. Article II of the Constitution establishes a non-delegable process where at least state legislative post-election certification of the state’s Presidential electors is constitutionally required for Presidential elector votes to be counted in the election of the President and Vice President. In contradiction, the federal laws, particularly 3 U.S.C. §§ 5 and 6, establish a different process where Presidential electors are designated by the Governor of each Defendant State without state legislative post-election certification. Then, 3 U.S.C. § 15 authorizes the Vice President and Congress to count those votes in contradiction of the constitutional obligation to only count votes of Presidential electors who have state legislative post-election certification.

Further, the Defendant States have legally acquiesced to the federal laws by enacting statutes transferring post-election certification from the state legislatures to state executive branch officials: Ariz. Rev. Stat. § 16-212 (B) (Arizona Secretary of State), Ga. Code Ann. § 21-2-499 (B) (Georgia Secretary of State and Governor), Mich. Comp. Laws Ann. § 168.46 (Michigan State Board of Canvassers and Governor), Wis. Stat. § 7.70 (5) (b) (Wisconsin Elections Commission); and 25 Pa. Cons. Stat. § 3166 (Secretary of Commonwealth and Governor). These state laws also violate Article II which establishes the state legislative prerogative to post-election certification of Presidential votes and of Presidential electors.

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<sup>26</sup> Federalist No. 68, at 410-11.

Plaintiffs hope a constitutional crisis can be avoided. There is time before the January 20, 2021 inaugural of the President and Vice President for the Court to require the state legislatures to meet and consider post-election certification of the Presidential electors. The people's representatives comprising the state legislatures of the respective states must be afforded the opportunity to act as a whole to fulfill their constitutional responsibilities and to restore faith in the election process.

Moreover, this Court has continuing jurisdiction, after this Presidential election, because the federal laws and state laws violating Article II have continuing force applied to future Presidential elections.

## JURISDICTION

1. The Court has jurisdiction under 28 U.S.C. § 1331 (federal question), 28 U.S.C. § 1343 (civil rights and elective franchise), 28 U.S.C. § 2201 (declaratory judgment), 28 U.S.C. § 1651 ("All Writs Act"), 42 U.S.C. § 1983 (civil rights) and D.C. Code § 16-3501, et seq (ouster of national officials).
2. The Court has venue under 28 U.S.C. § 1391 because many of the Defendants reside or are located in the District of Columbia and a substantial part of the events or omissions giving rise to the claim occurred or will occur there.

## PARTIES

### A. Plaintiffs

3. Plaintiffs Wisconsin Voters Alliance, Pennsylvania Voters Alliance, Georgia Voters Alliance, Election Integrity Forum and Arizona Election Integrity Alliance are election integrity entities and associations which have a purpose of promoting election integrity in Pennsylvania,

Wisconsin, Georgia, Michigan and Arizona, respectively. They do not support any particular candidate for any public office.

4. Plaintiffs Lynie Stone and Baron Benham are residents, voters and taxpayers of Arizona. They are members of the Arizona Election Integrity Alliance.

5. Plaintiffs Debi Haas and Brenda Savage are residents, voters and taxpayers of Michigan. They are members of the Election Integrity Forum.

6. Plaintiffs Matthew Dadich and Leah Hoopes are residents, voters and taxpayers of Pennsylvania. They are members of the Pennsylvania Voters Alliance.

7. Plaintiffs Ron Hueur, Richard W. Kucksdorf and Debbie Jacques are residents, voters and taxpayers of Wisconsin. They are members of the Wisconsin Voters Alliance.

8. Plaintiff John Wood is a resident, voter and taxpayer of Georgia. He is a member of the Georgia Voters Alliance.

9. Plaintiff Senator Sonny Borrelli member of the Arizona Senate.

10. Plaintiff Representative Warren Peterson is a member of the Arizona House of Representatives.

11. Plaintiff Representative Matthew Maddock is a member of the Michigan House of Representatives.

12. Plaintiff Representative Daire Rendon is a member of the Michigan House of Representatives.

13. Plaintiff Representative David Steffen is a member of the Wisconsin State Assembly.

14. Plaintiff Representative Jeff L. Mursau is a member of the Wisconsin State Assembly.

15. Plaintiff Senator William T. Ligon is a member of the Georgia Senate.

16. Plaintiff Senator Brandon Beach is a member of the Georgia Senate.

17. All of the individual Plaintiffs are residents, voters and taxpayers of their respective states.

18. All of the individual Plaintiffs voted in the November 3, 2020 election for President and Vice President and plan to vote in future Presidential elections.

**B. Defendants**

19. Vice President Michael Richard Pence is a Defendant sued in his official capacity as President of the United States Senate. As such, Pence is identified as having legal obligations under the Constitution and federal law regarding opening and counting the ballots of Presidential electors for President and Vice President.

20. The U.S House of Representatives, U.S. Senate, and Electoral College are Defendants. They are constituted under the Constitution and federal law.

21. Governor Tom Wolf of Pennsylvania is a Defendant sued in his official capacity. He has legal responsibilities under federal and state law in post-election certification of Presidential electors.

22. Speaker Bryan Carter of the Pennsylvania House of Representatives and Senate Majority Leader Jake Corman of the Pennsylvania Senate, are sued in their official capacities. They and their respective houses of their state legislature have legal responsibilities under federal and state law in post-election certification of Presidential electors.

23. Governor Gretchen Whitmer of Michigan is a Defendant sued in her official capacity. She has legal responsibilities under federal and state law in post-election certification of Presidential electors.

24. Speaker Lee Chatfield of the Michigan House of Representatives and Senate Majority Leader Mike Shirkey of the Michigan Senate are sued in their official capacities. They and their



respective houses of their state legislature have legal responsibilities under federal and state law in post-election certification of Presidential electors.

25. Governor Tony Evers of Wisconsin is a Defendant sued in his official capacity. He has legal responsibilities under federal and state law in post-election certification of Presidential electors.

26. Speaker Robin Vos of the Wisconsin State Assembly and Senate Majority Leader Howard Marklein of the Wisconsin Senate are sued in their official capacities. They and their respective houses of their state legislature have legal responsibilities under federal and state law in post-election certification of Presidential electors.

27. Governor Brian Kemp of Georgia is a Defendant sued in his official capacity. He has legal responsibilities under federal and state law in post-election certification of Presidential electors.

28. Speaker David Ralston of the Georgia House of Representatives and President Pro Tempore Butch Miller of the Georgia Senate are sued in their official capacities. They and their respective houses of their state legislature have legal responsibilities under federal and state law in post-election certification of Presidential electors.

29. Governor Doug Ducey of Arizona is a Defendant sued in his official capacity. He has legal responsibilities under federal and state law in post-election certification of Presidential electors.

30. Speaker Russell Bowers of the Arizona House of Representative and Senate Majority Leader Rick Gray of the Arizona Senate are sued in their official capacities. They and their respective houses of their state legislature have legal responsibilities under federal and state law in post-election certification of Presidential electors.

## STANDING

31. As voters, the Plaintiffs have legal standing to bring these constitutional claims to ensure that Presidential elections are constitutionally conducted by Defendants.<sup>27</sup>

32. The Plaintiffs claim that Article II of the U.S. Constitution provides a voter a constitutional right to the voter's Presidential vote being certified as part of the state legislature's post-election certification of Presidential electors. Absence such certification, the Presidential electors' votes from that state cannot be counted by the federal Defendants toward the election of President and Vice President. Because the Plaintiffs' votes are not counted as part of the constitutionally-required state legislative post-election certification of Presidential electors, the Defendants are causing the Plaintiffs to be disenfranchised. *See Baten v. McMaster*, 967 F.3d 345, 352–53 (4th Cir. 2020) (voters who vote in Presidential elections have standing on claims of government causing disenfranchisement).

33. When Defendants violate the Constitution as it relates to Presidential elections in the Defendant, all voters in Presidential elections suffer an injury-in-fact caused by the Defendants. Voters in a Presidential election, in this instance, have an injury-in-fact different than the public because when they voted and they had an interest that the election in which they voted is constitutionally-conducted. The same is true of future elections. Finally, the Court can redress the Plaintiffs' injuries by issuing a declaratory judgment and accompanying injunction to enjoin the Defendants' unconstitutional conduct.

34. As voters, each Plaintiff has a fundamental right to vote.<sup>28</sup> Thus, each Plaintiff has a recognized protectable interest. As the U.S. Supreme Court has long recognized, a person's right to

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<sup>27</sup> See *Lujan v. Defenders of Wildlife*, 504 U.S. 555, 560–61 (U.S. 1992).

<sup>28</sup> *Reynolds v. Sims*, 377 U.S. 533, 554–55, 562 (1964).

vote is “individual and personal in nature.”<sup>29</sup> Thus, “voters who allege facts showing disadvantage to themselves as individuals have standing to sue” to remedy that disadvantage.<sup>30</sup> “Safeguarding the integrity of the electoral process is a fundamental task of the Constitution, and [the courts] must be keenly sensitive to signs that its validity may be impaired.”<sup>31</sup> “Confidence in the integrity of our electoral processes is essential to the functioning of our participatory democracy.”<sup>32</sup>

35. By federal and state election laws, the federal and state governments have agreed to protect the fundamental right to vote by maintaining the integrity of an election contest as fair, honest, and unbiased to maintain the structure of the democratic process.<sup>33</sup> The voters, in turn, agree to accept the government’s announcement of the winner of an election contest, including federal elections, to maintain the integrity of the democratic system of the United States. “No right is more precious in a free country than that of having a voice in the election of those who make the laws under which, as good citizens, we must live.”<sup>34</sup> But the right to vote is the right to participate in an electoral process that is necessarily structured to maintain the integrity of the democratic system.”<sup>35</sup>

36. This arrangement constitutes a “social contract” between the voter and the government as an agreement among the people of a state about the rules that will define their government.<sup>36</sup> Social contract theory provided the background against which the Constitution was adopted. “Because of this social contract theory, the Framers and the public at the time of the

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<sup>29</sup> *Id.* 377 U.S. at 561.

<sup>30</sup> *Gill v. Whitford*, 138 S. Ct. 1916, 1929 (2018).

<sup>31</sup> *Johnson v. FCC*, 829 F.2d 157, 163 (D.C. Cir. 1987).

<sup>32</sup> *Purcell v. Gonzalez*, 549 U.S. 1, 4 (2006).

<sup>33</sup> *Timmons v. Twin Cities Area New Party*, 520 U.S. 351, 364 (1997) (“States certainly have an interest in protecting the integrity, fairness, and efficiency of their ballots and election processes as means for electing public officials.”).

<sup>34</sup> *Burdick v. Takushi*, 504 U.S. 428, 441 (1992) quoting *Wesberry v. Sanders*, 376 U.S. 1, 17 (1964).

<sup>35</sup> *Id.* (citations omitted).

<sup>36</sup> *Dumonde v. U.S.*, 87 Fed. Cl. 651, 653 (Fed. Cl. 2009) (“Historically, the Constitution has been interpreted as a social contract between the Government and people of the United States,” citing *Marbury v. Madison*, 1 Cranch 137, 5 U.S. 137, 176 (1803).

revolution and framing conceived governments as resulting from an agreement among people to provide a means for enforcing existing rights.”<sup>37</sup> “The aim of a social contract theory is to show that members of some society have reason to endorse and comply with the fundamental social rules, laws, institutions, and/or principles of that society. Put simply, it is concerned with public justification, i.e., ‘of determining whether or not a given regime is legitimate and therefore worthy of loyalty.’”<sup>38</sup>

37. The uniformity of election laws is part of that contract to protect the right to vote. Hence, the right to vote is intertwined with the integrity of an election process. The loss of the integrity of the election process renders the right to vote meaningless.<sup>39</sup> Here, the Defendant States’ election irregularities and improprieties so exceed the razor-thin margins to cast doubt on the razor-thin margins of victory and, thus, threaten the social contract itself.

38. The same will happen in future elections too if it is not stopped.

39. The Article II social contract with the voters is, in part, the assurance of their state legislature voting for post-election certification of Presidential electors. Arising from the social contract is the integrity of the election process to protect the voter’s right to vote. In the state legislatures perpetually delegating post-election certification of Presidential electors to election officials—as a core government function—the state legislatures, required by federal law, delegated

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<sup>37</sup> Greg Serienko, *Social Contract Neutrality and the Religion Clauses of the Federal Constitution*, 57 Ohio St. L. J. 1263, 1269.

<sup>38</sup> *Contemporary Approaches to the Social Contract*, <https://plto.stanford.edu/entries/contractarianism-contemporary/> (last visited Dec. 21, 2020).

<sup>39</sup> “Legitimacy is the crucial currency of government in our democratic age. Only elections that are transparent and fair will be regarded as legitimate...But elections without integrity cannot provide the winners with legitimacy, the losers with security and the public with confidence in their leaders and institutions.” <https://www.kofiannanfoundation.org/supporting-democracy-and-elections-with-integrity/uganda-victory-without-legitimacy-is-no-victory-at-all/> (Last visited Dec. 8, 2020).

post-election certification to state executive branch officials when Article II requires the state legislatures to conduct post-election certification of every voter's vote.

40. This social contract is what is personally at risk for the Plaintiffs in the outcome of the controversy.<sup>40</sup> As much as the government has a compelling interest in fair and honest elections with accompanying laws and regulations to ensure that objective to preserve the democratic system of government, so too the voter has an interest in state and local election officials violating the election laws in favor of a pre-determined result.

41. Furthermore, the voter has a compelling interest in the maintenance of a democratic system of government under the Ninth Amendment through the election process, beyond controversies regarding governmental attempts to interfere with the right to vote. Here, the voter did not enter into a contract with the state election official to give them discretion for state election irregularities and improprieties—of any kind—regardless of how benign they might be. The voter's social contract is with the state legislature—who under Article II must conduct post-election certification of the Presidential electors. The Article II requirement of the state legislature casting a post-election certification vote for Presidential electors is the voters' constitutional "insurance policy" against the risk of state and local election officials engaging in election irregularities and improprieties in favor of a pre-determined outcome.

42. The voters have been willing to accept laws and regulations imposed upon an election process to serve the government's compelling interest in the integrity of that process. So, while it is fair to create public governmental regulatory schemes to promote the compelling interests to protect the right to vote, and therefore, a voter's right of associational choices under the First

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<sup>40</sup> *Gill*, 138 S.Ct. at 1923.

Amendment,<sup>41</sup> those rights are infringed when the state legislatures abdicate the constitutionally-required role of post-election certification of Presidential electors.<sup>42</sup>

43. For federal elections, state legislatures under Article II have no authority to delegate post-election certification of Presidential electors to state executive branch officials. Yet, they did. That is the harm for the voters. It is the Electors Clause that gives state legislatures the exclusive right to post-election certification of Presidential electors—not state executive branch officials.

44. This lawsuit is not about voter fraud. The harm here is the loss of a voter remedy under Article II conducted as a core *governmental* function under federal and state election laws to ensure the integrity of the election. In turn, the acceptance of the outcome without state legislative post-election certification of Presidential electors interferes with the social contract between the voter and the government—causing injury to the voter.

## BACKGROUND

### A. Legal background

45. Under the Supremacy Clause, the “Constitution, and the laws of the United States which shall be made in pursuance thereof ... shall be the supreme law of the land.”<sup>43</sup>

46. “The individual citizen has no federal constitutional right to vote for electors for the President of the United States unless and until the state legislature chooses a statewide election as the means to implement its power to appoint members of the electoral college.”<sup>44</sup>

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<sup>41</sup> *Anderson v. Celebrezze*, 460 U.S. 780, 788–89 (1983).

<sup>42</sup> *Id.*

<sup>43</sup> U.S. Const. Art. VI, cl. 2.

<sup>44</sup> *Bush v. Gore*, 531 U.S. 98, 104 (citing U.S. CONST. art. II, § 1).

47. State legislatures have plenary power to set the process for appointing presidential electors: “Each State shall appoint, in such Manner as the Legislature thereof may direct, a Number of Electors.”<sup>45</sup>

48. At the time of the Founding, most States did not appoint electors through popular statewide elections. In the first presidential election, six of the ten States that appointed electors did so by direct legislative appointment.<sup>46</sup>

49. In the second presidential election, nine of the fifteen States that appointed electors did so by direct legislative appointment.<sup>47</sup>

50. In the third presidential election, nine of sixteen States that appointed electors did so by direct legislative appointment. *Id.* at 31. This practice persisted in lesser degrees through the Election of 1860.

51. Though “[h]istory has now favored the voter,” *Bush*, 531 U.S. at 104, “there is no doubt of the right of the legislature to resume the power [of appointing presidential electors] at any time, for *it can neither be taken away nor abdicated.*”<sup>48</sup>

52. Given the State legislatures’ constitutional primacy in selecting presidential electors, the ability to set rules governing the casting of ballots and counting of votes cannot be usurped by other branches of state government—nor the federal government.

53. The Framers of the Constitution decided to select the President through the Electoral College “to afford as little opportunity as possible to tumult and disorder” and to place

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<sup>45</sup> U.S. Const. Art. II, §1, cl. 2; *see also Bush v. Gore*, 531 U.S. at 104 (“[T]he state legislature’s power to select the manner for appointing electors is plenary.” (emphasis added)).

<sup>46</sup> *McPherson v. Blacker*, 146 U.S. 1, 29-30 (1892).

<sup>47</sup> *Id.* at 32.

<sup>48</sup> *McPherson*, 146 U.S. at 35 (emphasis added); *cf.* 3 U.S.C. § 2 (“Whenever any State has held an election for the purpose of choosing electors, and has failed to make a choice on the day prescribed by law, the electors may be appointed on a subsequent day in such a manner as the legislature of such State may direct.”).

“every practicable obstacle [to] cabal, intrigue, and corruption,” including “foreign powers” that might try to insinuate themselves into our elections.<sup>49</sup> Federalist No. 68, at 410-11 (C. Rossiter, ed. 1961) (Madison, J.).

54. The Plaintiffs constitutional claims in this lawsuit are principally based on one sentence in Article II of the U.S. Constitution. The sentence has eighty-five words. The constitutional sentence provides:

He shall hold his office during the term of four years, and, together with the Vice President, chosen for the same term, be elected, as follows: Each state shall appoint, in such manner as the Legislature thereof may direct, a number of electors, equal to the whole number of Senators and Representatives to which the State may be entitled in the Congress: but no Senator or Representative, or person holding an office of trust or profit under the United States, shall be appointed an elector.

55. The Plaintiffs’ claims, based on this constitutional, imperative, sentence, are that post-election certification of Presidential votes and post-election certification of Presidential electors are exclusively state legislative decisions; accordingly, Governors, federal courts and state courts have no constitutionally-permitted role in post-election certifications of Presidential votes and of Presidential electors.

56. Accordingly, the Plaintiffs claim that 3 U.S.C. § 5, 6 and 15 and state laws (such as Ariz. Rev. Stat. § 16-212 (B), Ga. Code Ann. § 21-2-499 (B), Mich. Comp. Laws § 168.46, Wis. Stat. § 7.70 (5) (b) and 25 Pa. Cons. Stat. § 3166) eviscerating these state legislative prerogatives, every four years, are unconstitutional.

57. Under Article II, Congress lacks legal authority to enact laws interfering with the state-by-state state legislative post-election certifications of Presidential votes and of Presidential electors as it has done with 3 U.S.C. §§ 5, 6 and 15. There are textual and structural arguments for

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<sup>49</sup> See, *supra*, Note 14.



these federal statutes being unconstitutional.<sup>50</sup> The Plaintiffs claim that 3 U.S.C. §§ 5, 6 and 15 are unconstitutional interferences with the state legislative prerogatives guaranteed by the Constitution.

58. Analogously, under Article II, the state legislatures lack legal authority to enact state laws which are a perpetual and wholesale delegation of post-election certifications of Presidential votes and of Presidential electors to state executive branch officials—as they have done in Ariz. Rev. Stat. § 16-212 (B) (Arizona Secretary of State), Ga. Code Ann. § 21-2-499 (B) (Georgia Secretary of State and Governor), Mich. Comp. Laws Ann. § 168.46 (Michigan State Board of Canvassers and Governor), Wis. Stat. § 7.70 (5) (b) (Wisconsin Elections Commission); and 25 Pa. Cons. Stat. § 3166 (Secretary of Commonwealth and Governor).

59. Article II, and its non-delegation doctrine, left it to the state legislatures to “direct” post-election certification of Presidential electors—not to “delegate” post-election certifications, perpetually and in a wholesale fashion, to state executive branch officials as a ministerial duty. There are textual and structural arguments for these state statutes being unconstitutional. Plaintiffs claim that Ariz. Rev. Stat. § 16-212 (B), Ga. Code Ann. § 21-2-499 (B), Mich. Comp. Laws Ann. § 168.46, Wis. Stat. § 7.70 (5) (b), 25 Pa. Cons. Stat. § 3166 are unconstitutional delegation of the state legislative prerogatives of post-election certifications of Presidential votes and of Presidential electors.

60. Further, the state constitutions of the Defendant States do not require the state legislature to meet for post-election certification of the Presidential electors. Arizona’s, Georgia’s and Pennsylvania’s Constitutions have the state legislature adjourned until January 2021.<sup>51</sup> Michigan’s

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<sup>50</sup> Vasan Kesavan, *Is the Electoral Count Act Unconstitutional*, 80 N.C. L. Rev. 1653, 1696-1793 (2002).  
<sup>51</sup> Ariz. Const. Art. IV, Part 2, Sec. 3; Ga. Const. Art. III, § IV, ¶ 1(a). Pa. Const. Art. II, § 4.

and Wisconsin's Constitutions permit the state legislature to be in session, but do not require a joint session of the state legislature to affirmatively vote for Presidential post-election certifications.<sup>52</sup>

61. Based on this legal background, Plaintiffs claim, under the Article II, that if there is no state legislative post-election certifications of Presidential votes and of Presidential electors in the Defendant States, then those Defendant States' Presidential electors votes, not so certified, cannot be counted by the federal Defendants for President and Vice President under Article II.

**B. The Defendants, except state legislatures, are involved in post-election certifications of Presidential votes and of Presidential electors or counting their ballots to elect the President and Vice President.**

62. Under 3 U.S.C. §§ 5, 6 and 12, each of the Defendants, except the state legislatures, have a role to play in state post-election certifications of Presidential votes and of a state's Presidential electors or counting of the Presidential Electors' votes.

63. Under 3 U.S.C. § 15, "Congress shall be in session on the sixth day of January succeeding every meeting of electors. The Senate and House of Representatives shall meet in the Hall of the House of Representatives at the hour of 1 o'clock in the afternoon on that day."

64. Under 3 U.S.C. § 15, Vice President Michael Richard Pence is the presiding officer on January 6, 2021: "and the President of the Senate shall be their presiding officer."

65. Vice President Pence, the U.S. Senate and the U.S. House of Representatives are Defendants presume under 3 U.S.C. §§ 5 and 6, that each state's Presidential elector votes because they are designated by the Governor of each Defendant State can be counted without state legislative post-election certification.

66. 3 U.S.C. § 5 provides:

If any State shall have provided, by laws enacted prior to the day fixed for the appointment of the electors, for its final determination of any controversy or contest concerning the appointment of all or any of the electors of such State, by judicial or

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<sup>52</sup> Mich. Const. Art. IV, § 13; Wis. Const. Art. IV, § 11.

other methods or procedures, and such determination shall have been made at least six days before the time fixed for the meeting of the electors, such determination made pursuant to such law so existing on said day, and made at least six days prior to said time of meeting of the electors, shall be conclusive, and shall govern in the counting of the electoral votes as provided in the Constitution, and as hereinafter regulated, so far as the ascertainment of the electors appointed by such State is concerned.

67. 3 U.S.C. § 6 provides:

It shall be the duty of the executive of each State, as soon as practicable after the conclusion of the appointment of the electors in such State by the final ascertainment, under and in pursuance of the laws of such State providing for such ascertainment, to communicate by registered mail under the seal of the State to the Archivist of the United States a certificate of such ascertainment of the electors appointed, setting forth the names of such electors and the canvass or other ascertainment under the laws of such State of the number of votes given or cast for each person for whose appointment any and all votes have been given or cast; and it shall also thereupon be the duty of the executive of each State to deliver to the electors of such State, on or before the day on which they are required by section 7 of this title to meet, six duplicate-originals of the same certificate under the seal of the State; and if there shall have been any final determination in a State in the manner provided for by law of a controversy or contest concerning the appointment of all or any of the electors of such State, it shall be the duty of the executive of such State, as soon as practicable after such determination, to communicate under the seal of the State to the Archivist of the United States a certificate of such determination in form and manner as the same shall have been made; and the certificate or certificates so received by the Archivist of the United States shall be preserved by him for one year and shall be a part of the public records of his office and shall be open to public inspection; and the Archivist of the United States at the first meeting of Congress thereafter shall transmit to the two Houses of Congress copies in full of each and every such certificate so received at the National Archives and Records Administration.

68. The Plaintiffs claim that the presumption is constitutionally incorrect; under Article II, Defendants Vice President Pence, the U.S. House of Representatives and the United States Senate can only open up and count Presidential elector ballots if the state legislature has affirmatively voted to certify the Presidential electors; otherwise, the votes of the Presidential electors cannot be counted. The Plaintiffs claim that the Vice President and U.S. Congress act unconstitutionally in this election and future elections when they count votes of Presidential electors where the respective state legislature has not affirmatively voted in favor of post-election certification.

69. Similarly, the Defendant States' executives, Governor Tom Wolf of Pennsylvania, Governor Gretchen Whitmer of Michigan, Governor Tony Evers of Wisconsin, Governor Brian Kemp of Georgia, and Governor Doug Ducey of Arizona under 3 U.S.C. § 6 and their respective state's laws, have designated the Presidential electors under the assumption that state executive branch certification is all that is required.<sup>53</sup>

70. But, Governor Tom Wolf of Pennsylvania, Governor Gretchen Whitmer of Michigan, Governor Tony Evers of Wisconsin, Governor Brian Kemp of Georgia, and Governor Doug Ducey of Arizona are constitutionally mistaken because the designated by the Governor of each Defendant State cannot cure that the Presidential electors are without state legislative post-election certification. Until the state legislature certifies the Presidential electors, the respective Governor's designation under 3 U.S.C. § 6 and their respective state's laws have no legal effect.

71. Absent the state legislative post-election certification required by Article II, the Governor's designation of Presidential electors has no legal effect because their votes cannot be counted by the Vice President, U.S. Senate and U.S. House of Representatives.

72. Finally, Article II requires the Defendants' state legislative leaders to act to vote on post-election certification of the Presidential electors. But, instead, the state legislatures violate this constitutional duty because of their state laws which are a perpetual and wholesale delegation of post-election certifications to state executive branch officials—as they have done in Ariz. Rev. Stat. § 16-212 (B) (Arizona Secretary of State), Ga. Code Ann. § 21-2-499 (B) (Georgia Secretary of State and Governor), Mich. Comp. Laws Ann. § 168.46 (Michigan State Board of Canvassers and Governor), Wis. Stat. § 7.70 (5) (b) (Wisconsin Elections Commission); and 25 Pa. Cons. Stat. § 3166 (Secretary of Commonwealth and Governor).

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<sup>53</sup> See 25 Pa. Cons. Stat. § 3166; Mich. Comp. Laws Ann. § 168.46; W.S.A. § 7.70; Ga. Code Ann., § 21-2-499(b); Ariz. Rev. Stat. § 16-212.

73. The Plaintiffs claim that Article II, and its non-delegation doctrine, permanently left it to the state legislatures to “direct” post-election certifications of Presidential votes and of Presidential electors, not to delegate post-election certifications, perpetually and in a wholesale fashion, to state executive branch officials as a ministerial duty.

74. In this way, the Defendant States’ legislative leaders, including Speaker Bryan Carter of the Pennsylvania House of Representatives, Senate Majority Leader Jake Corman of the Pennsylvania Senate, Speaker Lee Chatfield of the Michigan House of Representatives, Senate Majority Leader Mike Shirkey of the Michigan Senate, Speaker Robin Vos of the Wisconsin State Assembly, Senate Majority Leader Howard Marklein of the Wisconsin Senate, Speaker David Ralston of the Georgia House of Representatives, Senate President Pro Tempore Butch Miller of the Georgia Senate, Speaker Russell Bowers of the Arizona House of Representatives, and Senate Majority Leader Rick Gray of the Arizona Senate are violating their duties under Article II by not voting on post-election certification of the Presidential electors so their votes can constitutionally count.

75. State legislative post-election certifications of Presidential votes and of Presidential electors are part of constitutionally-protected voting rights. Everyone who votes—distinguishable from those who don’t—have a constitutionally-protected interest in state legislative post-election certification of Presidential electors. The Defendants violate those voting rights by counting ballots of Presidential electors without the constitutionally-required state legislative post-election certification.

**C. Presidential post-election court proceedings—like the 2000 *Bush v. Gore* litigation, the 2020 Texas original action and the 2020 thirty post-election lawsuits in Defendant States—are in constitutional error and unnecessarily politicize the federal and state courts in a national way.**

76. The Presidential post-election court proceedings—like the 2000 *Bush v. Gore* litigation, the 2020 Texas original action and the 2020 thirty post-election lawsuits in Defendant

States—are in constitutional error and unnecessarily politicize the federal and state courts—and in a nationwide way. Under Article II, all of those Presidential post-election cases should have been dismissed for lack of jurisdiction—and the plaintiffs should have been instructed to file their Presidential election contests with their respective state legislatures.

77. The Defendant States have election contest or recount laws, which apply to Presidential elections, but unconstitutionally preclude state legislative post-election certifications of Presidential votes and Presidential electors: Ariz. Rev. Stat. § 16-672; Ga. Code Ann. § 21-2-521; Mich. Comp. Laws § 168.862; Wis. Stat. § 9.01; and 25 Pa. Cons. Stat. § 3351.

78. Interestingly, the Pennsylvania laws have a state legislative post-election certification process for its Governor and Lieutenant Governor elections—but not for President and Vice President. 25 Pa. Cons. Stat. § 3312, et seq.

**D. In 2000, the U.S. Supreme Court engaged in a Presidential post-election litigation in Florida.**

79. In 2000, the U.S. Supreme Court engaged in Presidential post-election litigation in Florida. *Bush v. Gore*, 531 U.S. 98 (2000).

80. Plaintiffs claim, under Article II, that this post-election case in 2000 likely should have been dismissed for lack of jurisdiction with instructions for the Plaintiffs to file their election claims with the Florida state legislature.

**E. In 2020, approximately thirty post-election lawsuits are filed in Defendants States regarding election official errors and improprieties.**

81. Approximately thirty post-election lawsuits regarding Pennsylvania, Michigan, Wisconsin, Georgia and Arizona election official errors and improprieties were filed.<sup>54</sup>

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<sup>54</sup>See “Postelection lawsuits related to the 2020 United States presidential election,” found at [https://en.wikipedia.org/wiki/Postelection\\_lawsuits\\_related\\_to\\_the\\_2020\\_United\\_States\\_presidential\\_election#Wood\\_v.\\_Raffensperger](https://en.wikipedia.org/wiki/Postelection_lawsuits_related_to_the_2020_United_States_presidential_election#Wood_v._Raffensperger) (last visited: Dec. 15, 2020). This complaint’s citations to the appendix, principally, detail lawsuit allegations found in these Pennsylvania, Michigan, Wisconsin, Georgia and

82. Plaintiffs claim, under Article II, that these post-election cases should have been dismissed for lack of jurisdiction with instructions that the Plaintiffs should file such claims with their respective state legislatures in Pennsylvania, Michigan, Wisconsin, Georgia and Arizona.

**F. In 2020, Texas sued Pennsylvania, Michigan, Wisconsin and Georgia in the U.S. Supreme Court to adjudicate election irregularities and improprieties.**

83. On December 7, 2020, Texas filed an original action in the U.S. Supreme Court, Case No. 20O155, against Pennsylvania, Michigan, Wisconsin and Georgia for election irregularities and improprieties. On December 9, Missouri and 16 other states filed a motion for leave to file an amicus curiae brief in support of Texas. On December 10, U.S. Representative Mike Johnson and 105 other members submitted a motion for leave to file amicus brief in support of Texas. On December 11, the U.S. Supreme Court dismissed the original action in a text order:

The State of Texas's motion for leave to file a bill of complaint is denied for lack of standing under Article III of the Constitution. Texas has not demonstrated a judicially cognizable interest in the manner in which another State conducts its elections. All other pending motions are dismissed as moot. Statement of Justice Alito, with whom Justice Thomas joins: In my view, we do not have discretion to deny the filing of a bill of complaint in a case that falls within our original jurisdiction. See *Arizona v. California*, 589 U. S. \_\_\_ (Feb. 24, 2020) (Thomas, J., dissenting). I would therefore grant the motion to file the bill of complaint but would not grant other relief, and I express no view on any other issue.<sup>55</sup>

84. Plaintiffs claim, under Article II, that this post-election case filed in the U.S. Supreme Court should have been dismissed for lack of jurisdiction with instructions that voter in each state could file their respective claims with their respective state legislatures in Pennsylvania, Michigan, Wisconsin and Georgia.

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Arizona lawsuits alleging election official errors and improprieties. In Defendants' states, voter allegations exist which allege that the election officials' errors and improprieties exceed the razor-thin margins of Presidential contests—as further herein.

<sup>55</sup> Plaintiffs agree that the State of Texas lacked standing, but the original action itself begs the question, "Is the U.S. Supreme Court the final adjudicator for certification of Presidential electors?" The Plaintiffs' answer is no; the respective state legislatures are the final determiner of post-election certifications of Presidential votes and of Presidential electors—and, in a non-delegable way.

**G. The Presidential electors for Biden and Trump in the Defendant States voted on December 14, but none of the Presidential Electors received state legislative post-election certification.**

85. Under 3 U.S.C. §§ 5 and 6, the Presidential electors for Biden and Trump met and voted in their Defendant States on December 14.

86. The Presidential electors for Biden in the Defendant States were certified by state executive branch officials in the Defendant States under 3 U.S.C. §§ 5 and 6 and the respective state laws.

87. Neither the Presidential electors for Biden nor the Presidential electors for Trump in the Defendant States received a state legislative post-election affirmative vote for certification.

88. The Presidential electors for Biden in the Defendant States voted for Biden as President and Harris as Vice President.

89. The Presidential electors for Trump in the Defendant States voted for Trump as President and Pence as Vice President.<sup>56</sup>

90. Plaintiffs claim that none of these Presidential electors' votes should be counted by federal Defendants in the election of President and Vice President until the Presidential electors receive from their respective state legislatures an affirmative vote for post-election certification.

**H. Under federal and state law, in the Defendant States, the respective state legislatures do not vote on post-election certification of Presidential electors.**

91. Congress has enacted 3 U.S.C. §§ 5, 6 and 15 which significantly restrict state legislatures' constitutional prerogative to post-election certification of Presidential electors.

92. In turn, the state legislatures in the Defendant States have enacted state laws which are a perpetual and wholesale delegation of post-election certification to state executive branch officials—as they have done in Ariz. Rev. Stat. § 16-212 (B) (Arizona Secretary of State), Ga. Code

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<sup>56</sup> See Michigan Trump Electors Certificate, *Appendix* 1471.



Ann. § 21-2-499 (B) (Georgia Secretary of State and Governor), Mich. Comp. Laws Ann. § 168.46 (Michigan State Board of Canvassers and Governor), Wis. Stat. § 7.70 (5) (b) (Wisconsin Elections Commission); and 25 Pa. Cons. Stat. § 3166 (Secretary of Commonwealth and Governor).

93. Further, the state constitutions of the Defendant States fail to require the state legislature to meet for post-election certification of the Presidential electors in violation of state legislative constitutional duties under Article II of the U.S. Constitution. Arizona's, Georgia's and Pennsylvania's Constitutions have the state legislature adjourned until January 2021.<sup>57</sup> Michigan's and Wisconsin's Constitutions permit the state legislature to be in session, but do not require a joint session of the state legislature to affirmatively vote for post-election certification of Presidential electors.<sup>58</sup>

**I. Voters' allegations in each of the Defendant States—alleging election officials' absentee ballot errors and improprieties exceed Presidential vote margins—are constitutionally resolved by state legislative post-certifications of Presidential votes and Presidential electors—not in this Court or any other court.**

94. Plaintiffs allege that voters allege in each of the Defendant States that election officials' absentee ballot errors and improprieties exceed Presidential vote margins.

95. The Defendant States' voters' claims should be constitutionally resolved by state legislative post-certifications of Presidential votes and Presidential electors—as Article II requires.

96. None of the voters' allegations in each of the Defendant States—that is the allegations stated further below—should be adjudicated in this Court or any other Court, because it is the exclusive constitutional prerogative of the state legislatures to determine post-election certifications of Presidential votes and of Presidential electors.

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<sup>57</sup> Ariz. Const. Art. IV, Part 2, Sec. 3; Ga. Const. Art. III, § IV, ¶ 1(a). Pa. Const. Art. II, § 4.

<sup>58</sup> Mich. Const. Art. IV, § 13; Wis. Const. Art. IV, § 11.

**J. Defendant States' voters allege Zuckerberg moneys gifted to urban election officials in Defendant States who violated absentee ballot security measures.**

97. Defendant States' voters have alleged, in 2020, a systematic effort was launched in Defendant States, using \$350,000,000 in private money sourced to Mark Zuckerberg, the Facebook billionaire, to illegally circumvent absentee voting laws to cast tens of thousands of illegal absentee ballots.<sup>59</sup>

98. Defendants States' votes have alleged that the Zuckerberg-funded private organization, the Center for Technology and Civic Life (CTCL), gifted millions of dollars to election officials in Democratic Party urban strongholds in Georgia, Wisconsin, Pennsylvania, Michigan and Arizona in order for those cities to facilitate the use of absentee voting: Fulton County (GA), Milwaukee (WI), Madison (WI), Philadelphia (PA), Wayne County (MI) and Maricopa County (AZ).<sup>60</sup>

99. Defendant States' voters have alleged that in these counties and cities receiving CTCL funds, election officials adopted various respective policies and customs eviscerating state law absentee ballot security measures such as witness address, name and signature requirements and voter address, name and signature requirements.<sup>61</sup>

100. Defendant States' voters have alleged that these urban election officials also used the CTCL funds for absentee ballot drop boxes treating urban voters preferentially to small-town and rural voters.<sup>62</sup>

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<sup>59</sup> See App. 21-30; 31-38; and 1079-1112.

<sup>60</sup> *Id.*

<sup>61</sup> *Id.*

<sup>62</sup> *Id.*

K. The government's pre-election certification error rate of voting system's software and hardware is 0.0008%.

101. The federal government has a pre-election standard for state voting system's software and hardware.<sup>63</sup>

102. Under federal law, this maximum-acceptable error rate is one in 500,000 ballot positions, or, alternatively one in 125,000 ballots—0.0008 %.<sup>64</sup>

103. Section 3.2.1 of the voting systems standards issued by the Federal Elections Commission (FEC) which were in effect on the date of the enactment of the Help America Vote Act (HAVA) provides that the voting system shall achieve a maximum acceptable error rate in the test process of one in 500,000 ballot positions.<sup>65</sup>

104. A ballot position is every possible selection on the ballot, to include empty spaces. As stated in the voting systems standards (VSS), "[t]his rate is set at a sufficiently stringent level such that the likelihood of voting system errors affecting the outcome of an election is exceptionally remote even in the closest of elections."<sup>66</sup>

105. An update to the FEC VSS was made by the Election Assistance Commission (EAC) to enhance the FEC VSS standards, which each state has adopted by law.<sup>67</sup>

106. The FEC VSS standard provides for an error rate of one in 125,000 ballots (0.0008%) as an alternative to the one in 500,000 ballot positions to make it easier to calculate the error rate.<sup>68</sup>

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<sup>63</sup> See Expert Report of Dennis Nathan Cain (I), App. 52-59; 1411-1418.

<sup>64</sup> *Id.*

<sup>65</sup> *Id.*

<sup>66</sup> *Id.*

<sup>67</sup> *Id.*

<sup>68</sup> *Id.*

107. The FEC standards, which are incorporated into the Help America Vote Act § 301(a)(5), require that all systems be tested in order to certify that they meet the maximum-acceptable error rate set by federal law.<sup>69</sup>

**L. Voters' allegations in each of the Defendant States support that election officials' absentee ballot errors and improprieties exceed Presidential vote margins.**

108. The use of absentee and mail-in ballots skyrocketed in 2020, not only as a public-health response to the COVID-19 pandemic but also at the urging of mail-in voting's proponents, and most especially executive branch officials in Defendant States. According to the Pew Research Center, in the 2020 general election, a record number of votes—about 65 million—were cast via mail compared to 33.5 million mail-in ballots cast in the 2016 general election—an increase of more than 94 percent.<sup>70</sup>

109. In the wake of the contested 2000 election, the bipartisan Jimmy Carter-James Baker commission identified absentee ballots as “the largest source of potential voter fraud.”<sup>71</sup>

110. Concern over the use of mail-in ballots is not novel to the modern era,<sup>72</sup> but it remains a *current* concern.<sup>73</sup>

111. Absentee and mail-in voting are the primary opportunities for unlawful ballots to be cast.

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<sup>69</sup> *Id.*

<sup>70</sup> Desilver, Drew. Most mail and provisional ballots got counted in past U.S. elections -- but many did not. Pew Research Center. 10 November 2020. <https://www.pewresearch.org/fact-tank/2020/11/10/most-mail-and-provisional-ballots-got-counted-in-past-u-s-elections-but-many-did-not/> Accessed 12.18.20.

<sup>71</sup> *Building Confidence in U.S. Elections: Report of the Commission on Federal Elections*, at 46 (Sept. 2005).

<sup>72</sup> Dustin Waters, *Mail-in Ballots Were Part of a Plot to Deny Lincoln Reelection in 1864*, Wash. Post (Aug. 22, 2020)

<sup>73</sup> *Crawford v. Marion Cty. Election Bd.*, 553 U.S. 181, 194-96 & n.11 (2008); see also Texas Office of the Attorney General, *AG Paxton Announces Joint Prosecution of Gregg County Organized Election Fraud in Mail-In Balloting Scheme* (Sept. 24, 2020); Harriet Alexander & Ariel Zilber, *Minneapolis police opens investigation into reports that Ilhan Omar's supporters illegally harvested Democrat ballots in Minnesota*, Daily Mail, Sept. 28, 2020.

112. Defendant States voters allege that as a result of expanded absentee and mail-in voting in Defendant States, combined with Defendant States' unconstitutional modification of statutory protections designed to ensure ballot integrity, Defendant States created a massive opportunity for fraud.

113. Defendant States voters allege that the Defendant States have made it difficult or impossible to separate the constitutionally tainted mail-in ballots from all mail-in ballots.

114. Defendant States voters allege that rather than augment safeguards against illegal voting in anticipation of the millions of additional mail-in ballots flooding their States, Defendant States materially weakened, or did away with, security measures, such as witness or signature verification procedures, required by their respective legislatures. Their legislatures established those commonsense safeguards to prevent—or at least reduce—fraudulent mail-in ballots.

115. Defendant States voters allege, in Defendant States, that Democrat voters voted by mail at two to three times the rate of Republicans. Thus, the Democratic candidate for President thus greatly benefited from this unconstitutional usurpation of legislative authority, and the weakening of legislative mandated ballot security measures.

116. Defendant States voters allege that the outcome of the Electoral College vote is directly affected by the constitutional violations committed by Defendant States. Defendant States violated the Constitution in the process of appointing presidential electors by unlawfully abrogating state election laws designed to protect the integrity of the ballots and the electoral process, and those violations proximately caused the unconstitutional appointment of presidential electors.

117. Plaintiffs will therefore be injured if Defendant States' unlawful certification of these Presidential electors, because the Presidential electors have not received state legislative post-election certification, is allowed to stand.

**1. Commonwealth of Pennsylvania voters allege election official errors and improprieties which exceed the Presidential vote margin.<sup>74</sup>**

118. Commonwealth of Pennsylvania voters allege election official errors and improprieties which exceed the Presidential vote margin.

119. Pennsylvania has 20 electoral votes, with a statewide vote tally currently estimated at 3,363,951 for President Trump and 3,445,548 for former Vice President Biden, a margin of 81,597 votes.<sup>75</sup>

120. Pennsylvania voters have alleged the number of votes affected by the various constitutional violations exceeds the margin of votes separating the candidates.

121. By letter dated December 13, 2019, the Auditor General of the Commonwealth of Pennsylvania, Eugene A. DePasquale, issued to the Governor of the Commonwealth of Pennsylvania a Performance Audit Report of the Pennsylvania Department of State's Statewide Uniform Registry of Electors.<sup>76</sup>

122. The Performance Audit Report was conducted pursuant to an Interagency Agreement between the Pennsylvania Department of State and the Pennsylvania Department of the Auditor General.

123. The Performance Audit Report contained seven Findings, to wit:

- i. Finding One: As a result of the Department of State's denial of access to critical documents and excessive redaction of documentation, the Department of the Auditor General was severely restricted from meeting its audit objectives in an audit which the Department of State itself had requested.

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<sup>74</sup> See Timeline of Electoral Policy Activities, Issues, and Litigation Pennsylvania, Michigan, Wisconsin, Georgia, Arizona, and Nevada August 2003 to November 2020, App. 1-20 (demonstrating full extent of inappropriate activities).

<sup>75</sup> WNWP 2020 Pennsylvania Election Results. <https://www.wnep.com/elections> (last visited Dec. 18, 2020).

<sup>76</sup> See Auditor General's Performance Audit Report, App. 413-604; *see also* App. 397-412.

- ii. Finding Two: Data analysis identified tens of thousands of potential duplicate and inaccurate voter records, as well as voter records for nearly three thousand potentially deceased voters that had not been removed from the SURE system.
- iii. Finding Three: The Department of State much implement leading information technology security practices and information technology general controls to protect the SURE system and ensure the reliability of voter registration.
- iv. Finding Four: Voter record information is inaccurate due to weakness in the voter registration application process and the maintenance of voter records in the SURE system.
- v. Finding Five: Incorporating edit checks and other improvements into the design of the replacement system for SURE will reduce data errors and improve accuracy.
- vi. Finding Six: A combination of a lack of cooperation by certain county election offices and PennDOT, as well as source documents not being available for seventy percent of our test sample, resulted in our inability to form any conclusions as to the accuracy of the entire population of voter records maintained in the SURE system.
- vii. Finding Seven: The Department of State should update current job aids and develop additional job aids and guidance to address issues such as duplicate voter records, records of potentially deceased voters on the voter rolls, pending applications, and records retention. See Auditor General's Performance Audit Report.<sup>77</sup>

124. In addition to the Findings, the Performance Audit Report contained specific detailed Recommendations to correct the significant deficiencies identified in the Findings of the Performance Audit Report.

125. In 2018, Secretary Boockvar was quoted as stating "Rock the Vote's web tool was connected to our system, making the process of registering through their online programs, and those of their partners, seamless for voters across Pennsylvania."<sup>78</sup>

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<sup>77</sup> *Supra*.

<sup>78</sup> *Rock the Vote, 2018 Annual Report*, pg. 12. <https://www.rockthevote.org/wp-content/uploads/Rock-the-Vote-2018-Annual-Report.pdf>. (last visited Dec. 18, 2020).

126. In addition, Plaintiffs have obtained a sworn Affidavit from Jesse Richard Morgan, who was contracted to haul mail for the United States Postal Service within the Commonwealth of Pennsylvania. Mr. Morgan's Affidavit alleges that he was directed to transport from New York to Pennsylvania what he believes to be completed Pennsylvania ballots in the 2020 General Election.<sup>79</sup>

127. Plaintiffs based on Pennsylvania voters' allegations that this matter is currently under investigation by various entities and that such investigation is essential to the determination of whether or not approximately 200,000 ballots were delivered into the Pennsylvania System improperly or illegally. Pending such determination, there is no possible way that the validity of Pennsylvania's Presidential Election could possibly be certified by anyone.

128. Based on Pennsylvania voters' allegations, there is evidence of possible back-dating of ballots in the United States Postal facility at Erie, Pennsylvania. And, further, Francis X. Ryan's Report, discussed in detail below, evidences thousands of questionable or improper ballots cast in the 2020 Presidential Election in Pennsylvania.<sup>80</sup>

129. In addition, Plaintiffs have obtained a Declaration from Ingmar Njus in support of Mr. Morgan's Affidavit.<sup>81</sup>

130. Based on Pennsylvania voters' allegations, in the run-up to the election, the Pennsylvania Supreme Court usurped the powers of the General Assembly when it permitted county boards of election to accept hand-delivered mail-in ballots at locations other than the respective offices of the boards of election, including through the use of drop-boxes arbitrarily located

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<sup>79</sup> See Jesse Richard Morgan Declaration, App. 152-179; 605-632; *see also* Declaration of Leslie J. Brabandt, App. 187-189; *see also* Expert Declaration of Roland Smith, App. 190-200.

<sup>80</sup> See Francis X. Ryan Declaration, App. 660-666. For additional evidence, see App. 667-834.

<sup>81</sup> See Ingmar Njus Declaration, App. 183-186; 633-636.



throughout the county; and, when it extended the deadline for receipt of absentee and mail-in ballots by three days from 8:00 p.m. on Election Day to 5:00 p.m. on November 6, 2020.<sup>82</sup>

131. In the same Opinion, the Court held that "although the Election Code provides the procedure for casting and counting a vote by mail, it does not provide for the 'notice and opportunity to cure' ..."<sup>83</sup>

132. The Court went on to state "... we agree that the decision to provide a 'notice and opportunity to cure' procedure ... is one best suited for the Legislature."<sup>84</sup>

133. Of note, Secretary Boockvar agreed with the Court that Pennsylvania's Election Code does not provide a notice and opportunity to cure procedure.

134. Based on Pennsylvania voters' allegations, despite the lack of any statutory authorization or legal authority, county boards of elections in democratic counties, such as, Montgomery County, routinely helped identify, facilitate and permitted electors to alter their defective absentee and mail-in ballots in violation of Pennsylvania's Election Code.<sup>85</sup>

135. In an October 31, 2020, e-mail, Frank Dean, Director of Mail-in Elections of Montgomery County emailed the latest list of confidential elector information to two other Montgomery County election officials, Lee Soltysiak and Josh Stein, and wrote:

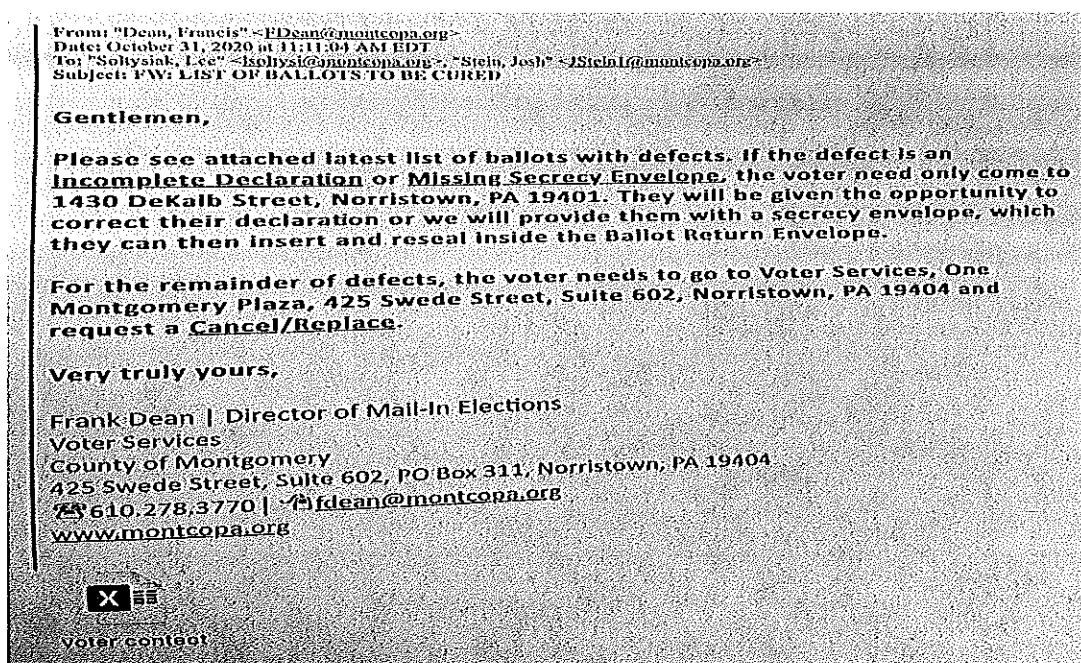
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<sup>82</sup> *Pennsylvania Democratic Party v. Boockvar*, No. 133 MM 2020, 2020 WL 5554644, at \*20 (Pa. Sept. 17, 2020); *see also In re: November 3, 2020 General Election*, 2020 WL 6252803, at \*7 (Pa. Oct. 23, 2020).

<sup>83</sup> *Id.* at 20.

<sup>84</sup> *Id.* at 20.

<sup>85</sup> *See* Carlson Report on Voter Suppression through Executive and Administrative Actions, App. 31-38.



136. Based on Pennsylvania voters' allegations, there is no authority within Pennsylvania's Election Code that authorizes election officials to manually alter the information contained within the SURE system for the purposes described by Director Dean.

137. In order to cancel or replace an elector's absentee or mail-in ballot, election officials would be required to manually alter or override the information contained in the Commonwealth's Statewide Uniform Registry of Electors ("SURE").

138. Based on Pennsylvania voters' allegations, there is no authority within Pennsylvania's Election Code that authorizes election officials to cancel and/or replace an elector's absentee or mail-in ballot as described by Director Dean.

139. Further, based on Pennsylvania voters' allegations, in violation of electors' right to secrecy in their ballots, election officials in democratic counties, such as Montgomery County, used the information gathered through their inspection of the ballot envelopes to identify the names of electors who had cast defective absentee or mail-in ballot envelopes.<sup>86</sup>

<sup>86</sup> *Art. VII, Error! Main Document Only, §4 PA Const.*

140. Based on Pennsylvania voters' allegations, the Excel spreadsheet attached to Director Dean's October 31, 2020, e-mail notes that when mail-in or absentee ballot envelopes were found to be defective, some electors were provided with the opportunity to alter their ballot envelopes.

141. Based on Pennsylvania voters' allegations, the photograph below shows some of the thousands of absentee and mail-in ballots pre-canvassed by the Montgomery County Board of Elections in violation of the Election Code.<sup>87</sup> These defective ballots were not secured in any way and were easily accessible to the public.<sup>88</sup>



142. Further, based on Pennsylvania voters' allegations, the next picture shows page 1 or 124 pages that include thousands of defective ballot envelopes that Montgomery County elections officials were trying to "cure" in violation of Pennsylvania's Election Code and Constitution.

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<sup>87</sup> This "Ballots for Sale" photo was taken on 11/01/2020 by Robert Gillies during a tour of the Montgomery County mail-in ballot storage and canvass facility.

<sup>88</sup> See Expert Declaration of Gregory Moulthrop, App. 48-51.



Sent: Monday, November 2, 2020 8:38 PM  
To: Marks, Jonathan  
Subject: Important DOS Email - Clarification regarding Ballots Set Aside During Pre-canvass

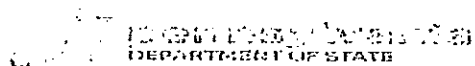
\*\*\* This is an external email. Please use caution when clicking on links and downloading attachments \*\*\*

Dear County Election Directors,

The Department of State has been asked whether county boards of elections can provide information to authorized representatives and representatives of political parties during the pre-canvass about voters whose absentee and mail-in ballots have been rejected. The Department issued provisional ballot guidance on October 21, 2020, that explains that voters whose completed absentee or mail-in ballots are rejected by the county board for reasons unrelated to voter qualifications may be issued a provisional ballot. To facilitate communication with these voters, the county boards of elections should provide information to party and candidate representatives during the pre-canvass that identifies the voters whose ballots have been rejected and should promptly update the SURE system.

Kind regards,

Jonathan M. Marks  
Deputy Secretary for Elections & Commissions  
Pennsylvania Department of State  
302 North Office Building | Harrisburg, PA 17120  
☎ 717.783.2035 📠 717.787.1734  
✉ [jmarks@pa.gov](mailto:jmarks@pa.gov)



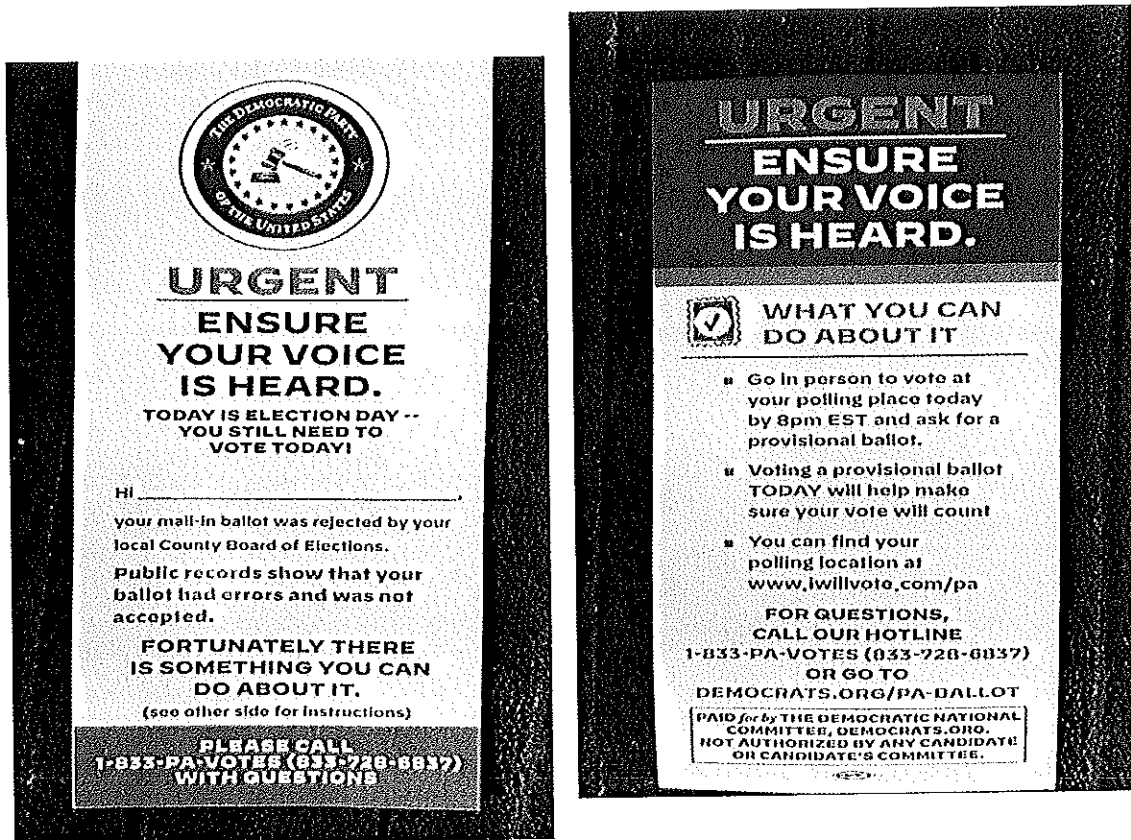
145. Based on Pennsylvania voters' allegations, in order to obtain a provisional ballot on Election Day, an elector who previously requested an absentee or mail-in ballot must sign an affidavit stating "I do solemnly swear or affirm that my name is ... and that this is the only ballot that I cast in this election."<sup>89</sup>

146. Based on Pennsylvania voters' allegations, if an elector has already submitted an absentee or mail-in ballot and that ballot was received by his or her county board of elections, the elector cannot truthfully affirm that the provisional ballot is the only ballot cast by them in the election. The provisional ballot would in fact be a second ballot cast by the elector.

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<sup>89</sup> 25 Pa. Cons. Stat. §3146.8; 25 Pa. Cons. Stat. §3050.

147. Based on Pennsylvania voters' allegations, Secretary Boockvar's actions appear conveniently timed with the actions of the Democratic Party who apparently considered the matter to be URGENT.



148. Based on Pennsylvania voters' allegations, Deputy Secretary Marks issued his email at 8:38 p.m. on November 2, 2020, on the eve of Election Day. Under the Election Code, provisional ballots are only used on Election Day. Less than twelve hours after Deputy Secretary Marks' email, the Democratic Party had printed handbills telling electors "Public records show that your ballot had errors and was not accepted." and to "Go in person to vote at your polling place today by 8:00 EST and ask for a provisional ballot."

149. Based on Pennsylvania voters' allegations, the effect to utilize provisional ballots to "cure" defective absentee and mail-in ballots is in clear violation of Pennsylvania's Election Code. The number of provisional ballots cast in Pennsylvania is approximately 90,000 which is significantly higher than previous General Elections.

150. Further, based on Pennsylvania voters' allegations, it is not clear what Deputy Secretary Marks intended when he stated "To facilitate communication with these voters, the county boards of elections should provide information to party and candidate representatives during the pre-canvassing that identifies the voters whose ballots have been rejected and should promptly update the SURE system."

151. Based on Pennsylvania voters' allegations, Pennsylvania's Election Code makes no provision for the acceptance or rejection of ballots during the pre-canvassing process, nor does the Election Code provide boards of elections with the authority to "update the SURE system" so that an electors who previously submitted an absentee or mail-in ballot may vote with a provisional ballot.

152. The Pennsylvania Supreme Court ruled that county boards of elections are prohibited from using signature comparison to challenge and reject absentee or mail-in ballots.<sup>90</sup>

153. Based on Pennsylvania voters' allegations, the Court's decision is contrary to the applicable provisions of Pennsylvania's Election Code.

154. In addition, the Pennsylvania Supreme Court ruled that county boards of elections could prevent and exclude designated representatives of the candidates and political parties, who are authorized by the Election Code to observe the pre-canvassing and canvassing of ballots, from being in the room during pre-canvassing and canvassing of ballots.<sup>91</sup>

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<sup>90</sup> *In Re: November 3, 2020, General Election*, 149 MM 2020 (Oct. 23, 2020).

<sup>91</sup> *See In Re: Canvassing Observation*, 30 EAP 2020 (Nov. 17, 2020).

155. Based on Pennsylvania voters' allegations, in predominantly Democratic counties, such as Philadelphia, Delaware and Montgomery Counties, authorized representative of the candidates and the Republican Party attempted to observe the actions of election officials; however, the authorized representatives were routinely denied the access necessary to properly observe the handling of ballot envelopes and ballots during the pre-canvassing and canvassing process.

156. Plaintiffs have obtained a sworn Affidavit from Gregory Stenstrom, who was appointed by the Delaware County Republican Party to observe the election process within Delaware County. Mr. Stenstrom attests to numerous election code violations by the Delaware County Board of Elections. Plaintiffs have numerous other Declarations regarding similar election code violations in other predominantly Democratic counties.<sup>92</sup>

157. Based on Pennsylvania voters' allegations, absentee and mail-in ballots are required to be canvassed in accordance with subsection (g) of Section 3146.8 - Canvassing of official absentee and mail-in ballots.<sup>93</sup>

158. Based on Pennsylvania voters' allegations, Pennsylvania's Election Code defines the term "pre-canvass" to mean "the inspection and opening of all envelopes containing official absentee ballots or mail-in ballots, the removal of such ballots from the envelopes and the counting, computing and tallying of the votes reflected on the ballots. The term does not include the recording or publishing of the votes reflected on the ballots."<sup>94</sup>

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<sup>92</sup> See Gregory Stenstrom Declaration, Appendix pgs. 129-151; 637-659; see Expert Opinion of Anthony J. Couchenor, App. 42-47; see also expert opinion of Jovan Hutton Pulitzer, App. 90-118.

<sup>93</sup> 25 Pa. Cons. Stat. §3146.8(g) (1)(i-ii) & (1.1).

<sup>94</sup> 25 Pa. Cons. Stat. § 2602(q.1).



159. Prior to any pre-canvassing meeting, county boards of elections are required to provide at least forty-eight hours' notice by publicly posting a notice of a pre-canvass meeting on its publicly accessible Internet website.<sup>95</sup>

160. Each candidate and political party is entitled to have one designated and authorized representative in the room any time absentee and mail-in ballots are being canvassed by a board of elections.<sup>96</sup>

161. The candidates' watchers or other representatives are permitted to be present any time the envelopes containing absentee and mail-in ballots are opened.<sup>97</sup>

162. The candidates and political parties are entitled to have watchers present any time there is canvassing of returns.<sup>98</sup>

163. Based on Pennsylvania voters' allegations, in predominantly Democratic counties, such as Montgomery, election would weigh absentee and mail-in ballot envelopes to determine whether secrecy envelopes were contained within the outer envelopes. Election officials would also review and inspect the absentee and mail-in ballot envelopes to determine whether they complied with the requirements of the Election Code.

164. Based on Pennsylvania voters' allegations, this pre-canvassing of ballot envelopes is in direct violation of Pennsylvania's Election Code.

165. Based on Pennsylvania voters' allegations, under the Election Code, county boards of elections are required, upon receipt of sealed official absentee and mail-in ballot envelopes, to

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<sup>95</sup> 25 Pa. Cons. Stat. § 3146.8(g)(1.1).

<sup>96</sup> 25 Pa. Cons. Stat. §3146.8(g)(2).

<sup>97</sup> 25 Pa. Cons. Stat. §3146.8.

<sup>98</sup> 25 Pa. Cons. Stat. §2650(a).

"safely keep the ballots in sealed or locked containers until they are to be canvassed by the county board of elections."<sup>99</sup>

166. County boards of elections are prohibited from pre-canvassing absentee and mail-in ballots prior to 7:00 a.m. of Election Day.<sup>100</sup>

167. As such, from the time ballot envelopes are received by county boards of elections through 7:00 a.m. on Election Day, the ballot envelopes are to be safely kept in sealed or locked containers.<sup>101</sup> Stated in a different way, county boards of elections are not permitted to remove absentee and mail-in ballot envelopes from their sealed or locked containers until the ballots are pre-canvassed at 7:00 a.m. on Election Day.

168. Based on Pennsylvania voters' allegations, the Pennsylvania Supreme Court ruled that county boards of elections were not required to enforce or follow Pennsylvania's Election Code requirements for absentee and mail-in ballot envelopes, including the requirements related to elector signatures, addresses, dates, and signed declarations.<sup>102</sup>

169. During pre-canvassing, county boards of elections are required to examine each ballot cast to determine if the declaration envelope is properly completed and to compare the information with the information contained in the Registered Absentee and Mail-in Voters File.<sup>103</sup>

170. Only then are county boards of elections authorized to open the outer envelope of every unchallenged absentee or mail-in envelope in such a manner so as not to destroy the declaration executed thereon.<sup>104</sup>

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<sup>99</sup> 25 Pa. Cons. Stat. § 3146.8(a).

<sup>100</sup> 25 Pa. Cons. Stat. § 3146.8(g)(1.1.)

<sup>101</sup> 25 Pa. Cons. Stat. § 3146.8(a).

<sup>102</sup> *In Re: Canvass of Absentee and Mail-in Ballots of November 3, 2020 General Election*, 31 EAP 2020 (Nov. 23, 2020).

<sup>103</sup> 25 Pa. Cons. Stat. § 3146.8(g)(3).

<sup>104</sup> 25 Pa. Cons. Stat. § 3146.8(g)(4)(i).

171. Based on Pennsylvania voters' allegations, in predominantly Democratic counties, such as Allegheny County, election officials disregarded the requirements of the Election Code and counted absentee and mail-in ballot ballots with defective elector signatures, addresses, dates, and signed declarations.<sup>105</sup> In other counties, such as Westmoreland, such ballots were not counted by the county board of elections.

172. In addition to substantial evidence of the violations of Pennsylvania's Election Code, as set forth above, Plaintiffs have produced an expert report authored by Francis X. Ryan who could testify and identify significant and dispositive discrepancies and errors which call into questions the results of the Presidential Election in Pennsylvania.<sup>106</sup>

173. Based on Pennsylvania voters' allegations, as described above, the 2020 General Election in Pennsylvania was fraught with numerous violations of Pennsylvania's Election Code perpetrated by predominantly Democratic county election officials. In addition, there are countless documented election irregularities and improprieties that prevent an accurate accounting of the election results in the Presidential election.

174. Based on Pennsylvania voters' allegations, many of the irregularities directly relate to the county boards of elections' handing of absentee and mail-in ballots; the pre-canvassing and canvassing of ballots; the failure to permit legally appropriate and adequate oversight and transparency of the process; and, the failure to maintain and secure ballot integrity and security throughout the election process.

175. Based on Pennsylvania voters' allegations, as such, the 2020 General Election results are so severely flawed that it is impossible to certify the accuracy of the purported results.

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<sup>105</sup> *In Re: Canvass of Absentee and Mail-in Ballots of November 3, 2020 General Election*, 31 EAP 2020 (Nov. 23, 2020).

<sup>106</sup> See Francis X. Ryan Declaration, App. 660-666. For additional evidence see App. 667-834.

176. Based on analysis by data analyst Matthew Braynard and Professor Steven J. Miller, in Pennsylvania, the government data shows election officials' absentee ballot errors of 121,297 far exceed the margin of victory of 81,749.<sup>107</sup>

177. According to the Braynard-Miller analysis, the government data shows election officials' absentee ballot error rate of at least 1.43% which far exceeds federal law's pre-election certification error rate for voting systems' hardware and software of 0.0008%.<sup>108</sup>

Pennsylvania Voter Election Contest		
Margin +81,749		
Type of error*	Description	Margin
1) Unlawful Ballots	Estimate of ballots requested in the name of a registered Republican by someone other than that person <sup>109</sup>	53,909
2) Legal Votes Not Counted	Estimate of Republican ballots that the requester returned but were not counted <sup>110</sup>	44,892
Total Votes: 98,801	Error Rate (Compared to Total Vote)	1.43%
3) Illegal Votes Counted	Electors voted where they did not reside <sup>111</sup>	14,328
4) Illegal Votes Counted	Out of State Residents Voting in State <sup>112</sup>	7,426
5) Illegal Votes Counted	Double Votes <sup>113</sup>	742
TOTAL		121,297
	Of total votes cast 6,924,006	

\*May overlap.

<sup>107</sup> See Chart and Pennsylvania Declaration of Matthew Braynard, App. 1331-1340 ¶3.

<sup>108</sup> See Expert Report of Dennis Nathan Cain (III), App. 1433-1445.

<sup>109</sup> See Declaration of Steven J. Miller, App. 1325-1330.

<sup>110</sup> *Id.*

<sup>111</sup> See Pennsylvania Declaration of Matthew Braynard, App. 1331-1340 ¶3.

<sup>112</sup> See Pennsylvania Declaration of Matthew Braynard, App. 1331-1340.

<sup>113</sup> See Pennsylvania Declaration of Matthew Braynard, App. 1331-1340 ¶4.

2. State of Georgia voters allege election official errors and improprieties which exceed the Presidential vote margin.<sup>114</sup>

178. State of Georgia voters allege election official errors and improprieties which exceed the Presidential vote margin.

179. Georgia has 16 electoral votes, with a statewide vote tally currently estimated at 2,458,121 for President Trump and 2,472,098 for former Vice President Biden, a margin of approximately 12,670 votes.

180. The number of votes affected by the various constitutional violations exceeds the margin of votes dividing the candidates.

181. Based on Georgia voters' allegations, Georgia's Secretary of State, Brad Raffensperger, without legislative approval, unilaterally abrogated Georgia's statute governing the signature verification process for absentee ballots.<sup>115</sup>

182. O.C.G.A. § 21-2-386(a)(2) prohibits the opening of absentee ballots until after the polls open on Election Day: In April 2020, however, the State Election Board adopted Secretary of State Rule 183-1-14-0.9-.15, Processing Ballots Prior to Election Day.

183. Based on Georgia voters' allegations, that rule purports to authorize county election officials to begin processing absentee ballots up to three weeks before Election Day.

184. Based on Georgia voters' allegations, Georgia law authorizes and requires a single registrar or clerk—after reviewing the outer envelope—to reject an absentee ballot if the voter failed to sign the required oath or to provide the required information, the signature appears invalid, or the

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<sup>114</sup> For full extent of inappropriate activities, *see* Timeline of Electoral Policy Activities, Issues, and Litigation Pennsylvania, Michigan, Wisconsin, Georgia, Arizona, and Nevada August 2003 to November 2020, *Appendix* 1-20.

<sup>115</sup> *See* Expert Declaration of Harry Haury, *Appendix* 69-89.

required information does not conform with the information on file, or if the voter is otherwise found ineligible to vote.<sup>116</sup>

185. Georgia law provides absentee voters the chance to “cure a failure to sign the oath, an invalid signature, or missing information” on a ballot’s outer envelope by the deadline for verifying provisional ballots (*i.e.*, three days after the election).<sup>117</sup> To facilitate cures, Georgia law requires the relevant election official to notify the voter in writing: “The board of registrars or absentee ballot clerk shall promptly notify the elector of such rejection, a copy of which notification shall be retained in the files of the board of registrars or absentee ballot clerk for at least two years.”<sup>118</sup>

186. Based on Georgia voters’ allegations, on March 6, 2020, in *Democratic Party of Georgia v. Raffensperger*, No. 1:19-cv-5028-WMR (N.D. Ga.), Georgia’s Secretary of State entered a Compromise Settlement Agreement and Release with the Democratic Party of Georgia (the “Settlement”) to materially change the statutory requirements for reviewing signatures on absentee ballot envelopes to confirm the voter’s identity by making it far more difficult to challenge defective signatures<sup>119</sup> beyond the express mandatory procedures.<sup>120</sup>

187. Based on Georgia voters’ allegations, among other things, before a ballot could be rejected, the Settlement required a registrar who found a defective signature to now seek a review by two other registrars, and only if a majority of the registrars agreed that the signature was defective could the ballot be rejected but not before all three registrars’ names were written on the ballot envelope along with the reason for the rejection. These cumbersome procedures are in direct

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<sup>116</sup> O.C.G.A. § 21-2-386(a)(1)(B)-(C).

<sup>117</sup> O.C.G.A. §§ 21-2-386(a)(1)(C), 21-2-419(c)(2).

<sup>118</sup> O.C.G.A. § 21-2-386(a)(1)(B).

<sup>119</sup> See Expert Report of A.J. Jaghori, *Appendix* 39-41. See Settlement Agreement, *Appendix* 1222-1229.

<sup>120</sup> O.C.G.A. § 21-2-386(a)(1)(B).

conflict with Georgia's statutory requirements, as is the Settlement's requirement that notice be provided by telephone (*i.e.*, not in writing) if a telephone number is available. Finally, the Settlement purports to require election officials to consider issuing guidance and training materials drafted by an expert retained by the Democratic Party of Georgia.

188. Based on Georgia voters' allegations, Georgia's legislature has not ratified these material changes to statutory law mandated by the Compromise Settlement Agreement and Release, including altered signature verification requirements and early opening of ballots. The relevant legislation that was violated by Compromise Settlement Agreement and Release did not include a severability clause.

189. Based on Georgia voters' allegations, this unconstitutional change in Georgia law materially benefitted former Vice President Biden. According to the Georgia Secretary of State's office, former Vice President Biden had almost double the number of absentee votes (65.32%) as President Trump (34.68%).

190. Based on Georgia voters' allegations, specifically, there were 1,305,659 absentee mail-in ballots submitted in Georgia in 2020. There were 4,786 absentee ballots rejected in 2020. This is a rejection rate of .37%. In contrast, in 2016, the 2016 rejection rate was 6.42% with 13,677 absentee mail-in ballots being rejected out of 213,033 submitted, which more than *seventeen times greater* than in 2020.<sup>121</sup>

191. Based on Georgia voters' allegations, if the rejection rate of mailed-in absentee ballots remained the same in 2020 as it was in 2016, there would be 83,517 less tabulated ballots in 2020. The statewide split of absentee ballots was 34.68% for Trump and 65.2% for Biden. Rejecting at the higher 2016 rate with the 2020 split between Trump and Biden would decrease Trump votes

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<sup>121</sup> See Charles J. Cicchetti Declaration at ¶ 24, *Appendix* pgs. 1315-1324.

by 28,965 and Biden votes by 54,552, which would be a net gain for Trump of 25,587 votes. This would be more than needed to overcome the Biden advantage of 12,670 votes, and Trump would win by 12,917 votes. Regardless of the number of ballots affected, however, the non-legislative changes to the election rules violated Article II.

192. Further, based on Georgia voters' allegations, the Zuckerberg-funded absentee drop boxes caused a disparate impact in Georgia.<sup>122</sup>

193. Georgia is comprised of 159 counties. In 2016, Hillary Clinton garnered 1,877,963 votes in the state of Georgia.<sup>123</sup> Clinton won four counties in major population centers, Fulton (297,051), Cobb (160,121), Gwinnett (166,153), and Dekalb Counties (251,370).<sup>124</sup> These four counties represented 874,695 votes for Hillary Clinton.<sup>125</sup>

194. Georgia has 300 total drop boxes for electors to submit absentee ballots.<sup>126</sup>

195. In 2020, Georgia counties utilized CTCL funding to install additional drop boxes in areas that would make it easier for voters to cast their absentee ballot. The four counties won by the Clinton campaign contain a plurality of the drop boxes.

196. Fulton County was home to 39 drop boxes<sup>127</sup>, Cobb County provided 16 drop boxes,<sup>128</sup> 23 drop boxes in Gwinnett County<sup>129</sup>, and Dekalb County has 34 boxes.<sup>130</sup>

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<sup>122</sup> See App. 1168-1234; 1477-1491.

<sup>123</sup> Georgia Election Results 2016 – The New York Times (nytimes.com)

<sup>124</sup> Georgia Election Results 2016 – The New York Times (nytimes.com)

<sup>125</sup> Georgia Election Results 2016 – The New York Times (nytimes.com)

<sup>126</sup> <https://georgiapeanutgallery.org/2020/09/28/drop-box-locations-for-november-3-2020-election/>

<sup>127</sup> Fulton County nearly doubles number of ballot drop off boxes (fox5atlanta.com)

<sup>128</sup> <https://www.cobbcounty.org/elections/news/6-additional-absentee-ballot-drop-boxes-available-september-23rd>

<sup>129</sup> [https://www.gwinnettcountry.com/static/departments/elections/2020\\_Election/pdf/BallotDropBoxMap\\_2020.pdf](https://www.gwinnettcountry.com/static/departments/elections/2020_Election/pdf/BallotDropBoxMap_2020.pdf)

<sup>130</sup> <https://www.dekalbcountyga.gov/sites/default/files/users/user304/DeKalb%20Dropbox%20Locations%20103120%20V7.pdf>



197. These four localities account for 112 drop boxes, spread out over 1,587 square miles.<sup>131</sup> Meaning, voters in these four Clinton strongholds have one drop box for every 14 square miles. Meanwhile, in the remaining 155 counties, spread out over 55,926 square miles, a republican voter will find one drop box for every 294 square miles.

198. Based on Georgia voters' allegations, the effect of this unconstitutional change in Georgia election law, which made it more likely that ballots without matching signatures would be counted, had a material impact on the outcome of the election.<sup>132</sup>

199. Finally, in Georgia, analysis of government data by data analyst Matthew Braynard and Professor Qianying (Jennie) Zhang shows election officials' absentee ballot errors of 204,143 far exceed the margin of victory of 12,670.<sup>133</sup>

200. And, the Braynard-Zhang analysis of the government data shows election officials' absentee ballot error rate of at least 1.28% which far exceeds federal law's pre-election certification error rate for voting systems' hardware and software of 0.0008%.<sup>134</sup>

Georgia Voter Election Contest  
Margin +12,670

Type of error*	Description	Margin
1) Unlawful Ballots	Estimate of the minimum number of absentee ballots requested which were not requested by the person identified in the state's database <sup>135</sup>	20,431
		43,688

<sup>131</sup> The areas for the respective counties are: Fulton 534 square miles; Cobb 345 square miles; Gwinnett 437 square miles; and DeKalb 271 square miles.

<sup>132</sup> See Appendix 1235-1311.

<sup>133</sup> See Chart and Georgia Expert Report of Matthew Braynard, *Appendix* pgs. 1350-1374.

<sup>134</sup> See Expert Report of Dennis Nathan Cain (III), *Appendix* 1433-1445.

<sup>135</sup> See Georgia Expert Report of Qianying (Jennie) Zhang, *Appendix* pgs. 1341-1349 ¶ 1.

2) Legal Votes Not Counted	Estimate of the minimum number of absentee ballots that the requester returned but were not counted <sup>136</sup>	
Category 1 & 2 Total Votes: 64,119	Error Rate (Compared to Total Vote)	1.28%
3) Illegal Votes Counted	Electors voted where they did not reside <sup>137</sup>	138,221
4) Illegal Votes Counted	Out of state residents voting in Georgia <sup>138</sup>	20,312
5) Illegal Votes Counted	Double Votes <sup>139</sup>	395
TOTAL		204,143
	of total votes cast 4,998,482	

\*May overlap.

**3. State of Michigan voters allege election official errors and improprieties which exceed the Presidential vote margin.<sup>140</sup>**

201. State of Michigan voters allege election official errors and improprieties which exceed the Presidential vote margin.

<sup>136</sup> See Georgia Expert Report of Qianying (Jennie) Zhang, Appendix pgs. 1341-1349.

<sup>137</sup> See Georgia Expert Report of Matthew Braynard, Appendix pgs. 1350-1374. ¶3.

<sup>138</sup> See Georgia Expert Report of Matthew Braynard, Appendix pgs. 1350-1374.

<sup>139</sup> See Georgia Expert Report of Matthew Braynard, Appendix pgs. 1350-1374. ¶4.

<sup>140</sup> For full extent of inappropriate activities See Timeline of Electoral Policy Activities, Issues, and Litigation Pennsylvania, Michigan, Wisconsin, Georgia, Arizona, and Nevada August 2003 to November 2020, Appendix 1-20.

202. Michigan has 16 electoral votes, with a statewide vote tally currently estimated at 2,650,695 for President Trump and 2,796,702 for former Vice President Biden, a margin of 146,007 votes. In Wayne County, Mr. Biden's margin (322,925 votes) significantly exceeds his statewide lead.

203. Based on Michigan voters' allegations, the number of votes affected by the various constitutional violations exceeds the margin of votes dividing the candidates.

204. Michigan law generally allows the public the right to observe the counting of ballots. See MCL 168.765a(12) ("At all times, at least 1 election inspector from each major political party must be present at the absent voter counting place and the policies and procedures adopted by the secretary of state regarding the counting of absent voter ballots must be followed.").

205. The Michigan Constitution provides all lawful voters with "[t]he right to have the results of statewide elections audited, in such a manner as prescribed by law, to ensure the accuracy and integrity of elections."<sup>141</sup>

206. Indeed, "[a]ll rights set forth in this subsection shall be self-executing. This subsection shall be liberally construed in favor of voters' rights in order to effectuate its purposes."<sup>142</sup>

207. The public's right to observe applies to counting both in-person and absentee ballots.<sup>143</sup>

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<sup>141</sup> Mich. Const. 1963, art 2, § 4(1)(h).

<sup>142</sup> *Id.* (emphasis added).

<sup>143</sup> Regrettably, Defendants and their agents have exclusive possession of the ballots, ballot boxes, and other indicia of voting irregularities so a meaningful audit cannot timely occur. Normally, "[a] person requesting access to voted ballots is entitled to a response from the public body within 5 to 10 business days; however, the public body in possession of the ballots may not provide access for inspection or copying until 30 days after certification of the election by the relevant board of canvassers." Op. Atty. Gen. 2010, No. 7247, 2010 WL 2710362.

208. Based on Michigan voters' allegations, Michigan's election officials failed to grant meaningful observation opportunities to the public over the absentee ballots.<sup>144</sup>

209. Wayne County is the most populous county in Michigan.

210. Detroit is the largest city in Wayne County.

211. Based on Michigan voters' allegations, the City of Detroit's observation procedures, for example, failed to ensure transparency and integrity as it did not allow the public to see election officials during key points of absentee ballot processing in the AVCBs at TCF Arena (f/k/a Cobo Hall). *Id.*

212. Based on Michigan voters' allegations, these irregularities were repeated elsewhere in Wayne County, including in Canton Township, and throughout the State.<sup>145</sup>

213. Based on Michigan voters' allegations, for instance, when absentee ballots arrived, the ballots should have been in an envelope, signed, sealed (and delivered) by the actual voter. Often it was not.

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<sup>144</sup> See Michigan Petitioners Appendix, Appendix 835; Affidavit of Andrew John Miller, *Appendix* 1313-1314 at ¶12; Affidavit of Angelic Johnson, *Appendix* 860-861 at ¶12; Affidavit of Zachary C. Larsen, *Appendix* 836-845 at ¶¶37-55; Affidavit of G Kline Preston IV, *Appendix* 886-889 at ¶8; Affidavit of Articia Boomer, *Appendix* 897-900 at ¶21; Affidavit of Phillip O'Halloran, *Appendix* 901-910 at ¶¶18-19; Affidavit of Robert Cushman, *Appendix* 928-930 at ¶3; Affidavit of Jennifer Seidl, *Appendix* 931-938 at ¶6; Affidavit of Andrew Sitto, *Appendix* 890-893 at ¶¶23; Affidavit of Kristina Karamo, *Appendix* 894-896 at ¶5; Affidavit of Jennifer Seidl, *Appendix* 931-938 at ¶35, 932 at ¶42; Affidavit of Cassandra Brown *Appendix* 939-944 at ¶33; Affidavit of Adam di Angeli, *Appendix* 951-967 at ¶30; Affidavit of Kayla Toma *Appendix* 977-983 at ¶¶14-15, 978 at ¶21, 979 at ¶¶31-32; Affidavit of Matthew Mikolajczak, *Appendix* 985-991; Affidavit of Braden Giacobazzi, *Appendix* 995-1000 at ¶¶3, 5, 996 at ¶8; Affidavit of Kristy Klamer *Appendix* 1006-1009 at ¶¶4-5, 1007 at ¶¶6-9.

<sup>145</sup> See, generally, Affidavits of Cassandra Brown *Appendix* 939-944 at ¶34; Lucille Ann Huizinga, *Appendix* 1016-1020 at ¶31; Laurie Ann Knott, *Appendix* 1010-1015 at ¶¶34-35; Marilyn Jean Nowak *Appendix* 1021-1023 at ¶17; Marlene K. Hager, *Appendix* 1024-1027 at ¶¶19-23; and Sandra Sue Workman *Appendix* 1028-1032 at ¶33 (allegedly sending ballots from Grand Rapids to TCF Center to be processed and counted).

214. Based on Michigan voters' allegations, ballots were taken from their envelopes and inspected to determine whether any deficiencies would obstruct the ballot from being fed through a tabulation machine. If any deficiencies existed (or were created by tampering), the ballot was hand duplicated.

215. Based on Michigan voters' allegations, Democrat officials and election workers repeatedly scanned ballots in high-speed scanners, often counting the same ballot more than once.<sup>146</sup>

216. Based on Michigan voters' allegations, the evidence will also show that these hand duplication efforts ignored the legislative mandate to have one person from each major party sign every duplicated vote (*i.e.*, one Republican and one Democrat had to sign each "duplicated" ballot and record it in the official poll book).

217. Based on Michigan voters' allegations, several poll watchers, inspectors, and other whistleblowers witnessed the surge of unlawful practices described above.<sup>147</sup>

218. Based on Michigan voters' allegations, these unlawful practices provided cover for careless or unscrupulous officials or workers to mark choices for any unfilled elections or questions on the ballot, potentially and substantially affecting down ballot races where there are often significant undervotes, or causing the ballots to be discarded due to overvotes.

**a. Michigan Voters Allege Election Malfeasance at the TCF Center Shows Widespread Problems.<sup>148</sup>**

219. Based on Michigan voters' allegations, there were many issues of mistake, fraud, and other malfeasance at the TCF Center during the Election and during the counting process

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<sup>146</sup> Affidavit of Articia Boomer, Appendix 897-899 at ¶¶10-11, 13; Affidavit of William Carzon, Appendix 973-976 at ¶8; Affidavit of Matthew Mikolajczak Appendix 985-991; Affidavit of Melissa Carone, Appendix 992-994 at ¶¶3-4.

<sup>147</sup> Affidavit of Melissa Carone, Appendix 992-994 at ¶9.

<sup>148</sup> See Expert Declaration of Dennis Nathan Cain (II), *Appendix* 60-68.

thereafter.<sup>149</sup>

220. Based on Michigan voters' allegations, on election day, election officials at the TCF Center systematically processed and counted ballots from voters whose names failed to appear in either the Qualified Voter File ("QVF") or in the supplemental sheets. When a voter's name could not be found, the election worker assigned the ballot to a random name already in the QVF to a person who had not voted.<sup>150</sup>

221. Based on Michigan voters' allegations, on election day, election officials at the TCF Center instructed election workers to not verify signatures on absentee ballots, to backdate absentee ballots, and to process such ballots regardless of their validity.<sup>151</sup>

222. Based on Michigan voters' allegations, after the statutory deadlines passed and local officials had announced the last absentee ballots had been received, another batch of unsecured and unsealed ballots, without envelopes, arrived in unsecure trays at the TCF Center.

223. Based on Michigan voters' allegations, there were tens of thousands of these late-arriving absentee ballots, and apparently every ballot was counted and attributed only to Democratic candidates.<sup>152</sup>

224. Based on Michigan voters' allegations, election officials at the TCF Center instructed election workers to process ballots that appeared after the election deadline and to inaccurately report or backdate those ballots as having been received before the November 3, 2020, deadline.<sup>153</sup>

225. Based on Michigan voters' allegations, election officials at the TCF Center

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<sup>149</sup> See Affidavit of Senator Ruth Johnson, *Appendix* at 849-850.

<sup>150</sup> See Affidavit of Zachary C. Larsen, *Appendix* 836-845 at ¶33; Affidavit of Robert Cushman, *Appendix* 928-930 at ¶7.

<sup>151</sup> See Affidavit of Jessy Jacobs, *Appendix* 846-848 at ¶15.

<sup>152</sup> See Affidavit of John McGrath *Appendix* 968-972 at ¶8.

<sup>153</sup> See Affidavit of Jessy Jacobs, *Appendix* 846-848 at ¶17.

systematically used inaccurate information to process ballots.<sup>154</sup>

226. Based on Michigan voters' allegations, many times, the election workers overrode the software by inserting new names into the QVF after the election deadline or recording these new voters as having a birthdate of "1/1/1900," which is the "default" birthday.<sup>155</sup>

227. Based on Michigan voters' allegations, each day before the election, City of Detroit election workers and employees coached voters to vote for Joe Biden and the Democratic Party candidates.<sup>156</sup>

228. Based on Michigan voters' allegations, these workers, employees, and so-called consultants encouraged voters to vote a straight Democratic Party ticket. These election workers went over to the voting booths with voters to watch them vote and to coach them as to which candidates they should vote for.<sup>157</sup>

229. Based on Michigan voters' allegations, before and after the statutory deadline, unsecured ballots arrived at the TCF Center loading garage, loose on the floor not in sealed ballot boxes—with no chain of custody and often with no secrecy envelopes.<sup>158</sup>

230. Based on Michigan voters' allegations, election officials and workers at the TCF Center duplicated ballots by hand without allowing poll challengers to check if the duplication was accurate.<sup>159</sup>

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<sup>154</sup> Affidavit of Cassandra Brown, Appendix 939-944 at ¶33.

<sup>155</sup> See Affidavit of John McGrath Appendix 968-972 at ¶8; Affidavit of Kristina Karamo Appendix 894-896 at ¶6; Affidavit of Robert Cushman, Appendix 928-930 at ¶¶10-12, 929 at ¶16; Affidavit of Jennifer Seidl, Appendix 931-938 at ¶¶52-53; Affidavit of Braden Giacobazzi Appendix 995-1000 at ¶10; Affidavit of Kristy Klamer Appendix 1006-1009 at ¶13.

<sup>156</sup> See Affidavit of Jessy Jacobs, Appendix 846-848 at ¶8.

<sup>157</sup> See Affidavit of Jessy Jacobs, Appendix 846-848 at ¶8.

<sup>158</sup> Affidavit of Articia Boomer, Appendix 897-900 at ¶8, 898 at ¶¶9, 18.

<sup>159</sup> See Affidavit Andrew Sitto, Appendix 890-893 at ¶9; Affidavit of Phillip O'Halloran Appendix 901-910 at ¶22; Affidavit of Cynthia O'Halloran Appendix 911-914; Affidavit of Eugene Dixon, Appendix 947-948 at ¶5; Affidavit of Jason Humes Appendix 918-922.

231. Based on Michigan voters' allegations, election officials repeatedly obstructed poll challengers from observing.<sup>160</sup>

232. Based on Michigan voters' allegations, election officials violated the plain language of the law MCL 168.765a by permitting thousands of ballots to be filled out by hand and duplicated on site without oversight from bipartisan poll challengers.

233. Based on Michigan voters' allegations, after poll challengers started uncovering the statutory violations at the TCF Center, election officials and workers locked credentialed challengers out of the counting room so they could not observe the process, during which time tens of thousands of ballots, if not more, were improperly processed.<sup>161</sup>

**b. Michigan voters Allege Suspicious Funding and Training of Election Workers**

234. Based on Michigan voters' allegations, in September, the Detroit City council approved a \$1 million contract for the staffing firm P.I.E. Management, LLC to hire up to 2,000 workers to work the polls and to staff the ballot counting machines at the TCF Center. P.I.E. Management, LLC is owned and controlled by a Democratic Party operative.

235. Based on Michigan voters' allegations, a week after approval, P.I.E. Management, LLC began advertising for workers, stating, "Candidates must be 16 years or older. Candidates are required to attend a 3-hour training session before the General Election. The position offers two shifts and pay-rates: 1) From 7 am to 7 pm at \$600.00; and 2) From 10 pm to 6 am at \$650."

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<sup>160</sup> See Affidavit of Zachary C. Larsen, Appendix 836-845 at ¶¶37-55; Affidavit of Janice Hermann, Appendix 915-917 at ¶5; Affidavit of Jennifer Seidl, Appendix 931-938 at ¶29, 932 at ¶42; Affidavit of Cassandra Brown, Appendix 939-944 at ¶33.

<sup>161</sup> See Affidavit of Zachary C. Larsen, Appendix 836-845 at ¶¶37-55; Affidavit of Janice Hermann, Appendix 915-917 at ¶5; Affidavit of Jennifer Seidl, Appendix 931-938 at ¶29, 932 at ¶32, 933 at ¶42; Affidavit of Cassandra Brown, Appendix 939-944 at ¶¶33; Affidavit of Anna England, Appendix 949-950 at ¶¶5,7; Affidavit of Matthew Mikolajczak Appendix 985-991; Affidavit of Braden Giacobazzi, Appendix 995-1000 at ¶6.



Consequently, these temporary workers were earning at least \$50 per hour—far exceeding prevailing rates at most rural communities.

236. Based on Michigan voters' allegations, the evidence exists to show that this money and much more came from a single private source: Mark Zuckerberg and his spouse, through the charity called Center for Tech and Civic Life (CTCL), which paid over \$400 million nationwide to Democrat-favoring election officials and municipalities.<sup>162</sup>

237. Based on Michigan voters' allegations, the improper private funding to Michigan exceeded \$9.8 million.<sup>163</sup>

**c. Michigan Voter Allege Forging Ballots on the QVF**

238. Based on Michigan voters' allegations, whistleblowers observed election officials processing ballots at the TCF Center without confirming that the voter was eligible to vote.<sup>164</sup>

239. Based on Michigan voters' allegations, whistleblowers observed election officials assigning ballots to different voters, causing a ballot being counted for a non-eligible voter by assigning it to a voter in the QVF who had not yet voted.<sup>165</sup>

**d. Michigan Voters Allege Changing Dates on Ballots**

240. All lawful absentee ballots were supposed to be in the QVF system by 9:00 p.m. on November 3, 2020.

241. This deadline had to be met to ensure an accurate final list of absentee voters who returned their ballots before the statutory deadline of 8:00 p.m. on November 3, 2020.

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<sup>162</sup> See, generally, Expert Report of James Carlson, Appendix pgs. 21-30.

<sup>163</sup> See Expert Report of James Carlson, Appendix pgs. 1079-1111.

<sup>164</sup> See Affidavit of Zachary C. Larsen, Appendix 836-845 at ¶12.

<sup>165</sup> See Affidavit of John McGrath Appendix 968-972 at ¶8; Affidavit of Kristina Karamo Appendix 894-896 at ¶6; Affidavit of Robert Cushman, Appendix 928-930 at ¶¶10-12, 929 at ¶16; Affidavit of Jennifer Seidl, Appendix 931-938 at ¶¶52-53; Affidavit of Braden Giacobazzi Appendix 995-1000 at ¶10; Affidavit of Kristy Klamer Appendix 1006-1009 at ¶13.

242. To have enough time to process the absentee ballots, election officials told polling locations to collect the absentee ballots from the drop-boxes every hour on November 3, 2020.

243. Based on Michigan voters' allegations, on November 4, 2020, a City of Detroit election whistleblower at the TCF Center was told to improperly pre-date the receive date for absentee ballots that were not in the QVF as if they had been received on or before November 3, 2020. The Whistleblower swore she was told to alter the information in the QVF to inaccurately show that the absentee ballots had been timely received. She estimates that this was done to thousands of ballots.<sup>166</sup>

**e. Michigan Voters allege Double Voting.**

244. Based on Michigan voters' allegations, an election worker in the City of Detroit observed several people who came to the polling place to vote in-person, but they had already applied for an absentee ballot.<sup>167</sup>

245. Based on Michigan voters' allegations, election officials allowed these people to vote in-person, and they did not require them to return the mailed absentee ballot or sign an affidavit that the voter lost or "spoiled" the mailed absentee ballot as required by law and policy.

246. Based on Michigan voters' allegations, this illicit process allowed people to vote in person and to send in an absentee ballot, thereby voting twice. This "double voting" was made possible by the unlawful ways in which election officials were counting and inputting ballots at the TCF Center from across the City's several polling places.

247. Based on Michigan voters' allegations, the Secretary of State's absentee ballot scheme exacerbated this "double voting," as set forth further in this Petition.<sup>168</sup>

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<sup>166</sup> See Affidavit of Jessy Jacobs, Appendix 846-848 at ¶17.

<sup>167</sup> See Affidavit of Jessy Jacobs, Appendix 846-848 at ¶10; Affidavit of Anna England, Appendix 949-950 at ¶45.

<sup>168</sup> See, also, Expert Report of Matthew Braynard, Appendix 1112-1122 at ¶6.

**f. Michigan Voters Allege Problems With First Wave of New Ballots at TCF Center.**

248. Based on Michigan voters' allegations, early in the morning of November 4, 2020, tens of thousands of ballots were suddenly brought into the counting room at the TCF Center through the back door.<sup>169</sup>

249. Based on Michigan voters' allegations, these new ballots were brought to the TCF Center by vehicles with out-of-state license plates.<sup>170</sup>

250. Based on Michigan voters' allegations, whistleblowers claim that all of these new ballots were cast for Joe Biden.<sup>171</sup>

251. Based on Michigan voters' allegations, these ballots still do not share or have the markings establishing the proper chain of custody from valid precincts and clerks and are among the approximately 70% of unmatched AVCB errors identified by Palmer and Hartmann.

**g. Michigan Voters Allege Problems With Second Wave of New Ballots at TCF Center.**

252. Based on Michigan voters' allegations, the ballot counters needed to check every ballot to confirm that the name on the ballot matched the name on the electronic poll list—the list of all persons who had registered to vote on or before November 1, 2020 (the QVF).

253. Based on Michigan voters' allegations, the ballot counters were also provided with supplemental sheets which had the names of all persons who had registered to vote on either November 2, 2020 or November 3, 2020.

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<sup>169</sup> See Affidavit of John McGrath Appendix 968-972 at ¶4 (around 3:00 a.m.); Affidavit of Articia Boomer, Appendix 897-900 at ¶18 (around 4:00 a.m.); Affidavit of William Carzon, Appendix 973-976 at ¶11 (around 4:00 a.m.); Affidavit Andrew Sitto, Appendix 890-893 at ¶16 (alleges about 4:30 a.m.).

<sup>170</sup> See Affidavit of Andrew Sitto, Appendix 890-893 at ¶15.

<sup>171</sup> See Affidavit of Andrew Sitto, Appendix 890-893 at ¶¶17-18.

254. Based on Michigan voters' allegations, the validation process for a ballot requires the name on the ballot match with a registered voter on either the QVF or the supplemental sheets.

255. Based on Michigan voters' allegations, at around 9:00 p.m. on Wednesday, November 4, 2020, several more boxes of ballots were brought to the TCF Center. This was a second wave of new ballots.

256. Based on Michigan voters' allegations, election officials instructed the ballot counters to use the "default" date of birth of January 1, 1900, on all of these newly appearing ballots.<sup>172</sup>

257. Based on Michigan voters' allegations, none of the names on these new ballots corresponded with any registered voter on the QVF or the supplemental sheets.<sup>173</sup>

258. Based on Michigan voters' allegations, despite election rules requiring all absentee ballots to be inputted into the QVF system before 9:00 p.m. the day before, election workers inputted these new ballots into the QVF, manually adding each voter to the list *after* the deadline.

259. Based on Michigan voters' allegations, almost all of these new ballots were entered into the QVF using the "default" date of birth of January 1, 1900.<sup>174</sup>

260. Based on Michigan voters' allegations, these newly received ballots were either fabricated or apparently cast by persons who were not registered to vote before the polls closed at 8:00 p.m. on election day.

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<sup>172</sup> See Affidavit of John McGrath Appendix 968-972 at ¶8; Affidavit of Kristina Karamo Appendix 894-896 at ¶6; Affidavit of Robert Cushman, Appendix 928-930 at ¶¶10-12, 929 at ¶16; Affidavit of Jennifer Seidl, Appendix 931-938 at ¶¶52-53; Affidavit of Braden Giacobazzi Appendix 995-1000 at ¶10; Affidavit of Kristy Klamer Appendix 1006-1009 at ¶13.

<sup>173</sup> See Affidavit of John McGrath, Appendix 968-972 at ¶¶7, 14, 969 at ¶¶16-18.

<sup>174</sup> See Affidavit of John McGrath, Appendix 968-972 at ¶8; Affidavit of Kristina Karamo, Appendix 894-896 at ¶6; Affidavit of Robert Cushman, Appendix 928-930 at ¶¶10-12, 929 at ¶16; Affidavit of Jennifer Seidl, Appendix 931-938 at ¶¶52-53; Affidavit of Braden Giacobazzi, Appendix 995-1000 at ¶10; Affidavit of Kristy Klamer, Appendix 1006-1009 at ¶13.

261. Based on Michigan voters' allegations, these ballots still do not share or have the markings establishing the proper chain of custody from valid precincts and clerks and are among the approximately 70% of unmatched AVCB errors identified by Palmer and Hartmann.<sup>175</sup>

262. Based on Michigan voters' allegations, this means there were more votes tabulated than there were ballots in over 71% of the 134 AVCBs in Detroit. That equates to over 95 AVCB being significantly "off." *Id.*

263. Based on Michigan voters' allegations, according to public testimony before the state canvassers on November 23, City of Detroit Election Consultant Daniel Baxter admitted in some instances the imbalances exceeded 600 votes per AVCB. He did not reveal the total disparity.

**h. Michigan Voters Allege a Concealment of the Malfeasance in Violation of Michigan law.**

264. Based on Michigan voters' allegations, many election challengers were denied access to observe the counting process by election officials at the TCF Center.<sup>176</sup>

265. Based on Michigan voters' allegations, after denying access to the counting rooms, election officials at the TCF Center used large pieces of cardboard to block the windows to the counting room, thereby preventing anyone from watching the ballot counting process.<sup>177</sup>

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<sup>175</sup> See *generally* Affidavits of Monica Palmer and William Hartman, Appendix 851-859 at ¶6 and 852 at ¶14.

<sup>176</sup> See Affidavit of Angelic Johnson, Appendix 860-861 at ¶12; Affidavit of Zachary C. Larsen, Appendix 836-845 at ¶¶37-55; Affidavit of G Kline Preston IV, Appendix 886-889 at ¶8; Affidavit of Articia Boomer, Appendix 897-900 at ¶21; Affidavit of Phillip O'Halloran, Appendix 901-910 at ¶¶18-19; Affidavit of Robert Cushman, Appendix 928-930 at ¶3; Affidavit of Jennifer Seidl, Appendix 931-938 at ¶6; Affidavit of Andrew Sitto, Appendix 890-893 at ¶23; Affidavit of Kristina Karamo, Appendix 894-896 at ¶5; Affidavit of Jennifer Seidl, Appendix 931-938 at ¶35, 932 at ¶42; Affidavit of Cassandra Brown Appendix 939-944 at ¶33; Affidavit of Adam di Angeli Appendix 951-967 at ¶30; Affidavit of Kayla Toma Appendix 977-983 at ¶¶14-15, 979 at ¶21, 980 at ¶¶31-32; Affidavit of Matthew Mikolajczak Appendix 985-991; Affidavit of Braden Giacobazzi Appendix 995-1000 at ¶¶3, 5, 996 at ¶8; Affidavit of Kristy Klamer Appendix 1006-1009 at ¶¶4-5, 1007 at ¶¶6-9.

<sup>177</sup> See Affidavit of Zachary C. Larsen, Appendix 836-845 at ¶52; Affidavit of John McGrath Appendix 968-972 at ¶10; Affidavit of Andrew Sitto, Appendix 890-893 at ¶22.

266. Based on Michigan voters' allegations, election officials have continued to conceal their efforts by refusing meaningful bipartisan access to inspect the ballots. Even if Republicans were involved in oversight roles by statute (such as with the Wayne County Canvassing Board), the Republican members have been harassed, threatened, and doxed (including publicly revealing where their children go to school) to pressure them to capitulate and violate their statutory duties. This conduct is beyond the pale and shocking to the conscience.<sup>178</sup>

**i. Michigan voters allege unsecured QVF Access further Violating MCL 168.765a, *et seq.***

267. Based on Michigan voters' allegations, whenever an absentee voter application or in-person absentee voter registration was finished, election workers at the TCF Center were instructed to input the voter's name, address, and date of birth into the QVF system.

268. Based on Michigan voters' allegations, the QVF system can be accessed and edited by any election processor with proper credentials in the State of Michigan at any time and from any location with Internet access.

269. Based on Michigan voters' allegations, this access permits anyone with the proper credentials to edit when ballots were sent, received, and processed from any location with Internet access.

270. Based on Michigan voters' allegations, many of the counting computers within the counting room had icons that revealed that they were connected to the Internet.

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<sup>178</sup> See Affidavit of William Hartman; Appendix 851-856 at ¶8; Affidavit of Monica Palmer, Appendix 857-859 at ¶¶18-22, and 24; Affidavit of Dr. Phillip O'Halloran, Appendix 901-910 at ¶24-25; Affidavit of Jennifer Seidl, Appendix 931-938 at ¶23, 932 at ¶¶27, 30-31, 933 at ¶¶36-37; Affidavit of Eugene Dixon, Appendix 947-48 at ¶9; Affidavit of Matthew Mikolajczak, Appendix 985-991; Affidavit of Mellissa Carone Appendix 992-994 at ¶12; Affidavit of Braden Jacobazzi, Appendix 995-1000 at ¶3, 996 at ¶7, 997 at 12, 998 at ¶¶12-14; Affidavit of Kaya Toma Appendix 977-983 at ¶15; Affidavit of Kristy Klammer Appendix 1009-1009 at ¶¶4-5, 1010 at ¶¶6-9.

271. Based on Michigan voters' allegations, Secretary of State Benson executed a contract to give a private partisan group, Rock the Vote, unfettered real-time access to Michigan's QVF.<sup>179</sup>

272. Based on Michigan voters' allegations, Benson sold or gave Michigan citizens' private voter information to private groups in furtherance of her own partisan goals.

273. Based on Michigan voters' allegations, Benson and the State repeatedly concealed this unlawful contract and have refused to tender a copy despite several lawful requests for the government contract under FOIA.

274. Based on Michigan voters' allegations, improper access to the QVF was one of the chief categories of serious concern identified by the Michigan Auditor General's Report.<sup>180</sup>

275. Based on Michigan voters' allegations, a poll challenger witnessed tens of thousands of ballots, and possibly more, being delivered to the TCF Center that were not in any approved, sealed, or tamper-proof container.

276. Based on Michigan voters' allegations, large quantities of ballots were delivered to the TCF Center in what appeared to be mail bins with open tops.<sup>181</sup> See the photo of the TCF Center below:

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<sup>179</sup> See Rock the Vote Agreement, Appendix 1152-1167.

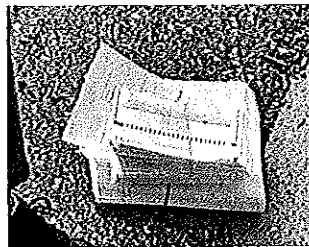
<sup>180</sup> See Appendix pgs. 1039-1078 at material finding #2

<sup>181</sup> See Affidavit of Daniel Gustafson, Appendix 945-946 at ¶¶4-6.



277. Based on Michigan voters' allegations, these ballot bins and containers did not have lids, were unsealed, and could not have a metal seal.<sup>182</sup>

278. Based on Michigan voters' allegations, some ballots were found unsecured on the public sidewalk outside the Department of Elections in the City of Detroit, reinforcing the claim that boxes of ballots arrived at the TCF Center unsealed, with no chain of custody, and with no official markings. A photograph of ballots found on the sidewalk outside the Department of Elections appears below:



279. Based on Michigan voters' allegations, the City of Detroit held a drive-in ballot drop off where individuals would drive up and drop their ballots into an unsecured tray. No verification

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<sup>182</sup> See Affidavit of Rhonda Webber, Appendix 877-879 at ¶3.



was done. This was not a secured drop-box with video surveillance. To encourage this practice, free food and beverages were provided to those who dropped off their ballots using this method.<sup>183</sup>

**j. Michigan Voters Allege a Breaking of the Seal of Secrecy Undermines Constitutional Liberties under Michigan Constitution Art 2, § 4(1)(a).**

280. Based on Michigan voters' allegations, many times, election officials at the TCF Center broke the seal of secrecy for ballots to check which candidates the individual voted for on his or her ballot, thereby violating the voter's expectation of privacy.<sup>184</sup>

281. Based on Michigan voters' allegations, voters in Michigan have a constitutional right to open elections, and the Michigan Legislature provided them the right to vote in secret. The election officials' conduct, together with others, violates both of these hallmark principles.<sup>185</sup>

282. Based on Michigan voters' allegations, in Michigan, it is well-settled that the election process is supposed to be transparent and the voter's ballot secret, not the other way around.

283. Based on Michigan voters' allegations, the election officials' absentee ballot scheme has improperly revealed voters' preferences exposing Petitioners' and similarly-situated voters to dilution or spoliation while simultaneously obfuscating the inner workings of the election process.

284. Based on Michigan voters' allegations, now the Michigan election officials seek to perform an "audit" on themselves.

**k. Michigan Voters Allege Statewide Irregularities Over Absentee Ballots Reveal Widespread Mistake or Fraud.**

285. When a person requested an absentee ballot either by mail or in-person, that person needed to sign the absentee voter application.

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<sup>183</sup> See Affidavit of Cynthia Cassell Appendix 862-876 at ¶3 and 863 ¶¶9-10.

<sup>184</sup> See Affidavit of Zachary C. Larsen; Appendix 836-845 at ¶16-18, 20.

<sup>185</sup> See Affidavit of Jennifer Seidl, Appendix 931-938 at ¶18.

286. When the voter returned their absentee ballot to be counted, the voter was required to sign the outside of the envelope that contained the ballot.

287. Election officials who process absentee ballots are required to compare the signature on the absentee ballot application with the signature on the absentee ballot envelope.<sup>186</sup>

288. Based on Michigan voters' allegations, election officials at the TCF Center, for example, instructed workers not to validate or compare signatures on absentee ballot applications and absentee ballot envelopes to ensure their authenticity and validity.<sup>187</sup>

289. Michigan law requires absentee votes to be counted by election inspectors in a particular manner. It requires, in relevant part:

(10) The oaths administered under subsection (9) must be placed in an envelope provided for the purpose and sealed with the red state seal. Following the election, the oaths must be delivered to the city or township clerk. Except as otherwise provided in subsection (12), a person in attendance at the absent voter counting place or combined absent voter counting place shall not leave the counting place after the tallying has begun until the polls close. Subject to this subsection, the clerk of a city or township may allow the election inspectors appointed to an absent voter counting board in that city or township to work in shifts. A second or subsequent shift of election inspectors appointed for an absent voter counting board may begin that shift at any time on election day as provided by the city or township clerk. However, an election inspector shall not leave the absent voter counting place after the tallying has begun until the polls close. If the election inspectors appointed to an absent voter counting board are authorized to work in shifts, at no time shall there be a gap between shifts and the election inspectors must never leave the absent voter ballots unattended. At all times, at least 1 election inspector from each major political party must be present at the absent voter counting place and the policies and procedures adopted by the secretary of state regarding the counting of absent voter ballots must be followed. A person who causes the polls to be closed or who discloses an election result or in any manner characterizes how any ballot being counted has been voted in a voting precinct before the time the polls can be legally closed on election day is guilty of a felony.<sup>188</sup>

290. Under MCL 168.31, the Secretary of State can issue instructions and rules consistent with Michigan statutes and the Constitution that bind local election authorities. Likewise, under

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<sup>186</sup> See Affidavit of Jennifer Seidl, Appendix 931-938 at ¶160.

<sup>187</sup> See Affidavit of Jessy Jacobs, Appendix 846-848 at ¶15.

<sup>188</sup> MCL 168.765a (10) (emphasis added).

MCL 168.765a(13), the Secretary can develop instructions consistent with the law for the conduct of Absent Voter Counting Boards (“AVCB”) or combined AVCBs. “The instructions developed under [] subsection [13] are binding upon the operation of an absent voter counting board or combined absent voter counting board used in an election conducted by a county, city, or township.”<sup>189</sup>

291. Benson also promulgated an election manual that requires bipartisan oversight:

Each ballot rejected by the tabulator must be visually inspected by an election inspector to verify the reason for the rejection. If the rejection is due to a false read the ballot must be duplicated by two election inspectors who have expressed a preference for different political parties. Duplications may not be made until after 8 p.m. in the precinct (place the ballot requiring duplication in the auxiliary bin). At an AV counting board duplications can be completed throughout the day. NOTE: The Bureau of Elections has developed a video training series that summarizes key election day management issues, including a video on Duplicating Ballots. These videos can be accessed at the Bureau of Elections web site at [www.michigan.gov/elections](http://www.michigan.gov/elections); under “Information for Election Administrators”; Election Day Management Training Videos. Election Officials Manual, Michigan Bureau of Elections, Chapter 8, last revised October 2020.<sup>190</sup>

292. Based on Michigan voters’ allegations, election officials at the TCF Center flouted § 168.765a because there were not, at all times, at least one inspector from each political party at the absentee voter counting place. Rather, the many tables assigned to precincts under the authority of the AVCB were staffed by inspectors for only one party. Those inspectors alone were deciding on the processing and counting of ballots.<sup>191</sup>

293. Based on Michigan voters’ allegations, this processing included the filling out of brand new “cure” or “duplicate” ballots. The process the election officials sanctioned worked in this way. When an absentee ballot was processed and approved for counting, it was fed into a counting machine. Some ballots were rejected—that is, they were a “false read”—because of tears, staining

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<sup>189</sup> MCL 168.765a(13).

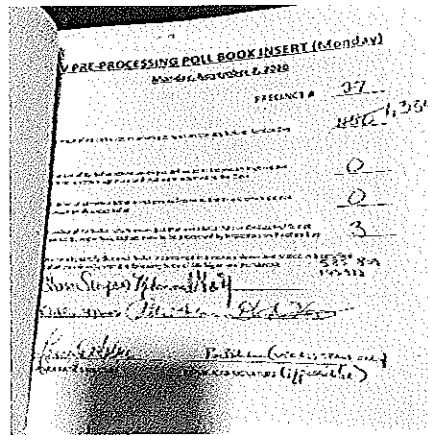
<sup>190</sup> [https://www.michigan.gov/documents/sos/VIII\\_Absent\\_Voter\\_County\\_Boards\\_265998\\_7.pdf](https://www.michigan.gov/documents/sos/VIII_Absent_Voter_County_Boards_265998_7.pdf) (emphasis added).

<sup>191</sup> See Affidavit of Jennifer Seidl, Appendix 931-938 at ¶9; Affidavit of Eugene Dixon, Appendix 947-948 at ¶5; Affidavit of Mellissa Carone, Appendix 992-994 at ¶5.

(such as coffee spills), over-votes, and other errors. In some of these cases, inspectors could visually inspect the rejected ballot and determine what was causing the machine to find a “false read.” When this happened, the inspectors could duplicate the ballot, expressing the voter’s intent in a new ballot that could then be fed into the machine and counted.

294. Under § 168.765a and the Secretary of State’s controlling manual, as cited above, an inspector from each major party must be present and must sign to show that they approve of the duplication.

295. Based on Michigan voters’ allegations, rather than following this controlling mandate, the AVCB was allowing a Democratic Party inspector only to fill out a duplicate. Republicans would sign only “if possible.”<sup>192</sup> A photograph evidencing this illicit process appears below:



296. Based on Michigan voters’ allegations, the TCF Center election officials allowed hundreds or thousands of ballots to be “duplicated” solely by the Democratic Party inspectors and then counted in violation of Michigan election law.<sup>193</sup>

<sup>192</sup> See Affidavit of Patricia Blackmer, Appendix 923-927 at ¶11.

<sup>193</sup> See Affidavit of Zachary C. Larsen, Appendix 836-845 at ¶¶37-55; Affidavit of Janice Hermann, Appendix 915-917 at ¶¶4-5; Affidavit of Jennifer Seidl, Appendix 931-938 at ¶29, 933 at ¶42; Affidavit of Cassandra Brown, Appendix 939-944 at ¶¶33; Affidavit of Phillip O’Halloran, Appendix 901-910 at ¶22; Affidavit of Anna England, Appendix 949-950 at ¶8.

297. Based on Michigan voters' allegations, according to eyewitness accounts, election officials at the TCF Center habitually and systematically disallowed election inspectors from the Republican Party to be present in the voter counting place and refused access to election inspectors from the Republican party to be within a close enough distance from the absentee voter ballots to see for whom the ballots were cast.

298. Based on Michigan voters' allegations, election officials at the TCF Center refused entry to official election inspectors from the Republican Party into the counting place to observe the counting of absentee voter ballots. Election officials even physically blocked and obstructed election inspectors from the Republican party by adhering large pieces of cardboard to the transparent glass doors so the counting of absent voter ballots was not viewable.<sup>194</sup>

299. Based on Michigan voters' allegations, absentee ballots from military members, who tend to vote Republican in the general elections, were counted separately at the TCF Center. All (100%) of the military absentee ballots had to be duplicated by hand because the form of the ballot was such that election workers could not run them through the tabulation machines used at the TCF Center.<sup>195</sup>

300. Based on Michigan voters' allegations, these military ballots were supposed to be the last ones counted, but there was another large drop of ballots that occurred during the counting of the military absentee ballots.<sup>196</sup>

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<sup>194</sup> See Affidavit of Zachary C. Larsen, Appendix 836-845 at ¶¶37-55; Affidavit of Janice Hermann, Appendix 915-917 at ¶5; Affidavit of Jennifer Seidl, Appendix 931-938 at ¶29, 932 at ¶32, 933 at ¶42; Affidavit of Cassandra Brown, Appendix 939-944 at ¶¶33; Affidavit of Anna England, Appendix 949-950 at ¶¶5,7; Affidavit of Matthew Mikolajczak, Appendix 985-991; Affidavit of Braden Giacobazzi, Appendix 995-1000 at ¶6.

<sup>195</sup> See Affidavit of Janice Hermann, Appendix 915-917 at ¶16.

<sup>196</sup> *Id.* see also, Affidavit of Robert Cushman, Appendix 928-930 at ¶¶4-5.

301. Based on Michigan voters' allegations, the military absentee ballot count at the TCF Center occurred after the Republican challengers and poll watchers were kicked out of the counting room.<sup>197</sup>

302. The Michigan Legislature also requires City Clerks to post the following absentee voting information anytime an election is conducted that involves a state or federal office:

- a. The clerk must post before 8:00 a.m. on Election Day: 1) the number of absent voter ballots distributed to absent voters 2) the number of absent voter ballots returned before Election Day and 3) the number of absent voter ballots delivered for processing.
- b. The clerk must post before 9:00 p.m. on Election Day: 1) the number of absent voter ballots returned on Election Day 2) the number of absent voter ballots returned on Election Day which were delivered for processing 3) the total number of absent voter ballots returned both before and on Election Day and 4) the total number of absent voter ballots returned both before and on Election Day which were delivered for processing.
- c. The clerk must post immediately after all precinct returns are complete: 1) the total number of absent voter ballots returned by voters and 2) the total number of absent voter ballots received for processing.<sup>198</sup>

303. Based on Michigan voters' allegations, the clerk for the City of Detroit failed to post by 8:00 a.m. on "Election Day" the number of absentee ballots distributed to absent voters and failed to post before 9:00 p.m. the number of absent voter ballots returned both before and on "Election Day."

304. According to Michigan Election law, all absentee voter ballots must be returned to the clerk before polls close at 8 p.m.<sup>199</sup> Any absentee voter ballots received by the clerk after the close of the polls on election day should not be counted.

305. The Michigan Legislature allows for early counting of absentee votes before the closings of the polls for large jurisdictions, such as the City of Detroit and Wayne County.

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<sup>197</sup> *Id.* Affidavit of Jennifer Seidl, Appendix 931-938 at ¶42.

<sup>198</sup> *See* MCL 168.765(5).

<sup>199</sup> MCL 168.764a.

306. Based on Michigan voters' allegations, receiving tens of thousands more absentee ballots in the early morning hours after Election Day and after the counting of the absentee ballots had already concluded, without proper oversight, with tens of thousands of ballots attributed to just one candidate, Joe Biden, confirms that election officials failed to follow proper election protocols and established Michigan election law.<sup>200</sup>

307. Based on Michigan voters' allegations, missing the statutory deadline proscribed by the Michigan Legislature for turning in the absentee ballot or timely updating the QVF invalidates the vote under Michigan Election Law and the United States Constitution.

308. Based on Michigan voters' allegations, poll challengers observed election workers and supervisors writing on ballots themselves to alter them, apparently manipulating spoiled ballots by hand and then counting the ballots as valid, counting the same ballot more than once, adding information to incomplete affidavits accompanying absentee ballots, counting absentee ballots returned late, counting unvalidated and unreliable ballots, and counting the ballots of "voters" who had no recorded birthdates and were not registered in the QVF or on any supplemental sheets.<sup>201</sup>

**I. Michigan Voters Allege that Flooding the Election with Absentee Ballots was Improper.**

309. Michigan does not permit "mail-in" ballots *per se*, and for good reason: mail-in ballots facilitate fraud and dishonest elections.<sup>202</sup>

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<sup>200</sup> See Affidavit of John McGrath Appendix 968-972 at ¶4; Affidavit of Robert Cushman, Appendix 928-930 at ¶14.

<sup>201</sup> See Affidavit of Angelic Johnson Appendix 860-861 at ¶7; Affidavit of Adam di Angeli Appendix 951-967 at ¶61; see also, Affidavit of John McGrath, *supra*; Affidavit of Kristina Karamo, *supra*; Affidavit of Robert Cushman, *supra*; Affidavit of Jennifer Seidl, *supra*; Affidavit of Braden Giacobazzi, *supra*; Affidavit of Kristy Klamer, *supra*.

<sup>202</sup> See, e.g., *Veasey v Abbott*, 830 F3d 216, 256, 263 (5<sup>th</sup> Cir. 2016) (observing that "mail-in ballot fraud is a significant threat—unlike in-person voter fraud," and comparing "in-person voting—a form of

310. Based on Michigan voters' allegations, Secretary of State Benson's absentee ballot scheme, as explained above, achieved the same purpose as mail-in ballots—contrary to Michigan law. In the most charitable light, this was profoundly naïve and cut against the plain language and clear intent of the Michigan Legislature to limit fraud. More cynically, this was an intentional effort to favor her preferred candidates.

311. Based on Michigan voters' allegations, Benson put this scheme in place because it is generally understood that Republican voters were more likely to vote in-person. This trend has been true for decades and proved true with this Election too.<sup>203</sup>

312. Based on Michigan voters' allegations, to counter this (*i.e.*, the fact that Republicans are more likely than Democrats to vote in-person), Benson implemented a scheme to permit mail-in voting, leading to this dispute and the absentee ballot scheme that unfairly favored Democrats over Republicans.

313. Based on Michigan voters' allegations, in her letter accompanying her absentee ballot scheme, Benson misstated, "You have the right to vote by mail in every election." Playing on the fears created by the current pandemic, Benson encouraged voting "by email," stating, "During the outbreak of COVID-19, it also enables you to stay home and stay safe while still making your voice heard in our elections."<sup>204</sup>

314. Based on Michigan voters' allegations, prior to Election Day, the Democratic Party's propaganda was to push voters to vote by mail and to vote early. Democratic candidates used the fear of the current pandemic to promote this agenda—an agenda that would benefit Democratic

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voting with little proven incidence of fraud" with "mail-in voting, which the record shows is far more vulnerable to fraud").

<sup>203</sup> See Expert Report of John McLaughlin, Appendix 1135-1146.

<sup>204</sup> Affidavit of Christine Muise, Appendix 880-886 at ¶2, Ex A.



Party candidates. For example, on September 14, 2020, the Democratic National Committee announced the following:

Today Biden for President and the Democratic National Committee are announcing new features on IWillVote.com—the DNC’s voter participation website—that will help voters easily request and return their ballot by mail, as well as learn important information about the voting process in their state as they make their plan to vote.

Previously, an individual could use the site to check or update their registration and find voting locations. Now the new user experience will also guide a voter through their best voting-by-mail option . . . .<sup>205</sup>

According to the Associated Press:

“We have to make it easier for everybody to be able to vote, particularly if we are still basically in the kind of lockdown circumstances we are in now,” Biden told about 650 donors. “But that takes a lot of money, and it’s going to require us to provide money for states and insist they provide mail-in ballots.”<sup>206</sup>

315. Based on Michigan voters’ allegations, similar statements were repeatedly publicly on the Secretary of State’s website:

Voters are encouraged to vote at home with an absentee ballot and to return their ballot as early as possible by drop box, in person at their city or township clerk’s office, or well in advance of the election by mail.<sup>207</sup>

316. The Michigan Legislature set forth detailed requirements for absentee ballots, and these requirements are necessary to prevent voter fraud because it is far easier to commit fraud via an absentee ballot than when voting in person.<sup>208</sup> Michigan law plainly limits the ways you may get an absentee ballot:

(1) Subject to section 761(3), at any time during the 75 days before a primary or special primary, but not later than 8 p.m. on the day of a primary or special primary, *an elector may apply for an absent voter ballot. The elector shall apply in person or by mail* with the clerk of

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<sup>205</sup> (available at <https://democrats.org/news/biden-for-president-dnc-announce-new-vote-by-mail-features-on-iwillvote-com/> (last visited Dec. 21, 2020)).

<sup>206</sup> (available at <https://apnews.com/article/6cf3ca7d5a174f2f381636cb4706f505> (last visited Nov. 17, 2020)).

<sup>207</sup> [https://www.michigan.gov/sos/0,4670,7-127-1633\\_101996---,00.html](https://www.michigan.gov/sos/0,4670,7-127-1633_101996---,00.html) (emphasis added).

<sup>208</sup> See, e.g., *Griffin v Roupas*, 385 F3d 1128, 1130-31 (CA7, 2004) (“Voting fraud is a serious problem in U.S. elections generally . . . and it is facilitated by absentee voting”).

the township or city in which the elector is registered. The clerk of a city or township shall not send by first-class mail an absent voter ballot to an elector after 5 p.m. on the Friday immediately before the election. Except as otherwise provided in section 761(2), the clerk of a city or township shall not issue an absent voter ballot to a registered elector in that city or township after 4 p.m. on the day before the election. An application received before a primary or special primary may be for either that primary only, or for that primary and the election that follows. An individual may submit a voter registration application and an absent voter ballot application at the same time if applying in person with the clerk or deputy clerk of the city or township in which the individual resides. Immediately after his or her voter registration application and absent voter ballot application are approved by the clerk or deputy clerk, the individual may, subject to the identification requirement in section 761(6), complete an absent voter ballot at the clerk's office.

(2) Except as otherwise provided in subsection (1) and subject to section 761(3), at any time during the 75 days before an election, but not later than 8 p.m. on the day of an election, an elector may apply for an absent voter ballot. *The elector shall apply in person or by mail with the clerk of the township, city, or village in which the voter is registered.* The clerk of a city or township shall not send by first-class mail an absent voter ballot to an elector after 5 p.m. on the Friday immediately before the election. Except as otherwise provided in section 761(2), the clerk of a city or township shall not issue an absent voter ballot to a registered elector in that city or township after 4 p.m. on the day before the election. An individual may submit a voter registration application and an absent voter ballot application at the same time if applying in person with the clerk or deputy clerk of the city or township in which the individual resides. Immediately after his or her voter registration application and absent voter ballot application are approved by the clerk, the individual may, subject to the identification requirement in section 761(6), complete an absent voter ballot at the clerk's office.

(3) An application for an absent voter ballot under this section may be made in any of the following ways:

- (a) By a written request signed by the voter.
- (b) On an absent voter ballot application form provided for that purpose by the clerk of the city or township.
- (c) On a federal postcard application.

(4) An applicant for an absent voter ballot shall sign the application. Subject to section 761(2), a clerk or assistant clerk shall not deliver an absent voter ballot to an applicant who does not sign the application. A person shall not be in possession of a signed absent voter ballot application except for the applicant; a member of the applicant's immediate family; a person residing in the applicant's household; a person whose job normally includes the handling of mail, but only during the course of his or her employment; a registered elector requested by the applicant to return the application; or a clerk, assistant of the clerk, or other authorized election official. A registered elector who is requested by the applicant to return his or her absent voter ballot application shall sign the certificate on the absent voter ballot application.

(5) The clerk of a city or township shall have absent voter ballot application forms *available in the clerk's office* at all times and shall furnish an absent voter ballot application form to anyone *upon a verbal or written request*.<sup>209</sup>

317. Based on Michigan voters' allegations, the Secretary of State sent *unsolicited* absentee ballot applications to every household in Michigan with a registered voter, no matter if the voter was still alive or lived at that address.

318. Based on Michigan voters' allegations, the Secretary of State also sent absentee ballot requests to non-residents who were temporarily living in Michigan, such as out-of-state students who are unregistered to vote in Michigan.

319. Based on Michigan voters' allegations, in many instances, the Secretary of State's absentee ballot scheme led to the Secretary of State sending ballot requests to individuals who did *not* request them.<sup>210</sup>

**m. Michigan Voters Allege that Expert Analysis of these Statutory Violations Reveals Widespread Inaccuracies and Loss of Election Integrity.**

320. Data analyst Matthew Braynard analyzed the State's database for the Election and related data sets, including its own call center results.<sup>211</sup>

321. Dr. Zhang, a statistician, analyzed the data to extrapolate the datasets statewide.<sup>212</sup>

**n. Unlawful unsolicited ballots cast in General Election**

322. Braynard opined to a reasonable degree of scientific certainty that out of the 3,507,410 individuals who the State's database identifies as applying for and the State sending an

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<sup>209</sup> MCL 168.759 (emphasis added).

<sup>210</sup> See Affidavit of Christine Muise, Appendix 880-885 at ¶3. Affidavit of Rena M. Lindevaldesen, Appendix 1001-1005 at ¶¶1,3 and 1002 ¶5.

<sup>211</sup> See, generally, Expert Report of Matthew Braynard, Appendix 1112-1122.

<sup>212</sup> See, generally, Expert Report of Dr. Quanying "Jennie" Zhang, Appendix 1123-1134.

absentee ballot, that in his sample of this universe, 12.23% of those absentee voters that did not request an absentee ballot to the clerk's office.<sup>213</sup>

323. These data extrapolate with 99% confidence interval that between 326,460 and 531,467 of the absentee ballots the State issued that were counted were not requested by an eligible State voter (unsolicited).<sup>214</sup>

**o. Unsolicited ballots not cast in General Election**

324. Out of the 139,190 individuals who the State's database identifies as having not requested (unsolicited) and not returned an absentee ballot, 24.14% of these absentee voters in the State did not request an absentee ballot.<sup>215</sup>

325. These data extrapolate with 99% confidence interval that between 28,932 and 38,409 of the absentee ballots the State issued were not requested by an eligible State voter (unsolicited).<sup>216</sup>

326. Using the most conservative boundary, taken together, these data suggest Michigan election officials violated Michigan Election Law by sending unsolicited ballots to at least 355,392 people.<sup>217</sup>

**p. Absentee ballots were also cast but not properly counted (improperly destroyed or spoiled)**

327. Out of the 139,190 individuals who the State's database identifies as having not returned an absentee ballot, 22.95% of those absentee voters did in fact mail back an absentee ballot to the clerk's office.<sup>218</sup>

328. This suggests many ballots were destroyed or not counted.

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<sup>213</sup> See Expert Report of Matthew Braynard, Appendix 1112-1122 at ¶1.

<sup>214</sup> Expert Report of Dr. Quanying "Jennie" Zhang, Appendix 1123-1134 at ¶1.

<sup>215</sup> See Expert Report of Matthew Braynard, Appendix 1112-1122 at ¶2.

<sup>216</sup> Expert Report of Dr. Quanying "Jennie" Zhang, Appendix 1123-1134 at ¶2.

<sup>217</sup> *Id.* See also, Affidavit of Sandra Sue Workman, Appendix 1028-1032 at ¶28.

<sup>218</sup> See Expert Report of Matthew Braynard, Appendix 1112-1122 at ¶3.

329. These data extrapolate with 99% confidence interval that between 29,682 and 39,048 of absentee ballots that voters returned but were not counted in the State's official records.<sup>219</sup>

330. Out of the 51,302 individuals that had changed their address before the election who the State's database shows as having voted, 1.38% of those individuals denied casting a ballot.<sup>220</sup>

331. This suggests that bad actors exploited election officials' unlawful practice of sending unsolicited ballots and improperly harvested ballots on a widespread scale.

332. Indeed, by not following the anti-fraud measures mandated by the Michigan Legislature, the Secretary of State's absentee ballot scheme invited the improper use of absentee ballots and promoted such unlawful practices as ballot harvesting.<sup>221</sup>

333. Using the State's databases, the databases of the several states, and the NCOA database, at least 13,248 absentee or early voters were not residents of Michigan when they voted.<sup>222</sup>

334. Of absentee voters surveyed and when comparing databases of the several states, at least 317 individuals in Michigan voted in more than one state.<sup>223</sup>

**q. Election officials ignored other statutory signature requirements**

335. The Secretary of State also sent ballots to people who requested ballots online, but failed to sign the request.<sup>224</sup>

336. As of October 7, 2020, Brater admits sending at least 74,000 absentee ballots without a signed request as mandated by the Michigan Legislature.<sup>225</sup>

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<sup>219</sup> Expert Report of Dr. Quanying "Jennie" Zhang, Appendix 1123-1134 at ¶3.

<sup>220</sup> *Id.* at ¶4.

<sup>221</sup> *See* Affidavit of Rhonda Weber, Appendix 877-879 at ¶7.

<sup>222</sup> *See* Expert Report of Matthew Braynard, Appendix 1112-1122 at ¶5.

<sup>223</sup> *See* Expert Report of Matthew Braynard, Appendix 1112-1122 at ¶6.

<sup>224</sup> *See* adverse Affidavit of Jonathan Brater, Head of Elections Appendix 1147-1151 at ¶10.

<sup>225</sup> *Id.*

337. By the Election, we must infer that the actual number of illegal ballots sent was much higher.

338. According to state records, another 35,109 absentee votes counted by Benson listed no address.<sup>226</sup>

339. As a result of the absentee ballot scheme, the Secretary of State improperly flooded the election process with absentee ballots, many of which were fraudulent.

340. The Secretary of State's absentee ballot scheme violated the checks and balances put in place by the Michigan Legislature to ensure the integrity and purity of the absentee ballot process and thus the integrity and purity of the 2020 general election.<sup>227</sup>

341. Without limitation, according to state records, 3,373 votes counted in Michigan were ostensibly from voters 100 years old or older.<sup>228</sup>

342. According to census data, however, there are only about 1,747 centenarians in Michigan,<sup>229</sup> and of those, we cannot assume a 100% voting rate.<sup>230</sup>

343. According to state records, at least 259 absentee ballots counted listed their official address as "email" or "accessible by email," which are unlawful *per se* and suggests improper ballot harvesting.<sup>231</sup>

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<sup>226</sup> See Braynard Report, *supra*.

<sup>227</sup> See, generally, Affidavits of Lucille Ann Huizinga, Appendix 1016-1020 at ¶¶31; Laurie Ann Knott, Appendix 1010-1015 at ¶¶34-35; Marilyn Jean Nowak Appendix 1021-1023 at ¶17; Marlene K. Hager, Appendix 1024-1027 at ¶¶19-23; and Sandra Sue Workman Appendix 1028-1032 at ¶33.

<sup>228</sup> See Braynard, *supra*.

<sup>229</sup> Based on the US Census, 0.0175 percent of Michigan's population is 100 years or older (1,729 centenarians of the total of 9,883,640 people in Michigan in 2010). Census officials estimated Michigan's population at 9,986,857 as of July 2019, which puts the total centenarians at 1,747 or fewer. Source:

<https://www.census.gov/content/dam/Census/library/publications/2012/dec/c2010sr-03.pdf>

<sup>230</sup> See McLaughlin, *supra*.

<sup>231</sup> See Braynard, *supra*.

344. According to state records, at least 109 people voted absentee from the Center for Forensic Psychiatry at 8303 PLATT RD, SALINE, MI 48176 (not necessarily ineligible felons, but the State does house the criminally insane at this location), which implies improper ballot harvesting.

345. According to state records, at least 63 people voted absentee at PO BOX 48531, OAK PARK, MI 48237, which is registered to a professional guardian and implies improper ballot harvesting.

346. When compared against the national social security and deceased databases, at least 9 absentee voters in Michigan are confirmed dead as of Election Day, which invalidates those unlawful votes.<sup>232</sup>

347. Taken together, these irregularities far exceed common sense requirements for ensuring accuracy and integrity.

**r. Election officials did not fix other recent errors or serious irregularities either.**

348. These are the same types of serious concerns raised by the Michigan Auditor General in December 2019.<sup>233</sup>

349. The Auditor General specifically found several violations of MCL 168.492:

- i. 2,212 Electors voted more than once;
- ii. 230 voters were over 122 years old;<sup>234</sup> *Id.*
- iii. Unauthorized users had access to QVF; *Id.*; and
- iv. Clerk and Elected Officials had not completed required training.<sup>235</sup>

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<sup>232</sup> See Braynard, *supra*.

<sup>233</sup> Appendix 1039-1078.

<sup>234</sup> The oldest living person confirmed by the *Guinness Book of World Records* is 117 years old and she lives in Japan, not Michigan.

<sup>235</sup> *Id.*

350. The Auditor General found election officials had not completed required training to obtain or retain accreditation in 14% of counties, 14% of cities, and 23% of townships.<sup>236</sup>

351. The Auditor General found 32 counties, 83 cities, and 426 townships where the clerk had not completed initial accreditation training or, if already accredited, all continuing education training as required by law.<sup>237</sup>

352. The Auditor General found 12 counties, 38 cities, and 290 townships where the clerk had not completed the initial accreditation or continuing education training requirements and no other local election official had achieved full accreditation.<sup>238</sup>

353. Not only were the Auditor General's red flags ignored by Benson, but she arguably made them worse through her absentee ballot scheme.

354. This not only suggests malfeasance, but the scheme precipitated and revealed manifest fraud and exploitation at a level Michigan has never before encountered in its elections.

355. The abuses permitted by the Secretary of State's ballot scheme were on display at the TCF Center, and elsewhere throughout the State.

356. Because this absentee ballot scheme applied statewide, it undermined the integrity and purity of the general election statewide, and it dilutes the lawful votes of millions of Michigan voters.

**s. Michigan Voters Allege Flooding Local Election Officials with Private Money**

357. Based on Michigan voters' allegations, inappropriate secrecy and lack of transparency began months before Election Day with an unprecedented and orchestrated infusion of hundreds of millions of dollars into local governments nationwide.

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<sup>236</sup> *Id.*

<sup>237</sup> *Id.*

<sup>238</sup> *Id.*



358. Based on Michigan voters' allegations, more than \$9.8 million in private money was poured into Michigan to create an unfair, two-tier election system in Michigan.<sup>239</sup>

359. Based on Michigan voters' allegations, the 2020 election saw the evisceration of state statutes designed to treat voters equally, thereby causing disparate treatment of voters and thus violating the constitutional rights of millions of Michiganders and Americans citizens.

360. Based on Michigan voters' allegations, to date, investigations have uncovered more than \$400 million funneled through a collection of non-profits directly to local government coffers nationwide dictating to these local governments how they should manage the election, often contrary to state law.<sup>240</sup>

361. Based on Michigan voters' allegations, these funds were mainly used to: 1) pay "ballot harvesters" bounties, 2) fund mobile ballot pick up units, 3) deputize and pay political activists to manage ballots; 4) pay poll workers and election judges (a/k/a inspectors or adjudicators); 5) establish drop-boxes and satellite offices; 6) pay local election officials and agents "hazard pay" to recruit cities recognized as Democratic Party strongholds to recruit other cities to apply for grants from non-profits; 7) consolidate AVCBs and counting centers to facilitate the movement of hundreds of thousands of questionable ballots in secrecy without legally required bi-partisan observation; 8) implement a two-tier ballot "curing" plan that unlawfully counted ballots in Democrat Party strongholds and spoiled similarly situated ballots in Republican Party areas; and 9) subsidized and designed a scheme to remove the poll watchers from one political party so that the critical responsibility of determining the accuracy of the ballot and the integrity of the count could be done without oversight.

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<sup>239</sup> See Carlson Report, *supra*.

<sup>240</sup> See Carlson Report, *supra*.

362. The Help America Vote Act of 2002 (HAVA) controls how money is spent under federal law. See 42 USC 15301, *et seq*; see also, MCL 168.18. In turn, Congress used HAVA to create the non-regulatory Election Assistance Commission (EAC), which was delegated the responsibility of providing information, training standards, and funding management to states. The mechanism for administering HAVA is legislatively adopted state HAVA Plans.

363. Michigan's HAVA Plan is undisputed.<sup>241</sup>

364. Based on Michigan voters' allegations, these private funds exceeded the federal government's March 2020 appropriation under HAVA and CARES Acts to help local governments manage the general election during the pandemic.

365. Based on Michigan voters' allegations, as these unmonitored funds flowed through the pipeline directly to hand-picked cities, the outlines of two-tiered treatment of the American voter began to take place. Local governments in Democrat Party strongholds were flush with cash to launch public-private coordinated voter registration drives allowing private access directly to government voter registration files, access to early voting opportunities, the provision of incentives such as food, entertainment, and gifts for early voters, and the off-site collection of ballots. Outside the urban core and immediate suburbs, unbiased election officials were unable to start such efforts for lack of funding.

366. Based on Michigan voters' allegations, difficult to trace private firms funded this scheme through private grants, which dictated methods and procedures to local election officials and where the grantors retained the right to "claw-back" all funds if election officials failed to reach privately set benchmarks—thus entangling the private-public partnership in ways that demand transparency—yet none has been given.

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<sup>241</sup> See Certified Michigan HAVA State Plan of 2003, Terri Lynn Land Secretary, FR Vol. 69. No. 57 March 24 2004.

367. Based on Michigan voters' allegations, the state officials implicated, and the private interests involved, have refused repeated demands for the release of communications outlining the rationale and plan behind spending more than \$400 million provided directly to various election officials before the 2020 general election.

368. Based on Michigan voters' allegations, these funds greased the skids of Democrat-heavy areas violating mandates of the Michigan Legislature, the Michigan HAVA Plan, the dictates of Congress under HAVA, and equal protection and Separation of Powers demanded under the United States Constitution.

369. Based on Michigan voters' allegations, in Michigan specifically, CTCL had awarded eleven grants as of the time of this survey. CTCL funded cities were:

- i. Detroit (\$3,512,000);
- ii. Lansing (\$443,742);
- iii. East Lansing (\$43,850);
- iv. Flint (\$475,625);
- v. Ann Arbor (\$417,000);
- vi. Muskegon (\$433,580);
- vii. Pontiac (\$405,564);
- viii. Romulus (\$16,645);
- ix. Kalamazoo (\$218,869); and
- x. Saginaw (\$402,878).<sup>242</sup>

370. In the 2016 election, then candidate Donald Trump only won Saginaw; then candidate Hillary Clinton won the remaining cities.

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<sup>242</sup> See Expert Report of James Carlson, Appendix 1079-1111. (last updated November 25, 2020).

371. Based on Michigan voters' allegations, in 2020, CTCL funneled \$9,451,235 (95.7%) to the ten jurisdictions where candidate Clinton won and only \$402,878 (4.3%) to where candidate Trump won.<sup>243</sup>

**t. Michigan Voters Allege Unacceptable Antrim County Machine Error Rate.**

372. Based on Michigan voters' allegations, Antrim County, Michigan, reported errors arising from the November 3, 2020 election.

373. Based on Michigan voters' allegations, a report regarding Antrim County, Michigan, alleges that Dominion Voting Systems, the election technology used by Antrim County and elsewhere, "is intentionally and purposefully designed with inherent errors to create systemic fraud and influence election results." It's unclear how Allied Security Operations Group (ASOG) reached this conclusion, however.<sup>244</sup>

374. Based on Michigan voters' allegations, likewise, the report, authored by Russell James Ramsland, Jr., who is part of ASOG's management team, says the group found an "error rate" of 68% when examining "the tabulation log" of the server for Antrim County. It's also unclear what the "error rate" data refers to specifically and how it impacts the results.<sup>245</sup>

375. Based on Michigan voters' allegations, "The results of the Antrim County 2020 election are not certifiable," Ramsland wrote. "This is a result of machine and/or software error, not human error."<sup>246</sup>

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<sup>243</sup> *Id.*

<sup>244</sup> See Expert Report of Russell J. Ramsland, Jr., *Appendix* 1146-1168. See Expert Opinion of Anthony J. Couchenor, *Appendix* 42-47. See Expert Opinion of Dr. Navid Keshavarz-Nia, *Appendix* 119-128.

<sup>245</sup> *Id.*

<sup>246</sup> See Ramsland Report, *Appendix* pg. 2 ¶ 7.

u. Michigan Voters Allege Absentee Ballot Errors.

376. As mentioned above, the Braynard-Zhang analysis, in Michigan, based on the government data shows election officials' absentee ballot errors of 548,016 far exceed the margin of victory of 148,152.

377. The Braynard-Zhang analysis of the government data shows election officials' absentee ballot error rate of at least 6.05% which far exceeds federal law's pre-election certification error rate for voting systems' hardware and software of 0.0008%.<sup>247</sup>

Michigan Voter Election Contest		
Michigan Margin +148,152		
Type*	Description	Margin
1) Unlawful Ballots	Unsolicited Ballots <sup>248</sup>	355,392
Category 1	Error Rate (Based on Total Votes)	6.05%
2) Illegal Votes Counted	Estimate of ballots requested in the name of a registered voter. Registered Voter did not request ballot	27,825
3) Legal Votes Not Counted	Estimate of ballots that the requester 'returned but were not counted' <sup>249</sup>	29,682
Category 2 and 3 <sup>250</sup> Total Votes: 53,968	Error Rate (Based on Total Votes)	0.97%
4) Illegal Votes Counted	Electors with no address. <sup>251</sup>	35,109
5) Illegal Votes Counted		259

<sup>247</sup> See Expert Report of Dennis Nathan Cain (III), *Appendix* 1433-1445.

<sup>248</sup> The number of unsolicited ballots come from the combination of 326,460 absentee ballots issued by the State but not requested by an eligible State voter and the 28,932 absentee ballots the State claims were not returned but who claim they in fact mailed their absentee ballot back. Both of these numbers are the conservative end of Dr. Zhang's 99% confidence interval. Expert Report of Dr. Quanying "Jennie" Zhang, *Appendix* 1123-1134 at ¶2-3.

<sup>249</sup> Expert Report of Dr. Quanying "Jennie" Zhang, *Appendix* 1123-1134 at ¶3.

<sup>250</sup> Categories 2 and 3 are mutually exclusive.

<sup>251</sup> See Expert Report of Matthew Braynard, *Appendix* 1112-1122.

	Electors voted listing email only <sup>252</sup>	
6) Unlawful Ballots	No signature required to obtain ballot <sup>253</sup>	74,000
7) Illegal Votes Counted	Absentee or Early Voters Not Residents when they voted <sup>254</sup>	13,248
8) Illegal Votes Counted	Double Votes (Voted in multiple states) <sup>255</sup>	317
TOTAL		548,016
	Of total votes cast in MI: 5,547,053	

**4. State of Wisconsin voters allege election official errors and improprieties which exceed the Presidential vote margin.<sup>256</sup>**

378. State of Wisconsin voters allege election official errors and improprieties which exceed the Presidential vote margin.

376. Wisconsin has 10 electoral votes, with a statewide vote tally currently estimated at 1,610,151 for President Trump and 1,630,716 for former Vice President Biden (*i.e.*, a margin of 20,565 votes). In two counties, Milwaukee and Dane, Mr. Biden’s margin (364,298 votes) significantly exceeds his statewide lead.

379. In the 2016 general election some 146,932 mail-in ballots were returned in Wisconsin out of more than 3 million votes cast. In stark contrast, 1,275,019 mail-in ballots, nearly a 900 percent increase over 2016, were returned in the November 3, 2020 election.

380. Based on Wisconsin voters’ allegations, on November 30, 2020, Governor Tony Evers certified Joe Biden’s victory in Wisconsin in a Certificate of Ascertainment, soon after he received a certification from Ann Jacobs, chairwoman of the Wisconsin Election Commission.

<sup>252</sup> See Expert Report of Matthew Braynard, Appendix 1112-1122.

<sup>253</sup> See Declaration of Jonathan Brater, Appendix 1147-1151 at ¶ 10.

<sup>254</sup> See Expert Report of Matthew Braynard, Appendix 1112-1122 at ¶ 5.

<sup>255</sup> See Expert Report of Matthew Braynard, Appendix 1112-1122 at ¶ 6.

<sup>256</sup> For full extent of inappropriate activities See Timeline of Electoral Policy Activities, Issues, and Litigation Pennsylvania, Michigan, Wisconsin, Georgia, Arizona, and Nevada August 2003 to November 2020, *Appendix 1-20*.

Jacobs signed a statement of canvass to confirm who won the election. The Wisconsin Election Commission was due to meet on Tuesday, December 1, 2020. Republican Commissioners Dean Knudson had requested that Jacobs wait until Tuesday, when the Commission was to meet, to determine the results, the statutory deadline.<sup>257</sup>

381. Based on Wisconsin voters' allegations, by certifying the election on her own, Jacobs usurped power that belongs to the Wisconsin Election Commission. Wisconsin Statutes § 7.70 sets forth the proper procedure for certifying Wisconsin's election results. The chairperson is required to examine the certified statements of the county board of canvassers, and obtain input from the county boards if it appears material mistakes have been made. Thereafter, under § 7.70(3)(d), the chairperson is to "examine and make a statement of the total number of votes cast at any election for the offices involved in the election for president and vice president..." Under § 7.70(3)(f), these statements are to show the "persons' names receiving votes" and "the whole number of votes given to each..." § 7.70(3)(g) states that following "each other election [other than a primary election] the chairperson of the commission or the chairperson's designee shall prepare a statement certifying the results of the election and shall attach to the statement a certificate of determination which shall indicate the names of persons who have been elected to any state or national office .... The chairperson of the commission or the chairperson's designee shall deliver each statement and determination to the commission."<sup>258</sup>

382. Based on Wisconsin voters' allegations, Wisconsin Statutes § 7.70(5)(b) states what is supposed to come next in a presidential election. "For presidential electors, *the commission* shall prepare a certificate showing the determination of the results of the canvass and the names of the

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<sup>257</sup> See Supplement to Emergency Petition, *Appendix* 384-396. See Also Wisconsin Elections Committee Letter, *Appendix* 1469-1470.

<sup>258</sup> See Wisconsin Finance Committee E-mails and Wisconsin Republican Presidential Elector Signatures, *Appendix* 1473-1476.

persons elected, and the governor shall sign, affix the great seal of the state, and transmit the certificate by registered mail to the U.S. administrator of general services. The governor shall also prepare 6 duplicate originals of such certificate and deliver them to one of the presidential electors on or before the first Monday after the 2nd Wednesday in December.” (emphasis supplied).

383. Based on Wisconsin voters’ allegations, as set forth clearly in the statute, Wisconsin law requires the chairperson of the commission to prepare a certificate of the votes received by each candidate in the presidential election, and transmit these results to the commission. Thereafter, the commission is required to prepare a certificate showing the names of the persons elected, and transmit this certificate to the governor. Only then is the governor authorized to transmit this certificate to the U.S. administrator of general services.

384. Based on Wisconsin voters’ allegations, Chairwoman Jacobs certified these results, without authority, before the Wisconsin Election Commission meeting, in an attempt to bypass the Wisconsin Election Commission, who had a lawful duty to examine and certify the results for themselves. Chairwoman Jacobs’ certification is a usurpation of the statutory authority of the Wisconsin Election Commission. Furthermore, the Governor’s Certificate of Ascertainment, based on Chairwoman Jacobs’ certification, rather than the lawful certification of the Commission, is a usurpation of authority, and is legally null and void.

385. Further, based on Wisconsin voters’ allegations, Wisconsin statutes guard against fraud in absentee ballots: “[V]oting by absentee ballot is a privilege exercised wholly outside the traditional safeguards of the polling place. The legislature finds that the privilege of voting by absentee ballot must be carefully regulated to prevent the potential for fraud or abuse[.]”<sup>259</sup>

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<sup>259</sup> Wis. Stat. § 6.84(1).



386. Based on Wisconsin voters' allegations, in direct contravention of Wisconsin law, leading up to the 2020 general election, the Wisconsin Elections Commission ("WEC") and other local officials unconstitutionally modified Wisconsin election laws—each time taking steps that weakened, or did away with, established security procedures put in place by the Wisconsin legislature to ensure absentee ballot integrity.<sup>260</sup>

387. Based on Wisconsin voters' allegations, for example, the WEC undertook a campaign to position hundreds of drop boxes to collect absentee ballots—including the use of unmanned drop boxes.

388. Based on Wisconsin voters' allegations, the mayors of Wisconsin's five largest cities—Green Bay, Kenosha, Madison, Milwaukee, and Racine, which all have Democrat majorities—joined in this effort, and together, developed a plan use purportedly "secure drop-boxes to facilitate return of absentee ballots." Wisconsin Safe Voting Plan 2020, at 4 (June 15, 2020).<sup>261</sup>

389. Based on Wisconsin voters' allegations, it was alleged in an action filed in United States District Court for the Eastern District of Wisconsin that over five hundred unmanned, illegal, absentee ballot drop boxes were used in the Presidential election in Wisconsin.

390. Based on Wisconsin voters' allegations, however, the use of any drop box, manned or unmanned, is directly prohibited by Wisconsin statute. The Wisconsin legislature specifically described in the Election Code "Alternate absentee ballot site[s]" and detailed the procedure by which the governing body of a municipality may designate a site or sites for the delivery of absentee ballots "other than the office of the municipal clerk or board of election commissioners as the

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<sup>260</sup> See *Appendix*: 201-269; 378-383.

<sup>261</sup> See *Appendix* pgs. 270-290; 291-346.

location from which electors of the municipality may request and vote absentee ballots and to which voted absentee ballots shall be returned by electors for any election.”<sup>262</sup>

391. Based on Wisconsin voters’ allegations, any alternate absentee ballot site “shall be staffed by the municipal clerk or the executive director of the board of election commissioners, or employees of the clerk or the board of election commissioners.”<sup>263</sup> Likewise, Wis.Stat. 7.15(2m) provides, “[i]n a municipality in which the governing body has elected to establish an alternate absentee ballot site under s. 6.855, the municipal clerk shall operate such site as though it were his or her office for absentee ballot purposes and shall ensure that such site is adequately staffed.”

392. Based on Wisconsin voters’ allegations, thus, the unmanned absentee ballot drop-off sites are prohibited by the Wisconsin Legislature as they do not comply with Wisconsin law expressly defining “[a]lternate absentee ballot site[s].”<sup>264</sup>

393. Based on Wisconsin voters’ allegations, in addition, the use of drop boxes for the collection of absentee ballots, positioned predominantly in Wisconsin’s largest cities, is directly contrary to Wisconsin law providing that absentee ballots may only be “mailed by the elector, or delivered *in person* to the municipal clerk issuing the ballot or ballots.”<sup>265</sup>

394. Based on Wisconsin voters’ allegations, The fact that other methods of delivering absentee ballots, such as through unmanned drop boxes, are *not* permitted is underscored by Wis. Stat. § 6.87(6) which mandates that, “[a]ny ballot not mailed or delivered as provided in this subsection may not be counted.” Likewise, Wis. Stat. § 6.84(2) underscores this point, providing that Wis. Stat. § 6.87(6) “shall be construed as mandatory.” The provision continues—“Ballots cast in contravention of the procedures specified in those provisions may not be counted. *Ballots counted in*

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<sup>262</sup> Wis. Stat. 6.855(1).

<sup>263</sup> Wis. Stat. 6.855(3).

<sup>264</sup> Wis. Stat. 6.855(1), (3).

<sup>265</sup> Wis. Stat. § 6.87(4)(b)1 (emphasis added).

*contravention of the procedures specified in those provisions may not be included in the certified result of any election.*<sup>266</sup>

395. Based on Wisconsin voters' allegations, as a result of the Zuckerberg-funded absentee drop boxes, the Milwaukee County and Dane County had 1 drop box for every 30.7 square miles. But, the rest of Wisconsin had 1 drop box for every 145 square miles. Wisconsin localities provided approximately 514 ballot drop boxes leading up to the 2020 election.<sup>267</sup>

396. In 2016, Hillary Clinton received 1,382,536 votes in Wisconsin.<sup>268</sup> Of those 1.3M votes, Milwaukee and Dane Counties accounted for 506,519<sup>269</sup> of Clinton's votes.<sup>270</sup>

397. Wisconsin is a total of 65,498 square miles. Milwaukee and Dane Counties represent a combined 2,427 square miles. These two counties received about one-sixth of the total number of ballot drop boxes with 79 boxes. Milwaukee received 25 drop boxes, while Dane County (Madison) had 54 drop boxes.<sup>271</sup> This left the rest of the state with 435 ballot drop boxes.<sup>272</sup>

398. Voters in Hillary Clinton's two largest counties: Milwaukee and Dane, where she received 506,519 votes, received 79 drop boxes spread out over a combined 2,427 square miles, or 1 drop box for every 30.7 square miles. Meanwhile, voters in the rest of the state received 435 drop

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<sup>266</sup> Wis. Stat. § 6.84(2) (emphasis added).

<sup>267</sup> <https://www.wisconsinwatch.org/2020/10/wisconsin-absentee-ballot-drop-box-search/>. See Expert Declaration of Dennis Nathan Cain (II), *Appendix* 60-68. See Also *Appendix* 353-377.

<sup>268</sup> <https://www.nytimes.com/elections/2016/results/wisconsin-president-clinton-trump>

<sup>269</sup> <https://www.nytimes.com/elections/2016/results/wisconsin-president-clinton-trump>

<sup>270</sup> The next eight largest Wisconsin counties gave Hillary Clinton an additional 346,352 votes. <https://www.nytimes.com/elections/2016/results/wisconsin-president-clinton-trump> Waukesha (Milwaukee area) had 5 drop boxes, Brown County (Green Bay) had 13 drop boxes, 13 in Racine, Outagamie 5, Winnebago 5, Kenosha 8, Rock 26, Marathon 10.<sup>270</sup>

Wisconsin has sixteen counties with over 100k residents: Milwaukee, Dane (Madison), Waukesha, Brown (Green Bay), Racine, Outagamie, Winnebago, Kenosha, Rock, Washington, Marathon, La Crosse, Sheboygan, Eau Claire, Walworth, Fond du Lac.<sup>270</sup>

<sup>271</sup> <https://www.wisconsinwatch.org/2020/10/wisconsin-absentee-ballot-drop-box-search/>

<sup>272</sup>  $514 - 79 = 435$

boxes to cover 63,071 square miles, meaning that the rest of Wisconsin had a single drop box for every 145 square miles.

399. Based on Wisconsin voters' allegations, these were not the only Wisconsin election laws that the WEC violated in the 2020 general election. The WEC and local election officials also took it upon themselves to encourage voters to unlawfully declare themselves "indefinitely confined"—which under Wisconsin law allows the voter to avoid security measures like signature verification and photo ID requirements.

400. Specifically, registering to vote by absentee ballot requires photo identification, except for those who register as "indefinitely confined" or "hospitalized."<sup>273</sup> Registering for indefinite confinement requires certifying confinement "because of age, physical illness or infirmity or [because the voter] is disabled for an indefinite period."<sup>274</sup> Should indefinite confinement cease, the voter must notify the county clerk,<sup>275</sup> who must remove the voter from indefinite-confinement status.<sup>276</sup>

401. Wisconsin election procedures for voting absentee based on indefinite confinement enable the voter to avoid the photo ID requirement and signature requirement.<sup>277</sup>

402. Based on Wisconsin voters' allegations, on March 25, 2020, in clear violation of Wisconsin law, Dane County Clerk Scott McDonnell and Milwaukee County Clerk George Christensen both issued guidance indicating that all voters should mark themselves as "indefinitely confined" because of the COVID-19 pandemic.<sup>278</sup>

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<sup>273</sup> Wis. Stat. § 6.86(2)(a), (3)(a).

<sup>274</sup> *Id.* § 6.86(2)(a).

<sup>275</sup> *Id.*

<sup>276</sup> *Id.* § 6.86(2)(b).

<sup>277</sup> *Id.* § 6.86(1)(ag)/(3)(a)(2).

<sup>278</sup> See Appendix pgs. 347-349.

403. Based on Wisconsin voters' allegations, believing this to be an attempt to circumvent Wisconsin's strict voter ID laws, the Republican Party of Wisconsin petitioned the Wisconsin Supreme Court to intervene. On March 31, 2020, the Wisconsin Supreme Court unanimously confirmed that the clerks' "advice was legally incorrect" and potentially dangerous because "voters may be misled to exercise their right to vote in ways that are inconsistent with WISC. STAT. § 6.86(2)."

404. Based on Wisconsin voters' allegations, on May 13, 2020, the Administrator of WEC issued a directive to the Wisconsin clerks prohibiting removal of voters from the registry for indefinite-confinement status if the voter is no longer "indefinitely confined."

405. Based on Wisconsin voters' allegations, the WEC's directive violated Wisconsin law. Specifically, WISC. STAT. § 6.86(2)(a) specifically provides that "any [indefinitely confined] elector [who] is no longer indefinitely confined ... shall so notify the municipal clerk." WISC. STAT. § 6.86(2)(b) further provides that the municipal clerk "shall remove the name of any other elector from the list upon request of the elector or upon receipt of reliable information that an elector no longer qualifies for the service."

406. Based on Wisconsin voters' allegations, according to statistics kept by the WEC, nearly 216,000 voters said they were indefinitely confined in the 2020 election, nearly a fourfold increase from nearly 57,000 voters in 2016. In Dane and Milwaukee counties, more than 68,000 voters said they were indefinitely confined in 2020, a fourfold increase from the roughly 17,000 indefinitely confined voters in those counties in 2016.

407. Under Wisconsin law, voting by absentee ballot also requires voters to complete a certification, including their address, and have the envelope witnessed by an adult who also must

sign and indicate their address on the envelope.<sup>279</sup> The sole remedy to cure an “improperly completed certificate or [ballot] with no certificate” is for “the clerk [to] return the ballot to the elector[.]”<sup>280</sup> “If a certificate is missing the address of a witness, the ballot *may not be counted.*”<sup>281</sup>

408. Based on Wisconsin voters’ allegations, however, in a training video issued April 1, 2020, the Administrator of the City of Milwaukee Elections Commission unilaterally declared that a “witness address may be written in red and that is because we were able to locate the witnesses’ address for the voter” to add an address missing from the certifications on absentee ballots. The Administrator’s instruction violated WISC. STAT. § 6.87(6d). The WEC issued similar guidance on October 19, 2020, in violation of this statute as well.<sup>282</sup>

409. Based on Wisconsin voters’ allegations, in the Wisconsin Trump Campaign Complaint, it is alleged, supported by the sworn affidavits of poll watchers, that canvas workers carried out this unlawful policy, and acting pursuant to this guidance, in Milwaukee used red-ink pens to alter the certificates on the absentee envelope and then cast and count the absentee ballot. These acts violated WISC. STAT. § 6.87(6d) (“If a certificate is missing the address of a witness, the ballot may not be counted”).<sup>283</sup>

410. Wisconsin’s legislature has not ratified these changes, and its election laws do not include a severability clause.

411. Based on Wisconsin voters’ allegations, in addition, Ethan J. Pease, a box truck delivery driver subcontracted to the U.S. Postal Service (“USPS”) to deliver truckloads of mail-in

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<sup>279</sup> See Wis. Stat. § 6.87.

<sup>280</sup> *Id.* § 6.87(9).

<sup>281</sup> *Id.* § 6.87(6d) (emphasis added).

<sup>282</sup> See Appendix pgs. 350-352.

<sup>283</sup> See also Wis. Stat. § 6.87(9) (“If a municipal clerk receives an absentee ballot with an improperly completed certificate or with no certificate, the clerk may return the ballot to the elector . . . whenever time permits the elector to correct the defect and return the ballot within the period authorized.”).

ballots to the sorting center in Madison, WI, testified that USPS employees were backdating ballots received after November 3, 2020.<sup>284</sup> Further, Pease testified how a senior USPS employee told him on November 4, 2020 that “[a]n order came down from the Wisconsin/Illinois Chapter of the Postal Service that 100,000 ballots were missing” and how the USPS dispatched employees to “find[] . . . the ballots.”<sup>285</sup> One hundred thousand ballots supposedly “found” after election day would far exceed former Vice President Biden margin of 20,565 votes over President Trump.

412. Finally, in Wisconsin, the Braynard-Zhang analysis of government data shows election officials’ absentee ballot errors of 159,559 far exceed the margin of victory of 20,608.<sup>286</sup>

413. The Braynard-Zhang analysis of government data shows election officials’ absentee ballot error rate of at least 0.89% which far exceeds federal law’s pre-election certification error rate for voting systems’ hardware and software of 0.0008%.<sup>287</sup>

Wisconsin Voter Election Contest Margin +20,608 votes		
Type of error*	Description	Votes
1) Unlawful Ballots	Estimate of the minimum number of absentee ballots requested which were not requested by the person identified in the state’s database <sup>288</sup>	15,423
2) Legal Votes Not Counted	Estimate of ballots that the requester returned but were not counted <sup>289</sup>	13,826
Category 1 & 2 Total Votes: 29,249	Error Rate (Compared to Total Vote)	0.89%

<sup>284</sup> Declaration of Ethan J. Pease, Appendix pgs. 180-182 at ¶¶ 3-13.

<sup>285</sup> *Id.* ¶¶ 8-10.

<sup>286</sup> See Chart and WI Declaration of Matthew Braynard, Appendix pgs. 1384-1395.

<sup>287</sup> See Expert Report of Dennis Nathan Cain (III), *Appendix* 1433-1445.

<sup>288</sup> See WI Zhang Declaration Appendix pgs. 1375-1383 ¶ 1.

<sup>289</sup> See WI Zhang Declaration Appendix pgs. 1375-1383 ¶ 2.

3) Illegal Votes Counted	Electors voted where they did not reside <sup>290</sup>	26,673
4) Illegal Votes Counted	Electors who avoided Wisconsin Voter ID laws by voting absentee as an “indefinitely confined” elector and were not indefinitely confined <sup>291</sup>	96,437
5) Illegal Votes Counted	Out of State Residents Voting in State <sup>292</sup>	6,848
6) Illegal Votes Counted	Double Votes <sup>293</sup>	234
TOTAL		159,559
	Of total votes cast 3,289,946	

\*May overlap.

**5. State of Arizona voters allege election official errors and improprieties which exceed the Presidential vote margin.<sup>294</sup>**

414. State of Michigan voters allege election official errors and improprieties which exceed the Presidential vote margin.

415. Arizona has 11 electoral votes, with a statewide vote tally currently estimated at 1,661,686 for President Trump and 1,672,143 for former Vice President Biden (*i.e.*, a margin of 10,457 votes).

416. Based on Arizona voters’ allegations, there was a disparate impact caused by absentee drop boxes.

417. Arizona is composed of fifteen counties.

<sup>290</sup> See WI Declaration of Matthew Braynard, Appendix pgs. 1384-1395.

<sup>291</sup> See WI Declaration of Matthew Braynard Appendix pgs. 1384-1395 ¶ 5. This number is derived from .4523 \* 213,215

<sup>292</sup> See WI Declaration of Matthew Braynard Appendix pgs. 1384-1395 ¶ 4.

<sup>293</sup> See WI Declaration of Matthew Braynard Appendix pgs. 1384-1395 ¶ 6.

<sup>294</sup> For full extent of inappropriate activities See Timeline of Electoral Policy Activities, Issues, and Litigation Pennsylvania, Michigan, Wisconsin, Georgia, Arizona, and Nevada August 2003 to November 2020, *Appendix* 1-20.



418. The state of Arizona is 113,998 square miles.

419. In 2016, Hillary Clinton received 1,161,167 votes from Arizona.<sup>295</sup> Over half of these votes came from Maricopa County with 702,907 votes in 2016.<sup>296</sup>

420. Based on Wisconsin voters' allegations, this vote-rich area of only 9,224 square miles, was given more drop boxes and early voting centers than the rest of Arizona's 104,764 square miles combined.

421. Maricopa County, only 9,224 square miles, has over 125 vote-by-mail drop boxes available to its citizens, leaving one drop box for every 73 square miles.<sup>297</sup> Conversely, the other fourteen counties had a total of 119 drop boxes and early voting sites combined, meaning every other non-Arizona county combined had one vote-by-mail drop box for every 880 square miles.<sup>298</sup>

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<sup>295</sup> <https://www.nytimes.com/elections/2016/results/arizona>

<sup>296</sup> <https://www.nytimes.com/elections/2016/results/arizona>

<sup>297</sup> <https://www.google.com/maps/d/u/0/viewer?ll=33.361088282128144%2C-112.03699115344182&z=11&mid=1MksFw9pIMM80IE-3WVvKXAr9a2BBizir7>

<sup>298</sup> Coconino Co., 8 drop boxes - <https://www.coconino.az.gov/DocumentCenter/View/36811/Coconino-County-Ballot-Drop-Box-Locations-2020-Primary?bidId=>

- Pinal Co., 7 drop boxes - <https://www.pinalcountyz.gov/Recorder/Pages/EarlyVoteRegister.aspx>
- Gila Co., 8 drop boxes - [https://www.gilacountyaz.gov/government/recorder/drop\\_off\\_boxes.php](https://www.gilacountyaz.gov/government/recorder/drop_off_boxes.php)
- Pima Co., 14 dropbox/early voting sites - <https://www.recorder.pima.gov/EarlyVotingSites>
- Cochise Co., 5 drop boxes - <https://www.cochise.az.gov/recorder/ballot-box-locations>
- La Paz Co. 1 early voting site - [https://www.parkerpioneer.net/news/article\\_1a2fd0ee-1d4c-11eb-af74-5f2cf0d805cb.html](https://www.parkerpioneer.net/news/article_1a2fd0ee-1d4c-11eb-af74-5f2cf0d805cb.html)
- Maricopa Co., 125+ drop boxes - <https://www.google.com/maps/d/u/0/viewer?ll=33.361088282128144%2C-112.03699115344182&z=11&mid=1MksFw9pIMM80IE-3WVvKXAr9a2BBizir7>
- Mohave Co., 3 early voting sites - <https://mohavedailynews.com/news/11214/early-voting-begins-in-arizona/>
- Graham Co., 5 drop boxes - <https://www.graham.az.gov/314/How-To-Return-Your-Early-Ballot>
- Navajo Co., 16 drop boxes - <https://www.navajocountyaz.gov/Departments/Elections/Voter-Information/Early-Voting-Sites>

422. This strategy worked to benefit Democratic voters at a greater rate than republican voters.

423. In the 2020 November, election Vice-President Biden increased his vote total by almost more than 300,000 votes over Hillary Clinton’s 2016 numbers in Maricopa with 1,040,774 votes.

424. Alternatively, President Trump gained only about 150,000 votes.<sup>299</sup>

425. This type of disparate impact by government officials in Maricopa County clearly favored Democratic voters, to the detriment of Republican voters

426. Additionally, in Arizona, the Braynard-Zhang analysis of the government data shows election officials’ absentee ballot errors of 371,498 far exceed the margin of victory of 10,457.<sup>300</sup>

427. The Braynard-Zhang government data shows election officials’ absentee ballot error rate of at least 10.2% which far exceeds federal law’s pre-election certification error rate for voting systems’ hardware and software of 0.0008%.<sup>301</sup>

**Arizona Voter Election Contest  
Margin +10,457**

Type of error*	Description	Margin
1) Unlawful Ballots	Estimate of the minimum number of absentee ballots requested which were not requested by the person identified in the state’s database <sup>302</sup>	214,526
2) Legal	Estimate of ballots that the	

- Maricopa Co. - <https://www.12news.com/article/news/politics/elections/map-ballot-drop-box-maricopa-county-for-november-2020-general-election-list/75-81c64546-9092-4f8e-9531-f9f10e6d1aa8>
- Yavapai Co., 19 drop boxes - <https://www.yavapai.us/electionsvr/early-voting>

<sup>299</sup> <https://www.politico.com/2020-election/results/arizona/>

<sup>300</sup> See Chart and AZ Declaration of Matthew Braynard, Appendix pgs. 1419-1428

<sup>301</sup> See Expert Report of Dennis Nathan Cain (III), *Appendix* 1433-1445.

<sup>302</sup> See AZ Zhang Declaration Appendix pgs. 1396-1405 ¶ 1.

Votes Not Counted	requester returned but were not counted <sup>303</sup>	131,092
<b>Category 1 &amp; 2 Total Votes: 346,618</b>	<b>Error Rate (Compared to Total Vote)</b>	<b>10.2%</b>
3) Illegal Votes Counted*	Electors voted where they did not reside <sup>304</sup>	19,997
4) Illegal Votes Counted*	Out of State Residents Voting in State <sup>305</sup>	5,726
5) Illegal Votes Counted*	Double Votes <sup>306</sup>	157
<b>TOTAL</b>		<b>371,498</b>
	of total votes cast 3,397,388	

\*May overlap

**M. The government data, state-by-state, shows election officials' absentee ballot errors far exceed the margin of victory—and they far exceed the pre-election certification error rate of 0.0008%.**

428. The federal government has a pre-election standard for state voting system's software and hardware.

429. As explained above, this maximum-acceptable error rate is one in 500,000 ballot positions, or, alternatively one in 125,000 ballots—0.0008 %.<sup>307</sup>

430. Based on the Defendant States' voters' allegations, the government data shows Wisconsin, Pennsylvania, Michigan, Georgia and Arizona election officials' absentee ballot errors<sup>308</sup> far exceed the Presidential margins of victory.

<sup>303</sup> See AZ Zhang Declaration Appendix pgs. 1396-1405 ¶ 2.

<sup>304</sup> See AZ Declaration of Matthew Braynard, Appendix pgs. 1419-1428 ¶3.

<sup>305</sup> See AZ Declaration of Matthew Braynard, Appendix pgs. 1419-1428 ¶4.

<sup>306</sup> See AZ Declaration of Matthew Braynard, Appendix pgs. 1419-1428 ¶5.

<sup>307</sup> See Expert Report of Dennis Nathan Cain (III), Appendix 1433-1445.

<sup>308</sup> According to Plaintiffs' analysis, it is possible to have more than one type of error per ballot (e.g., double voting and voting while resident of another state).

431. Based on the Defendant States' voters' allegations, the government data in each of the states shows election officials' absentee ballot errors far exceed the federal law's pre-election certification error rate for voting systems' hardware and software.

**COUNT 1:  
ARTICLE II**

432. Plaintiffs repeat and re-allege the allegations above, as if fully set forth herein.

433. The Plaintiffs as voters file this complaint against federal and state officials in Arizona, Georgia, Michigan, Pennsylvania and Wisconsin seeking a declaratory judgment, and related injunction, for a constitutionally-compliant process for state-by-state post-election certification of Presidential votes and of Presidential electors and for counting of their votes for the November 3, 2020 Presidential election and future elections.

434. Under Article II, if a state has authorized a Presidential election in that state, voters have voting rights to state legislative post-election certifications of Presidential votes and of Presidential electors.

435. Since Defendant States have authorized Presidential elections, voters in the Defendant States, including Plaintiffs, have voting rights under Article II to state legislative post-election certification of their Presidential votes and of Presidential electors.

436. Part of Plaintiffs' voting rights in Defendant States under Article II is the right that their Presidential votes be counted by in their respective state legislatures' post-election certifications of Presidential votes and Presidential electors in the 2020 and future elections.

437. Under Article II, Congress lacks legal authority to enact laws interfering with the state-by-state state legislative post-election certification of Presidential electors as it has done with 3 U.S.C. §§ 5, 6 and 15.

438. The text and structure of the Constitution—as evidenced in Article II and the rest of the Constitution—preempts 3 U.S.C. §§ 5, 6 and 15 as unconstitutional interference with the state

legislative prerogative to post-election Presidential elector certification guaranteed by the Constitution.<sup>309</sup>

439. Therefore, Article II renders 3 U.S.C. §§ 5, 6 and 15, in the 2020 and future Presidential elections, as unconstitutional interference with the state legislative prerogative to post-election Presidential elector certification guaranteed by the Constitution—and a violation of voters' rights.<sup>310</sup>

440. Analogously, under Article II, the Defendant States lack legal authority to enact state laws which are a perpetual and wholesale delegation of post-election certifications to state executive branch officials—as they have done in Ariz. Rev. Stat. § 16-212 (B) (Arizona Secretary of State), Ga. Code Ann. § 21-2-499 (B) (Georgia Secretary of State and Governor), Mich. Comp. Laws Ann. § 168.46 (Michigan State Board of Canvassers and Governor), Wis. Stat. § 7.70 (5) (b) (Wisconsin Elections Commission); and 25 Pa. Cons. Stat. § 3166 (Secretary of Commonwealth and Governor).

441. Article II, and its non-delegation doctrine, left it exclusively to the state legislatures to “direct” post-election certifications of Presidential voters and of Presidential electors—not to Defendant States to “delegate” post-election certifications, perpetually and in a wholesale fashion, to state executive branch officials as a ministerial duty.

442. The text of Article II preempts Ariz. Rev. Stat. § 16-212 (B), Ga. Code Ann. § 21-2-499 (B), Mich. Comp. Laws Ann. § 168.46, Wis. Stat. § 7.70 (5) (b), 25 Pa. Cons. Stat. § 3166 and similar state laws which delegate Presidential post-election certifications to state executive branch officials when it is constitutionally-required for state legislatures to conduct post-election Presidential election certifications.

---

<sup>309</sup> Vasan Kesavan, *Is the Electoral Count Act Unconstitutional*, 80 N.C. L. Rev. 1653, 1759-1793 (2002).

<sup>310</sup> *Id.* at 1696-1759 (2002).

443. The structure of the Constitution, as evidenced in Article II and the rest of the Constitution, preempts Ariz. Rev. Stat. § 16-212 (B), Ga. Code Ann. § 21-2-499 (B), Mich. Comp. Laws Ann. § 168.46, Wis. Stat. § 7.70 (5) (b), 25 Pa. Cons. Stat. § 3166 and similar state laws which delegate Presidential post-election certifications to state executive branch officials when it is constitutionally-required for state legislatures to conduct post-election Presidential election certifications.

444. Therefore, the Court should hold Ariz. Rev. Stat. § 16-212 (B), Ga. Code Ann. § 21-2-499 (B), Mich. Comp. Laws Ann. § 168.46, Wis. Stat. § 7.70 (5) (b), 25 Pa. Cons. Stat. § 3166 and similar laws unconstitutional as they apply to Presidential state legislative post-election certifications.

445. The Defendant States' lack of state legislative post-election certifications of Presidential votes and Presidential electors in the 2020 and future Presidential elections violate the Plaintiffs' voting rights under Article II.

446. The Defendant States, in violation of Article II, have failed to provide state legislative post-election certifications of Presidential votes and of the Presidential Electors; so, voters' votes in the Defendant States do not count in the current and future elections—a disenfranchisement.

447. A declaratory judgment should issue, applicable to the current and future elections, declaring that Article II requires state legislative post-election certifications of Presidential votes and of Presidential electors for Presidential elector votes to count in the U.S. Congress for the election of the President and Vice President.

448. Further, any count of Presidential electors in the November 3, 2020 or future elections should be declared invalid if based on votes of Presidential electors who have not received state legislative post-election certification.

449. The Vice President and U.S. Congress should be enjoined from counting Presidential elector votes from any states in the current and future elections unless their respective state legislatures have voted affirmatively in a post-election vote to certify Presidential votes and their Presidential electors for the current and future Presidential elections.

**COUNT 2:  
EQUAL PROTECTION CLAUSE**

450. Plaintiffs repeat and re-allege the allegations above, as if fully set forth herein.

451. Plaintiffs are entitled to state legislative post-election certification of their Presidential votes and of Presidential electors so their votes count equally with other states' citizens' votes.

452. The Equal Protection Clause prohibits the use of differential standards in the treatment and tabulation of ballots within a State. *Bush*, 531 U.S. at 107.

453. The one-person, one-vote principle requires counting valid votes and not counting invalid votes. *Reynolds*, 377 U.S. at 554-55; *Bush*, 531 U.S. at 103 (“the votes eligible for inclusion in the certification are the votes meeting the properly established legal requirements”).

454. The Defendant States, in violation of the Equal Protection Clause, have failed to provide state legislative post-election certifications of Presidential votes and of the Presidential Electors as they do in other states; so, voters' votes in the Defendant States will not count—a disenfranchisement of that state's voters.

455. Absent the state legislative post-election certification of Presidential electors and of the Presidential Electors in the Defendant States, the Defendant States violate the one-person, one-vote principle because their Presidential votes and their state's Presidential electors' votes will not count toward the election of President and Vice President.

456. Plaintiffs are therefore harmed by Defendants' unconstitutional conduct in violation of the Equal Protection Clause.

457. A declaratory judgment should issue, applicable to the current and future elections, declaring that the Equal Protection Clause requires state legislative post-election certification of Presidential votes and of Presidential electors for Presidential elector votes to count in the U.S. Congress for the election of the President and Vice President.

458. Further, any count of Presidential electors in the November 3, 2020 or future elections should be declared invalid if based on votes of Presidential electors who have not received state legislative post-election certification.

459. The Vice President and U.S. Congress should be enjoined from counting Presidential elector votes from states in the current election and future elections unless the respective state legislatures has voted affirmatively in a post-election vote to certify Presidential votes and their Presidential electors.

### COUNT 3: DUE PROCESS CLAUSE

460. Plaintiff repeats and re-alleges the allegations above, as if fully set forth herein.

461. Plaintiffs as voters are entitled to state legislative post-election certifications of Presidential votes and of Presidential electors so their votes are subjected to the same due process as other citizens' votes.

462. When election practices reach "the point of patent and fundamental unfairness," the integrity of the election itself violates substantive due process. *Griffin v. Burns*, 570 F.2d 1065, 1077 (1st Cir. 1978); *Duncan v. Poythress*, 657 F.2d 691, 702 (5th Cir. 1981); *Florida State Conference of N.A.A.C.P. v. Browning*, 522 F.3d 1153, 1183-84 (11th Cir. 2008); *Roe v. State of Ala. By & Through Evans*, 43 F.3d 574, 580-82 (11th Cir. 1995); *Roe v. State of Ala.*, 68 F.3d 404, 407 (11th Cir. 1995); *Marks v. Stinson*, 19 F. 3d 873, 878 (3rd Cir. 1994).



463. Under this Court's precedents on procedural due process, not only intentional failure to follow election law as enacted by a State's legislature but also random and unauthorized acts by state election officials and their designees in local government can violate the Due Process Clause. *Parratt v. Taylor*, 451 U.S. 527, 537-41 (1981), overruled in part on other grounds by *Daniels v. Williams*, 474 U.S. 327, 330-31 (1986); *Hudson v. Palmer*, 468 U.S. 517, 532 (1984).

464. The difference between intentional acts and random and unauthorized acts is the degree of pre-deprivation review.

465. Defendants acted unconstitutionally by certifying Presidential electors and counting their votes without prior state legislative post-election certifications of Presidential votes and of Presidential electors.

466. Defendant States acted unconstitutionally by their state legislatures not voting for post-election certifications of Presidential votes and Presidential electors.

467. Federal Defendants acted unconstitutionally under federal laws requiring counting votes of Presidential electors who have not received state legislative post-election certification.

468. The actions set out in the paragraphs above constitute intentional violations of the law by Defendants in violation of the Due Process Clause.

469. The Defendants, in violation of the Due Process Clause, prohibit state legislative post-election certifications of Presidential votes and of the Presidential Electors.

470. Plaintiffs' voting rights are disenfranchised by Defendants' unconstitutional conduct in violation of the Due Process Clause.

471. A declaratory judgment should issue, applicable to current and future elections, declaring that the Due Process Clause requires state legislative post-election certification of Presidential votes and of Presidential electors for Presidential elector votes to count in the U.S. Congress for the election of the President and Vice President.

472. Further, any count of Presidential electors in the current and future elections should be declared invalid if based on votes of Presidential electors who have not received state legislative post-election certification.

473. The Vice President and U.S. Congress should be enjoined from counting Presidential elector votes, in the current and future elections, unless their respective state legislature has voted affirmatively in a post-election vote to certify Presidential votes and their Presidential electors.

### PRAYER FOR RELIEF

WHEREFORE, Plaintiffs respectfully request that this Court issue the following relief for the 2020 and future Presidential elections:

- A. Issue a declaratory judgment, applying to the current and future elections, declaring that 3 U.S.C. §§ 5, 6 and 15 were and are unconstitutional deprivations of the state legislatures' constitutional prerogative to post-election certification of the Presidential electors;
- B. Issue a declaratory judgment, applying to current and future elections, declaring that Ariz. Rev. Stat. § 16-212 (B), Ga. Code Ann. § 21-2-499 (B), Mich. Comp. Laws Ann. § 168.46, Wis. Stat. § 7.70 (5) (b), 25 Pa. Cons. Stat. § 3166 and similar state laws are unconstitutional delegations by the respective states of post-election Presidential election certification duties to their respective executive branch officers when Article II requires such certifications to be made by the respective state legislatures;
- C. Issue a declaratory judgment, applying to current and future elections, that the Plaintiff-voters' constitutionally-protected voting rights in Presidential elections are being violated by Defendants;
- D. Issue a declaratory judgment, applying to current and future elections, that the Plaintiffs' voting rights were violated under Article II, the Equal Protection Clause and the Due Process Clause;
- E. Enjoin the Vice President and U.S. Congress, in the current and future elections, from counting Presidential elector votes from states unless their respective state legislatures vote affirmatively in a post-election vote to certify their Presidential electors;
- F. Alternatively, enjoin, in the current and future elections, the State Defendants' state legislatures to meet in their respective States to consider post-election certification of their respective Presidential electors;
- G. Award attorney's fees and costs under 42 U.S.C. § 1988 to Plaintiffs against State Defendants; and

H. Grant such other relief as the Court deems just and proper.

DATED: December 22,, 2020

/s/Erick G. Kaardal  
Erick G. Kaardal (WI0031)  
Special Counsel for Amistad Project of  
Thomas More Society  
Mohrman, Kaardal & Erickson, P.A.  
150 South Fifth Street, Suite 3100  
Minneapolis, Minnesota 55402  
Telephone: (612) 341-1074  
Facsimile: (612) 341-1076  
Email: kaardal@mklaw.com

*Attorney for Plaintiffs*

## Lumpp, Rachelle

---

**From:** Roysden, Beau  
**Sent:** Tuesday, January 05, 2021 11:32 AM  
**To:** Anni Foster (afoster@az.gov); Andrew Pappas (APappas@azleg.gov)  
**Cc:** Kanefield, Joe; Kredit, Joshua  
**Subject:** Wisconsin Voters Alliance, et al. v. Vice President Michael Richard Pence, et al.  
**Attachments:** 20210104123550121.pdf; Wisconsin Voters Alliance PI mem opinion.pdf; Wisconsin Voters Alliance Complaint.pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

**Categories:** Green category

Anni and Andrew,

Attached is a scan of a cover letter and electronic copy of a complaint that we received that names Governor Ducey and Messrs. Bowers and Gray, all in their official capacities, as defendants. It seeks solely declaratory and injunctive relief. Plaintiffs also sought a preliminary injunction, which the District Court denied yesterday (order attached).

AGO is not representing these defendants in these suits, so I am forwarding these to you as counsel for the governor and majority in the house of representatives.

There are other materials such as summonses, etc. and a thumb drive. Please let me know if you would like us to send these to you or if you have any questions.

Sincerely,  
Beau Roysden  
Arizona Attorney General Mark Brnovich's Office  
602-542-8958 (direct)

## Lumpp, Rachelle

---

**From:** Brnovich, Mark  
**Sent:** Thursday, December 24, 2020 10:07 AM  
**To:** DL-Everyone-Statewide AGO  
**Subject:** Winter Newsletter 2020  
**Attachments:** Winter 2020.pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

**Categories:** Green category

Please take a moment to look over the Fall/Winter 2020 Newsletter. 2020 has been a challenging year, but you all have much to be proud of. Thank you for your commitment to the people of Arizona.  
Happy Holidays and Happy New Year!

## Lumpp, Rachelle

---

**From:** Brnovich, Mark  
**Sent:** Wednesday, December 23, 2020 3:51 PM  
**To:** Anderson, Ryan; Brnovich, Mark; Bush, Michael; Conner, Katie; Diaz, Bethany; Drummond, Pete; Flanagan, Allyson; Isaak, Jason; Kanefield, Joe; Kredit, Beth; Kredit, Joshua; Medina, Rick; Mejia, Catherine; Paton, Angela; Russell, Bradley; Spadafora, Mark; Stevens, John  
**Subject:** Winter Newsletter 2020  
**Attachments:** Winter 2020.pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

**Categories:** Green category

Please take a moment to look over the Fall/Winter 2020 Newsletter. 2020 has been a challenging year, but you all have much to be proud of. Thank you for your commitment to the people of Arizona.  
Happy Holidays and Happy New Year!

## Lumpp, Rachelle

---

**From:** Momich, Jelena  
**Sent:** Wednesday, December 23, 2020 2:14 PM  
**To:** Lumpp, Rachelle  
**Subject:** Newsletter  
**Attachments:** 2020 Newsletter.pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

**Categories:** Green category

Hey there! I've completed the newsletter – can you please send out to the AGO when you have a sec? Thanks!

Jelena Momich  
Facilities Manager

---



Attorney General Mark Brnovich  
2005 N. Central Avenue  
Phoenix, AZ 85004  
Desk: 602-542-8004 | Cell: 602-339-4705  
[jelena.momich@azag.gov](mailto:jelena.momich@azag.gov)  
<http://www.azag.gov>

## Lumpp, Rachelle

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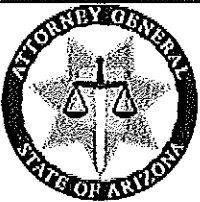
**From:** Kredit, Joshua  
**Sent:** Friday, December 11, 2020 3:21 PM  
**To:** Kanefield, Joe; Anderson, Ryan; Wright, Jennifer  
**Cc:** Isaak, Jason; Conner, Katie; Mejia, Catherine  
**Subject:** FW: Senate Special Standing Committee Agenda-JUD  
**Attachments:** S.JUD1214.1.2R.DOCX

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

**Categories:** Green category

Josh Kredit  
Deputy Attorney General for Law & Policy

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Attorney General Mark Brnovich  
2005 N. Central Ave  
Phoenix, AZ 85004  
Direct: 602-542-3454  
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[Joshua.Kredit@azag.gov](mailto:Joshua.Kredit@azag.gov)

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**From:** Garth Kamp [<mailto:GKamp@azleg.gov>]  
**Sent:** Friday, December 11, 2020 3:15 PM  
**To:** Kredit, Joshua  
**Subject:** FW: Senate Special Standing Committee Agenda-JUD

**From:** Senate Agendas <[SAgendas@azleg.gov](mailto:SAgendas@azleg.gov)>  
**Sent:** Friday, December 11, 2020 3:11 PM  
**To:** .All House Users <[AllHouseUsers@azleg.gov](mailto:AllHouseUsers@azleg.gov)>; .ALLUSER <[ALLUSER@azleg.gov](mailto:ALLUSER@azleg.gov)>; Emily Kapperman <[ekapperman@az.gov](mailto:ekapperman@az.gov)>; Mitch Stead <[mstead@azcapitoltimes.com](mailto:mstead@azcapitoltimes.com)>; Scott Newell <[snewell@azcapitoltimes.com](mailto:snewell@azcapitoltimes.com)>; Tom Callahan <[tcallahan@az.gov](mailto:tcallahan@az.gov)>  
**Subject:** Senate Special Standing Committee Agenda-JUD



## Lumpp, Rachelle

---

**From:** Roysden, Beau  
**Sent:** Wednesday, December 09, 2020 3:25 PM  
**To:** Kanefield, Joe; Kredit, Joshua; Medina, Rick; Anderson, Ryan; Conner, Katie; Isaak, Jason; Mejia, Catherine  
**Subject:** FW: final pdf  
**Attachments:** TX v PA Motion for Leave FINAL.pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

**Categories:** Green category

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**From:** Hartwick, Carolyn  
**Sent:** Wednesday, December 9, 2020 3:25 PM  
**To:** Roysden, Beau  
**Subject:** final pdf

Carolyn Hartwick  
Legal Analyst  
Solicitor General's Office



---

Office of the Attorney General  
2005 N. Central Ave, Phoenix, AZ 85004  
Direct: 602-542-8986  
[Carolyn.Hartwick@azag.gov](mailto:Carolyn.Hartwick@azag.gov)

## Lumpp, Rachelle

---

**From:** Wright, Jennifer  
**Sent:** Wednesday, December 09, 2020 1:25 PM  
**To:** Roysden, Beau; Kredit, Joshua  
**Cc:** Kanefield, Joe; Catlett, Michael  
**Subject:** Amicus filed in Texas v. Pennsylvania  
**Attachments:** Texas v. Pennsylvania - Amicus Brief of Missouri et al..pdf

**Categories:** Green category

FYI

Amicus filed by Missouri, Alabama, Arkansas, Florida, Indiana, Kansas, Louisiana, Mississippi, Montana, Nebraska, No. Dakota, Oklahoma, So. Carolina, So. Dakota, Tennessee, Utah, and West Virginia in support of Texas.

**Jennifer Wright**  
**Assistant Attorney General**

---



Office of the Arizona Attorney General  
Solicitor General's Office  
Elections Integrity Unit  
2005 N. Central Ave., Phoenix, AZ 85004  
Desk: 602.542.8255 | Fax: 602.542.8308  
[Jennifer.Wright@azag.gov](mailto:Jennifer.Wright@azag.gov)

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## Lumpp, Rachelle

---

**From:** PublicRecords  
**Sent:** Tuesday, December 08, 2020 5:13 PM  
**To:** Diaz, Bethany; Lumpp, Rachelle  
**Subject:** FW: Election complaint  
**Attachments:** 202012081609.pdf

**Categories:** Green category

---

**From:** Anderson, Ryan  
**Sent:** Tuesday, December 8, 2020 5:12:39 PM (UTC-07:00) Arizona  
**To:** 'Jeremy Duda'  
**Cc:** PublicRecords  
**Subject:** RE: Election complaint

It's not pretty, but it's what I could do in short order.

Don't read anything into the lengthwise "L" shape of the coverings. It was my fancy paper covering to redact records without redacting each name and voter record by hand.

I tried to keep the first letter of each record so you could get a feel for how many specifically under each category.

Ryan

**From:** Jeremy Duda [<mailto:jduda@azmirror.com>]  
**Sent:** Tuesday, December 08, 2020 4:42 PM  
**To:** Anderson, Ryan  
**Subject:** Election complaint

Could you send me a copy of a complaint that was recently submitted to the Elections Integrity Unit, EIU-2020-29902-2316?

--

**Jeremy Duda**  
Arizona Mirror  
Associate editor  
Cell: (602) 315-3108

## Lumpp, Rachelle

---

**From:** PublicRecords  
**Sent:** Friday, December 04, 2020 9:47 AM  
**To:** Diaz, Bethany; Lumpp, Rachelle  
**Subject:** FW: Townsend letter  
**Attachments:** FW\_ Public Hearing\_PRR.pdf  
  
**Categories:** Green category

---

**From:** Conner, Katie  
**Sent:** Friday, December 4, 2020 9:46:39 AM (UTC-07:00) Arizona  
**To:** 'Christie, Bob'  
**Cc:** PublicRecords  
**Subject:** RE: Townsend letter

Good morning Bob,  
Please see the attached records per your request.  
Thank you,  
Katie

---

**From:** Christie, Bob [<mailto:bchristie@ap.org>]  
**Sent:** Thursday, December 03, 2020 5:17 PM  
**To:** Conner, Katie  
**Subject:** Townsend letter

Can you send me that letter your folks sent to Rep. Townsend?

Thanks.

The information contained in this communication is intended for the use of the designated recipients named above. If the reader of this communication is not the intended recipient, you are hereby notified that you have received this communication in error, and that any review, dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify The Associated Press immediately by telephone at +1-212-621-1500 and delete this email. Thank you.

## Lumpp, Rachelle

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**From:** PublicRecords  
**Sent:** Thursday, December 03, 2020 2:51 PM  
**To:** Diaz, Bethany; Lumpp, Rachelle  
**Subject:** FW: PRR - Response to Rep. Townsend  
**Attachments:** FW\_ Public Hearing\_PRR.pdf

**Categories:** Green category

---

**From:** Conner, Katie  
**Sent:** Thursday, December 3, 2020 2:51:03 PM (UTC-07:00) Arizona  
**To:** Roberts, Laurie ([laurie.roberts@arizonarepublic.com](mailto:laurie.roberts@arizonarepublic.com))  
**Cc:** Anderson, Ryan; PublicRecords  
**Subject:** PRR - Response to Rep. Townsend

Hi Laurie,  
Please see the attached document per your public records request.  
Thank you,  
Katie

Katie Conner  
Spokesperson/ Director of Media Relations

---



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Brnovich  
2005 N. Central Ave., Phoenix, AZ  
85004  
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[Katie.Conner@azag.gov](mailto:Katie.Conner@azag.gov)  
<http://www.azag.gov>

## Lumpp, Rachelle

---

**From:** PublicRecords  
**Sent:** Thursday, December 03, 2020 2:29 PM  
**To:** Diaz, Bethany; Lumpp, Rachelle  
**Subject:** FW: PRR - Response to Rep. Townsend  
**Attachments:** FW\_ Public Hearing\_PRR.pdf

**Categories:** Green category

---

**From:** Conner, Katie  
**Sent:** Thursday, December 3, 2020 2:29:16 PM (UTC-07:00) Arizona  
**To:** 'drosenblatt@azcapitoltimes.com'  
**Cc:** Anderson, Ryan; PublicRecords  
**Subject:** PRR - Response to Rep. Townsend

Hi Dillon,  
Please see the attached document per your public records request.  
Thank you,  
Katie

Katie Conner  
Spokesperson/ Director of Media Relations

---



Office of Attorney General Mark  
Brnovich  
2005 N. Central Ave., Phoenix, AZ  
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[Katie.Conner@azag.gov](mailto:Katie.Conner@azag.gov)  
<http://www.azag.gov>

## Lumpp, Rachelle

---

**From:** PublicRecords  
**Sent:** Thursday, December 03, 2020 1:37 PM  
**To:** Diaz, Bethany; Lumpp, Rachelle  
**Subject:** FW: PRR - Response to Rep. Townsend  
**Attachments:** FW\_ Public Hearing\_PRR.pdf

**Categories:** Green category

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**From:** Conner, Katie  
**Sent:** Thursday, December 3, 2020 1:36:39 PM (UTC-07:00) Arizona  
**To:** - Capitol Media Services ([capmedia@hotmail.com](mailto:capmedia@hotmail.com))  
**Cc:** Anderson, Ryan; PublicRecords  
**Subject:** PRR - Response to Rep. Townsend

Hi Howie,  
Please see the attached document per your public records request.  
Thank you,  
Katie

Katie Conner  
Spokesperson/ Director of Media Relations

---



Office of Attorney General Mark  
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[Katie.Conner@azag.gov](mailto:Katie.Conner@azag.gov)  
<http://www.azag.gov>

## Lumpp, Rachelle

---

**From:** PublicRecords  
**Sent:** Thursday, December 03, 2020 1:32 PM  
**To:** Diaz, Bethany; Lumpp, Rachelle  
**Subject:** FW: PRR - Response to Rep. Townsend  
**Attachments:** FW\_ Public Hearing\_PRR.pdf

**Categories:** Green category

---

**From:** Conner, Katie  
**Sent:** Thursday, December 3, 2020 1:32:04 PM (UTC-07:00) Arizona  
**To:** 'Ryan.Randazzo@arizonarepublic.com'  
**Cc:** Anderson, Ryan; PublicRecords  
**Subject:** PRR - Response to Rep. Townsend

Please see the attached document per your public records request.  
Thank you,  
Katie

**Katie Conner**  
Spokesperson/ Director of Media Relations

---



Office of Attorney General Mark  
Brnovich  
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85004  
Cell: 602-339-5895  
[Katie.Conner@azag.gov](mailto:Katie.Conner@azag.gov)  
<http://www.azag.gov>



## Lumpp, Rachelle

---

**From:** Conner, Katie  
**Sent:** Thursday, December 03, 2020 1:20 PM  
**To:** Lumpp, Rachelle  
**Subject:** FW: Public Hearing  
**Attachments:** FW\_ Public Hearing\_PRR.pdf

**Categories:** Green category

I didn't realize how easy it was – I just hit "convert to PDF" is there anything else I need to do?

**From:** Kredit, Joshua  
**Sent:** Thursday, December 03, 2020 12:47 PM  
**To:** Lumpp, Rachelle  
**Cc:** Conner, Katie  
**Subject:** FW: Public Hearing

Josh Kredit

Deputy Attorney General for Law & Policy

---



Attorney General Mark Brnovich  
2005 N. Central Ave  
Phoenix, AZ 85004  
Direct: 602-542-3454  
Cell: 602-339-2082  
[Joshua.Kredit@azag.gov](mailto:Joshua.Kredit@azag.gov)

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**From:** Wright, Jennifer  
**Sent:** Thursday, December 3, 2020 12:42 PM  
**To:** Kredit, Joshua  
**Subject:** Fwd: Public Hearing

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**From:** Wright, Jennifer <[Jennifer.Wright@azag.gov](mailto:Jennifer.Wright@azag.gov)>  
**Sent:** Thursday, December 3, 2020 12:27:47 PM  
**To:** 'Kelly Townsend' <[ktownsend@azleg.gov](mailto:ktownsend@azleg.gov)>  
**Subject:** RE: Public Hearing

Dear Rep. Townsend:

Thank you for the opportunity to clarify our conversation. The Elections Integrity Unit has received over 2,000 complaints related to the November 2020 election, and we are actively reviewing every credible allegation. Regarding

civil violations of title 16, the legislature has not provided the Attorney General with civil subpoena power under title 16, except as it relates to campaign finance investigations. See A.R.S. 16-938(E)(1).

Please note that election equipment and software is under the control of the county boards of supervisors, who may audit or review equipment as part of their responsibilities.

Sincerely,

**Jennifer Wright**  
**Assistant Attorney General**



Office of the Arizona Attorney General  
Solicitor General's Office  
Elections Integrity Unit  
2005 N. Central Ave., Phoenix, AZ 85004  
Fax: 602.542.8308  
[ei@azag.gov](mailto:ei@azag.gov)

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**From:** Kelly Townsend [mailto:[ktownsend@azleg.gov](mailto:ktownsend@azleg.gov)]  
**Sent:** Wednesday, December 02, 2020 3:04 PM  
**To:** Wright, Jennifer  
**Subject:** Re: Public Hearing

Thank you for your reply. If I itemize the allegations in the hearing, will you be able to tell me if they are being investigated? I understood our phone call conversation the other night that you had nothing that rose to the threshold of needing an investigation and that you did not have subpoena power. Can you clarify?

Thanks,  
kt

**From:** Wright, Jennifer <[Jennifer.Wright@azag.gov](mailto:Jennifer.Wright@azag.gov)>  
**Sent:** Wednesday, December 2, 2020 2:56 PM  
**To:** Kelly Townsend <[ktownsend@azleg.gov](mailto:ktownsend@azleg.gov)>; Anderson, Ryan <[Ryan.Anderson@azag.gov](mailto:Ryan.Anderson@azag.gov)>; Kredit, Joshua <[Joshua.Kredit@azag.gov](mailto:Joshua.Kredit@azag.gov)>  
**Subject:** RE: Public Hearing

Dear Rep. Townsend:

Thank you for your communication of December 1, 2020. As you may be aware, many of the allegations raised at Monday's public hearing are being litigated in court. We will continue to monitor those proceedings.

Our office has received thousands of election-related complaints, and we are actively reviewing them. We encourage anyone with concrete evidence of voter fraud to file a complaint with our office. At this time, we have several active investigations.

If there are concerns regarding election procedures, they need to be directed to election officials, county boards of supervisors, and/or to state policymakers.

Best regards,

Jennifer Wright  
Assistant Attorney General



Office of the Arizona Attorney General  
Solicitor General's Office  
Elections Integrity Unit  
2005 N. Central Ave., Phoenix, AZ 85004  
Fax: 602.542.8308  
[eiu@azag.gov](mailto:eiu@azag.gov)

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**From:** Kelly Townsend [<mailto:ktownsend@azleg.gov>]  
**Sent:** Tuesday, December 01, 2020 1:55 PM  
**To:** Wright, Jennifer; Anderson, Ryan; Kredit, Joshua  
**Cc:** Election Integrity Unit  
**Subject:** Public Hearing

Colleagues,

In light of the hours of testimony that we received yesterday in a public hearing regarding election fraud, I hereby request that you investigate each claim made. Understanding that this was an unusual method of delivery (barring the ability to have a formal hearing) I request that you accept it as a sufficient method to give initial testimony in the first effort to find action / relief.

Under Article 2, Section 1 of the US Constitution, it is our duty to select electors for the Presidential election, and I am not confident that fraud did not exist in the 2020 general election. Please receive this video as initial evidence, and an itemized list of the contents will be forthcoming, however I wanted you to have it in the interest of time.

<https://www.youtube.com/watch?v=rri6fixaXww>

I request a response with feedback within 24-48 hours of the sending of this email.

Thank you,

**Kelly J. Townsend**  
Chair – Elections Committee  
Member, Legislative District 16  
Arizona House of Representatives  
602.926.4467  
[ktownsend@azleg.gov](mailto:ktownsend@azleg.gov)

## Lumpp, Rachele

---

**From:** Mejia, Catherine  
**Sent:** Friday, October 30, 2020 11:41 AM  
**To:** Conner, Katie; Anderson, Ryan  
**Subject:** Twitter post idea for today (since lots of media asking about it)  
**Attachments:** Election Integrity, report fraud.jpg

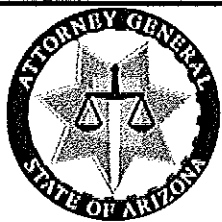
**Categories:** Green category

There are currently 21[checking on this #] active criminal investigations being handled by our Election Integrity Unit.

File a complaint here: <https://azag.info/EIU>



**Catherine Mejia**  
Digital Media Manager



Office of the Arizona Attorney General  
Communications Department  
2005 N. Central Ave. Phoenix, AZ 85004  
Desk: 602.542.8935  
Cell: 602.689.0283  
[Catherine.Mejia@azag.gov](mailto:Catherine.Mejia@azag.gov)

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## Lumpp, Rachelle

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**From:** Lumpp, Rachelle  
**Sent:** Tuesday, October 20, 2020 3:42 PM  
**Subject:** Letter from Arizona Attorney General's Office - Election Resources for LEO  
**Attachments:** AZAG Election Resources LEO 10-20-20.pdf

**Categories:** Green category

Attached, please find information regarding election day resources available from the Attorney General's office and our Election Integrity Unit.

Please let us know if you have any additional questions.

Best regards,

Rachelle Lumpp  
Executive Assistant to the Attorney General  
Office of the Arizona Attorney General  
2005 N. Central Avenue  
Phoenix, AZ 85004  
602-542-8351 Office  
[rachelle.lumpp@azag.gov](mailto:rachelle.lumpp@azag.gov)





MARK BRNOVICH  
Attorney General

Office of the Attorney General  
State of Arizona

October 20, 2020

Dear Arizona Law Enforcement Partners:

This year's election poses some unique challenges for law enforcement agencies; some members of the public are concerned about voting and their health and safety during this time of a national pandemic. Concern has also been expressed with regards to the integrity of the voting process and it is quite possible that there may be instances of confusion at the polls which may generate some complaints about the process.

The Election Integrity Unit of the Arizona Attorney General's Office extends an invitation of assistance to your agency on this Election Day, Tuesday, November 3<sup>rd</sup>, 2020.

We have established a statewide hotline to assist you in the event your agency may receive any reports of criminal activity relating to election or voting matters from members of your community. If your officers respond to a call regarding a potential violation of our election laws, our office will have Special Agents on standby to assist telephonically and provide assistance to your agency personnel.

The Election and Voter Integrity Hotline for Law Enforcement is 602-319-4577 or 602-542-4853. In addition, feel free to direct any members of the public wishing to report election or voting concerns to our online complaint form at: <https://www.azag.gov/complaints/election>. Additionally, the following statutes related to the voting process are provided for your review:

- ARS 16-515: Restrictions on activity within 75 ft. of a polling location, a Class 2 Misdemeanor
- ARS 16-1004: Interference with election officers, a Class 5 Felony
- ARS 16-1005: Ballot fraud and abuse, including the harvesting of ballots, Class 4, 5, and 6 felonies
- ARS 16-1006: Hindering or disrupting voting by force, threats, menaces, bribery or any corrupt means, a Class 5 felony

We look forward to partnering with you in the prevention of election and voting crimes.

Sincerely,

John White  
Supervisory Special Agent  
[John.White@azag.gov](mailto:John.White@azag.gov)  
602-364-0440

## Lumpp, Rachelle

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**From:** Lumpp, Rachelle  
**Sent:** Tuesday, October 20, 2020 3:35 PM  
**Subject:** Letter from Attorney General's Office - Election Resources for LEO  
**Attachments:** AZAG Election Resources LEO 10-20-20.pdf  
  
**Categories:** Green category

Attached, please find information regarding election day resources available from the Attorney General's office and our Election Integrity Unit.

Please let us know if you have any additional questions.

Best regards,

Rachelle Lumpp  
Executive Assistant to the Attorney General  
Executive Assistant to the Director of Communications  
Office of the Arizona Attorney General  
2005 N. Central Avenue  
Phoenix, AZ 85004  
602-542-8351 Office  
[rachelle.lumpp@azag.gov](mailto:rachelle.lumpp@azag.gov)





## Lumpp, Rachelle

---

**From:** Kanefield, Joe  
**Sent:** Wednesday, September 16, 2020 2:40 PM  
**To:** Conner, Katie  
**Cc:** Anderson, Ryan  
**Subject:** Re: [Test] Former State Senate Candidate Indicted for Forging Signatures to Qualify for Citizens Clean Elections Funding

**Categories:** Green category

Good to go.

Sent from my iPad

On Sep 16, 2020, at 2:38 PM, Conner, Katie wrote:

Hi Joe,  
Please see the press release for Larry Herrera and let us know if you have any questions/concerns.  
Thank you!

**From:** Attorney General Mark Brnovich [<mailto:katie.conner@azag.gov>]  
**Sent:** Wednesday, September 16, 2020 2:38 PM  
**To:** Conner, Katie  
**Subject:** [Test] Former State Senate Candidate Indicted for Forging Signatures to Qualify for Citizens Clean Elections Funding

Is this email not  
displaying correctly?  
[View it in your browser.](#)

**For Immediate Release:** September 17, 2020

**Contact:** Katie Conner at [Katie.Conner@azag.gov](mailto:Katie.Conner@azag.gov)

### **Former State Senate Candidate Indicted for Forging Signatures to Qualify for Citizens Clean Elections Fund**

**PHOENIX** -- Attorney General Mark Brnovich announced today that a State Grand Jury indicted Lorenzo U. Herrera a/k/a Larry Herrera, a former candidate for the

Arizona Senate, on 34 felony counts including Attempted Fraudulent Schemes and Practices, Forgery, and Perjury.

The charges arise from Herrera's attempt to qualify for Clean Elections Funding in 2018. The indictment alleges that Herrera offered or presented forged Citizens Clean Elections Commission Qualifying Contribution forms to the Secretary of State's Office and that on each of those forms he perjured himself by falsely asserting that he had obtained \$5.00 qualifying contributions from individuals. To do this, Herrera purportedly took the identities of sixteen individuals with the goal of attempting to obtain money from the Citizens Clean Elections Fund.

Assistant Attorney General Todd Lawson is prosecuting the case.

The Arizona Attorney General's Office recently launched its Election Integrity Unit (EIU) webpage that includes an online election complaint form. EIU was created with the support of the Arizona Legislature to combat reports of voter fraud. Currently, EIU has more than two dozen active criminal and civil investigations.

No booking photograph is available.

All defendants are presumed innocent until found guilty in a court of law.

Copy of indictment [here](#).

###

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## Lumpp, Rachelle

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**From:** PublicRecords  
**Sent:** Tuesday, August 04, 2020 10:11 AM  
**To:** Diaz, Bethany; Lumpp, Rachelle  
**Subject:** FW: Public Records Request (AZ-AG-20-1955 and AZ-AG-20-1956)  
**Attachments:** AZ-AG-20-1955.pdf; AZ-AG-20-1956.pdf

**Categories:** Green category

---

**From:** AO Records  
**Sent:** Tuesday, August 4, 2020 10:10:23 AM (UTC-07:00) Arizona  
**To:** PublicRecords  
**Subject:** Public Records Request (AZ-AG-20-1955 and AZ-AG-20-1956)

Dear Public Records Officer:

Please find attached two requests for records under Arizona's public records laws.

Sincerely,

--

Olivia Bravo  
Paralegal  
American Oversight  
[foia@americanoversight.org](mailto:foia@americanoversight.org)  
[www.americanoversight.org](http://www.americanoversight.org) | @weareoversight

PRR: AZ-AG-20-1955, AZ-AG-20-1956



August 4, 2020

VIA EMAIL

Deputy Public Information Officer  
Attorney General's Office  
2005 N Central Ave.  
Phoenix, AZ 85004  
[publicrecords@azag.gov](mailto:publicrecords@azag.gov)

**Re: Public Records Request**

Dear Public Records Officer:

Pursuant to the Arizona Public Records Law, A.R.S. §§ 39-121 *et seq.*, American Oversight makes the following request for records.

Requested Records

American Oversight requests that your office promptly produce the following records:

1. All records containing any charters, by-laws, or other formation documents, policies, procedures, or reports in the possession of (or created, utilized, maintained, received, or distributed by) Arizona's Election Integrity Unit.
2. All records containing any agendas or minutes for any meetings held or planned by Arizona's Election Integrity Unit.
3. All records reflecting the time, date, and location of any meetings held or planned by Arizona's Election Integrity Unit, including meeting notices (internal or public) and calendar invitations and entries. With respect to calendar invitations or entries, to the extent that this information is aggregated and maintained on a single calendar, we would accept as responsive a printout from said calendar containing fields reflecting the location, date, and time of each meeting.
4. All transcripts and audio or video recordings of any meetings held by Arizona's Election Integrity Unit.

Please provide all responsive records from August 1, 2019, to the date the search is conducted.

### Statement of Noncommercial Purpose

This request is made for noncommercial purposes. American Oversight seeks the records requested to inform the public regarding Arizona's efforts to prosecute and publicize instances of election fraud. Claims of widespread election fraud are of significant public interest both in Arizona and nationwide.<sup>1</sup> Records with the potential to shed light on this matter would contribute significantly to public understanding of operations of the government, including what specific steps Arizona's Election Integrity Unit has taken or intends to take in order to support ballot integrity.

Because American Oversight is a 501(c)(3) nonprofit, this request is not in American Oversight's financial interest and is not made for a commercial purpose. American Oversight's mission is to promote transparency in government, to educate the public about government activities, and to ensure the accountability of government officials. American Oversight uses the information gathered, and its analysis of it, to educate the public through reports, press releases, or other media. American Oversight also makes materials it gathers available on its public website and promotes their availability on social media platforms, such as Facebook and Twitter.<sup>2</sup>

Because this request is made for noncommercial purposes, American Oversight requests that any fees charged in connection with processing this request be limited to copying and postage charges, if applicable.<sup>3</sup> Please notify American Oversight of any anticipated fees or costs in excess of \$100 prior to incurring such costs or fees.

### Guidance Regarding the Search & Processing of Requested Records

In connection with its request for records, American Oversight provides the following guidance regarding the scope of the records sought and the search and processing of records:

- Our request for records includes any attachments to those records or other materials enclosed with those records when they were previously transmitted. To

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<sup>1</sup> Jeremy Duda, *Officials In All-Mail Balloting States Say GOP Claims Of Fraud Are False*, AZ Mirror (Apr. 16, 2020, 8:50 AM), <https://www.azmirror.com/2020/04/16/officials-in-all-mail-balloting-states-say-gop-claims-of-fraud-are-false/>.

<sup>2</sup> American Oversight currently has approximately 15,500 page likes on Facebook and 104,300 followers on Twitter. American Oversight, FACEBOOK, <https://www.facebook.com/weareoversight/> (last visited Jul. 27, 2020); American Oversight (@weareoversight), TWITTER, <https://twitter.com/weareoversight> (last visited Jul. 27 2020).

<sup>3</sup> A.R.S. § 39-121.01(D)(1); *see also Hanania v. City of Tucson*, 128 Ariz. 135, 624 P.2d 332 (Ct. App. 1980). Furthermore, because this request is for noncommercial purposes, additional fees provided for under A.R.S. § 39-121.03(A) are not applicable and should not be assessed.

the extent that an email is responsive to our request, our request includes all prior messages sent or received in that email chain, as well as any attachments to the email.

- Please search all relevant records or systems containing records regarding agency business. Do not exclude records regarding agency business contained in files, email accounts, or devices in the personal custody of your officials, such as personal email accounts or text messages.
- If any records are withheld in full or in part, pursuant to A.R.S. § 39-121.01(D)(2), please provide an index of records or categories of records that have been withheld and the reasons the records or categories of records have been withheld.
- In the event some portions of the requested records are properly exempt from disclosure, please disclose any reasonably segregable non-exempt portions of the requested records. If a request is denied in whole, please state specifically why it is not reasonable to segregate portions of the record for release.
- Please take appropriate steps to ensure that records responsive to this request are not deleted by the agency before the completion of processing for this request. If records potentially responsive to this request are likely to be located on systems where they are subject to potential deletion, including on a scheduled basis, please take steps to prevent that deletion, including, as appropriate, by instituting a litigation hold on those records.

### Conclusion

If you have any questions regarding how to construe this request for records or believe that further discussions regarding search and processing would facilitate a more efficient production of records of interest to American Oversight, please do not hesitate to contact American Oversight to discuss this request. American Oversight welcomes an opportunity to discuss its request with you before you undertake your search or incur search or duplication costs. By working together at the outset, American Oversight and your agency can decrease the likelihood of costly and time-consuming litigation in the future.

Where possible, please provide responsive material in an electronic format by email. Alternatively, please provide responsive material in native format or in PDF format on a USB drive. Please send any responsive material being sent by mail to American Oversight, 1030 15th Street NW, Suite B255, Washington, DC 20005. If it will accelerate release of responsive records to American Oversight, please also provide responsive material on a rolling basis.

We share a common mission to promote transparency in government. American Oversight looks forward to working with your agency on this request. If you do not understand any

part of this request, please contact Khahilia Shaw at [records@americanoversight.org](mailto:records@americanoversight.org) or (202) 539-6507.

Sincerely,

A handwritten signature in black ink, appearing to read "Austin R. Evers", with a long horizontal flourish extending to the left.

Austin R. Evers  
Executive Director  
American Oversight





August 4, 2020

VIA EMAIL

Deputy Public Information Officer  
Attorney General's Office  
2005 N Central Ave.  
Phoenix, AZ 85004  
[publicrecords@azag.gov](mailto:publicrecords@azag.gov)

**Re: Public Records Request**

Dear Public Records Officer:

Pursuant to the Arizona Public Records Law, A.R.S. §§ 39-121 *et seq.*, American Oversight makes the following request for records.

Requested Records

American Oversight requests that your office promptly produce the following records:

All email communications (including email messages, email attachments, complete email chains, calendar invitations, and calendar attachments) sent or received by (a) Attorney General Mark Brnovich, or anyone communicating on his behalf, such as an assistant or scheduler, or (b) Chief Deputy Joe Kanefield containing any of the following key terms:

Search Terms:

- "Election Integrity"
- EIU
- "Election unit"
- "Elections unit"
- "Election-related crime"
- "Ballot Fraud"
- "Election fraud"
- "Voter fraud"
- "Voting fraud"
- "Absentee fraud"
- "Registration fraud"
- "Mail fraud"
- "Ballot integrity"
- "Voter integrity"
- Harvesting
- "Signature match"
- "Signature matches"
- "Signatures match"
- "Signature matching"
- "Election manipulation"
- "Election tampering"
- "Vote rigging"
- "Ballot stuffing"
- "Ballot destruction"
- "Voter impersonation"
- "Double voting"
- "Double vote"
- "Voting twice"

- “Voted twice”

Please provide all responsive records from August 1, 2019, to the date the search is conducted. Please note that we do not wish to obtain copies of any news or press clippings regarding these issues that are otherwise publicly available. Accordingly, you may omit press clippings from the documents provided in response to this request, unless the record includes commentary on the press coverage.

### Statement of Noncommercial Purpose

This request is made for noncommercial purposes. American Oversight seeks the records requested to inform the public regarding Arizona’s efforts to prosecute and publicize instances of election fraud. Claims of widespread election fraud are of significant public interest both in Arizona and nationwide.<sup>1</sup> Records with the potential to shed light on this matter would contribute significantly to public understanding of operations of the government, including what specific steps Arizona’s Election Integrity Unit has taken or intends to take in order to support ballot integrity.

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<sup>1</sup> Jeremy Duda, *Officials In All-Mail Balloting States Say GOP Claims Of Fraud Are False*, AZ Mirror (Apr. 16, 2020, 8:50 AM), <https://www.azmirror.com/2020/04/16/officials-in-all-mail-balloting-states-say-gop-claims-of-fraud-are-false/>.

<sup>2</sup> American Oversight currently has approximately 15,500 page likes on Facebook and 104,300 followers on Twitter. American Oversight, FACEBOOK, <https://www.facebook.com/weareoversight/> (last visited Jul. 27, 2020); American Oversight (@weareoversight), TWITTER, <https://twitter.com/weareoversight> (last visited Jul. 27 2020).

postage charges, if applicable.<sup>3</sup> Please notify American Oversight of any anticipated fees or costs in excess of \$100 prior to incurring such costs or fees.

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- Our request for records includes any attachments to those records or other materials enclosed with those records when they were previously transmitted. To the extent that an email is responsive to our request, our request includes all prior messages sent or received in that email chain, as well as any attachments to the email.
- Please search all relevant records or systems containing records regarding agency business. Do not exclude records regarding agency business contained in files, email accounts, or devices in the personal custody of your officials, such as personal email accounts or text messages.
- If any records are withheld in full or in part, pursuant to A.R.S. § 39-121.01(D)(2), please provide an index of records or categories of records that have been withheld and the reasons the records or categories of records have been withheld.
- In the event some portions of the requested records are properly exempt from disclosure, please disclose any reasonably segregable non-exempt portions of the requested records. If a request is denied in whole, please state specifically why it is not reasonable to segregate portions of the record for release.
- Please take appropriate steps to ensure that records responsive to this request are not deleted by the agency before the completion of processing for this request. If records potentially responsive to this request are likely to be located on systems where they are subject to potential deletion, including on a scheduled basis, please take steps to prevent that deletion, including, as appropriate, by instituting a litigation hold on those records.

### Conclusion

If you have any questions regarding how to construe this request for records or believe that further discussions regarding search and processing would facilitate a more efficient production of records of interest to American Oversight, please do not hesitate to contact

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<sup>3</sup> A.R.S. § 39-121.01(D)(1); *see also Hanania v. City of Tucson*, 128 Ariz. 135, 624 P.2d 332 (Ct. App. 1980). Furthermore, because this request is for noncommercial purposes, additional fees provided for under A.R.S. § 39-121.03(A) are not applicable and should not be assessed.

American Oversight to discuss this request. American Oversight welcomes an opportunity to discuss its request with you before you undertake your search or incur search or duplication costs. By working together at the outset, American Oversight and your agency can decrease the likelihood of costly and time-consuming litigation in the future.

Where possible, please provide responsive material in an electronic format by email. Alternatively, please provide responsive material in native format or in PDF format on a USB drive. Please send any responsive material being sent by mail to American Oversight, 1030 15th Street NW, Suite B255, Washington, DC 20005. If it will accelerate release of responsive records to American Oversight, please also provide responsive material on a rolling basis.

We share a common mission to promote transparency in government. American Oversight looks forward to working with your agency on this request. If you do not understand any part of this request, please contact Khahilia Shaw at [records@americanoversight.org](mailto:records@americanoversight.org) or (202) 539-6507.

Sincerely,

A handwritten signature in black ink that reads "Austin R. Evers". The signature is fluid and cursive, with a long horizontal line extending to the left.

Austin R. Evers  
Executive Director  
American Oversight

## Lumpp, Rachelle

---

**From:** Kredit, Joshua  
**Sent:** Tuesday, April 28, 2020 10:03 AM  
**To:** Brnovich, Mark  
**Subject:** Fwd: Yellow Sheet Report- April 27  
**Attachments:** ATT00001.txt; 4-27-20.pdf

**Categories:** Green category

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**From:** Rusing, Amanda <[amanda.rusing@azag.gov](mailto:amanda.rusing@azag.gov)>  
**Sent:** Monday, April 27, 2020 4:36 PM  
**To:** Rusing, Amanda  
**Subject:** Yellow Sheet Report- April 27

Attached is today's Yellow Sheet Report.

<https://yellowsheetreport.com/files/2020/04/4-27-20.pdf>

# YELLOW SHEET REPORT

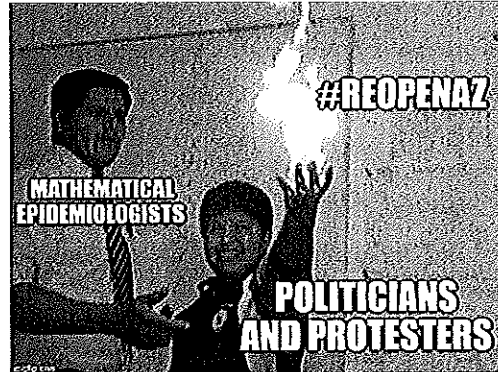
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Monday, April 27, 2020

## NEWS NOTES AND GOSSIP

### THOUGH THE POLITICIANS MAY TELL YOU OTHERWISE

One of the authors of a model the Dept of Health Services relies on said Arizona is “absolutely not” ready to start reopening on May 1. According to the model, which was developed by Arizona State University and the University of Arizona and released publicly by DHS last week, Arizona can expect anywhere between 200 and 4000 deaths from COVID-19 between April 8 and July 31, – a huge range that depends on which restrictions remain in place and how closely the public follows them. Tim Lant, an ASU mathematical epidemiologist who’s leading the modeling team, said while it shows a lot, there’s much more it doesn’t. “It doesn’t tell us what to do,” Lant said. “It doesn’t answer questions like is



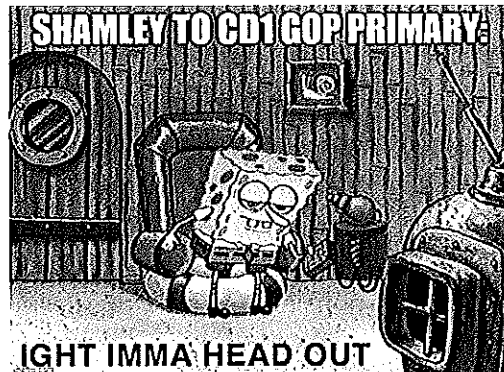
there an acceptable amount of deaths, it doesn’t really say anything about vulnerable populations... specific businesses that we should prioritize in opening first... or compliance in policies and directives from the government.” The model is one of a handful DHS Director Cara Christ said the state relies on to make decisions ([LINK](#)). Because models consistently change with the data used to run them, it’s hard for public officials to make decisions based on them, Lant said. The model was originally developed to estimate resource needs and disease transmission rates, but Lant’s team ran into problems with insufficient testing data and answering the question of when the state could safely reopen became more important. Lant said he and the team also have to deal with a rabbit hole of clarifications, like the degree of the reopening, the tradeoffs of reopening, and what the meaning of “safe” is. But one thing is clear – if Arizona were to start a phased opening May 1, Lant said, according to the model, it wouldn’t be safe. “Absolutely not,” Lant said. While the state hasn’t asked Lant to use his model specifically to answer the question of whether it would be safe to reopen, Lant has done it himself and plans to share it with the state and fellow modelers. “I have looked at those results and the answer is no, it’s not safe to reopen,” Lant said.

### CITIES ARE JUST FLYING BLIND

Phoenix and Flagstaff are weighing their legal options and preparing for a range of scenarios on May 1, depending on whether Ducey decides to extend, amend or let expire his stay-at-home order. Colorado Governor Jared Polis allowed his order to expire, and politely asked people to remain home when possible while he eased restrictions on closed businesses. Some Colorado municipalities have independently extended the order and city officials in Arizona now wonder if that same situation could play out here ([YS, 4/24](#)). That’s likely one scenario Phoenix is preparing for, as Mayor Kate Gallego’s spokeswoman Annie DeGraw told our reporter the city has asked its lawyers as well as counsel at the League of Cities and Towns to map out “all scenarios.” DeGraw said the city is seeking clarification on what power a city has if Ducey lifts the order. However, she insisted that that inquiry is “purely for the sake of preparedness and not because any decisions have been made.” “It’s not just about a stay at home [order]. It’s about reopening businesses, health things, to how the city can best partner with the state,” she said. Meanwhile, Flagstaff Mayor Coral Evans said she too is questioning how the city might move forward if she feels Ducey’s proposal “is not addressing the community health concerns” of her constituents. Among the factors that could determine what tack the city will take, Evans said, are testing availability and accessibility, the number of confirmed cases and COVID-related deaths, as well as what restrictions Ducey keeps on May 1.

## ONE FEWER REPUBLICAN IN THE CD1 RACE

CD1 candidate Doyel Shamley didn't show up for his pre-trial conference over his petition challenge today, but attorney Kory Langhofer, who's representing the plaintiff, fellow Republican CD1 candidate Nolan Reidhead, told the court today he expects Shamley to drop out. When Maricopa County Superior Court Judge Timothy Thomason asked today where Shamley was, and whether he had retained a lawyer, Langhofer said he's been talking with a political consultant representing Shamley, and expects him to withdraw. Thomason scheduled the full hearing tomorrow, just in case. If it proceeds to trial, Langhofer said it would be brief – the signatures aren't even close. "It sounds like there is a pretty high likelihood that this is going to go away," Thomason said. As of our deadline, Shamley hasn't filed paperwork to withdraw from the race. If Shamley, who ran unsuccessfully in LD7 last election, drops out, it will leave only Reidhead and Republican Tiffany Shedd vying for the chance to take on O'Halleran (or Dem Eva Putzova, should she unseat the incumbent in August).



As of our deadline, Shamley hasn't filed paperwork to withdraw from the race. If Shamley, who ran unsuccessfully in LD7 last election, drops out, it will leave only Reidhead and Republican Tiffany Shedd vying for the chance to take on O'Halleran (or Dem Eva Putzova, should she unseat the incumbent in August).

## IN LD27, MIRANDA SURVIVES, RODRIGUEZ GOES TO COURT



The fates of two of the three Democrats running for the House in LD27 are beginning to diverge. A suit challenging 412 of the 758 signatures former lawmaker Catherine Miranda collected won't move forward, a court staffer told reporters ahead of a scheduled pre-trial conference in the case this morning. As such, her place on the ballot looks to be secure. Less certain is the future of Rodríguez, who just barely cleared the signature threshold for Democratic candidates in the district. Despite his expectations that the complaint challenging 274 of his signatures would be resolved at a pre-trial conference today, Rodríguez will have to

go to trial tomorrow at 10 am. West Valley golf course owner Jack Westwood hired former state Elections Director Eric Spencer to argue that hundreds of the signatures the Rodríguez campaign gathered don't match voter registration records. Rodríguez had expected to handily clear the district's 442-signature threshold, but conceded that his online signatures didn't come in as strong as he had hoped, and pointed the finger at COVID-19 for gumming up campaigning across the board. Westwood appears to have a personal connection to Miranda. In an April 3 webcast, a reporter from Spanish-language outlet *Prensa Arizona* interviewed Miranda and Westwood together at a blood drive Westwood hosted at the golf course he operates on 57th Avenue in Laveen. In the video, Miranda refers to Westwood as a "good friend" ([LINK](#)). Spencer – who also represented Miranda in the challenge to her signatures – could not be reached for comment.

## CARRY ON, CANDIDATES

Two other legislative candidates survived legal challenges to their petitions. Arizona Democratic Party Vice Chairman Bryan Rasmussen withdrew his challenge to Republican LD4 Senate candidate Travis Angry's petitions, after his attorneys reviewed a signature report from Maricopa County. Angry will face Otondo in November. And Republican Jarrett Hamstreet, who is seeking one of the two open LD15 House seats alongside Republicans Justin Wilmeth and Steve Kaiser, survived his challenge, keeping alive the three-way primary race in the district.

## HI HO, HI HO, IT'S BACK TO COURT SHE GOES

Senate Democratic policy adviser Talonya Adams is taking her wrongful discrimination case to the 9th Circuit Court of Appeals after the Senate successfully petitioned for a partial new trial. A jury found that Adams, a black woman, faced unequal treatment because of her race and sex because she earned significantly less than white male policy advisers, but federal judge Douglas L. Reyes agreed with the Senate that Adams didn't prove that her subsequent dismissal was unlawful retaliation. He approved the Senate's request for a new trial on the retaliation charge alone. A new finding in the Senate's favor could further reduce some of Adams' roughly \$350,000 in damages. A jury initially awarded her \$1 million, but federal law on discrimination cases capped that at \$300,000, plus punitive damages, including lost salary. Adams did not provide a reason for the appeal in her notice to appeal. While arguing in court in early March against the Senate's motion for a new trial, she repeatedly cited the jury's verdict as evidence in itself that her 2015 dismissal was an act of retaliation, and could not offer evidence presented at trial that she ever complained about discrimination to her bosses.



## WE SO WISH GIN AND JUICE WITH JAN WAS A THING



Former Governor Jan Brewer said compared to the financial crisis she faced as a new governor in the Great Recession, Ducey's coronavirus-induced recession is "a walk in the park." Brewer said that when former Gov Janet Napolitano left office, she knew of the deficit she was leaving behind and gave Brewer little notice – less notice and understanding than Ducey and his team had about the coming financial shortfalls. "Within 10 days of becoming governor, I instituted the largest budget cuts in the history of Arizona to solve that \$1.6 billion hole. We were broke and that was just the tip," Brewer said, adding that she faced with a \$3.4 billion deficit in the next fiscal year and was forced to push a tax increase she would have rather not. "We were in a fiscal crisis, the worst imaginable kind. Compared to what we went through, right now is like a walk in the park," Brewer said. Ducey and the Legislature have more resources to lean on, like federal aid and the state's nearly \$1 billion rainy day fund, Brewer said. If she were in charge, she would utilize the rainy day fund. "Bail [the state] out and start building the next one," she said. Although she wouldn't say how much of the fund lawmakers should utilize, Brewer said the state would need to spend "a whole lot of it." She suggested lawmakers determine where to cut and call their own special session to sort things out financially. However, if Ducey calls one, he should have a clear and narrow goal in mind and maybe set a deadline, otherwise, he and the Legislature might risk complicating things even more, Brewer said.

## ·PRESS RELEASES AND NEWS CLIPS·

### Governor Doug Ducey, Arizona Department of Health Services, and Healthcare Partners Launch Arizona Testing Blitz

*Arizona Testing Blitz aims to test between 30,000-60,000 people over three weekends*



PHOENIX — Governor Doug Ducey today announced that the Arizona Department of Health Services (ADHS), in partnership with healthcare partners across the state, are joining forces to launch the *Arizona Testing Blitz* with the goal of increasing COVID-19 testing statewide. The *Arizona Testing Blitz* aims to test 10,000-20,000 Arizonans for COVID-19 every Saturday for three consecutive weeks, beginning Saturday, May 2, 2020.

“Arizona has placed an emphasis on ramping up testing, but we need more,” Governor Ducey said. “As our healthcare partners develop a more reliable supply of testing materials, we’re working together to take testing availability to the next level. The *Arizona Testing Blitz* is just one step of many that will expand access to testing for Arizonans and provide us with better data to develop Arizona specific solutions and re-energize our economy.”

As part of the *Arizona Testing Blitz*, drive-through or onsite testing will be available at various locations across the state. Arizonans can find the nearest testing location and hours of operation as well as pre-register by visiting [azhealth.gov/TestingBlitz](http://azhealth.gov/TestingBlitz). Testing will be available to anyone who thinks they have been exposed to and could be infected with COVID-19 and will be based on criteria set by each testing site.

“We know that rapidly identifying cases, conducting case follow-up, and performing contact tracing will help slow the transmission of COVID-19 in our communities,” said Dr. Cara Christ, ADHS director. “Success in these areas requires an increase in our testing capacity, and the *Arizona Testing Blitz* will help allow those who want to be tested, get tested. We’re appreciative of our participating partners who will provide additional testing for Arizonans over the next few weeks.”

On Friday, April 24, ADHS invited partners to participate in this statewide, coordinated event. To date, groups including Banner Health and Walgreens have answered the call and additional partners are expected to join. Other partners who want to participate in the *Arizona Testing Blitz* can contact [HEOC@azdhs.gov](mailto:HEOC@azdhs.gov). ADHS continues to work with healthcare partners and commercial and clinical laboratories to expand testing capacity in Arizona. ADHS has partnered to provide additional funding to laboratories, remove restrictions on testing criteria for those with adequate testing supplies and personal protective equipment, and distribute rapid testing machines and specimen collection kits to partners.

The Governor’s Office and ADHS are actively monitoring COVID-19 spread throughout Arizona. As of today, all 15 Arizona counties have confirmed cases with a combined total of 6,716 cases across the state. Commercial labs, hospital labs, and the Arizona State Public Health Laboratory continue to provide diagnostic testing and have performed 66,543 tests to date.

For more information about Arizona’s response to the COVID-19 outbreak, visit [azhealth.gov/COVID-19](http://azhealth.gov/COVID-19).

## Attorney General Brnovich Asks Supreme Court to Rule on Ballot Harvesting Case

WASHINGTON, D.C. – Today, Attorney General Mark Brnovich continued his defense of Arizona’s authority to enact laws that prevent multiple voting, protect against voter intimidation, preserve the secrecy of the ballot, and safeguard election integrity. AG Brnovich is asking the Supreme Court of the United States to review the Ninth Circuit’s recent en banc decision that inexplicably reversed itself, and struck down Arizona laws restricting ballot harvesting and out-of-precinct voting.

In February of this year, AG Brnovich obtained a stay of the Ninth Circuit’s decision, leaving Arizona’s laws restricting ballot harvesting and out-of-precinct voting in place for the time being. With similar laws enacted in several other states, the Attorney General’s Office argues this case presents an appropriate vehicle to establish a clear rule of law for the country, and the Supreme Court can and should bring clarity to these important matters that are vital to our elections.

“Free and fair elections are the cornerstone of American democracy, and I will continue to do everything in my power to protect the integrity of our ballots,” said Attorney General Mark Brnovich. “Arizonans are best suited to decide which safeguards are needed for our elections, not the Ninth Circuit. This lawsuit has broad implications for the rest of the country, and we are optimistic the Supreme Court will take this case and provide clarity for the rule of law.”

Arizona, like other states, has adopted rules over the years to promote the order and integrity of its elections. In 2016, Arizona passed HB 2023, restricting the practice of ballot harvesting in Arizona, unless the person collecting the ballot is a family member, a person living in the same household, or a caregiver. Arizona has required people to vote at their specific precinct since the 1970’s. However, several arms of the Democratic Party (DNC) filed suit in 2016 to challenge the out-of-precinct policy and the ballot-collection policy. Arizona has prevailed in its legal defense numerous times, including at a 10-day-trial where the court heard from seven experts and 33 witnesses.

About 20 states have ballot harvesting laws substantially similar to Arizona or impose various regulations on ballot harvesting that could be invalidated as a result of the Ninth Circuit's decision. Additionally, a majority of states require ballots to be cast in the correct precinct. The Attorney General's Office argues that invalidating Arizona's elections policies threatens other similar sensible voter integrity and election laws across the country. The opposing side will have 30 days to reply to Arizona's petition for review. From there, the Supreme Court will issue a decision whether to accept the case.

[Copy of Arizona's Supreme Court Cert Petition here.](#)

[\(Copy of Appendix\)](#)

## Community Organizations Unite to Launch Arizona Undocumented Workers Relief Fund

PHOENIX – A coalition of more than 20 community organizations and individuals has created, and is now raising donations, for The Arizona Undocumented Workers Relief Fund. Undocumented workers contribute to our economy, industries and communities every day, but are not eligible to receive unemployment benefits or most federal COVID-19 disaster relief funds. Launched April 22, this volunteer non-profit effort, overseen by the Arizona Community Foundation, will provide grants to organizations to provide rental assistance, food and other essential needs.

"We are all in this together," said Arizona State Rep. Raquel Terán, one of the coalition's organizers. "Undocumented workers contribute more than \$7 billion every year to Social Security, but they are not eligible to recoup any of those funds. These families are vital contributors to our economy, but they are suffering through this crisis as well. We must do what we can to help. Our state cannot and will not fully recover from this crisis if we leave these communities behind."

The public can support the Arizona Undocumented Workers Relief Fund at [www.azfoundation.org/undocumentedworkers](http://www.azfoundation.org/undocumentedworkers).

**The organizations that make up the coalition include:**

Arizona Center for Empowerment; Arizona Dream Act Coalition; Black Phoenix Organizing Collective; Chicanos Por La Causa; CHISPA Arizona; Corazon-AZ Project of Neighborhood Ministries; Instituto Lab; Latina Giving Circle; LULAC Arizona; Mi Familia Vota; Mountain Park Health Center; One Arizona; Phoenix Allies for Community Health; Poder in Action; Promise Arizona; Puente Human Rights Movement; Undocumented Students for Education Equity; Valle Del Sol.

**Individual leaders include:**

Rep. *Athena Salmar*; Phoenix City Councilmember *Carlos Garcia*; Rep. *Charlene Fernandez*; *Cynthia Aragon*, AUWR Fund Advisor; *Dana Naimark*, policy and strategy advisor; *Danny Ortega*, AUWR Fund Advisor; *Lisa Urias*, Urias Communications, ACF board member; Rep. *Raquel Terán*.

Click [here](#) for the launch video

## WEIERS CAMPAIGN EXPRESSES CONCERNS ABOUT ROBERTSON SIGNATURE COLLECTION PRACTICES

~ Fraud, Forgeries, and Felon Force Legal Challenge ~

(Glendale, AZ – April 24, 2020) – The petitions of Mayoral Candidate Michelle Robertson were challenged in court today and among the facts uncovered was that Robertson hired numerous people to go door-to-door during the Coronavirus pandemic to collect signatures to get her on the ballot, including at least one felon who had plead guilty to the charge of felony burglary. Additionally, there were numerous pages filled with fraudulent signatures that were simply made up for the Robertson campaign and additional examples of voters who claimed that they never signed the petitions, indicating that the names on the petitions were forged as a way of trying to qualify Robertson for the ballot. Robertson also submitted petitions filled out by circulators who, in an attempt to disguise their own real identity, gave false information on the circulator portion of the petitions.

It is illegal to have a felon circulate a petition unless that felon has had his rights restored, although the Robertson campaign insisted to the judge that this felon had his rights restored and the signatures should count. Nevertheless,

sending a burglar door-to-door during a pandemic shows an incredible lack of judgment, regardless of his ultimate legal standing to collect signatures.

While Robertson was putting her political career first, and paying people to knock on thousands of doors with pens and clipboards in hand, city and state leaders were declaring states of emergency and asking people to stay home to keep themselves, their families, and each other safe. However the challenge is ultimately decided by the judge, the Robertson campaign owes the people of Glendale an apology for jeopardizing their health and safety, for submitting fraudulent and forged petition signatures, and for employing signature gatherers who lied about their own identity.

## McSally Calls for Establishing 9-8-8 Suicide Hotline in Next COVID-19 Relief Package

U.S. SENATE – U.S. Senator Martha McSally (R-AZ) joined a bipartisan, bicameral push in Congress to include S. 2661, the National Suicide Hotline Designation Act, in the next COVID-19 relief package. McSally is a co-sponsor of this bipartisan legislation to designate 9-8-8 as the three-digit number for a national suicide prevention and mental health crisis hotline.

“We write to request the inclusion of S. 2661/ H.R. 4194, the National Suicide Hotline Designation Act, in the next COVID-19 relief package. The creation of this three-digit dialing code is essential in order to address the growing suicide crisis across the United States,” the senators wrote. “As our country is facing an unprecedented challenge in responding to COVID-19, this three-digit hotline would play a critical role in saving the lives of many vulnerable Americans who are facing mental health emergencies during this period of isolation and uncertainty. Suicide does not discriminate between rural and urban areas or by income, and it causes heartbreak and loss in communities in every single one of our states. We must ensure that we are doing everything we can to prevent these devastating outcomes from occurring, especially in these trying times as grief and uncertainty encompass our nation.”

The National Suicide Hotline Designation Act, S. 2661, designates 9-8-8 as the National Suicide Prevention Lifeline, which would include the Veterans Crisis Line for veteran-specific mental health support. The current National Suicide Prevention Lifeline and Veterans Crisis line is 10-digits long, which is a barrier to Americans in crisis seeking support. The bill includes a report to improve support services for lesbian, gay, bisexual, transgender, queer and questioning (LGBTQ) youth and other high-risk populations.

The full text of the letter is available [here](#)

## McSally for Senate Launches New Digital Ad “Stronger Than Ever”

Ad highlights Senator McSally’s personal response to help Arizona amid coronavirus

PHOENIX, Ariz. – Today, McSally for Senate launched a new digital ad, “Stronger Than Ever.” The digital ad, a companion to last week’s television ad titled “Get Through This,” highlights Senator McSally’s personal efforts to help Arizonans during the coronavirus pandemic by donating her April paycheck to charities and individuals in need, giving blood, volunteering at food banks, and raising money for The Salvation Army of Arizona. McSally recorded the message for the ad on her phone while at home practicing social distancing.

At the start of this devastating pandemic, Senator Martha McSally shifted her campaign to focus on providing relief for Arizona. Her campaign ceased normal advertising for more than a month and suspended all door to door canvassing to instead deliver essential items to the elderly and vulnerable in communities across Arizona.

She introduced legislation to put Americans first by withholding pay from all U.S. Senators until they passed a relief package, helped secure additional ventilators for Arizona hospitals, and worked to get immediate cash relief to individuals, hospitals, state/local governments, and small businesses. She also fought to secure \$8 billion for Native American tribes like the Navajo Nation in Arizona to combat costs associated with fighting coronavirus.

On April 1st, Senator McSally announced she was suspending all campaign fundraising to instead raise as much money as possible for The Salvation Army of Arizona. For 15 Days, she focused on volunteering and raising money, bringing in over \$212,000 to directly support Arizonans struggling with food insecurity, rent and utility payments.

“There is no doubt we are facing one of the greatest challenges of our lifetime. Coronavirus has affected all of us personally and the pain is real,” said Senator McSally. “One thing is certain though – we will get through this together. I’m committed to making sure Arizona has support to win this fight by getting critical funds to small

businesses, workers, families and hospitals and protection for our frontline health care heroes. I'm also doing what I can personally, like donating my paycheck, raising money for charity, and giving blood. I know times are tough, but we will prevail by working and helping together.”  
You can watch the ad [here](#).

## Stanton Demands Action on Navajo Nation Request; Trump Administration Has Ignored Tribal Community in Crisis for Nearly a Month

*Says approving Navajo request on FEMA funds 'a matter of life and death'*

PHOENIX—Rep. Greg Stanton today urged President Donald Trump to take immediate action to eliminate the Federal Emergency Management Agency (FEMA) local cost share to help the Navajo Nation fight the COVID-19 pandemic.

Navajo Nation President Jonathan Nez made the request nearly a month ago. The Trump Administration has not yet responded.

During that time, the Navajo Nation has experienced a more than 700 percent increase in the number of confirmed COVID-19 cases, and a more than 800 percent increase in deaths. It has become one of the hardest hit areas of the country with the third-highest infection rates nationwide after New York and New Jersey.

In a letter today, Stanton pressed the President to eliminate the cost share currently imposed on state, tribal and local governments to use FEMA funds that were made available when the President declared a national emergency and major disaster declaration for the state of Arizona. Last week, Stanton joined many of his colleagues in the House in [urging the President to eliminate the cost share](#) and shift 100 percent of the financial burden to the federal government.

“For far too long, the federal government has failed to meet its trust obligations to tribal communities, and that must change,” Stanton wrote. “Especially in this time of extraordinary need, the federal government has a duty to leverage the full weight of its resources to allow the Navajo Nation to direct more of its limited resources to combat the virus and other response efforts.”

Certain realities of living on the reservation makes tracing and combatting COVID-19 especially difficult. Many homes are located hours apart from one another and lack clean, running water or reliable electricity. Geographically, the Navajo Nation is the size of West Virginia.

Stanton calls the crisis on the Navajo Nation “a matter of life and death” and notes that time is of the essence. His full letter is available [here](#).

## Western Independence Project Launches Ads Calling on Martha McSally to Start Working for Arizona, Not Mitch McConnell

Phoenix, AZ — Today, the Western Independence Project is unveiling its first two digital ads of the 2020 cycle. These ads highlight Martha McSally’s failure to break from blindly following Mitch McConnell and his corporate allies, as well as her votes to repeal healthcare protections for Arizonans in times of crisis.

Arizonans have long demanded strong, independent leadership from their representatives in Washington, especially during challenging times. But Martha McSally has not been the independent voice we need, she votes with Mitch McConnell 97% of the time.

In her failure to break with McConnell, McSally has also voted to strip away protections for Arizonans living with pre-existing conditions.

“Martha McSally simply has not been the leader Arizona needs. By voting with Mitch McConnell and his corrupt corporate allies 97% of the time, she is failing to stand up for Arizonans” said WIP spokesperson Joe Wolf.

“Martha McSally enthusiastically voted to advance legislation that would have allowed states to charge people with pre-existing conditions vastly more. And even now, in the middle of a pandemic refuses to acknowledge the failure of McConnell to do more. If McSally truly cares about fighting for regular Arizonans, she must call on McConnell to ensure there are no more attempts to weaken the ACA” added Wolf.

The Western Independence Project's ads are available [HERE](#) and [HERE](#). The ads will run on digital platforms statewide in Arizona.

## “QUOTE OF THE DAY”

“I have looked at those results and the answer is no, it's not safe to reopen.”

*- Tim Lant, an ASU mathematical epidemiologist who's leading a team modeling different reopening scenarios*

## Lumpp, Rachelle

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**From:** PublicRecords  
**Sent:** Thursday, January 16, 2020 3:07 PM  
**To:** andrew.oxford@arizonarepublic.com  
**Subject:** PRR2019-13755-324  
**Attachments:** LTr 1-16-20.pdf; PHX-#5744886-v28-FSP\_PDQ\_-\_NEW\_FORM\_.pdf; PHX-#7565597-v2-PDQ\_-\_SR\_LITIGATION\_COUNSEL\_.pdf; PHX-#8133743-v1-SAG1120-\_PDQ\_Voter\_Fraud\_SA.PDF

**Categories:** Green category

Mr. Oxford,  
The response to your public records request is attached. Thank you.

Rachelle Lumpp  
Public Information Officer  
Arizona Attorney General's Office  
2005 N. Central Avenue  
Phoenix, AZ 85004  
602-542-8330  
[publicrecords@azag.gov](mailto:publicrecords@azag.gov)



## Lumpp, Rachelle

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**From:** PublicRecords  
**Sent:** Thursday, December 12, 2019 10:43 AM  
**To:** 'jgfoia@gmail.com'  
**Subject:** PRR2019-15629-384  
**Attachments:** Glawe, Justin 12-12-19.pdf; PRR Log.xlsx

**Categories:** Black, Green category

Mr. Glawe,  
The response to your public records request is attached. Thank you.

Rachelle Lumpp  
Public Information Officer  
Arizona Attorney General's Office  
2005 N. Central Avenue  
Phoenix, AZ 85004  
602-542-8330  
[publicrecords@azag.gov](mailto:publicrecords@azag.gov)



## Lumpp, Rachelle

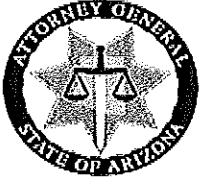
---

**From:** PublicRecords  
**Sent:** Wednesday, November 20, 2019 11:45 AM  
**To:** Caleb.Morrison@thfintern.org  
**Subject:** PRR2019-4901-138  
**Attachments:** Morrison, Caleb 11-19-19.pdf; PHX-#4991997-v10-double\_voting\_case\_dispositions.pdf

**Categories:** Green category

Mr. Morrison,  
The response to your public records request is attached. Thank you.

Rachelle Lumpp  
Public Information Officer  
Arizona Attorney General's Office  
2005 N. Central Avenue  
Phoenix, AZ 85004  
602-542-8330  
[publicrecords@azag.gov](mailto:publicrecords@azag.gov)





## Lumpp, Rachelle

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**From:** Rodriguez, Lisa  
**Sent:** Tuesday, October 15, 2019 1:44 PM  
**To:** Lumpp, Rachelle  
**Cc:** Rodriguez, Lisa  
**Subject:** RE: PRR2019-4901-138  
**Attachments:** PHX-#4991997-v10-double\_voting\_case\_dispositions.docx

**Categories:** Green category

Here is the list then.

---

**From:** Lumpp, Rachelle  
**Sent:** Tuesday, October 15, 2019 1:38 PM  
**To:** Rodriguez, Lisa  
**Subject:** RE: PRR2019-4901-138

I do remember that list – I probably just didn't mark this off my sheet. Let me double check my records...

---

**From:** Rodriguez, Lisa  
**Sent:** Tuesday, October 15, 2019 1:38 PM  
**To:** Lumpp, Rachelle  
**Cc:** Rodriguez, Lisa  
**Subject:** RE: PRR2019-4901-138

I thought we already sent you Todd's list he keeps updated. Let me check.

---

**From:** Lumpp, Rachelle  
**Sent:** Tuesday, October 15, 2019 1:25 PM  
**To:** Rodriguez, Lisa  
**Subject:** FW: PRR2019-4901-138

Lisa,  
Where are we on this one? It's old...

---

**From:** Lumpp, Rachelle  
**Sent:** Friday, January 25, 2019 10:12 AM  
**To:** Johnson, Lauren  
**Subject:** PRR2019-4901-138

Hi Lauren,  
Please see PRR below. Thanks!

---

**From:** PublicRecords  
**Sent:** Thursday, January 24, 2019 8:33 AM  
**To:** Diaz, Bethany; Lumpp, Rachelle  
**Subject:** FW: Public Records Request: Submission

**From:** Webmaster  
**Sent:** Thursday, January 24, 2019 8:33:16 AM (UTC-07:00) Arizona  
**To:** PublicRecords  
**Subject:** Public Records Request: Submission

Office of Arizona Attorney General

# Mark Brnovich

## Public Records Request Form

### Submitted by:

Full Name: Caleb morrison  
Company: Heritage Foundation  
Street Address: Heritage Foundation C/O Meese Legal Center  
City, State: 214 Massachussets Ave. NE, District of Columbia  
Zip Code: 20002 - 4999  
Phone: 903-343-9228  
E-mail Address: [Caleb.Morrison@thfintern.org](mailto:Caleb.Morrison@thfintern.org)

-----  
AFFIRM that the records are for personal use and not for commercial purposes: I affirm  
-----

### Details of Request

#### Records Requested:

In the course of my research into election integrity, I am delighted to contact you to make a records request re. records maintained by the AG's office. I am requesting documents recording all investigations, prosecutions, or convictions of electoral code violations (ballot fraud, voter intimidation etc.) that have been recorded or conducted by the Arizona Attorney General's office from 1990 to the present day.

Intake Number: **PRR-2019-4901-138**

## Anderson, Ryan

---

**From:** Lumpp, Rachelle  
**Sent:** Tuesday, May 12, 2020 11:21 AM  
**To:** Wright, Jennifer  
**Subject:** Election Integrity Letter FW: Message from "LAW-EXO-PRN1"  
**Attachments:** 202005121119.pdf

**Categories:** Black, Green category

A copy of the letter we received in EXO. Thanks!

-----Original Message-----

**From:** [LAW-EXO-PRN1@azag.gov](mailto:LAW-EXO-PRN1@azag.gov) [mailto:[LAW-EXO-PRN1@azag.gov](mailto:LAW-EXO-PRN1@azag.gov)]  
**Sent:** Tuesday, May 12, 2020 11:19 AM  
**To:** Lumpp, Rachelle  
**Subject:** Message from "LAW-EXO-PRN1"

This E-mail was sent from "LAW-EXO-PRN1" (Aficio MP 4002).

Scan Date: 05.12.2020 11:19:23 (-0700)  
Queries to: [LAW-EXO-PRN1@azag.gov](mailto:LAW-EXO-PRN1@azag.gov)

Janice Rhodes

E-Mail:

May 4, 2020

Mark Brnovich  
Attorney General  
2005 N Central Ave.  
Phoenix, AZ 85004-2926

Dear Attorney General Brnovich:

These are the standards we the American people believe every Attorney General in the country should adhere to especially in this time of crisis. We, as Americans, must ensure free elections by doing the following: Clean up voting registry: 1) no deceased voting 2) no illegals voting.

We must return to:

- 1) Same day voting on the first Tuesday of November
- 2) Show voter ID to ensure safety and minimize fraudulent voting
- 3) Minimal absentee ballots—military overseas and those truly out of town—signature verification and/or only brought in by a certified family member
- 4) No ballot harvesting
- 5) Democrat/Republican present at same time to count absentees and rechecked by a different set of Democrat/Republican people for verification
- 6) Absentees due 2 weeks before election and counted by night of election.
- 7) No push to call absentee ballots "safe" and use COVID 19 to increase the fraud in election

This should all be done by October 1, 2020. Thank you for your prompt and decisive action. We the American people are watching and expect nothing less.

Sincerely,

Janice Rhodes



## Anderson, Ryan

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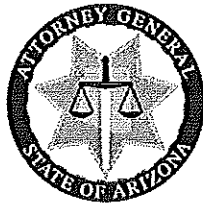
**From:** PublicRecords  
**Sent:** Thursday, December 12, 2019 10:43 AM  
**To:** '@gmail.com'  
**Subject:** PRR2019-15629-384  
**Attachments:** Glawe, Justin 12-12-19.pdf; PRR Log.xlsx

**Categories:** Black, Green category

Mr. Glawe,  
The response to your public records request is attached. Thank you.

Rachelle Lumpp  
Public Information Officer  
Arizona Attorney General's Office  
2005 N. Central Avenue  
Phoenix, AZ 85004  
602-542-8330  
[publicrecords@azag.gov](mailto:publicrecords@azag.gov)





MARK BRNOVICH  
ATTORNEY GENERAL

OFFICE OF THE ARIZONA ATTORNEY GENERAL  
EXECUTIVE OFFICE

RACHELLE LUMPP  
Deputy Public Information  
Officer

December 12, 2019

Justin Glawe  
[jglawe@gmail.com](mailto:jglawe@gmail.com)

RE: PRR2019-15629-384

*SENT VIA EMAIL*

Dear Mr. Glawe:

Thank you for contacting the Arizona Attorney General's Office ("AGO"). This letter serves as the response to your public records request dated October 29, 2019.

Original Request:

"I request a log showing all Public Records Law requests made to the Office, to include date of request, name of requester, subject of request, tracking number and disposition of request. Please note, I am not seeking a copy of every request. Rather, I am seeking a spreadsheet, preferably in Excel format, containing the above-described information."

Response:

The responsive records are attached. Please let me know if you have any questions.

Sincerely,

*Rachelle Lumpp*

Deputy Public Information Officer

PRR#	DATE	Request	Requestor	STATUS
2019-10589-254	6/3/2019	All notices of claim filed against the State of Arizona, Arizona Board of Regents and/or the University of Arizona since March 1, 2019 re U of A	Sam Salzwedel KVOA	released
2019-2200-145	6/4/2019	all oaths of office and insurance bonds for superior court clerks/judges (named in request), Arizona Court of Appeals, Arizona Commission on Judicial Conduct Gov Ducey, Katie Hobbs, Mark Brnovich, FBI, Attorneys, Higher Learning Commission, Misc parties.	Harland "Swede" Larson	nothing responsive/referred out
2019-2200-146	6/5/2019	Jacob Wohl, all correspondence and documents from January 23, 2019 to present	Josh Frankel	nothing responsive
2019-10685-257	6/5/2019	all records at AGO, ADE from April 1, 2018 to Nov 1, 2018 re Bixby PITA, LLC and Bixby maricopa LLC re a DEUR program site.	James Derouin	released
2019-10906-258	6/5/2019	Copies of all publicly filed court docs submitted by AGO or any other party where the AGO represent any party or otherwise appears in the case that cite ARS 12-910E and include the words "Deference", "Defer" or "de novo" from May 1, 2019 to present; Copies of all publicly filed court docs submitted by AGO or any other party in a case where the AGO represents any party or otherwise appears in the case that cites ARS 41-1093 from May 1, 2019	Jon Riches	released
2019-10673-255	6/5/2019	criminal case involving Pamela JP Donison, Sandry Fromm, Jennifer Gadow, Robert March, Elizabeth Feldman, Mary Kay Grenier, Lori Voepel, John Moran, Gerald Porter, Joseph Kreamer; list of all ethics complaints against named attorneys; list of cases referred to the AZ Appellate Court; Rules and procedures for referring misconduct of attys; rules governing victim services; list of revenues from RICO funds; list of grants awarded by MCAO to outside groups	Jacqueline Tauscher James Silva AZ Medical Board	withdrawn released
2019-11113-260	6/11/2019	Thompson		released
2019-11160-262	6/12/2019	inforantion on John Logan Taylor DOB 2/20/53	Charlene Taylor	nothing responsive/referred out
2019-11266-265	6/13/2019	records re Demion Clinco;	Nancy Grayson	denied Carlson v. Pima
2019-11184-263	6/13/2019	all records of complaints filed against Judge William O'Neil currently PDJ at AZ Bar	Terry Murphy	nothing responsive
2019-2200-148	6/13/2019	records for Debra Ann Gillette	Jeffrey Wong	referred out
2019-11158-261	6/13/2019	all police records re an Oct 2004 marijuana violation against Derrick Stephen Gradjian	Tory Beardsley	referred out
2019-2200-147	6/13/2019	investigation conducted by DPS re John Layton	Brian Payne	
2019-11225-264	6/14/2019	audio recording of Nina Costello speaking with Harold Greene in case CR2018-002867-001;	Joe Dana 12 News Kim Smith Green valley News	denied Victims' Bill of Rights ; ARS 13-4434(B) and Rule 39(B)(11)
	6/14/2019	Case number for the rabid cat case reported in Pima County;		referred out

	6/14/2019	case number for rabid cat case reported in Pima County; all docs in the PACCC database re case; et al.	Kim Smith Green valley News	referred out
2019-2200-150	6/14/2019	all correspondence from 6/11/18 to present between AGO and USDOD, AZ Supreme Court re State of AZ's Application for Opt-in under 28 USC 2265(a) (post conviction proceedings by indigent prisoners sentenced to death)	Paul Meyer (Orrick)	released
2019-2200-149	6/14/2019	who I AG's office acts in capacity to intake notice of claims against AGO; total number of Non-custodial parents incarcerated for failure to pay child support; which member of the division uses this method most?	D. Guadagni	released
2019-11442-266	6/18/2019	Any receipts re AGO's approval of AAC R14-2-205 indictment, probable cause affidavit, opening and closing statements from defense and prosecution, trial testimony transcripts, court disposition/case summary	Farris Gillman	nothing responsive
2019-11447-267	6/18/2019	any adult adoptions that have occurred within the last month	Geddes Lezama	referred out
2019-11492-268	6/19/2019	2017 annual report	Evan Garland	referred out
	6/19/2019	State Grand Jury Transcript State v. Christopher Gomez CR2019-00198	Emire Dini	released
	6/20/2019	police report that SRPD filed on 9/28/18. Report 2018-00040860	Anna Ortiz (defense counsel)	denied / referred out
2019-11520-269	6/21/2019	is there any copyright on license plate images	Gregory Ward	nothing responsive
2019-11559-270	6/24/2019	Any TEAPOTS or HEMIS case report re any complaint on housing discrimination re Green Leaf Arts District, LLC	Kathi Linz	referred out
2019-2200-151	6/24/2019	any and all docs re Sahuarta Police Dept or any of its certified officers	Ronnie Hodgkinson	denied A.R.S. § 41-1491.26(F); AAC R10-3-103.
2019-11607-271	6/26/2019	Copy of Consent Decree between Federal Gov and PCAO. Any cases sent to AGO for prosecution based on consent Decree c20170113	Kim Smith Green valley News	released
2019-11747-272	6/26/2019	complaints that resulted in court action re AMEX credit cards	Jennifer Lerna	nothing responsive
2019-11775-273	6/26/2019	all notices of claim filed by Joseph Zawacki in 2018	AnnaMaria Andriotis	nothing responsive: 44-1525
2019-11776-274	6/26/2019	all records related to the RLDF 2019 Senior Staff Retreat, RAGA 219 Winter National Mtg, RAGA Oil and Gas Summit, RAGA Summer meeting; etc.	Steven Hsieh Phx New Times	released
	6/27/2019	copy of any communications between AGO and Clodfelter or his lawyers	Jamie Corey	Released
	6/28/2019	copies of all records, complaints, notices and docs that have been filed, provided or made by a consumer to the Office of the Attorney General or the Consumer Information and Complaints dept with "American First Finance" included as a named party in such records, complaints, notices or other documents	Hank Stephenson	released
	7/1/2019	10 estates involving personal representative Spencer McBride.	Alison Cardwell	released
2019-11911-279	7/1/2019	list of possible escalating probate cases to State of AZ	Anne Ryman	nothing responsive
			Lori Knutson	released



	7/1/2019	OMLET Inscription Canyon Ranch Sanitary District (the "District").	(verbal request from district's attorney, made to Katherine Jessen)	Released
	7/1/2019	NOC for past 3 months	Jeremy Duda	released
	7/1/2019	Stephanie Grisham Resume	Dennis Wagner AZ rep	Released
	7/2/2019	Perry HS response letter	Udall Shumway	released
2019-12124-281	7/3/2019	names and addresses of all the people who have had their water shut off	JR Jarrett	nothing responsive, referred out
2019-2200-153	7/8/2019	All documents for Dechoal Quiroz-Montano	Dechoal Marie Quiroz-Montano	referred out
2019-2200-151	7/8/2019	lawyer's creed of Professionalism of State Bar; the oath of admission to the Bar of Arizona; ARS 38-231. what manual or procedure format is standard for case procedure for department offices of assigned Asst AG	Rafael Danam	Released in part; withdrawn in part
2019-12218-285	7/8/2019	All communications between AGO leadership and Texas AG's office; copy of schedule for AG 1/1/19 - present; schedule for M. Bailey and Skinner	Emma Platoff	
2019-12217-284	7/8/2019	All criminal records, jail sentences, prison sentences for Julian G. Martinez, Jr.	Pastor Julio Martinez	nothing responsive / referred out
2019-2200-154	7/9/2019	Complete records for Report #SIS2019-0312 Bryan Jackson, arrest	Dr. Michelle Ostot PVUSD	Released
2019-12236-286	7/9/2019	6/28/119;	Brick Storts, III	
2019-2200-155	7/9/2019	Entire case file in State of AZ v Rinly Gecosala CR2017-3458-001;		
2019-12180-283	7/9/2019	Names of current employees in the Criminal Division of your office including annual salary, date of hire for each employee	Kristen Lindemoen	Released
2019-12166-282	7/10/2019	State v Malgorzata Kupis Investigation aka Malgorzata Swarc	Daniel Hutto	WITHDRAWN
2019-2200-186	7/10/2019	Project number relating to any and all construction projects or repairs and maintenance which has taken place on SR202 near MP-8 in Tempe, AZ from one year prior to March 4, 2019, list of all contractors and sub-contractors, copy of contract between the contractors and ADOT et al	Levenbaum Trachtenberg	
2019-2200-156	7/10/2019	copies of notice, letters, emails or supporting docs sent by AGO between 1/1/19 and 7/5/19 to Scottsdale Unified School District giving notice that AGO is opening investigation into alleged violations of state law by district	Wayne Schutsky	Released
	7/11/2019	information re Stephen Gore's criminal prosecution stemming from his involvement with Biological Resource Center	Daniel A. Schuleman	
2019-12384-288	7/12/2019	complete file, any consumer complaints, letter, emails, or other correspondence related to Dyson-Kissner-Moran Corporation, Theiford Corporation and Nocold, Inc. from 1/1/1996-12/31/2013	michael J. Jordan	denied 44-1525

2019-2200-158	7/12/2019	all communication re Digital citizens Alliance, DCA;	Ernesto van der Sar	nothing responsive
2019-12369-278	7/12/2019	open meeting law complaints for AGO for Mingus Union HS District governing board for past 2 years	Jon Hecht	released
2019-2200-157	7/12/2019	OMLET re Scottsdale Schools	Lorraine Longhi	released
		all records, photos, and video related the 2018 criminal investigation of Pankaj Goyal	David Bischoing	standing request
	7/13/2019	all recording/court docs for Dr. Edward Jack Savegh.	Sono Wasu	released
2019-12517-289	7/15/2019	copy AAG Jessen's OML file re City of Bisbee April 19, 2019 violations; reports generated by AZ AG SIS agents in Departmental Report #SIS-2018-0165	Donna Pulling	released
2019-2200-159	7/15/2019	Request for Opinion for 6 opinions in progress	Christopher Rapp	released
	7/15/2019	OMLET complaint Inscription Canyon Ranch Sanitary District	Jim Small	Denied 44-1525
	7/15/2019	copies of registrations for intellectual gambling contests and events submitted by the AZ Exposition and State Fair Board re 2018 or 2019 AZ State Fair.	William Whittington	released
2019-12577-292	7/16/2019	list of all residential properties that have had water shut off	John Schnaubelt	nothing responsive
2019-12562-290	7/16/2019	State v. Andrea Jo Thompson-Talbot, copy of indictment and state response to the defense motion for remand	Christian Lopez	referred out
	7/16/2019		Terri Jo Neff	released
20019-2200-161	7/16/2019	CRD's complete file re charge of discrimination and/or any similar charges re Jose Sanchez TRCD 2017.0320 (540-2017-03057)		released
	7/17/2019	OMLET coplaints re Bisbee City Counsel	James Ledbetter	released
		all consumer complaints between 1/1/09-7/1/19 that pertain to the sale or purchase of speculative tickets. Any lawsuits that pertain to the sale or purchase of speculative tickets. All docs tht contain "speculative tickets"; copy of laws/regulations in your state the address the issue of speculative tickets.		
2019-12601.293	7/17/2019	transcript of jury trial for Joseph Massey CR20160397	Byard Duncan	released
2019-12603-294	7/17/2019	all docs re investigation of City of Yuma Pacific Avenue Athletic Center Bond financing	Mariana Dale	released
2019-2200-160	7/17/2019	request for copies of any aggregate county-by-county data in the possession of your office regarding the sale of opioids in the state of Arizona	Richard Files	released
	7/18/2019	registry for elder abuse	Howie Fischer	released
	7/18/2019		Julie Hippen AZDES	released
2019-12655-296	7/19/2019	letter from Juul Labs, Inc. in response to 2/23/18 letter from AG's; what is average amount AZ pays for their medical experts to testify in worker's comp matters?	Richard Lardner, AP	nothing responsive
2019-12691-297	7/19/2019		Grace Egger	released
2019-2200-162	7/19/2019	all communication between AGO and AZ Leg. employees of American Federation for Children or employees of Goldwater Institute re delays by AZ Dept of Ed in responding to application for ESA for 2019-2020	Jeremy duda	released

	7/23/2019	certified copy of AAG, CRD's complete files re charge of discrimination re Jose Sanchez TCRD Charge No 2017.0320 (5402017-03057)	Mario Kiefer	released
2019-12639-295	7/23/2019	All records re RAGA Annual Meeting July 13-16 in White Sulphur Springs copies of incident reports at 3018 W Esparteto Way, Phoenix, AZ re disorderly conduct	Jamie Corey	released
2019-12879-299	7/24/2019	notice of claim #19-0766, filed against the Department of Administration by Eddy Vitalio Jimenez Batres and the Law Offices of Joel W Black?	Derek Reidburn	referred out
	7/24/2019		Jeremy Duda	released
2019-2200-162	7/24/2019	all corr w/AGO officials and CAP, ADF, AZ to Life, Arizona Pro-Life et al.	Mary Alice Carter	released
			Brad and Michelle Williamson	
2019-12922-300	7/25/2019	Priscilla S. Eastin records	Jeremy Duda	denied - carlson v pima
2019-2200-167	7/25/2019	Notice of Claims Batres Jimenez, Eddy		released
	7/25/2019	Any and all records on Brian C. Jackson, SIS-2019-0312.	Yesenia Sesmas-Ocampo	withdrawn
2019-12963-301	7/26/2019	consumer complaints re solar panel equipment on residential homes	Eli Wolfe	denied 44-1525
			Stephen Veldhuizen	denied 44-1525; nothing responsive;
2019-2200-163	7/26/2019	walk-in Real Estate, WW franchise.	Joe May	released
2019-12834-298	7/26/2019	Rust Consulting RFP and CPT Group Inc. RFP	NACFD's attorney	released
	7/29/2019	Northern Arizona Consolidated Fire District ("NACFD").	Nicholas Cornelius	released
	7/29/2019	OMLET complaints re Central Arizona Fire and Medical Authority (CAFMA)	William Flanagan	nothing responsive
	7/29/2019	investigative reports, complaints re Michelle Lee Mills, aka Michelle Blackwell	Amanda Petersen	released
2019-2200-164	7/31/2019	All records re SIS 2019-0325 (Spero)	Muck Rock Brett Barrouquere	
2019-13120-303	7/31/2019	any and all emails, text messages, and notes detailing contact w/t/he Council for National Policy and or Anthony Tony Perkins and or the Family Research Council from 1/1/18 to present;	Char Ugol	referred out
2019-2200-165	7/31/2019	Records for Charles Phillip Merican for filings, or records of property, vehicles or power of attorney	Charles Barber	released
2019-13228-305	8/1/2019	copies of contracts with Consovoy/McCarthy and Kellner Lenkner, LLC	Ben Norris	denied 13-4051
2019-13231-306	8/1/2019	firms representing Sackler family		
	8/1/2019	State v. Gilbert Delgado, Pima County Superior Court CR2013-4290-002		

2019-13219-304	8/1/2019	any and all documents and records that are associated and linked w/arrest and ongoing investigation and prosecution of John Spero; Rep Jeff Weninger filed a complaint with AGO against Bullhead City Council request copy of Weninger's complaint	Gurpreet Takher	nothing responsive
	8/2/2019	Communications re Arizona's Empowerment Scholarship Account program, comm from American Federation for Children,, Steve Smith, lawmakers, all records from email addresses ending in azleg.gov, Cathi Herrod and/or Center for Arizona Policy, Goldwater Institute, Kathy Hoffman May 1, 2019-present	Yvonne Wingett Sanchez and Rob O'Dell	nothing responsive
2019-13278-308	8/4/2019	EEOC Charge 35-A-2018-00256 and FEPA Charge P 18-0073,	Wayne Michael Reich	Withdrawn
PRR2019-13285-309	8/5/2019	Case #1904-0930; Marana Police Dept	Edward Tona	Released
2019-12655-296	8/6/2019	COPY OF A LETTER WRITTEN BY Juul Labs, Inc. and held by the attorney general's office; document from Juul was in response to a 2/23/29 letter from the AGO AZ, CA, IL, MA, NY;	Richard Larnder - AP	denied 44-1525
2019-13336-314	8/6/2019	records of all bids/proposals to represent AZ in the state's lawsuit against the Sackler Family;	Ryan Barber	nothing responsive
2019-13310-310	8/6/2019	Check the validity of Arizona identification cards	Reyes Aracely	referred out
	8/6/2019	State of AZ v. Alan Matthew Champagne riefs filed in AZ Supreme Court	Kahla Bishop	released
	8/6/2019	list of your division attorneys that have been or worked on "her" case (Ms Haase); service logs to prove Ms. Backus/Haase were sent pleadings; copy of original agreement Ms. Backus signed when she subscribed to IV-D programs; caclution for any monies claimed to be owed to the State of AZ, any agreement that Mrs. Haase had assigned the child's right to child support to the state	D. Guadagni	released, partially denied; partially nothing responsive
	8/6/2019	State v. Champagne Briefs filed in AZ Supreme Court	Kahla Bishop Statecraft PLL	released
2019-2200-166	8/6/2019	annual salaries and hourly overtime pay for all current and former employees of the AGO's as of 8/6/19 including any and all bonuses and overtime payment made in 2018 and 2019 as well as any per diem and expenses	Dillon Rosenblatt AZ Capitol Times	
	8/6/2019	information related to all cases where a subject was charged under 13-2308-.01, 13-2308-02 or 13-2308-03 since January 1, 2017. Include agency, report number, defendant's name, DOB, date of charge, charge description and disposition	Watch Intelligence Unit AZ Counter-Terrorism Information Center DPS	released
2019-13116-302	8/7/2019	employment records of a client, Autumn Vasquez Maya DOB 8/5/78	Vikki Liles	referred out

2019-13352-316	8/7/2019	1) Copies of all publicly filed court documents, including pleadings, motions, briefs, and other filings, submitted by the Office of the Attorney General, or any other party in a case where the Office of the Attorney General represents any party or otherwise appears in the case, that cite Ariz. Rev. Stat. Ann. § 12-910(E) and include the words "deference," "defer," or "de novo" from July 1, 2019 to present.	Kelly Day - Goldwater Institute	released
2019-13342-315	8/7/2019	report number SIS 2019-0325	Denise Bruce	released
	8/8/2019	State of Arizona . Thomas Michael Riley - copies of all briefs filed in the AZ Supreme Court	Kahla Bishop Statecraft PLLC	released
2019-13313-313	8/9/2019	checking for arrest warrants	Lawrence Williams	referred out
2019-13539-318	8/12/2019	Power of Attorney filings re financial affairs of Doris Marie Suomi	mark Suomi	referred out
	8/12/2019	State of AZ v. Courtney Noelle Weakland briefs	Kahla Bishop Statecraft PLLC	released
		tip that prompted recent child exploitation sting and/or helped detectives target specific offenders; a list of websites, apps and programs where detectives looked for offenders, conversations between detectives had individuals who were not arrested; images of all ads or profiles posted by detectives;	Noah Pranksy	nothing responsive
2019-13511-317	8/12/2019			
		copies of any and all complaints filed w/AGO January 1, 2019 to present pertaining to US Gold Holdings, LLC, USG Intermediate, LLC and US Money reserve, Inc and any of that entity's assumed names, including United States Rare Coin & Bullion Reserve; US Rare Coin and Bullion Reserve, Presidential Money Bureau; United States Money & Bullion Reserve; United States Money and Reserve; United States Gold & Silver Reserve; US Money Reserve; United States Money Reserve; Legendary Precious Metals; Legendary Precious Metals; presented by US Money Reserve;	Clark Hill Strasburger	nothing responsive
2019-2200-168	8/13/2019		Viviana Galindo	referred out
2019-13603.322	8/13/2019	M-0751-CR-2017003365 proof of disposition	Alexis Bechman, Payson Roundup	released
2019-13581-321	8/13/2019	Payson Councilor Steve Smith's OMLLET filed earlier this year; NOTICE OF CLAIMS 19-1485		
		19-1339 19-1235 19-1212 19-1422 19-1219 19-1297 19-1271 19-0661 19-0682 19-1348		
2019-2200-169	8/13/2019		Jeremy Duda	

2019-13562-320	8/14/2019	All records related to the investigation and prosecution of Pankaj Rai Goval CR2018-134514-001	Kelly Jo dieker Voightmann Donovan PLLC	
	8/19/2019	request copy of last 2 years reports mandated under 34 U.S. Code 60105 and 34 U.S. Code 12602, 34 US Code 60105	John-Elliott-Junior Mayer	nothing responsive
PRR2019-13681-323	8/19/2019	Acopies of al correspondence, applications and other documents maintained by the State of AZ re pending or future applications by Geomatrix Systems, LLC	Jonathan Kaiser	referred out
2019-2200-171	8/19/2019	copy of fee agreement between the AGO and Arizona State Senate/Arizona State and Ryley Carlock & Applewhite and/or Michael Moberlye for above referenced legal matter, total fees and costs paid to date, billed hours on case	Talonya Adams	released/referred out
2019-2200-170	8/19/2019	grand jury subpoena and SDT templates for out of state witnesses and any template cover letters that are sent out w/the grand jury subpoenas or the SDT for out of tate witnesses	Michael Piccaretta	denied - privileged
	8/20/2019	Articles of Organization; Certificate of Formation; Certificate of Organization;	Shane Power	referred out
2019-13760-325	8/20/2019	complaint #2019-0343 for any docs dated after March 2019 concerning the Golden Valley Fire Dept. gifting misuse of public funds to employees	Lovelle Barnett	
20019-2200-173	8/20/2019	Theodore Richard Windish AG case number SIS-219-0100 re assault during his arrest in a parking lot near Southern and Country Club in Mesa on February 28, 2019 Including surveillance from McDonald's and the PLS check-cashing store near Southern and Country Club	Lauren Bacon - Scott Halverson PC	Released
	8/22/2019	a copy of a letter sent to the AGO earlier this month by Brent Backus questioning the eligibility of 2020 presidential candidates Kamala Harris and Tulsi Gabbard	Nick Martin	released
2019-13803-326	8/22/2019	Report #403248 and any related docs to the APS department of DES	Ana Cazacu	withdrawn
2019-13831-328	8/23/2019	all docs - original complaints, final agency determinations re to sexual harassment or other discriminatory practice claims/complaints made against following entities and individuals dating between 2005-2012: Mobile Mini Inc., mobile Mini Solutions, RSC Holdings, Inc. RSC Holdings I, LLC, RSC Holdings II, LLC, RSC Holdings III, LLC, RSC Equipment rental, INC. Erick L. Olsson dob 8/8/63, Kelly M. Williams dob 9/16/70	Rachel Cuccias	denied 41-1491.26(F) and/or 41-1481(A)
2019-13755-324	8/23/2019	All job descriptions created in 2019 for positions within the office's election integrity unit; all apps received in 2019 for positions within the office's election integrity unit	Andrew Oxford	
2019-2200-172	8/23/2019	office's election integrity unit Paul Watkins' application, resume, all letters of recommendation and references all materials re application	Sarah Posner	denied

2019-2200-196	8/25/2019	Report of the investigation of SUSD Procurement and contracting with Hunt & Caraway Architects authored by Susan Segal dated 12/19/17; Report to the SUSD Goerning Board of the Ocnudct of the District Admin Employee authored by Susan Segal dated 2/6/18	John Quinn Sanders & Parks	released
2019-2200-174	8/26/2019	Information re: Daniel J. McCarthy and Elexisis "Lexi" McCarthy	MB Public Affairs Stephen Veldhuizen	denied 44-1525 in part; nothing responsive in part; released in part
2019-13866-330	8/26/2019	list of all prosecutors working at the Phoenix Arizona Attorney General's Office	Aeritha James	released
2019-2200-176	8/26/2019	a list of all prosecutors working out of the Phoenix Arizona Office of the AGO including Bar Numbers	Alex Love	released/referred out
2019-13851-329	8/26/2019	Arizona Solar Concepts Premier Solar Arizona Solar Wave Elevation Solar Erus Builders, LLC Erus Builders, LLC Heliosun Horizon Energy Systems Krasiva Windows and Doors Positive Solar Pure Energy Skytop Inc Skytop Inc Skytop Inc Solar Solution AZ SunHarvest Titan Solar Power Solar Topps Pure Energy Clayco Electric Freedom Forever PetersenDean SunPower Tesla Tesla Solcius BROTHERS PLUMBING LLC Ambient Solar Energy Anthony James Air Conditioning & Heating LLC New Bath, LLC TATE'S A/C HEATING & COOLING, LLC		denied 44-1525

2019-13827-327	8/26/2019	Information re Arizona registrar of Contractors Recovery Fund Payment re status of two recovery fund payments resulting from a contractor RF 10-0277 re Mr. Gregory P. Coe; RF 67/205 or 671205 (\$15,000) re Mr. Gregory P. Coe	Gregory Sackos	referred out
	8/27/2019	Letter from AG to Hoffman re Finchem's allegations on ESA	Jeremy Duda	released
2019-2200-184	8/27/2019	Your definition of fraud, your annual budget, the job description for the AG	Neal Justin, M.D.	released in part
2019-2200-175	8/27/2019	name, bar date and annual salaries of all senior litigation counsel currently employed in the Consumer Litigation Division	Regina White	released/referred out
2019-13900-332	8/27/2019	trying to find more information on this file #BCE17-0063 for Ernest Militades		withdrawn
2019-2200-185	8/28/2019	report of investigation of Scottsdale Unified School District Procurement and Contracting with Hunt & Caraway Architects authored by Susan Segal dated 12/19/17; report of the SUSD Gov Board of the Conduct of District Admin Employee authored by Susan Segal dated 2/6/18;	Sanders & Parks	



		<p>Concepts Premier Solar Arizona Solar Wave Elevation Solar Erus Builders LLC Heliosun Horizon Energy Systems Krasiva Windows and Doors</p> <p>Positive Solar</p> <p>Pure Energy</p> <p>Skytop Inc</p> <p>Skytop Inc</p> <p>Solar Solution AZ</p> <p>SunHarvest</p> <p>Titan Solar Power</p> <p>Solar Topps</p> <p>Pure Energy</p> <p>Clayco Electric</p> <p>Freedom Forever</p> <p>PetersenDean</p> <p>SunPower</p> <p>Tesla</p> <p>Tesla</p> <p>Solcius</p> <p>BROTHERS PLUMBING LLC</p> <p>Ambient Solar Energy</p> <p>Anthony James Air Conditioning &amp; Heating LLC</p> <p>New Bath, LLC</p> <p>TATE'S A/C HEATING &amp; COOLING, LLC</p> <p>Bella Electric</p> <p>AZ INSULATION &amp; ENERGY SOLUTIONS LLC</p> <p>AZ INSULATION &amp; ENERGY SOLUTIONS LLC</p> <p>CUNNINGHAM HEATING &amp; COOLING, INC.</p> <p>Kitch and Bath Remodel, LLP</p> <p>Lincoln Mechanical</p> <p>MAV 8 LLC</p>		
2019-13851-329	8/30/2019	MAV 8 LLC	Chris Collins	denied 44-1525
	8/30/2019	Bisbee OMLET complaints	James Ledbetter	released
	8/30/2019	OMLET complaint filed by Mehmood Mohiddin against Apache Junction	Paulina Pineda	released
2019-13981-333	8/31/2019	all docs pertaining to Leeann Jacaway born 11/4/82	Domenic Michael Curulla	nothing responsive
		John White's letter to Steven Hatch 6/28/19; page 1 of 8-28-19 PRR; Page 2 of 8-29-19 PRR; page 10 of my 11/1/18 letter to White; page 11 of my 11/1/18 letter to White;	Steven Hatch	
2019-2200-209	9/1/2019	White; page 11 of my 11/1/18 letter to White;	Erin Thompson	referred out
	9/4/2019	copies of all violations of ARS 13-2910.07 (animal cruelty)		
	9/4/2019	any and all documents which contain the name of the person or persons who filed the OMLET complaint against Cartwright Elementary School district Gov. Board re the 12/12/18 and 2/12/19 meetings.	Denice Garcia	released

	9/4/2019	Benson City Council OMLET complaints	Gary Cohen	released
2019-2200-176	9/4/2019	A list of all lawyers (prosecutors) working out of the Phoenix Arizona office with their BAR license	Alex Loe	released/referred out
2019-14058-334	9/4/2019	complaint filed by Brian Johnson (Pima County) against Pima County Assessor Bill Staples and outcome of investigation	Jodi Cavanaugh	nothing responsive
2019-2200-177	9/6/2019	any and all docs filed or submitted re Richard Bland/RED Shield, CIC 18-006685 / Richard Bland Copy of response to the Complaint.	Tina Ezzell Tiffany Bosco	denied 44-1525
2019-14119-338	9/6/2019	all doc related to the Complaint filed by Mr. Bruce Church at CIC 15-06075.	Marvin Ruth	denied 44-1525
2019-14107-337	9/6/2019	Copy of the Notice of Claim filed re Rich Rodriguez, former U of A football coach;	Kathryn Huber	released
2019-2200-178	9/9/2019	any documentation of any kind that refers to "Operation Monsoon" and /or a sting operation conducted w/Tucson PD, Oro Valley PD, Pima County Sheriffs, DPS, US Customs and BP, FBI, USMS, ATF, HIS, USSS, PCAO, AZAG to pose on internet as underage persons;	Joshua Hamilton	standing request
2019-2200-179	9/10/2019	any and all information on any civil rights/discrimination EEOC complaints filed against Arizona Lutheran Academy, East Fork High School (Whitriver) Wisconsin Evangelical Lutheran Synod (Milwaukee)	Kirstin Swanson	denied
	9/10/2019	copies of arrest/departmental reports for Rogelio Salazar Gastelum, Jr.	Lisa Antkow	released
	9/11/2019	Inspection Canyon Ranch Sanitary District OMLET	Mark Arnold	released
2019-14206-341	9/11/2019	records of all "cease and desist" letters issued to Interiry Advance, LLC since 7/2/07; records of all consumer complaints re Integrity Advance, LLC since July 2, 2007; all correspondence etc between AGO and any other gov agency including US Consumer Financial Protection	Ying Zeng, Esq	
2019-14195-340	9/11/2019	list of all opinion requests from october 2018-present;	Christine Moore	released
2019-14253-342	9/13/2019	all docs related to bejar Sadig Abdulaziz and his case	Chelsea Curtis	standing request
	9/13/2019	Roger Contreras resignation	terri jo neff	released
2019-2200-182	9/16/2019	number of staff in AGO who investigate predatory debt collection or predatory lending; number of staff who investigate consumer complaints; number of staff who litigate predatory lending; et al	Nicolette Del Palacio	released
2019-14339-343	9/18/2019	complete file re Ortiz children CPS case #114998	Juan Velazquez	referred out
2019-2200-181	9/18/2019	all records in possession of AZDA to / from AZDA Director Killian and Asst. Director for animal services McCormack to/from the American Wild Horse Campaign or their agents, Suzanne Roy and/or Steve Block, from 9/3/19 to present. All dcs documenting Ms. Reh's conflict of interest re AZDA horse management from 1/1/19 to present;	Robin Silver	referred out / nothing responsive

2019-2200-183	9/18/2019	criminal complaints against Sue Black, former Director of the Arizona State Parks	Michael Noble	standing request
2019-14353-344	9/18/2019	records of Michael Colwed for Gilbert PD Case #17-000018506	Charles Moss	standing request
2019-14373-347	9/18/2019	driving records for Victoria Ann Donato	Victoria Ann Donato	referred out
20109-14365-345	9/19/2019	how many outstanding warrants there are and their progress; how long do arrest warrants last; are people feeling subject to new charges for evading arrest? How many arrest warrants are paired w/indictments?	Matthew Boey	nothing responsive
2019-2200-187	9/20/2019	information on all bonds that were created related to court case no CR2014-46307-001	Jessie Lewis	referred out
2019-14393-348	9/20/2019	Records re Arizona Registrar of Contractors Recovery Fund payment assigned to AGO	Greg Sackos	referred out
2019-2200-188	9/23/2019	Phone record history 2/1/19-9/25/19 for Derek Hoogendoorn, Elli Balstad, Leslie Welch, Mark Brnovich, Joe Kanefield, John Abrettske, Howard Holtkamp, Anthony Steed, Stedban Flores, Raymond Wolfe, Paula Daniels, Dave Bailey, Jason winney, May Fong, Joseph Monroe, Lisa Rodriguez, Laura Lyons, Brian Kolosik, Mike O'Hara, Jeff Wegenka, Kevin Cobo, Mark Ojanen, Kyle Ripley, Isreal Sanchez, Terry Dupree, Alexis Carrigan, taran Berekley, Michael Burkett Christ, Jeff Wejenka, Dennis Martin, Denise Holtkamp, Jon Tavormina, Brenda Case, Keith Thomas, Jim Connell, John White, Reginald Grigsby, Tammie Jo Hatcher, Debbie Rittenback, Lizette Samson, Paula Daniels, Candice Schantz, Kim Cundiff, Cindy Palmer, Jelena Mornich	Derek Hoogendoorn	
2019-2200-189	9/23/2019	Email history, sent, received etc; badge access history (same employees as 2019-2200-188)	Derek Hoogendoorn	
2019-2200-190	9/23/2019	My Personnel file from HRS including the pages you remove whole I access my file in person	Derek Hoogendoorn	released
2019-2200-191	9/23/2019	Calendar appointment schedules 2/1/19 - 9/25/19 for same employees named in 2200-188)	Derek Hoogendoorn	
2019-2200-192	9/23/2019	Title, special assignemtn and salary history while an AGO employee or consultant; Merit, Bonus, Stipend, Etc. including any other history of money paid by the AGO office; date hired by the AGO, date no longer employed; for all staff employed by the AGO during Mark Brnovich's administration from beginning to 9/23/19; same information for all employees hired or no longer employed during the Horne Administration; same for all employees hired or no longer employed during Goddard Administration	Derek Hoogendoorn	
2019-2200-193	9/23/2019	Title, Special assignment and salary history while an AGO employee or consultant, merit, bonus or stipend etc. including any other history of money paid by the AGO office for employees named in 2200-188)	Derek Hoogendoorn	
2019-14434-351	9/23/2019	all emails and letters from official representing Bullhead City re the AG's letter of August 12, 2019	Andrew Oxford	

2019-14433-350	9/23/2019	All emails and letters between the Office of the Attorney General and Jeff Wenginger during CY2019.	Andrew Oxford	
2019-14426-349	9/23/2019	case files for all vulnerable adult cases the AGO has recommended for substantiating abuse, neglect or exploitation to put on the APS registry.	Stephanie Innes	released
2019-14444-352	9/24/2019	My personnel file, John J Abretske	John Abretske	released
2019-2200-194	9/24/2019	provide total legal expenses paid for Timothy Jeffries and Charles Loftus vs. State of Arizona; what law firm was paid and how much; what professional services including but not limited to expert witnesses, other witnesses and other investigations; any other expenses re this case; details from November 2016 to September 24, 2019;	Don - arizona daily independent	released
2019-14447-353	9/24/2019	request all complaints received from Taxpayers Against City Takeover and Rep. Jeff Wenginger July 2019 to August 2019	Andrew Oxford	
	9/25/2019	Dewey-Humboldt Town Council OMLET	Kay Bigelow	released
2019-14508-354	9/26/2019	Criminal records of Emily Dobson	Jason Giffre	withdrawn
2019-14521-355	9/26/2019	all records re criminal investigation of David Scott Robinson from 2015 to present case No. 151208252 Pima County	Kelly Greagan	withdrawn
		AGO emails, reports and or court filings that contain language instructing parents not to invite journalists/reporters "or anyone who may write derogatory statements in social media or elsewhere regarding DCS or the Judicial System"; AGO guidance and/or policy on when to include the above quoted language in its court filings; AGO emails, reports or court filings that contain the following keywords: "potential political gain" "connection with the media" and/or "must avoid inviting people"	Dianna Nanez AZ Republic	
2019-2200-195	9/26/2019	criminal complaint 2019-2876	Robert Mitchell	released
2019-14536-356	9/26/2019	Audio / Video from meeting with Tammy Jo Hatcher and SSA White (8/28) with Hoogendoorn	Derek Hoogendoorn	nothing responsive
2019-2200-197	9/27/2019	all records re state's antitrust and privacy investigations of Google. Contracts between AZ and other states with legal advisors, economists, or any other consultants working on that investigation; common interest agreement with AZ and DOJ		
2019-14557-357	9/27/2019		Mike Swift	

2019-2200-198	9/27/2019	<p>1. Any and all records or communication between/among the Public Safety Personnel Retirement System, the Arizona Department of Administration, the Governor's Office and Arizona Attorney General's Office in regards to notices of claims involving PSPRS since Jan. 1, 2019. This would include, but is not limited to, any and all e-mails, texts or correspondence between/among any and all employees from the four agencies/offices. This would include but is not limited to any and all correspondence from PSPRS interim director Bret Parke or any and all employees at PSPRS as well as any and all board members of PSPRS. This also would include any and all former executives of ADOA and any and all employees of the Attorney General's Office as well as any and all employees of Gov. Doug Ducey.</p>	Craig Harris	released
2019-14591-3358	9/28/2019	original complaint form submitted #2019-2497	Alicia Gruspe	released
2019-2200-201	9/28/2019	<p>copy of any email addressed to an individual or multiple people at the AGO from Derek.Hoogendoorn@gmail.com or Hoogieshouse@gmail.com between 2/1/19 through 9/28/19. Include all email that was auto forwarded, cc'd or bcc'd to others whom I did not address.</p>	Derek Hoogendoorn	

2019-14602-359	9/29/2019	Arizona Solar Concepts Premier Solar Arizona Solar Wave Elevation Solar Erus Builders, LLC Erus Builders, LLC Heliosun Horizon Energy Systems Krasiva Windows and Doors Positive Solar Pure Energy Skytop Inc Skytop Inc Solar Solution AZ SunHarvest Titan Solar Power Solar Topps Clayco Electric Freedom Forever PetersenDean SunPower Tesla Tesla Solcius BROTHERS PLUMBING LLC Ambient Solar Energy Anthony James Air Conditioning & Heating LLC New Bath, LLC TATE'S A/C HEATING & COOLING, LLC Bella Electric	Chris Collins	denied 44-1525
2019-2200-224	10/1/2019	Who has submitted PRR's for communications between OAG and YELP	Fung, Brian	
2019-2200-200	10/2/2019	all records re to public records requests filed by Google, Facebook, Apple or Amazon or representatives of any of those companies; Jan 1, 2018- present	David McCabe NYTimes	
2019-14703-361	10/3/2019	copy of all consumer complaints from Jan 1 2016 to present re CVS Caremark, CVS Specialty, Coram CVS, Express Scripts, OptumRX	Kit Ramgopal NBC News	denied 44-1525
2019-14687-360	10/3/2019	consumer complaints against sale, lease and installation of home solar systems from Jan 1, 2012-present (SolarCity/Tesla, Sunrun, Sunnova, Vivint Solar)	Emma Foehringer Merchant	released
2019-14724-362	10/3/2019	arrest on 4/30/18; Joseph P Micilcavage, Jr.	Joseph Micilcavage Jr	withdrawn

2019-14875-363	10/4/2019	consumer complaints made in 1998 against Sirius Publishing Inc. made by Paul Wigowsky alleging fraud by the company re Treasure quest;	Phil Salvador	denied 44-1525
2019-2200-202	10/4/2019	civil investigative demand or SDT that has been sent to Alphabet or Google re antitrust investigation; SDT sent to other parties re the investigation; record re hiring of additional staff or contracting w/consultants as part of the AG probe of Alphabet's Google.	Diane Bartz	
219-14917-365	#####	Cps allegations and investigation report, criminal, income and housing	Brianna Albertson	withdrawn (no response)
2019-2200-226 and 2019-15424-377			Scotti Ward/Emily Chandler	
2019-2200-203	10/8/2019	copies of all data breach notifications	April Gibbs	referred out
	#####	copies of Tovia Jackson's 911 all on 4/7/19		
		Identify any enforcement activities in which the AGO took or defended the position that, or investigated whether any person or entity was engages in, or had engaged in a violation of any AZ statute or regulation related in any way to used motor vehicle dealership operations, used motor vehicle financing, or unlicensed activities by used motor vehicles or used motor vehicle sales persons;	J. Keith Russell	released/partially denied 44-1525
2019-2200-223	#####	Full settlement agreement for State of AZ vs Bank of America in 2012 for mishandling of the foreclosure process and unwillingness to work w/borrowers on a loan modification. CIC number 11577		
2019-15063-366	10/9/2019	documents, emails, letters, complaints,, referrals for prosecution declinations to prosecute, investigation notes, files and any other records from, to or re Robin Grant, Designing Lives International LLC, wayne Goshkarian or the Arizona Registrar of Contractors re residential remodeling project at 19950 N. 101 st Place, Scottsdale, AZ	casey J. Jann	released
2019-15137-367	#####		Thomas Connelly	
2019-15148-368	#####	copies of all communications between AGO and Debi Spaulding, chief systems officer at Scottsdale Unified School District and or Jann-Michael Greenburg; from 7/2/19 to 10/10/19	Wayne Schutsky	
2019-15149-369	#####	all communications between the AGO and Susan Segal and/or Michelle Marshall, Scottsdale Unified School District general counsel from 7/4/19 to October 10, 2019	Wayne Schutsky	
2019-15177-370	#####	copy of letter from Rep TJ Shope to the A on the Tobacco 21 ordinances	Jodi Tas	released

2019-2200-205 (2019-15202-371)	##### #####	human trafficking reports/adoption fraud investigation; search warrant returns,, 911 call audio; body camera video; any video taken or collected as part of the investigation; suspect interviews (Paul Peterson)	Dan Siegel	
2019-15202-371	##### #####	copies of public records that the AZ AG collects to monitor data breach	Karl Grindal Ellen Cote Park Ave Healthcare	denied
2019-15218-372	#####	copies of police report for Dawn Ratcliff; 2019-0194		
2019-2200-205	#####	complaints filed against Cannabis Talk Network; Grow and Grow Rich Academy, Chris Wright, Christopher Wright	Brody Ford	denied 44-1525
2019-2200-206	#####	copies of all records from Jan 1, 2018 through Oct 17, 2019 re Inscription Canyon Ranch Sanitary District and any of its Board members including but not limited to Alan Poskanzer, David Barreira, Bill Dickrell, Robert Hill, Kirk Leopold, Bob Summers, recomplaints, open meeting laws, quo warranto, and conflicts of interests	Joy Biedermann, Yavapai County Atty	
2019-15370-373	#####	Requesting Arizona voter registration list specifically Independent Voters;	Darrell Kunken	referred out
2019-15372-3374	#####	all court records for a misdemeanor theft charge	Aaron Spaulding	Referred out
2019-2200-208	#####	All consumer and other complaints against the following corporation Acacia women's Center	Florida "Flo" Mercury	denied 44-1525; A.R.S. § 41-1481(A), and the Arizona Administrative Code, R10-3-103
2019-15407-375	#####	all docs re Medicaid Plan Banner Aetna's use of text messaging vendor 98point6	Robert Franceschini	referred out
2019-2200-208	#####	Civil rights claim by Maria Garfias-Delgado against our client, Southwest Key Programs, Inc. 2:18-CV-04468-PHX-DLR, file P12-0292L EEOC No. 35A-201700497	Michael Mason	released
2019-15424-377	#####	public records of all data breach notifications filed per Ariz. Rev. Stat Title 44, Ch. 32 Notification for Compromised Personal information	Emily Chandler, Scotti Ward	
2019-15451-379	#####	Copy of claims filed between 8/1/19 and 10/23/19 against the State of Arizona and/or University of Arizona or Board of Regents involving Theta Chi fraternity	Paul Birmingham	
2019-15450-378	#####	Notices of Claim against the State of Arizona and/or the Arizona Board of Regents re the University of Arizona on 8/1/19 to 0/23/19	Paul Birmingham	
2019-15476-380	#####	list of cases within the 6 years of police corruption investigated by our office	Rachel Eleshveva Hacker	



2019-2200-210	#####	complaints re Spirit Airlines from Jan, 2018-Oct 30, 2019	John Hermina	denied 44-1525
2019-2200-227	#####	all records re establishment of the Voter Fraud Unit since January 1, 2018; all records evidencing all communications concerning the Unit since January 1, 2018; All press releases and other external communications concerning the Unit since January 1, 2018; all records concerning the staffing of the Unit; all records evidencing the supervision of the Unit; all records evidencing guidelines, procedures, policies, practices, manuals, training materials etc; all records evidencing all applicatin materials submitted by applicants for staff positions with the Unit; all records re the hiring of hte Unit's staff; all records of any and all communications concerning Jennifer wright; et al.	Julie Houk	
2019-15569-381	#####	any and all communications from May 2015 to present between the AGO and the Campaign for Accountability in possession of the AGO;	Garrett S. Long	released
2019-2200-211	#####	complaints filed w/the AGO re mass delivered text messages sent without consent to user from Jan 1, 2018 to present	Carnapaign for Accountability	denied 44-1525
2019-15584-382	#####	all communications May, 2015 to present between AGO and Campaign for Accountability;	Latham & Watkins LLP	
2019-2200-212	#####	complete copy of the AGO CRD investigative files re Michael Graci.	Manning & Kass Ellrod, Ramirez Trester	released
2019-2200-210	#####	list of all current AGO employees w/the following Name, title, agency, email, phone, home address, date of birth, gender, race	Michael McPhail	
2019-15630-385	#####	Please provide communications to/from the OAG to/from Google and its re representatives from May 1, 2019 to present;	Justin Glawe	
2019-15629-384	#####	Request log showing all Public records law requests made to the office to include date of request, name of requestor, subject of request, tracking number and disposition of request since June 1, 2019;	Justin Glawe	
2019-15368-387	#####	list of all residential properties in the City of Phoenix that have had the water shut off between 7/1/19 and 10/31/19.	Chris Bizub	referred out
2019-15636-386	#####	Notice of Claim filed by parents of incapacitated woman at Hacienda	Autumn Mitchell	released

2019-15407-375	#####	all documents related to Medicaid Plan Banner Aetha's use of text messaging vendor 98point6.	Robert Franceschini	Nothing responsive
2019-15655-388	#####	Cooperation agreement for the Regulatory Sandbox program between Arizona and the Polish Financial Supervision Authority	Jean Ann Fox	released
2019-2200-230	11/4/2019	copies of any and all correspondence from R. Conroy to SOS; copies of any and all docs sent to the AGO by SOS; all docs in custody of SOS re notary Lisa Hill; all docs that show SOS was planning on responding to Conroy's complaint prior to service of the lawsuit; names and titles of those persons with the SOS whose primary duties are to receive, process and/or forward complaints against notaries;	Raymond Conroy	referred out
2019-15788-389	11/4/2019	all "decline to review" AGO opinions re education from March 1, 2017 to present		
2019-2200-212	11/4/2019	all emails sent from staff members of the AGO to anyone w/email address ending in @oag.ca.gov or @doj.ca.gov; all emails from same emails; all text messages between AG and California AG or high ranking aides of AG; June 1, 2019 to present	David DeCaboooter	
2019-15933-391	11/6/2019	records for Michael Cowled	Charles MOss	
2019-2200-213	#####	copy of AGO's open records log, which general includes date of request, name of requestor, subject, tracking number and disposition	Jeremy Borden	
2019-15920-390	#####	Copies of all correspondence w/employees or attorney's working for Google LLC or affiliated Alphabet Inc; copies of all correspondence or documents that contain the words "Google Maps"	Patrick Rucker	
2019-2200-214	#####	any public records requests from Jan 1, 2018 to present that mention Google, Facebook, Amazon, Apple, Yelp, Spotify, Oracle, News Corp, AT&T, or Comcast; includes requests and all responses	Sophia June, NY Times	
2019-2200-215	#####	all communications from executives, employees and representatives of Facebook w/the AGO from January 1, 2017 to present (@facebook.com or @fb.com, also include communications that reference the above-named topic including but not limited to Veridus, LLC	Jeremy Borden	

2019-2200-216	11/6/2019	all communications from executives, employees and representatives of Google with the office of the AGO from May 1, 2019 to present (@google.com or @alphabet.com also individuals Ron Barnes (Politicom Law LLP/Google) Summit Consulting Group, Traversant Group	Jeremy Borden	
2019-2200-217	11/7/2019	All docs relevant to settlement of the case of Birair v. Kolycheck, civil action 15-01807 District of Arizona; including but not limited to time sheets, related to the hours devoted by counsel for defendants in the above referenced case; all docs relevant to settlement of any legal claim brought against hte Dept of Child Safety or any agent or employee thereof whether or not such claim resulted in litigation; re to removal of children from the home on an emergency basis without a court order or warrant for the period 2016 to present	Michael Moore	
2019-2200-218	11/7/2019	all docs re to training of workers in Constitution and statutory rights of parents and children whether through the Child Welfare Training Institute or otherwise; for 2016 to present; A Power Point titled "Understanding CPS Laws and Working with the Attorney General" and all other docs provided by the AGO to DCS for core training purposes; all training docs which have been revised or created as a result of hte Report of the Office of teh Auditor General Report No. 15-118, September 2015; All docs re TDM practices revised or created as a result of the Report of the Auditor General; all revisions to the Child Safety and Risk Assessment Tool made as a result of hte Report of the Office of the Auditor General; All policies/procedures in place from 2016 to present which address the process and basis for caseworkers/supervision to seek a court order for removal in advance of such removal.	Michael Moore	
2019-16029-394	#####	Copy of a medical power of Attorney dated on or before 9/13/19 for Ronald Lee Dailey submitted by Michelle Ann Penny	Cheryl Heinze	referred out
2019-2200-219	#####	Is Lauren Buhrow on the Brady list or has she ever been on Brady list?	Don - arizona daily independent	released
2019-15997-392	#####	all records concerning sentencing of Lamon Edwards Clark. Case CR2017-133345-006 date of offense 6/19/17, location of incident 1220 N 51st Ave, Tempe Police Dept offense report # GO#2017-72173	Leroy Edwards	
2019-15998-393	#####	Duplicate (Lamon Edwards Clark)	Leroy Edwards	

2019-16056-395	#####	number of convictions under state law annually from 1980 - 2018 for child pornography offenses and the number of convictions under state law annually form 1980-2018 for any and all child sex abuse offenses (aside from pornography)	Jesse Alred	
	#####	OMLET complaint re Bisbee City Council (David Smith, mayor, by Donna Pulling)	James Ledbetter	released
2019-2200-221	#####	documents re investigation of Frederick Arias and Bradley J. Tennison	Steven Mason	referred out
2019-16087-396	#####	Need to know how did the State of AZ authorize the City of Surprise to rule that a hunting dog is at large while hunting or training without a leash	Robert Ozinga	referred out
2019-16143-398	#####	information about arrest or detention of Libna Zithay Ramos 10/1/2000 who was arrested in October at Nogales port of entry and then released on bond	Keith Rosenblum	
2019-2200-222	#####	Per the FOIA and AZ foia if need be would you kindly send all consumer and other complaints against the following corporation: Acacia women's Center	Ricky Durango Andrea Commander Bumaso	denied referred out
	#####	A master mailing list of all licensed cosmetologists		
2019-2200-224	#####	provide any request for an Attorney General Opinion concerning delegated authority of community college boards submitted by Lynne Adams on behalf of Yavapai County Community colleges	James Barton	
2019-15612-383	#####	complaint on or about 9/29/19 re actions of wickenburg Town Council;	Jeanie Hankins wickenburg Sun	withdrawn
2019-16174-399	#####	inforantion on estate of Paul Kranz AGO file No P0062007000101; middle initial, address, names of family members	Michael Phillips	nothing responsive
2019-2200-225	#####	records re to the complaint about and investigation into Michael Muscato	Brian Anderson Brahm Resnik	released
		Notice of Seizure and Seizure Warrant		
2019-15416-376	#####	RLDF Washington Policy Series on 10/17/19 for search terms: Rule of Law Defense Fund; RLDF; Climate Change Litigation Update; Andrew Grossman; Donald Kochan; Walter Olson; Phil Goldberg; @rldf.org; Peter Bisbee; Ashley Highlander; limit to AG, Exec Asst, Chief Deputy, Leg Director, ACL Chief;	Jamie Corey	
	#####	Copy of Complaint re Mesa School Board	Lori at Arizona Daily Independent	released

2019-16310-401	#####	all complaints submitted to consumer information and complaints re Maximo Natural Products.	Mitchell Allee	
2019-16308-400	#####	list of people and corporations that registered to be bidders at the last tax sale;	Lamont	referred out
	#####	Seizure warrant Paul Peterson	KNXV/Jeff Popovich	released
	#####	Seizure warrant Paul Peterson	Shawn Thompson	released
	#####	Seizure warrant Paul Peterson	Robert Anglen AZ	released
	#####	Seizure warrant Paul Peterson	Republic	released
	#####	Seizure warrant Paul Peterson	Dillon Rosenblatt	released
2019-2200-229	12/3/2019	Security breach notifications submitted to AGO between Jan 1, 2018 and Nov 1, 2019	Lisa Nagi Muck Rock	denied A.R.S. § 44-1525 and A.R.S. § 18-552(K).
	12/3/2019	OMLET complaints re Benson City Council	Gary Cohen	released
	12/3/2019	Copy of all information/documents in our office which pertain to this investigation, its evaluation, and the ultimate conclusion of Perry High School MAGA/TRUMP matter	Jennifer Alvey	
	12/3/2019	interim complaint for a case involving UPS employees and narcotics. One defendant is Mario Barcelo.	Arellis Hernandez	
	12/4/2019	OMLET complaint letter filed against Golden Valley Fire District	Mindy Kindelberger	released
	12/4/2019	OMLET complaints re Benson City Council	James Ledbetter	released
	12/5/2019	OMLET complaints Mormon Lake Fire District Governing Board	Brian Furyua	released
PRR2019-2200-231	12/6/2019	felony interim complaint on a UPS counterfeit THC pen scheme. Re Mario Barcelo, Gary Love, Michael Castro, Thomas Mendoza, Fernando Navaro-Figuero, Raul Garcia Cardova, Abraham Felix-Navaro, Heriberto Martinez-Bojorquez, Victor Molina, Jonathan Gallegos, Martine Siqueros	Hollie Silverman	
2019-2200-232	12/6/2019	agreements between Arizona and S&K Technologies, Inc. specifically agreement in which S&K Technologies may have waived its sovereign immunity in order to operate in AZ	Lillian K Hubbard	
2019-2200-233	12/6/2019	Any request for an Attorney General Opinion re delegated authority of community college boards submitted by Lynne Adams on behalf of Yavapai County community colleges	James Barton	

2019-16575-404	#####	copies of all publicly filed court documents, including pleadings, motions, briefs, and other filings submitted by the OAG or any other party in a case where the OAG represents any party or otherwise appears in the case, that cite Ariz Rev Stat. Ann 12-910(E) and include the words "deference", "defer", or "de novo" from August 8, 2019 to present; copies of all publicly filed court documents including pleadings, motions, briefs, and other filings submitted by the OAG or any other party in a case where the OAG represents any party or otherwise appears in the case, that cites ARS 41-1093 from August 8, 2019 to present	Jon Riches	
2019-16561-403	#####	complete investigation/case file including any and all reports, interviews, memorandums, any and all photographs obtained during the investigation of Norman Ferguson dob 1/16/50	Jason Pagayon	
2019-2200-234	#####	All docs relating to actual instances of voter fraud in connection with in-person early voting from 2006 to present; all docs relating to indictments and convictions for voter impersonation or voter fraud in connection with in-person early voting from 2006 to the present.	Perkins Coie Emily Brailey	
2019-16624-406	#####	if POA was filed in Oct 2019 for Deanna Dailey	Cheryl Heinze	referred out
	#####	Bisbee City Council's Response to 11/22/19 letter copy of complaints and any supporting docs filed against the Board and Mohave County in relation to accusation of OMLET complaints March 2018 re Arthur Garnica and July 16, 2018 re Supervisor Wakimoto and a rezone of parcels	James Ledbetter	released
2019-2200-86			Ryan Espin	released

## Anderson, Ryan

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**From:** Lumpp, Rachelle  
**Sent:** Friday, September 11, 2020 11:26 AM  
**To:** 'Michael Burke'  
**Subject:** RE: Speaking Request  
**Attachments:** Mark Brnovich Short Bio 2020.doc  
  
**Categories:** Black, Green category

Thanks Mike, he'll be there! I have attached a bio if you need it.

**From:** Michael Burke [mailto: [redacted]@gmail.com]  
**Sent:** Friday, September 11, 2020 11:13 AM  
**To:** Lumpp, Rachelle  
**Subject:** Re: Speaking Request

Rachelle,

We look forward to seeing the Attorney General Next Saturday. Fifteen minutes is fine, but the time is flexible.

Just to confirm the location:

Florence School Board Auditorium  
1000 S Main St.  
Florence, AZ

Regards,

Mike Burke

**Michael Burke**  
**Chairman**  
**Pinal County Republican Committee**

On Fri, Sep 11, 2020 at 9:12 AM Lumpp, Rachelle <[Rachelle.Lumpp@azag.gov](mailto:Rachelle.Lumpp@azag.gov)> wrote:

Michael,

Thank you for your patience while we worked out the General's schedule. He is available and happy to come down and speak. To confirm, his speaking time is 10:15 am, for approximately 15 minutes. Please let me know if you need anything else!

**From:** Michael Burke [mailto: [redacted]@gmail.com]  
**Sent:** Tuesday, September 08, 2020 2:59 PM

**To:** Lumpp, Rachelle  
**Subject:** Speaking Request

I just wanted to follow up with our request to have the Attorney General speak to the Pinal County Republican committee on September 19th.

This Wednesday will be 10 days out and we have to send a notice to all the Precinct Committeemen and Committeewomen announcing the meeting. If the AG can come, we would like to inform everyone. We do understand, however, that he has a busy schedule, so either way, we appreciate your considering our request.

Regards,

Mike

--

Michael Burke

Chairman

Pinal County Republican Committee

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Michael Burke



## **Mark Brnovich**

### Arizona Attorney General

Mark Brnovich was inaugurated as Arizona's Attorney General in 2015 and is now serving his second elected term. A trusted prosecutor with a career dedicated to the pursuit of justice, Mark has been instrumental in restoring public confidence to the Office. Brnovich is also a nationally recognized authority and popular speaker in the areas of federalism, human trafficking and border security. His team has facilitated the return of over \$100 million to Arizona consumers who did not get what they paid for. Mark is currently battling Google's deceptive location tracking practices, fighting for victims' rights to see death penalty sentences carried out and vigorously defending Arizona's election integrity laws.

## Anderson, Ryan

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**From:** Mary McCord <mbm7@georgetown.edu>  
**Sent:** Thursday, December 03, 2020 3:07 PM  
**To:** Brnovich, Mark  
**Subject:** New — Fact Sheets on Threats and Intimidation Related to the Election  
**Attachments:** Fact Sheet on Threats Related to the Election.pdf  
  
**Categories:** Black, Green category

Dear all,

With the increasing instances of threats and intimidation being levied against public officials and private citizens whose jobs have involved election integrity and tabulating and certifying the vote, Georgetown Law's Institute for Constitutional Advocacy and Protection has produced the attached *Fact Sheet on Threats and Incitement to Violence Related to the Election*. Threats and incitement to violence are not protected by the First Amendment and violate a number of federal and state criminal laws.

The Fact Sheet is attached and can be found [HERE](#). Please don't hesitate to reach out if we can answer questions or be of assistance.

Best,  
Mary B. McCord  
Legal Director and Visiting Professor of Law  
[Institute for Constitutional Advocacy and Protection](#)  
Georgetown University Law Center  
202-661-6607 (o) c)

The information contained in this e-mail message may be privileged and is intended only for the personal and confidential use of the recipient(s) named above. If you have received this communication in error, please notify us immediately by e-mail, and delete the original message.

## Fact Sheet on Threats and Incitement to Violence Related to the Election

The 2020 presidential election has spurred much public discussion about election integrity. Some people have gone beyond questioning the security of our voting systems to threatening or encouraging harm to public officials and others they view as responsible for the problems they perceive. In the United States, the First Amendment guarantees the freedom to express one's views, to peacefully assemble with others who share those views, and to petition the government for redress of grievances. But these rights are not boundless— attempts to intimidate and coerce through threats of violence, stalking, and armed paramilitary activity are *not* constitutionally protected.

- The First Amendment does *not* protect violent or unlawful conduct, even if the person engaging in it intends to express an idea. *United States v. O'Brien*, 391 U.S. 367, 376 (1968).
- The First Amendment does *not* protect speech that incites imminent violence or lawlessness. *Brandenburg v. Ohio*, 395 U.S. 444, 447 (1969).
- Threats of violence, stalking, and harrasing people, whether private individuals or public officials, are not protected by the First Amendment and may violate multiple federal and state criminal laws.
  - It is a felony under federal law to communicate a threat to injure or kidnap another person online, by phone or mail, or using other interstate channels. 18 U.S.C. § 875(c).
  - It is a felony under federal law to engage in stalking, defined as a course of conduct conducted online, through the mail, or traveling across state lines, which would put a person in reasonable fear of death or serious bodily injury or cause substantial emotional distress, when done with the intent to kill, injure, harass, intimidate, or surveil that person. 18 U.S.C. § 2261A.
  - State criminal laws penalize threats to injure or kill another person as well as stalking, which generally refers to a course of conduct that involves repeated harassment or threats that would cause a reasonable person to feel terrorized, frightened, or intimidated. *See, e.g.*, Ariz. Rev. Stat. § 13-2923; Ga. Code § 16-5-90; Mich. Comp. Laws § 750.411i; 18 Pa. C.S.A. § 2709.1; Wis. Stat. §§ 947.0125, 947.013.
- Crimes of violence intended to intimidate and coerce are considered terrorism under federal law, *see* 18 U.S.C. § 2331, and the laws of many states, and threats to commit such crimes are not protected by the First Amendment.
  - “Terroristic threats,” generally defined as a threat to commit a crime of violence with the purpose of terrorizing another person or causing public panic, fear, or serious public inconvenience, or in reckless disregard of the risk of causing terror or public panic, fear, or inconvenience, are prohibited in many states and often have penalties greater than the penalties for other threats. *See, e.g.*, Ga. Code §§ 16-11-37, 16-11-37.1; 18 Pa. C.S.A. § 2706; Wis. Stat. § 947.019.

- Many states make it a felony to commit an act of terrorism or threaten to commit an act of terrorism, which generally is defined as a crime of violence with the intent to intimidate or coerce a civilian population or induce the policy of the government through intimidation or coercion. *See, e.g.*, Ariz. Rev. Stat. §§ 13-2301, 13-2308.01, 13-2308.02; Ga. Code § 16-11-221; Mich. Comp. Laws §§ 750.543b, 750.543f & 750.543m; 18 Pa. C.S.A. § 2717.
- It is a felony under federal law to intentionally “solicit, command, induce, or otherwise endeavor to persuade” another person to engage in a crime of violence against a person or property. 18 U.S.C. § 373. Many states have similar laws.
- Neither the First nor Second Amendment protects private armed paramilitary organizations.
  - The Second Amendment protects an individual right to bear arms for self defense, but does not protect private paramilitary organizations. *District of Columbia v. Heller*, 554 U.S. 570, 621 (2008) (citing *Presser v. Illinois*, 116 U.S. 252 (1886)).
  - Collective armed action by private paramilitary organizations is unauthorized in every state and violates criminal laws in many states. *See, e.g.*, Ga. Code §§ 38-2-277, 16-11-151; Mich. Comp. Laws §§ 70.528a; 750.215; 18 Pa. C.S.A. § 5515; Wis. Stat. § 946.69; *see also Prohibiting Private Armies at Public Rallies* (Sept. 2020), available at <https://www.law.georgetown.edu/icap/wp-content/uploads/sites/32/2018/04/ProhibitingPrivate-Armies-at-Public-Rallies.pdf>.

*This Fact Sheet has been prepared by the Institute for Constitutional Advocacy and Protection (ICAP) at Georgetown University Law Center. ICAP’s mission is to use the power of the courts to defend American constitutional rights and values. Visit us at <https://www.law.georgetown.edu/icap/>. Contact us at [reachICAP@georgetown.edu](mailto:reachICAP@georgetown.edu).*

## Anderson, Ryan

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**From:** Brnovich, Mark  
**Sent:** Thursday, December 03, 2020 6:46 PM  
**To:** Isaak, Jason; Kanefield, Joe  
**Subject:** Fwd: New — Fact Sheets on Threats and Intimidation Related to the Election  
**Attachments:** Fact Sheet on Threats Related to the Election.pdf  
  
**Categories:** Black, Green category

Mark Brnovich  
Arizona Attorney General

Sent from my iPhone

Begin forwarded message:

**From:** Mary McCord <[mbm7@georgetown.edu](mailto:mbm7@georgetown.edu)>  
**Date:** December 3, 2020 at 3:06:59 PM MST  
**To:** "Brnovich, Mark" <[Mark.Brnovich@azag.gov](mailto:Mark.Brnovich@azag.gov)>  
**Subject:** New — Fact Sheets on Threats and Intimidation Related to the Election

Dear all,

With the increasing instances of threats and intimidation being levied against public officials and private citizens whose jobs have involved election integrity and tabulating and certifying the vote, Georgetown Law's Institute for Constitutional Advocacy and Protection has produced the attached *Fact Sheet on Threats and Incitement to Violence Related to the Election*. Threats and incitement to violence are not protected by the First Amendment and violate a number of federal and state criminal laws.

The Fact Sheet is attached and can be found [HERE](#). Please don't hesitate to reach out if we can answer questions or be of assistance.

Best,  
Mary B. McCord  
Legal Director and Visiting Professor of Law  
Institute for Constitutional Advocacy and Protection  
Georgetown University Law Center  
202-661-6607 (o) (c)

The information contained in this e-mail message may be privileged and is intended only for the personal and confidential use of the recipient(s) named above. If you have received this communication in error, please notify us immediately by e-mail, and delete the original message.

## Anderson, Ryan

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**From:** Conner, Katie  
**Sent:** Wednesday, December 09, 2020 9:59 AM  
**To:** 'Barbara'  
**Subject:** RE: Possible fraudulent actions

**Categories:** Black, Green category

Hi Barbara,  
Thank you for reaching out to our office. Can you please have your friend file an election complaint with our office?  
Here's the link: <https://www.azag.gov/complaints/election>  
Thank you for your interest in election integrity.

Best,  
Katie Conner

-----Original Message-----

**From:** Barbara [mailto:[barbarak@mindspring.com](mailto:barbarak@mindspring.com)]  
**Sent:** Tuesday, December 08, 2020 9:30 PM  
**To:** Conner, Katie  
**Subject:** Possible fraudulent actions

I was on social media tonight and one of my friends stated that two gentlemen came to her home to ask questions about the number of people voting from her residence. They informed her that her parents, who are deceased, voted in the 2020 election. This was extremely upsetting to my friend. They identified themselves as being from the voter verification office. My friend, Della Anderson and her husband signed a sworn legal affidavit saying it was fraud. The visitors said they are canvassing voter roles per the lawsuit. When asked who 'they' were, the response was Rudy's team.

If this was Rudy Giuliani's team, they possibly just tricked my friend into signing on to a lawsuit.

In any case, you can read the thread under Della Anderson on Facebook.

Please look into this. People are getting all bent out of shape and being pushed into believing this was a fraudulent election. I don't want any further involvement in this but would like to know if there is any truth in voter fraud really happening.

Thanks, Barbara

Sent from my iPad

## Anderson, Ryan

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**From:** Mark Ebling <[redacted]@live.com>  
**Sent:** Tuesday, December 15, 2020 5:37 PM  
**To:** Roopali H. Desai - SOS Attorney;; D. Andrew Gaona - SOS Attorney;; Kristen Yost - SOS Attorney;; Sara R. Gonski - Democrat Party;; Roy Herrera - Democrat Party;; Daniel Arellano - Democrat Party;; Adrian Fontes;; Brnovich, Mark; Kanefield, Joe; Flanagan, Allyson; Isaak, Jason; angie paton;; Kredit, Joshua; paul penzone;; katie hobbs;; doug ducey;; abc 15 arizona;; cbs - arizona family;; pbs arizona;; nbc news;; nbc - 12 news;; pbs;; matt schlapp;; ian walters;; cbs news;; irena briganti;; porter berry;; sean hannity;; andrew t. lefevre;; kyrsten sinema;; martha mcsally;; raul grijalva;; lynn constabile;; dr. jim helm;; elizabeth howard;; ken matta;; dr. william mishler;; michael totherow;; reynaldo valenzuela;; lauren geislinger;; allister adel;; david bradley;; lupe contreras;; jamescita peshlakai;; sally ann gonzales;; lisa otondo;; victoria steele;; david bradley;; sean bowie;; lela alston;; juan mendez;; rebecca rios;; arlando teller;; myron tsoie;; pamela hannley;; randall friese;; kirsten engel;; domingo degrazia;; jennifer pawlik;; mitzi epstein;; jennifer jermaine;; diego espinoza;; lorenzo sierra;; jennifer longdon;; amish shah;; isela blanc;; athena salman;; reginald bolding;; diego rodríguez;; kelli butler;; aaron lieberman;; richard c. andrade;; cesar chavez;; robert meza;; raquel teran;; fox 10 phoenix;; sylvia allen;; frank pratt;; eddie farnsworth;; sine kerr;; david gowan;; heather carter;; dave farnsworth;; j.d. mesnard;; paul boyer;; david livingston;; tyler pace;; regina cobb;; leo biasiucci;; waiter blackman;; bob thorpe;; david cook;; mark finchem;; bret roberts;; travis grantham;; warren petersen;; tim dunn;; joanne osborne;; gail griffin;; john allen;; nancy barto;; kelly townsend;; john fillmore;; jeff weninger;; anthony kern;; shawna bolick;; tony rivero;; kevin payne;; ben toma;; frank carroll;; jay lawrence;; john kavanagh;; michelle udall;; tony navarrete;; charlene fernandez;; randy friese;; reginald bolding;; rosanna gabaldon;; daniel hernandez jr.;; alma hernandez;; andres cano;; charlene fernandez;; geraldine peten;; kate brophy mcgee;; russell bowers;; tj shope;; warren petersen;; becky nutt;; steve pierce;; noel w. campbell;; Eddie Farnsworth (Republican Chairman);; Rick Gray (Republican Vice Chairman) ;; Sonny Borrelli (R);; Vince Leach (R);; Michelle Ugenti (R);; Martin Quezada (D);; Lupe Contreras (D);; Andrea Dalessandro (D),  
**Subject:** FW: Crime in Progress – Report – Maricopa County Administrative Level Voter Count Fraud  
**Attachments:** Maricopa County by Precinct.xlsx  
**Importance:** High  
**Follow Up Flag:** Follow up  
**Flag Status:** Completed  
**Categories:** Black, Green category

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**From:** Mark Ebling  
**Sent:** Tuesday, December 15, 2020 3:47 PM  
**To:** 'Kelli Ward - Arizona GOP Chairwoman,' ; 'Karen Fann - President of the Arizona Senate ,' ; 'Wendy Rogers – Arizona State Senate,' ; 'Thomas P. Liddy - Maricopa County(019384),' ; 'Emily Craiger - Maricopa County (021728),' ; 'Joseph I. Vigil - Maricopa County (018677),' ; 'Joseph J. Branco - Maricopa County (031474),' ; 'Joseph E. LaRue - Maricopa County (031348),' ; 'Dennis I. Wilenchik,' ; 'John D. Wilenchik,' ; 'Catherine Rauscher,' ; 'Mario Campos,' ; 'administrator@wb-law.com' ; 'amye@wb-law.com' ; 'ChristineF@wb-law.com' ; 'SuzanneH@wb-law.com' ; 'diw@wb-law.com' ; 'RobertD@wb-law.com' ; 'HilaryM@wb-law.com' ; 'ToniB@wb-law.com' ; 'heatherz@wb-law.com' ; 'VictoriaS@wb-law.com' ; 'leem@wb-law.com' ; 'LisaL@wb-law.com' ; 'MarileeS@wb-law.com' ; 'JordanW@wb-law.com' ;

'marioc@wb-law.com'

**Subject:** FW: Crime in Progress – Report – Maricopa County Administrative Level Voter Count Fraud

**Importance:** High

**RE: URGENT COMMUNICATION - LETTER OF DEMAND - 'Email to Judge Hannah, Crime in Progress – Report – Maricopa County Administrative Level Voter Count Fraud'**

Dear Ms. Adel,

**RE: NEW EVIDENCE FOUND CONCERNING THE TAMPERING OF THE ARIZONA EARLY VOTE COUNT**

**RE: A complaint has also been filed with the Attorney General's Election Integrity Unit and the Phoenix FBI Office**

New evidence has been found which suggests a likelihood that the early count of ballots were tampered with. The media was reporting that Biden held an early lead against Trump however evidence suggests that was not true!

# The New York Times

Data Link: <https://static01.nyt.com/elections-assets/2020/data/api/2020-11-03/race-page/arizona/president.json>

Search on '"timeseries":[' and you will see that the Trump/Biden reference to results was changed to Biden/Trump which would then allow for further tampering without raising suspicion as the week progressed.

**ANY MARICOPA COUNTY WINDOWS LOGIN ACCESS PROVIDED TO THE CO-DIRECTORS SPECIFICALLY MR. SCOTT JARRETT AND DOMINION EMPLOYEES SHOULD BE SUSPENDED IMMEDIATELY!**



```

"timeseries": [
  "trumpd":0,      "bidenj":0},      "votes":0,      "eevp":0,      "
  "trumpd":0.505, "bidenj":0.48},      "votes":104866, "eevp":3,      "
  "bidenj":0.566, "trumpd":0.421},      "votes":730299, "eevp":23,      "
  "bidenj":0.55,  "trumpd":0.437},      "votes":2203485, "eevp":69,      "
  "bidenj":0.549, "trumpd":0.438},      "votes":2234553, "eevp":70,      "
  "bidenj":0.541, "trumpd":0.446},      "votes":2304343, "eevp":72,      "
  "bidenj":0.539, "trumpd":0.448},      "votes":2329555, "eevp":73,      "
  "bidenj":0.539, "trumpd":0.449},      "votes":2331561, "eevp":73,      "

```

Please call if you have any questions.

Mark Ebling - Maricopa County Resident

From: Mark Ebling  
 Sent: Thursday, December 10, 2020 2:53 PM  
 To: Kelli Ward - Arizona GOP Chairwoman, <kelli.ward@azgop.org>; Karen Fann - President of the Arizona Senate , <kfann@arizona.gov>; Wendy Rogers – Arizona State Senate, <team@wendyrogers.org>; Thomas P. Liddy - Maricopa County(019384), <liddyt@mcao.maricopa.gov>; Emily Craiger - Maricopa County (021728), <craigere@mcao.maricopa.gov>; Joseph I. Vigil - Maricopa County (018677), <vigilj@mcao.maricopa.gov>; Joseph J. Branco - Maricopa County (031474), <brancoj@mcao.maricopa.gov>; Joseph E. LaRue - Maricopa County (031348), <laruej@mcao.maricopa.gov>; Dennis I. Wilenchik, <admin@wb-law.com>; John D. Wilenchik, <jackw@wb-law.com>; Catherine Rauscher, <CatherineR@wb-law.com>; Mario Campos, <marioc@wb-law.com>; administrator@wb-law.com; amye@wb-law.com; ChristineF@wb-law.com; SuzanneH@wb-law.com; diw@wb-law.com; RobertD@wb-law.com; HilaryM@wb-law.com; ToniB@wb-law.com; heatherz@wb-law.com; VictoriaS@wb-law.com; leem@wb-law.com; LisaL@wb-law.com; MarileeS@wb-law.com; JordanW@wb-law.com; marioc@wb-law.com  
 Subject: FW: Crime in Progress – Report – Maricopa County Administrative Level Voter Count Fraud

December 10, 2020

Allister Adel - County Attorney  
 Maricopa County Attorney’s Office  
 225 West Madison Street  
 Phoenix, AZ 85003

**RE: URGENT COMMUNICATION - LETTER OF DEMAND - ‘Email to Judge Hannah, Crime in Progress – Report – Maricopa County Administrative Level Voter Count Fraud’**

Dear Ms. Adel,

I apologize for the subject matter, but most importantly, I hope you’re doing well and congratulations for becoming the first woman elected as County Attorney in Maricopa County.

*I believe a crime is being committed and is in progress.* On November 18 at 1:28pm, I sent the attached email and ‘POLL LIST’ to Judge Hannah, the Plaintiff’s attorney, and your staff just two hours before oral arguments in the case of

'Arizona Republican Party v. Fontes et al, Exhibit A, FIRST DECLARATION OF SCOTT JARRETT.' Since I was knowledgeable of the process, I realized that Mr. Scott Jarrett, Co-Director of Maricopa County Elections, was lying to the Court. This incident was memorialized in the form of a brief, PLAINTIFF'S REPLY RE: INJUNCTIVE RELIEF.

After reviewing the data and researching all the circumstances of what went on, I could write pages of what is compelling evidence of wrongdoing at MCTEC, however, most of it has already been formally or informally made public or has become record, so I will keep this letter brief.

The County failed to perform under A.R.S. § 16-452(A) which is a tally of ballot batches and a check against the 'POLL LIST' or what was sent to the Secretary of State. The hand counts are nice but were insufficient and a check against the machines is a waste of time, machines can count. A.R.S. § 16-452(A) will identify if a batch was run through many times or if the data was manipulated. When we send batches of checks to the bank, we always check the bank balance, correct? Thus far, the County has acted negligently in both the acquisition of and the administration of a newly installed election system and database. The County did so without seeking legislative advice against a system with many audit trail issues and, although feature-rich, the potential for manipulation of those features. **The legislators were not given an opportunity to fill the gaps.**

Your office has the authority to conduct an immediate investigation to verify the counts because there is compelling evidence that crimes were committed. If found faulty, then the County needs to rescind the ballot count of 1,915,487 and rescind its number to only include the election day votes, totaling 167,878. **Failure to take action immediately is a violation of all of Maricopa County Residents' civil rights.**

Mark Ebling - Maricopa County Resident

From: Mark Ebling  
Sent: Wednesday, November 18, 2020 1:28 PM  
To: 'Gail.Cody@JBAZMC.Maricopa.Gov' <Gail.Cody@JBAZMC.Maricopa.Gov>  
Subject: FW: Crime in Progress – Report – Maricopa County Administrative Level Voter Count Fraud

November 18, 2020

**RE: Complaint to the State of Arizona Attorney General**

***Crime in Progress – Report – Maricopa County Administrative Level Voter Count Fraud***

**Maricopa County Defendants' Response to Application for Preliminary Injunction – 11/18/2020, Part 2, Exhibit A, First Declaration of Scott Jarrett**

1 | 12. Every ballot cast in person has the precinct number for the voter who cast it  
2 | at the top of the ballot. Our tabulation machines do not read that number, and there is no  
3 | metadata in the ballot from which the precinct can be determined by the tabulation  
4 | machines. The precinct number is visible to the human eye.

If this is true then how did all 2,076,086 votes get recorded in the *Maricopa County Elections Database* by precinct, by early vote, by election day turnout, and by provisional ballot.

Attached is the Maricopa County election results published on 11/13/2020 at <https://recorder.maricopa.gov/electionresults/>.

---  
In addition, there is evidence of **44,841 suspect votes** found in the State of Arizona Maricopa County Dominion Democracy Suite database.

As compared to the 2016 election and the number of what is known as **undervotes and overvotes** raises serious questions of suspected tampering. Where are these ballots and were they changed to the benefit of a political party other than that of what the voter intended? The voter would not know since the detail of who they voted for is not provided by the Arizona Secretary of State.

Election	2016	2020	
Turnout	1,608,875	2,089,563	
Rejected	41,041	13,477	(Actual Overvotes and Undervotes)
	2.6%	0.6%	There is no evidence in the data that this percent of rejected ballots would have decreased by 2% in 2020 versus 2016.

2. Since 2020 had a higher percentage of mail-in ballots this number needs to be adjusted up by .24% or 5015 ballots for a total of 58,318 rejects.

3. The 58,318 ballots less the actual processed amount of 13,477 equals **44,841 missing** or ballots possibly tampered with.

Mark Ebling  
State of Arizona – Resident

*Reference:*

Machine and Vote Count information - <https://azsos.gov/elections/voting-election/voting-equipment>.

County voting equipment list - [https://azsos.gov/sites/default/files/2020\\_0709\\_Election\\_Cycle\\_Voting\\_Equipment.pdf](https://azsos.gov/sites/default/files/2020_0709_Election_Cycle_Voting_Equipment.pdf).

Reference to Voting System Examination - <https://www.sos.texas.gov/elections/forms/syseexam/oct2019-sneeringer.pdf>.

Dominion Democracy Suite Image Cast operating manual -

<https://www.sos.state.co.us/pubs/elections/VotingSystems/DVS-DemocracySuite511/documentation/2-03-ICC-FunctionalityDescription-5-11-CO.pdf>.

Dominion Democracy Suite EMS operating manual - <https://www.sos.state.co.us/pubs/elections/VotingSystems/DVS-DemocracySuite511/documentation/2-03-EMS-FunctionalityDescription-5-11-CO.pdf>.



Matricos County Elections Department

Electors Issues - Filenames: AdminData\pfrs\pfrs13030.txt (last updated: 11/23/2020 16:00:05)

https://www.matricoscounty.gov/elections/

Printouts highlighted were part of hand count, reference to key, not items - refer to 0001, 0015, 0105, 0116

Table with columns: Precinct, Registered, Turnout, Overvotes, Undervotes, Votes, Turnout %, Turnout Early, Overvotes Early, Undervotes Early, Votes Early, Turnout %, Turnout Election Day, Overvotes Election Day, Undervotes Election Day, Votes Election Day, Turnout %, Turnout Provisional, Overvotes Provisional, Undervotes Provisional, Votes Provisional, Turnout %.



AMERICAN OVERSIGHT









Table with columns: Address, City, State, Zip, Phone, Email, Website, etc. The table lists numerous properties across various states including California, Florida, Texas, and others.





0743 WOODGLEN	4,171	3,277	2	11	3,264	78.60%	2,948	2	2	10	2,956	90.00%	300	0	1	299	9.26%	9	0	0	0	0	0	9	0.26%
0744 WAYER	3,659	2,721	3	10	2,706	74.79%	2,453	2	10	2,441	90.14%	263	0	0	262	9.76%	5	0	0	0	0	0	5	0.26%	
0745 WOUNGTOWN	3,659	2,660	3	7	2,650	72.79%	2,302	1	6	2,293	86.59%	342	0	1	341	12.79%	16	0	0	0	0	0	16	0.69%	
0746 WOODA	2,465	2,138	1	6	2,131	86.79%	1,987	0	5	1,985	92.09%	166	0	1	165	7.78%	5	0	0	0	0	0	5	0.26%	
0747 WOODA	2,251	2,030	0	8	1,942	86.28%	1,697	0	8	1,689	92.79%	258	0	9	259	10.66%	12	0	0	0	0	0	12	0.26%	
0748 WOODHILLS	1,171	2,520	2	8	2,492	212.81%	1,697	2	8	1,689	144.58%	43	2	9	43	3.67%	43	4	0	0	0	0	47	0.26%	
	2,292,272	2,491,263	5,092	4,475	2,076,686	80.32%	1,813,487	4,730	7,220	1,809,264	91.79%	107,218	210	214	1,072,644	42.35%	4,108	40	0	0	0	0	41	0.26%	

## Anderson, Ryan

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**From:** Brnovich, Mark  
**Sent:** Tuesday, December 15, 2020 5:57 PM  
**To:** Kredit, Joshua; Kanefield, Joe; Wright, Jennifer  
**Subject:** Fwd: Crime in Progress – Report – Maricopa County Administrative Level Voter Count Fraud  
**Attachments:** image003.png; image002.png; image001.png; Maricopa County by Precinct.xlsx  
**Follow Up Flag:** Follow up  
**Flag Status:** Completed  
**Categories:** Black, Green category

Mark Brnovich  
Arizona Attorney General

Sent from my iPhone

Begin forwarded message:

**From:** Mark Ebling  
**Date:** December 15, 2020 at 5:37:34 PM MST  
**To:** "Roopali H. Desai - SOS Attorney," , "D. Andrew Gaona - SOS Attorney," , "Kristen Yost - SOS Attorney," , "Sara R. Gonski - Democrat Party," , "Roy Herrera - Democrat Party," , "Daniel Arellano - Democrat Party," , "Adrian Fontes," , "Brnovich, Mark" , "Kanefield, Joe" , "Flanagan, Allyson" , "Isaak, Jason" , "angie paton," , "Kredit, Joshua" , "paul penzone," , "katie hobbs," , "doug ducey," , "abc 15 arizona," , "cbs - arizona family," , "pbs arizona," , "nbc news," , "nbc - 12 news," , "pbs," , "matt schlapp," , "ian walters," , "cbs news," , "irena briganti," , "porter berry," , "sean hannity," , "andrew t. lefevre," , "kyrsten sinema," , "martha mcsally," , "raul grijalva," , "lynn constabile," , "dr. jim helm," , "elizabeth howard," , "ken matta," , "dr. william mishler," , "michael totherow," , "reynaldo valenzuela," , "lauren geislinger," , "allister adel," , "david bradley," , "lupe contreras," , "jamescita peshlakai," , "sally ann gonzales," , "lisa otondo," , "victoria steele," , "david bradley," , "sean bowie," , "lela alston," , "juan mendez," , "rebecca rios," , "arlando teller," , "myron tsosie," , "pamela hannley," , "randall friese," , "kirsten engel," , "domingo degrazia," , "jennifer pawlik," , "mitzi epstein," , "jenniffer jermaine," , "diego espinoza," , "lorenzo sierra," , "jennifer longdon," , "amish shah," , "isela blanc," , "athena salman," , "reginald bolding," , "diego rodriguez," , "kelli butler," , "aaron lieberman," , "richard c. andrade," , "cesar chavez," , "robert meza," , "raquel teran," , "fox 10 phoenix," , "sylvia allen," , "frank pratt," , "eddie farnsworth," , "sine kerr," , "david gowan," , "heather carter," , "dave farnsworth," , "j.d. mesnard," , "paul boyer," , "david livingston," , "tyler pace," , "regina cobb," , "leo biasiucci," , "walter blackman," , "bob thorpe," , "david cook," , "mark finchem," , "bret roberts," , "travis grantham," , "warren petersen," , "tim dunn," , "joanne osborne," , "gail griffin," , "john allen," , "nancy barto," , "kelly townsend," , "john fillmore," , "jeff weningen," , "anthony kern," , "shawna bolick," , "tony rivero," , "kevin payne," , "ben toma," , "frank carroll," , "jay lawrence," , "john kavanagh," , "michelle udall," , "tony navarrete," , "charlene fernandez," , "randy friese," , "reginald bolding," , "rosanna gabaldon," ,

## Anderson, Ryan

---

**From:** Kredit, Joshua  
**Sent:** Saturday, January 02, 2021 2:24 PM  
**To:** Kanefield, Joe  
**Cc:** Anderson, Ryan  
**Subject:** Fwd: Great State Of Maricopa v. Arizona State Legislature!

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

**Categories:** Black, Green category

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---

**From:** Gail Griffin <[Gail.Griffin@gmail.com](mailto:Gail.Griffin@gmail.com)>  
**Sent:** Thursday, December 31, 2020 7:15 PM  
**To:** Gail Griffin; Joshua.Kredit@azag.gov  
**Subject:** Fwd: Fw: Great State Of Maricopa v. Arizona State Legislature!

Josh  
This was sent to me by one of my constituents and very active in the Republican Party. Can you review it and provide me a memo from the AG office after reviewing it. I will send you the memo I received from Leg Council. Time is running out so time is of the essence. I appreciate any guidance you can provide.  
Thank you  
Gail Griffin  
[Gail.Griffin@gmail.com](mailto:Gail.Griffin@gmail.com)  
cell

I like this position from Finchem. Posted it on FB and added the following commentary:

Representative Finchem makes a VERY good case. I applaud him and urge all of our State Senators and Legislators to follow his lead on this. In my opinion, having studied the federalist papers and writings of the founders for years, it is OBVIOUS that their rightful intent would be that both of the following in addition to Rep. Finchem's position apply:

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  - a.) The United States is a Confederation of sovereign states. The United States or Federal head was created by the states. The states have authority over the Federal government in every matter except those that were given to the federal head by the states through the US Constitution. The US Constitution defines and limits the power of the Federal government, but is supreme in every matter that the states assigned to the Federal head.
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through the supremacy clause. The purpose of this to anyone who knows the principles of the founders obviously is that the states should retain this power of choosing electors as a plenary power without encumbrance FOREVER, as a DUTY to be performed above all else, and NO STATE LEGISLATURE IN THE FUTURE SHOULD EVER BE ABLE TO SHIRK FROM ITS' DUTY IN THIS REGARD or be able to deny that duty for any reason.

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Ray Ihly  
12/31/2020

----- Forwarded Message -----

From: Thomas Paine - written by Rep Finchem LD11 <[tpaine@gmail.com](mailto:tpaine@gmail.com)>  
To: 'Ray Ihly' <[ihly@yahoo.com](mailto:ihly@yahoo.com)> <[ihly@yahoo.com](mailto:ihly@yahoo.com)>  
Sent: Monday, December 28, 2020, 4:14:07 PM MST  
Subject: Great State Of Maricopa v. Arizona State Legislature!

## American Post-Gazette

Distributed by COMMON SENSE in Arizona  
December 28, 2020

### *1. Legislative authority; Initiative and referendum*

*Section 1. (1) Senate; house of representatives; reservation of power to people. The legislative authority of the state shall be vested in the legislature, consisting of a senate and a house of representatives, but the people reserve the power to propose laws and amendments to the constitution and to enact or reject such laws and amendments at the polls, independently of the legislature; and they also reserve, for use at their own option, the power to approve or reject at the polls any act, or item, section, or part of any act, of the legislature*

Hon. Mark Finchem, LD-11  
Arizona House of Representatives  
Chairman, Federal Relations Committee  
54th Legislature

### **Legal Theory Brief Addressing Uncertifiable Elections**

**Facts:** Under Arizona Revised Statutes there are a number of restrictions that past Arizona Legislatures have enacted to provide an orderly and expedited process for uncontested elections. Ordinarily, each Arizona county administers its own election, certifies the result and notifies the Secretary of State of the result. In the case of the Presidential Election, and in normal order, the Secretary of State notifies the Governor, and the State's 11 Electoral Votes are released to the winning candidate. In the case of the 2020 Arizona Election however, fraud of many sorts has been identified, including

counterfeit ballots mailed to unregistered voters, pre-loading of “vote ties” on some tabulation machines, dead voters voting, and most prevalent of all, real-time “vote tie” realignment from one candidate to another.

**Issue:** Whether the Arizona Legislature is bound by the State Constitution and State Statutes restricting a call to Special Session, or whether the duty to direct the appointment of electors delegated to the State Legislatures under Article II of the United States Constitution supersedes the state restraints as the “supreme law of the land” under Article VI?

**Rule:** Under Article II, Section 1, “Each State shall appoint, in such Manner as the Legislature thereof may direct, a Number of Electors, equal to the whole Number of Senators and Representatives to which the State may be entitled in the Congress” (At Pa. 2). Under Article VI, “This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; ...” (At Pa. 2). Article IV, Section 4, guarantees each state a republican form of government, the foundation of which is self-governance through free and fair elections accurately reflecting the will of the people.

**Analysis:** There are many laws in Arizona that govern an uncontested, normal order, Federal Office Election. The election for Electoral College Electors, United States Senate, and Congressional Representation are the offices addressed in this analysis. The House of Representatives Legal Counsel analysis of pertinent statutes (found in references) notwithstanding, the essential question at hand follows a fact pattern that Arizona has never faced, and which the Arizona Revised Statutes are silent on. When the Legislature is made aware that sufficient fraud in the election of Federal officials exists, so as to call into question the legitimacy of the election, is the Legislature bound by pertinent state statutes and prevented from stopping a fraudulent election to proceed to its logical conclusion? Arizona law is silent on actions that the Legislature may engage in to ensure a fair and impartial election.

However, the United States Constitution, the supreme law of the land, is not. Article II, Section 1, paragraph 2, grants plenary authority to determine how electors are appointed to the State Legislatures. As articulated by retired North Carolina Supreme Court Chief Justice Mark Martin, “the Constitution grants no role in directing the appointment of electors to the state’s executive or judicial branches. It is the plenary authority and obligation of the Legislature to do so. Since this authority and obligation is placed solely upon the Legislature by the highest law of the land, the Legislatures are not impeded by state statutes in fulfilling this duty.” Indeed, in light of the Supremacy Clause, it would be disingenuous to argue that state procedural requirements prevent the Arizona Legislature from fulfilling its duty under the United States Constitution. This means that the Legislature may be called to Special Session with a simple majority of members (31 in the House of Representatives and 16 in the Senate) to fulfill its Constitutional duty to direct the appointment of electors and ensure a republican form of government in Arizona.

Once in session, the normal order of business in the House and Senate is in place, including notice of hearings, hearings to accept evidence and testimony, generation of



legislative findings, generation of resolution(s), and debate to pass or defeat resolutions whether or not to approve Electors.

An essential question that cannot be overlooked or assumed is the level of cooperation that Legislators will offer. There are in the body individuals who were not reelected and are so partisan that they will likely not avail themselves to act. This devolves to a Committee Hearing only, that will provide a venue for the hearing of grievances, testimony and the presentation of other forms evidence. The nature of the evidence presented to the Committee will determine whether the larger body is compelled to act pursuant to its Constitutional authority.

**Conclusion:** Under the plenary authority reserved to State Legislatures by the Constitution of the United States, the Arizona Legislature may indeed call itself into Special Session without interference from the Executive or Judicial branches so as to fulfill its Constitutional duties. Moreover, the State Legislature cannot be tethered to a State Constitution provision or statute that interferes with the discharge of such duty, specifically a requirement for a two-thirds majority to call a special session. And, when there is reasonable suspicion that election fraud has occurred, the Legislature has the duty to call itself into session to hear testimony and accept other forms of evidence to prove or disprove the alleged election fraud. Where the evidence of fraud is so compelling that it calls into question the legitimacy of an election, the Legislature is duty bound to direct the appropriate appointment of Electors. In the matter of the 2020 Electoral College Electors, time is of the essence. If the election is proven to be illegitimate, the Legislature has the solemn Constitutional duty to take appropriate action to ensure the will of the people is accurately reflected through the reclamation of Electors where appropriate.

*Representative Mark Finchem, Legislative District 11, 54th Legislature, is a Legislative Fellow in Residence at the James Rogers School of Law, University of Arizona, Tucson, AZ.*

References and Notations: Post-election Questions prepared by House Counsel.

**Q. Can the Arizona Legislature select different presidential electors?**

A. Under Arizona law (A.R.S. § 16-212), voters elect the State's presidential electors on Election Day. Because the electors already have been elected, the Legislature cannot retroactively change the selection method for the November 2020 election.

**Q. Can Arizona's presidential electors cast their electoral college votes for whichever candidate they prefer?**

A. After statutory changes made in 2017, A.R.S. § 16-212 requires presidential electors to cast their electoral college votes for the candidates for president and vice president who jointly received the most votes according to the statewide canvass. An elector who knowingly refuses to do so automatically is removed from office. Representative Kern was the prime sponsor of the bill that made these changes, which received near-unanimous support from Republicans in both the House and the Senate.

**Q. Can the Legislature force a statewide or countywide hand count now?**

A. A.R.S. § 16-602 requires each county officer in charge of an election to conduct a hand count according to a statutory process, as well as the hand count procedures established by the Secretary of State in the Election Procedures Manual. Once that hand count is complete, the county can conduct another one only if the first hand count produces a certain margin of discrepancy. Maricopa County's hand count produced zero discrepancies. Consequently, the county considers that the official count by statute.

**Q. Can the Legislature demand that Maricopa County hand count the votes cast at five or even 100 percent of the county's vote centers?**

A. A.R.S. § 16-602 and the Election Procedures Manual require counties to hand count the votes cast in at least two percent of the precincts or vote centers in the county, or two precincts or vote centers, whichever is greater. So, before its hand count occurred, Maricopa County could have decided to hand count five percent or even 100 percent of the votes cast in the county's vote centers. But it was not required to do so, and once the hand count was complete and showed no discrepancies, the law did not authorize Maricopa County to expand its hand count to include additional vote centers.

**Q. A.R.S. § 16-602 requires a hand count of the votes cast in two or two percent of precincts, but the Election Procedures Manual says that counties that use vote centers can hand count the votes cast in two or two percent of vote centers. Do these provisions conflict?**

A. The Attorney General's Office informally opined that these provisions do not conflict, because (among other reasons) A.R.S. § 16-602 states that "[t]he hand count shall be conducted as prescribed in this section and in accordance with hand count procedures established by the secretary of state in the official instructions and procedures manual adopted pursuant to § 16-452"—that is, the Election Procedures Manual. The EPM has addressed hand counts of ballots cast at vote centers since 2012. This issue is currently being litigated in Arizona Republican Party v. Fontes (No. CV2020-014553).

**Q. Can the Legislature force a statewide or countywide recount?**

A. A.R.S. § 16-661 et seq. provide for a recount only when the canvass of returns shows a specified, narrow margin of victory, but no race in Arizona is within any of those statutory margins. Additionally, A.R.S. § 16-671 et seq. authorize election contests, including on grounds that votes were cast illegally or counted erroneously (A.R.S. § 16-672(A)(4)–(5)). No such election contest has been filed so far.

**Q. Can the Legislature force an additional audit of the Dominion Voting Systems machines?**

A. Arizona law includes many safeguards for ensuring the reliability and integrity of the voting equipment that is used here. For example, under A.R.S. § 16-442 and the Election Procedures Manual, a new voting system must be certified by a Voting System Test Laboratory accredited in accordance with federal law, the federal Election Assistance Commission, and the Secretary of State, based on a recommendation from the state Election Equipment Certification Committee. Additionally, A.R.S. § 16-449

and the EPM require extensive testing of voting equipment both before and after the election. That testing is open to designated political party representatives, candidates, government officials, the public, and the press. None of the testing of Maricopa County's tabulation equipment has revealed any tabulation errors, and no law authorizes the Legislature to require additional testing now.

**Q. What is the status of the election lawsuits?**

A. The Trump campaign dropped its lawsuit against the Secretary of State and Maricopa County officials last Friday. Two lawsuits remain pending in Maricopa County Superior Court: Arizona Republican Party v. Fontes (No. CV2020-014553), in which the plaintiff asserts that Arizona law requires counties to hand count ballots cast in at least two percent of precincts, not vote centers; and Aguilera v. Fontes (No. CV2020-014562), in which one voter claims she was denied the right to vote, and a second voter claims he was denied the right to have his vote counted. Neither pending lawsuit alleges that fraud occurred, and the Trump campaign repeatedly disavowed claims that it did.

**Q. What election-integrity measures has the Legislature enacted recently?**

A. To take just a few examples, since 2019, the Legislature has enacted election-integrity measures that:

- permitted the use of new ballot counting and processing equipment in order to increase the speed and accuracy of tabulating ballots and resolving discrepancies (SB1135—E. Farnsworth, 2020);
- advanced the deadline for issuing an Election Procedures Manual in order to provide election officials ample time to review and implement the policies and procedures the EPM establishes (HB2238—Townsend, 2019);
- required voters to present a valid form of identification before they are given a ballot (SB1072—Ugenti-Rita, 2019);
- required the county recorders to report the number of persons who are registered to vote but have not presented proof of citizenship, and—after each general election—the number of federal-only ballots cast (HB2039—Townsend, 2019); and
- established emergency voting procedures, along with additional guidelines to combat voter fraud (SB1090—Ugenti-Rita, 2019).

**Q. What other election-integrity measures are in place?**

A. Over decades, the Republican-led Legislature has built an electoral system in Arizona that is efficient, reliable, transparent, and secure. Among the many election-integrity measures already in place are laws:

- governing the procedures for opening, exhibits, locking, removal, and reopening of ballot boxes (A.R.S. § 16-564);
- requiring that voting or marking devices be sealed after the polls close, and that unused ballots be sealed for return to the board of supervisors or other officer in charge of elections (A.R.S. § 16-566(B));
- mandating that voting machines be in full view of all election officers and observers at the polling place (A.R.S. § 16-570(B));
- requiring, after the polls close, that sealed ballot boxes be delivered by two election board members from different political parties to a counting place, and allowing county party chairmen to designate a party member to accompany the ballots (A.R.S. § 16-608);
- prescribing detailed procedures for ensuring that votes are tabulated in a transparent manner, including live video recording of the custody of all ballots while they are present in a tabulation room (A.R.S. § 16-621);

prohibiting ballot harvesting and other practices that compromise ballot integrity (A.R.S. § 16-1005)

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## Anderson, Ryan

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**From:** Kanefield, Joe  
**Sent:** Monday, January 11, 2021 1:37 PM  
**To:** Kredit, Joshua  
**Cc:** Anderson, Ryan  
**Subject:** RE: Great State Of Maricopa v. Arizona State Legislature!

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

**Categories:** Black, Green category

This request hasn't aged well. Do we need to follow up?

Joseph Kanefield  
Chief Deputy & Chief of Staff



Attorney General Mark Brnovich  
Desk: 602-542-8080  
Joe.Kanefield@azag.gov  
<http://www.azag.gov>

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**From:** Kredit, Joshua  
**Sent:** Saturday, January 02, 2021 2:24 PM  
**To:** Kanefield, Joe  
**Cc:** Anderson, Ryan  
**Subject:** Fwd: Great State Of Maricopa v. Arizona State Legislature!

FYI  
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**Sent:** Thursday, December 31, 2020 7:15 PM  
**To:** Gail Griffin; Joshua.Kredit@azag.gov  
**Subject:** Fwd: Fw: Great State Of Maricopa v. Arizona State Legislature!

Josh  
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Thank you  
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[Gail.Griffin@gmail.com](mailto:Gail.Griffin@gmail.com)  
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Ray Ihly

12/31/2020

----- Forwarded Message -----

From: Thomas Paine - written by Rep Finchem LD11 <

[@gmail.com](mailto:@gmail.com)>

To: [@yahoo.com](mailto:@yahoo.com)" <[@yahoo.com](mailto:@yahoo.com)>

Sent: Monday, December 28, 2020, 4:14:07 PM MST

Subject: Great State Of Maricopa v. Arizona State Legislature!

**American Post-Gazette**

*1. Legislative authority; initiative and referendum*

*Section 1. (1) Senate; house of representatives; reservation of power to people. The legislative authority of the state shall be vested in the legislature, consisting of a senate and a house of representatives, but the people reserve the power to propose laws and amendments to the constitution and to enact or reject such laws and amendments at the polls, independently of the legislature; and they also reserve, for use at their own option, the power to approve or reject at the polls any act, or item, section, or part of any act, of the legislature*

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Arizona House of Representatives  
Chairman, Federal Relations Committee  
54th Legislature

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**Analysis:** There are many laws in Arizona that govern an uncontested, normal order, Federal Office Election. The election for Electoral College Electors, United States Senate, and Congressional Representation are the offices addressed in this analysis. The House of Representatives Legal Counsel analysis of pertinent statutes (found in references) notwithstanding, the essential question at hand follows a fact pattern that Arizona has never faced, and which the Arizona Revised Statutes are silent on. When the Legislature is made aware that sufficient fraud in the election of Federal officials exists, so as to call into question the legitimacy of the election, is the Legislature bound by pertinent state statutes and prevented from stopping a fraudulent election to proceed to its logical conclusion? Arizona law is silent on actions that the Legislature may

engage in to ensure a fair and impartial election.

However, the United States Constitution, the supreme law of the land, is not. Article II, Section 1, paragraph 2, grants plenary authority to determine how electors are appointed to the State Legislatures. As articulated by retired North Carolina Supreme Court Chief Justice Mark Martin, “the Constitution grants no role in directing the appointment of electors to the state’s executive or judicial branches. It is the plenary authority and obligation of the Legislature to do so. Since this authority and obligation is placed solely upon the Legislature by the highest law of the land, the Legislatures are not impeded by state statutes in fulfilling this duty.” Indeed, in light of the Supremacy Clause, it would be disingenuous to argue that state procedural requirements prevent the Arizona Legislature from fulfilling its duty under the United States Constitution. This means that the Legislature may be called to Special Session with a simple majority of members (31 in the House of Representatives and 16 in the Senate) to fulfill its Constitutional duty to direct the appointment of electors and ensure a republican form of government in Arizona.

Once in session, the normal order of business in the House and Senate is in place, including notice of hearings, hearings to accept evidence and testimony, generation of legislative findings, generation of resolution(s), and debate to pass or defeat resolutions whether or not to approve Electors.

An essential question that cannot be overlooked or assumed is the level of cooperation that Legislators will offer. There are in the body individuals who were not reelected and are so partisan that they will likely not avail themselves to act. This devolves to a Committee Hearing only, that will provide a venue for the hearing of grievances, testimony and the presentation of other forms evidence. The nature of the evidence presented to the Committee will determine whether the larger body is compelled to act pursuant to its Constitutional authority.

**Conclusion:** Under the plenary authority reserved to State Legislatures by the Constitution of the United States, the Arizona Legislature may indeed call itself into Special Session without interference from the Executive or Judicial branches so as to fulfill its Constitutional duties. Moreover, the State Legislature cannot be tethered to a State Constitution provision or statute that interferes with the discharge of such duty, specifically a requirement for a two-thirds majority to call a special session. And, when there is reasonable suspicion that election fraud has occurred, the Legislature has the duty to call itself into session to hear testimony and accept other forms of evidence to prove or disprove the alleged election fraud. Where the evidence of fraud is so compelling that it calls into question the legitimacy of an election, the Legislature is duty bound to direct the appropriate appointment of Electors. In the matter of the 2020 Electoral College Electors, time is of the essence. If the election is proven to be illegitimate, the Legislature has the solemn Constitutional duty to take appropriate action to ensure the will of the people is accurately reflected through the reclamation of Electors where appropriate.

*Representative Mark Finchem, Legislative District 11, 54th Legislature, is a Legislative Fellow in Residence at the James Rogers School of Law, University of Arizona, Tucson, AZ.*



References and Notations: Post-election Questions prepared by House Counsel.

**Q. Can the Arizona Legislature select different presidential electors?**

A. Under Arizona law (A.R.S. § 16-212), voters elect the State's presidential electors on Election Day. Because the electors already have been elected, the Legislature cannot retroactively change the selection method for the November 2020 election.

**Q. Can Arizona's presidential electors cast their electoral college votes for whichever candidate they prefer?**

A. After statutory changes made in 2017, A.R.S. § 16-212 requires presidential electors to cast their electoral college votes for the candidates for president and vice president who jointly received the most votes according to the statewide canvass. An elector who knowingly refuses to do so automatically is removed from office. Representative Kern was the prime sponsor of the bill that made these changes, which received near-unanimous support from Republicans in both the House and the Senate.

**Q. Can the Legislature force a statewide or countywide hand count now?**

A. A.R.S. § 16-602 requires each county officer in charge of an election to conduct a hand count according to a statutory process, as well as the hand count procedures established by the Secretary of State in the Election Procedures Manual. Once that hand count is complete, the county can conduct another one only if the first hand count produces a certain margin of discrepancy. Maricopa County's hand count produced zero discrepancies. Consequently, the county considers that the official count by statute.

**Q. Can the Legislature demand that Maricopa County hand count the votes cast at five or even 100 percent of the county's vote centers?**

A. A.R.S. § 16-602 and the Election Procedures Manual require counties to hand count the votes cast in at least two percent of the precincts or vote centers in the county, or two precincts or vote centers, whichever is greater. So, before its hand count occurred, Maricopa County could have decided to hand count five percent or even 100 percent of the votes cast in the county's vote centers. But it was not required to do so, and once the hand count was complete and showed no discrepancies, the law did not authorize Maricopa County to expand its hand count to include additional vote centers.

**Q. A.R.S. § 16-602 requires a hand count of the votes cast in two or two percent of precincts, but the Election Procedures Manual says that counties that use vote centers can hand count the votes cast in two or two percent of vote centers. Do these provisions conflict?**

A. The Attorney General's Office informally opined that these provisions do not conflict, because (among other reasons) A.R.S. § 16-602 states that "[t]he hand count shall be conducted as prescribed in this section and in accordance with hand count procedures established by the secretary of state in the official instructions and procedures manual adopted pursuant to § 16-452"—that is, the Election Procedures Manual. The EPM has addressed hand counts of ballots cast at vote centers since

2012. This issue is currently being litigated in Arizona Republican Party v. Fontes (No. CV2020-014553).

**Q. Can the Legislature force a statewide or countywide recount?**

A. A.R.S. § 16-661 et seq. provide for a recount only when the canvass of returns shows a specified, narrow margin of victory, but no race in Arizona is within any of those statutory margins. Additionally, A.R.S. § 16-671 et seq. authorize election contests, including on grounds that votes were cast illegally or counted erroneously (A.R.S. § 16-672(A)(4)–(5)). No such election contest has been filed so far.

**Q. Can the Legislature force an additional audit of the Dominion Voting Systems machines?**

A. Arizona law includes many safeguards for ensuring the reliability and integrity of the voting equipment that is used here. For example, under A.R.S. § 16-442 and the Election Procedures Manual, a new voting system must be certified by a Voting System Test Laboratory accredited in accordance with federal law, the federal Election Assistance Commission, and the Secretary of State, based on a recommendation from the state Election Equipment Certification Committee. Additionally, A.R.S. § 16-449 and the EPM require extensive testing of voting equipment both before and after the election. That testing is open to designated political party representatives, candidates, government officials, the public, and the press. None of the testing of Maricopa County's tabulation equipment has revealed any tabulation errors, and no law authorizes the Legislature to require additional testing now.

**Q. What is the status of the election lawsuits?**

A. The Trump campaign dropped its lawsuit against the Secretary of State and Maricopa County officials last Friday. Two lawsuits remain pending in Maricopa County Superior Court: Arizona Republican Party v. Fontes (No. CV2020-014553), in which the plaintiff asserts that Arizona law requires counties to hand count ballots cast in at least two percent of precincts, not vote centers; and Aguilera v. Fontes (No. CV2020-014562), in which one voter claims she was denied the right to vote, and a second voter claims he was denied the right to have his vote counted. Neither pending lawsuit alleges that fraud occurred, and the Trump campaign repeatedly disavowed claims that it did.

**Q. What election-integrity measures has the Legislature enacted recently?**

A. To take just a few examples, since 2019, the Legislature has enacted election-integrity measures that:

- permitted the use of new ballot counting and processing equipment in order to increase the speed and accuracy of tabulating ballots and resolving discrepancies (SB1135—E. Farnsworth, 2020);
- advanced the deadline for issuing an Election Procedures Manual in order to provide election officials ample time to review and implement the policies and procedures the EPM establishes (HB2238—Townsend, 2019);
- required voters to present a valid form of identification before they are given a ballot (SB1072—Ugenti-Rita, 2019);
- required the county recorders to report the number of persons who are registered to vote but have not presented proof of citizenship, and—after each general election—the number of federal-only ballots cast (HB2039—Townsend, 2019); and
- established emergency voting procedures, along with additional guidelines to combat voter fraud (SB1090—Ugenti-Rita, 2019).

**Q. What other election-integrity measures are in place?**

A. Over decades, the Republican-led Legislature has built an electoral system in Arizona that is efficient, reliable, transparent, and secure. Among the many election-integrity measures already in place are laws:

- governing the procedures for opening, exhibits, locking, removal, and reopening of ballot boxes ([A.R.S. § 16-564](#));
  - requiring that voting or marking devices be sealed after the polls close, and that unused ballots be sealed for return to the board of supervisors or other officer in charge of elections ([A.R.S. § 16-566\(B\)](#));
  - mandating that voting machines be in full view of all election officers and observers at the polling place ([A.R.S. § 16-570\(B\)](#));
  - requiring, after the polls close, that sealed ballot boxes be delivered by two election board members from different political parties to a counting place, and allowing county party chairmen to designate a party member to accompany the ballots ([A.R.S. § 16-608](#));
  - prescribing detailed procedures for ensuring that votes are tabulated in a transparent manner, including live video recording of the custody of all ballots while they are present in a tabulation room ([A.R.S. § 16-621](#));
- prohibiting ballot harvesting and other practices that compromise ballot integrity ([A.R.S. § 16-1005](#))

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## Anderson, Ryan

---

**From:** Kredit, Joshua  
**Sent:** Monday, January 11, 2021 1:38 PM  
**To:** Kanefield, Joe  
**Cc:** Anderson, Ryan  
**Subject:** RE: Great State Of Maricopa v. Arizona State Legislature!

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

**Categories:** Black, Green category

I'll call Griffin tomorrow once the opening day festivities are done.

Josh Kredit  
Deputy Attorney General for Law & Policy

---



Attorney General Mark Brnovich  
2005 N. Central Ave  
Phoenix, AZ 85004  
Direct: 602-542-3454  
Cell: 602-339-2082  
[Joshua.Kredit@azag.gov](mailto:Joshua.Kredit@azag.gov)

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---

**From:** Kanefield, Joe  
**Sent:** Monday, January 11, 2021 1:37 PM  
**To:** Kredit, Joshua  
**Cc:** Anderson, Ryan  
**Subject:** RE: Great State Of Maricopa v. Arizona State Legislature!

This request hasn't aged well. Do we need to follow up?

Joseph Kanefield  
Chief Deputy & Chief of Staff

---



Attorney General Mark Brnovich  
Desk: 602-542-8080  
[Joe.Kanefield@azag.gov](mailto:Joe.Kanefield@azag.gov)  
<http://www.azag.gov>

---

**From:** Kredit, Joshua  
**Sent:** Saturday, January 02, 2021 2:24 PM  
**To:** Kanefield, Joe  
**Cc:** Anderson, Ryan  
**Subject:** Fwd: Great State Of Maricopa v. Arizona State Legislature!

FYI

## Anderson, Ryan

---

**From:** Catlett, Michael  
**Sent:** Monday, January 11, 2021 5:21 PM  
**To:** Roysden, Beau; Kanefield, Joe; Kredit, Joshua; Wright, Jennifer  
**Subject:** Fw: CV2020-016840 - Maricopa County, et al. v. Fann, et al.  
**Attachments:** Notice of Substitution of Parties.pdf; Opposition to Motion to Intervene (FINAL).pdf; Combined Response to MTD and Reply (FINAL).pdf; AZTurboCourt E-Filing Courtesy Notification; AZTurboCourt E-Filing Courtesy Notification; AZTurboCourt E-Filing Courtesy Notification

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

**Categories:** Black, Green category

I just received the email below with attachments from Tom Basile in the legislative subpoena action. Attached is (1) a notice substituting Senator Peterson for Farnsworth, (2) an opposition to the Republican electors' motion to intervene, and (3) counterclaimants' combined reply in support of preliminary injunction and response to motion to dismiss.

Mike

---

**From:** Thomas Basile <[tom@statecraftlaw.com](mailto:tom@statecraftlaw.com)>  
**Sent:** Monday, January 11, 2021 4:54:50 PM  
**To:** Mary Smith (SUP); Tully, Stephen W.; Thomas Liddy; Jim Barton; [jacqueline@bartonmendezsoto.com](mailto:jacqueline@bartonmendezsoto.com); Alexander Kolodin; [cviskovic@kolodinlaw.com](mailto:cviskovic@kolodinlaw.com); Catlett, Michael  
**Cc:** Kory Langhofer  
**Subject:** CV2020-016840 - Maricopa County, et al. v. Fann, et al.

All,

Please find attached copies of the following filings, which were submitted via TurboCourt this afternoon:

1. Notice of Substitution of Parties
2. Opposition to Motion to Intervene
3. Combined Response to Maricopa County's Motion to Dismiss & Reply in Support of Motion for Preliminary Injunction.

Thank you.

---

Thomas Basile  
STATECRAFT PLLC  
649 North Fourth Avenue, First Floor  
Phoenix, Arizona 85003  
Desk: (602) 382-4066  
Cell:

This transmission may be protected by the attorney-client privilege or the attorney work product doctrine. If you are not the intended recipient, please delete all copies of the transmission and advise the sender immediately.

## Anderson, Ryan

---

**From:** LOUANNE SPELLMAN · @gmail.com>  
**Sent:** Monday, January 18, 2021 12:10 PM  
**To:** chickman@mail.maricopa.gov; Brnovich, Mark; sricher@mail.maricopa.gov  
**Subject:** The fault lies with you. All of you.

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

**Categories:** Black, Green category

I am angry as hell. I have been treated like trash personally by members of the Maricopa County Judicial Branch, and now once again, I am being ignored.  
LET ME BE PERFECTLY CLEAR. I DO NOT WISH TO OVERTURN AN ELECTION. I WANT THE TRUTH. AND IF ARIZONA'S GOVERNMENT DOES NOT SEEK TO 100% AUDIT THE VOTING MACHINES AND SEE THE IMAGES AND SIGNATURE MATCH EVERY BALLOT IN MARICOPA COUNTY AND ANY ACTIONS TAKEN TO ACCEPT BALLOTS AFTER CONSTITUTIONALLY-MANDATED TIMELINES AND ANYTHING ELSE THAT WOULD NULLIFY A BALLOT MUST BE DETERMINED OR I, AND I'M GUESSING MULTITUDES OF OTHERS, WILL NOT ACCEPT THE RESULTS. THOSE REPS WHO BACKED DOWN TODAY HAVE ALSO FAILED ALL OF US.

WHY???? WHAT IS EVERYONE SO AFRAID OF? WHY ARE OUR DEMANDS SO FAR-FETCHED? ELECTION INTEGRITY. YOUR INTEGRITY. BOTH CAN BE PROVEN.

THIS DIVISIVENESS LIES WITH THOSE WHO REFUSE TO STAND UP.

YOUR REFUSAL TO ADDRESS OUR CONCERNS WILL FOREVER TAIN THIS ELECTION AND BE ASSURED, ALL FUTURE ELECTIONS.

PEOPLE ARE ANGRY. YOU HAVE THE POWER TO MAKE THIS AUDIT HAPPEN. FAILURE TO DO SO IS A GUARANTEE THAT YOU DON'T CARE ABOUT FREE AND FAIR AND TRANSPARENT ELECTIONS.

DO THE RIGHT THING.

DO THE RIGHT THING.

DO THE RIGHT THING.

OR THIS WILL NEVER END. IT IS ON YOU. 17 STATEHOUSES. WHY WON'T YOU LISTEN?????????

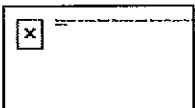
HACKERS. DOMINION. CROSSFIRE HURRICANE. WHY IS IT SO CRAZY? HACKERS IN OUR DEEPEST GOVERNMENT. GROW UP PEOPLE. THEY'RE HERE. THEY'RE GETTING INTO MICROSOFT. YOU'RE LETTING IT HAPPEN.

I DEMAND AN AUDIT. I'LL SAY IT AND I'LL KEEP SAYING IT UNTIL SOMEONE LISTENS.

DO THE RIGHT THING.

LOU ANNE J SPELLMAN, RPR

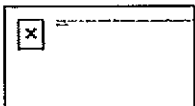
AZ CR #50915



--

LOU ANNE J SPELLMAN, RPR

AZ CR #50915



## Anderson, Ryan

---

**From:** Brnovich, Mark  
**Sent:** Monday, January 18, 2021 3:51 PM  
**To:** Isaak, Jason; Kanefield, Joe  
**Subject:** Fwd: The fault lies with you. All of you.

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

**Categories:** Black, Green category

Mark Brnovich  
Arizona Attorney General

Sent from my iPhone

Begin forwarded message:

**From:** LOUANNE SPELLMAN <\_\_\_\_@gmail.com>  
**Date:** January 18, 2021 at 12:10:47 PM MST  
**To:** [chickman@mail.maricopa.gov](mailto:chickman@mail.maricopa.gov), "Brnovich, Mark" <[Mark.Brnovich@azag.gov](mailto:Mark.Brnovich@azag.gov)>, [sricher@mail.maricopa.gov](mailto:sricher@mail.maricopa.gov)  
**Subject:** The fault lies with you. All of you.

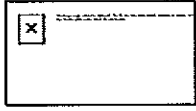
I am angry as hell. I have been treated like trash personally by members of the Maricopa County Judicial Branch, and now once again, I am being ignored. LET ME BE PERFECTLY CLEAR. I DO NOT WISH TO OVERTURN AN ELECTION. I WANT THE TRUTH. AND IF ARIZONA'S GOVERNMENT DOES NOT SEEK TO 100% AUDIT THE VOTING MACHINES AND SEE THE IMAGES AND SIGNATURE MATCH EVERY BALLOT IN MARICOPA COUNTY AND ANY ACTIONS TAKEN TO ACCEPT BALLOTS AFTER CONSTITUTIONALLY-MANDATED TIMELINES AND ANYTHING ELSE THAT WOULD NULLIFY A BALLOT MUST BE DETERMINED OR I, AND I'M GUESSING MULTITUDES OF OTHERS, WILL NOT ACCEPT THE RESULTS. THOSE REPS WHO BACKED DOWN TODAY HAVE ALSO FAILED ALL OF US. WHY???? WHAT IS EVERYONE SO AFRAID OF? WHY ARE OUR DEMANDS SO FAR-FETCHED? ELECTION INTEGRITY. YOUR INTEGRITY. BOTH CAN BE PROVEN. THIS DIVISIVENESS LIES WITH THOSE WHO REFUSE TO STAND UP. YOUR REFUSAL TO ADDRESS OUR CONCERNS WILL FOREVER TAIN THIS ELECTION AND BE ASSURED, ALL FUTURE ELECTIONS. PEOPLE ARE ANGRY. YOU HAVE THE POWER TO MAKE THIS AUDIT HAPPEN. FAILURE TO DO SO IS A GUARANTEE THAT YOU DON'T CARE ABOUT FREE AND FAIR AND TRANSPARENT ELECTIONS. DO THE RIGHT THING. DO THE RIGHT THING. DO THE RIGHT THING.

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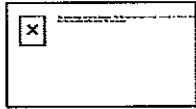
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LOU ANNE J SPELLMAN, RPR  
AZ CR #50915



--

LOU ANNE J SPELLMAN, RPR  
AZ CR #50915





## Anderson, Ryan

---

**From:** Isaak, Jason  
**Sent:** Tuesday, January 19, 2021 9:44 AM  
**To:** Kanefield, Joe  
**Subject:** RE: The fault lies with you. All of you.

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

**Categories:** Black, Green category

Joe –

I'll work with Bethany to make sure we send a customized response unless you suggest something else.

Thanks,  
Jason

---

**From:** Brnovich, Mark  
**Sent:** Monday, January 18, 2021 3:51 PM  
**To:** Isaak, Jason; Kanefield, Joe  
**Subject:** Fwd: The fault lies with you. All of you.

Mark Brnovich  
Arizona Attorney General

Sent from my iPhone

Begin forwarded message:

**From:** LOUANNE SPELLMAN <\_\_\_\_\_@gmail.com>  
**Date:** January 18, 2021 at 12:10:47 PM MST  
**To:** [chickman@mail.maricopa.gov](mailto:chickman@mail.maricopa.gov), "Brnovich, Mark" <[Mark.Brnovich@azag.gov](mailto:Mark.Brnovich@azag.gov)>, [sricher@mail.maricopa.gov](mailto:sricher@mail.maricopa.gov)  
**Subject:** The fault lies with you. All of you.

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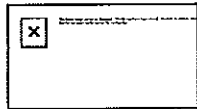
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LOU ANNE J SPELLMAN, RPR

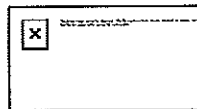
AZ CR #50915



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LOU ANNE J SPELLMAN, RPR

AZ CR #50915



## Anderson, Ryan

---

**From:** Kanefield, Joe  
**Sent:** Tuesday, January 19, 2021 9:45 AM  
**To:** Isaak, Jason  
**Subject:** RE: The fault lies with you. All of you.

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

**Categories:** Black, Green category

That's fine but please coordinate with Jennifer as well as she might also be sending something to folks that complain through the EIU.

Joseph Kanefield  
Chief Deputy & Chief of Staff



Attorney General Mark Brnovich  
Desk: 602-542-8080  
[Joe.Kanefield@azag.gov](mailto:Joe.Kanefield@azag.gov)  
<http://www.azag.gov>

---

**From:** Isaak, Jason  
**Sent:** Tuesday, January 19, 2021 9:44 AM  
**To:** Kanefield, Joe  
**Subject:** RE: The fault lies with you. All of you.

Joe –

I'll work with Bethany to make sure we send a customized response unless you suggest something else.

Thanks,  
Jason

---

**From:** Brnovich, Mark  
**Sent:** Monday, January 18, 2021 3:51 PM  
**To:** Isaak, Jason; Kanefield, Joe  
**Subject:** Fwd: The fault lies with you. All of you.

Mark Brnovich  
Arizona Attorney General

Sent from my iPhone

Begin forwarded message:

## Anderson, Ryan

---

**From:** Lumppp, Rachelle  
**Sent:** Friday, January 22, 2021 4:44 PM  
**To:** 'John Guerra'  
**Cc:** Lana Ulrich; Conner, Katie  
**Subject:** RE: Scheduling Town Hall Test Calls for the Two AGs  
**Attachments:** Town Hall Bio 2021.doc; Brnovich Headshot.jpg

**Categories:** Black

John,  
Attached please find the bio and photo for General Brnovich. I am waiting on approval for the speaker release. Thanks again!

---

**From:** John Guerra [mailto:JGuerra@constitutioncenter.org]  
**Sent:** Friday, January 22, 2021 9:30 AM  
**To:** Lumppp, Rachelle  
**Cc:** Lana Ulrich; Conner, Katie  
**Subject:** RE: Scheduling Town Hall Test Calls for the Two AGs

Excellent. Thank you very much for sharing. I will wait for the other materials in the meantime.

John Guerra

---

**From:** Lumppp, Rachelle  
**Sent:** Friday, January 22, 2021 11:23 AM  
**To:** John Guerra  
**Cc:** Lana Ulrich ; Conner, Katie  
**Subject:** RE: Scheduling Town Hall Test Calls for the Two AGs

Good morning John,  
Katie Conner's number is 602-390-3744 and my number is .....  
I will send you a photo and bio later today.

---

**From:** John Guerra [mailto:JGuerra@constitutioncenter.org]  
**Sent:** Thursday, January 21, 2021 11:41 AM  
**To:** Lumppp, Rachelle  
**Cc:** Lana Ulrich  
**Subject:** RE: Scheduling Town Hall Test Calls for the Two AGs

Hello,

In the lead up to tomorrow's test call, I wanted to circle back and request a few items. If the AG has a professional headshot and a brief 150-300 word professional biography that he would like us to use, please feel free to share those with me. We like to use these for promotional purposes.. Additionally, as I will be your point of contact leading up to and on the day of your event, I like to exchange cellphone numbers with our speakers. It is really a precautionary measure, but just in case something goes wrong during the event, it is a good way to connect quickly offline. My cellphone number is ( ..... If you could send me the best contacts for each of your respective offices when you get the

chance, that would be great. Lastly, I have attached a speaker release for that will allow us to later release this conversation as a podcast. If you could please have the AG sign this and return it to me, that would much appreciated.

Thank you very much, I will talk to you tomorrow.

Best Regards,  
John Guerra

**John Guerra**  
Town Hall Programs Manager  
National Constitution Center  
525 Arch Street | Philadelphia, PA | 19106  
T: (215) 409-6761 | C:  
[JGuerra@constitutioncenter.org](mailto:JGuerra@constitutioncenter.org)

**NATIONAL CONSTITUTION CENTER**

---

**From:** John Guerra  
**Sent:** Thursday, January 14, 2021 2:02 PM  
**To:** Anna Noschese <[Anna.Noschese@coag.gov](mailto:Anna.Noschese@coag.gov)>; Lumppp, Rachelle <[Rachelle.Lumppp@azag.gov](mailto:Rachelle.Lumppp@azag.gov)>; 'Mike Kuykendall' <[mkuykendall@naag.org](mailto:mkuykendall@naag.org)>  
**Cc:** Faisal Sheikh <[fsheikh@naag.org](mailto:fsheikh@naag.org)>; Anderson, Ryan <[Ryan.Anderson@azag.gov](mailto:Ryan.Anderson@azag.gov)>; Lana Ulrich <[lulrich@constitutioncenter.org](mailto:lulrich@constitutioncenter.org)>; Merissa Blum <[mblum@constitutioncenter.org](mailto:mblum@constitutioncenter.org)>; Annie Stone <[astone@constitutioncenter.org](mailto:astone@constitutioncenter.org)>; Diana Allen <[dallen@constitutioncenter.org](mailto:dallen@constitutioncenter.org)>  
**Subject:** RE: Scheduling Town Hall Test Calls for the Two AGs

Excellent. I will send an Outlook invitation to both of you, shortly. Relatedly, there are a couple other things that I would like to bring to your attention.

Attached you will find a speaker release form. This allows us to video and audio record the event for our purposes. If you could have the AGs sign the document and return it to me at their earliest convenience, I would really appreciate it.

If the AGs have professional headshots and a brief 150-300 word professional biography that they would like us to use, please feel free to share those with me. We like to use these for promotional purposes.. Additionally, as I will be your point of contact leading up to and on the day of your event, I like to exchange cellphone numbers with our speakers. It is really a precautionary measure, but just in case something goes wrong during the event, it is a good way to connect quickly offline. My cellphone number is [REDACTED]. If you could send me the best contacts for each of your respective offices when you get the chance, that would be great.

Lastly, I've included Merissa Blum, the Communications Manager here at the Center, on this email. She handles press on our end and will be in touch with you regarding the Center's press and marketing plans as we get closer to the date.

Please let me know if you have any questions; I'm here to help.

Best Regards,  
John Guerra

John Guerra  
Town Hall Programs Manager  
National Constitution Center  
525 Arch Street | Philadelphia, PA | 19106  
T: (215) 409-6761 | C: (215) 409-6761  
[JGuerra@constitutioncenter.org](mailto:JGuerra@constitutioncenter.org)

**NATIONAL CONSTITUTION CENTER**

---

**From:** Anna Noschese <[Anna.Noschese@coag.gov](mailto:Anna.Noschese@coag.gov)>  
**Sent:** Thursday, January 14, 2021 1:50 PM  
**To:** Lump, Rachele <[Rachele.Lumpp@azag.gov](mailto:Rachele.Lumpp@azag.gov)>; John Guerra <[JGuerra@constitutioncenter.org](mailto:JGuerra@constitutioncenter.org)>; 'Mike Kuykendall' <[mkuykendall@naag.org](mailto:mkuykendall@naag.org)>  
**Cc:** Faisal Sheikh <[fsheikh@naag.org](mailto:fsheikh@naag.org)>; Anderson, Ryan <[Ryan.Anderson@azag.gov](mailto:Ryan.Anderson@azag.gov)>  
**Subject:** RE: Scheduling Town Hall Test Calls for the Two AGs

I can join at that same time for AG Weiser's office as well.

Warmly,  
Anna

---

**From:** Lump, Rachele <[Rachele.Lumpp@azag.gov](mailto:Rachele.Lumpp@azag.gov)>  
**Sent:** Thursday, January 14, 2021 11:46 AM  
**To:** 'John Guerra' <[JGuerra@constitutioncenter.org](mailto:JGuerra@constitutioncenter.org)>; 'Mike Kuykendall' <[mkuykendall@naag.org](mailto:mkuykendall@naag.org)>; Anna Noschese <[Anna.Noschese@coag.gov](mailto:Anna.Noschese@coag.gov)>  
**Cc:** Faisal Sheikh <[fsheikh@naag.org](mailto:fsheikh@naag.org)>; Anderson, Ryan <[Ryan.Anderson@azag.gov](mailto:Ryan.Anderson@azag.gov)>  
**Subject:** RE: Scheduling Town Hall Test Calls for the Two AGs

Yes, that works. Thank you!

---

**From:** John Guerra [<mailto:JGuerra@constitutioncenter.org>]  
**Sent:** Thursday, January 14, 2021 11:42 AM  
**To:** Lump, Rachele; 'Mike Kuykendall'; Anna Noschese  
**Cc:** Faisal Sheikh; Anderson, Ryan  
**Subject:** RE: Scheduling Town Hall Test Calls for the Two AGs

With that being the case, how about Friday the 22<sup>nd</sup> at 2 p.m. EST? If this works, please just let me know. Thank you.

John Guerra

John Guerra  
Town Hall Programs Manager  
National Constitution Center  
525 Arch Street | Philadelphia, PA | 19106  
T: (215) 409-6761 | C: (215) 409-6761  
[JGuerra@constitutioncenter.org](mailto:JGuerra@constitutioncenter.org)

**From:** Lumppp, Rachele <[Rachele.Lumpp@azag.gov](mailto:Rachele.Lumpp@azag.gov)>  
**Sent:** Thursday, January 14, 2021 1:39 PM  
**To:** 'Mike Kuykendall' <[mkuykendall@naag.org](mailto:mkuykendall@naag.org)>; Anna Noschese <[Anna.Noschese@coag.gov](mailto:Anna.Noschese@coag.gov)>  
**Cc:** Faisal Sheikh <[fsheikh@naag.org](mailto:fsheikh@naag.org)>; John Guerra <[JGuerra@constitutioncenter.org](mailto:JGuerra@constitutioncenter.org)>; Anderson, Ryan <[Ryan.Anderson@azag.gov](mailto:Ryan.Anderson@azag.gov)>  
**Subject:** RE: Scheduling Town Hall Test Calls for the Two AGs

Thursday 1/21 or Fri 1/22 after 1:30 EST would be great for us. Thank you.

---

**From:** Mike Kuykendall [<mailto:mkuykendall@naag.org>]  
**Sent:** Wednesday, January 13, 2021 2:00 PM  
**To:** Lumppp, Rachele; Anna Noschese  
**Cc:** Faisal Sheikh; John Guerra; Anderson, Ryan  
**Subject:** Fw: Scheduling Town Hall Test Calls for the Two AGs

Hello Rachele and Anna. Thanks again for helping get the conference call scheduled for today to discuss the National Constitution Center's Town Hall with AG's Weiser and Brnovich, scheduled for Jan 26 at Noon ET. We already have 370 people signed up, and registration just went online today!

Below is an email from John Guerra at the NCC, who is also cc'd here. He would like to schedule some time with someone from each office to go over the tech issues for holding the event and answer any questions. Please reach out to John at your earliest convenience to schedule this discussion; the AG's don't need to participate.

Feel free to let me know if you have any other questions. Thanks,

Mike

Mike Kuykendall

Director, National Center for Excellence in Governance

National Association of Attorneys General

1850 M Street NW, 12th Floor

Washington, DC 20036

202-326-6011

[mkuykendall@naag.org](mailto:mkuykendall@naag.org)

[www.naag.org](http://www.naag.org)



**From:** John Guerra <[JGuerra@constitutioncenter.org](mailto:JGuerra@constitutioncenter.org)>  
**Sent:** Wednesday, January 13, 2021 12:39 PM  
**To:** Mike Kuykendall <[mkuykendall@naag.org](mailto:mkuykendall@naag.org)>  
**Cc:** Lana Ulrich <[lulrich@constitutioncenter.org](mailto:lulrich@constitutioncenter.org)>  
**Subject:** Scheduling Test Calls for the Two AGs

**CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.**

Dear Mike,

I wanted to follow up with you regarding tech calls for AG Weiser and AG Brnovich. We like to schedule these prior to our programs to walk through details surrounding the program, check audio and visual settings, and cover some details regarding Zoom and Zencast – a software we have our speakers use to conduct local recordings. As of now, I can offer you the following time slots. Friday is wide open as of right now. As far as next week is concerned, I can offer: Monday the 18<sup>th</sup> anytime except from 11-11:30am; Tuesday the 19<sup>th</sup> anytime except from 2-2:30pm; anytime on Wednesday the 20<sup>th</sup>; anytime on Thursday the 21<sup>st</sup> except from 2:30-3pm; and anytime on Friday the 22<sup>nd</sup>.

Please let me know the best way to go about scheduling this. Relatedly, I am happy to report that the registration page for this program is now open, and we can already count 370 registrants for this event.

Thank you very much; I look forward to hearing from you.

Best Regards,  
John Guerra

**John Guerra**  
Town Hall Programs Manager  
National Constitution Center  
525 Arch Street | Philadelphia, PA | 19106  
T: (215) 409-6761 | C:  
[JGuerra@constitutioncenter.org](mailto:JGuerra@constitutioncenter.org)





## Anderson, Ryan

---

**From:** Valerie Tetrault <v.tetrault@gmail.com>  
**Sent:** Sunday, February 14, 2021 8:26 AM  
**To:** Doug.ducey@azgovernor.gov; Kfann@azleg.gov; Stephen@RicherForRecorder.com; AGInfo; chickman@mail.maricopa.gov; chucris@mail.maricopa.gov; dgowan@azleg.gov; district3@mail.maricopa.gov; district5@mail.maricopa.gov; dlivingston@azleg.gov; elections@azsos.gov; engage@az.gov; jmendez@azleg.gov; khobbs@azsos.gov; ktownsend@azleg.gov; Brnovich, Mark; mugenti-rita@azleg.gov; nbarto@azleg.gov; pboyer@azleg.gov; rgray@azleg.gov; sborrelli@azleg.gov; sellersj@mail.maricopa.gov; tpace@azleg.gov; tshope@azleg.gov; vleach@azleg.gov; wpetersen@azleg.gov; wrogers@azleg.gov  
**Subject:** Election Integrity Audit  
**Categories:** Black

Dear Arizona Officials,

This audit affects a national election and therefore the vote of every citizen.

We demand a complete & legitimate forensic audit of the machines and ballots by the State Senate, not the sham audit proposed by the Board of Supervisors. We will accept nothing less.

The country is watching and has waited long enough.

## Anderson, Ryan

---

**From:** Ross Jantzi < i@gmail.com>  
**Sent:** Monday, February 15, 2021 12:51 AM  
**To:** pboyer@azleg.gov  
**Subject:** Election Integrity - Full Forensic Audit

**Categories:** Black

Dear Arizona Officials,

This audit affects a national election and therefore the vote of every citizen.

We demand a complete & legitimate forensic audit of the machines and ballots by the State Senate, not the sham audit proposed by the Board of Supervisors.

The country is watching and has waited long enough.

## Anderson, Ryan

---

**From:** Michael Mock <v@t y>  
**Sent:** Monday, February 15, 2021 8:03 AM  
**To:** nbarto@azleg.gov; sborrelli@azleg.gov; pboyer@azleg.gov; Kfann@azleg.gov; dgowan@azleg.gov; rgray@azleg.gov; vleach@azleg.gov; dlivingston@azleg.gov; jmendez@azleg.gov; tpace@azleg.gov; wpetersen@azleg.gov; wrogers@azleg.gov; tshope@azleg.gov; ktownsend@azleg.gov; mugenti-rita@azleg.gov; Stephen@RicherForRecorder.com; chucris@mail.maricopa.gov; sellersj@mail.maricopa.gov; district3@mail.maricopa.gov; district5@mail.maricopa.gov; chickman@mail.maricopa.gov; Doug.ducey@azgovernor.gov; engage@az.gov; Brnovich, Mark; AGInfo; elections@azsos.gov; khobbs@azsos.gov  
**Subject:** Full And Transparent Forensic AUDIT  
**Categories:** Black

PLEASE INSIST on a full, transparent forensic audit--NOT a SHAM audit completed by the same folks that certified the machines in the first place. They have no incentive to prove themselves wrong.

Our vote is our only protection of our individual freedoms. Without it, only the Second Amendment remains to protect us, and NOBODY wants it to come to that.

Election Integrity isnt the most important thing, it's the ONLY important thing right now.

Thank you for your leadership and courage on this. You are inspirational for the rest of the country!

Mike Mock  
Townsend GA

## Anderson, Ryan

---

**From:** Brnovich, Mark  
**Sent:** Tuesday, February 16, 2021 9:15 AM  
**To:** Lumpp, Rachelle  
**Subject:** FW: Full And Transparent Forensic AUDIT

**Categories:** Black

---

**From:** Michael Mock [mailto: \_\_\_\_\_/] ]  
**Sent:** Monday, February 15, 2021 8:03 AM  
**To:** [nbarto@azleg.gov](mailto:nbarto@azleg.gov); [sborrelli@azleg.gov](mailto:sborrelli@azleg.gov); [pboyer@azleg.gov](mailto:pboyer@azleg.gov); [Kfann@azleg.gov](mailto:Kfann@azleg.gov); [dgowan@azleg.gov](mailto:dgowan@azleg.gov); [rgray@azleg.gov](mailto:rgray@azleg.gov); [vleach@azleg.gov](mailto:vleach@azleg.gov); [dlivingston@azleg.gov](mailto:dlivingston@azleg.gov); [jmendez@azleg.gov](mailto:jmendez@azleg.gov); [tpace@azleg.gov](mailto:tpace@azleg.gov); [wpetersen@azleg.gov](mailto:wpetersen@azleg.gov); [wrogers@azleg.gov](mailto:wrogers@azleg.gov); [tshope@azleg.gov](mailto:tshope@azleg.gov); [ktownsend@azleg.gov](mailto:ktownsend@azleg.gov); [mugenti-rita@azleg.gov](mailto:mugenti-rita@azleg.gov); [Stephen@RicherForRecorder.com](mailto:Stephen@RicherForRecorder.com); [chucris@mail.maricopa.gov](mailto:chucris@mail.maricopa.gov); [sellersj@mail.maricopa.gov](mailto:sellersj@mail.maricopa.gov); [district3@mail.maricopa.gov](mailto:district3@mail.maricopa.gov); [district5@mail.maricopa.gov](mailto:district5@mail.maricopa.gov); [chickman@mail.maricopa.gov](mailto:chickman@mail.maricopa.gov); [Doug.ducey@azgovernor.gov](mailto:Doug.ducey@azgovernor.gov); [engage@az.gov](mailto:engage@az.gov); Brnovich, Mark; AGInfo; [elections@azsos.gov](mailto:elections@azsos.gov); [khobbs@azsos.gov](mailto:khobbs@azsos.gov)  
**Subject:** Full And Transparent Forensic AUDIT

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Mike Mock  
Townsend GA

## Anderson, Ryan

---

**From:** Brnovich, Mark  
**Sent:** Tuesday, February 16, 2021 9:15 AM  
**To:** Lumpp, Rachelle  
**Subject:** FW: Election Integrity - Full Forensic Audit

**Categories:** Black

---

**From:** Ross Jantzi [<mailto:ross.jantzi@gmail.com>]  
**Sent:** Monday, February 15, 2021 12:51 AM  
**To:** [pboyer@azleg.gov](mailto:pboyer@azleg.gov)  
**Subject:** Election Integrity - Full Forensic Audit

Dear Arizona Officials,

This audit affects a national election and therefore the vote of every citizen.

We demand a complete & legitimate forensic audit of the machines and ballots by the State Senate, not the sham audit proposed by the Board of Supervisors.

The country is watching and has waited long enough.

## Anderson, Ryan

---

**From:** Leisa < @cox.net>  
**Sent:** Wednesday, February 17, 2021 8:55 AM  
**To:** Brnovich, Mark  
**Subject:** Election Integrity

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

**Categories:** Black

Attorney General Mark Brnovich,

The AG Elections Integrity Unit received more than 2,000 complaints in very early Nov., right after the election. Also in November, a report was filed of fraudulent ballots flown into Phoenix Sky Harbor Airport and then taken to Maricopa County Tabulation Center. This was corroborated with affidavits, and video and audio evidence. Considering this, the thousands of complaints and affidavits, and the statistical data, what have you done about it? Have you actually studied the statistical data, sir? How do you explain it?

It is our understanding that Jennifer Wright wanted to pursue an investigation and you shut it down. You've led the Legislature on a wild goose chase, bouncing them back and forth with the courts and debating on authority and enforcement of subpoenas. The distraction has been masterful. Feb. 1st came and passed, which ended the Safe Harbor rule. How convenient that we weren't able to get an audit before then and now the machines have been tampered with.

We demand a forensic audit of the ballots using kinematic artifact technology, which can verify a minimum of 20 validation points on each ballot. This technology is presently utilized to identify counterfeit currency, bank notes, bonds, stocks, passports, etc. This is the real audit the Senate would ensure.

We will not be pacified with this incomplete and incompetently handled audit with antiquated methods currently underway by the Board of Supervisors.

Know that the people understand what is going on. We know about the differences in audits, we know about HL8230 plane and Scott Koch, we know about the tampering with the machines, and we know about the Board.

We now know you are not to be trusted and despite the \$500,000 received at time of launch, your Elections Integrity Unit is more in the business of covering up fraud rather than uncovering it - or is that just you?

Not Fooled,

---

Sent from my iPhone

## Anderson, Ryan

---

**From:** Lisa Ferracane · @hotmail.com>  
**Sent:** Wednesday, February 17, 2021 9:04 AM  
**To:** Brnovich, Mark  
**Subject:** Election integrity

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

**Categories:** Black

Sent today on behalf of Arizona patriots:  
Attorney General Mark Brnovich,

The AG Elections Integrity Unit received more than 2,000 complaints in very early Nov., right after the election. Also in November, a report was filed of fraudulent ballots flown into Phoenix Sky Harbor Airport and then taken to Maricopa County Tabulation Center. This was corroborated with affidavits, and video and audio evidence. Considering this, the thousands of complaints and affidavits, and the statistical data, what have you done about it? Have you actually studied the statistical data, sir? How do you explain it?

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Not Fooled,

---

Get [Outlook for Android](#)

## Anderson, Ryan

---

**From:** R D · [REDACTED]@gmail.com>  
**Sent:** Wednesday, February 17, 2021 10:22 AM  
**To:** Wright, Jennifer; Emerson, Jordan; Ciafullo, Mark; Hogan, Michelle; Shaker, Nicole; Heathcotte, Leslie; keith.miller@azag.gov; Chenal, Thomas; stephen.shadegg@azag.gov; Anderson, Ryan; Dalton, Joan; Roysden, Beau; kathleen.winn@azag.gov; jim.simpson@azag.gov; Gard, Lacey; Wilson, Linley; Catlett, Michael; Kanefield, Joe; Kredit, Joshua; Lefevre, Edith; Conner, Katie; Diaz, Bethany; Stevens, John; Heathcotte, Leslie; Morgan, Lizette; Daniels, Paula; Steed, Anthony; Connolly, Jerry; Ahler, Paul; Klingerman, Nicholas; Rassas, Theresa; Rankin, Thomas; Gadow, Blaine; Flores, Kirstin; reginald.grisby@azag.gov; Northup, Dawn; McCarthy, Eryn; Cox, Curtis; Ray, Kevin; Fry, John; ConsumerInfo  
**Subject:** Election Integrity for Arizona  
**Categories:** Black

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Not Fooled,

Raquel Dixon  
Verde Valley, AZ



## Anderson, Ryan

---

**From:** Stevens, John  
**Sent:** Wednesday, February 17, 2021 10:37 AM  
**To:** Lumpp, Rachele  
**Subject:** FW: Election Integrity for Arizona

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

**Categories:** Black

**From:** R D [mailto:.....@gmail.com]  
**Sent:** Wednesday, February 17, 2021 10:22 AM  
**To:** Wright, Jennifer; Emerson, Jordan; Ciafullo, Mark; Hogan, Michelle; Shaker, Nicole; Heathcotte, Leslie; keith.miller@azag.gov; Chenal, Thomas; stephen.shadegg@azag.gov; Anderson, Ryan; Dalton, Joan; Roysden, Beau; kathleen.winn@azag.gov; jim.simpson@azag.gov; Gard, Lacey; Wilson, Linley; Catlett, Michael; Kanefield, Joe; Kredit, Joshua; Lefevre, Edith; Conner, Katie; Diaz, Bethany; Stevens, John; Heathcotte, Leslie; Morgan, Lizette; Daniels, Paula; Steed, Anthony; Connolly, Jerry; Ahler, Paul; Klingerman, Nicholas; Rassas, Theresa; Rankin, Thomas; Gadow, Blaine; Flores, Kirstin; reginald.grisby@azag.gov; Northup, Dawn; McCarthy, Eryn; Cox, Curtis; Ray, Kevin; Fry, John; ConsumerInfo  
**Subject:** Election Integrity for Arizona

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Not Fooled,

Raquel Dixon  
Verde Valley, AZ

## Anderson, Ryan

---

**From:** Kanefield, Joe  
**Sent:** Wednesday, February 17, 2021 10:45 AM  
**To:** Anderson, Ryan; Isaak, Jason  
**Subject:** FW: Election Integrity for Arizona

**Categories:** Black

Is the email Bethany drafted in response to the email below? We've been getting a number of them this morning.

Joseph Kanefield  
Chief Deputy & Chief of Staff



Attorney General Mark Brnovich  
Desk: 602-542-8080  
[Joe.Kanefield@azag.gov](mailto:Joe.Kanefield@azag.gov)  
<http://www.azag.gov>

**From:** R D [mailto:[rd@azag.gov](mailto:rd@azag.gov)]  
**Sent:** Wednesday, February 17, 2021 10:22 AM  
**To:** Wright, Jennifer; Emerson, Jordan; Ciafullo, Mark; Hogan, Michelle; Shaker, Nicole; Heathcotte, Leslie; [keith.miller@azag.gov](mailto:keith.miller@azag.gov); Chenal, Thomas; [stephen.shadegg@azag.gov](mailto:stephen.shadegg@azag.gov); Anderson, Ryan; Dalton, Joan; Roysden, Beau; [kathleen.winn@azag.gov](mailto:kathleen.winn@azag.gov); [jim.simpson@azag.gov](mailto:jim.simpson@azag.gov); Gard, Lacey; Wilson, Linley; Catlett, Michael; Kanefield, Joe; Kredit, Joshua; Lefevre, Edith; Conner, Katie; Diaz, Bethany; Stevens, John; Heathcotte, Leslie; Morgan, Lizette; Daniels, Paula; Steed, Anthony; Connolly, Jerry; Ahler, Paul; Klingerman, Nicholas; Rassas, Theresa; Rankin, Thomas; Gadow, Blaine; Flores, Kirstin; [reginald.grisby@azag.gov](mailto:reginald.grisby@azag.gov); Northup, Dawn; McCarthy, Eryn; Cox, Curtis; Ray, Kevin; Fry, John; ConsumerInfo  
**Subject:** Election Integrity for Arizona

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Not Fooled,

Raquel Dixon  
Verde Valley, AZ

## Anderson, Ryan

---

**From:** Kanefield, Joe  
**Sent:** Wednesday, February 17, 2021 10:52 AM  
**To:** Isaak, Jason; Anderson, Ryan  
**Subject:** RE: Election Integrity for Arizona

**Categories:** Black

Ok.

Joseph Kanefield  
Chief Deputy & Chief of Staff

---



Attorney General Mark Brnovich  
Desk: 602-542-8080  
[Joe.Kanefield@azag.gov](mailto:Joe.Kanefield@azag.gov)  
<http://www.azag.gov>

---

**From:** Isaak, Jason  
**Sent:** Wednesday, February 17, 2021 10:51 AM  
**To:** Kanefield, Joe; Anderson, Ryan  
**Subject:** RE: Election Integrity for Arizona

No – this is a new email that started coming in this AM. The response was to ones coming in over the weekend to Mark about auditing Maricopa County. That's why there was the language about jurisdiction in the draft.

---

**From:** Kanefield, Joe  
**Sent:** Wednesday, February 17, 2021 10:45 AM  
**To:** Anderson, Ryan; Isaak, Jason  
**Subject:** FW: Election Integrity for Arizona

Is the email Bethany drafted in response to the email below? We've been getting a number of them this morning.

Joseph Kanefield  
Chief Deputy & Chief of Staff

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Attorney General Mark Brnovich  
Desk: 602-542-8080  
[Joe.Kanefield@azag.gov](mailto:Joe.Kanefield@azag.gov)  
<http://www.azag.gov>

**From:** R D [mailto:\_\_\_\_\_@gmail.com]  
**Sent:** Wednesday, February 17, 2021 10:22 AM  
**To:** Wright, Jennifer; Emerson, Jordan; Ciafullo, Mark; Hogan, Michelle; Shaker, Nicole; Heathcotte, Leslie; [keith.miller@azag.gov](mailto:keith.miller@azag.gov); Chenal, Thomas; [stephen.shadegg@azag.gov](mailto:stephen.shadegg@azag.gov); Anderson, Ryan; Dalton, Joan; Roysden, Beau; [kathleen.winn@azag.gov](mailto:kathleen.winn@azag.gov); [jim.simpson@azag.gov](mailto:jim.simpson@azag.gov); Gard, Lacey; Wilson, Linley; Catlett, Michael; Kanefield, Joe; Kredit, Joshua; Lefevre, Edith; Conner, Katie; Diaz, Bethany; Stevens, John; Heathcotte, Leslie; Morgan, Lizette; Daniels, Paula; Steed, Anthony; Connolly, Jerry; Ahler, Paul; Klingerman, Nicholas; Rassas, Theresa; Rankin, Thomas; Gadow, Blaine; Flores, Kirstin; [reginald.grisby@azag.gov](mailto:reginald.grisby@azag.gov); Northup, Dawn; McCarthy, Eryn; Cox, Curtis; Ray, Kevin; Fry, John;

ConsumerInfo

**Subject:** Election Integrity for Arizona

Attorney General Mark Brnovich,

The AG Elections Integrity Unit received more than 2,000 complaints in very early November, right after the election. Also in November, a report was filed of fraudulent ballots flown into Phoenix Sky Harbor Airport and then taken to Maricopa County Tabulation Center. This was corroborated with affidavits, and video and audio evidence. Considering this, the thousands of complaints and affidavits, and the statistical data, what have you done about it? Have you actually studied the statistical data, sir? How do you explain it?

It is our understanding that Jennifer Wright wanted to pursue an investigation and you shut it down. You've led the Legislature on a wild goose chase, bouncing them back and forth with the courts and debating on authority and enforcement of subpoenas. The distraction has been masterful. Feb. 1st came and passed, which ended the Safe Harbor rule. How convenient that we weren't able to get an audit before then and now the machines have been tampered with.

We demand a forensic audit of the ballots using kinematic artifact technology, which can verify a minimum of 20 validation points on each ballot. This technology is presently utilized to identify counterfeit currency, bank notes, bonds, stocks, passports, etc. This is the real audit the Senate would ensure.

We will not be pacified with this incomplete and incompetently handled audit with antiquated methods currently underway by the Board of Supervisors.

Know that the people understand what is going on. We know about the differences in audits, we know about HL8230 plane and Scott Koch, we know about the tampering with the machines, and we know about the Board.

We now know you are not to be trusted and despite the \$500,000 received at time of launch, your Elections Integrity Unit is more in the business of covering up fraud rather than uncovering it - or is that just you?

Not Fooled,

Raquel Dixon  
Verde Valley, AZ

## Anderson, Ryan

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**From:** Strong & Mona Cheng @gmail.com>  
**Sent:** Wednesday, February 17, 2021 8:02 PM  
**To:** Mona Cheng  
**Subject:** Demand Rebuild Election Integrity

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

**Categories:** Black

Attorney General Mark Brnovich and staff,

I came to the United States 29 years ago as a graduate student and became a US citizen through legal immigration processes. I am so proud to be an American. However, the integrity of the elections in the US today is worse than in any third-world country. Unfortunately to say. I grew up in one of those countries, I know all the voter/election fraud. What I've been seeing this past year was WAY WORSE. The cheating party has no shame and no intent to even make it less obvious. The news media and the justice system also corrupted together made UAS the world-wide laughing stock. The AG Elections Integrity Unit received more than 2000 complaints in very early November, right after the election. Also in November, a report was filed of fraudulent ballots flown into Phoenix Sky Harbor Airport and then taken to the Maricopa County Tabulation Center. This was corroborated with affidavits, video and audio evidence. Considering this, the thousands of complaints and affidavits, and the statistical data, what have you done about it? Have you actually studied the statistical data, sir? How do you explain it?

It is my understanding that Jennifer Wright, who works in your office, wanted to pursue an investigation and you shut it down. You've led the Legislature on a wild goose chase, bouncing them back and forth with the courts and debating on authority and enforcement of subpoenas. The distraction has been masterful. February 1st came and passed, which ended the Safe Harbor rule. How convenient that we weren't able to get an audit before February 1. Now the machines have been tampered with.

I and others demand a forensic audit of the ballots using Kinematic Artifact Technology, which can verify a minimum of 20 validation points on each ballot. This technology is presently utilized to identify counterfeit currency, banknotes, bonds, stocks, passports, etc. This is an audit that the Senate is pursuing and would actually yield true results. I will not be pacified with the incomplete and incompetently handled audit with antiquated methods currently underway by the Board of Supervisors.

Know that the people understand what is going on. I know about the differences in audits, I know about the HL8230 plane and Scott Koch, I know about the tampering with the machines, and I know about the Board of Supervisors and their multiple shenanigans.

I now know you are not to be trusted and despite the \$500,000 received at the time of launch, your Elections Integrity Unit is more in the business of covering up fraud rather than uncovering it - or is the problem the leadership in your office, YOU?

I AM NOT FOOLED and I VOTE,

Sheng-Chung Cheng  
Maricopa County resident

## Anderson, Ryan

**From:** Brittani Louise Taylor <brittanilouisetaylor@gmail.com>  
**Sent:** Saturday, February 20, 2021 7:16 PM  
**To:** Kfann@azleg.gov; Stephen@RicherForRecorder.com; Treasurer.Office@Maricopa.gov; AGInfo; bbarton@azleg.gov; bnutt@azleg.gov; bpingereelli@azleg.gov; broberts@azleg.gov; btoma@azleg.gov; ConsumerInfo; dcook@azleg.gov; dgowan@azleg.gov; dkish@risc.maricopa.gov; dlivingston@azleg.gov; fcarroll@azleg.gov; fpratt@azleg.gov; ggriffin@azleg.gov; jake.hoffman@azleg.gov; jburgess@azleg.gov; jchaplik@azleg.gov; Wright, Jennifer; jfillmore@azleg.gov; jjohn@azleg.gov; jkavanagh@azleg.gov; jmendez@azleg.gov; josborne@azleg.gov; jparker@azleg.gov; jweninger@azleg.gov; jwilmeth@azleg.gov; kpayne@azleg.gov; ktownsend@azleg.gov; lbiasiucci@azleg.gov; Brnovich, Mark; mfinchem@azleg.gov; mudall@azleg.gov; mugenti-rita@azleg.gov; nbarto@azleg.gov; pboyer@azleg.gov; qnguyen@azleg.gov; rbowers@azleg.gov; rcobb@azleg.gov; rgray@azleg.gov; sbolick@azleg.gov; sborrelli@azleg.gov; skaiser@azleg.gov; tdunn@azleg.gov; tgrantham@azleg.gov; tpace@azleg.gov; tshope@azleg.gov; vleach@azleg.gov; wblackman@azleg.gov; wpetersen@azleg.gov; wrogers@azleg.gov  
**Subject:** Regarding 2020 Election Integrity  
**Categories:** Black

Dear Arizona Officials,

Per AZ's Elections Procedures Manual, the Maricopa County Board of Supervisors was required to turn over all election materials to the custody of the County Treasurer immediately after the election was "certified".

THIS HAS NOT BEEN DONE.

We demand the Board be prosecuted for failure to comply with the Senate Subpoena as well as for violation of the Arizona Elections Procedure and Statute.

It should not require new legislation to enforce existing laws.

Why is the law not being enforced?

Take Action Now,



## Anderson, Ryan

---

**From:** Theresa Franklin <tfranklindesigns@gmail.com>  
**Sent:** Monday, February 22, 2021 2:52 PM  
**To:** AGInfo; Brnovich, Mark; Wright, Jennifer; ConsumerInfo; Treasurer.Office@maricopa.gov; nbarto@azleg.gov; sborrelli@azleg.gov; pboyer@azleg.gov; Kfann@azleg.gov; dgowan@azleg.gov; rgray@azleg.gov; vleach@azleg.gov; dlivingston@azleg.gov; jmendez@azleg.gov; tpace@azleg.gov; wpetersen@azleg.gov; wrogers@azleg.gov; tshope@azleg.gov; Kelly Townsend; mugenti-rita@azleg.gov; bbarton@azleg.gov; lbiasiucci@azleg.gov; wblackman@azleg.gov; Shawna Bolick; rbowers@azleg.gov; jburgess@azleg.gov; fcarroll@azleg.gov; jchaplik@azleg.gov; rcobb@azleg.gov; dcook@azleg.gov; tdunn@azleg.gov; jfillmore@azleg.gov; mfinchem@azleg.gov; tgrantham@azleg.gov; ggriffin@azleg.gov; jake.hoffman@azleg.gov; jjohn@azleg.gov; skaiser@azleg.gov; jkavanagh@azleg.gov; qnguyen@azleg.gov; bnutt@azleg.gov; josborne@azleg.gov; jparker@azleg.gov; kpayne@azleg.gov; bpingerelli@azleg.gov; fpratt@azleg.gov; broberts@azleg.gov; btoma@azleg.gov; mudall@azleg.gov; jweninger@azleg.gov; jwilmeth@azleg.gov; Stephen@richerforrecorder.com; dkish@risc.maricopa.gov  
**Subject:** Take Action Now  
**Categories:** Black

Dear Arizona Officials,

We demand the Board be prosecuted for failure to comply with the Senate Subpoena.  
It should not require new legislation to enforce existing laws.

This last election was a disgrace and the good people of Arizona have lost confidence in election integrity.

To the members of the legislature, work together to demand election integrity. Put aside your differences and work for the good of our state.

Take Action Now,

Robert and Theresa Franklin

**Anderson, Ryan**

**From:** Lumpp, Rachelle  
**Sent:** Tuesday, March 02, 2021 12:40 PM  
**To:** 'rachellemumpp@icloud.com'  
**Subject:** FW: AG Brnovich Defends AZ Election Integrity Laws at SCOTUS

**Categories:** Black

**From:** Attorney General Mark Brnovich [mailto:katie.conner@azag.gov]  
**Sent:** Tuesday, March 02, 2021 10:51 AM  
**To:** Lumpp, Rachelle  
**Subject:** AG Brnovich Defends AZ Election Integrity Laws at SCOTUS

Is this email not displaying correctly?  
[View it in your browser.](#)



For Immediate Release: March 2, 2021  
Contact: Katie Conner at [Katie.Conner@azag.gov](mailto:Katie.Conner@azag.gov)

## **Attorney General Brnovich Defends Arizona Election Integrity Measures at U.S. Supreme Court**

**WASHINGTON, D.C.** - Attorney General Mark Brnovich argued to protect Arizona's commonsense election integrity laws before the Supreme Court of the United States (SCOTUS) on Tuesday morning. The Attorney General's Office (AGO) is asking the High Court to uphold two Arizona laws that place restrictions on ballot harvesting and prohibit out-of-precinct voting. At the heart of the case is whether states can pass laws to protect the integrity of elections.

"There is no more sacred duty for a public servant than preserving both the people's right to vote and their confidence in the election process," said Attorney General Mark Brnovich. "Arizona's ballot box safeguards are shared by many states, were recommended by a bipartisan commission, and are constitutional because they equally protect us all."

The Democratic National Committee (DNC) has been challenging Arizona's restrictions on out-of-precinct voting and ballot harvesting since 2016.

Since the 1970s, Arizona has required voters who vote in-person to cast ballots at their assigned precinct, where voter rolls can be easily accessed and confirmed. This rational measure ensures order in our elections, minimizes lines, and prevents anyone from being disenfranchised in local races. Today, the majority of states require people to vote at their assigned precinct.

Arizona also restricts the collection and delivery of ballots by third-parties or political operatives, commonly known as ballot harvesting. The Arizona Legislature passed the law in 2016, with exceptions for family, caregivers, mail carriers, and election officials. In 2015, the City of Phoenix warned of reports of unauthorized individuals claiming to be city officials going door-to-door to collect early ballots. Civil Rights leaders had also raised concerns about elderly and vulnerable communities being targeted by ballot harvesting activists. In December 2020, the AGO indicted two individuals from Yuma County for allegedly engaging in ballot harvesting.

And in 2005, the bipartisan Commission on Federal Election Reform, chaired by former President Jimmy Carter and former Secretary of State James Baker (Carter-Baker Commission), recognized that "absentee ballots remain the largest source of potential voter fraud." The Carter-Baker Commission recommended that states prohibit third-parties from handling absentee ballots, except for family members, the post office, or election officials (the same exceptions included in the Arizona law).

The DNC claims Arizona's restrictions on ballot harvesting and out-of-precinct voting violate Section 2 of the Voting Rights Act and the ballot harvesting restriction was also enacted with discriminatory intent. Attorney General Brnovich argued Tuesday morning that Arizona's laws were proper under the Voting Rights Act and U.S. Constitution, something even the Biden Justice Department acknowledged in a recent SCOTUS filing.

SCOTUS is expected to make a decision by this Summer.

A transcript of Attorney General Brnovich's opening and closing statements can be viewed here.

## BACKGROUND:

In 2016, the DNC challenged Arizona's laws restricting ballot harvesting and out-of-precinct voting. A federal district court judge ruled in Arizona's favor and upheld the laws. The case was then appealed to a 3-judge panel of the Ninth Circuit Court of Appeals, where the laws were again upheld. The DNC then appealed to a larger group of Ninth Circuit Court judges, who struck down the laws, a mere four days before the 2016 General Election. AG Brnovich immediately appealed to the U.S. Supreme Court, and the very next day the High Court overruled the Ninth Circuit, reinstating Arizona's ballot harvesting and out-of-precinct laws, pending a full hearing of the merits in the lower court.

In late 2018, a federal district court judge once again upheld Arizona's laws after a 10-day trial. DNC attorneys appealed the case to a 3-judge panel of the Ninth Circuit, who again upheld Arizona's election integrity laws. Once again, the DNC appealed the case to a larger group of Ninth Circuit judges, and in early 2020 the court reversed itself and struck down the laws just as ballots for the Democratic Presidential Preference Election were beginning to be mailed out. AG Brnovich immediately filed for a stay of the decision, and the Ninth Circuit granted the request, leaving Arizona's laws on ballot harvesting and out-of-precinct voting intact.

In April 2020, General Brnovich asked SCOTUS to rule on Arizona's laws being challenged.

In October 2020, SCOTUS agreed to hear Arizona's case, which has garnered an outpouring of support from local and national leaders seeking to maintain the integrity of elections in Arizona and across the country.

###

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Phoenix, AZ 85004

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## Anderson, Ryan

---

**From:** Valerie Tetrault <valtatro@gmail.com>  
**Sent:** Wednesday, March 03, 2021 1:17 PM  
**To:** Kfann@azleg.gov; Stephen@RicherForRecorder.com; AGInfo;  
chickman@mail.maricopa.gov; chucris@mail.maricopa.gov; dgowan@azleg.gov;  
district3@mail.maricopa.gov; district5@mail.maricopa.gov; dlivingston@azleg.gov;  
elections@azsos.gov; engage@az.gov; jmendez@azleg.gov; khobbs@azsos.gov;  
ktownsend@azleg.gov; Brnovich, Mark; mugenti-rita@azleg.gov; nbarto@azleg.gov;  
pboyer@azleg.gov; rgray@azleg.gov; sborrelli@azleg.gov; sellersj@mail.maricopa.gov;  
tpace@azleg.gov; tshope@azleg.gov; vleach@azleg.gov; wpetersen@azleg.gov;  
wrogers@azleg.gov  
**Subject:** Listen to the people.....we want JOVAN!  
**Categories:** Black

There is no valid reason for the AZ Senate to decide not to select Jovan Hutton Pulitzer as part of the audit team. He must conduct a forensic audit of 100% of the physical paper ballots using kinematic artifact scanning technology.

We want 100% election integrity and transparency.

Thank you for listening and acting.

Valerie Tetrault

## Anderson, Ryan

---

**From:** Pete Clark <pete@clarkcabin.com>  
**Sent:** Monday, March 08, 2021 12:44 PM  
**To:** Brnovich, Mark  
**Subject:** Election integrity

**Categories:** Black

Please focus your attention as to why there are shredded ballots in the dumpster. Maybe you should be looking at how they got in the dumpster, and not who found them. There will be a time when those who covered this up will be exposed.

Pete Clark

[Pete@clarkcabin.com](mailto:pete@clarkcabin.com)

801-940-7871

Sent from my iPhone

## Anderson, Ryan

---

**From:** Pete Clark <@ . . . . .om>  
**Sent:** Monday, March 08, 2021 12:55 PM  
**To:** Kanefield, Joe  
**Subject:** Election integrity

**Categories:** Black

Please focus your attention as to why there are shredded ballots in the dumpster. Maybe you should be looking at how they got in the dumpster, and not who found them. There will be a time when those who covered this up will be exposed.

Pete Clark

@ . . . . .com  
ent from my iPhone



## Anderson, Ryan

---

**From:** Lumpp, Rachelle  
**Sent:** Tuesday, March 09, 2021 2:44 PM  
**To:** '@yahoo.com'  
**Subject:** 2020 Election-Related Concerns

**Categories:** Black

Thank you for your email. Attorney General Brnovich has read your email and asked staff to respond. Please see below.

Dear Kristina:

Thank you for contacting the Arizona Attorney General's Office (the "AGO") Elections Integrity Unit (the "Unit"). We appreciate the time you took to share your concerns and would like to clarify some of the information you mentioned and expound on our mission to help ensure free and fair elections.

Your correspondence asserts that a report corroborated with affidavits and video/audio evidence was filed with the Unit alleging fraudulent ballots were flown into Phoenix Sky Harbor Airport for the 2020 Election. It further alleges that Attorney General Brnovich prevented the Unit from investigating this evidence. Neither of those assertions is accurate. The Unit has never received such a complaint and is unaware of any corroborating evidence that the referenced incident occurred.

Moreover, Attorney General Brnovich is a leader in protecting the integrity of Arizona's elections, and has not stopped the Unit from investigating any complaint. The Arizona Legislature actually established the Unit in 2019 at the request of Attorney General Brnovich. In the months leading up to the 2020 election, the Unit provided subject matter expertise on over a half-dozen cases in state and federal court where the AGO intervened to prevent special interest groups from judicially altering Arizona's duly enacted election laws.

By intervening, the AGO successfully prevented the Secretary of State from settling cases that would have: (1) permitted electronic signatures on initiative petitions, (2) allowed petition circulators to ignore subpoenas and skip court proceedings challenging gathered signatures, (3) extended the voter registration deadline to just days before the election, (4) allowed post-election "curing" of unsigned ballots, (5) invalidated ballot harvesting prohibitions, and (6) permitted out-of-precinct voting in violation of Arizona law. The Unit also challenged the former Maricopa County Recorder (the "Recorder") in a number of lawsuits, including preventing the Recorder from unlawfully mailing Presidential Preference Election ballots to all voters and unlawfully including instructions to cross out mistakes on early ballots.

The Attorney General personally defended Arizona's ballot harvesting and out-of-precinct restrictions before the U.S. Supreme Court early this month.

Please note that while A.R.S. § 16-1021 provides the AGO with criminal and civil enforcement authority, the AGO does not have free-standing civil subpoena power. Without such power to obtain election materials or investigate election violations, the AGO must seek judicially authorized search warrants, which require probable cause that a crime was committed. The Unit has reviewed and investigated all credible complaints, and several complaints have resulted in the AGO filing criminal charges. Additionally, there are more than two-dozen active investigations, which could eventually result in more prosecutions.

Finally, as you note, the AGO has publicly endorsed the Legislature's authority to subpoena the Maricopa County Board of Supervisors for certain election materials. The AGO supports thorough and detailed audits of the 2020 election and stands ready to take appropriate legal action should it become necessary.

Thank you again for your correspondence, and the opportunity to clarify the facts and highlight the work the Unit has undertaken to protect Arizona. We appreciate your support of election integrity!

Sincerely,

**Jennifer Wright**  
**Assistant Attorney General**



---

Office of the Arizona Attorney General  
Solicitor General's Office  
Elections Integrity Unit  
2005 N. Central Ave., Phoenix, AZ 85004

Rachelle Lumpp  
Executive Assistant to the Attorney General  
Executive Assistant to the Director of Communications  
Office of the Arizona Attorney General  
2005 N. Central Avenue  
Phoenix, AZ 85004  
602-542-8351 Office  
[rachelle.lumpp@azag.gov](mailto:rachelle.lumpp@azag.gov)



## Anderson, Ryan

---

**From:** Lumpp, Rachelle  
**Sent:** Tuesday, March 09, 2021 2:45 PM  
**To:** '@gmail.com'  
**Subject:** 2020 Election-Related Concerns

**Categories:** Black

Thank you for your email. Attorney General Brnovich has read your email and asked staff to respond. Please see below.

Dear Kimberly:

Thank you for contacting the Arizona Attorney General's Office (the "AGO") Elections Integrity Unit (the "Unit"). We appreciate the time you took to share your concerns and would like to clarify some of the information you mentioned and expound on our mission to help ensure free and fair elections.

Your correspondence asserts that a report corroborated with affidavits and video/audio evidence was filed with the Unit alleging fraudulent ballots were flown into Phoenix Sky Harbor Airport for the 2020 Election. It further alleges that Attorney General Brnovich prevented the Unit from investigating this evidence. Neither of those assertions is accurate. The Unit has never received such a complaint and is unaware of any corroborating evidence that the referenced incident occurred.

Moreover, Attorney General Brnovich is a leader in protecting the integrity of Arizona's elections, and has not stopped the Unit from investigating any complaint. The Arizona Legislature actually established the Unit in 2019 at the request of Attorney General Brnovich. In the months leading up to the 2020 election, the Unit provided subject matter expertise on over a half-dozen cases in state and federal court where the AGO intervened to prevent special interest groups from judicially altering Arizona's duly enacted election laws.

By intervening, the AGO successfully prevented the Secretary of State from settling cases that would have: (1) permitted electronic signatures on initiative petitions, (2) allowed petition circulators to ignore subpoenas and skip court proceedings challenging gathered signatures, (3) extended the voter registration deadline to just days before the election, (4) allowed post-election "curing" of unsigned ballots, (5) invalidated ballot harvesting prohibitions, and (6) permitted out-of-precinct voting in violation of Arizona law. The Unit also challenged the former Maricopa County Recorder (the "Recorder") in a number of lawsuits, including preventing the Recorder from unlawfully mailing Presidential Preference Election ballots to all voters and unlawfully including instructions to cross out mistakes on early ballots.

The Attorney General personally defended Arizona's ballot harvesting and out-of-precinct restrictions before the U.S. Supreme Court early this month.

Please note that while A.R.S. § 16-1021 provides the AGO with criminal and civil enforcement authority, the AGO does not have free-standing civil subpoena power. Without such power to obtain election materials or investigate election violations, the AGO must seek judicially authorized search warrants, which require probable cause that a crime was committed. The Unit has reviewed and investigated all credible complaints, and several complaints have resulted in the AGO filing criminal charges. Additionally, there are more than two-dozen active investigations, which could eventually result in more prosecutions.

Finally, as you note, the AGO has publicly endorsed the Legislature's authority to subpoena the Maricopa County Board of Supervisors for certain election materials. The AGO supports thorough and detailed audits of the 2020 election and stands ready to take appropriate legal action should it become necessary.

Thank you again for your correspondence, and the opportunity to clarify the facts and highlight the work the Unit has undertaken to protect Arizona. We appreciate your support of election integrity!

Sincerely,

**Jennifer Wright**  
**Assistant Attorney General**



---

Office of the Arizona Attorney General  
Solicitor General's Office  
Elections Integrity Unit  
2005 N. Central Ave., Phoenix, AZ 85004

Rachelle Lumpp  
Executive Assistant to the Attorney General  
Executive Assistant to the Director of Communications  
Office of the Arizona Attorney General  
2005 N. Central Avenue  
Phoenix, AZ 85004  
602-542-8351 Office  
[rachelle.lumpp@azag.gov](mailto:rachelle.lumpp@azag.gov)



## Anderson, Ryan

---

**From:** Lumpp, Rachelle  
**Sent:** Tuesday, March 09, 2021 2:46 PM  
**To:** 1@gmail.com'  
**Subject:** 2020 Election-Related Concerns

**Categories:** Black

Thank you for your email. Attorney General Brnovich has read your email and asked staff to respond. Please see below.

Dear Elizabeth:

Thank you for contacting the Arizona Attorney General's Office (the "AGO") Elections Integrity Unit (the "Unit"). We appreciate the time you took to share your concerns and would like to clarify some of the information you mentioned and expound on our mission to help ensure free and fair elections.

Your correspondence asserts that a report corroborated with affidavits and video/audio evidence was filed with the Unit alleging fraudulent ballots were flown into Phoenix Sky Harbor Airport for the 2020 Election. It further alleges that Attorney General Brnovich prevented the Unit from investigating this evidence. Neither of those assertions is accurate. The Unit has never received such a complaint and is unaware of any corroborating evidence that the referenced incident occurred.

Moreover, Attorney General Brnovich is a leader in protecting the integrity of Arizona's elections, and has not stopped the Unit from investigating any complaint. The Arizona Legislature actually established the Unit in 2019 at the request of Attorney General Brnovich. In the months leading up to the 2020 election, the Unit provided subject matter expertise on over a half-dozen cases in state and federal court where the AGO intervened to prevent special interest groups from judicially altering Arizona's duly enacted election laws.

By intervening, the AGO successfully prevented the Secretary of State from settling cases that would have: (1) permitted electronic signatures on initiative petitions, (2) allowed petition circulators to ignore subpoenas and skip court proceedings challenging gathered signatures, (3) extended the voter registration deadline to just days before the election, (4) allowed post-election "curing" of unsigned ballots, (5) invalidated ballot harvesting prohibitions, and (6) permitted out-of-precinct voting in violation of Arizona law. The Unit also challenged the former Maricopa County Recorder (the "Recorder") in a number of lawsuits, including preventing the Recorder from unlawfully mailing Presidential Preference Election ballots to all voters and unlawfully including instructions to cross out mistakes on early ballots.

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Please note that while A.R.S. § 16-1021 provides the AGO with criminal and civil enforcement authority, the AGO does not have free-standing civil subpoena power. Without such power to obtain election materials or investigate election violations, the AGO must seek judicially authorized search warrants, which require probable cause that a crime was committed. The Unit has reviewed and investigated all credible complaints, and several complaints have resulted in the AGO filing criminal charges. Additionally, there are more than two-dozen active investigations, which could eventually result in more prosecutions.

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Thank you again for your correspondence, and the opportunity to clarify the facts and highlight the work the Unit has undertaken to protect Arizona. We appreciate your support of election integrity!

Sincerely,

**Jennifer Wright**  
**Assistant Attorney General**



---

Office of the Arizona Attorney General  
Solicitor General's Office  
Elections Integrity Unit  
2005 N. Central Ave., Phoenix, AZ 85004

Rachelle Lumpp  
Executive Assistant to the Attorney General  
Executive Assistant to the Director of Communications  
Office of the Arizona Attorney General  
2005 N. Central Avenue  
Phoenix, AZ 85004  
602-542-8351 Office  
[rachelle.lumpp@azag.gov](mailto:rachelle.lumpp@azag.gov)



## Anderson, Ryan

---

**From:** Lump, Rachelle  
**Sent:** Tuesday, March 09, 2021 2:46 PM  
**To:** '@gmail.com'  
**Subject:** 2020 Election-Related Concerns

**Categories:** Black

Thank you for your email. Attorney General Brnovich has read your email and asked staff to respond. Please see below.

Dear Brittani:

Thank you for contacting the Arizona Attorney General's Office (the "AGO") Elections Integrity Unit (the "Unit"). We appreciate the time you took to share your concerns and would like to clarify some of the information you mentioned and expound on our mission to help ensure free and fair elections.

Your correspondence asserts that a report corroborated with affidavits and video/audio evidence was filed with the Unit alleging fraudulent ballots were flown into Phoenix Sky Harbor Airport for the 2020 Election. It further alleges that Attorney General Brnovich prevented the Unit from investigating this evidence. Neither of those assertions is accurate. The Unit has never received such a complaint and is unaware of any corroborating evidence that the referenced incident occurred.

Moreover, Attorney General Brnovich is a leader in protecting the integrity of Arizona's elections, and has not stopped the Unit from investigating any complaint. The Arizona Legislature actually established the Unit in 2019 at the request of Attorney General Brnovich. In the months leading up to the 2020 election, the Unit provided subject matter expertise on over a half-dozen cases in state and federal court where the AGO intervened to prevent special interest groups from judicially altering Arizona's duly enacted election laws.

By intervening, the AGO successfully prevented the Secretary of State from settling cases that would have: (1) permitted electronic signatures on initiative petitions, (2) allowed petition circulators to ignore subpoenas and skip court proceedings challenging gathered signatures, (3) extended the voter registration deadline to just days before the election, (4) allowed post-election "curing" of unsigned ballots, (5) invalidated ballot harvesting prohibitions, and (6) permitted out-of-precinct voting in violation of Arizona law. The Unit also challenged the former Maricopa County Recorder (the "Recorder") in a number of lawsuits, including preventing the Recorder from unlawfully mailing Presidential Preference Election ballots to all voters and unlawfully including instructions to cross out mistakes on early ballots.

The Attorney General personally defended Arizona's ballot harvesting and out-of-precinct restrictions before the U.S. Supreme Court early this month.

Please note that while A.R.S. § 16-1021 provides the AGO with criminal and civil enforcement authority, the AGO does not have free-standing civil subpoena power. Without such power to obtain election materials or investigate election violations, the AGO must seek judicially authorized search warrants, which require probable cause that a crime was committed. The Unit has reviewed and investigated all credible complaints, and several complaints have resulted in the AGO filing criminal charges. Additionally, there are more than two-dozen active investigations, which could eventually result in more prosecutions.

Finally, as you note, the AGO has publicly endorsed the Legislature's authority to subpoena the Maricopa County Board of Supervisors for certain election materials. The AGO supports thorough and detailed audits of the 2020 election and stands ready to take appropriate legal action should it become necessary.

Thank you again for your correspondence, and the opportunity to clarify the facts and highlight the work the Unit has undertaken to protect Arizona. We appreciate your support of election integrity!

Sincerely,

**Jennifer Wright**  
**Assistant Attorney General**



---

Office of the Arizona Attorney General  
Solicitor General's Office  
Elections Integrity Unit  
2005 N. Central Ave., Phoenix, AZ 85004

Rachelle Lumpp  
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Executive Assistant to the Director of Communications  
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602-542-8351 Office  
[rachelle.lumpp@azag.gov](mailto:rachelle.lumpp@azag.gov)





## Anderson, Ryan

---

**From:** Lumpp, Rachele  
**Sent:** Tuesday, March 09, 2021 2:46 PM  
**To:** @gmail.com'  
**Subject:** 2020 Election-Related Concerns

**Categories:** Black

Thank you for your email. Attorney General Brnovich has read your email and asked staff to respond. Please see below.

Dear Anna:

Thank you for contacting the Arizona Attorney General's Office (the "AGO") Elections Integrity Unit (the "Unit"). We appreciate the time you took to share your concerns and would like to clarify some of the information you mentioned and expound on our mission to help ensure free and fair elections.

Your correspondence asserts that a report corroborated with affidavits and video/audio evidence was filed with the Unit alleging fraudulent ballots were flown into Phoenix Sky Harbor Airport for the 2020 Election. It further alleges that Attorney General Brnovich prevented the Unit from investigating this evidence. Neither of those assertions is accurate. The Unit has never received such a complaint and is unaware of any corroborating evidence that the referenced incident occurred.

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By intervening, the AGO successfully prevented the Secretary of State from settling cases that would have: (1) permitted electronic signatures on initiative petitions, (2) allowed petition circulators to ignore subpoenas and skip court proceedings challenging gathered signatures, (3) extended the voter registration deadline to just days before the election, (4) allowed post-election "curing" of unsigned ballots, (5) invalidated ballot harvesting prohibitions, and (6) permitted out-of-precinct voting in violation of Arizona law. The Unit also challenged the former Maricopa County Recorder (the "Recorder") in a number of lawsuits, including preventing the Recorder from unlawfully mailing Presidential Preference Election ballots to all voters and unlawfully including instructions to cross out mistakes on early ballots.

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Thank you again for your correspondence, and the opportunity to clarify the facts and highlight the work the Unit has undertaken to protect Arizona. We appreciate your support of election integrity!

Sincerely,

**Jennifer Wright**  
**Assistant Attorney General**



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Phoenix, AZ 85004  
602-542-8351 Office  
[rachelle.lumpp@azag.gov](mailto:rachelle.lumpp@azag.gov)



## Anderson, Ryan

---

**From:** Lumpp, Rachelle  
**Sent:** Tuesday, March 09, 2021 2:47 PM  
**To:** 'ryan.anderson@gmail.com'  
**Subject:** 2020 Election-Related Concerns

**Categories:** Black

Thank you for your email. Attorney General Brnovich has read your email and asked staff to respond. Please see below.

Dear Catherine:

Thank you for contacting the Arizona Attorney General's Office (the "AGO") Elections Integrity Unit (the "Unit"). We appreciate the time you took to share your concerns and would like to clarify some of the information you mentioned and expound on our mission to help ensure free and fair elections.

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Sincerely,

**Jennifer Wright**  
**Assistant Attorney General**



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2005 N. Central Ave., Phoenix, AZ 85004

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Phoenix, AZ 85004  
602-542-8351 Office  
[rachelle.lumpp@azag.gov](mailto:rachelle.lumpp@azag.gov)



## Anderson, Ryan

---

**From:** Lumpp, Rachelle  
**Sent:** Tuesday, March 09, 2021 2:47 PM  
**To:** 'me.com'  
**Subject:** 2020 Election-Related Concerns

**Categories:** Black

Thank you for your email. Attorney General Brnovich has read your email and asked staff to respond. Please see below.

Dear Corey:

Thank you for contacting the Arizona Attorney General's Office (the "AGO") Elections Integrity Unit (the "Unit"). We appreciate the time you took to share your concerns and would like to clarify some of the information you mentioned and expound on our mission to help ensure free and fair elections.

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Sincerely,

**Jennifer Wright**  
**Assistant Attorney General**



---

Office of the Arizona Attorney General  
Solicitor General's Office  
Elections Integrity Unit  
2005 N. Central Ave., Phoenix, AZ 85004

Rachelle Lumpp  
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Executive Assistant to the Director of Communications  
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Phoenix, AZ 85004  
602-542-8351 Office  
[rachelle.lumpp@azag.gov](mailto:rachelle.lumpp@azag.gov)



## Anderson, Ryan

---

**From:** Lumppp, Rachelle  
**Sent:** Tuesday, March 09, 2021 2:47 PM  
**To:** '@comcast.net'  
**Subject:** 2020 Election-Related Concerns

**Categories:** Black

Thank you for your email. Attorney General Brnovich has read your email and asked staff to respond. Please see below.

Dear Laura:

Thank you for contacting the Arizona Attorney General's Office (the "AGO") Elections Integrity Unit (the "Unit"). We appreciate the time you took to share your concerns and would like to clarify some of the information you mentioned and expound on our mission to help ensure free and fair elections.

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Thank you again for your correspondence, and the opportunity to clarify the facts and highlight the work the Unit has undertaken to protect Arizona. We appreciate your support of election integrity!

Sincerely,

**Jennifer Wright**  
**Assistant Attorney General**



---

Office of the Arizona Attorney General  
Solicitor General's Office  
Elections Integrity Unit  
2005 N. Central Ave., Phoenix, AZ 85004

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Executive Assistant to the Director of Communications  
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Phoenix, AZ 85004  
602-542-8351 Office  
[rachelle.lumpp@azag.gov](mailto:rachelle.lumpp@azag.gov)





## Anderson, Ryan

---

**From:** Lumpp, Rachelle  
**Sent:** Tuesday, March 09, 2021 2:48 PM  
**To:** @gmail.com'  
**Subject:** 2020 Election-Related Concerns  
  
**Categories:** Black

Thank you for your email. Attorney General Brnovich has read your email and asked staff to respond. Please see below.

Dear Raquel:

Thank you for contacting the Arizona Attorney General's Office (the "AGO") Elections Integrity Unit (the "Unit"). We appreciate the time you took to share your concerns and would like to clarify some of the information you mentioned and expound on our mission to help ensure free and fair elections.

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Sincerely,

**Jennifer Wright**  
**Assistant Attorney General**



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Solicitor General's Office  
Elections Integrity Unit  
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602-542-8351 Office  
[rachelle.lumpp@azag.gov](mailto:rachelle.lumpp@azag.gov)



## Anderson, Ryan

---

**From:** Lumpp, Rachelle  
**Sent:** Tuesday, March 09, 2021 2:48 PM  
**To:** 'jmail.com'  
**Subject:** 2020 Election-Related Concerns

**Categories:** Black

Thank you for your email. Attorney General Brnovich has read your email and asked staff to respond. Please see below.

Dear Arwen:

Thank you for contacting the Arizona Attorney General's Office (the "AGO") Elections Integrity Unit (the "Unit"). We appreciate the time you took to share your concerns and would like to clarify some of the information you mentioned and expound on our mission to help ensure free and fair elections.

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Sincerely,

**Jennifer Wright**  
**Assistant Attorney General**



---

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Phoenix, AZ 85004  
602-542-8351 Office  
[rachelle.lumpp@azag.gov](mailto:rachelle.lumpp@azag.gov)



## Anderson, Ryan

---

**From:** Lumpp, Rachelle  
**Sent:** Tuesday, March 09, 2021 2:52 PM  
**To:** @gmail.com'  
**Subject:** 2020 Election-Related Concerns

**Categories:** Black

Dear Eric,

Thank you for contacting the Arizona Attorney General's Office to voice your concerns. General Brnovich is one of the State's leaders in defending the rule of law. We have and will continue to do everything in our power to maintain Arizona's safeguards to ensure the integrity of the voting process.

With the help of the legislature, our Office created the Election Integrity Unit (EIU) in 2020. We have an incredible team which is dedicated to protecting our elections. To date, we have taken the following actions regarding the concerns stemming from the November 3, 2020 election:

- Contacted the Maricopa County Elections Department to investigate the use of Sharpies on ballots after receiving hundreds of complaints within two days that were a cause for concern among thousands of Arizonans. You may read our letter [here](#). Fortunately, we were able to investigate and reassure voters that sharpies did not impact their vote being counted. The response from the Elections Department can be found [here](#).
- Made a formal request on November 4, 2020 to the Maricopa County Board of Supervisors to more than double the hand-count audit of voting center locations. You can read our letter [here](#). Unfortunately, the Maricopa County Board of Supervisors declined our request. However, we did send a member from our Election Integrity Unit to observe the standard hand count operations.
- Sent a letter to Arizona State Senate President Karen Fann and Speaker of the Arizona House of Representatives Rusty Bowers regarding the November 3, 2020 election concerns. You may read the letter [here](#).
- Filed an Amicus Brief with the Arizona Superior Court in support of the Arizona Legislature's authority to issue legislative subpoenas. The legal brief may be viewed [here](#).
- Continue to monitor the ongoing dispute between the Arizona Senate and the Maricopa County Board of Supervisors regarding the scope of an audit.

If you have any specific evidence to support allegations of election fraud, please file a report on our website at: <https://www.azag.gov/complaints/election>. We carefully evaluate all complaints and may refer them to other state or local agencies for investigation and enforcement as appropriate.

Even though the 2020 election is over, our office is continuing to fight for election integrity. On March 2, 2021 General Brnovich defended Arizona's laws restricting ballot harvesting and out-of-precinct voting at the United States Supreme Court in *Brnovich vs. Democratic National Committee*. We encourage people to follow the case here: <https://www.scotusblog.com/case-files/cases/brnovich-v-democratic-national-committee/>

Once again, thank you for contacting the Arizona Attorney General's Office and for your support of election integrity.

Sincerely,  
AGInfo



## Anderson, Ryan

---

**From:** Lumpp, Rachelle  
**Sent:** Tuesday, March 09, 2021 2:52 PM  
**To:** '@gmail.com'  
**Subject:** 2020 Election-Related Concerns  
**Categories:** Black

Dear Ms. Spellman,

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Once again, thank you for contacting the Arizona Attorney General's Office and for your support of election integrity.

Sincerely,  
AGInfo





## Anderson, Ryan

---

**From:** Lumpp, Rachelle  
**Sent:** Tuesday, March 09, 2021 3:02 PM  
**To:** '@gmail.com'  
**Subject:** 2020 Election-Related Concerns

**Categories:** Black

Thank you for your email. Attorney General Brnovich has read your email and asked staff to respond. Please see below.

Dear Mona:

Thank you for contacting the Arizona Attorney General's Office (the "AGO") Elections Integrity Unit (the "Unit"). We appreciate the time you took to share your concerns and would like to clarify some of the information you mentioned and expound on our mission to help ensure free and fair elections.

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By intervening, the AGO successfully prevented the Secretary of State from settling cases that would have: (1) permitted electronic signatures on initiative petitions, (2) allowed petition circulators to ignore subpoenas and skip court proceedings challenging gathered signatures, (3) extended the voter registration deadline to just days before the election, (4) allowed post-election "curing" of unsigned ballots, (5) invalidated ballot harvesting prohibitions, and (6) permitted out-of-precinct voting in violation of Arizona law. The Unit also challenged the former Maricopa County Recorder (the "Recorder") in a number of lawsuits, including preventing the Recorder from unlawfully mailing Presidential Preference Election ballots to all voters and unlawfully including instructions to cross out mistakes on early ballots.

The Attorney General personally defended Arizona's ballot harvesting and out-of-precinct restrictions before the U.S. Supreme Court early this month.

Please note that while A.R.S. § 16-1021 provides the AGO with criminal and civil enforcement authority, the AGO does not have free-standing civil subpoena power. Without such power to obtain election materials or investigate election violations, the AGO must seek judicially authorized search warrants, which require probable cause that a crime was committed. The Unit has reviewed and investigated all credible complaints, and several complaints have resulted in the AGO filing criminal charges. Additionally, there are more than two-dozen active investigations, which could eventually result in more prosecutions.

Finally, as you note, the AGO has publicly endorsed the Legislature's authority to subpoena the Maricopa County Board of Supervisors for certain election materials. The AGO supports thorough and detailed audits of the 2020 election and stands ready to take appropriate legal action should it become necessary.

Thank you again for your correspondence, and the opportunity to clarify the facts and highlight the work the Unit has undertaken to protect Arizona. We appreciate your support of election integrity!

Sincerely,

Jennifer Wright  
Assistant Attorney General

---



Office of the Arizona Attorney General  
Solicitor General's Office  
Elections Integrity Unit  
2005 N. Central Ave., Phoenix, AZ 85004

Rachelle Lumpp  
Executive Assistant to the Attorney General  
Executive Assistant to the Director of Communications  
Office of the Arizona Attorney General  
2005 N. Central Avenue  
Phoenix, AZ 85004  
602-542-8351 Office  
[rachelle.lumpp@azag.gov](mailto:rachelle.lumpp@azag.gov)



## Anderson, Ryan

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**From:** Lumpp, Rachelle  
**Sent:** Tuesday, March 09, 2021 3:05 PM  
**To:** 'nail.com'  
**Subject:** 2020 Election-Related Concerns  
  
**Categories:** Black

Thank you for your email. Attorney General Brnovich has read your email and asked staff to respond. Please see below.

Dear Sheng-Chung:

Thank you for contacting the Arizona Attorney General's Office (the "AGO") Elections Integrity Unit (the "Unit"). We appreciate the time you took to share your concerns and would like to clarify some of the information you mentioned and expound on our mission to help ensure free and fair elections.

Your correspondence asserts that a report corroborated with affidavits and video/audio evidence was filed with the Unit alleging fraudulent ballots were flown into Phoenix Sky Harbor Airport for the 2020 Election. It further alleges that Attorney General Brnovich prevented the Unit from investigating this evidence. Neither of those assertions is accurate. The Unit has never received such a complaint and is unaware of any corroborating evidence that the referenced incident occurred.

Moreover, Attorney General Brnovich is a leader in protecting the integrity of Arizona's elections, and has not stopped the Unit from investigating any complaint. The Arizona Legislature actually established the Unit in 2019 at the request of Attorney General Brnovich. In the months leading up to the 2020 election, the Unit provided subject matter expertise on over a half-dozen cases in state and federal court where the AGO intervened to prevent special interest groups from judicially altering Arizona's duly enacted election laws.

By intervening, the AGO successfully prevented the Secretary of State from settling cases that would have: (1) permitted electronic signatures on initiative petitions, (2) allowed petition circulators to ignore subpoenas and skip court proceedings challenging gathered signatures, (3) extended the voter registration deadline to just days before the election, (4) allowed post-election "curing" of unsigned ballots, (5) invalidated ballot harvesting prohibitions, and (6) permitted out-of-precinct voting in violation of Arizona law. The Unit also challenged the former Maricopa County Recorder (the "Recorder") in a number of lawsuits, including preventing the Recorder from unlawfully mailing Presidential Preference Election ballots to all voters and unlawfully including instructions to cross out mistakes on early ballots.

The Attorney General personally defended Arizona's ballot harvesting and out-of-precinct restrictions before the U.S. Supreme Court early this month.

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Finally, as you note, the AGO has publicly endorsed the Legislature's authority to subpoena the Maricopa County Board of Supervisors for certain election materials. The AGO supports thorough and detailed audits of the 2020 election and stands ready to take appropriate legal action should it become necessary.

Thank you again for your correspondence, and the opportunity to clarify the facts and highlight the work the Unit has undertaken to protect Arizona. We appreciate your support of election integrity!

Sincerely,

**Jennifer Wright**  
**Assistant Attorney General**



---

Office of the Arizona Attorney General  
Solicitor General's Office  
Elections Integrity Unit  
2005 N. Central Ave., Phoenix, AZ 85004

Rachelle Lumpp  
Executive Assistant to the Attorney General  
Executive Assistant to the Director of Communications  
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2005 N. Central Avenue  
Phoenix, AZ 85004  
602-542-8351 Office  
[rachelle.lumpp@azag.gov](mailto:rachelle.lumpp@azag.gov)



## Anderson, Ryan

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**From:** Lumpp, Rachelle  
**Sent:** Tuesday, March 09, 2021 3:06 PM  
**To:** @gmail.com  
**Subject:** 2020 Election-Related Concerns  
  
**Categories:** Black

Thank you for your email. Attorney General Brnovich has read your email and asked staff to respond. Please see below.

Dear Lylah,

Thank you for contacting the Arizona Attorney General's Office (the "AGO") Elections Integrity Unit (the "Unit"). We appreciate the time you took to share your concerns and would like to clarify some of the information you mentioned and expound on our mission to help ensure free and fair elections.

Attorney General Brnovich is a leader in protecting the integrity of Arizona's elections, and has not stopped the Unit from investigating any complaint. The Arizona Legislature actually established the Unit in 2019 at the request of Attorney General Brnovich. In the months leading up to the 2020 election, the Unit provided subject matter expertise on over a half-dozen cases in state and federal court where the AGO intervened to prevent special interest groups from judicially altering Arizona's duly enacted election laws.

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[rachelle.lumpp@azag.gov](mailto:rachelle.lumpp@azag.gov)



**Anderson, Ryan**

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**From:** Isaak, Jason  
**Sent:** Tuesday, March 09, 2021 4:08 PM  
**To:** Lumpp, Rachelle  
**Subject:** Per our conversation  
  
**Categories:** Black

Could you forward the form letter from Jennifer Wright re: EIU to [redacted]@cox.net. Her name, I think, is Denise Marie. You can preface it with a note that this is being sent to her per a conversation she had with AGO staff. Definitely send it from AGInfo.

## Anderson, Ryan

**From:** Lumpp, Rachelle  
**Sent:** Tuesday, March 09, 2021 4:42 PM  
**To:** Kredit, Beth  
**Subject:** 2020 Election-Related Concerns

**Categories:** Black

Beth,  
Please send this email to [@cox.net](mailto:@cox.net) from AGinfo. Thanks ☺

Dear Denise:

Pursuant to your conversation with our staff, we would like to clarify some of the information you mentioned and expound on our mission to help ensure free and fair elections.

Your correspondence asserts that a report corroborated with affidavits and video/audio evidence was filed with the Unit alleging fraudulent ballots were flown into Phoenix Sky Harbor Airport for the 2020 Election. It further alleges that Attorney General Brnovich prevented the Unit from investigating this evidence. Neither of those assertions is accurate. The Unit has never received such a complaint and is unaware of any corroborating evidence that the referenced incident occurred.

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Sincerely,

**Jennifer Wright**  
**Assistant Attorney General**



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[rachelle.lumpp@azag.gov](mailto:rachelle.lumpp@azag.gov)



## Anderson, Ryan

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**From:** Valerie Tetrault @gmail.com>  
**Sent:** Friday, March 12, 2021 9:43 AM  
**To:** Kfann@azleg.gov; Stephen@RicherForRecorder.com; AGInfo;  
chickman@mail.maricopa.gov; chucris@mail.maricopa.gov; dgowan@azleg.gov;  
district3@mail.maricopa.gov; district5@mail.maricopa.gov; dlivingston@azleg.gov;  
elections@azsos.gov; engage@az.gov; jmendez@azleg.gov; khobbs@azsos.gov;  
ktownsend@azleg.gov; Brnovich, Mark; mugenti-rita@azleg.gov; nbarto@azleg.gov;  
pboyer@azleg.gov; rgray@azleg.gov; sborrelli@azleg.gov; sellersj@mail.maricopa.gov;  
tpace@azleg.gov; tshope@azleg.gov; vleach@azleg.gov; wpetersen@azleg.gov;  
wrogers@azleg.gov  
**Subject:** Listen to the people.....we want JOVAN!  
**Categories:** Black

There is no valid reason for the AZ Senate to decide not to select Jovan Hutton Pulitzer as part of the audit team. He must conduct a forensic audit of 100% of the physical paper ballots using kinematic artifact scanning technology.

We want 100% election integrity and transparency.

Thank you for listening and acting.

Valerie Tetrault

**Anderson, Ryan**

**From:** Bonnie Ebstye · @mac.com>  
**Sent:** Wednesday, March 17, 2021 10:36 AM  
**To:** Lump, Rachelle; Isaak, Jason  
**Subject:** Women of Arizona Event  
**Categories:** Black

Women of Arizona is two years old in April. We have been growing rapidly as a 501c-3 Educational Nonprofit. We are not Party affiliated but lean Conservative. We do o capture Independents & Dem walkaways!

Our goal is to bring those people engaged at the "front line" of important issues to our community to mitigate confusion or deceit caused by the media. Our other goal is to engage them & to encourage them to be more involved in civic & political issues!

Our inaugural speaker two years ago was Michelle Ugenti-Rita, on her bills addressing Election Reform. We kicked off our season in October with James O'Keefe & Project Veritas. We have taken two groups to tour Turning Point USA & met last year with Charlie Kirk. We just had an event at The Buffalo Chip Saloon & Steakhouse in Cave Creek that was very well attended on Election Integrity & How We Protect Our Founding Principles. This featured Paul Gosar & Kelli Ward.

Everyone's greatest concern is about free & fair elections. A logical extension of the dialogue started this week with the national perspective of Congressman Gosar & that of our State GOP Chair Ward would be to give people an opportunity to hear from Attorney General Brnovich. We have a tentative date set for April 9th, but we will try to work with any date AG Brnovich can commit to. We may be able to secure a choice of venues: Cochise Geronimo in Desert Mountain, The Buffalo Chip (open air venue that mitigates COVID concerns) or Grayhawk CC (down Valley & more accessible to some although longer days make less an issue).

It seems a very important time to engage people as half of everyone is in throes of becoming political walkaways or they flip side & newly engaged & looking forward a direction for their energy! I sincerely hope this works out!

Thank you,  
Bonnie Ebstye

Sent from my iPhone

## Anderson, Ryan

---

**From:** Isaak, Jason  
**Sent:** Wednesday, March 17, 2021 11:22 AM  
**To:** Lumpp, Rachelle  
**Subject:** FW: Women of Arizona Event

**Categories:** Black

Just in case it didn't come thru...

-----Original Message-----

**From:** Bonnie Ebstyne [mailto:\_\_\_\_\_@mac.com]  
**Sent:** Wednesday, March 17, 2021 10:36 AM  
**To:** Lumpp, Rachelle; Isaak, Jason  
**Subject:** Women of Arizona Event

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Thank you,  
Bonnie Ebstyne

Sent from my iPhone

## Anderson, Ryan

---

**From:** Bonnie Ebstynne @mac.com>  
**Sent:** Friday, March 19, 2021 11:47 AM  
**To:** Lumpp, Rachele  
**Subject:** Date at WOA Event

**Categories:** Black

Women of Arizona just held an event with Kelli Ward & Paul Gosar speaking on Election Integrity & what our elected officials from AZ are doing to protect our Founding Principles ( in other words to stop Socialist Democrats takeover!)

Many people we hear from are disgusted with our politics & government & walking away entirely along with their checkbooks!! Others are finding a new urgency in their desire to get involved & join the fight for our country. They need leadership & some assurance that are elected officials are committed to the right cause.

A logical extension of what we explored with Gosar/Ward would be the viewpoint of AG Brnovich. We had originally contacted Treasurer Yee to speak but feel the AG's view would be a higher priority now.

I have three dates to propose: (Hopefully one will be available.) Mon., April 26 Min., April 19 Thurs., April 22 Friday., April 23

Besides Kimberly Yee, we have heard from Steve Chucri's office that he would be available. I have to commit to venue & speaker pretty soon.

Thank you,  
Bonnie Ebstynne

Sent from my iPhone

**Anderson, Ryan**

---

**From:** Lumpp, Rachelle  
**Sent:** Friday, March 19, 2021 11:52 AM  
**To:** 'Bonnie Ebstynne'  
**Subject:** RE: Date at WOA Event

**Categories:** Black

Ms. Ebstynne,  
Thank you for the invitation! We have your request and will discuss it with the scheduling team and get back to you as soon as we can. Have a good weekend.

-----Original Message-----

**From:** Bonnie Ebstynne [mailto:[bonnie@mac.com](mailto:bonnie@mac.com)]  
**Sent:** Friday, March 19, 2021 11:47 AM  
**To:** Lumpp, Rachelle  
**Subject:** Date at WOA Event

Women of Arizona just held an event with Kelli Ward & Paul Gosar speaking on Election Integrity & what our elected officials from AZ are doing to protect our Founding Principles ( in other words to stop Socialist Democrats takeover!)

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Thank you,  
Bonnie Ebstynne  
2021-03-19 11:52 AM

Sent from my iPhone

## Anderson, Ryan

---

**From:** Lumpp, Rachelle  
**Sent:** Friday, March 19, 2021 12:58 PM  
**To:** Isaak, Jason  
**Cc:** Stefanski, Daniel  
**Subject:** Re: Date at WOA Event

**Categories:** Black

I sent her an email telling her we received her request and would go over it w/the scheduling team and get back to her.

I'll confirm keynote.

Sent from my iPhone

On Mar 19, 2021, at 12:13 PM, Isaak, Jason <[Jason.Isaak@azag.gov](mailto:Jason.Isaak@azag.gov)> wrote:

Rachelle --

If you could give her a call when you have a moment to let her know we're working on the calendar and will get back to her, that would be good. One thing you might want to confirm with her is that it would be the AG as a keynote speaker...and that we'll try to get back to her in the next couple biz days.

Thanks!

Jason

---

**From:** Bonnie Ebstyne [[mailto:\\_\\_\\_\\_\\_@mac.com](mailto:_____@mac.com)]  
**Sent:** Friday, March 19, 2021 11:48 AM  
**To:** Isaak, Jason  
**Subject:** Fwd: Date at WOA Event

Sent from my iPhone

Begin forwarded message:

**From:** Bonnie Ebstyne <\_\_\_\_\_@mac.com>  
**Date:** March 19, 2021 at 11:47:14 AM MST  
**To:** [rachelle.lumpp@azag.gov](mailto:rachelle.lumpp@azag.gov)  
**Subject:** Date at WOA Event

Women of Arizona just held an event with Kelli Ward & Paul Gosar speaking on Election Integrity & what our elected officials from AZ are doing to protect our Founding Principles ( in other words to stop Socialist Democrats takeover!)

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Friday., April 23

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Thank you,

Bonnie Ebstyne

Sent from my iPhone



**Anderson, Ryan**

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**From:** Isaak, Jason  
**Sent:** Friday, March 19, 2021 1:13 PM  
**To:** Lumpp, Rachelle  
**Subject:** RE: Date at WOA Event

**Categories:** Black

Thx!!

---

**From:** Lumpp, Rachelle  
**Sent:** Friday, March 19, 2021 12:58 PM  
**To:** Isaak, Jason  
**Cc:** Stefanski, Daniel  
**Subject:** Re: Date at WOA Event

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Sent from my iPhone

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Thanks!

Jason

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**From:** Bonnie Ebstyne [mailto:[bonnie@mac.com](mailto:bonnie@mac.com)]  
**Sent:** Friday, March 19, 2021 11:48 AM  
**To:** Isaak, Jason  
**Subject:** Fwd: Date at WOA Event

Sent from my iPhone

Begin forwarded message:

**From:** Bonnie Ebstyne <[bonnie@mac.com](mailto:bonnie@mac.com)>  
**Date:** March 19, 2021 at 11:47:14 AM MST

To: [rachelle.lumpp@azag.gov](mailto:rachelle.lumpp@azag.gov)

Subject: Date at WOA Event

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Thank you,

Bonnie Ebstvne

~~~~~

Sent from my iPhone

## Anderson, Ryan

---

**From:** Bonnie Ebstyne <[redacted]@mac.com>  
**Sent:** Monday, March 22, 2021 4:52 PM  
**To:** Lumpp, Rachelle  
**Subject:** Women of Arizona Event

**Categories:** Black

Timing is getting critical for getting out our Newsletter, locking in our venue & date. I know the audit & Supreme Court ruling are important keys to Election Integrity issue. But it is really important to keep people informed on where things stand. Any possibility AG Brnovich will be available in April - preferably 19th or 26th to speak to WOA?

Bonnie Ebstyne

21

Sent from my iPhone

## Anderson, Ryan

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**From:** Bonnie Ebstyn <[REDACTED]@mac.com>  
**Sent:** Wednesday, March 24, 2021 10:50 PM  
**To:** Lumpp, Rachelle  
**Subject:** Re: Women of Arizona Events r

**Categories:** Black

Thank you, Rachelle. We are so pleased to have AG Brnovich come speak to Women of Arizona & their guests. I will return the form tomorrow. Would you please send a biography that we may use as a reference for our Newsletter & Introduction. May we have a preferred photo for same? We will send a copy of Newsletter with announcement when it is ready.

I only just learned County Board Supervisor Steve Chucris is available on April 26th also to talk about his perspective on current issues, particularly Election Integrity. I would like to know if the AG feels he would rather have the entire program to share his views, experience, goals, etc. or if he thought there was benefit in having the views of these two public officials speak on the same evening.

Would it be possible for me to schedule a brief appointment with Mr. Brnovich to talk in further detail about the content of his talk & how best to structure the program?  
Bonnie Ebstyn

Sent from my iPhone

On Mar 23, 2021, at 2:38 PM, Lumpp, Rachelle <[Rachelle.Lumpp@azag.gov](mailto:Rachelle.Lumpp@azag.gov)> wrote:

Bonnie,  
The AG is available on April 26<sup>th</sup>. Would you please complete the attached form with the details? Thank you.

Rachelle Lumpp  
Executive Assistant to the Attorney General  
Executive Assistant to the Director of Communications  
Office of the Arizona Attorney General  
2005 N. Central Avenue  
Phoenix, AZ 85004  
602-542-8351 Office  
[rachelle.lumpp@azag.gov](mailto:rachelle.lumpp@azag.gov)

<image001.png>

<Appearance Request.dotx>

**Anderson, Ryan**

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**From:** Stevens, John  
**Sent:** Thursday, March 25, 2021 7:37 AM  
**To:** Lump, Rachelle  
**Subject:** FW: Election integrity

**Categories:** Black

-----Original Message-----

**From:** Pete Clark [<mailto:peter@clark.com>]  
**Sent:** Monday, March 8, 2021 1:01 PM  
**To:** Stevens, John  
**Subject:** Election integrity

Please focus your attention as to why there are shredded ballots in the dumpster. Maybe you should be looking at how they got in the dumpster, and not who found them. There will be a time when those who covered this up will be exposed.

Pete Clark  
[peter@clark.com](mailto:peter@clark.com)  
907

Sent from my iPhone

## Anderson, Ryan

---

**From:** Lumpp, Rachelle  
**Sent:** Thursday, March 25, 2021 8:43 AM  
**To:** Anderson, Ryan  
**Subject:** FW: Election integrity

**Categories:** Black

-----Original Message-----

**From:** Stevens, John  
**Sent:** Thursday, March 25, 2021 7:37 AM  
**To:** Lumpp, Rachelle  
**Subject:** FW: Election integrity

-----Original Message-----

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**Sent:** Monday, March 8, 2021 1:01 PM  
**To:** Stevens, John  
**Subject:** Election integrity

Please focus your attention as to why there are shredded ballots in the dumpster. Maybe you should be looking at how they got in the dumpster, and not who found them. There will be a time when those who covered this up will be exposed.

Pete Clark

[pete@clark.com](mailto:pete@clark.com)

Sent from my iPhone

## Anderson, Ryan

---

**From:** Lumpp, Rachelle  
**Sent:** Thursday, March 25, 2021 9:04 AM  
**To:** 'Bonnie Ebstyne'  
**Subject:** RE: Women of Arizona Events r

**Categories:** Black

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Rachelle Lumpp  
Executive Assistant to the Attorney General  
Executive Assistant to the Director of Communications  
Office of the Arizona Attorney General  
2005 N. Central Avenue  
Phoenix, AZ 85004  
602-542-8351 Office  
[rachelle.lumpp@azag.gov](mailto:rachelle.lumpp@azag.gov)

<image001.png>

<Appearance Request.dotx>



## Anderson, Ryan

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**From:** Bonnie Ebstyne <[redacted]@mac.com>  
**Sent:** Thursday, March 25, 2021 1:09 PM  
**To:** Lumpp, Rachelle  
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**Categories:** Black

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<image001.png>

<Appearance Request.dotx>

## Anderson, Ryan

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**From:** Lumpp, Rachelle  
**Sent:** Thursday, March 25, 2021 1:15 PM  
**To:** 'Bonnie Ebstyne'  
**Subject:** RE: Women of Arizona Events  
**Attachments:** Mark Brnovich 2021.docx; Mark-Brnovich-Photo.png

**Categories:** Black

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**Sent:** Thursday, March 25, 2021 1:09 PM  
**To:** Lumpp, Rachelle  
**Subject:** Re: Women of Arizona Events

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<image001.png>

<Appearance Request.dotx>

## Anderson, Ryan

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**From:** Bonnie Ebstyne <@mac.com>  
**Sent:** Friday, April 02, 2021 11:48 PM  
**To:** Lumpp, Rachelle  
**Subject:** Re: Women of Arizona Events

**Categories:** Black

Rochelle, how about Tuesday, 4/6 at 2:00? Call with Jason?

Sent from my iPhone

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<image001.png>

<Appearance Request.dotx>

<Mark Brnovich 2021.docx>

<Mark-Brnovich-Photo.png>

## Anderson, Ryan

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**From:** Brnovich, Mark  
**Sent:** Sunday, April 04, 2021 9:12 PM  
**To:** JOHN COLWIN  
**Subject:** Re: Fraudulent election

**Categories:** Black

Maybe you can let me know what you're talking about? But I assume you must be some sort of left wing activist, but feel free to visit [azag.gov](http://azag.gov) (website) and look at all the work our office is doing to protect the rule of law and public safety. Whether it's suing the Biden administration over its illegal executive orders or arguing for election integrity at the US Supreme Court, we will continue to enforce the law as it is.

Mark Brnovich  
Arizona Attorney General

Sent from my iPhone

On Apr 4, 2021, at 8:45 PM, JOHN COLWIN <[john.colwin@att.net](mailto:john.colwin@att.net)> wrote:

If you've nothing to hide, do the people's freaking business already! Your state's voters, not to mention those across America, deserve to KNOW THE TRUTH, once and for all! Comply with the damn court decision and be done already!!!

John Colwin

-----  
1 (cell)  
[john.colwin@att.net](mailto:john.colwin@att.net)

Sent from my iPhone



## Anderson, Ryan

---

**From:** JOHN COLWIN @att.net>  
**Sent:** Monday, April 05, 2021 8:11 AM  
**To:** Brnovich, Mark  
**Subject:** Re: Fraudulent election

**Categories:** Black

With all due respect, the court has ruled for the Senate's right to a full audit of Maricopa County's 2M votes. The lefty BOS are fighting them tooth and nail. As the AZ AG, it is your job to uphold the rule of law! The election was stolen from Trump, and corrupt pols are behind the theft! Hold them/supervisors accountable!

Thank you,

John

John Colwin  
**Independent Account Representative**  
*Political Consulting Company*  
@att.net

---

**From:** Brnovich, Mark  
**Sent:** Sunday, April 4, 2021 11:12:17 PM  
**To:** JOHN COLWIN  
**Subject:** Re: Fraudulent election

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602-511-1111 (cell)  
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Sent from my iPhone

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**Sent:** Monday, April 05, 2021 9:48 AM  
**To:** 'Bonnie Ebstyne'  
**Subject:** RE: Women of Arizona Events

**Categories:** Black

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<image001.png>

<Appearance Request.dotx>

<Mark Brnovich 2021.docx>

<Mark-Brnovich-Photo.png>

## Anderson, Ryan

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**From:** Brnovich, Mark <mark.brnovich@azag.gov>  
**Sent:** Thursday, April 09, 2020 5:36 PM  
**To:** Hyer, Brian  
**Cc:** Crozer, William F. EOP/WHO; Douglas, Danielle E. (OLA); SHORT, CHERIE  
**Subject:** Re: INVITATION: Conference Call with President Donald J. Trump on COVID-19 & Mental Health (April 9 at 2:30 p.m. ET)

**Categories:** Black

Thank you so much for the prompt information.

Mark Brnovich  
Arizona Attorney General

Sent from iPhone

On Thu, Apr 9, 2020 at 2:47 PM -0700, "Hyer, Brian" <[Brian.Hyer@HQ.DHS.GOV](mailto:Brian.Hyer@HQ.DHS.GOV)> wrote:

Hi AG Brnovich,

I wanted to follow up about the election security funding guidance. The CARES Act money is being managed by the Election Assistance Commission (EAC), which is a separate entity from DHS. The EAC does have guidance about using the funds and rules for appropriate expenditures on its website. I've provided the direct links below:

Overview:  
<https://www.eac.gov/payments-and-grants/2020-cares-act-grants>

Guidance on use of funds:  
<https://www.eac.gov/election-officials/guidance-use-hava-funds-expenses-related-covid-19>

Best Regards,  
Brian

Brian Hyer  
Director, State and Local Affairs  
Office of Intergovernmental Affairs  
U.S. Department of Homeland Security  
Cell: .  
[brian.hyer@hq.dhs.gov](mailto:brian.hyer@hq.dhs.gov)

COVID-19 Resources:  
Federal Government: [Coronavirus.gov](https://www.cdc.gov/coronavirus)  
DHS: [DHS.gov/Coronavirus](https://www.dhs.gov/coronavirus)  
FEMA: [FEMA.gov/Coronavirus](https://www.fema.gov/coronavirus)

---

**From:** SHORT, CHERIE <cherie.short@hq.dhs.gov>  
**Sent:** Thursday, April 9, 2020 1:42 PM  
**To:** Douglas, Danielle E. (OLA); Brnovich, Mark  
**Cc:** Crozer, William F. EOP/WHO; Hyer, Brian  
**Subject:** RE: INVITATION: Conference Call with President Donald J. Trump on COVID-19 & Mental Health (April 9 at 2:30 p.m. ET)

Hi Mark,

Thank you for your question. DHS will look into this and get back to you!

+DHS IGA Director, Brian Hyer to look into any funding provided directly to Attorney's General offices for covid related fraud investigations and border security cases

Sincerely,  
Cherie Short

---  
Cherie N. Short  
Deputy Assistant Secretary  
Intergovernmental Affairs  
U.S. Department of Homeland Security

---

**From:** Douglas, Danielle E. (OLA) <Danielle.E.Douglas@usdoj.gov>  
**Sent:** Thursday, April 9, 2020 3:37 PM  
**To:** Brnovich, Mark <Mark.Brnovich@azag.gov>  
**Cc:** Crozer, William F. EOP/WHO <William.F.Crozer@who.eop.gov>; SHORT, CHERIE <cherie.short@hq.dhs.gov>  
**Subject:** Re: INVITATION: Conference Call with President Donald J. Trump on COVID-19 & Mental Health (April 9 at 2:30 p.m. ET)

**CAUTION:** This email originated from outside of DHS. DO NOT click links or open attachments unless you recognize and/or trust the sender. Contact your component SOC with questions or concerns.

Hi Mark! I will follow up with the grant info!

Thanks,  
Danielle

Danielle Douglas  
Office of Legislative Affairs  
U.S. Department of Justice

On 9 Apr 2020, at 2:40 PM, Brnovich, Mark <Mark.Brnovich@azag.gov> wrote:

Thanks. I think its going to be a serious issue in states like ours.

**From:** Crozer, William F. EOP/WHO [mailto:William.F.Crozer@who.eop.gov]  
**Sent:** Thursday, April 09, 2020 11:21 AM  
**To:** Brnovich, Mark  
**Cc:** Douglas, Danielle E. (OLA; cherie.short@hq.dhs.gov  
**Subject:** RE: INVITATION: Conference Call with President Donald J. Trump on COVID-19 & Mental Health (April 9 at 2:30 p.m. ET)

Adding DOJ and DHS.

AG – we have put out significant guidance. DOJ and DHS can share. I have also put out a guidance tracker we sent this morning.

DOJ can speak to specific grants.

**From:** Brnovich, Mark <Mark.Brnovich@azag.gov>  
**Sent:** Thursday, April 9, 2020 2:15 PM  
**To:** Crozer, William F. EOP/WHO <William.F.Crozer@who.eop.gov>  
**Subject:** RE: INVITATION: Conference Call with President Donald J. Trump on COVID-19 & Mental Health (April 9 at 2:30 p.m. ET)

William, can someone address why state election officials are getting so much money with no direction or oversight? In Arizona, we have a Secretary of State who is consistently not defending statutes concerning election integrity and apparently is coordinating with those challenging our laws. Why wasn't any funding provided directly to Attorney's General offices for covid related fraud investigations and border security cases?

**From:** Crozer, William F. EOP/WHO [mailto:William.F.Crozer@who.eop.gov]  
**Sent:** Wednesday, April 08, 2020 5:00 PM  
**Subject:** INVITATION: Conference Call with President Donald J. Trump on COVID-19 & Mental Health (April 9 at 2:30 p.m. ET)

<image001.png>

Attorneys General –

You are cordially invited to participate in a conference call with President Donald J. Trump, Vice President Mike Pence, and Senior Administration Officials on **Thursday, April 9, 2020 at 2:30 p.m. Eastern Time** for a discussion on the Administration's commitment to serving the American people who are facing mental health questions and challenges as a result of COVID-19. Please note that this is **principal level** call and the invitation is non-transferable.

**Conference Call with the President, Vice President, & Senior Administration Officials**

**Date:** Thursday, April 9

**Time:** 2:30 p.m. Eastern Time

**RSVP & Call-In Information:** [CLICK HERE](#)

**\*\*This invitation is non-transferrable\*\***

Below you will find available resources and information from the Substance Abuse and Mental Health Services Administration (SAMHSA), Centers for Disease Control and Prevention (CDC), and the U.S. Department of Veterans Affairs (VA). Additionally, we encourage you to highlight the **President's Coronavirus Guidelines for America – Slow the Spread.**

William F. Crozer



## ADDITIONAL RESOURCES

<image002.png>

### **Substance Abuse and Mental Health Services Administration (SAMHSA)**

April 3, SAMHSA announced it will fund \$110 million in emergency grants to provide treatment for substance use disorders/serious mental illness during the coronavirus pandemic. As the Trump administration responds to meet the needs of Americans affected by the coronavirus pandemic, the Substance Abuse and Mental Health Services Administration (SAMHSA) is announcing emergency grants to help Americans dealing with substance use disorders and/or serious mental illness. The agency has announced it is accepting applications for fiscal year (FY) 2020 Emergency Grants to Address Mental and Substance Use Disorders During COVID-19 (Short Title: Emergency COVID-19). The grants total \$110 million and will provide up to \$2 million for successful state applicants and up to \$500,000 for successful territory and tribal applicants for 16 months. More details [here](#).

### **Helpful Resources from Substance Abuse and Mental Health Services Administration (SAMHSA) and Centers for Disease Control and Prevention (CDC)**

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## Anderson, Ryan

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**From:** mark.brnovich@azag.gov  
**Sent:** Thursday, April 09, 2020 5:36 PM  
**To:** Kanefield, Joe; Kredit, Joshua; Isaak, Jason  
**Subject:** Fwd: INVITATION: Conference Call with President Donald J. Trump on COVID-19 & Mental Health (April 9 at 2:30 p.m. ET)

**Categories:** Black

Mark Brnovich  
Arizona Attorney General

Sent from iPhone

----- Forwarded message -----

**From:** "Hyer, Brian" <Brian.Hyer@HQ.DHS.GOV>  
**Date:** Thu, Apr 9, 2020 at 2:47 PM -0700  
**Subject:** Re: INVITATION: Conference Call with President Donald J. Trump on COVID-19 & Mental Health (April 9 at 2:30 p.m. ET)  
**To:** "Brnovich, Mark" <Mark.Brnovich@azag.gov>  
**Cc:** "Crozer, William F. EOP/WHO" <William.F.Crozer@who.eop.gov>, "Douglas, Danielle E. (OLA)" <Danielle.E.Douglas@usdoj.gov>, "SHORT, CHERIE" <cherie.short@hq.dhs.gov>

Hi AG Brnovich,

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<https://www.eac.gov/payments-and-grants/2020-cares-act-grants>

Guidance on use of funds:  
<https://www.eac.gov/election-officials/guidance-use-hava-funds-expenses-related-covid-19>

Best Regards,  
Brian

Brian Hyer  
Director, State and Local Affairs  
Office of Intergovernmental Affairs  
U.S. Department of Homeland Security  
Cell: (202)  
brian.hyer@hq.dhs.gov

COVID-19 Resources:  
Federal Government: Coronavirus.gov  
DHS: DHS.gov/Coronavirus  
FEMA: FEMA.gov/Coronavirus  
CISA: CISA.gov/Coronavirus

---

**From:** SHORT, CHERIE <cherie.short@hq.dhs.gov>  
**Sent:** Thursday, April 9, 2020 1:42 PM  
**To:** Douglas, Danielle E. (OLA); Brnovich, Mark  
**Cc:** Crozer, William F. EOP/WHO; Hyer, Brian  
**Subject:** RE: INVITATION: Conference Call with President Donald J. Trump on COVID-19 & Mental Health (April 9 at 2:30 p.m. ET)

Hi Mark,

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+DHS IGA Director, Brian Hyer to look into any funding provided directly to Attorney's General offices for covid related fraud investigations and border security cases

Sincerely,  
Cherie Short

---  
Cherie N. Short  
Deputy Assistant Secretary  
Intergovernmental Affairs  
U.S. Department of Homeland Security  
f

---

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**Sent:** Thursday, April 9, 2020 3:37 PM  
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**Cc:** Crozer, William F. EOP/WHO <William.F.Crozer@who.eop.gov>; SHORT, CHERIE <cherie.short@hq.dhs.gov>  
**Subject:** Re: INVITATION: Conference Call with President Donald J. Trump on COVID-19 & Mental Health (April 9 at 2:30 p.m. ET)

**CAUTION:** This email originated from outside of DHS. DO NOT click links or open attachments unless you recognize and/or trust the sender. Contact your component SOC with questions or concerns.

Hi Mark! I will follow up with the grant info!

Thanks,  
Danielle

Danielle Douglas  
Office of Legislative Affairs  
U.S. Department of Justice

On 9 Apr 2020, at 2:40 PM, Brnovich, Mark <Mark.Brnovich@azag.gov> wrote:

Thanks. I think its going to be a serious issue in states like ours.

---

**From:** Crozer, William F. EOP/WHO [mailto:William.F.Crozer@who.eop.gov]  
**Sent:** Thursday, April 09, 2020 11:21 AM  
**To:** Brnovich, Mark  
**Cc:** Douglas, Danielle E. (OLA; cherie.short@hq.dhs.gov)  
**Subject:** RE: INVITATION: Conference Call with President Donald J. Trump on COVID-19 & Mental Health (April 9 at 2:30 p.m. ET)

Adding DOJ and DHS.

AG – we have put out significant guidance. DOJ and DHS can share. I have also put out a guidance tracker we sent this morning.

DOJ can speak to specific grants.

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**From:** Brnovich, Mark <Mark.Brnovich@azag.gov>  
**Sent:** Thursday, April 9, 2020 2:15 PM  
**To:** Crozer, William F. EOP/WHO <William.F.Crozer@who.eop.gov>  
**Subject:** RE: INVITATION: Conference Call with President Donald J. Trump on COVID-19 & Mental Health (April 9 at 2:30 p.m. ET)

William, can someone address why state election officials are getting so much money with no direction or oversight? In Arizona, we have a Secretary of State who is consistently not defending statutes concerning election integrity and apparently is coordinating with those challenging our laws. Why wasn't any funding provided directly to Attorney's General offices for covid related fraud investigations and border security cases?

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**From:** Crozer, William F. EOP/WHO [mailto:William.F.Crozer@who.eop.gov]  
**Sent:** Wednesday, April 08, 2020 5:00 PM  
**Subject:** INVITATION: Conference Call with President Donald J. Trump on COVID-19 & Mental Health (April 9 at 2:30 p.m. ET)

<image001.png>

Attorneys General –

You are cordially invited to participate in a conference call with President Donald J. Trump, Vice President Mike Pence, and Senior Administration Officials on **Thursday, April 9, 2020 at 2:30 p.m. Eastern Time** for a discussion on the Administration's commitment to serving the American people who are facing mental health questions and challenges as a result of COVID-19. Please note that this is **principal level** call and the invitation is non-transferable.

**Conference Call with the President, Vice President, & Senior Administration Officials**

**Date:** Thursday, April 9

**Time:** 2:30 p.m. Eastern Time

**RSVP & Call-In Information:** [CLICK HERE](#)

**\*\*This invitation is non-transferrable\*\***

Below you will find available resources and information from the Substance Abuse and Mental Health Services Administration (SAMHSA), Centers for Disease Control and Prevention (CDC),

and the U.S. Department of Veterans Affairs (VA). Additionally, we encourage you to highlight the President's Coronavirus Guidelines for America – Slow the Spread.

William F. Crozer  
Special Assistant to the President/Deputy Director  
White House Office of Intergovernmental Affairs  
O: 202-456-8491 | C: | E: [William.F.Crozer@who.eop.gov](mailto:William.F.Crozer@who.eop.gov)

## ADDITIONAL RESOURCES

<image002.png>

**Substance Abuse and Mental Health Services Administration (SAMHSA)**  
April 3, SAMHSA announced it will fund \$110 million in emergency grants to provide treatment for substance use disorders/serious mental illness during the coronavirus pandemic. As the Trump administration responds to meet the needs of Americans affected by the coronavirus pandemic, the Substance Abuse and Mental Health Services Administration (SAMHSA) is announcing emergency grants to help Americans dealing with substance use disorders and/or serious mental illness. The agency has announced it is accepting applications for fiscal year (FY) 2020 Emergency Grants to Address Mental and Substance Use Disorders During COVID-19 (Short Title: Emergency COVID-19). The grants total \$110 million and will provide up to \$2 million for successful state applicants and up to \$500,000 for successful territory and tribal applicants for 16 months. More details [here](#).

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## Anderson, Ryan

---

**From:** mark.brnovich@azag.gov  
**Sent:** Friday, April 10, 2020 7:29 AM  
**To:** Kredit, Joshua; Kanefield, Joe; Isaak, Jason  
**Subject:** Fwd: INVITATION: Conference Call with President Donald J. Trump on COVID-19 & Mental Health (April 9 at 2:30 p.m. ET)

**Categories:** Black

Mark Brnovich  
Arizona Attorney General

Sent from iPhone

----- Forwarded message -----

**From:** "Douglas, Danielle E. (OLA)" <Danielle.E.Douglas@usdoj.gov>  
**Date:** Fri, Apr 10, 2020 at 5:32 AM -0700  
**Subject:** RE: INVITATION: Conference Call with President Donald J. Trump on COVID-19 & Mental Health (April 9 at 2:30 p.m. ET)  
**To:** "Brnovich, Mark" <Mark.Brnovich@azag.gov>, "Hyer, Brian" <brian.hyer@hq.dhs.gov>  
**Cc:** "Crozer, William F. EOP/WHO" <william.f.crozer@who.eop.gov>, "SHORT, CHERIE" <cherie.short@hq.dhs.gov>

Good Morning AG Brnovich,

Wanted to follow-up on the DOJ Coronavirus Grants. I believe Deputy AG Josh Kredit from your office spoke with the Bureau of Justice Assistance's Deputy Director Tracey Trautman earlier this week about this.

The CARES Act state and local funding is statutorily mandated to be awarded pursuant to the formula allocation from the FY19 Byrne JAG Grants. Consequently, the State Administering Agency (SAA) appointed by the Governor for the FY19 Byrne JAG Grants has to apply for the state, but your office can absolutely be a sub-grantee. The Arizona SAA for the Coronavirus Emergency funding is the Arizona Criminal Justice Commission, and the best person to contact about the distribution of the state funds is Executive Director Andrew T. LeFevre (602-364-1156).

The good news is that the application process for them is much more streamlined and the Department is committed to turning applications around in 7-10 days, and we hope this will ensure the sub-grantees can start receiving funds expeditiously as well. The BJA noted that the Arizona SAA is an experienced grantee with a solid background of managing Arizona's funding over the years, and we do not expect anything less during these challenging times.

I hope this is helpful, but please do not hesitate to reach out with follow-up.

Thank you!  
Danielle

Danielle Douglas  
Acting Intergovernmental & Public Liaison  
Counsel  
Office of Legislative Affairs



U.S. Department of Justice

**From:** Brnovich, Mark <Mark.Brnovich@azag.gov>  
**Sent:** Thursday, April 9, 2020 8:36 PM  
**To:** Hyer, Brian <brian.hyer@hq.dhs.gov>  
**Cc:** Crozer, William F. EOP/WHO <william.f.crozer@who.eop.gov>; Douglas, Danielle E. (OLA) <daedouglas@jmd.usdoj.gov>; SHORT, CHERIE <cherie.short@hq.dhs.gov>  
**Subject:** Re: INVITATION: Conference Call with President Donald J. Trump on COVID-19 & Mental Health (April 9 at 2:30 p.m. ET)

Thank you so much for the prompt information.

Mark Brnovich  
Arizona Attorney General

Sent from iPhone

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Guidance on use of funds:

<https://www.eac.gov/election-officials/guidance-use-hava-funds-expenses-related-covid-19>

Best Regards,  
Brian

Brian Hyer  
Director, State and Local Affairs  
Office of Intergovernmental Affairs  
U.S. Department of Homeland Security  
Cell: \n  
[brian.hyer@hq.dhs.gov](mailto:brian.hyer@hq.dhs.gov)

COVID-19 Resources:

Federal Government: [Coronavirus.gov](https://www.covid.gov)

DHS: [DHS.gov/Coronavirus](https://www.dhs.gov/coronavirus)

FEMA: FEMA.gov/Coronavirus  
CISA: CISA.gov/Coronavirus

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**Cc:** Crozer, William F. EOP/WHO; Hyer, Brian  
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Intergovernmental Affairs  
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U.S. Department of Justice

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**RSVP & Call-In Information:** **CLICK HERE**

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William F. Crozer

## ADDITIONAL RESOURCES

<image002.png>

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## Anderson, Ryan

---

**From:** Mark.Brnovich@azag.gov  
**Sent:** Wednesday, March 17, 2021 4:44 PM  
**To:** Conner, Katie  
**Subject:** Re: ABC15 Request

**Categories:** Black

We are looking into ballots. The county and or sheriff can investigate claims related to trespassing.

Mark Brnovich  
Arizona Attorney General

Sent from my iPhone

On Mar 17, 2021, at 3:41 PM, Conner, Katie <[Katie.Conner@azag.gov](mailto:Katie.Conner@azag.gov)> wrote:

Please see the proposed response:

Hi Nicole,  
I will forward your email to our Public Records Department regarding your request for any documents.  
We cannot confirm or deny the existence of an investigation by our office.  
It would be inappropriate to comment on the situation you are asking about below. You may want to contact local law enforcement.

---

**From:** Valdes, Nicole [<mailto:Nicole.Valdes@abc15.com>]  
**Sent:** Wednesday, March 17, 2021 2:01 PM  
**To:** Conner, Katie; Anderson, Ryan; Mejia, Catherine  
**Subject:** ABC15 Request

Good Afternoon, everyone!

Hope you're having a wonderful week.

I'd like to put in a request for any information/ request sent by the AG's office to Staci Burk, a woman who claims to have found shredded ballots behind a dumpster outside the Maricopa Co. Elections Department.

I understand Attorney General Brnovich and/ or his office's Election Integrity Unit may be requesting those documents.

Also looking for any comment from the AG on this woman's actions outside a secure facility.  
Does the AG believe this woman, or any of the men present with her, committed a crime?

Any and all information on this subject would be helpful in our continued reporting.

Thanks,

<Outlook-  
http\_\_\_med.png>

**Nicole Valdes**  
Multimedia Journalist  
515 N 44th Street  
Phoenix, AZ 85008  
P: 602.803.2520  
[Nicole.Valdes@abc15.com](mailto:Nicole.Valdes@abc15.com)

<Outlook-4foy3e03.png>

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## Anderson, Ryan

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**From:** Rachelle.Lumpp@azag.gov  
**Sent:** Friday, March 19, 2021 12:58 PM  
**To:** Isaak, Jason  
**Cc:** Stefanski, Daniel  
**Subject:** Re: Date at WOA Event

**Categories:** Black

I sent her an email telling her we received her request and would go over it w/the scheduling team and get back to her.  
I'll confirm keynote.

Sent from my iPhone

On Mar 19, 2021, at 12:13 PM, Isaak, Jason <[Jason.Isaak@azag.gov](mailto:Jason.Isaak@azag.gov)> wrote:

Rachelle –

If you could give her a call when you have a moment to let her know we're working on the calendar and will get back to her, that would be good. One thing you might want to confirm with her is that it would be the AG as a keynote speaker...and that we'll try to get back to her in the next couple biz days.

Thanks!

Jason

---

**From:** Bonnie Ebstyne [<mailto:Bonnie.Ebstyne@mac.com>]  
**Sent:** Friday, March 19, 2021 11:48 AM  
**To:** Isaak, Jason  
**Subject:** Fwd: Date at WOA Event

Sent from my iPhone

Begin forwarded message:

**From:** Bonnie Ebstyne <[bjebstyne@mac.com](mailto:bjebstyne@mac.com)>  
**Date:** March 19, 2021 at 11:47:14 AM MST  
**To:** [rachelle.lumpp@azag.gov](mailto:rachelle.lumpp@azag.gov)  
**Subject:** Date at WOA Event

Women of Arizona just held an event with Kelli Ward & Paul Gosar speaking on Election Integrity & what our elected officials from AZ are doing to protect our Founding Principles ( in other words to stop Socialist Democrats takeover!)



Many people we hear from are disgusted with our politics & government & walking away entirely along with their checkbooks!! Others are finding a new urgency in their desire to get involved & join the fight for our country. They need leadership & some assurance that are elected officials are committed to the right cause.

A logical extension of what we explored with Gosar/Ward would be the viewpoint of AG Brnovich. We had originally contacted Treasurer Yee to speak but feel the AG's view would be a higher priority now.

I have three dates to propose: (Hopefully one will be available.)

Mon., April 26

Min., April 19

Thurs., April 22

Friday., April 23

Besides Kimberly Yee, we have heard from Steve Chucri's office that he would be available. I have to commit to venue & speaker pretty soon.

Thank you,

Bonnie Ebstvne

....

Sent from my iPhone

## Anderson, Ryan

---

**From:** Mark.Brnovich@azag.gov  
**Sent:** Sunday, April 04, 2021 9:12 PM  
**To:** JOHN COLWIN  
**Subject:** Re: Fraudulent election

**Categories:** Black

Maybe you can let me know what you're talking about? But I assume you must be some sort of left wing activist, but feel free to visit azag.gov (website) and look at all the work our office is doing to protect the rule of law and public safety. Whether it's suing the Biden administration over its illegal executive orders or arguing for election integrity at the US Supreme Court, we will continue to enforce the law as it is.

Mark Brnovich  
Arizona Attorney General

Sent from my iPhone

On Apr 4, 2021, at 8:45 PM, JOHN COLWIN <[john.colwin@att.net](mailto:john.colwin@att.net)> wrote:

If you've nothing to hide, do the people's freaking business already! Your state's voters, not to mention those across America, deserve to KNOW THE TRUTH, once and for all! Comply with the damn court decision and be done already!!!

John Colwin

(cell)  
[john.colwin@att.net](mailto:john.colwin@att.net)

Sent from my iPhone

## Anderson, Ryan

---

**From:** Mark.Brnovich@azag.gov  
**Sent:** Thursday, December 03, 2020 6:46 PM  
**To:** Isaak, Jason; Kanefield, Joe  
**Subject:** Fwd: New — Fact Sheets on Threats and Intimidation Related to the Election  
**Attachments:** Fact Sheet on Threats Related to the Election.pdf  
  
**Categories:** Black

Mark Brnovich  
Arizona Attorney General

## Sent from my iPhone

Begin forwarded message:

**From:** Mary McCord <[mbm7@georgetown.edu](mailto:mbm7@georgetown.edu)>  
**Date:** December 3, 2020 at 3:06:59 PM MST  
**To:** "Brnovich, Mark" <[Mark.Brnovich@azag.gov](mailto:Mark.Brnovich@azag.gov)>  
**Subject:** New — Fact Sheets on Threats and Intimidation Related to the Election

Dear all,

With the increasing instances of threats and intimidation being levied against public officials and private citizens whose jobs have involved election integrity and tabulating and certifying the vote, Georgetown Law's Institute for Constitutional Advocacy and Protection has produced the attached *Fact Sheet on Threats and Incitement to Violence Related to the Election*. Threats and incitement to violence are not protected by the First Amendment and violate a number of federal and state criminal laws.

The Fact Sheet is attached and can be found [HERE](#). Please don't hesitate to reach out if we can answer questions or be of assistance.

Best,  
Mary B. McCord  
Legal Director and Visiting Professor of Law  
Institute for Constitutional Advocacy and Protection  
Georgetown University Law Center  
202-661-6607 (o) (c)

The information contained in this e-mail message may be privileged and is intended only for the personal and confidential use of the recipient(s) named above. If you have received this communication in error, please notify us immediately by e-mail, and delete the original message.

## Anderson, Ryan

---

**From:** Mark.Brnovich@azag.gov  
**Sent:** Tuesday, December 15, 2020 5:57 PM  
**To:** Kredit, Joshua; Kanefield, Joe; Wright, Jennifer  
**Subject:** Fwd: Crime in Progress – Report – Maricopa County Administrative Level Voter Count Fraud  
**Attachments:** image003.png; image002.png; image001.png; Maricopa County by Precinct.xlsx  
**Categories:** Black

Mark Brnovich  
Arizona Attorney General

Sent from my iPhone

Begin forwarded message:

**From:** Mark Ebling <mark.ebling@live.com>  
**Date:** December 15, 2020 at 5:37:34 PM MST  
**To:** "Roopali H. Desai - SOS Attorney," <rdesai@cblawyers.com>, "D. Andrew Gaona - SOS Attorney," <agaona@cblawyers.com>, "Kristen Yost - SOS Attorney," <kyost@cblawyers.com>, "Sara R. Gonski - Democrat Party," <sgonski@perkinscoie.com>, "Roy Herrera - Democrat Party," <herrerar@ballardspahr.com>, "Daniel Arellano - Democrat Party," <arellanod@ballardspahr.com>, "Adrian Fontes," <afontes@maricopa.gov>, "Brnovich, Mark" <Mark.Brnovich@azag.gov>, "Kanefield, Joe" <Joe.Kanefield@azag.gov>, "Flanagan, Allyson" <Allyson.Flanagan@azag.gov>, "Isaak, Jason" <Jason.Isaak@azag.gov>, "angie paton," <angie.paton@azag.gov>, "Kredit, Joshua" <Joshua.Kredit@azag.gov>, "paul penzone," <p\_penzone@mcsos.maricopa.gov>, "katie hobbs," <khobbs@azsos.gov>, "doug ducey," <doucey@az.gov>, "abc 15 arizona," <investigators@abc15.com>, "cbs - arizona family," <phxnewsdesk@azfamily.com>, "pbs arizona," <eight@asu.edu>, "nbc news," <tips@nbcuni.com>, "nbc - 12 news," <connect@12news.com>, "pbs," <viewer@pbs.org>, "matt schlapp," <mschlapp@conservative.org>, "ian walters," <iwalters@conservative.org>, "cbs news," <investigates@cbsnews.com>, "irena briganti," <irena.briganti@foxnews.com>, "porter berry," <porter.berry@foxnews.com>, "sean hannity," <hannity@foxnews.com>, "andrew t. lefevre," <alefevre@azcjc.gov>, "kyrsten sinema," <contact@sinema.senate.gov>, "martha mcsally," <contact@mcsally.senate.gov>, "raul grijalva," <az03services@mail.house.gov>, "lynn constabile," <lynn.constabile@yavapai.us>, "dr. jim helm," <jim.helm@asu.edu>, "elizabeth howard," <ehoward@eac.gov>, "ken matta," <kmatta@azsos.gov>, "dr. william mishler," <mishler@arizona.edu>, "michael totherow," <mtotherow@azsos.gov>, "reynaldo valenzuela," <rvalenzuela@eac.gov>, "lauren geislinger," <lgeislinger@azsos.gov>, "allister adel," <adela@mcao.maricopa.gov>, "david bradley," <dbradley@azleg.gov>, "lupe contreras," <lcontreras@azleg.gov>, "jamescita peshlakai," <jpeshlakai@azleg.gov>, "sally ann gonzales," <sgonzales@azleg.gov>, "lisa otondo," <lotondo@azleg.gov>, "victoria steele," <vsteele@azleg.gov>, "david bradley," <dbradley@azleg.gov>, "sean bowie," <sbowie@azleg.gov>, "lela alston," <lalston@azleg.gov>, "juan mendez," <jmendez@azleg.gov>, "rebecca rios," <rrios@azleg.gov>, "arlando teller," <ateller@azleg.gov>, "myron

tsosie," <mtsosie@azleg.gov>, "pamela hannley," <ppowershannley@azleg.gov>, "randall friese," <rfriese@azleg.gov>, "kirsten engel," <kengel@azleg.gov>, "domingo degrazia," <ddegrazia@azleg.gov>, "jennifer pawlik," <jpawlik@azleg.gov>, "mitzi epstein," <mepstein@azleg.gov>, "jenniffer jermaine," <jjermaine@azleg.gov>, "diego espinoza," <despinoza@azleg.gov>, "lorenzo sierra," <lsierra@azleg.gov>, "jennifer longdon," <jlongdon@azleg.gov>, "amish shah," <ashah@azleg.gov>, "isela blanc," <iblanc@azleg.gov>, "athena salman," <asalman@azleg.gov>, "reginald bolding," <rbolding@azleg.gov>, "diego rodriguez," <droduro@azleg.gov>, "kelli butler," <kbutler@azleg.gov>, "aaron lieberman," <alieberman@azleg.gov>, "richard c. andrade," <randrade@azleg.gov>, "cesar chavez," <cchavez@azleg.gov>, "robert meza," <rmeza@azleg.gov>, "raquel teran," <rteran@azleg.gov>, "fox 10 phoenix," <foxphoenixpress@foxtv.com>, "sylvia allen," <sallen@azleg.gov>, "frank pratt," <fpratt@azleg.gov>, "eddie farnsworth," <efarnsworth@azleg.gov>, "sine kerr," <skerr@azleg.gov>, "david gowan," <dgowan@azleg.gov>, "heather carter," <hcarter@azleg.gov>, "dave farnsworth," <dfarnsworth@azleg.gov>, "j.d. mesnard," <jmesnard@azleg.gov>, "paul boyer," <pboyer@azleg.gov>, "david livingston," <dlivingston@azleg.gov>, "tyler pace," <tpace@azleg.gov>, "regina cobb," <rcobb@azleg.gov>, "leo biasiucci," <lbiasiucci@azleg.gov>, "walter blackman," <wblackman@azleg.gov>, "bob thorpe," <bthorpe@azleg.gov>, "david cook," <dcook@azleg.gov>, "mark finchem," <mfinchem@azleg.gov>, "bret roberts," <broberts@azleg.gov>, "travis grantham," <tgrantham@azleg.gov>, "warren petersen," <wpetersen@azleg.gov>, "tim dunn," <tdunn@azleg.gov>, "joanne osborne," <josborne@azleg.gov>, "gail griffin," <ggriffin@azleg.gov>, "john allen," <jallen@azleg.gov>, "nancy barto," <nbarto@azleg.gov>, "kelly townsend," <ktownsend@azleg.gov>, "john fillmore," <jfillmore@azleg.gov>, "jeff weningen," <jweninger@azleg.gov>, "anthony kern," <akern@azleg.gov>, "shawna bolick," <sbolick@azleg.gov>, "tony rivero," <trivero@azleg.gov>, "kevin payne," <kpayne@azleg.gov>, "ben toma," <btoma@azleg.gov>, "frank carroll," <fcarroll@azleg.gov>, "jay lawrence," <jlawrence@azleg.gov>, "john kavanagh," <jkavanagh@azleg.gov>, "michelle udall," <mudall@azleg.gov>, "tony navarrete," <tnavarrete@azleg.gov>, "charlene fernandez," <cfernandez@azleg.gov>, "randy friese," <rfriese@azleg.gov>, "reginald bolding," <rbolding@azleg.gov>, "rosanna gabaldon," <rgabaldon@azleg.gov>, "daniel hernandez jr.," <dhernandez@azleg.gov>, "alma hernandez," <ahernandez@azleg.gov>, "andres cano," <acano@azleg.gov>, "charlene fernandez," <cfernandez@azleg.gov>, "geraldine peten," <gpeten@azleg.gov>, "kate brophy mcgee," <kbrophymcgee@azleg.gov>, "russell bowers," <rbowers@azleg.gov>, "tj shope," <tshope@azleg.gov>, "warren petersen," <wpetersen@azleg.gov>, "becky nutt," <bnutt@azleg.gov>, "steve pierce," <spierce@azleg.gov>, "noel w. campbell," <ncampbell@azleg.gov>, "Eddie Farnsworth (Republican Chairman)," <efarnsworth@azleg.gov>, "Rick Gray (Republican Vice Chairman)," <rgray@azleg.gov>, "Sonny Borrelli (R)," <sborrelli@azleg.gov>, "Vince Leach (R)," <vleach@azleg.gov>, "Michelle Ugenti (R)," <mugenti-rita@azleg.gov>, "Martin Quezada (D)," <mquezada@azleg.gov>, "Lupe Contreras (D)," <lcontreras@azleg.gov>, "Andrea Dalessandro (D)," <adalessandro@azleg.gov>

**Subject: FW: Crime in Progress – Report – Maricopa County Administrative Level Voter Count Fraud**

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**From:** Mark Ebling

**Sent:** Tuesday, December 15, 2020 3:47 PM

**To:** 'Kelli Ward - Arizona GOP Chairwoman,' <kelli.ward@azgop.org>; 'Karen Fann - President of the Arizona Senate,' <fanm@cableone.net>; 'Wendy Rogers – Arizona State Senate,' <team@wendyrogers.org>; 'Thomas P. Liddy - Maricopa County(019384),' <liddy@mcao.maricopa.gov>; 'Emily Craiger - Maricopa County (021728),' <craigere@mcao.maricopa.gov>; 'Joseph I. Vigil - Maricopa County (018677),' <vigil@mcao.maricopa.gov>; 'Joseph J. Branco - Maricopa County (031474),' <branco@mcao.maricopa.gov>; 'Joseph E. LaRue - Maricopa County (031348),'

<laruej@mcao.maricopa.gov>; 'Dennis I. Wilenchik,' <admin@wb-law.com>; 'John D. Wilenchik,' <jackw@wb-law.com>; 'Catherine Rauscher,' <CatherineR@wb-law.com>; 'Mario Campos,' <marioc@wb-law.com>; 'administrator@wb-law.com' <administrator@wb-law.com>; 'amye@wb-law.com' <amye@wb-law.com>; 'ChristineF@wb-law.com' <ChristineF@wb-law.com>; 'SuzanneH@wb-law.com' <SuzanneH@wb-law.com>; 'diw@wb-law.com' <diw@wb-law.com>; 'RobertD@wb-law.com' <RobertD@wb-law.com>; 'HilaryM@wb-law.com' <HilaryM@wb-law.com>; 'ToniB@wb-law.com' <ToniB@wb-law.com>; 'heatherz@wb-law.com' <heatherz@wb-law.com>; 'VictoriaS@wb-law.com' <VictoriaS@wb-law.com>; 'leem@wb-law.com' <leem@wb-law.com>; 'LisaL@wb-law.com' <LisaL@wb-law.com>; 'MarileeS@wb-law.com' <MarileeS@wb-law.com>; 'JordanW@wb-law.com' <JordanW@wb-law.com>; 'marioc@wb-law.com' <marioc@wb-law.com>

**Subject:** FW: Crime in Progress – Report – Maricopa County Administrative Level Voter Count Fraud  
**Importance:** High

**RE: URGENT COMMUNICATION - LETTER OF DEMAND - 'Email to Judge Hannah, Crime in Progress – Report – Maricopa County Administrative Level Voter Count Fraud'**

Dear Ms. Adel,

**RE: NEW EVIDENCE FOUND CONCERNING THE TAMPERING OF THE ARIZONA EARLY VOTE COUNT**

**RE: A complaint has also been filed with the Attorney General's Election Integrity Unit and the Phoenix FBI Office**

New evidence has been found which suggests a likelihood that the early count of ballots were tampered with. The media was reporting that Biden held an early lead against Trump however evidence suggests that was not true!

Data Link: <https://static01.nyt.com/elections-assets/2020/data/api/2020-11-03/race-page/arizona/president.json>

Search on "timeseries":[' and you will see that the Trump/Biden reference to results was changed to Biden/Trump which would then allow for further tampering without raising suspicion as the week progressed.

**ANY MARICOPA COUNTY WINDOWS LOGIN ACCESS PROVIDED TO THE CO-DIRECTORS SPECIFICALLY MR. SCOTT JARRETT AND DOMINION EMPLOYEES SHOULD BE SUSPENDED IMMEDIATELY!**

Please call if you have any questions.

Mark Ebling - Maricopa County Resident

**From:** Mark Ebling

**Sent:** Thursday, December 10, 2020 2:53 PM

**To:** Kelli Ward - Arizona GOP Chairwoman, <kelli.ward@azgop.org>; Karen Fann - President of the Arizona Senate, <fannm@cableone.net>; Wendy Rogers – Arizona State Senate, <team@wendyrogers.org>; Thomas P. Liddy - Maricopa County(019384), <liddyt@mcao.maricopa.gov>; Emily Craiger - Maricopa County (021728), <craigere@mcao.maricopa.gov>; Joseph I. Vigil - Maricopa County (018677), <vigilj@mcao.maricopa.gov>; Joseph J. Branco - Maricopa County (031474), <brancoj@mcao.maricopa.gov>; Joseph E. LaRue - Maricopa County (031348), <laruej@mcao.maricopa.gov>; Dennis I. Wilenchik, <admin@wb-law.com>; John D. Wilenchik,

<jackw@wb-law.com>; Catherine Rauscher, <CatherineR@wb-law.com>; Mario Campos, <marioc@wb-law.com>; administrator@wb-law.com; amye@wb-law.com; ChristineF@wb-law.com; SuzanneH@wb-law.com; diw@wb-law.com; RobertD@wb-law.com; HilaryM@wb-law.com; ToniB@wb-law.com; heatherz@wb-law.com; VictoriaS@wb-law.com; leem@wb-law.com; LisaL@wb-law.com; MarileeS@wb-law.com; JordanW@wb-law.com; marioc@wb-law.com  
Subject: FW: Crime in Progress – Report – Maricopa County Administrative Level Voter Count Fraud

December 10, 2020

Allister Adel - County Attorney  
Maricopa County Attorney's Office  
225 West Madison Street  
Phoenix, AZ 85003

RE: URGENT COMMUNICATION - LETTER OF DEMAND - 'Email to Judge Hannah, Crime in Progress – Report – Maricopa County Administrative Level Voter Count Fraud'

Dear Ms. Adel,

I apologize for the subject matter, but most importantly, I hope you're doing well and congratulations for becoming the first woman elected as County Attorney in Maricopa County.

*I believe a crime is being committed and is in progress.* On November 18 at 1:28pm, I sent the attached email and 'POLL LIST' to Judge Hannah, the Plaintiff's attorney, and your staff just two hours before oral arguments in the case of 'Arizona Republican Party v. Fontes et al, Exhibit A, FIRST DECLARATION OF SCOTT JARRETT.' Since I was knowledgeable of the process, I realized that Mr. Scott Jarrett, Co-Director of Maricopa County Elections, was lying to the Court. This incident was memorialized in the form of a brief, PLAINTIFF'S REPLY RE: INJUNCTIVE RELIEF.

After reviewing the data and researching all the circumstances of what went on, I could write pages of what is compelling evidence of wrongdoing at MCTEC, however, most of it has already been formally or informally made public or has become record, so I will keep this letter brief.

The County failed to perform under A.R.S. § 16-452(A) which is a tally of ballot batches and a check against the 'POLL LIST' or what was sent to the Secretary of State. The hand counts are nice but were insufficient and a check against the machines is a waste of time, machines can count. A.R.S. § 16-452(A) will identify if a batch was run through many times or if the data was manipulated. When we send batches of checks to the bank, we always check the bank balance, correct? Thus far, the County has acted negligently in both the acquisition of and the administration of a newly installed election system and database. The County did so without seeking legislative advice against a system with many audit trail issues and, although feature-rich, the potential for manipulation of those features. The legislators were not given an opportunity to fill the gaps.

Your office has the authority to conduct an immediate investigation to verify the counts because there is compelling evidence that crimes were committed. If found faulty, then the County needs to rescind the ballot count of 1,915,487 and rescind its number to only include the election day votes, totaling 167,878. Failure to take action immediately is a violation of all of Maricopa County Residents' civil rights.

Mark Ebling - Maricopa County Resident  
(602)474-6563

From: Mark Ebling  
Sent: Wednesday, November 18, 2020 1:28 PM  
To: 'Gail.Cody@JBAZMC.Maricopa.Gov' <Gail.Cody@JBAZMC.Maricopa.Gov>  
Subject: FW: Crime in Progress – Report – Maricopa County Administrative Level Voter Count Fraud

November 18, 2020

**RE: Complaint to the State of Arizona Attorney General**

*Crime in Progress – Report – Maricopa County Administrative Level Voter Count Fraud*

Maricopa County Defendants' Response to Application for Preliminary Injunction – 11/18/2020, Part 2, *Exhibit A, First Declaration of Scott Jarrett*

If this is true then how did all **2,076,086** votes get recorded in the *Maricopa County Elections Database* by precinct, by early vote, by election day turnout, and by provisional ballot.

Attached is the Maricopa County election results published on 11/13/2020 at <https://recorder.maricopa.gov/electionresults/>.

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In addition, there is evidence of **44,841** suspect votes found in the State of Arizona Maricopa County Dominion Democracy Suite database.

As compared to the 2016 election and the number of what is known as **undervotes and overvotes** raises serious questions of suspected tampering. Where are these ballots and were they changed to the benefit of a political party other than that of what the voter intended? The voter would not know since the detail of who they voted for is not provided by the Arizona Secretary of State.

| Election | 2016      | 2020      |                                                                                                                        |
|----------|-----------|-----------|------------------------------------------------------------------------------------------------------------------------|
| Turnout  | 1,608,875 | 2,089,563 |                                                                                                                        |
| Rejected | 41,041    | 13,477    | (Actual Overvotes and Undervotes)                                                                                      |
|          | 2.6%      | 0.6%      | There is no evidence in the data that this percent of rejected ballots would have decreased by 2% in 2020 versus 2016. |

2. Since 2020 had a higher percentage of mail-in ballots this number needs to be adjusted up by .24% or 5015 ballots for a total of 58,318 rejects.

3. The 58,318 ballots less the actual processed amount of 13,477 equals **44,841** missing or ballots possibly tampered with.



Mark Ebling  
State of Arizona – Resident  
\*\*\*\*\*

*Reference:*

Machine and Vote Count information - <https://azsos.gov/elections/voting-election/voting-equipment>.

County voting equipment list -

[https://azsos.gov/sites/default/files/2020\\_0709\\_Election\\_Cycle\\_Voting\\_Equipment.pdf](https://azsos.gov/sites/default/files/2020_0709_Election_Cycle_Voting_Equipment.pdf).

Reference to Voting System Examination -

<https://www.sos.texas.gov/elections/forms/sysexam/oct2019-sneeringer.pdf>.

Dominion Democracy Suite Image Cast operating manual -

<https://www.sos.state.co.us/pubs/elections/VotingSystems/DVS-DemocracySuite511/documentation/2-03-ICC-FunctionalityDescription-5-11-CO.pdf>.

Dominion Democracy Suite EMS operating manual -

<https://www.sos.state.co.us/pubs/elections/VotingSystems/DVS-DemocracySuite511/documentation/2-03-EMS-FunctionalityDescription-5-11-CO.pdf>.

## Anderson, Ryan

---

**From:** Mark.Brnovich@azag.gov  
**Sent:** Monday, January 18, 2021 3:51 PM  
**To:** Isaak, Jason; Kanefield, Joe  
**Subject:** Fwd: The fault lies with you. All of you.

**Categories:** Black

Mark Brnovich  
Arizona Attorney General

Sent from my iPhone

Begin forwarded message:

**From:** LOUANNE SPELLMAN <[REDACTED]@gmail.com>  
**Date:** January 18, 2021 at 12:10:47 PM MST  
**To:** [chickman@mail.maricopa.gov](mailto:chickman@mail.maricopa.gov), "Brnovich, Mark" <[Mark.Brnovich@azag.gov](mailto:Mark.Brnovich@azag.gov)>, [sricher@mail.maricopa.gov](mailto:sricher@mail.maricopa.gov)  
**Subject:** The fault lies with you. All of you.

I am angry as hell. I have been treated like trash personally by members of the Maricopa County Judicial Branch, and now once again, I am being ignored. LET ME BE PERFECTLY CLEAR. I DO NOT WISH TO OVERTURN AN ELECTION. I WANT THE TRUTH. AND IF ARIZONA'S GOVERNMENT DOES NOT SEEK TO 100% AUDIT THE VOTING MACHINES AND SEE THE IMAGES AND SIGNATURE MATCH EVERY BALLOT IN MARICOPA COUNTY AND ANY ACTIONS TAKEN TO ACCEPT BALLOTS AFTER CONSTITUTIONALLY-MANDATED TIMELINES AND ANYTHING ELSE THAT WOULD NULLIFY A BALLOT MUST BE DETERMINED OR I, AND I'M GUESSING MULTITUDES OF OTHERS, WILL NOT ACCEPT THE RESULTS. THOSE REPS WHO BACKED DOWN TODAY HAVE ALSO FAILED ALL OF US.

WHY???? WHAT IS EVERYONE SO AFRAID OF? WHY ARE OUR DEMANDS SO FAR-FETCHED? ELECTION INTEGRITY. YOUR INTEGRITY. BOTH CAN BE PROVEN. THIS DIVISIVENESS LIES WITH THOSE WHO REFUSE TO STAND UP.

YOUR REFUSAL TO ADDRESS OUR CONCERNS WILL FOREVER TAINT THIS ELECTION AND BE ASSURED, ALL FUTURE ELECTIONS.

PEOPLE ARE ANGRY. YOU HAVE THE POWER TO MAKE THIS AUDIT HAPPEN. FAILURE TO DO SO IS A GUARANTEE THAT YOU DON'T CARE ABOUT FREE AND FAIR AND TRANSPARENT ELECTIONS.

DO THE RIGHT THING.

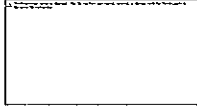
DO THE RIGHT THING.

DO THE RIGHT THING.

OR THIS WILL NEVER END. IT IS ON YOU. 17 STATEHOUSES. WHY WON'T YOU LISTEN???????

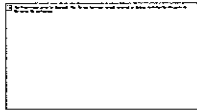
HACKERS. DOMINION. CROSSFIRE HURRICANE. WHY IS IT SO CRAZY? HACKERS IN OUR DEEPEST GOVERNMENT. GROW UP PEOPLE. THEY'RE HERE. THEY'RE GETTING INTO MICROSOFT. YOU'RE LETTING IT HAPPEN.  
I DEMAND AN AUDIT. I'LL SAY IT AND I'LL KEEP SAYING IT UNTIL SOMEONE LISTENS.  
DO THE RIGHT THING.

LOU ANNE J SPELLMAN, RPR  
AZ CR #50915



--

LOU ANNE J SPELLMAN, RPR  
AZ CR #50915



**Subject:** FW: PRR AZ-AG-20-1956  
**Date:** Wednesday, June 16, 2021 at 1:48:56 PM Eastern Daylight Time  
**From:** Khahilia Shaw  
**To:** AO Records  
**Attachments:** 202106111534.pdf, 2019.12.12 - Insert re Drop-Off Locations.pdf, AG Redline FINAL - 2019 EPM FINAL (no appendice sample forms) (2).pdf, AG Redline Spreadsheet - SOS Responses 12-3-2019.pdf, AG Redline Spreadsheet.pdf, December 2019 EPM FINAL (no appendice sample forms).pdf, EPM REDLINE (against Oct. 1 draft).pdf, SUMMARY OF DRAFT PROCEDURES MANUAL 8.pdf, Letter to Bo Dul - AG EPM Initial Review - 11-12-2019.pdf

Hi all, please processed the attached PDFs as responsive to AZ-AG-20-1956. I have already saved in the Documents as Received folder. Thank you!

Khahilia Shaw  
Counsel  
American Oversight  
[khahilia.shaw@americanoversight.org](mailto:khahilia.shaw@americanoversight.org) | 202.539.6507 | she/her/hers  
[www.americanoversight.org](http://www.americanoversight.org) | @weareoversight

---

**From:** Josh Bendor <[jbendor@omlaw.com](mailto:jbendor@omlaw.com)>  
**Date:** Friday, June 11, 2021 at 7:12 PM  
**To:** Khahilia Shaw <[khahilia.shaw@americanoversight.org](mailto:khahilia.shaw@americanoversight.org)>  
**Cc:** Sara Creighton <[sara.creighton@americanoversight.org](mailto:sara.creighton@americanoversight.org)>  
**Subject:** FW: PRR AZ-AG-20-1956

EXTERNAL SENDER

See attached. I haven't reviewed this.

-----Original Message-----

From: Anderson, Ryan <[Ryan.Anderson@azag.gov](mailto:Ryan.Anderson@azag.gov)>  
Sent: Friday, June 11, 2021 3:57 PM  
To: Josh Bendor <[jbendor@omlaw.com](mailto:jbendor@omlaw.com)>  
Cc: PublicRecords <[PublicRecords@azag.gov](mailto:PublicRecords@azag.gov)>  
Subject: [EXT] RE: PRR AZ-AG-20-1956

Josh -

Please see attached.

Additionally, I've attached standalone file attachments from emails contained in the attached PRR. Given the file size, I opted to attach as .pdfs rather than reprint. If you have any questions regarding which email these files correspond to in the main document, please don't hesitate to request clarification.

Ryan

## **Ballot Drop-Off Locations and Drop-Boxes**

Counties or municipalities that establish one or more ballot drop-off locations or drop-boxes shall develop and implement procedures to ensure the security of the drop-off location and/or drop-boxes and shall comply with the following requirements.

1. A ballot drop-off location or drop-box shall be located in a secure location, such as inside or in front of a federal, state, local, or tribal government building.
  - a. An unstaffed drop box (i.e., not within the view and monitoring of an employee or designee of the County Recorder or officer in charge of elections) placed outdoors shall be securely fastened in a manner to prevent moving or tampering (for example, securing the drop-box to concrete or an immovable object).
  - b. An unstaffed drop box placed inside a building shall be secured in a manner that will prevent unauthorized removal.
2. All drop-boxes shall be clearly and visibly marked as an official ballot drop box and secured by a lock and/or sealable with a tamper-evident seal. Only an election official or designated ballot retriever shall have access to the keys and/or combination of the lock to remove the deposited ballots.
3. All drop-boxes (both staffed and unstaffed) shall have an opening slot that is not large enough to allow deposited ballots to be removed through the opening slot.
4. Ballot drop-off locations and drop-boxes shall be locked and covered or otherwise made unavailable to the public until the 27th day prior to an election to ensure that no ballots or any other materials may be deposited before the early voting period begins. Prior to use on the 27th day before the election, all drop-boxes shall be inspected for damage and to ensure they are empty.
5. All drop-boxes shall be locked and covered or otherwise made unavailable after the polls have closed on Election Day to ensure that no ballots may be dropped off after the close of the polls.
6. The County Recorder or officer in charge of elections shall develop and implement secure ballot retrieval and chain of custody procedures, which shall include the following:
  - a. Voted ballots shall be retrieved from ballot drop-off locations and/or drop-boxes on a pre-established schedule. Ballot retrieval shall be more frequent as Election Day approaches.
  - b. For any election that includes a partisan race, at least two designated ballot retrievers of at least two differing party preferences shall be assigned to retrieve voted ballots from a ballot drop-off location or drop-box. For a nonpartisan election, at least two designated ballot retrievers shall be assigned to retrieve voted ballots from a ballot drop-off location or drop-box.
  - c. Each designated ballot retriever shall wear a badge or similar identification that readily identifies them as a designated ballot retriever and/or employee of the County Recorder or officer in charge of elections.
  - d. Upon arrival at a drop-off location or drop-box, the two designated ballot retrievers shall note, on a retrieval form prescribed by the County Recorder or officer in charge of elections, the location and/or unique identification number of the location or drop-box and the date and time of arrival.

- e. The designated ballot retrievers shall retrieve the voted ballots by either placing the voted ballots in a secure ballot transfer container, retrieving the secure ballot container from inside the drop-box, or retrieving the staffed drop-box which also serves as a secure ballot container. If the drop-box includes a secure ballot container, the designated ballot retrievers shall place an empty secure ballot container inside the drop-box. The time of departure from the drop-off location or drop-box shall be noted on the retrieval form.
  - f. Upon arrival at the office of the County Recorder or officer in charge of elections, central counting place, or other receiving site, the designated ballot retrievers shall note the time of arrival on the retrieval form. The County Recorder or officer in charge of elections (or designee) shall inspect the secure ballot container for evidence of tampering and shall confirm receipt of the retrieved ballots by signing the retrieval form and indicating the date and time of receipt. If there is any evidence of tampering, that fact shall be noted on the retrieval form.
  - g. The completed retrieval form shall be attached to the outside of the secure ballot container or otherwise maintained in a manner prescribed by the County Recorder or officer in charge of elections that ensures the form is traceable to its respective secure ballot container.
  - h. When the secure ballot container is opened by the County Recorder or officer in charge elections (or designee), the number of ballots inside the container shall be counted and noted on the retrieval form.
7. Ballots retrieved from a ballot drop-off location or drop-box shall be processed in the same manner as ballots-by-mail personally delivered to the County Recorder or officer in charge of elections, dropped off at a voting location, or received via the United States Postal Service or any other mail delivery service, *see* Chapter 2, Section \_\_.

## Lumpp, Rachelle

---

**From:** Conner, Katie  
**Sent:** Wednesday, December 09, 2020 9:47 AM  
**To:** Wright, Jennifer; Kanefield, Joe  
**Subject:** RE: Possible fraudulent actions

This is very helpful – thank you!

---

**From:** Wright, Jennifer  
**Sent:** Wednesday, December 09, 2020 9:38 AM  
**To:** Conner, Katie; Kanefield, Joe  
**Subject:** RE: Possible fraudulent actions

Katie,

We typically don't accept third-party complaints, but rather refer the complaint back to the complainant asking them to have the aggrieved party file a complaint. So to the extent that a complaint may be filed, it should be filed by her friend. That said, her specific concerns about her friend signing an affidavit do not appear to be a violation of Arizona election law, nor likely a violation of any law for that matter – unless the contents of the affidavit are false; namely that her parents aren't dead and her parents are not shown to have voted in the election.

Here's how we have responded in the past:

Thank you for contacting the Elections Integrity Unit of the Arizona Attorney General's Office ("Unit"). We are in receipt of your October 31, 2020 email.

To take further action on your email, the impacted voter must personally file a complaint with the Unit. For information on how to file a complaint with the Unit, please visit <https://www.azag.gov/complaints/election>.

Thank you for your interest in election integrity.

Jen

---

**From:** Conner, Katie  
**Sent:** Wednesday, December 09, 2020 9:28 AM  
**To:** Kanefield, Joe; Wright, Jennifer  
**Subject:** Fwd: Possible fraudulent actions

Hi Jennifer,

Would you like me to ask the below constituent to file an election complaint or have her ask her friend? Or how would you like me to handle? Thank you!

Sent from my iPhone

Begin forwarded message:

**From:** Barbara <[barbara@mindspring.com](mailto:barbara@mindspring.com)>  
**Date:** December 8, 2020 at 9:29:50 PM MST

To: "Conner, Katie" <[Katie.Conner@azag.gov](mailto:Katie.Conner@azag.gov)>

**Subject: Possible fraudulent actions**

I was on social media tonight and one of my friends stated that two gentlemen came to her home to ask questions about the number of people voting from her residence. They informed her that her parents, who are deceased, voted in the 2020 election. This was extremely upsetting to my friend. They identified themselves as being from the voter verification office. My friend, Della Anderson and her husband signed a sworn legal affidavit saying it was fraud. The visitors said they are canvassing voter roles per the lawsuit. When asked who 'they' were, the response was Rudy's team.

If this was Rudy Giuliani's team, they possibly just tricked my friend into signing on to a lawsuit.

In any case, you can read the thread under Della Anderson on Facebook.

Please look into this. People are getting all bent out of shape and being pushed into believing this was a fraudulent election. I don't want any further involvement in this but would like to know if there is any truth in voter fraud really happening.

Thanks, Barbara

Sent from my iPad



## Lumpp, Rachelle

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Sent from my iPhone

Begin forwarded message:

**From:** Barbara <[@mindspring.com](mailto:@mindspring.com)>  
**Date:** December 8, 2020 at 9:29:50 PM MST  
**To:** "Conner, Katie" <[Katie.Conner@azag.gov](mailto:Katie.Conner@azag.gov)>  
**Subject:** Possible fraudulent actions

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Thanks, Barbara

Sent from my iPad

## Lumpp, Rachelle

---

**From:** Wright, Jennifer  
**Sent:** Friday, November 20, 2020 10:28 AM  
**To:** Lumpp, Rachelle  
**Subject:** RE: PRR2020-2200-2358

Rachelle,

In response to the question regarding the number of constituents that have requested an audit to date, *the Unit* has received 202 EIU Complaints, emails, and letters specifically requesting an audit/recount. In addition, *the Unit* has logged 14 calls from constituents specifically requesting an audit. Notably, the Unit only logs calls, emails, complaints, and letters that have been submitted to the Unit for review. While many divisions have forwarded voicemails and calls to the Unit, any calls/emails/letters received by other divisions that have not been forwarded to the Unit are not reflected in the totals. My understanding is that EXO will be forwarding emails and voicemails received by AGO to add to our totals.

Jen

---

**From:** Lumpp, Rachelle  
**Sent:** Thursday, November 19, 2020 3:32 PM  
**To:** Wright, Jennifer  
**Subject:** RE: PRR2020-2200-2358

Jen,

I considered this two separate requests since we are tracking the information in the 2<sup>nd</sup> part.

"I request a report on the number of complaints received by the SOS, and the number of Arizona constituents that have requested an audit to date.

---

**From:** Wright, Jennifer  
**Sent:** Thursday, November 19, 2020 2:40 PM  
**To:** Lumpp, Rachelle  
**Subject:** RE: PRR2020-2200-2358

Note that the SOS receives her own complaints, and Rep. Blackman requests the number of complaints her office has received. I'm not sure he is specifically asking for the complaints we have received, but I will leave that to you to interpret.

Jen

---

**From:** Lumpp, Rachelle  
**Sent:** Thursday, November 19, 2020 1:30 PM  
**To:** 'wblackman@azleg.gov'  
**Cc:** Keesha Esquerette ([KEsquerette@azleg.gov](mailto:KEsquerette@azleg.gov))  
**Subject:** PRR2020-2200-2358

Mr. Blackman,

You submitted a public records request to our agency for the following:

1. Any and all communications and records between Dominion Voting and the Secretary of State's (SOS) office, including but not limited to Katie Hobbs, SOS staff, officials and personnel; The Arizona Attorney General's Office (AGO) does not maintain records for the Secretary of State's Office. Therefore, we have nothing responsive to this request.

2. Any and all communications and records regarding Dominion Voting in possession of the SOS. The AGO has nothing responsive to this request, as we do not maintain records of the Secretary of State's Office.

Additionally, your email requested the following:

I request a report of the new voter registrations by County and LD turned in during the extended registration period; and validation of each of those registrations. The AGO does not maintain voter registration records. Therefore, we have nothing responsive to this request.

I request a report on the number of complaints received by the SOS, and the number of Arizona constituents that have requested an audit to date. The AGO does not maintain records received by the Secretary of State, therefore we have nothing responsive to this portion of your request. With regard to the number of constituents that have asked for an audit, we will get back to you with our response.

I request a report be known of what county or LD used the Dominion systems, and what if any issues were raised from that system. The AGO does not oversee voting systems. You may wish to direct this request to the Secretary of State's Office.

Rachelle Lumppp  
Executive Assistant to the Attorney General  
Executive Assistant to the Director of Communications  
Office of the Arizona Attorney General  
2005 N. Central Avenue  
Phoenix, AZ 85004  
602-542-8351 Office  
[rachelle.lumpp@azag.gov](mailto:rachelle.lumpp@azag.gov)



## Lumpp, Rachelle

---

**Subject:** Meeting w/Chairman Gates  
**Location:** EXO

**Start:** Mon 8/12/2019 11:00 AM  
**End:** Mon 8/12/2019 12:00 PM

**Recurrence:** (none)

**Meeting Status:** Not yet responded

**Organizer:** Brnovich, Mark

election integrity issues and the new "task force"

## Lumpp, Rachelle

---

**From:** Luz Lopez <@yahoo.com>  
**Sent:** Saturday, October 31, 2020 8:10 AM  
**To:** Anderson, Ryan  
**Subject:** RE: AG Mark Brnovich October Update

Is there a reason why they are exempt? It almost sounds as if "its is a get out of trouble card.

Thank you

Sent from Yahoo Mail on Android

On Tue, Oct 27, 2020 at 9:09 PM, Luz Lopez wrote:

How would we request a "change of law" of which you speak of?

Ms. Lucie

Sent from Yahoo Mail on Android

On Tue, Oct 20, 2020 at 1:28 PM, Luz Lopez wrote:

Wow..si its basically a no win situation...thi GS really do need to change Thanks for the breakdown.

Miss lucie

Sent from Yahoo Mail on Android

On Tue, Oct 20, 2020 at 9:39 AM, Anderson, Ryan wrote:

Statutorily, the Governor is exempt from the statute (41-192) that requires an agency or another elected to use our office.

That would require a law change. DHS normally would use our office for agency counsel, but they are not consulting with us either (consulting with governor).

But I understand your comments / statement.

Ryan

**From:** Luz Lopez [mailto: @yahoo.com]  
**Sent:** Tuesday, October 20, 2020 9:30 AM  
**To:** Anderson, Ryan  
**Subject:** RE: AG Mark Brnovich October Update

How doesn't anyone question why he uses outside counsel? Even more the reason why he should be watched especially since he is practically campaigning for this current president. Lets not forget the fact of how he us carelessly not on top of the current covid situation. Its a complete disgrace.

Sent from Yahoo Mail on Android

On Mon, Oct 19, 2020 at 11:06 AM, Anderson, Ryan

wrote:

Luz –

Thank you for your email. Can you be more specific?

The AGO is not involved in the Executive Orders because the governor is using outside counsel.

To the extent we have a legal authority to weigh in, we are. See: <https://kdminer.com/news/2020/sep/05/arizona-ag-mark-brnovich-ducey-acting-illegally-sh/>

I've also copy and pasted a response I recently sent to another constituent who made similar remarks. If you have specific input or questions, I'm all ears.

Ryan Anderson

Thanks for your email. Arizona and Michigan have different powers prescribed by law for their respective AG's. We believe the AZ AG does have broad authority to sue under the AZ constitution and what is otherwise known as "common law" authority.

A couple of years ago, we sued the Arizona Board of Regents over their violation of the Arizona Constitution and the requirement that tuition be provided "nearly free as possible."

The universities, the governor, the chambers of commerce, the secretary of state, the state treasurer, and the superintendent of public instruction have all fought us. They claim the AG doesn't have broad authority to sue unless he has a client (a state agency or the governor) or has a specific granted authority under state law.

I won't bore you with too many legal details, but they all cite an Arizona Supreme Court decision from the late 60s called "McFate." In that case, they argue, the Supreme Court limited the AGs power. We disagree and took the case to the AZ Supreme Court to reverse that decision and clarify the AGs power (this is after two lower courts said we didn't have the authority to sue without a specific statutory authorization or the permission of the governor because of McFate).

So, to answer your question, we don't have clear legal authority to sue the governor and challenge his executive order until the AZ Supreme Court rules.

We did however file a legal brief in an Arizona Supreme Court challenging the governor's order related to closures of bars, arguing they were discriminatory. We were able to do this because the private party that brought the lawsuit forward challenged the constitutionality of a specific statute that allows the governor to issue emergency orders. When the constitutionality of a statute is challenged in state court, the AG can weigh in under Title 12 of Arizona's revised statutes. We argued the governor's executive orders have been "arbitrary" and "capricious."

Similarly, in another lawsuit challenging the governor's executive orders, the state was named. We did not defend the governor and got the state dismissed, but in our filing, we noted to the court that we believed a strict scrutiny of the powers of the governor under the emergency order statutes was warranted.

That's a long-winded answer explaining the complicated legal differences between Arizona, and say Michigan or another state.

Arizona is one of the few states where the AG does not have explicit authority to initiate litigation at any point for any reason. We believe the AG should have this authority, the Supreme Court got it wrong in the 60s, and that having an independent AG is important to hold other elected officials and state agencies accountable.

If you have any other questions or comments, I'm happy to discuss further.

Thanks for reaching out.

Ryan Anderson

From: Luz Lopez [mailto: ]@yahoo.com]

Sent: Thursday, October 15, 2020 2:29 PM

To: AGInfo

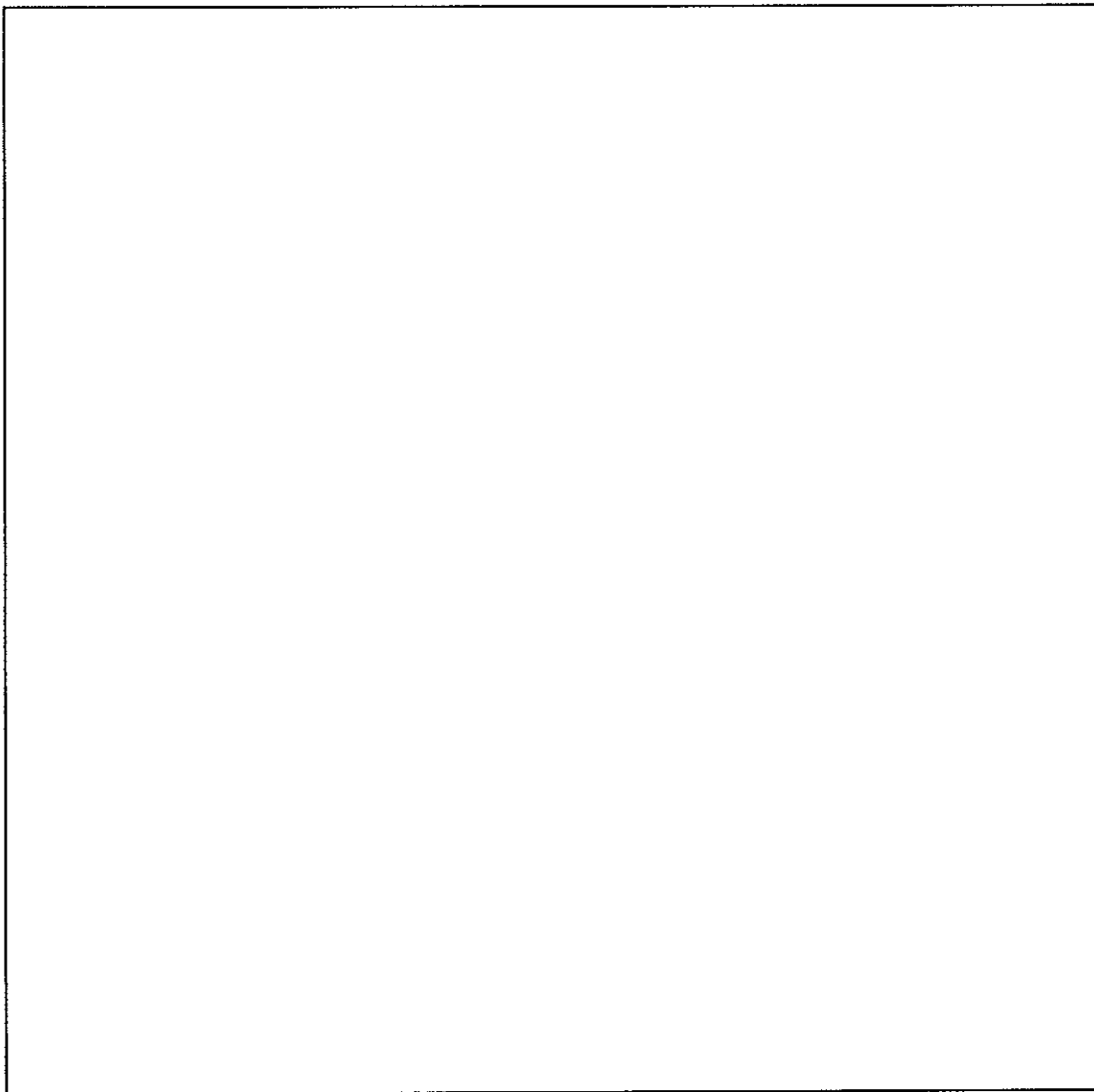
Subject: Re: AG Mark Brnovich October Update

I find it very upsetting that this office is NOT INVOLVING THEMSELVES IN THE CURRENT LACK OF LEADERSHIP WITH COVID. ESPECIALLY WITH ALL THE FALSE INFORMATION GIVEN BY DOUG DUCEY AND THEY ARE NO LONGER HOSTING UPDATES. HIS LIES SHOULD BE INVESTIGATED AND HIS LEGITIMATE POSITION..I DID NOT VOTE FOR HIM 2 YEARS AGO..#RECOUNT

Sent from Yahoo Mail on Android

On Thu, Oct 15, 2020 at 2:13 PM, Attorney General Mark Brnovich wrote:

[View this email in your browser](#)



*October 2020*

The Attorney General's Office provides the essential services of protecting Arizona and its citizens. Therefore, our office locations are remaining open during the COVID-19 public health emergency.



Nevertheless, we recognize that it makes sense to avoid unnecessary trips and personal contact right now, and we encourage everyone to first reach us by phone or email if we can be of assistance.

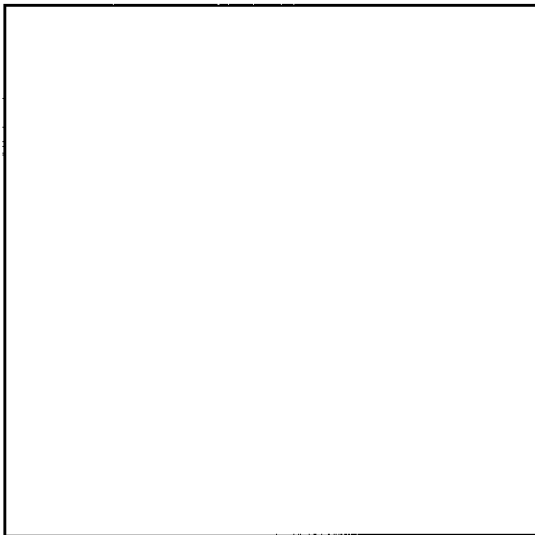
As your Attorney General, I remain committed to upholding the rule of law in all circumstances that our state may face. Please be assured that we are holding fraudsters and criminals accountable. We will continue to provide the information you need to stay ahead of -- and away from -- these bad actors.

Below is a brief update on what we've been doing as well as a number of resources to help you and your family stay safe and informed.

We will get through this together.



## AZAG OCTOBER UPDATE:



### ATTORNEY GENERAL'S COVID-19 CONSUMER FRAUD PAGE

Fraudsters are finding new scams and schemes to take advantage of Arizona consumers during the COVID-19 outbreak. Since COVID-19, we've gone after a number of bad actors who have attempted to defraud the public or use the pandemic to exploit consumers. We launched a webpage in March to help you and your family recognize and avoid COVID-19 scams and frauds.

[READ MORE](#)

**FREE TUCSON DOCUMENT  
SHRED-A-THON AND  
PRESCRIPTION DRUG TAKE  
BACK - OCTOBER 24**

Join us for a **FREE** "no-contact" document shred-a-thon and prescription drug take-back event on October 24 from 8 a.m. to 12 p.m. in Tucson.

**[READ MORE](#)**

**FILE AN ELECTION RELATED  
COMPLAINT WITH OUR OFFICE**

The Attorney General's Office is on the forefront of protecting the integrity of Arizona's elections. Earlier this year, we launched the AGO's first-ever Election Integrity Unit. We currently have more than 30 open criminal and civil election integrity or voter fraud-related investigations, and have indicted several individuals for allegedly committing election fraud. Any member of the public may file an election-related complaint with our office.

**[READ MORE](#)**

**U.S. SUPREME COURT AGREES  
TO HEAR MAJOR ELECTION  
INTEGRITY CASE**

The AGO remains committed to defending our election laws and preventing the dismantling of Arizona's voting integrity safeguards. Arizonans should determine what common sense voter fraud laws are appropriate for our state, not out of state special interests. We're asking the U.S. Supreme Court to review a legal challenge to Arizona's restrictions on ballot harvesting and out-of-precinct voting after a misguided

ruling by the Ninth Circuit struck the measures down and other elected officials refused to defend the law. For now, ballot harvesting remains illegal in Arizona.

**[READ MORE](#)**

**AG BRNOVICH WARNS CONSUMERS ABOUT OVER-THE-COUNTER HEARING AIDS**

AG Brnovich is cautioning consumers to watch out for misleading sales tactics from companies selling over-the-counter hearing amplifiers. Over the past year, we've received approximately 140 complaints from consumers on this matter.

**[READ MORE](#)**

**FORMER STATE SENATE CANDIDATE INDICTED FOR FORGING SIGNATURES TO QUALIFY FOR ELECTIONS FUNDING**

Larry Herrera, a former candidate for the Arizona Senate, was recently indicted on 34 felony counts. The charges arise from Herrera's attempt to qualify for Clean Elections Funding in 2018. Herrera allegedly offered or presented forged Qualifying Contribution forms to the Secretary of State's Office, and he perjured himself by falsely asserting that he had obtained qualifying legitimate contributions from individuals. Herrera allegedly took the identities of 16 individuals with the goal of attempting to obtain money from the taxpayer-funded Citizens Clean Elections Fund.

**[READ MORE](#)**

**AG'S OFFICE OBTAINS \$22.5 MILLION JUDGMENT AGAINST EONSMOKE AND PREVENTS COMPANY FROM SELLING ILLEGAL VAPING PRODUCTS IN ARIZONA**

We filed a consumer fraud lawsuit in January 2020 to stop Eonsmoke from selling illegal vaping products and targeting youth in Arizona. We recently obtained a \$22.5 million judgment against the New Jersey-based vaping company along with a court order permanently barring the company from selling its products in the state.

**[READ MORE](#)**

**MORE THAN 1,000 FORMER ARIZONA ITT TECH STUDENTS TO RECEIVE \$7.8 MILLION IN DEBT RELIEF**

AG Brnovich recently secured an agreement to obtain \$7.8 million in debt relief for more than 1,000 former ITT Tech students in Arizona as part of a settlement with PEAKS Trust, a private loan program with the closed private college. Under the settlement, PEAKS has agreed that it will forgo collection of the outstanding loans (over 1,000 in Arizona) and cease doing business. PEAKS will send notices to affected borrowers about the cancelled debt and ensure that automatic payments are cancelled.

**[READ MORE](#)**

**TWO COCHISE COUNTY  
RESIDENTS INDICTED FOR  
FRAUD AND THEFT OF  
VULNERABLE ADULT**

Heather Buhr and Isaac Butts were each indicted for one count of Theft/Financial Exploitation of a Vulnerable Adult. The alleged victim was 83 years old. Heather Buhr was a caregiver working for a company hired to provide caregiver assistance. While working for the victim, Buhr introduced her father, Isaac Butts, to the victim, and both are accused of stealing over \$53,000 from the victim between February and March of 2018.

**[READ MORE](#)**

**AG BRNOVICH FILES CONSUMER  
FRAUD LAWSUIT AGAINST DEBT  
COLLECTORS**

We filed a consumer fraud lawsuit against Arizona fraudsters who impersonated law enforcement officers and process servers while attempting to collect debt. Our office alleges defendants processed and collected over \$1.6 million in payments from consumers, and may have had no authority to collect the debt. [Listen to the audio](#) of recorded phone calls.

**[READ MORE](#)**

**AG BRNOVICH WORKS WITH  
LEGISLATURE TO PASS  
LEGISLATION PROTECTING  
ARIZONANS WITH PRE-  
EXISTING CONDITIONS**

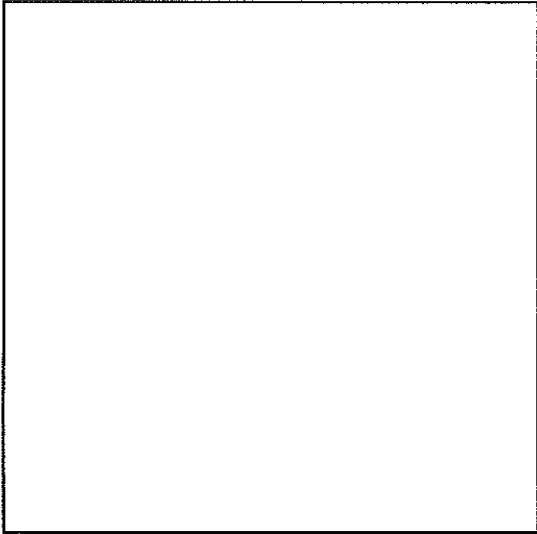
AG Brnovich worked with the Arizona Legislature during the 2020 session to enact legislation that protects Arizonans with pre-existing conditions. The new law will ensure Arizona health insurers cover patients with pre-existing conditions if the U.S. Supreme Court ever strikes down the Affordable Care Act.

**[READ MORE](#)**

**AG'S OFFICE REACHES \$11  
MILLION SETTLEMENT WITH  
HACIENDA HEALTHCARE**

The AGO reached an \$11 million settlement with Hacienda Healthcare Inc., (Hacienda) to resolve a Medicaid fraud investigation initiated by the AGO. The AGO determined that former officers with Hacienda improperly allocated direct and indirect costs, inflated reported expenses, and engaged in improper billing during 2013-2018, resulting in an overpayment of approximately \$11 million from the Arizona Health Care Cost Containment System (AHCCCS) to Hacienda. The settlement will make Arizona taxpayers whole.

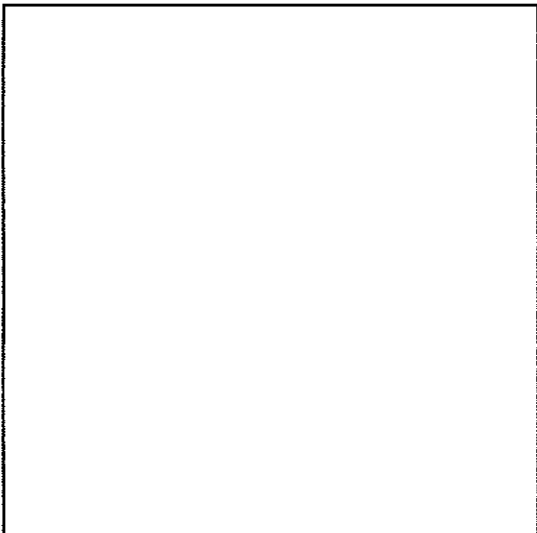
**[READ MORE](#)**



**FORMER HACIENDA  
HEALTHCARE EXECUTIVES  
INDICTED IN ELABORATE  
FRAUD CASE**

In addition to the \$11 million settlement with Hacienda to repay Arizona for illegal payments, two former Hacienda Healthcare officers were indicted for their role in the elaborate alleged white collar fraud scheme that allegedly bilked Arizona taxpayers out of millions of dollars.

**[READ MORE](#)**

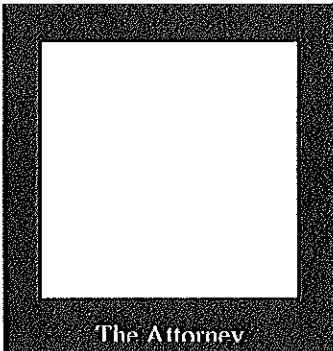


**AG BRNOVICH ANNOUNCES \$100  
MILLION IN CONSUMER  
RESTITUTION MILESTONE**

The AGO has secured well over \$100 million in restitution for Arizona consumers since 2015, which exceeds the total restitution awards secured by the AG's Office from 2000-2014 combined. Each year, the AG's Office receives more than 15,000 consumer fraud-related complaints. Please file a complaint with our office if you are the victim of consumer fraud.

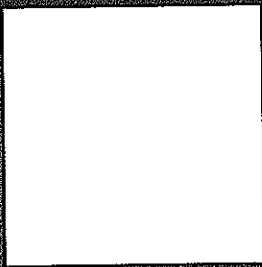
**[READ MORE](#)**

**COMMUNITY CORNER:**

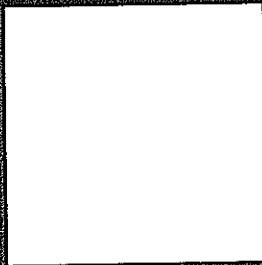


General's Office is dedicated to vigorously defending our state's common sense election laws and prosecuting anyone found to have committed voter fraud.

You can file an elections-related complaint with our office here.



Our *Community Outreach* section offers free youth & adult presentations on important topics, such as Human Trafficking, Vaping, & Anti-bullying. Due to COVID-19, we are now offering virtual education sessions. Submit a request for your school or local group here.



*Are you a victim of consumer fraud?*



| .

## Lumpp, Rachelle

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**From:** Luz Lopez <@yahoo.com>  
**Sent:** Tuesday, October 27, 2020 9:09 PM  
**To:** Anderson, Ryan  
**Subject:** RE: AG Mark Brnovich October Update

How would we request a "change of law" of which you speak of?

Ms. Lucie

Sent from Yahoo Mail on Android

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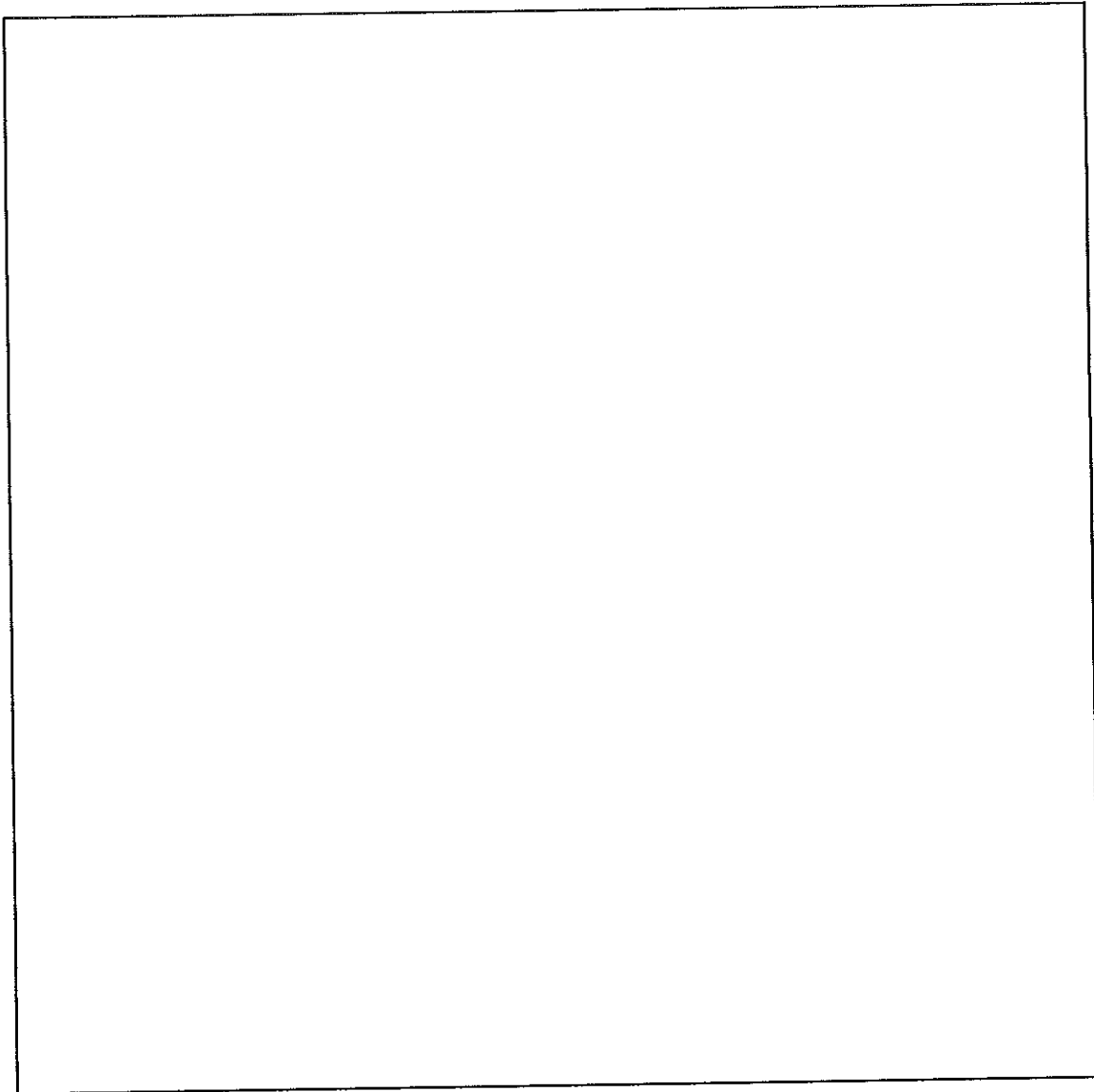
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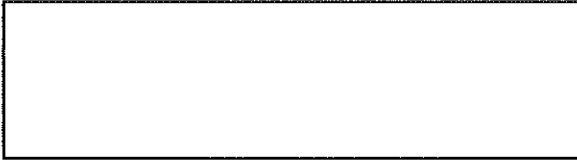
*October 2020*

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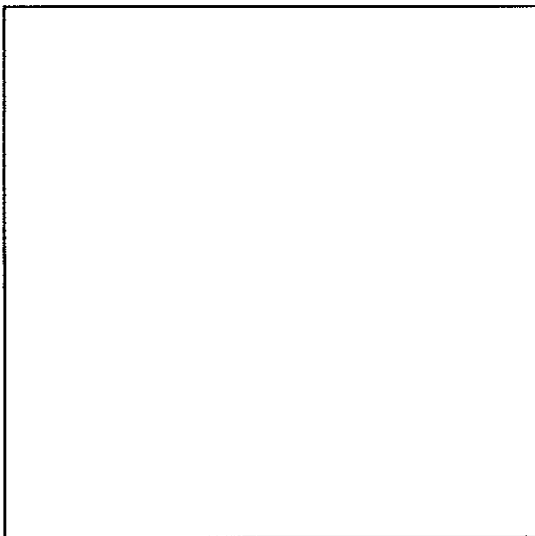
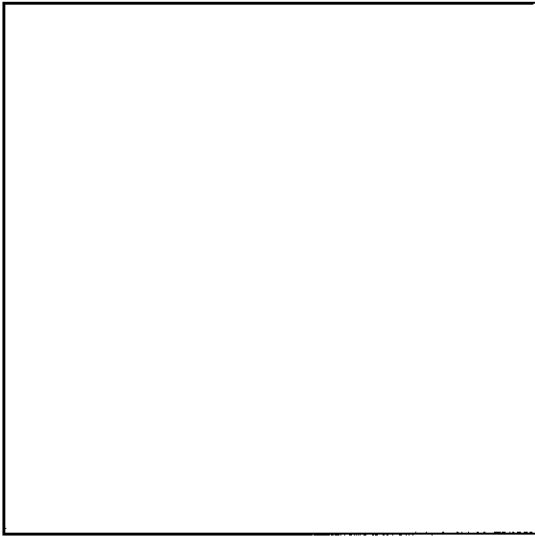
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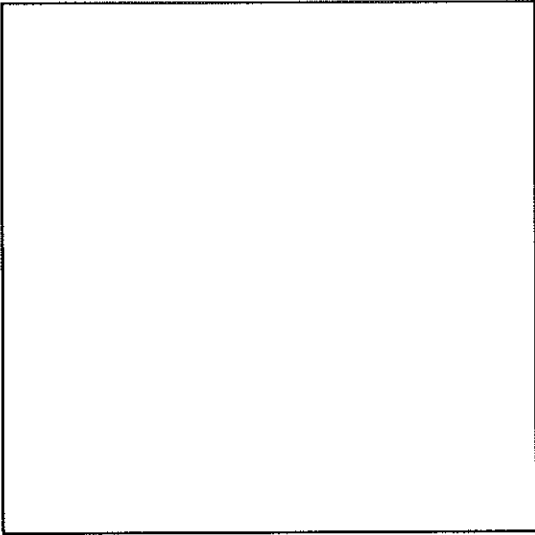
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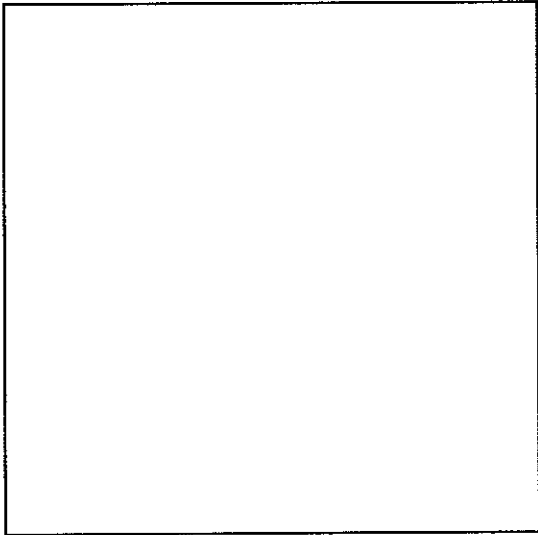
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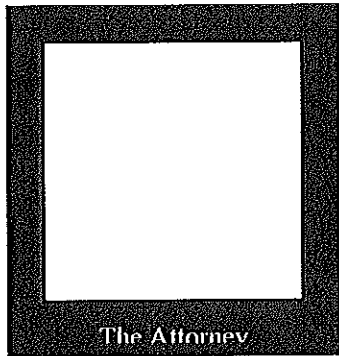


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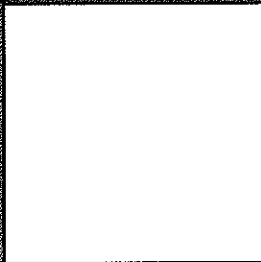
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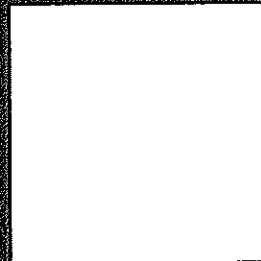
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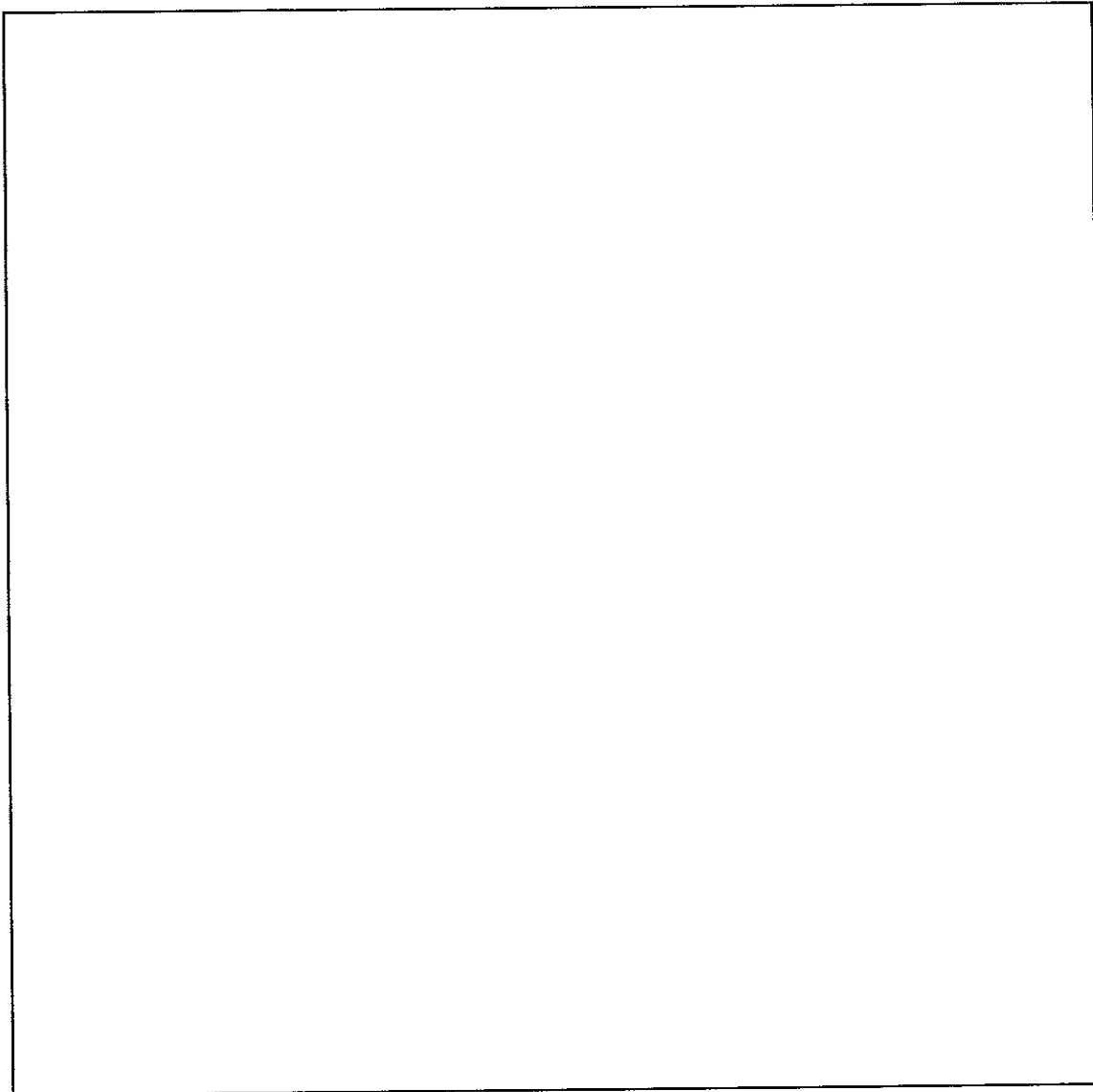
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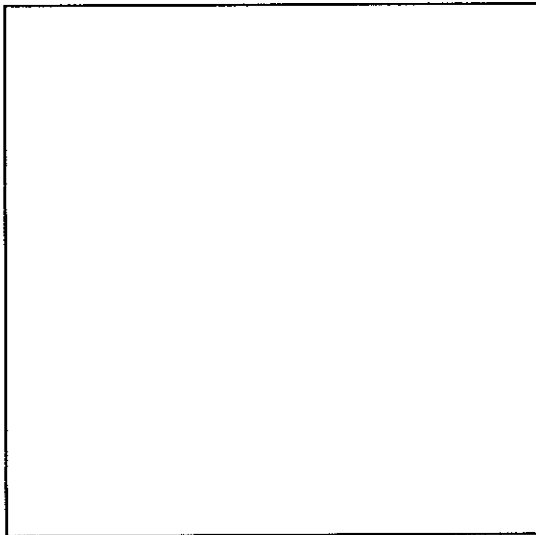
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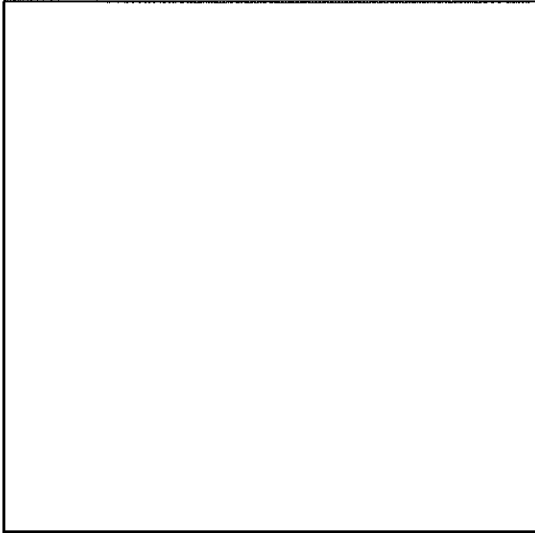
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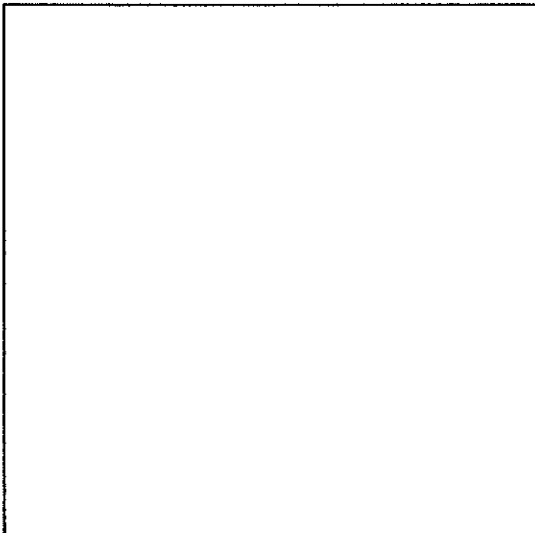
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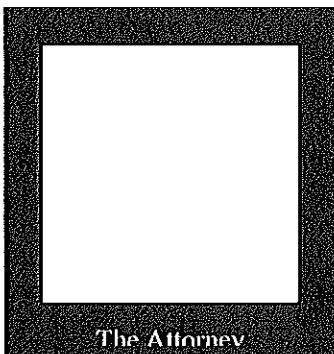


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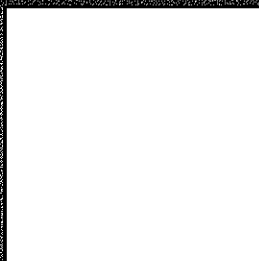


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To the extent we have a legal authority to weigh in, we are. See: <https://kdminer.com/news/2020/sep/05/arizona-ag-mark-brnovich-ducey-acting-illegally-sh/>

I've also copy and pasted a response I recently sent to another constituent who made similar remarks. If you have specific input or questions, I'm all ears.

Ryan Anderson

Thanks for your email. Arizona and Michigan have different powers prescribed by law for their respective AG's.

We believe the AZ AG does have broad authority to sue under the AZ constitution and what is otherwise known as "common law" authority.

A couple of years ago, we sued the Arizona Board of Regents over their violation of the Arizona Constitution and the requirement that tuition be provided "nearly free as possible."

The universities, the governor, the chambers of commerce, the secretary of state, the state treasurer, and the superintendent of public instruction have all fought us. They claim the AG doesn't have broad authority to sue unless he has a client (a state agency or the governor) or has a specific granted authority under state law.

I won't bore you with too many legal details, but they all cite an Arizona Supreme Court decision from the late 60s called "McFate." In that case, they argue, the Supreme Court limited the AGs power. We disagree and took the case to the AZ Supreme Court to reverse that decision and clarify the AGs power (this is after two lower courts said we didn't have the authority to sue without a specific statutory authorization or the permission of the governor because of McFate).

So, to answer your question, we don't have clear legal authority to sue the governor and challenge his executive order until the AZ Supreme Court rules.

We did however file a legal brief in an Arizona Supreme Court challenging the governor's order related to closures of bars, arguing they were discriminatory. We were able to do this because the private party that brought the lawsuit forward challenged the constitutionality of a specific statute that allows the governor to issue emergency orders. When the constitutionality of a statute is challenged in state court, the AG can weigh in under Title 12 of Arizona's revised statutes. We argued the governor's executive orders have been "arbitrary" and "capricious."

Similarly, in another lawsuit challenging the governor's executive orders, the state was named. We did not defend the governor and got the state dismissed, but in our filing, we noted to the court that we believed a strict scrutiny of the powers of the governor under the emergency order statutes was warranted.

That's a long-winded answer explaining the complicated legal differences between Arizona, and say Michigan or another state.

Arizona is one of the few states where the AG does not have explicit authority to initiate litigation at any point for any reason. We believe the AG should have this authority, the Supreme Court got it wrong in the 60s, and that having an independent AG is important to hold other elected officials and state agencies accountable.

If you have any other questions or comments, I'm happy to discuss further.

Thanks for reaching out.

Ryan Anderson

**From:** Luz Lopez [mailto: s@yahoo.com]  
**Sent:** Thursday, October 15, 2020 2:29 PM  
**To:** AGInfo  
**Subject:** Re: AG Mark Brnovich October Update

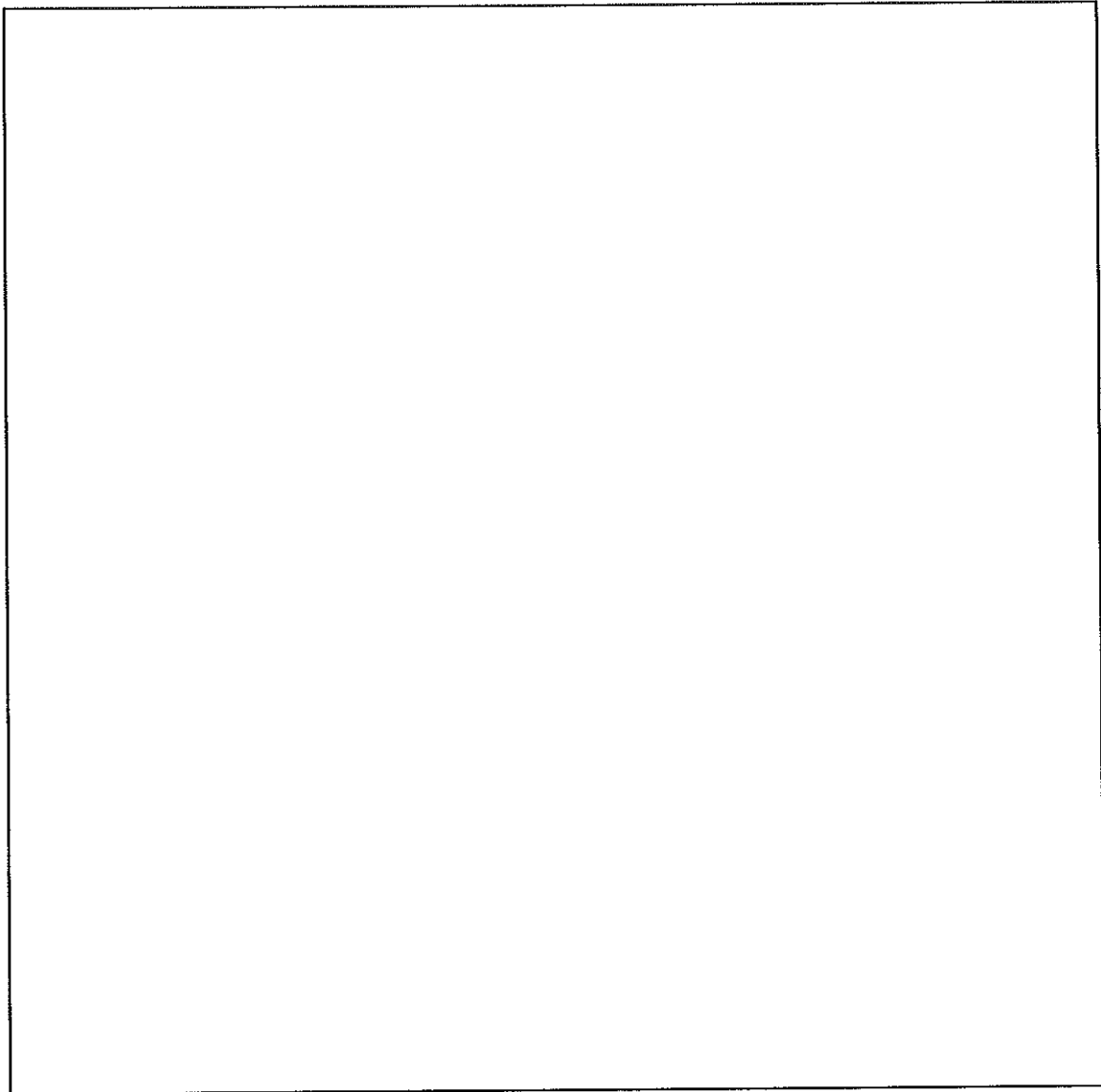
I find it very upsetting that this office is NOT INVOLVING THEMSELVES IN THE CURRENT LACK OF LEADERSHIP WITH COVID. ESPECIALLY WITH ALL THE FALSE INFORMATION GIVEN BY DOUG DUCEY AND THEY ARE NO LONGER HOSTING UPDATES. HIS LIES SHOULD BE INVESTIGATED AND HIS LEGITIMATE POSITION..I DID NOT VOTE FOR HIM 2 YEARS AGO..#RECOUNT

[Sent from Yahoo Mail on Android](#)

On Thu, Oct 15, 2020 at 2:13 PM, Attorney General Mark Brnovich

wrote:

[View this email in your browser](#)



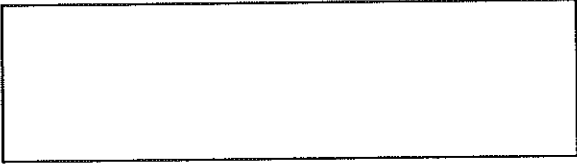
*October 2020*

The Attorney General's Office provides the essential services of protecting Arizona and its citizens. Therefore, our office locations are remaining open during the COVID-19 public health emergency. Nevertheless, we recognize that it makes sense to avoid unnecessary trips and personal contact right now, and we encourage everyone to first reach us by phone or email if we can be of assistance.

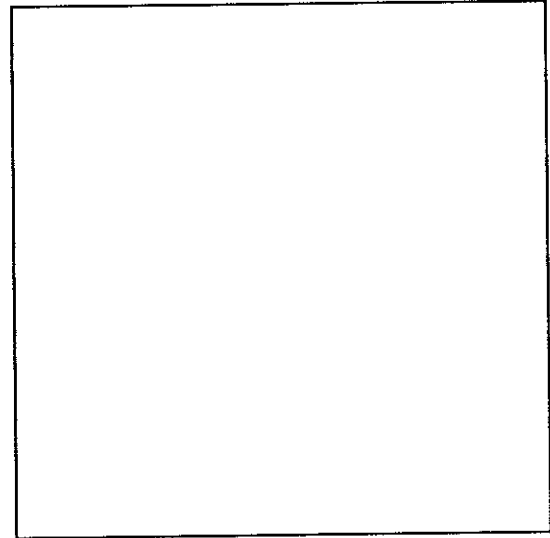
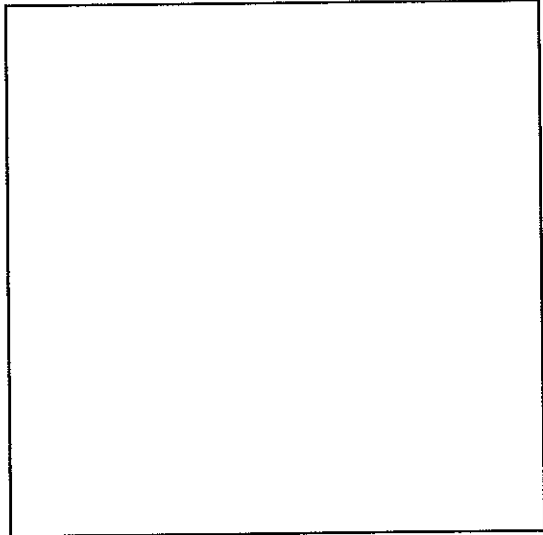
As your Attorney General, I remain committed to upholding the rule of law in all circumstances that our state may face. Please be assured that we are holding fraudsters and criminals accountable. We will continue to provide the information you need to stay ahead of -- and away from -- these bad actors.

Below is a brief update on what we've been doing as well as a number of resources to help you and your family stay safe and informed.

We will get through this together.



## AZAG OCTOBER UPDATE:



### ATTORNEY GENERAL'S COVID-19 CONSUMER FRAUD PAGE

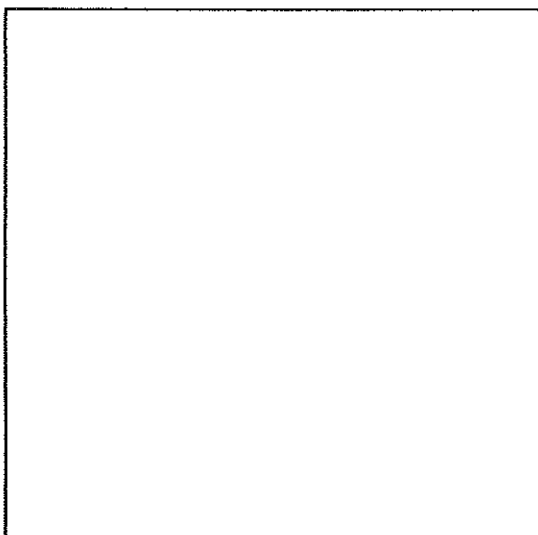
Fraudsters are finding new scams and schemes to take advantage of Arizona consumers during the COVID-19 outbreak. Since COVID-19, we've gone after a number of bad actors who have attempted to defraud the public or use the pandemic to exploit consumers. We launched a webpage in March to help you and your family recognize and avoid COVID-19 scams and frauds.

*READ MORE*

### FREE TUCSON DOCUMENT SHRED-A-THON AND PRESCRIPTION DRUG TAKE BACK - OCTOBER 24

Join us for a **FREE** "no-contact" document shred-a-thon and prescription drug take-back event on October 24 from 8 a.m. to 12 p.m. in Tucson.

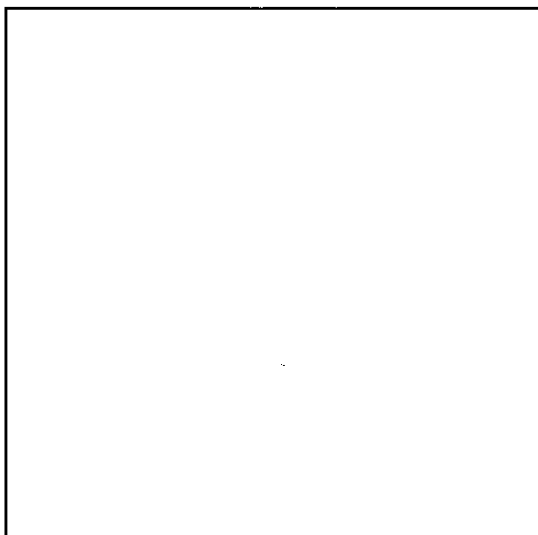
*READ MORE*



### **FILE AN ELECTION RELATED COMPLAINT WITH OUR OFFICE**

The Attorney General's Office is on the forefront of protecting the integrity of Arizona's elections. Earlier this year, we launched the AGO's first-ever Election Integrity Unit. We currently have more than 30 open criminal and civil election integrity or voter fraud-related investigations, and have indicted several individuals for allegedly committing election fraud. Any member of the public may file an election-related complaint with our office.

***READ MORE***



### **U.S. SUPREME COURT AGREES TO HEAR MAJOR ELECTION INTEGRITY CASE**

The AGO remains committed to defending our election laws and preventing the dismantling of Arizona's voting integrity safeguards. Arizonans should determine what common sense voter fraud laws are appropriate for our state, not out of state special interests. We're asking the U.S. Supreme Court to review a legal challenge to Arizona's restrictions on ballot harvesting and out-of-precinct voting after a misguided ruling by the Ninth Circuit struck the measures down and other elected officials refused to defend the law. For now, ballot harvesting remains illegal in Arizona.

***READ MORE***

**AG BRNOVICH WARNS  
CONSUMERS ABOUT OVER-THE-  
COUNTER HEARING AIDS**

AG Brnovich is cautioning consumers to watch out for misleading sales tactics from companies selling over-the-counter hearing amplifiers. Over the past year, we've received approximately 140 complaints from consumers on this matter.

**[READ MORE](#)**

**FORMER STATE SENATE  
CANDIDATE INDICTED FOR  
FORGING SIGNATURES TO  
QUALIFY FOR ELECTIONS  
FUNDING**

Larry Herrera, a former candidate for the Arizona Senate, was recently indicted on 34 felony counts. The charges arise from Herrera's attempt to qualify for Clean Elections Funding in 2018. Herrera allegedly offered or presented forged Qualifying Contribution forms to the Secretary of State's Office, and he perjured himself by falsely asserting that he had obtained qualifying legitimate contributions from individuals. Herrera allegedly took the identities of 16 individuals with the goal of attempting to obtain money from the taxpayer-funded Citizens Clean Elections Fund.

**[READ MORE](#)**

**AG'S OFFICE OBTAINS \$22.5 MILLION JUDGMENT AGAINST EONSMOKE AND PREVENTS COMPANY FROM SELLING ILLEGAL VAPING PRODUCTS IN ARIZONA**

We filed a consumer fraud lawsuit in January 2020 to stop Eonsmoke from selling illegal vaping products and targeting youth in Arizona. We recently obtained a \$22.5 million judgment against the New Jersey-based vaping company along with a court order permanently barring the company from selling its products in the state.

**[READ MORE](#)**

**MORE THAN 1,000 FORMER ARIZONA ITT TECH STUDENTS TO RECEIVE \$7.8 MILLION IN DEBT RELIEF**

AG Brnovich recently secured an agreement to obtain \$7.8 million in debt relief for more than 1,000 former ITT Tech students in Arizona as part of a settlement with PEAKS Trust, a private loan program with the closed private college. Under the settlement, PEAKS has agreed that it will forgo collection of the outstanding loans (over 1,000 in Arizona) and cease doing business. PEAKS will send notices to affected borrowers about the cancelled debt and ensure that automatic payments are cancelled.

**[READ MORE](#)**



**TWO COCHISE COUNTY  
RESIDENTS INDICTED FOR  
FRAUD AND THEFT OF  
VULNERABLE ADULT**

Heather Buhr and Isaac Butts were each indicted for one count of Theft/Financial Exploitation of a Vulnerable Adult. The alleged victim was 83 years old. Heather Buhr was a caregiver working for a company hired to provide caregiver assistance. While working for the victim, Buhr introduced her father, Isaac Butts, to the victim, and both are accused of stealing over \$53,000 from the victim between February and March of 2018.

**[READ MORE](#)**

**AG BRNOVICH FILES CONSUMER  
FRAUD LAWSUIT AGAINST DEBT  
COLLECTORS**

We filed a consumer fraud lawsuit against Arizona fraudsters who impersonated law enforcement officers and process servers while attempting to collect debt. Our office alleges defendants processed and collected over \$1.6 million in payments from consumers, and may have had no authority to collect the debt. [Listen to the audio](#) of recorded phone calls.

**[READ MORE](#)**

**AG BRNOVICH WORKS WITH  
LEGISLATURE TO PASS  
LEGISLATION PROTECTING  
ARIZONANS WITH PRE-  
EXISTING CONDITIONS**

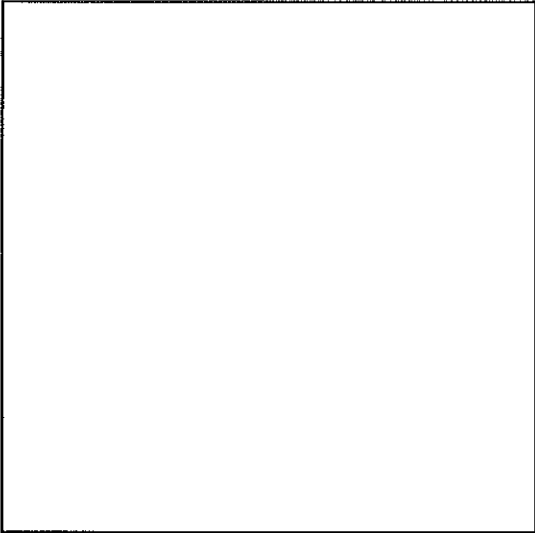
AG Brnovich worked with the Arizona Legislature during the 2020 session to enact legislation that protects Arizonans with pre-existing conditions. The new law will ensure Arizona health insurers cover patients with pre-existing conditions if the U.S. Supreme Court ever strikes down the Affordable Care Act.

**[READ MORE](#)**

**AG'S OFFICE REACHES \$11  
MILLION SETTLEMENT WITH  
HACIENDA HEALTHCARE**

The AGO reached an \$11 million settlement with Hacienda Healthcare Inc., (Hacienda) to resolve a Medicaid fraud investigation initiated by the AGO. The AGO determined that former officers with Hacienda improperly allocated direct and indirect costs, inflated reported expenses, and engaged in improper billing during 2013-2018, resulting in an overpayment of approximately \$11 million from the Arizona Health Care Cost Containment System (AHCCCS) to Hacienda. The settlement will make Arizona taxpayers whole.

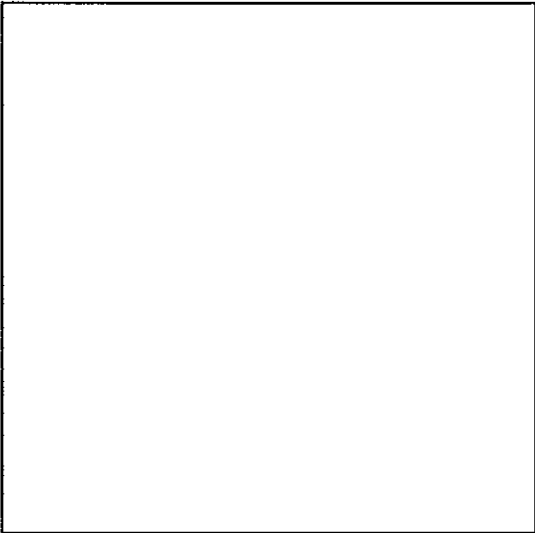
**[READ MORE](#)**



**FORMER HACIENDA  
HEALTHCARE EXECUTIVES  
INDICTED IN ELABORATE  
FRAUD CASE**

In addition to the \$11 million settlement with Hacienda to repay Arizona for illegal payments, two former Hacienda Healthcare officers were indicted for their role in the elaborate alleged white collar fraud scheme that allegedly bilked Arizona taxpayers out of millions of dollars.

**[READ MORE](#)**

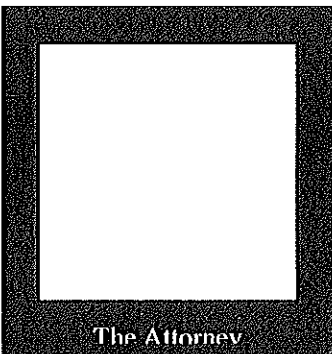


**AG BRNOVICH ANNOUNCES \$100  
MILLION IN CONSUMER  
RESTITUTION MILESTONE**

The AGO has secured well over \$100 million in restitution for Arizona consumers since 2015, which exceeds the total restitution awards secured by the AG's Office from 2000-2014 combined. Each year, the AG's Office receives more than 15,000 consumer fraud-related complaints. Please file a complaint with our office if you are the victim of consumer fraud.

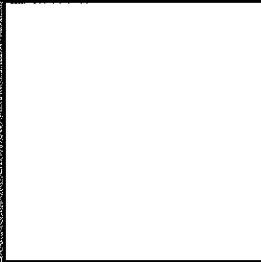
**[READ MORE](#)**

**COMMUNITY CORNER:**

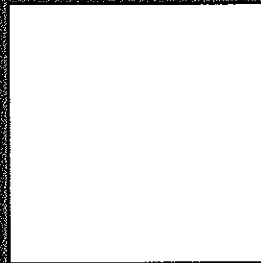


General's Office is dedicated to vigorously defending our state's common sense election laws and prosecuting anyone found to have committed voter fraud.

You can file an elections-related complaint with our office here.



Our Community Outreach section offers free youth & adult presentations on important topics, such as Human Trafficking, Vaping, & Anti-bullying. Due to COVID-19, we are now offering virtual education sessions. Submit a request for your school or local group here.



*Are you a victim of consumer fraud?*

| .

## Lumpp, Rachelle

---

**From:** ElectionsUnit  
**Sent:** Monday, June 29, 2020 2:37 PM  
**To:** Anderson, Ryan  
**Subject:** FW: Vital Election & Legal Concerns  
**Attachments:** Sims From Vail.PDF

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

---

**From:** Wright, Jennifer  
**Sent:** Monday, June 29, 2020 2:36:43 PM (UTC-07:00) Arizona  
**To:** Wilson, Linley  
**Cc:** ElectionsUnit  
**Subject:** FW: Vital Election & Legal Concerns

FYI, this email was forwarded to me by Ryan. It appears that last week sometime, the email was sent the "Elections Unit" – when I looked that up on our directory, that email is [electionsunit@azag.gov](mailto:electionsunit@azag.gov) – which I copied on this email. Unfortunately, I have no idea who that email goes to. The Elections Integrity Unit email in which I monitor is [ei@azag.gov](mailto:ei@azag.gov).

Anyway, I am looking at this complaint now.

Jen

---

**From:** Anderson, Ryan  
**Sent:** Monday, June 29, 2020 2:28 PM  
**To:** Wright, Jennifer  
**Subject:** FW: Vital Election & Legal Concerns

---

**From:** ElectionsUnit  
**Sent:** Monday, June 22, 2020 12:13 PM  
**To:** Anderson, Ryan  
**Subject:** FW: Vital Election & Legal Concerns

---

**From:** AGInfo  
**Sent:** Monday, June 22, 2020 12:13:11 PM (UTC-07:00) Arizona  
**To:** ElectionsUnit  
**Subject:** FW: Vital Election & Legal Concerns

---

**From:** Clarinda Vail [mailto:[clarinda.vail@msn.com](mailto:clarinda.vail@msn.com)]  
**Sent:** Saturday, June 20, 2020 2:49 PM  
**To:** 'Bill Sims'  
**Cc:** AGInfo; [Wring@coconino.az.gov](mailto:Wring@coconino.az.gov); [elections@azsos.gov](mailto:elections@azsos.gov); [recrdr@coconino.az.gov](mailto:recrdr@coconino.az.gov)  
**Subject:** Vital Election & Legal Concerns

Dear Mr. Sims, (& other State and County Officials)

Please see the attached letter.

Sincerely,

Clarinda Vail

Tusayan, AZ

Cell

Paid for by Clarinda Vail for Mayor

## Lumpp, Rachelle

---

**From:** PublicRecords  
**Sent:** Wednesday, June 17, 2020 1:45 PM  
**To:** Diaz, Bethany; Lumpp, Rachelle  
**Subject:** FW: Election Integrity Unit  
**Attachments:** 2019.12.12 - Insert re Drop-Off Locations.pdf; AG Redline FINAL - 2019 EPM FINAL (no appendice sample forms) (2).pdf; AG Redline Spreadsheet - SOS Responses 12-3-2019.pdf; AG Redline Spreadsheet.pdf; December 2019 EPM FINAL (no appendice sample forms).pdf; EPM REDLINE (against Oct. 1 draft).pdf; Out of Precinct Voters Procedure; SUMMARY OF DRAFT PROCEDURES MANUAL 8.pdf

---

**From:** Conner, Katie  
**Sent:** Wednesday, June 17, 2020 1:45:17 PM (UTC-07:00) Arizona  
**To:** 'Harte, Julia (Reuters)'  
**Cc:** Anderson, Ryan; PublicRecords  
**Subject:** RE: Election Integrity Unit

Hi Julia,  
I've attached the public records documents for the elections procedures manual edits. Please let me know if you have any questions. My cell is 602-339-5895.  
Thank you!

---

**From:** Harte, Julia (Reuters) [mailto:Julia.Harte@thomsonreuters.com]  
**Sent:** Monday, June 15, 2020 3:26 PM  
**To:** Conner, Katie  
**Cc:** Anderson, Ryan  
**Subject:** RE: Election Integrity Unit

Hi Katie, hope you had a great weekend! Just checking in on this because I haven't received any further messages about the edits – hope I didn't miss an email from you or Rachelle? And will it be possible to also get the full list of pending voter fraud cases that the Unit is working on?  
Thanks very much!  
Julia

---

**From:** Conner, Katie  
**Sent:** Thursday, June 11, 2020 2:31 PM  
**To:** Harte, Julia (Reuters)  
**Cc:** Anderson, Ryan  
**Subject:** RE: Election Integrity Unit

I'm checking with our public records department to get a copy of the edits for you. Either me or Rachelle (who handles our public records) will reach out shortly.  
Thank you Julia!

---

**From:** Harte, Julia (Reuters) [mailto:Julia.Harte@thomsonreuters.com]  
**Sent:** Monday, June 08, 2020 3:14 PM  
**To:** Conner, Katie  
**Cc:** Anderson, Ryan  
**Subject:** RE: Election Integrity Unit

Hi Katie, thanks very much for this! I'm looking forward to getting the full list of pending voter fraud cases that the Unit is working on, and the edits that the Unit made to Arizona's election procedures manual, along with any other



information about the Unit's activities to date that you can share. (I think that was everything we'd discussed, but forgive me if I forgot something!)

Best,  
Julia

**From:** Conner, Katie <[Katie.Conner@azag.gov](mailto:Katie.Conner@azag.gov)>  
**Sent:** Friday, June 5, 2020 5:32 PM  
**To:** Harte, Julia (Reuters) <[Julia.Harte@thomsonreuters.com](mailto:Julia.Harte@thomsonreuters.com)>  
**Cc:** Anderson, Ryan <[Ryan.Anderson@azag.gov](mailto:Ryan.Anderson@azag.gov)>  
**Subject:** RE: Election Integrity Unit

Hi Julia,  
The two attorneys are:  
Senior Litigation Counsel Todd Lawson (Criminal)  
Assistant Attorney General Jennifer Wright (Civil)  
I'm working on your other questions.  
Thank you,  
Katie

---

**From:** Harte, Julia (Reuters) [<mailto:Julia.Harte@thomsonreuters.com>]  
**Sent:** Thursday, June 04, 2020 11:16 AM  
**To:** Conner, Katie  
**Subject:** Election Integrity Unit

Hi Katie,  
I hope this finds you well. I'm the Reuters reporter who left you a voicemail just now. I'm trying to learn more about the staff and activities of the Election Integrity Unit in the Attorney General's office. I see that there are four full-time staff assigned to the unit (Senior Criminal Prosecutor, Senior Civil Attorney, Special Agent, Administrative Employee) – can you tell me who fills these roles currently? Additionally, the "Criminal" tab on the main [EIU webpage](#) says a list of AGO criminal prosecutions related to voter fraud since 2010 can be found "below," but I don't see the list on that page. Could you share the most up-to-date such list with me?

Thank you very much,  
Julia

**Julia Harte**  
Reporter  
**Thomson Reuters**  
1333 H Street NW  
Suite 700, East Tower  
Washington, D.C. 20005  
Mobile: +1-  
Office: +1-202-590-7402  
[julia.harte@thomsonreuters.com](mailto:julia.harte@thomsonreuters.com)  
[twitter.com/juliaharte1](https://twitter.com/juliaharte1)

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<https://www.thomsonreuters.com/en/resources/disclosures.html>

## Lumpp, Rachelle

---

**From:** Conner, Katie  
**Sent:** Monday, June 15, 2020 3:35 PM  
**To:** Lumpp, Rachelle  
**Subject:** FW: Election Integrity Unit

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

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**From:** Harte, Julia (Reuters) [mailto:Julia.Harte@thomsonreuters.com]  
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**Cc:** Anderson, Ryan  
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**Sent:** Friday, June 5, 2020 5:32 PM

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**Cc:** Anderson, Ryan <[Ryan.Anderson@azag.gov](mailto:Ryan.Anderson@azag.gov)>  
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**Julia Harte**  
Reporter  
Thomson Reuters  
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Mobile: +1-  
Office: +1-202-590-7402

[julia.harte@thomsonreuters.com](mailto:julia.harte@thomsonreuters.com)  
[twitter.com/juliaharte1](https://twitter.com/juliaharte1)

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## Lumpp, Rachelle

---

**From:** Anderson, Ryan  
**Sent:** Wednesday, December 18, 2019 8:13 AM  
**To:** ia@hotmail.com  
**Cc:** Lumpp, Rachelle  
**Subject:** RE: PRR Elex Manual  
**Attachments:** AG Redline Spreadsheet.xlsx; Letter to Bo Dul - AG EPM Initial Review - 11-12-2019.pdf

And here are our initial comments to the SOS. I looked at the Navajo provision (looks like it was under "critical" tab.) Line 23, I believe. No real detailed analysis provided. But I will see what else I can get you.

Ryan

---

**From:** - Capitol Media Services [ia@hotmail.com]  
**Sent:** Tuesday, December 17, 2019 10:34 PM  
**To:** Anderson, Ryan  
**Subject:** Public Records Request

Dec. 17, 2019

Ryan Anderson  
Arizona Attorney General's Office

(via email)

Dear Mr. Anderson:

This is a request for any communications from and to the Attorney Generals' Office within the past four months about the contents of or changes to the state Elections Manual.

If you or your public agency contend any portion of this information is not subject to disclosure, please provide me with a list of dates and times of each meeting along with the specific exemption under the Public Records Act for withholding the information. This will make it easier for a court to review the items in camera and determine the validity of each claim.

As to any promise your office made to obtain the data, I am sure you are well aware that the mere promise of confidentiality to any other party is insufficient to shield a public record from disclosure. There also is case law spelling out that the generic exemption for "best interests of the state" involves more than the best interest of the public official or agency. And please note that no Arizona court has recognized "executive privilege."

Also, if you contend any of the information is not subject to the Public Records Act, please immediately produce any portions for which you do not claim an exemption.

The records are being sought for the purpose of a news story and not for any commercial purpose as defined by Title 39. I will pay a reasonable fee for copying any paper documents. However, any documents that exist electronically should be furnished in their native format as required under Arizona law.

Thank you.

Howard Fischer  
Capitol Media Services  
@hotmail.com  
602-

## ABOUT THIS PUBLICATION

Published by the Arizona Department of State, Office of the Secretary of State, Election Services Division

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The office strives for accuracy in our publications. If you find an error, please contact us at (602) 542-8683 or 1-877-THE-VOTE (843-8683).

### DISCLAIMER

The Office cannot offer legal advice or otherwise offer recommendations on information in this publication. The Office advises consultation with an attorney in such cases.

### CONTACT US

Mailing address for all correspondence or filings:

Office of the Secretary of State  
Attention: Election Services Division  
1700 W. Washington St., FL 7  
Phoenix, AZ 85007-2808

Telephone: (602) 542-8683

Fax: (602) 542-6172

[www.azsos.gov](http://www.azsos.gov)

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## CHAPTER 1: VOTER REGISTRATION

### I. VOTER REGISTRATION FORMS

Voter registration forms that are accepted in Arizona include:

- The state voter registration form prescribed by the Secretary of State pursuant to [A.R.S. § 16-152\(C\)](#) (the “State Form”), including any low-vision/large-print version of the State Form prescribed by the Secretary of State and made available on the Secretary of State’s website.<sup>1</sup>
- The National Mail Voter Registration Form prescribed by the U.S. Election Assistance Commission pursuant to the National Voter Registration Act of 1993 (the “Federal Form”).<sup>2</sup>
- Registrations electronically received from the Arizona Department of Transportation, Motor Vehicle Department (AZMVD) pursuant to [A.R.S. § 16-112](#), whether through in-person registration at an AZMVD or AZMVD affiliate’s office or online through the MVD portal or voter registration website.
- The Federal Postcard Application prescribed by U.S. Secretary of Defense (the “FPCA”) pursuant to the Uniformed and Overseas Citizens Absentee Voting Act of 1986 (UOCAVA).<sup>3</sup>
- The Federal Write-In Absentee Ballot prescribed by the U.S. Secretary of Defense pursuant to UOCAVA (the “FWAB”).<sup>4</sup>

#### A. County/State Responsibility for Supplying Forms

The County Recorder is responsible for supplying (at no cost) State Forms to all federal, state, county, and local government agencies, political parties, and private organizations located within the County Recorder’s jurisdiction that conduct voter registration activities. [A.R.S. § 16-151\(A\)](#).<sup>5</sup>

<sup>1</sup> The State Form is available at <https://www.azsos.gov/elections/voting-election>.

<sup>2</sup> [52 U.S.C. § 20505\(a\)\(1\)](#); [52 U.S.C. § 20508\(a\)\(2\)](#). The Federal Form is available at [https://www.eac.gov/voter\\_resources/register\\_to\\_vote.aspx](https://www.eac.gov/voter_resources/register_to_vote.aspx).

<sup>3</sup> [A.R.S. § 16-103\(B\)](#); [52 U.S.C. § 20301\(b\)\(2\)](#); [52 U.S.C. § 20302\(a\)\(4\)](#); Executive Order 12642 (June 9, 1988). The FPCA is available at <https://www.fvap.gov/military-voter/overview>.

<sup>4</sup> [A.R.S. § 16-543.02\(D\)](#); [52 U.S.C. § 20302\(a\)\(4\)](#); Executive Order 12642 (June 9, 1988). The FWAB is available at <https://www.fvap.gov/military-voter/overview>.

<sup>5</sup> Any low-vision/large-print version of the State Form prescribed by the Secretary of State will be made available on the Secretary of State’s website for individuals and organizations to download as a fillable PDF. Neither County Recorders nor the Secretary of State are required to supply printed copies of any low-vision/large-print version of the State Form.



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The Secretary of State is responsible for supplying (at no cost) Federal Forms to all federal, state, county, and local government agencies, political parties, and private organizations that conduct voter registration activities. [A.R.S. § 16-151\(B\)](#).

The Secretary of State and County Recorders may place reasonable restrictions on the number of forms to be provided to individuals or organizations depending on the type of voter registration activity to be conducted and reasonable estimates of the number of voters that the individual or group will seek to register. If the individual or group exhausts the forms provided, the Secretary of State and/or County Recorders must provide additional forms upon request, subject to the same reasonable restrictions as the initial request.

Any registration form [in compliance with A.R.S. § 16-152 or 52 U.S.C. § 20508\(b\)](#) may be used to register to vote for the first time or amend/update an existing registration record. In addition, other documents may be used to amend/update a registrant's address, including but not limited to a request for an early ballot, a permanent early voting list (PEVL) request form, or a provisional ballot envelope or affidavit. [A.R.S. § 16-135\(A\), \(E\)](#); [A.R.S. § 16-544\(D\)\(1\), \(2\)](#).

### B. Eligibility to Use FPCA and FWAB Forms

The following registrants temporarily absent from the State are authorized to use the FPCA for registration and the FWAB for registration and voting:

- Uniformed service members;
- Eligible family members of uniformed service members;
- Overseas voters; and
- Non-resident U.S. Citizens with parents already registered to vote in Arizona.

[52 U.S.C. § 20310](#); [A.R.S. § 16-103](#); [A.R.S. § 16-543\(C\)](#). For more information on eligibility, visit [www.fvap.gov](http://www.fvap.gov) or the Secretary of State's website (<https://azsos.gov/elections/voting-election/military-and-overseas-voters>).

A UOCAVA registrant may designate the method for transmission of voting materials and information on the FPCA form, including electronic transmission, fax, or regular mail. A UOCAVA registrant may designate the length of time they wish to receive voting materials, not to exceed two federal election cycles. If no designation is made, the UOCAVA registrant's request for email, fax, or electronic transmission of voting materials will be valid until immediately after the next state general election. [A.R.S. § 16-542\(B\)](#).

## II. VOTER REGISTRATION REQUIREMENTS

A person is qualified to *register* to vote in Arizona if the person:

- Is a United States citizen;
- Will be 18 years old by the date of the next general election;

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- Will have been an Arizona resident for at least 29 days prior to the next election;
- Can write their name (or make their mark), unless prevented from doing so by physical disability;
- Has not been convicted of treason or a felony, unless their civil rights have been restored; and
- Has not been found mentally incapacitated by a court.

[Ariz. Const. Art. VII, § 2](#); [A.R.S. §§ 9-822\(A\); 16-101; 16-126\(A\); 16-152](#). Each qualification is discussed in further detail below.

### A. Citizenship Requirement

A registrant must be a U.S. citizen to be qualified to register to vote. [Ariz. Const. Art. VII, § 2](#); [A.R.S. § 16-101\(A\)\(1\)](#); [18 U.S.C. § 611\(a\)](#).

U.S. citizenship must be sworn to when registering to vote. In addition, under Arizona’s bifurcated or dual-track voter registration system, an acceptable form of documentary proof of citizenship (DPOC) is required to be registered as a “full-ballot” voter. A “full-ballot” voter is entitled to vote for all federal, state, county, and local races as well as state and local ballot measures for which the voter qualifies.

An otherwise eligible registrant who does not submit DPOC and whose U.S. citizenship cannot be verified via AZMVD records or other record in the statewide voter registration database is registered as a “federal-only” voter. A “federal-only” voter is eligible to vote solely in races for federal office in Arizona (including the Presidential Preference Election (PPE)).

#### 1. Valid Forms of DPOC

The following section outlines what constitutes satisfactory DPOC under Arizona law.

##### a. Driver Licenses and Identification Cards

A registrant may submit certain state-issued driver license or non-driver identification card information as satisfactory DPOC. [A.R.S. § 16-166\(F\)\(1\)](#).

##### i. Arizona Driver License or Non-Driver Identification Card Number

An Arizona driver license or non-driver identification card number (AZDL/ID#) issued by AZMVD after October 1, 1996 constitutes valid DPOC. To be deemed satisfactory, (1) the AZDL/ID# must be verified against AZMVD records; and (2) the verification must not return a result that indicates non-citizenship (*i.e.*, an “F-type” license).

A County Recorder may accept a copy of the registrant’s AZDL/ID# as DPOC, but must still enter the AZDL/ID# into the statewide voter registration database so it can be verified against

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AZMVD records. AZMVD issues “F-type” licenses or ID cards to those who are non-citizens at the time of issuance. Because an F-type designation is not apparent on the face of the license or ID card, an AZDL/ID# alone is not sufficient to prove citizenship without verification against AZMVD records.

ii. Out-of-State Driver License or Identification Card

An out-of-state driver license or identification card may constitute satisfactory DPOC if it was issued by the state’s driver license-issuing agency and indicates on the face of the license or card that the person provided proof of U.S. citizenship in that state. A County Recorder may accept an approved out-of-state license or identification card at face value and need not electronically verify the license or card.

For example, enhanced driver licenses or enhanced identification cards from other states that are issued in compliance with the Departments of State and Homeland Security’s Western Hemisphere Travel Initiative satisfy Arizona’s DPOC requirement. These states display an American flag on the face of the license or card. Examples of an enhanced license from Michigan and New York appear below with the American flag circled.



While a County Recorder shall not accept an out-of-state driver license or identification card number alone (because the statewide voter registration database cannot electronically verify these numbers), a County Recorder may visually verify or accept a copy of these licenses or cards for DPOC purposes.

b. Birth Certificate

A registrant may submit a legible copy of the registrant’s birth certificate from any U.S. state or territory as satisfactory DPOC. [A.R.S. § 16-166\(F\)\(2\)](#). For U.S. citizens born abroad, a “Certification of Report of Birth” or “Consular Report of Birth Abroad” issued by a consular officer from the U.S. Department of State will suffice for a birth certificate. [22 U.S.C. § 2705\(2\)](#).

The registrant must supply supporting legal documentation (such as a marriage certificate or court-documented name change) if the name on the birth certificate or document is not the registrant’s current legal name. If the registrant cannot provide supporting legal documentation to account for a different last name, a County Recorder must accept the birth certificate or

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document if at least the following information matches on both the birth certificate or document and the registration form:

- First name;
- Middle name;
- Place of birth;
- Date of birth; and
- Parents' name(s).

***c. U.S. Passport***

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A registrant may submit a legible copy of the pertinent pages of the registrant's U.S. passport or passport card, or present the registrant's U.S. passport or passport card to the County Recorder, as DPOC. [A.R.S. § 16-166\(F\)\(3\)](#).

The pertinent pages of a U.S. passport are those that contain the photo, passport number, name, nationality, date of birth, gender, place of birth, and signature (if applicable). A U.S. passport card also may be accepted, which does not contain a signature.

If the County Recorder visually inspects (and does not make a copy of) the pertinent passport pages or passport card, the County Recorder must note in the registrant's voter registration record that the passport was inspected.

***d. Citizenship and Immigration Documents***

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A registrant may present the registrant's original naturalization documents to the County Recorder for inspection or submit (1) a legible copy of the registrant's Certificate of Naturalization or Certificate of Citizenship, or (2) the registrant's Naturalization Certificate Number, Citizenship Certificate Number, or Alien Registration Number (also known as an "A-Number").

If a registrant does not present originals or provide a copy of documents but just provides a citizenship number, including a Citizenship Certificate Number, Naturalization Certificate Number, or Alien Registration Number, for proof of citizenship purposes, this number must be verified against U.S. Citizenship and Immigration Services (USCIS) Systematic Alien Verification for Entitlements (SAVE) database before the number can be deemed satisfactory. [A.R.S. § 16-166\(F\)\(4\)](#); see [Chapter 1, Section II\(A\)\(6\)](#) for more information on SAVE verification procedures.<sup>6</sup>

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~~<sup>6</sup> While the SAVE database may be used to verify citizenship status for initial registration, it shall not be used for list maintenance purposes.~~

**e. Tribal Identification Numbers and Documents**

A registrant may submit a Tribal Enrollment Number, Indian Census Number, Bureau of Indian Affairs Card Number, or Tribal Treaty Card Number as satisfactory DPOC. These tribal identification numbers are presumed valid for voter registration purposes and need not be verified against any database. [A.R.S. § 16-166\(F\)\(6\)](#).

A registrant may also submit a legible copy of the registrant’s Tribal Certificate of Indian Blood or Tribal/Bureau of Indian Affairs Affidavit of Birth as satisfactory DPOC.

**2. DPOC Requirement for “Full-Ballot” Voter Designation**

Regardless of the type of voter registration form submitted, a County Recorder must make a registrant a “full-ballot” voter for the next election if:

- The registrant provides DPOC with or after submission of the registrant’s voter registration application; or
- The County Recorder acquires DPOC on the registrant’s behalf, including from AZMVD records or the statewide voter registration database.

[A.R.S. § 16-166\(F\)](#); see also *League of United American Citizens of Arizona (LULAC) v. Reagan*, 2:17-cv-04102-DGC, Doc. 37 (D. Ariz. June 18, 2018) (the “LULAC Consent Decree”).

**a. Acquisition of DPOC from State Records**

The Secretary of State must program or enable the statewide voter registration database to attempt to acquire DPOC for new registrants from AZMVD records. This attempt to acquire DPOC must be completed in all cases where a new registrant fails to provide DPOC with the voter registration form. The Secretary shall promptly notify the applicable County Recorder of the results of the check against AZMVD records. If DPOC is acquired, the Secretary shall promptly notify the applicable County Recorder, via the automated process in the voter registration database, to make the applicant a “full-ballot” voter. However, in no event shall an acquired “F-Type” Arizona driver license number qualify as valid DPOC.

**b. Registrant’s Submission of DPOC**

A registrant may provide DPOC at the time of submitting the registrant’s voter registration application or by 5:00 p.m. on the Thursday before the election. See LULAC Consent Decree at 5. The registrant is entitled to vote a “full-ballot” at the next election if:

- The registrant submitted a voter registration application by the registration deadline; and
- The registrant provided DPOC to the County Recorder with the registration application or separately by 5:00 p.m. on the Thursday before the election.

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If a registrant does not provide DPOC with their registration application and valid DPOC otherwise cannot be electronically acquired via AZMVD records or the statewide voter registration database (and the registrant is not shown to have an F-Type license), a County Recorder must:

1. Designate the registrant as a “federal-only” voter; and
2. Send a letter to the registrant (including a DPOC Submission Form/“Federal-Only” Notice promulgated by the Secretary of State and County Recorders, *see* sample forms in [Chapter 17](#)) within ten business days, informing the registrant that:
  - The registrant has not satisfied the DPOC requirements;
  - The registrant must submit DPOC to become a “full-ballot” voter, and the registrant must provide DPOC by 5:00 p.m. on the Thursday before any given election in order to vote a “full-ballot” in that election; and
  - The registrant will remain a “federal-only” voter unless and until the registrant submits valid DPOC to become a “full-ballot” voter.

The registrant may provide separate DPOC using the DPOC Submission Form. A registrant who provides DPOC using a method other than the DPOC Submission Form sent by the County Recorder must be made a “full-ballot” voter if the County Recorder has sufficient information to link the registrant’s DPOC with the registrant’s form on file. If the County Recorder lacks sufficient information to link the DPOC to a registration form, the County Recorder must make a reasonable effort to follow up with the registrant to seek the necessary information. Registrants who subsequently provide the missing information necessary to link their submitted DPOC to their registration form shall be made “full-ballot” voters within ten business days.

If the registrant provides DPOC to the County Recorder *after* 5:00 p.m. on the Thursday before the next election, the County Recorder must make the registrant a “full-ballot” voter for *future* elections within five business days after the completion of processing of provisional ballots.

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**3. Procedures for Registrants with F-Type License**

If a registrant has not provided DPOC other than an AZDL/ID# and AZMVD records show that the registrant has an F-Type license, a County Recorder must:

1. Enter the registrant’s information into the voter registration database with a status of “not eligible” (or functional equivalent) and a reason code of “invalid citizenship proof” (or functional equivalent);
2. Send a letter to the registrant (including a DPOC Submission Form/F-Type Notice, promulgated by the Secretary of State and County Recorders, *see* [Chapter 17](#) for sample forms) within ten business days, informing the registrant that:
  - According to AZMVD records, the registrant holds an F-Type license indicating non-citizenship and has not been registered to vote for that reason; and

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- The registrant may be registered and become a “full-ballot” voter if the registrant submits valid DPOC to the County Recorder. The registrant must provide DPOC by 5:00 p.m. on the Thursday before the next regular general election in order to vote a “full-ballot” in that election.
3. Maintain the registrant’s information in the voter registration database with a status of “not eligible” (or functional equivalent) until the next regular general election if the registrant has not provided valid DPOC. If, after the next regular general election, the registrant still has not provided valid DPOC, the registrant’s record may be changed to “not registered” (or functional equivalent). The registrant would then be required to complete a new registration form in order to become eligible to vote in future elections.

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**4. “Federal-Only” Voter Designation**

A registrant who submits an otherwise valid voter registration form to the County Recorder, but without accompanying DPOC, is entitled to be registered as a “federal-only” voter based on the registrant’s sworn statement on the registration form that the registrant is a U.S. citizen. A registrant may become a “federal-only” voter regardless of the type of voter registration form submitted. An otherwise valid voter registration form submitted to the County Recorder, but without accompanying DPOC, shall be accepted, entered into the database, and registered for federal elections (*i.e.*, made a “federal-only” voter unless and until proof of citizenship is received or acquired), so long as the registrant is not shown to have an F-Type license.

A “federal-only” voter shall be upgraded to a “full-ballot” voter if:

- The County Recorder acquires DPOC on the registrant’s behalf from AZMVD records or the statewide voter registration database; or
- The registrant provides DPOC to the County Recorder by 5:00 p.m. on the Thursday before an election.

If a “federal-only” voter has been issued a ballot-by-mail, but becomes a “full-ballot” voter prior to 5:00 p.m. on the Thursday before the election, the voter may:

- Vote the “federal-only” ballot-by-mail; *or*
- Vote a regular or provisional “full-ballot” in-person during early voting or on Election Day, depending on the procedures implemented by the officer in charge of elections.

If a voter is issued both an early “federal-only” ballot and an early “full-ballot,” the first ballot returned to the County Recorder’s office is the only ballot that will be counted.

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**5. DPOC When Moving Between Counties**

A voter who registered to vote before December 13, 2004, and was therefore exempted from the requirement of providing DPOC, must submit valid DPOC if the voter is changing voter registration from one county to another in order to be registered as a “full-ballot” voter in the new county. [A.R.S. § 16-166\(G\)](#).

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Registered voters who submitted valid DPOC to the County Recorder in their county of residence need not resubmit evidence of citizenship upon moving and registering to vote in a new county in Arizona so long as a record of their previously-submitted DPOC is accessible by the new County Recorder (*e.g.*, via AZMVD records or the statewide voter registration database) and can be made part of their voter registration file in the new county. While proof of voter *registration* from another state or county is not satisfactory evidence of citizenship, [A.R.S. § 16-166\(H\)](#), valid documentary proof of *citizenship* presented in one Arizona county and documented in the statewide voter registration database constitutes valid DPOC if the voter registers in another county in Arizona.

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**6. Verifying Citizenship/Naturalization/Alien Registration Numbers**

**a. SAVE Usage**

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Each County Recorder accesses SAVE pursuant to the Secretary of State’s Memorandum of Agreement with USCIS (the “USCIS MOA”). The Secretary of State will provide SAVE access to each County Recorder upon signing a separate agreement (the “SOS/County SAVE Agreement”) that will govern the terms of SAVE usage (and, in some cases, billing as well, though some counties have a separate Reimbursement Memorandum of Agreement with USCIS).

A registrant must remain in “suspense” status until the County Recorder verifies the Citizenship, Naturalization, or Alien Registration Number through SAVE. If SAVE returns “United States Citizenship,” the registrant’s status must be updated to “active” in the voter registration database and the voter must be registered as a “full-ballot” voter.

**i. SAVE Returns Non-Citizen Status**

If SAVE returns “Lawful Permanent Resident,” “Refugee,” “Non-Immigrant,” or “Asylee,” or other non-citizen status, the registrant must be processed like those with an F-Type license. *See* [Chapter 1, Section II\(A\)\(3\)](#) above. Specifically, a County Recorder must:

1. Enter the registrant’s information into the voter registration database with a status of “not eligible” (or functional equivalent);
2. Send a letter to the registrant (including a DPOC Submission Form/SAVE Non-Citizen Notice, *see* [Chapter 17](#) for sample forms) within ten business days, informing the registrant that:
  - According to DHS records, the registrant holds an immigration number indicating non-citizenship and has not been registered to vote for that reason; and
  - The registrant may be registered as a “full-ballot” voter if the registrant submits other valid DPOC to the County Recorder. The registrant must provide DPOC by 5:00 p.m. on the Thursday before the next regular general election in order to vote a “full-ballot” in that election.



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3. Maintain the registrant’s information in the voter registration database with a status of “not eligible” (or functional equivalent) until the next regular general election if the registrant has not provided valid DPOC. If, after the next regular general election, the registrant still has not provided valid DPOC, the registrant’s record may be changed to “not registered” (or functional equivalent). The registrant would then be required to complete a new registration form in order to become eligible to vote in future elections.

**ii. SAVE Returns No Match**

If SAVE is unable to find a match, the registrant must be processed like any other registrant who has not provided satisfactory DPOC. See [Chapter 1, Section II\(A\)\(4\)](#). Specifically, if valid DPOC cannot be electronically acquired via AZMVD records or the statewide voter registration database (and the registrant is not shown to have an F-Type license), a County Recorder must:

1. Process the voter registration application and designate the registrant as a “federal-only” voter; and
2. Send a letter to the registrant (including a DPOC Submission Form/SAVE No-Match Notice, see [Chapter 17](#) for sample forms) within ten business days, informing the registrant that they have been registered as a “federal-only” voter and must submit other valid DPOC to become a “full-ballot” voter.

**b. Naturalization Ceremonies**

County Recorder representatives who conduct registration drives at naturalization ceremonies must take special precautions to ensure registration forms are properly processed.

- The County Recorder representative who receives the registrant’s completed voter registration form must write the representative’s name or initials on the form, along with the date and some indication that the form was completed at a naturalization ceremony (e.g., “NC”);
- The County Recorder representative who conducted the registration drive must ensure that the registrant’s Citizenship, Naturalization, or Alien Registration Number is written on each registration form; and
- If any registrants reside outside that county, the County Recorder representative must bundle the voter registration forms by county and send them to the applicable County Recorders, along with a cover letter affirming that the registration forms were received through a naturalization ceremony.

| The County Recorder who receives the bundle ~~shall~~may rely on this cover letter (see Chapter 17 for a sample form) as verification of citizenship. The County Recorder need not re-check any citizenship or immigration numbers to verify citizenship and ~~must~~may register the newly naturalized registrants as “full-ballot” voters (assuming no other deficiencies).

**c. Verifying Citizenship Near Voter Registration Deadlines**

Often there is a delay between when a registrant becomes a U.S. citizen and when that registrant's citizenship status has been updated in SAVE. Therefore, certain precautions must be taken if a County Recorder receives a voter registration form within two weeks of a registration deadline that contains a Citizenship, Naturalization or Alien Registration Number:

- If a County Recorder receives a registration form within 14 days of a voter registration deadline, the County Recorder must, as soon as practicable, notify the registrant by telephone and/or email (or by mail if the registrant's telephone number or email is not available) about the potential need (in case SAVE results are not ready by the deadline) to submit further DPOC to be a "full-ballot" voter for the next election. For example, the registrant may present their naturalization papers or submit a copy to the County Recorder to satisfy the DPOC requirement.
- Within two weeks of Election Day, a County Recorder must check SAVE for the results of any pending verifications to print or create precinct registers for Election Day. If any cases remain pending for additional verification at that time, the County Recorder should be prepared to supplement the precinct registers immediately preceding the election or be prepared to issue Recorder's Certificates to any newly registered voters whose citizenship was verified at the last minute. If the County Recorder cannot obtain verification of citizenship from SAVE by 5:00 p.m. on the Thursday before Election Day, the registrant must be registered as a "federal-only" voter and the County Recorder must notify the registrant that the registrant must submit other valid DPOC in order to become a "full-ballot" voter for future elections. See [Chapter 1, Section II\(A\)\(6\)](#).

**7. Preservation and Protection of Citizenship Documentation**

A County Recorder must maintain all DPOC received pursuant [A.R.S. § 16-166\(F\)](#) in a manner that the County Recorder reasonably believes will prevent access by unauthorized persons. Documents submitted for purposes of proving citizenship may be maintained outside the voter registration database, but the County Recorder must other document in the voter registration database that DPOC had been received.

A County Recorder may destroy citizenship documents two years after the date of receipt. The County Recorder must exercise reasonable diligence to ensure any citizenship documents are properly destroyed. [A.R.S. § 16-166\(F\), \(J\)](#).

**B. Age Requirement for Registration**

**Comment [WJ1]:** RECOMMEND creating a corresponding Voter Correspondence Sample Form in order to achieve the maximum degree of uniformity and efficiency.

A registrant must be at least 18 years old by the next “regular general election” that occurs following their registration. [A.R.S. § 16-101\(A\)\(2\)](#). For purposes of this requirement, the next “regular general election” is the next statewide general election held pursuant to [A.R.S. § 16-211](#).<sup>7</sup>

A minor who is qualified to register to vote is not necessarily a qualified elector for the next election. For example, a minor who will turn 18 years of age on November 1, 2020 is eligible to register to vote starting on November 7, 2018. However, although registered, that minor will not be eligible to vote in the August 4, 2020 Primary Election, or any earlier elections, because they will not yet be 18 years of age as required by [Ariz. Const. art. VII, § 2](#).

If a County Recorder receives a voter registration form from a registrant who will be at least 18 years old on or before the next statewide general election, but will not be 18 years old at the time of the next election, the registrant must be entered in the voter registration database and placed in a “suspense” status with a “registrant too young” reason code (or functional equivalent).

The County Recorder, after verifying citizenship as outlined in Chapter 1(II)(A), must notify the registrant by mail within ten business days of receipt of the registration form to: (1) inform the registrant that their registration will remain in “suspense” until the registrant turns 18; ~~and~~ (2) specify the next election where the registrant will be eligible to vote; (3) specify the registrant’s “full-ballot” or “federal-only ballot” designation (providing an opportunity submit DPOC where applicable); (4) notify the registrant of residency requirements related to the next general election; and (5) provide instructions on how to maintain their voter registration record while the registration is in “suspense”. [A.R.S. § 16-101\(A\)\(1\),\(2\),\(3\)](#); [A.R.S. § 16-134\(B\)](#); [A.R.S. § 16-152\(A\)\(15\)](#).

If the County Recorder determines the registrant does not meet the citizenship requirements, the registration form shall be processed, and the registrant must be notified, pursuant to the procedures outlines in Chapter 1(II)(A).

In addition to being placed in a “suspense” status, the voter registration record must accurately reflect the registrant’s “full” or “federal-only” designation as outlined to Chapter 1(II)(A).

On or after the registrant’s 18th birthday, the registrant’s status must be changed to “active” to make the registrant a qualified elector for the next election.

A registered minor is not eligible to sign candidate, initiative, referendum, or recall petitions or petitions for political party recognition until they turn 18 years old. [A.R.S. § 16-121\(A\)](#); [A.R.S. § 16-321\(F\)](#); [A.R.S. § 19-121.02\(A\)](#); [A.R.S. § 19-208.02\(A\)](#); [A.R.S. § 16-803\(F\)](#).

<sup>7</sup> [A.R.S. § 16-152\(A\)\(15\)](#) requires that the state voter registration form ask whether a registrant will be 18 years old “on or before *election day*” in order to register to vote. (Emphasis added). However, this provision must be interpreted consistently with [A.R.S. § 16-101\(A\)\(2\)](#), and therefore only forbids registration if the registrant will not be at least 18 years old by the next *general* election.

In order to maintain eligibility to vote in the next general election, the registered minor must be a resident for the twenty-nine days preceding the election, except as provided in A.R.S. § 16-126, A.R.S. § 16-101(A)(4). See also A.R.S. § 16-593.

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### C. Residency Requirements for Registration

A new registrant must be a resident of Arizona at least 29 days before the next election. [A.R.S. § 16-101\(A\)\(3\)](#). A County Recorder has no duty to verify a registrant's residency status and ~~shall~~ may rely on the registrant's affirmation of residency.

A registrant is a "resident" if they have physical presence in the county along with an intent to remain. A registrant may be temporarily absent from the jurisdiction without losing their residency status, as long as they have an intent to return. [A.R.S. § 16-103](#).

For example, although a UOCAVA registrant may register to vote any time prior to 7:00 p.m. on Election Day, a UOCAVA registrant must still be an Arizona "resident" in that they must: (i) have had physical presence (with an intent to remain) in the county of registration at least 29 days prior to the election; and (ii) have an intent to return to the county following the period of temporary absence. [A.R.S. § 16-103](#).

Although often interchangeable, the 29-day residency qualification ([A.R.S. § 16-101\(A\)\(3\)](#)) is distinct from the 29-day deadline to register to vote ([A.R.S. § 16-120](#)) in advance of an election. For example, the voter registration deadline may change if it falls on a state holiday, but this does not affect the requirement to be a resident at least 29 days before the next election. Voter registration deadlines are addressed in [Chapter 1, Section VII\(C\)](#).

Notwithstanding the 29-day residency requirement, a registrant who moved away from Arizona after the 30th day immediately preceding a presidential election may vote for presidential electors in Arizona (and for no other races or ballot questions) by early ballot in the Arizona precinct from which the registrant moved, in-person at the County Recorder's office, or by mail. [A.R.S. § 16-126\(A\)](#). A registrant who votes pursuant to this provision shall have their registration promptly canceled after the election. [A.R.S. § 16-126\(B\)](#).

The only other exception to the requirement for residency prior to the election is for a UOCAVA registrant who has never resided in the United States but has at least one parent registered to vote in Arizona at the time of registration. [A.R.S. § 16-103\(E\)](#). See [Chapter 1, Section I\(B\)](#) for more information on registration and voting requirements for UOCAVA registrants.

### D. Effect of Felony Conviction on Qualification to Register to Vote

A registrant may not register to vote if they have been convicted of treason or a felony, unless their civil rights have been restored. [A.R.S. § 16-101\(A\)\(5\)](#). If a registrant has had only one felony conviction, civil rights are automatically restored upon: (i) completion of probation or receipt of an absolute discharge from imprisonment; and (ii) payment of any restitution imposed. Payment of any other legal financial obligations, such as fines or court fees, is no longer required

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before civil rights are automatically restored after a first felony conviction. [A.R.S. § 13-907](#). Those who have only misdemeanor convictions or are in pretrial detention remain eligible to register to vote assuming no other deficiencies.

A registrant must affirm under penalty of perjury that they are not barred from registering to vote due to a felony conviction. [A.R.S. § 16-152\(A\)\(16\)](#). A County Recorder has no duty to verify whether the civil rights of a registrant with felony conviction(s) have been restored and ~~shall~~ **may** rely on the registrant's affirmation when registering to vote. For more information on when and how civil rights may be restored, see [A.R.S. § 13-604\(A\)](#); [A.R.S. § 13-905](#); [A.R.S. § 13-906](#); [A.R.S. § 13-907](#); [A.R.S. § 16-1011\(C\)](#).

#### **E. Effect of Incapacitation on Qualification to Register to Vote**

A registrant may not register to vote if they have been adjudicated mentally incapacitated by a court with their voting rights revoked. [A.R.S. § 16-101\(A\)\(6\)](#); [A.R.S. § 14-5101\(3\)](#). A registrant must affirm under penalty of perjury that they are not barred from registering to vote due to a court adjudication of mental incapacitation under [A.R.S. § 14-5101\(3\)](#). A County Recorder has no duty to verify whether a registrant has been adjudicated mentally incapacitated and ~~shall~~ **may** rely on the registrant's affirmation when registering to vote. For more information on findings of incapacitation and retention of voting rights, see [A.R.S. § 14-5101\(3\)](#); [A.R.S. § 14-5304.02](#).

### **III. VOTER REGISTRATION ASSISTANCE AGENCIES**

#### **A. Designated Voter Registration Assistance Agencies**

Various agencies, organizations, and offices in Arizona may be designated as “voter registration assistance” agencies. An officially-designated voter registration assistance agency:

- Provides assistance in registering to vote without regard to political party or affiliation;
- Develops written policies and conducts internal training to ensure compliance with federal and state voter registration laws;
- Meets with the Secretary of State and/or County Recorder, as applicable, on an as-needed basis to discuss voter registration policies and procedures;
- Receives State Forms (from the applicable County Recorder) and Federal Forms (from the Secretary of State) on a regular basis; and
- Accepts and agrees to return completed voter registration forms to the applicable County Recorder within five business days of receipt of the completed forms.<sup>8</sup>

All public assistance agencies and disabilities agencies are designated as voter registration assistance agencies under federal and state law and are subject to specified responsibilities to conduct voter registration. [52 U.S.C. § 20506\(a\)\(2\)](#); [A.R.S. § 16-140](#).

<sup>8</sup> [52 U.S.C. § 20506](#); [A.R.S. § 16-134\(A\)](#); [A.R.S. § 16-140](#); [A.R.S. § 16-141](#).

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- A “public assistance agency” means a state agency, division, or office that provides cash or in-kind assistance (such as access to medical care or transportation) to low-income or underserved populations. [A.R.S. § 16-140\(F\)\(3\)](#). The following agencies or divisions constitute “public assistance agencies” in Arizona:
  - Arizona Department of Economic Security (DES): Family Assistance Administration (FAA) within the Division of Benefits and Medical Eligibility (DBME)
  - Arizona Health Care Cost Containment System (AHCCCS)
  - Arizona Department of Health Services (DHS): Division of Health Prevention
- A “disabilities agency” means a state agency, division, or office that administers state-funded programs to provide services to persons with disabilities. [A.R.S. § 16-140\(F\)\(2\)](#). The following offices or divisions constitute “disabilities agencies” in Arizona:
  - Arizona Department of Economic Security (DES):
    - a. Developmental Disabilities Division (DDD)
    - b. Employment and Rehabilitation Services Division (DERS)

Armed Forces Recruiting Centers are also designated as voter registration assistance agencies. [52 U.S.C. § 20506\(c\)](#); [A.R.S. § 16-140](#); [A.R.S. § 16-141](#); *see also* Department of Justice guidance, available at <https://www.justice.gov/crt/national-voter-registration-act-1993-nvra>.

A County Recorder may also designate additional “voter registration volunteers” at their discretion, which could be any person, group, or entity, and may include governmental or nonprofit and other private organizations. [52 U.S.C. § 20506\(a\)\(3\)](#); [A.R.S. § 16-140\(E\)](#), [\(F\)\(1\)](#).

The Secretary of State’s Office will publish guidance for voter registration assistance agencies on complying with federal and state statutory requirements, which will be made available at <https://azsos.gov/elections>. Voter registration assistance agencies may also consult the Secretary of State’s Office directly for guidance and assistance relating to voter registration responsibilities and should submit written procedures and training materials to the Secretary of State’s Office.

## B. Tracking and Reporting Source of Registration

Registration forms provided to a designated voter registration assistance agency or voter registration volunteer should bear a registration source code, if practicable. The source code may not disclose the specific agency or office that issued the form, nor may the source code provide any indication that a form was issued by a public assistance or disabilities agency. The source code from a particular registrant’s form may not be publicly disclosed, and may only be used by election officials to monitor compliance with federal and state law. [A.R.S. § 16-140\(D\)](#).<sup>9</sup>

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<sup>9</sup> If, under certain circumstances, pre-populated source codes are not practicable, a County Recorder should develop another reliable method to receive and track completed voter registration forms directly received from voter registration assistance and disabilities agencies.

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A voter registration assistance agency should make its best efforts to ensure that the agency distributes voter registration forms with pre-populated source codes to the appropriate divisions or offices within the agency. Completed registration forms returned to the County Recorder should be distinguished between those received from public assistance versus disabilities assistance agencies, where applicable, for proper tracking. If the agency directs applicants to register to vote online (either through [www.servicearizona.com](http://www.servicearizona.com) (or subsequent voter registration website) or by downloading a registration form), the agency must utilize a reasonable method to track which applicants were directed to an online registration method, and offer to mail a paper registration form, at the applicant's request, if the applicant is unable to access online registration or unable to download and print a registration form.

A County Recorder should make best efforts to ensure, to the extent practicable, that State Forms provided to a public assistance or disabilities agency have the appropriate pre-populated source code to allow reliable tracking of the origin of a completed form. The source code should not be publicly decipherable, but should allow a County Recorder to internally distinguish between public assistance versus disabilities agencies. [A.R.S. § 16-140\(D\)](#); [A.R.S. § 16-152\(A\)\(22\)](#). A County Recorder must input the source of registration into each registrant's electronic registration record. See [Chapter 1, Section IV\(B\)\(2\)](#).

The Secretary of State must report the number of registrations received through voter registration assistance agencies to the U.S. Election Assistance Commission on a biennial basis. Accordingly, the County Recorders should ensure (through use of pre-populated source codes or other reliable method) that completed registration forms received from state agencies can be properly distinguished between a public assistance versus a disabilities assistance agency.

## IV. VOTER REGISTRATION PROCESSING PROCEDURES

### A. Statewide Voter Registration Database

Beginning November 2019, Arizona will operate a new voter registration and election management system called Arizona Voter Information Database (AVID). The statewide database is a matter of statewide concern and is not subject to modification or further regulation by a political subdivision. Maricopa and Pima County systems link to the state system through an interface. The 13 smaller counties directly use the state system. To the extent practicable, Maricopa and Pima County's systems will use the same terms, codes, and classifications as the state system. To the extent it is necessary for Maricopa and Pima to use different terms, codes, and classifications, they must correspond to the terms, codes, and classifications in the state system. Maricopa and Pima County must file a detailed and complete explanation of their voter registration system or program and any subsequent revisions with the Secretary of State. [A.R.S. § 16-173](#). If Maricopa or Pima County anticipates needing to make substantive changes to their voter registration system that may inhibit data integration or otherwise impact compatibility with the state system, the Secretary of State's Office must be timely notified to enable consideration of compatibility with, and any necessary modifications to, the state system. Prior to implementation, any substantive changes to the Maricopa or Pima County voter registration

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systems must be approved by the Secretary of State for compatibility with the statewide voter registration system. [A.R.S. § 16-168\(J\)](#).

**B. Registration Codes in the Statewide Voter Registration Database**

A County Recorder must assign the appropriate status, reason, source, and form code to each registrant's record.

**1. Registration Status and Reason Codes**

There are six recognized "status" codes that may be selected in the statewide voter registration database: active, inactive, suspense, canceled, not eligible, and not registered. Each status code has its own set of "reason" codes that provide further detail on the reason the particular status code was assigned. County Recorders must track the registration status and reason codes using statewide uniform codes as defined by the Secretary of State in consultation with County Recorders.

**2. Registration Source Codes**

A registration "source" code describes the source from which a voter registration form was received by the County Recorder or the source that circulated the registration form.

The following sources must be tracked in the voter registration database:

| Source                                                                                                                                                            |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Registration form was received from NVRA-mandated public assistance agencies                                                                                      |
| Registration form was completed in-person at the County Recorder's office counter                                                                                 |
| Registration form was received from Armed Forces recruitment offices                                                                                              |
| Registration form was received from state-funded agencies primarily serving persons with disabilities                                                             |
| Registration form was received from a Naturalization ceremony                                                                                                     |
| Registration form was received by mail                                                                                                                            |
| Registration form was received from a political party or third-party organization's voter registration drive                                                      |
| Registration form was received from other public agencies designated by the state or county but not mandated by NVRA (e.g., city clerks, libraries, post offices) |
| Registration form was received through an in-person MVD transaction                                                                                               |
| Registration form was received through an online MVD transaction                                                                                                  |
| Registration form was received through Arizona's stand-alone online voter registration website                                                                    |

County Recorders must track the registration sources using statewide uniform source codes as defined by the Secretary of State in consultation with County Recorders. County Recorders and staff may obtain the exact source codes associated with specific sources from the Secretary of



State's Office and must keep that information confidential to avoid public disclosure of the source of a particular voter's registration.

### 3. Registration Form Codes

A "form" code describes the type of voter registration form used to register to vote. County Recorders must track registration forms using statewide uniform codes as defined by the Secretary of State in consultation with County Recorders.

#### C. Minimum Required Information on Voter Registration Forms

A State, Federal, FPCA, and FWAB Form must contain the following minimum information to be considered complete:

- Registrant's name;
- Registrant's residence address or location;
- Registrant's date of birth (DOB);
- Registrant's signature (or in cases of physical disability, the signature of a person who helped complete the form on the registrant's behalf); and
- An answer of "yes" to the question "Are you a citizen of the United States of America?" or other affirmation that the registrant is a U.S. citizen.

If the registrant possesses an AZDL/ID# or Social Security number (SSN), the registrant's AZDL/ID# or last four digits of the SSN (SSN4) should be provided as well. If the registrant does not list an AZDL/ID# or SSN4 on the State Form, the registrant is nonetheless permitted to register to vote. The registrant will be assigned a unique identifying number by the statewide voter registration database that will serve as a voter identification number.

The state-specific instructions accompanying the Federal Form state "[i]f you do not have a current and valid driver license or non-operating identification license or a social security number, please write 'NONE' on the form." However, a County Recorder may not reject a Federal Form for failure to write "NONE." Similarly, for the FPCA and the FWAB, if the registrant does not list an AZDL/ID# or SSN4, the registrant is directed to write "I do not have a Social Security Number or State issued ID number."<sup>10</sup> However, failure to write this statement does not affect the registrant's ability to register to vote. A unique identifying number will be assigned to the registrant by the statewide voter registration database for identification purposes.

If the minimum requirements listed above have been met, the form should be processed and the registrant should be entered into the voter registration database in an "active" status if they otherwise meet the requirements for registration. If the minimum requirements have not been met, the County Recorder must: (i) follow-up with the registrant and seek the missing information (if the County Recorder has the registrant's address, telephone number, or email

<sup>10</sup> See <https://www.fvap.gov/uploads/FVAP/States/eVAG.pdf>.

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address); or (ii) place the registrant in “not registered” status if the County Recorder has no reasonable means to contact the registrant.

[A.R.S. § 16-121.01\(A\)](#); [A.R.S. § 16-152\(A\)\(2\)-\(3\), \(8\), \(12\), \(14\), \(19\)-\(20\)](#); [A.R.S. § 16-166\(F\)](#); [52 U.S.C. § 21083\(a\)\(1\)\(A\)\(iii\)](#).

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**1. Failure to Provide Name, Address, DOB, or Signature**

If the State Form, Federal Form, FPCA, or FWAB does not contain the registrant’s name, residence address or location, DOB, or signature (or assisting person’s signature), but the County Recorder has the address, telephone number, or email address to contact the registrant to request the incomplete information, the registrant should be entered into the voter registration database in a “suspense” status until the incomplete information or a new voter registration form is received. If contact information is missing, a County Recorder ~~must~~ may use reasonable efforts to research and acquire contact information for the registrant through any appropriate means.

If the information on the form is incomplete or illegible, and the County Recorder has contact information for the registrant, the County Recorder shall notify the registrant within ten business days of receipt of the form, request the missing or illegible information, and inform the registrant that they will remain in “suspense” status, with the reason code “registrant-waiting verification” (or functional equivalent) until the information is received. If the County Recorder receives the requested information by 7:00 p.m. on the date of the next regular general election, the registrant is deemed to have been registered on the date the registration was first received. [A.R.S. § 16-134\(B\)](#); [A.R.S. § 16-121.01\(A\)](#).

If a County Recorder does not have the necessary information to contact the registrant by mail, telephone, or email, the registration form should be set aside and/or the record should be entered in the voter registration database using the status code “suspense” and the reason code “insufficient information on registration form” (or functional equivalent). If the registrant provides the missing or illegible information by 7:00 p.m. on the date of the next regular general election, that registrant is deemed to have been registered on the date the registration was first received. [A.R.S. § 16-134\(B\)](#).

If the registrant does not provide the missing, incomplete, or illegible information by 7:00 p.m. on the date of the next regular general election, the registration form is invalid and the registrant’s status may be changed from “suspense” to “not registered,” with the reason code “pending expired” (or functional equivalent). The registrant would need to submit a new voter registration application to be eligible to vote in future elections.

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**2. Failure to Provide Optional Information**

Failure to provide information not listed as required in [Chapter 1, Section IV\(C\)](#) above does not invalidate the registration form. Specifically:

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- Failure to provide state or country of birth, telephone number, occupation, former address from another state (if any), father’s name or mother’s maiden name, email address, political party preference, or date of signing does not invalidate the State Form;
- Failure to provide telephone number, former address (if any), race or ethnic group, or date of signing does not invalidate the Federal Form; and
- Failure to select UOCAVA status or provide political party, previous name, gender, race, telephone number, fax number, email address, ballot delivery preference, current mailing address, or date of signing does not invalidate the FPCA or FWAB.

When only optional information is missing, the registration form should be processed and the registrant should be entered into the voter registration database in an “active” status (assuming no other deficiencies).

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**3. Failure to Properly Answer Age Verification Question**

A registrant’s failure to answer the question “Will you be 18 years old on or before election day?” on the State or Federal Form, or a registrant’s “no” answer to the question, does not invalidate the registration form. [A.R.S. § 16-121.01\(A\)](#).

When this occurs, the County Recorder should review the registrant’s DOB to confirm whether the registrant in fact will be at least 18 years old by the next general election.

- If yes, the registrant should be added to the voter registration database in “active” status unless the registrant will not be 18 years old by the next election (assuming no other deficiencies), notwithstanding a “no” answer or failure to answer the age question. If the registrant will not be 18 years old by the next election, the registrant shall be placed in the “suspense” status as outlined in Chapter 1, Section II(B).
- If no, the registrant should be added to the voter registration database with a “not eligible” status code and a “registrant too young” reason code (or functional equivalent). The County Recorder must notify the registrant by mail within ten business days and inform the registrant that their voter registration form was rejected for failure to meet minimum age requirements.

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**4. Failure to Properly Answer Citizenship Question**

A registrant’s failure to answer the citizenship question or “no” answer to the citizenship question on the State or Federal Form does not invalidate the form so long as there is some other appropriate indicator that the registrant is a U.S. citizen. [A.R.S. § 16-121.01\(A\)](#). For the purpose of answering the citizenship question, an affirmative answer includes making a check mark in the box, placing an X in the box, circling the box, shading the box, or any other method of marking the “yes” box that indicates the registrant is a citizen. Other appropriate indicators of U.S. citizenship include providing valid DPOC or a signature swearing/affirming that the registrant is a U.S. citizen (e.g., Box 9 on the Federal Form) and/or valid DPOC acquired on the registrant’s behalf from AZMVD records or the statewide voter registration database.

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If the registrant did not answer “yes” to the citizenship question or provide some other appropriate indicator that the registrant is a U.S. citizen (and DPOC cannot be acquired from AZMVD records or the statewide voter registration database), the County Recorder must notify the registrant by mail, email, and/or telephone within ten business days of receipt, request the incomplete information, and inform the registrant that they will remain in “suspense” status (or functional equivalent) until the citizenship question [on the submitted voter registration form](#) is answered in the affirmative or the registrant provides some other appropriate indicator of U.S. citizenship, [such as DPOC](#).

If the County Recorder receives the requested information by 7:00 p.m. on the date of the next regular general election, the County Recorder must change the registrant’s status from “suspense” to “active” in the voter registration database (assuming there are no other deficiencies) and the registrant is deemed registered on the date the registration was first received. [A.R.S. § 16-134\(B\)](#).

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**5. Failure to Provide Proof of Citizenship**

No voter registration application shall be rejected based solely on the failure to provide DPOC. An otherwise eligible registrant who does not submit DPOC and whose DPOC cannot be acquired from AZMVD records or other record in the statewide voter registration database must be register as a “federal-only” voter (assuming no other deficiencies). [See Chapter 1, Section II\(A\)](#) above for procedures to be followed when a registrant does not provide DPOC.

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**D. Political Party Preference**

A registrant may select a political party preference by checking one of four boxes on the State Form or EZ Voter registration: (1) Republican; (2) Democratic; (3) Other \_\_\_\_\_; or (4) None or No Party.

If the “Other” box is checked and the registrant writes a political party preference, the registrant’s selection should be entered in the voter registration database as follows:

- **Republican:** “Republican,” “Rep,” “GOP,” or any substantially similar designation
- **Democratic:** “Democratic,” “Democrat,” “Dem,” or any substantially similar designation
- **Libertarian:** “Libertarian,” “LBT,” or any substantially similar designation<sup>11</sup>
- **Green:** “Green,” “GRN,” or any substantially similar designation
- **Independent:** “Independent,” “IND,” or any substantially similar designation
- **Other:** Any other non-recognized political party
  - For previously-recognized political parties that have since lost recognition (at the state or local level), the County Recorder may continue to use the party

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<sup>11</sup> The designation “LIB” is not deemed substantially similar to “Libertarian” because of the similarity with the word “Liberal.” If “LIB” is written, the registrant’s party preference should be entered as “Other.”

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designation for registrants in the voter registration database if the registrant entered that party affiliation on their registration application. However, for the purposes of reporting voter registration statistics, these registrants shall be reported as “Other.”

- **PND:** “Party Not Designated,” “PND,” “No Preference,” “Unaffiliated,” “No Party,” “None,” or any substantially similar designation

If a *new* registrant leaves the political party preference field blank, the registrant’s party preference will be “Party Not Designated” or “PND.” If an *existing* registrant leaves the political party preference field blank, however, the registrant’s existing political party preference will be retained and no changes should be made.

For purposes of reporting voter registration statistics, *see* [Chapter 1, Section IX](#), registrants whose political party affiliations are anything other than a recognized political party shall be reported as “Other.”

### **E. Date of Registration**

A mailed paper registration form is deemed to be timely received for an election if: (1) the form is postmarked on or before the voter registration deadline and received by the County Recorder by 7:00 p.m. on Election Day; or (2) the form is dated on or before the voter registration deadline and received by the County Recorder within five calendar days after the voter registration deadline. [A.R.S. § 16-134\(C\)](#).

The registration effective date will be the date the original voter registration form was signed. If a registration form was submitted without a date, a County Recorder must use the postmark date as the date of registration, unless the postmark date is illegible or otherwise unavailable, in which case the date of receipt shall be used as the date of registration. [A.R.S. § 16-134\(C\), \(D\)](#).

If a paper registration form that was timely submitted before the next election is missing any required information or DPOC, or is otherwise placed in “suspense” status, and the registrant later provides that missing information or DPOC, the County Recorder must deem the date of registration to be the date the registration form was signed. If the registration form was not dated, the postmark date shall be the date of registration unless the postmark date is illegible or unavailable, in which case the date of receipt shall be used as the date of registration. DPOC must be provided by 5:00 p.m. on the Thursday before Election Day for the voter to be eligible to vote a “full-ballot” in that election. *See* [Chapter 1, Section II\(A\)](#). Any other required information on the form must be provided by 7:00 p.m. on Election Day for the voter to be eligible to vote in that election. [A.R.S. § 16-134\(C\)](#). If necessary supplemental information is timely provided, the registrant is deemed to be registered as of the form date and is therefore a qualified elector for that election, even if the supplemental information is provided after the voter registration deadline for that election.

However, in order for a petition signature to be deemed valid, any necessary missing information on the voter registration form, and DPOC for non-federal petitions, must be received by the

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County Recorder by the date the filing officer transmits the petition signature sheets to the County Recorder for verification.

#### **F. Initial Duplicate Checking Within the County**

Before a new registration record is entered into the voter registration database, a County Recorder must first conduct a search of the voter records to determine whether there is already an existing record for the registrant *within the county*. A County Recorder may use any appropriate criteria to identify potential matches, including (but not limited to) any information in the voter's record.

If a County Recorder ultimately determines that the registration form was submitted by an existing registrant in the county, the County Recorder must update the registrant's existing record with the new registration information in lieu of creating a new record. In other words, the new registration form is treated as a request to update the registrant's existing/original record. If the initial duplicate search indicates that the registrant does not already have a record in that county, the County Recorder must create a new record.

If a County Recorder overlooks an existing/original record and inadvertently creates a new record for the registrant, the statewide voter registration system will flag the records for the County Recorder to resolve.

#### **G. Electronic Verification Procedures**

Once a new or amended voter registration record is entered into the statewide voter registration database, the system automatically checks the registrant's information against AZMVD records and, if necessary, the Social Security Administration (SSA) database.

Verifying records against AZMVD and/or SSA data serves multiple functions:

1. If the registrant provided an AZDL/ID#, a match against AZMVD records validates proof of citizenship (unless the match is to a "Type F" or "Type N" AZDL/ID# or an AZDL/ID# issued before October 1, 1996).
2. If the registrant failed to provide either an AZDL/ID# or SSN4, but the registrant's provided information matches against AZMVD or SSA data, the system will "acquire" the missing AZDL/ID# or SSN4 from those sources and import that information into the registrant's record.
3. A match against AZMVD records or SSA database confirms the registrant's identity and helps ensure the integrity of registration rolls.

The registrant's new or amended record is also automatically verified against existing records in the statewide voter registration database for the purpose of identifying (and potentially canceling) any duplicate record. The details of the electronic verification procedures are defined in the statewide voter registration system.

## H. EZ Voter Registration

Voter registrations electronically transmitted from AZMVD to the statewide voter registration system are known as EZ Voter records. The EZ Voter program allows registrants to register through AZMVD, whether online at [www.servicearizona.com](http://www.servicearizona.com) or in-person at an AZMVD (or authorized third-party provider) office. [52 U.S.C. § 20504](#); [A.R.S. § 16-112](#).

All EZ Voter records for a particular county are populated to an interface, where each record is individually processed by the County Recorder. If there is no “true match” against an existing registrant’s record in the county, the County Recorder should create a new registration record and import the EZ Voter record into the new registration record. Once the new record is saved, the statewide voter registration system will conduct the same automatic AZMVD/SSA verification and statewide duplicate checking that occurs when a paper form has been entered.

If a County Recorder finds a match between an EZ Voter record and an existing registration record, the County Recorder should apply the EZ Voter updates to the existing record.

## I. Issuance of Voter Registration Cards

A County Recorder must issue a voter registration card to any new registrants or existing registrants who update their name, address, or political party preference. [A.R.S. § 16-163\(B\)](#). New voter registration cards should also be issued to any registrants affected by redistricting or reprecincting. A new voter registration card need not be issued if a registrant makes other changes to their registrant record, including opting into the electronic publicity pamphlet.

A voter registration card should be labeled “Voter Identification Card” or “Voter Registration Card” and contain the following information:

1. Registrant’s full name;
2. Registrant’s residence address;
3. Registrant’s political party preference;
4. Registrant’s date of registration (and/or effective date of change);
5. Registrant’s voter registration ID number;
6. Registrant’s precinct name and/or number;
7. Registrant’s district information:
  - a. Congressional district (all registrants);
  - b. Legislative district (only “full-ballot” voters); and
  - c. Any additional optional district information;
8. County name;
9. Contact information for the County Recorder; and

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10. If the registrant is a “federal-only” voter, a clear indication of “federal-only” voter designation.

The mailer that accompanies the voter registration card should contain the same information on the card and the following additional information:

1. Information stating that a new voter registration card is enclosed and instructions to discard the old card;
2. Information on use of the voter registration card (*e.g.*, as one piece of non-photo identification at the voting location);
3. How to contact the County Recorder if information on the card is incorrect;
4. Instructions on how to find one’s voting location;
5. If the registrant is a “federal-only” voter, information about what “federal-only” means and what limitations apply (including voting, signing petitions, etc.);
6. Information about identification requirements at the voting location;
7. Information about how to request an early ballot or be placed on the PEVL; and
8. Outline of the reasons why a person would need to re-register.

The County Recorder should send a voter registration card within 30 days of when a new registrant’s information is entered into the voter registration database. [A.R.S. § 16-163\(B\)](#). Return of an undeliverable voter registration card may be grounds to initiate the “NVRA process.” [A.R.S. § 16-163\(C\)](#). See [Chapter 1, Section VIII\(C\)](#).

#### **J. Help America Vote Act Identification Requirements**

The Help America Vote Act (HAVA) requires a first-time voter to prove identity before the voter can receive a ballot or vote in a federal election if the voter registered to vote by mail or through a third-party registration drive (*i.e.*, the registration form was not completed in-person at the County Recorder’s office or other designated voter registration agency). [52 U.S.C. § 21083\(b\)\(1\)-\(3\)](#).

The identification requirement under HAVA for in-person voting is the same as the identification requirement under state law for in-person early, emergency, and Election Day voting. Therefore, all in-person voters are subject to the same identification requirements. [A.R.S. § 16-579\(A\)\(1\)](#); [52 U.S.C. 20205\(c\)\(1\)](#); [52 U.S.C. § 21083\(b\)\(2\)\(A\)\(i\)](#).

However, Arizona’s method of proving identity for mail-in early voters (signature comparison) is not expressly permitted under HAVA. HAVA instead requires identity to be proven in one of the following ways for a first-time voter to vote by mail:

- Verification of a registrant’s AZDL/ID# or SSN4;
- Presentation of a registrant’s current and valid photo identification; or



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- Presentation of a copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the registrant.

[52 U.S.C. § 21083\(b\)](#). For purposes of HAVA compliance, verification of a registrant’s AZDL/ID# will be deemed sufficient proof of identity. If a registrant has not satisfied HAVA’s identification requirement for first-time voters who registered by mail, the registrant must be entered into the statewide voter registration database with a designation of “FED.” After the registrant proves identity by presenting a photo identification or utility bill/bank statement/government document with voter’s name and address, the designation must be changed to “FEDI.”

## V. PROTECTION OF SECURED REGISTRANTS

The following eligible registrants are entitled to have their registration record generally shielded from public disclosure, beyond the standard confidentiality protections available to all registrants:

- Registrants with a government (principally law enforcement) background who demonstrate to a court that sealing their registration record will reduce a danger to the registrant’s life or safety (collectively “protected government officials”), [A.R.S. § 16-153\(A\), \(B\)\(3\), \(K\)\(4\)](#);
- Registrants subject to an Order of Protection or Injunction against Harassment (collectively “protected victims”), [A.R.S. § 16-153\(A\), \(J\), \(K\)\(4\)](#);
- Registrants enrolled in the Secretary of State’s Address Confidentiality Program (ACP). ACP participants typically include victims of domestic violence, sexual offenses, or stalking offenses. The Secretary of State provides ACP participants a substitute address for public disclosure purposes and redirects mail from the substitute address to the ACP’s participant’s actual address, [A.R.S. § 41-161\(2\)](#); [A.R.S § 41-162](#).

Protected government officials, protected victims, and ACP participants are collectively referred to as “secured registrants” with “secured records.” Other persons who reside with secured registrants are also entitled to have their registration record secured. A registrant seeking secured status may obtain an application from the Administrative Office of the Courts at <http://www.azcourts.gov/selfservicecenter/Self-Service-Forms/Personal-Information-Redaction>. A protected government official or protected victim who is not an existing registered voter, but seeks to have their record sealed upon registering for the first time, should contact the County Recorder to coordinate the appropriate procedure. See [A.R.S. § 16-153](#).

An ACP participant who seeks to register to vote must initiate the process through the Secretary of State’s ACP Division. See [A.R.S § 41-162](#). The ACP participant will be provided a Voter Registration Packet, which includes a State Form and a Participant Protected Voter Records Form (PVR Form). If the person was already registered to vote prior to becoming an ACP

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participant, the person should re-register to vote through the Secretary of State's ACP Division.<sup>12</sup> Upon receipt of the ACP participant's completed voter registration packet from the Secretary of State's ACP Division, the designated County Recorder official must process the registration form within five business days and complete the following steps: (i) mark the registrant's record as secured, (ii) include the registrant on the PEVL;<sup>13</sup> and (iii) scan the State Form into the voter registration database so only the registrant's name and signature will be visible, and ensure the original State Form is protected from unauthorized access.

#### **A. Marking Secured Records**

A secured record in the voter registration database must be visually distinguishable from non-secured records. A County Recorder may implement additional security protocols to limit employee access to secured records.

#### **B. Responding to Public Records Requests**

Protected government officials and protected victims (and any registered voter who resides at the same residence) are entitled to have their identifying information, including any of that person's documents and voting precinct number, shielded from public disclosure. [A.R.S. § 16-153\(A\)](#).

ACP participants are entitled to have their "actual address" shielded from public disclosure, which includes the ACP participant's actual residential address, work address, school address, telephone number, county of registration, and precinct number. [A.R.S. § 41-161\(1\)](#); [A.R.S. § 41-165\(E\)](#).

Neither the Secretary of State nor a County Recorder may disclose an ACP participant as a registered voter because doing so would reveal the ACP participant's county of residence in violation of [A.R.S. § 41-161\(1\)](#) and [A.R.S. § 41-162\(A\)](#). The Secretary of State and/or County Recorder may also exclude protected government officials and protected victims from a response to a public records request for registrant records, if separating protected government officials/protected victims from ACP participants would present an undue burden.

However, nothing in this Section precludes the Secretary of State or County Recorder from: (1) providing non-sealed information about a protected government official or protected victim if otherwise required by law or a court order; or (2) including secured registrants in statistical reports.

#### **C. Creating Signature Rosters or Uploading E-Pollbook Data**

County Recorders may not include secured registrants, whether an ACP participant or protected government official or protected victim, on a signature roster or in an e-pollbook. If a county

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<sup>12</sup> More information on the process is available at <https://azsos.gov/services/acp>.

<sup>13</sup> The Secretary of State's ACP Division requires that ACP participants be added to the PEVL to maintain the confidentiality of the ACP participant's voting precinct, and will therefore ensure the "PEVL" box is selected on the State Form.

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uses a tablet or computer terminal that has live access to the voter registration database via a secure virtual private network (VPN) connection, the system must be capable of shielding secured registrants' information from public view (or providing view access only to the secured registrant).

In the event a secured registrant attempts to vote provisionally at a polling place (and informs the poll worker of their secured status), the poll worker should undertake any additional or necessary precautions, including but not limited to:

- Confirming the correct ballot style;
- Ensuring that a protected government official or protected victim lists their actual residential address on the provisional ballot envelope;
- Making a notation about secured registrant status on the provisional ballot envelope; and/or
- Limiting the signature roster to the registrant's voter ID number and the notation "address protected."

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**D. Issuance of Official Mail and Election Documents**

A protected government official or protected victim should receive all official election mail and be issued any voter registration cards using the registrant's actual information.

An ACP participant should receive all official election mail and be issued any voter registration cards using the substitute address (and excluding the precinct name or number). [A.R.S. § 41-166\(E\)](#).

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**E. Signing Candidate, Initiative, Referendum, or Recall Petitions**

Secured registrants are encouraged not to sign petitions if they wish to maximize protection of the confidentiality of their identifying information and residential address.

The Secretary of State and County Recorders have no obligation to redact an address or other identifying information from a candidate, initiative, referendum, recall, or new party recognition petition signed by a secured registrant. Nor is the Secretary of State or a County Recorder required to research an ACP participant's actual address if a substitute address is placed on a petition. However, a secured registrant who signs a petition and indicates "protected address," "secured registrant," or other substantially similar designation in the address line shall not have the registrant's petition signature invalidated solely based on the failure to provide the registrant's actual address. *See* [A.R.S. § 16-321\(E\)](#). In such cases, the County Recorder may verify the petition signature based on the registrant's address in voter registration record. Verification of the petition signature, however, may necessarily disclose the secured registrant's district and/or county of residence. In addition, the registrant's identifying information, including residential address, may appear on other petition-related records, which may be disclosed through a public records request or court challenge relating to the petition. For these reasons,

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secured registrants are encouraged not to sign petitions if they wish to maximize the confidentiality of their residential address.

#### F. Terminating Secured Registrant Status

A protected government official's or protected victim's registration record remains sealed for a period of five years, to expire by January 5 of the following year unless judicially renewed. A County Recorder must mail a notice to the protected government official or protected victim within six months of the expiration and advise him or her of the expiration date. [A.R.S. § 16-153\(F\)](#). A County Recorder may extend the protected government official's or protected victim's secured status upon receipt of a new court order. Otherwise, a County Recorder will remove the secured status from the registrant's record after January 5 if the County Recorder does not timely receive a new court order.

An ACP participant's registration record remains sealed indefinitely unless a County Recorder is notified by the registrant or the Secretary of State's ACP Division that the registrant is no longer a participant in the ACP program. Upon receipt of such notice, a County Recorder should remove the secured status from the registrant's record and send all future correspondence to the registrant's actual residential address previously provided on the registration form (not the substitute address previously utilized for confidentiality purposes).

### VI. VOTER REGISTRATION PROCESSING DURING "BOOKS CLOSED"

The period between the last day to register to vote for an election and Election Day is known as the "books closed" period. Historically, unless the specific changes were requested by the registrant before the voter registration deadline, County Recorders refrained from making substantive changes to voter registration records during the "books closed" period in order to ensure that the creation of signature rosters, e-pollbook rosters, and the verification of provisional ballots are based on records of eligible voters as of the last day to register to vote. However, voter registration processing may continue during the "books closed" period if the County Recorder has other means of identifying records of eligible voters as of the last day to register (e.g., the voter registration system is able to sort by effective eligibility date).

Even if a County Recorder chooses to suspend voter registration processing during the "books closed" period, the following updates should continue to be processed:

- **Address Updates:** If an existing registrant updates their residence address after the voter registration deadline but prior to the finalization of the signature or e-pollbook rosters, a County Recorder may update the registrant's record with the updated residence address. In this case, the existing registrant would be permitted to vote a regular ballot at their *new* voting precinct. (Voters who registered prior to the voter registration deadline but failed to notify the County Recorder of an address change prior to the date of the election are eligible to vote a provisional ballot and may update their address at their *new* voting precinct.)

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- **Name Changes:** If an existing registrant updates their name after the voter registration deadline but prior to the finalization of signature rosters or e-pollbook rosters, a County Recorder may update the registrant’s record with the new name.
- **DPOC Changes:** If a “federal-only” voter provides satisfactory DPOC to the County Recorder by 5:00 p.m. on the Thursday before Election Day, the registrant’s designation must be updated to “full-ballot” voter. See [Chapter 1, Section II\(A\)\(2\)](#).

## VII. ELIGIBILITY TO VOTE

To be eligible to vote, a registrant must be both: (1) timely registered for a particular election (*i.e.*, registered in the jurisdiction at least 29 days before the date of the election), and (2) a qualified elector in a particular jurisdiction.

In general, a “qualified elector” is a person who is:

- Qualified to register to vote and is properly registered to vote (*i.e.*, included on the voter registration rolls) in the jurisdiction in question; and
- Will be at least 18 years old on or before the date of the election.

A registrant remains a qualified elector unless the registrant moves to another jurisdiction or has their registration canceled. [A.R.S. § 16-121\(A\)](#).

“Qualified electors” may differ in property-based elections conducted pursuant to Title 48. For example, a qualified elector for the purpose of a domestic water improvement district or domestic waste water improvement district election is a natural person (not a company, corporation, LLC, trust, or other business entity) who owns property in the district and: (i) is registered to vote in the applicable county and resides within the district; (ii) is registered to vote in the applicable county but does not reside in the district; or (iii) is registered to vote in Arizona but does not reside in the applicable county or district. [A.R.S. § 48-1012\(G\)](#).

### A. Age Requirements to Vote in the Next Election

To be eligible to vote in the next election held pursuant to [A.R.S. § 16-204](#), a registrant must be 18 years old on or before the date of that next election. [A.R.S. § 16-121\(A\)](#).

If a registrant will be at least 18 years old on or before the next statewide general election, but will not be at least 18 years old by the next election held in a particular jurisdiction, the registrant remains qualified to *register* to vote but is not a *qualified elector* for that next election. For example, if a registrant will turn 18 years old before the general election but will be 17 years old at the time of the primary election, the registrant may register but is not entitled to vote in the primary election.

## **B. Residency Requirements to Vote in the Next Election**

To be eligible to vote in the next election, a registrant generally must have residency within the boundaries (or proposed boundaries) of a particular jurisdiction for the 29-day period preceding that election. [A.R.S. § 16-120\(A\)](#). For example, to vote in a city or town election, a registrant must be a resident of that city or town at least 29 days before that election. [A.R.S. § 9-822\(A\)](#). A registrant may be temporarily absent from the jurisdiction without losing their residency status, as long as the registrant has an intent to return. [A.R.S. § 16-103](#).

### **1. Residency Requirements When Jurisdictional Boundaries Change**

If jurisdictional boundaries change during the 29-day period preceding the next election, a registrant must have residency within the new boundaries in order to vote in the next election in that new jurisdiction. This applies to boundary changes brought about by annexation.

For example, a registrant who previously resided in a county island, but whose property was annexed into a city or town during the 29-day period preceding an election, is qualified to vote in the city or town's next election if the registrant resided in the city or town's new boundaries during the 29-day period before the election. [A.R.S. § 9-822\(B\)](#).

### **2. Eligibility to Vote When Registrant Moves Within 29-Day Period**

If a registrant moves to a different precinct within the same county during the 29-day period preceding the next election, the registrant remains a qualified elector for the next election. If the registrant updates their residence address prior to the creation of the signature rosters or e-pollbook rosters, a County Recorder may update the registrant's record with the updated residence address in the voter registration database and the voter will be permitted to vote a regular ballot at their *new* voting precinct. The registrant is also entitled to update their address at the appropriate polling place for the voter's new address and then vote a provisional ballot on Election Day. [A.R.S. §§ 16-122, 16-135, 16-584](#).

If a registrant moves to a different county during the 29-day period preceding the next election, the registrant remains a qualified elector in the former county for that election and must vote in the *former* county. [A.R.S. § 16-125](#).

If a registrant moves to a different state during the 29-day period preceding the next election, the registrant is not a qualified elector (and is therefore ineligible to vote) in Arizona. However, a registrant retains the right to vote in Arizona for President of the United States (and no other races) at the general election during a Presidential election year. [A.R.S. § 16-126](#). Requesting a presidential-only ballot requires the County Recorder to cancel the registrant's record "promptly" following the general election. [A.R.S. § 16-165\(A\)\(6\)](#).

### 3. Exceptions to the 29-Day Residency Requirement

#### a. *Military and Overseas Voters*

Military and overseas registrants temporarily absent from the state are permitted to register and vote up until 7:00 p.m. on Election Day despite not physically residing in Arizona during the 29-day period preceding the election. [A.R.S. § 16-103](#); [A.R.S. § 16-543.02\(B\)](#). This exception also applies to a U.S. citizen who has never resided in the United States but whose parent is registered in Arizona and is a qualified elector for the next election. [A.R.S. § 16-103\(E\)](#).

#### b. *Public Officers Posted in Different County*

If a state employee or officer is posted to a duty station in a county other than the county from which they were appointed or elected, they (along with their spouse and dependents who reside in the household) remain qualified electors in the county of appointment or election, even if they physically reside in the county where the duty post is located. [A.R.S. § 16-124](#).

### C. Registration Deadline to Vote in Next Election

A registrant who registers to vote at least 29 days before the next election (and is otherwise a qualified elector in that jurisdiction) is entitled to vote at the next election. [A.R.S. § 16-120\(A\)](#); [A.R.S. § 16-134\(C\)](#).

#### 1. Date of Receipt of Voter Registrations

For online EZ Voter registrations, a registration is timely received if the registrant completes the online registration by 11:59 p.m. on the last day to register to vote. The time of registration is the time identified on the registrant's EZ Voter confirmation receipt.

For paper registrations conducted at a County Recorder's office, the Secretary of State's office, an AZMVD office or affiliate, a voter registration assistance agency, or an authorized voter registration volunteer's office, a registration is timely if the registrant completes or delivers the registration form before the office closes for business on the last day to register to vote.

For paper registration forms that are mailed to a County Recorder's office, a registration is timely if:

- The registration form is postmarked on or before the voter registration deadline and received by the County Recorder by 7:00 p.m. on Election Day; or
- The registration form is dated on or before the voter registration deadline and received by the County Recorder within five calendar days after the voter registration deadline.

[A.R.S. § 16-134\(C\)](#).

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For UOCAVA registrants using an FPCA or FWAB, a registration form is timely if received by the County Recorder's or Secretary of State's Office via mail, email, or fax by 7:00 p.m. on Election Day. [A.R.S. § 16-103\(C\)](#).

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**2. Voter Registration Form Received After Deadline**

A registrant who registers to vote within 29 days of an election is eligible to vote at the election following the next election. [A.R.S. § 16-120\(A\)](#). For example, a person who registers ten days before the primary election is not eligible to vote in the primary election but is eligible to vote in the general election.

If the County Recorder receives a new voter registration form less than 29 days before an election, and the registrant is not a military or overseas voter using the FPCA or FWAB registration form, the County Recorder may either:

- Enter the registrant's information in the voter registration database; or
- Refrain from entering the registrant's information in the voter registration database until after the next election.

If a County Recorder receives a voter registration form less than 29 days before an election from an existing registrant, the County Recorder may update the record prior to Election Day if the registrant will be a qualified elector in the precinct where the registrant resides.

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**3. When Registration Deadline Falls on a Weekend or Holiday**

If the 29-day registration deadline falls on a weekend or state holiday (regardless of whether a particular county office is open for business), the registration deadline is extended to the next business day for state government. For example, if the registration deadline falls on Columbus Day (a Monday), a registrant is qualified to vote in the next election if they register on the following Tuesday. [A.R.S. § 16-120\(B\)](#); *see also* [A.R.S. § 1-303](#) (listing state holidays).

Notwithstanding any state deadline, the Secretary of State has the authority to move the voter registration deadline in order to maintain compliance with the federal National Voter Registration Act (NVRA). Thus, the voter registration deadline will be moved closer to Election Day if the closure of state or federal offices would cause a method of registration to be unavailable within the 30-day period preceding the next election. For purposes of NVRA compliance, the registration deadline shall be applied uniformly across Arizona and is not subject to modification based on local business hours. [52 U.S.C. § 20507\(a\)\(1\)\(A\)-\(D\)](#); *Arizona Democratic Party v. Reagan*, No. CV-16-03618-PHX-SPL, 2016 WL 6523427, at \*13 (D. Ariz. Nov. 3, 2016).



## VIII. VOTER REGISTRATION LIST MAINTENANCE

### A. Deceased, Felon, and Incapacitated Registrants

Though the Secretary of State does not directly cancel any registration records, the Secretary of State is responsible for importing certain information received from federal and state officials into the statewide voter registration database, pursuant to which the statewide voter registration system will automatically cancel “hard matches” on the following limited bases:

1. The registrant is deceased;
2. The registrant was convicted of a felony in court; or
3. The registrant was adjudicated mentally incapacitated by a court.

#### 1. Deceased Registrants

The Arizona Department of Health Services (DHS) provides the Secretary of State with a file each month (along with a combined file each year) that contains the name, DOB, SSN, date of death, father’s name (if available), mother’s maiden name, and last known address of deceased Arizona resident who passed away during the applicable period. [A.R.S. § 16-165\(D\)](#).

Upon receipt and confirmation of proper formatting, the Secretary of State uploads the deceased registrant file into the statewide voter registration system. The system then initiates a matching process against registrant records in the statewide voter registration database.

##### a. Hard Match Criteria for Deceased Registrant Verification

For the purpose of verifying deceased resident information against the statewide voter registration database, a “hard match” occurs if the first three letters of the first and last name, DOB, and SSN4 match in both records.

If the statewide voter registration system finds a “hard match,” the registrant’s record is automatically placed in “canceled” status with a reason code of “deceased-automatic resolution” (or functional equivalent). The County Recorder need not send any confirmation of the cancellation to the registrant.

##### b. Soft Match Criteria for Deceased Registrant Verification

For the purpose of verifying deceased resident records against the statewide voter registration database, a “soft match” occurs if the first three letters of the first and last name and DOB match in both records or there is a “hard match” against more than one existing registrant record.

If the system finds a “soft match” between the deceased record and a registrant record, it will flag the records and notify the appropriate County Recorder of the need to review and compare the records. The County Recorder must conduct an individualized inquiry and determine whether a “true match” exists between the records.

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If a County Recorder determines that a “true match” exists, the County Recorder must select “match” in the system. The registrant’s record will be automatically updated to “canceled” status with a reason code of “deceased.” The County Recorder need not send any confirmation of the cancellation to the registrant.

If the County Recorder determines that a “true match” does not exist, the County Recorder must select “no match” in the system. The registrant’s record will remain in its existing status without being placed in “canceled” status in the statewide voter registration database.

A County Recorder should follow the same procedures if the county directly receives deceased registrant information directly from DHS instead of the Secretary of State.

**c. Other Sources of Information on Deceased Registrants**

A County Recorder may also cancel a registrant’s record if the County Recorder determines that the registrant is deceased based on other reliable sources, *see* [A.R.S. § 16-165\(A\)\(2\)](#), including, but not limited to, death notices received by the County Recorder’s office and an affidavit of death from the registrant’s next of kin. A County Recorder should match as much information as possible (including first name, last name, maiden name (if applicable), year of birth, place of birth, and city or town of residence) and be reasonably certain that a “true match” exists before canceling a registrant. For example, newspaper or online obituaries alone may not suffice to cancel a registrant record without additional research and confirmation. In cases where the County Recorder cannot confirm a “soft match,” the County Recorder may send a letter to the registrant asking to confirm the information.

A registrant who passes away after casting a valid ballot is entitled to have their ballot tabulated and votes counted.

**2. Registrants Convicted of a Felony or Found Mentally Incapacitated**

The Secretary of State is responsible for receiving felony conviction and mental incapacitation information from federal and state officials and processing the information through the statewide voter registration system.

**a. Sources of Felony Conviction and Incapacitation Information**

The Secretary of State electronically receives periodic files from Arizona superior courts and from the Maricopa County Superior Court containing the name, DOB, and SSN4 of Arizona residents recently convicted of a felony or found mentally incapacitated in that jurisdiction. Upon receipt and confirmation of proper formatting, the Secretary of State imports the files into the statewide voter registration system.

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The Secretary of State also receives in various non-electronic formats: (1) additional felony conviction information from Arizona superior courts and the U.S. Department of Justice; and (2) additional mental incapacitation information from Arizona superior courts. Upon receipt, the Secretary of State converts these records into the proper electronic format and imports these files into the statewide voter registration system.

**b. Processing Felony Conviction and Incapacitation Information**

The statewide voter registration system compares the felony and mental incapacitation records against the statewide voter registration database for potential matches.

A “hard match” occurs when the first three letters of the first and last name, DOB, and SSN4 match an existing registrant record. In this case, the registrant’s record is automatically placed in “canceled” status with the reason code of “felony – automatic resolution” or “declared incapacitated – automatic resolution” (or functional equivalent).

A “soft match” occurs when the first three letters of the first and last name and DOB match an existing registrant record (or there is a “hard match” against more than one existing record in the database). In this case, the system will flag the record for individual resolution by the applicable County Recorder. If the County Recorder finds a “true match,” the record may be placed in “canceled” status with the reason code “felony” or “declared incapacitated” (or functional equivalent). The County Recorder must send a letter to the registrant confirming any cancellation based on a felony conviction or finding of mental incapacitation.

A County Recorder should follow the same procedures if the county directly receives felony conviction or mental incapacitation information from a court instead of the Secretary of State.

A County Recorder may reinstate a registrant’s record if the registrant was erroneously canceled based on mental incapacitation, but the registrant retained the right to vote by court order. If the registrant was canceled based on a felony conviction but later had their civil rights restored, the registrant must submit a new voter registration in order to be re-registered.

**B. Secretary of State Duties to Forward Registrant Information**

The Secretary of State also periodically receives registrant information that must be processed and forwarded to County Recorders for final resolution as described below.

**1. Information Received from Out-of-State Jurisdictions**

The Secretary of State occasionally receives correspondence from out-of-state jurisdictions providing information about Arizona registrants. The Secretary of State will promptly forward the correspondence to the applicable County Recorder(s) by email. The Secretary of State may not cancel any registration records or otherwise initiate any process through the statewide voter registration system based on the out-of-state correspondence. A County Recorder should treat the

information as a “soft match” and conduct an individualized inquiry before canceling any registration record.

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## 2. Information Received Through Multi-State Compacts

Arizona is a member of the Electronic Registration Information Center (ERIC). The Secretary of State is responsible for acquiring, sorting, and distributing registrant information received from ERIC to the County Recorders.

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## 3. Juror Disclosure of Felony Conviction

Election officials periodically receive court records or information regarding prospective jurors who acknowledged a felony conviction on a juror questionnaire. If a County Recorder receives such information, the County Recorder must cancel any registrant record that is a “true match” against the juror information, using the reason code “juror questionnaire - felony” (or functional equivalent). [A.R.S. § 16-165\(A\)\(4\)](#). The County Recorder must also send a letter informing the registrant of the cancellation.

A County Recorder must ensure that a registration is not canceled twice for the same felony conviction. For example, the statewide voter registration system might have automatically canceled the registration upon being notified of the felony conviction through court records pursuant to [Chapter 1, Section VIII\(A\)\(2\)](#), and the registrant could have re-registered (following restoration of their civil rights) before the juror questionnaire information was provided to the County Recorder about the same felony conviction. Thus, before canceling a registration record based on a juror questionnaire, the County Recorder should confirm that the registrant did not have a prior registration record recently canceled on account of a felony conviction.

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## 4. Juror Disclosure of Non-Citizenship

Election officials also periodically receive court records or information regarding prospective jurors who stated on a juror questionnaire that they are not a U.S. citizen. If a County Recorder receives such information, the County Recorder may cancel any registrant record that is a “true match” only after completing the following steps:

1. Confirm that the registrant does not already have valid proof of citizenship documented in the statewide voter registration database (if the registrant has DPOC on file, the County Recorder may not cancel the registrant’s record based solely on the juror questionnaire);
2. If the registrant has no DPOC on file, send a letter to the registrant (including a DPOC Submission Form/Juror Questionnaire Non-Citizen Notice, *see* [Chapter 17](#) for sample forms) within ten business days, informing the registrant that:
  - The County Recorder has received information indicating that the registrant stated on a juror questionnaire that they are not a U.S. citizen;
  - The registrant has not previously provided valid DPOC;

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- The registrant must submit DPOC within 35 days of the date of the notice to remain eligible to vote and the registrant will be made a “full-ballot” voter upon submission of DPOC; and
- The registrant’s record will be canceled if the registrant does not submit DPOC within 35 days.

If the registrant does not submit valid DPOC by the 35-day deadline, the County Recorder must change the registrant’s status to “canceled” with the reason code “juror questionnaire - citizenship.” The County Recorder must also send a letter notifying the registrant of the cancellation and providing instructions on how to re-register and provide valid DPOC if the registrant is otherwise eligible to register to vote.

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**5. Juror Disclosure of Out-of-County Residency**

If a County Recorder receives court documents or other information regarding prospective jurors who stated on a juror questionnaire that they are not a resident of the county and the County Recorder confirms a “true match” with a registrant record, the County Recorder must send a letter to the registrant within ten business days. The letter must:

- Inform the registrant that the County Recorder was notified the registrant indicated on a juror questionnaire that the registrant is not a resident of the county; and
- Include a voter registration form or an appropriate internet address through which the registrant can update their address and/or register to vote in their new county in Arizona.

If the letter is returned undeliverable,<sup>14</sup> the County Recorder must send a follow-up notice within 21 days, which constitutes the “Final Notice” pursuant to the NVRA process; the registrant’s record may be canceled through the NVRA process only if the registrant does not timely respond to the Final Notice *and* fails to vote in any election in two federal/statewide general election cycles. See [Chapter 1, Section VIII\(C\)](#) for details on the NVRA process.

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**C. Cancellation through NVRA Process Due to Address Changes**

One of the principal ways to ensure the accuracy of registration records is to update records based on a registrant’s change of address. [52 U.S.C. § 20507\(a\)\(4\)\(B\)](#). A County Recorder receives address change information in various ways: directly from the registrant, from the U.S. Postal Service’s (USPS) National Change of Address (NCOA) service, through returned mail from USPS, or from ERIC reports. A County Recorder may update (and in some cases cancel) a registration record depending on the circumstances.

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<sup>14</sup> If the initial notice letter is not returned undeliverable, the registrant’s record may not be canceled, even if the registrant does not respond to the initial notice letter.

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One piece of returned official election mail alone is not sufficient to cancel a registrant's record. Rather, a County Recorder generally must send two official election mailings to the registrant (only one official election mailing is required if a registrant appears on an NCOA or ERIC report), and only if a registrant does not respond to the mailing(s) or vote during a specified period after the mailings were sent, is the County Recorder permitted to cancel the record. The requirements below are outlined in NVRA and the process is referred to here as the "NVRA process."

**1. Initiating the NVRA Process Based on Returned Election Mail**

To invoke the NVRA process based on returned election mail, a County Recorder must complete the following steps:

1. Send an official election mailing by non-forwardable, first-class mail marked with a statement required by USPS to receive an address correction notification (the "First Notice"). Official election mail includes but is not limited to:
  - A voter registration card;
  - A 90-day notice to PEVL registrants issued pursuant to [A.R.S. § 16-544\(D\)](#);
  - A ballot-by-mail issued pursuant to [A.R.S. § 16-542](#) or [A.R.S. § 16-544](#);
  - Any other first-class, non-forwardable official election mail.
2. If the election mail is returned undeliverable, the County Recorder must send a follow-up notice to the registrant within 21 days after the mail is returned to the County Recorder (the "Final Notice"). If the returned mail contains a forwarding address for the registrant, the County Recorder must send the Final Notice to the new address. Otherwise, the County Recorder must send the Final Notice to the same address used for the initial mailing.
3. The Final Notice must contain a voter registration form or an appropriate internet address through which the registrant can update their address. The Final Notice also must warn that if the registrant does not submit a new voter registration form or update their address within 35 days, the registrant will be placed in "inactive" status.
4. If the registrant does not submit a new voter registration form or otherwise update their address by the 35-day deadline, the County Recorder must change the registrant's status to "inactive" with the reason code "NVRA inactive address" (or functional equivalent).

[A.R.S. § 16-166\(A\), \(C\), \(E\)](#); [A.R.S. § 16-544\(E\)](#); [52 U.S.C. § 20507\(b\)\(2\), \(d\)\(1\)\(B\), \(d\)\(2\)](#).

The registrant may be canceled through the NVRA process if the registrant:

- Does not timely respond to the Final Notice by submitting a new registration form or otherwise update their voter registration address with the County Recorder; and
- Fails to vote in any election in two federal/statewide general election cycles following the Final Notice.

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[A.R.S. § 16-165\(A\)\(7\)](#); [A.R.S. § 16-166\(E\)](#); [52 U.S.C. § 20507\(b\)\(2\), \(d\)\(1\)\(B\), \(d\)\(2\)](#).

If the preceding conditions have been met, under NVRA, the registrant's record ~~may~~ shall be canceled after four years from the date of the Final Notice or following the second general election after the Final Notice. [A.R.S. § 16-166\(C\), \(E\)](#); [A.R.S. § 16-165\(A\)\(7\)](#).

## 2. Special Procedures Applicable to NCOA Notices

A County Recorder is permitted, but not required, to utilize USPS's NCOA service to preliminarily identify registrants who have moved. [52 U.S.C. § 20507\(c\)\(1\)\(A\)](#); [A.R.S. § 16-166\(E\)](#). Since NCOA data reflects actual change-of-address information the registrant has provided to USPS, the NVRA authorizes a special process to be utilized for list maintenance purposes. The NCOA data serves the same function as a First Notice that is returned undeliverable. Thus, a County Recorder need only send one additional notice, which serves as the Final Notice, to invoke the NVRA process.

If the County Recorder chooses to use NCOA data, any *initial* notice pursuant to this Section must be sent on or before May 1 of a general election year. The County Recorder may also send additional notices after May 1. [52 U.S.C. § 20507\(c\)\(2\)\(A\)](#); [A.R.S. § 16-166\(E\)](#). Sending this notice by May 1 also allows a County Recorder to simultaneously send a 90-day notice to PEVL voters for the primary election in the same mailing. [A.R.S. § 16-544\(D\)](#).

### a. *When NCOA Data Indicates Out-of-County Move*

If NCOA data indicates that the registrant moved outside the county, the County Recorder must send a notice to the new address by forwardable mail informing the registrant how to remain eligible to vote. The notice must:

- Enclose a postage prepaid and preaddressed return form by which the registrant may confirm the intent to cancel their registration;
- Notify the registrant to re-register if they moved to another county; and
- Notify the registrant to update the County Recorder within 29 days of the letter if the registrant's change-of-address was only temporary.

[52 U.S.C. § 20507\(c\)\(1\)\(B\)\(ii\), \(d\)\(2\)\(B\)](#); [A.R.S. § 16-166\(E\)](#). This letter serves as a Final Notice in the NVRA process.

### b. *When NCOA Data Indicates In-County Move*

If the NCOA data indicates that the registrant moved within the county, the County Recorder must supplement the registrant's record with the new address obtained through NCOA. The County Recorder also must send a notice to the new address by forwardable mail to provide the registrant an opportunity to confirm or correct the address change. The notice must:

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- Notify the registrant that the County Recorder updated the registrant’s record with the new address;
- Enclose a postage prepaid and pre-addressed return form by which the registrant may confirm or correct the address change;
- Notify the registrant that if they do not confirm the new address within 35 days, the registrant will be placed in “inactive” status.

[A.R.S. § 16-166\(E\)](#). This letter serves as a Final Notice in the NVRA process.

### 3. NVRA Recordkeeping Responsibilities

A County Recorder must track all Final Notices sent to a registrant, along with any communication from the registrant received in response to a Final Notice, with a registrant’s record in the voter registration database. [52 U.S.C. § 20507\(i\)\(2\)](#).

#### D. Prohibition on Systematic Cancellations within 90 Days of Election

A County Recorder must complete any program to systematically cancel registration records at least 90 days before a primary or general election. [52 U.S.C. § 20507\(c\)\(2\)\(A\)](#). Systematic programs include the cancellation of records through the NVRA process described in [Chapter 1, Section VIII\(C\)](#). However, the 90-day prohibition does not preclude cancellation of records based on:

- Automatic cancellations through the statewide voter registration system of hard matches based on death, felony conviction, or mental incapacitation;
- Merging/cancellation of duplicate records (whether manual or automatic) when processing new voter registration forms;
- Cancellation at the request of the registrant; and
- Cancellation of records added to the voter registration database in error.

[52 U.S.C. § 20507\(c\)\(2\)\(B\)](#).

## IX. REPORTING VOTER REGISTRATION STATISTICS

Each County Recorder must report to the Secretary of State and the officer in charge of elections the number of active and inactive county registrants as of the following dates:

- **In even-numbered years:**
  - January 2;
  - The last day to register to vote for the March PPE;
  - April 1;
  - The last day to register to vote for the August primary election; and
  - The last day to register to vote for the November general election.



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- **In odd-numbered years:**

- January 2;
- April 1;
- July 1; and
- October 1.

In addition, registration reports must be provided to the Secretary of State as of the registration deadline for any special election. [A.R.S. § 16-168\(G\)](#).

The reports must be broken down by political party and according to precinct, legislative district, and congressional district. For reporting purposes, political parties are limited to the Republican Party, Democratic Party, Libertarian Party (assuming they remain qualified for statewide recognition), Green Party (assuming they remain qualified for statewide recognition), and any other statewide recognized political party that qualifies for representation on the ballot at the time of the report. The “Other” total reported to the Secretary of State should include all registrants registered as “other,” “independent,” “party not designated,” “PND”, “no party” (or any substantially similar designation) or any non-recognized political party.

These totals should be reported to the Secretary of State as soon as practicable following the applicable cutoff dates. [A.R.S. § 16-168\(H\)](#). The totals must include only registrations as of the reporting cutoff periods.

For reports prepared as of a registration cutoff date, the County Recorder should ensure that the same active and inactive registration numbers reported to the Secretary of State match any registration statistics reported to the officer in charge of elections for purposes of determining voter turnout.

As soon as practicable upon receipt of all 15 county reports, the Secretary of State must prepare, publish, and retain a statewide summary of the voter registration statistics. [A.R.S. § 16-168\(H\)](#).

### **A. “Federal-Only” Registration and Ballot Report**

The County Recorder or other officer in charge of elections must file a report with the Secretary of State, and post on the County Recorder’s website, the number of people who are registered to vote using the state or federal form who have not provided documentary proof of citizenship. In even-numbered years, the report must be made on January 2, April 1, and the last day on which a person may register to be eligible to vote in the next presidential preference, primary, and general election. In odd numbered years, the report must be made on January 2, April 1, July 1, and October 1. Additionally, after each general election, the County Recorder must post on the County Recorder’s website the number of ballots cast by those eligible to vote for federal offices only. [A.R.S. § 16-161\(B\)](#); [A.R.S. § 16-168](#).

## **X. PROVISION OF REGISTRATION DATA TO THIRD PARTIES**

### **A. Precinct Lists to Recognized Political Parties**

Each County Recorder must provide, at no cost, a list of active and inactive registered voters to the State and County Chairpersons of the recognized political parties that are entitled to continued representation on the ballot pursuant to [A.R.S. § 16-804](#), [A.R.S. § 16-168\(C\)-\(D\)](#).

#### **1. Content of Political Party Precinct Lists**

The precinct list must contain the following information about each registrant:

1. Registrant’s full name, which includes first name, middle name, last name, and suffix in different columns;
2. Party preference;
3. Date of registration;
4. Residence address;
5. Mailing address (if different from residence address);
6. Zip code;
7. Telephone number (if available);
8. Birth year;
9. Occupation (if available);
10. Voting history for the past four years, including which party ballot was issued and method of voting (polling place, early, or provisional);
11. Whether the registrant is on the PEVL;
12. Voter ID number; and
13. Registrant’s registration status and status reason, including “federal-only” designation if applicable.

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[A.R.S. § 16-168\(C\)](#). Precinct lists should generally be provided in electronic format, and County Recorders are encouraged to make the lists available to the political parties through a secure website or Secure File Transfer Protocol (SFTP) portal. If the list is provided in printed format, the list must be created in alphabetical order (by registrant last name) and be organized by precinct, unless otherwise agreed upon by the County Recorder and the political party at issue. [A.R.S. § 16-168\(E\)](#).

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## 2. Timing of Political Party Precinct Lists

A County Recorder must provide precinct lists as of the following dates:

- **In even-numbered years:**
  - January 2;
  - The last day to register to vote for the March PPE;
  - April 1;
  - The last day to register to vote for the August primary election; and
  - The last day to register to vote for the November general election.
- **In odd-numbered years:**
  - January 2;
  - April 1;
  - July 1; and
  - October 1.

[A.R.S. § 16-168\(C\)-\(D\), \(G\)](#).

Precinct lists developed for the primary and general election must be provided within eight days after the close of registration. [A.R.S. § 16-168\(C\)](#). Otherwise, the remaining precinct lists must be provided within ten business days after the applicable reporting dates. [A.R.S. § 16-168\(D\)](#).

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## 3. Requests for Political Party Precinct Lists

To receive precinct lists at no cost, a recognized political party must seek precinct lists from the applicable County Recorder within eight days after the close of registration for precinct lists developed for the primary and general election or within ten business days after any other applicable reporting dates. [A.R.S. § 16-168\(C\), \(D\), \(L\)](#). Counties may establish a process for recognized political parties to opt to automatically receive precinct lists for each election.

A County Recorder need not provide this precinct list for the primary or general election to a recognized political party if that party will have less than four partisan candidates (other than presidential electors) on that county's ballot. [A.R.S. § 16-168\(C\)](#).

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A recognized political party may seek precinct lists from the Secretary of State only if the applicable County Recorder fails or refuses to provide the list. In this case, the Secretary of State may charge the County Recorder a fee to produce the records as outlined in [Chapter 1, Section X\(C\)](#) below. [A.R.S. § 16-168\(L\)](#).

**B. Use of County Registration Rolls by Political Subdivision**

Any political subdivision of the state, including a city or town, may use the county registration rolls to conduct an election. At least 60 days before any such election, the governing body of the political subdivision shall negotiate a contract with the County Recorder to reimburse the County Recorder for the *actual* expenses in preparing the necessary lists for use in the election. The County Recorder shall not charge more than the actual additional costs that such preparation entails. [A.R.S. § 16-172](#).

**C. Public Records Requests by Third Parties**

Any person or organization may make a public records request for registrant information to a County Recorder or the Secretary of State. [52 U.S.C. § 20507\(D\)](#); [A.R.S. § 16-168\(E\), \(K\)](#); [A.R.S. § 39-121.01\(D\)](#). A County Recorder or the Secretary of State may request a properly-completed public records request form to be submitted before responding to the public records request. Records should be produced within 30 days of receipt of a proper request. [A.R.S. § 16-168\(E\)](#).

Copies of registrant records may be provided exclusively in electronic format, including via a password-protected Secure File Transfer Protocol (SFTP) site, Virtual Private Network (VPN), or other secure method of electronic transmission. In addition to the fees set forth in [A.R.S. § 16-168\(E\)](#), the County Recorder or the Secretary of State may charge for the cost of an electronic storage medium in which to deliver the records in a secure format.

If a person or organization requests to inspect registrant records in lieu of requesting copies, a County Recorder or the Secretary of State may establish how and under what conditions the records may be inspected. [A.R.S. § 16-168\(F\)](#).

**1. Scope of Registrant Records Not Subject to Disclosure**

The following components of a registrant's record are confidential and may not be viewed, accessed, reproduced, or disclosed to a member of the public:

1. Month and day of birth;
2. SSN (or any portion thereof);
3. AZDL/ID#;
4. Indian census number;
5. Father's name;
6. Mother's maiden name;

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7. State or country of birth;
8. Signature;
9. Email address;
10. Any registration source code or other indication of location of registration;
11. Any documents submitted as proof of citizenship; or
12. Any secured record.

The information listed above may be viewed, accessed, or reproduced by the registrant (if the information pertains to the registrant's own record), an authorized government official in the scope of the official's duties, ~~a-designated~~ voter registration assistance ~~agency~~agencies, for signature verification on petition and candidate filings, for election purposes and for news gathering purposes by a person engaged in newspaper, radio, television or reportorial work, or connected with or employed by a newspaper, radio or television station, or pursuant to a court order. If requested for news gathering purposes by a person engaged in newspaper, radio, television, or reportorial work, a County Recorder may condition release of such confidential information (other than secured records) upon execution of a non-disclosure agreement. A registrant's e-mail address may not be released for any purpose. A.R.S. § 16-168(F).

A registrant's signature may be viewed or accessed by a member of the public only for purposes of verifying signatures on a candidate, initiative, referendum, recall, new party, or other petition or for purposes of verifying candidate filings. A.R.S. § 16-168(F). A County Recorder may establish the conditions under which the signature may be viewed or accessed, including prohibition of photography.

## 2. Permissible Uses of Registrant Records

Registrant records may only be used for political or political party activity, a political campaign or election, ~~nonpartisan voter registration or outreach~~, revising district boundaries, or any other purpose specifically authorized by law. A.R.S. § 16-168(E), (N).

A person or organization in possession of a precinct list or other registrant information may not allow the list or information to be used, sold, or otherwise transferred for any purpose except those authorized above, including posting to the internet. A.R.S. § 16-168(F).

The County Recorder or Secretary of State shall deny a public records request intended for a commercial purpose. The sale of precinct lists or registrant records to a candidate or political committee for a political or campaign use does not constitute a prohibited commercial purpose. A.R.S. § 16-168(E).

## CHAPTER 2: EARLY VOTING

Any election in Arizona, including special taxing district elections, must provide for early voting, which includes no-excuse ballot-by-mail<sup>15</sup> voting and in-person early voting. [A.R.S. § 16-541](#). An all ballot-by-mail election incorporates aspects of early voting but is subject to the specific requirements outlined in [Chapter 3](#).

### I. BALLOT-BY-MAIL

Without providing any reason or justification, a voter may request to be sent a ballot-by-mail on a one-time or permanent basis.

#### A. One-Time Requests to Receive a Ballot-by-Mail

A voter may request a ballot-by-mail for a specific election, which may include a simultaneous request for a ballot-by-mail for both the primary and general election. [A.R.S. § 16-542\(A\)](#). A voter may make a ballot-by-mail request to the County Recorder or other county officer in charge of elections, who must document the voter's request in the voter's registration record.

Candidates, political committees, or other organizations are permitted to distribute ballot-by-mail request forms to voters. Such request forms shall be submitted to the County Recorder within six business days after receipt by a candidate, political committee, or other organization or 11 days before Election Day, whichever is earlier. [A.R.S. § 16-542\(I\), \(J\)](#). The request forms must seek all the information required in [Chapter 2, Section I\(A\)\(4\)](#).

##### 1. Eligibility to Request a Ballot-by-Mail

Any qualified elector may request a ballot-by-mail containing the races for which they are eligible to vote. [A.R.S. § 16-542](#). However, for an election that includes a federal office, first-time voters who registered to vote by mail must prove identity before requesting a ballot-by-mail. [52 U.S.C. § 21083\(b\)](#); see [Chapter 1, Section IV\(J\)](#) for more details on the HAVA identification requirements.

##### 2. Time Period to Request a Ballot-by-Mail

A voter may request a ballot-by-mail between 93 and 11 days before the election. [A.R.S. § 16-542\(A\), \(E\)](#). A voter may simultaneously request a ballot-by-mail for both a primary and general

<sup>15</sup> This Manual uses the term "ballot-by-mail" to refer to: (1) early ballots mailed to voters based on a one-time request pursuant to [A.R.S. § 16-542](#) or based on the voter's request to be on the permanent early voting list (PEVL) pursuant to [A.R.S. § 16-544](#); (2) ballots transmitted to UOCAVA voters; and (3) ballots automatically mailed to all eligible voters for an all ballot-by-mail election (see [Chapter 3](#) for more information on ballot-by-mail elections).

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election as long as the request is made between 93 and 11 days before the *primary* election. However, UOCAVA voters may make a request for a ballot-by-mail more than 93 days before an election. [A.R.S. § 16-542\(B\)](#).

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**3. Methods to Request a Ballot-by-Mail**

A voter may request a ballot-by-mail orally or in writing, including in-person, online, or by telephone, email, fax, or mail. A voter may update their residence or mailing address in their voter registration record through a written (but not oral) ballot-by-mail request form. [A.R.S. § 16-542\(A\), \(F\)](#).

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**4. Ballot-by-Mail Request Form**

For written or online requests, a ballot-by-mail request form created by County Recorders must contain the following:

1. The title “Ballot-by-Mail Request” or “Early Ballot Request;”
2. The county name;
3. Entry fields for:
  - a. The voter’s name;
  - b. The voter’s residential address or residence location;
  - c. The voter’s mailing address where the ballot-by-mail should be sent (if different from residential address);
  - d. The voter’s date of birth;
  - e. State or country of birth, or another piece of information that, if compared to the voter’s record, would confirm the voter’s identity (such as the AZDL/ID# or SSN4, father’s name, or mother’s maiden name);
  - f. The voter’s telephone number (paper forms only);
  - g. The voter’s signature (paper forms only);
  - h. The voter’s email address (optional);
  - i. The election or election date(s) for which a ballot-by-mail is being requested;
4. If the voter is not registered with a recognized political party and is requesting a primary election ballot, an entry field for the registrant to specify the political party ballot being requested;
5. A method to indicate whether the voter would like to update their registration record with the information provided in the ballot-by-mail request form; and
6. A notice that the completed ballot-by-mail request must be received by the County Recorder by 5:00 p.m. on the 11th day preceding the election.

In addition to the County Recorder’s official paper or online ballot-by-mail request form, a voter

may use any other substantially similar written document to make a one-time request to be sent a ballot-by-mail.

[A.R.S. § 16-542\(A\), \(E\).](#)

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#### **5. Minimum Requirements for Requesting a Ballot-by-Mail**

In order for the County Recorder to process a ballot-by-mail request, the request must contain at least the following information:

1. The voter's name;
2. The voter's residential address;
3. The voter's date of birth;
4. At least one of the following:
  - The voter's state or country of birth; or
  - Another piece of information that, if compared to the voter's record, would confirm the voter's identity, such as the AZDL/ID# or SSN4, father's name, or mother's maiden name.

In addition, for partisan primary elections, a voter who is not registered with a recognized political party must indicate which political party ballot the voter wishes to receive. [A.R.S. § 16-542\(A\), \(E\).](#)

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#### **6. Requesting Political Party Ballot for a Primary Election**

If a voter requests a one-time ballot-by-mail for a primary election, but the voter is not registered with a recognized political party, the voter must designate a recognized political party ballot in order to receive a ballot-by-mail for that primary election. [A.R.S. § 16-542\(A\).](#)

The voter may request only one political party ballot for each election. Requesting a political party ballot does not change the voter's political party preference in their registration record. In general, once a County Recorder mails the requested party ballot, a voter may not request or receive a different party ballot. If a voter re-registers to vote with a recognized political party between 45 and 29 days before the election, however, the voter must be sent a party ballot that corresponds to the new party. If the voter had requested a different party ballot prior to re-registering to vote, the prior ballot should not be mailed (or if already mailed, should be voided).

In lieu of requesting a party ballot for the partisan primary, a voter who is not registered with a recognized political party may request a non-partisan ballot if a non-partisan election is being conducted at the same time as the partisan primary and if the voter is eligible to vote a non-partisan ballot.



## 7. Incomplete Ballot-by-Mail Requests

If a ballot-by-mail request does not contain the voter's name, residential address, date of birth, party ballot designation (for voters not registered with a recognized political party who are requesting a ballot-by-mail for a partisan primary election), or other verifying information, the County Recorder must notify the voter (by mail, telephone and/or email) within a reasonable period if the County Recorder has sufficient contact information to do so. If the ballot-by-mail request form does not contain contact information, the County Recorder must check the registrant's record for contact information. [A.R.S. § 16-542\(E\)](#).

If the voter provides the missing information by the 11th day before the election, the voter must be mailed a ballot-by-mail for that election. If the voter provides the missing information after the 11th day before the election, the County Recorder may send the voter a ballot-by-mail for that election if the County Recorder has sufficient time to do so.

### B. Requests to Be Placed on the Permanent Early Voting List

A voter may request to be placed on the Permanent Early Voter List (PEVL) and receive a ballot-by-mail for each election the voter is eligible for. [A.R.S. § 16-544\(A\)](#).

Unless a PEVL voter notifies the County Recorder at least 45 days before an election that the voter does *not* wish to receive a ballot-by-mail, the County Recorder will automatically schedule the mailing of a ballot-by-mail to the voter. [A.R.S. § 16-544\(F\)](#). However, for an open partisan primary election, the County Recorder will not mail a ballot to a voter who is not registered with a recognized political party unless the voter timely selected a political party ballot. [A.R.S. § 16-544\(G\)](#).

#### 1. PEVL Eligibility

Any qualified elector may request to be placed on the PEVL. [A.R.S. § 16-544\(A\)](#).

A first-time voter with "federal-only" designation who registered by mail (*i.e.*, has a "FED" designation) and requests to be placed on the PEVL must first prove their identity prior to receiving a ballot-by-mail. [52 U.S.C. § 21083\(b\)](#); see [Chapter 1, Section IV\(J\)](#) for more details on the HAVA identification requirements.

A UOCAVA voter also may request to be placed on the PEVL, however ballots are transmitted to these UOCAVA voters at least 45 days before the election. [A.R.S. § 16-544\(J\)](#). If a PEVL voter loses their UOCAVA status, the voter shall continue to receive a ballot-by-mail at their designated mailing address unless the address is outside of Arizona. However, even if the voter's mailing address is in Arizona, the voter, upon losing UOCAVA status, may not receive or return a ballot by fax or other electronic means and the ballot will not be sent until 27 days (rather than 45 days) before the election unless the voter submits a new FPCA form.

A voter enrolled in the PEVL **must use a mailing address in the voter's county of residence and**

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may not request that ballots be automatically sent to an out-of-state address for each election unless the voter is also a UOCAVA voter. However, a PEVL voter may make one-time requests to have their ballot mailed to an address outside of ~~Arizona~~ the voter's county of residence for specific elections. [A.R.S. § 16-544\(B\)](#).

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**2. Time Period to Request Placement on the PEVL**

A voter may request to be placed on the PEVL at any time. However, in order for a ballot to be mailed to the voter for a specific election, the PEVL request must be received no later than 5:00 p.m. on the 11th day before the election. [A.R.S. § 16-542\(A\), \(E\), \(F\)](#). If a voter requests to be placed on the PEVL less than 11 days before the election, no ballot will be mailed to the voter for that next election (unless the County Recorder has time to do so), but the voter's PEVL status will be activated for future elections.

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**3. Methods to Request Placement on the PEVL**

A voter may request to be placed on the PEVL by:

- Selecting the PEVL request box on the State Form;
- Selecting the PEVL request option on an online EZ Voter registration;
- Submitting a PEVL request form issued by a County Recorder; or
- Making any other written request that contains the minimum required information for a PEVL request.

If a registrant makes a request to be added to the PEVL other than through an initial voter registration, the County Recorder must compare the signature on the PEVL request form with the signature in the registrant's record to determine whether the same person signed both forms before adding the voter to the PEVL. [A.R.S. § 16-544\(C\)](#).

After a valid request, a County Recorder must update the voter's registration record to reflect PEVL status. [A.R.S. § 16-544\(C\)](#).

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**4. PEVL Request Form**

A PEVL request form created by County Recorders must contain substantially the following:

1. The title "Permanent Early Voter List Request";
2. The county name;
3. Entry fields for:
  - The voter's name;
  - The voter's residential address or location;
  - The voter's mailing address in the state county of residence;
  - The voter's date of birth; and

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- The voter’s signature;
- 4. A method to indicate whether the voter would like to update their registration record with the information provided in the PEVL request form;
- 5. A statement that the voter is attesting that the voter is a registered voter who is eligible to vote in the county of residence; and
- 6. The statement “I authorize the County Recorder to add my name to the permanent early voting list and by doing so the County Recorder will automatically mail a ballot-by-mail to me for each election for which I am eligible.”

A County Recorder may add additional language to a PEVL request form.

In addition to the County Recorder’s official PEVL request form, a voter may use any other substantially similar written document to request PEVL status.

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**5. Minimum Requirements for Requesting Placement on the PEVL**

A valid written PEVL request must contain, at minimum, the voter’s:

- Name;
- Residence address or location within the county;
- Mailing address within the [state-county of residence](#) (if different from residential address);
- Date of birth; and
- Signature.

The voter may not list an out-of-state mailing address unless the voter is a UOCAVA voter. [A.R.S. § 16-544\(B\)](#).

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**6. Incomplete Requests for Placement on the PEVL**

If the PEVL request does not contain the voter’s name, residence address, mailing address in the [state-county of residence](#), date of birth, or signature, or contains a signature that does not match the signature in the registrant’s record, the County Recorder must notify the voter (by mail, telephone, text, and/or email) within a reasonable period if the County Recorder has enough information to do so. If the PEVL request form does not contain contact information, the County Recorder must check the registrant’s record for contact information.

If the voter provides the missing information or confirms any mismatched signature by the 11th day before the election, the voter must be mailed a ballot-by-mail for that election and be added to the PEVL for future elections. If the voter provides the missing information after the 11th day before the election, the County Recorder may send the voter a ballot-by-mail for that election if the County Recorder has sufficient time to do so.

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## 7. Removal from the PEVL

A voter may be removed from the PEVL under the following circumstances:

- The voter makes a written request to be removed from the PEVL, which includes the voter's name, residence address, date of birth, and signature;
- The 90-day notice (discussed in [Chapter 2, Section I\(B\)\(9\)](#) below) is returned as undeliverable and the County Recorder is unable to contact the voter to confirm the voter's continued desire to remain on the PEVL; or
- The voter's registration record is placed in an "inactive" or "canceled" status.

Upon receipt of voter's request to be removed from the PEVL, the County Recorder must remove the voter as soon as practicable. A County Recorder may not remove a voter from the PEVL list for failure to vote or for voting in-person rather than using the ballot-by-mail. [A.R.S. § 16-544\(H\)-\(I\), \(K\)](#).

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## 8. Third-Party Distribution/Receipt of PEVL Request Forms

As for one-time ballot-by-mail request forms, candidates, political committees, or other organizations are permitted to distribute PEVL request forms to voters. [A.R.S. § 16-544\(L\)](#). The request forms must seek all the information required under [Chapter 2, Section I\(B\)\(4\)](#).

If a candidate, political committee, or other organization receives a completed request form, the candidate, political committee, or other organization must return the request form to the applicable County Recorder within six business days of receipt or 11 days before Election Day, whichever is sooner. Failure to timely return completed request forms may result in a civil penalty of \$25 per day for each form withheld. Any person who knowingly fails to return completed PEVL request forms by the submission deadline may be guilty of a class 6 felony. [A.R.S. § 16-544\(M\)](#).

If the request forms include a printed return address, the address must be the County Recorder's office in the political subdivision that will conduct the election. Failure to use the County Recorder's return address may result in a civil penalty up to three times the cost of the production and distribution of the PEVL request form. [A.R.S. § 16-544\(L\)](#).

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## 9. Notice to PEVL Voters in Advance of the Election

A County Recorder must mail a notice to all eligible PEVL voters at least 90 days before any polling place election (*i.e.*, any election not conducted as a ballot-by-mail election, *see* [Chapter 3](#)) scheduled in March or August, including the PPE. [A.R.S. § 16-544\(D\)](#). A County Recorder may not issue a combined 90-day notice for the March and August elections, but may issue a combined 90-day notice for a March/May election or an August/November election.

The notice must be sent by non-forwardable mail (with a request to receive an address correction notification) and include the following information:

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1. A statement that the County Recorder's records indicate that the voter is on the PEVL;
2. The dates of the elections that are the subject of the notice;
3. The expected mailing date(s) of the voter's ballot;
4. The voter's mailing address, and an indication that it is the address where the ballot(s) will be mailed;
5. An indicator of the voter's party affiliation;
6. A checkbox to allow the voter to remove the voter's name from the PEVL; and
7. A checkbox to request that the ballot-by-mail not be mailed for the elections listed on the notice.

The notice must include a postage-prepaid means for the voter to:

1. Designate a political party ballot or request a non-partisan ballot, if applicable, (only if the upcoming election is includes an open partisan primary and the voter is not registered with a recognized political party);
2. Change the mailing address to another location within the statecounty of residence;
3. Update the voter's residence address in the county of residence; and
4. Request that the voter not be sent a ballot for the upcoming election or elections indicated in the notice.

If an election is not formally called within 120 days of the scheduled election, the County Recorder is not required to send a 90-day notice. [A.R.S. § 16-544\(D\)](#).

***a. 90-Day Notice to PEVL Voters Not Affiliated with a Recognized Political Party***

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If the upcoming election is an open partisan primary election and the PEVL voter is not registered with a recognized political party, the 90-day notice must include a means for the voter to designate a political party ballot. [A.R.S. § 16-544\(D\)](#). Requesting a party ballot does not change the voter's political party preference in their registration record.

If a PEVL voter does not designate a party ballot within 45 days of the election, the voter will not be automatically sent a ballot-by-mail for that primary election but the voter's name will remain on the PEVL for future elections. To vote early by mail in that election, the voter must make a one-time ballot-by-mail request and designate a party ballot. [A.R.S. § 16-542\(A\)](#); [A.R.S. § 16-544\(G\)](#).

In general, once a County Recorder mails the requested party ballot, a voter may not request or receive a different party ballot. If a voter re-registers to vote with a recognized political party between 29 and 45 days before the election, however, the voter must be sent a party ballot that corresponds to the new party. If the voter had requested a different party ballot prior to re-registering to vote, the prior ballot should not be mailed (or if already mailed, should be voided).

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In lieu of requesting a party ballot for the partisan primary, an eligible PEVL voter may request a non-partisan ballot if a non-partisan election is being conducted at the same time and the voter is eligible to vote a non-partisan ballot.

**b. 90-Day Notice Returned Undeliverable**

If the 90-day notice is returned undeliverable to the County Recorder, the County Recorder must notify the PEVL voter (if the County Recorder has contact information for the voter) to attempt to update the voter's address.

An undeliverable 90-day notice serves as a First Notice under the "NVRA process." See [Chapter 1, Section VIII\(C\)](#). If the voter is moved to "inactive" status after failure to respond to "Final Notice" pursuant to the "NVRA process," a ballot-by-mail shall not be automatically sent to the voter. [A.R.S. § 16-544\(E\)](#). The voter may re-gain active PEVL status upon updating the voter's address and submitting a new PEVL request.

**C. Creation and Preparation of Early Ballots**

The County Board of Supervisors is responsible for preparing early ballots, including ballots-by-mail, to be used in federal, statewide, legislative, and countywide elections. [A.R.S. § 16-405](#); [A.R.S. § 16-503\(A\)](#); [A.R.S. § 16-545\(B\)\(1\)](#). The Board of Supervisors may delegate this responsibility to the officer in charge of elections.

An early ballot must be identical to a polling place ballot in content and format, except an early ballot must have the word "early" printed or stamped on the ballot. [A.R.S. § 16-545\(A\)](#).

**1. Components of the Ballot-by-Mail Mailing**

Only official election materials, as determined by the County Recorder, are permitted to be included in the ballot-by-mail mailing. Lists of official write-in candidates or withdrawn candidates may not be included in the mailing.

**2. Required Return Envelope**

The postage prepaid return envelope must:

- Contain the County Recorder's name, official title, and the post office address of the County Recorder (or other officer in charge of elections) on the front side of the return envelope ~~(as explained below, a mailing envelope separate from the ballot affidavit may be used)~~;
- Contain a statutorily-prescribed voter affidavit on the back side of the return envelope (see below);
- Be tamper evident when properly sealed;
- Contain any required statement by the U.S. Post Office for election mail, including the

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election mail logo; and

- Be opaque so as not to reveal the voter's vote choices.

[A.R.S. § 16-547\(A\)](#); [A.R.S. § 16-545\(B\)\(2\)](#).

The voter affidavit must substantially contain at least the following language, followed by a place for the voter's signature:

I declare the following under penalty of perjury: I am a registered voter in \_\_\_\_\_ county Arizona, I have not voted and will not vote in this election in any other county or state, I understand that knowingly voting more than once in any election is a class 5 felony and I voted the enclosed ballot and signed this affidavit personally unless noted below.

If the voter was assisted by another person in marking the ballot, complete the following:

I declare the following under penalty of perjury: At the registered voter's request I assisted the voter identified in this affidavit with marking the voter's ballot, I marked the ballot as directly instructed by the voter, I provided the assistance because the voter was physically unable to mark the ballot solely due to illness, injury, or physical limitation and I understand that there is no power of attorney for voting and that the voter must be able to make their selection even if they cannot physically mark the ballot.

Name of voter assistant: \_\_\_\_\_

Address of voter assistant: \_\_\_\_\_

[A.R.S. § 16-547\(A\)](#). The affidavit ~~must~~ may also request an optional telephone number or email address to enable the County Recorder to contact the voter in case there is a deficiency with the early ballot.<sup>16</sup>

For ballot-by-mail elections, the County Recorder or other officer in charge of elections may supplement the early ballot affidavit with additional language required for issuance of replacement ballots pursuant to [A.R.S. § 16-558.02\(A\)](#). See [Chapter 3, Section IV](#).

~~In lieu of printing the ballot affidavit on the exterior of the return envelope, a County Recorder may also include a postage prepaid secrecy envelope. In this circumstance, the voter is directed to place their marked ballot in the standard return envelope that contains the early ballot affidavit; the voter must then place the standard return envelope inside the postage prepaid secrecy envelope. This method ensures that the voter's signature (or other personally identifying information) will not be visible on the exterior envelope transmitted through the mail.~~

<sup>16</sup> The prescribed early ballot affidavit is deemed to substantially comply with FVAP-suggested designs for a UOCAVA return envelope affidavit. [A.R.S. § 16-547\(B\)](#); see also [52 U.S.C. § 20301\(b\)\(4\)](#); <https://www.fvap.gov/eo/overview/sending-ballots/creating-envelopes>.

### 3. Required Instructions to Voters

A County Recorder must supply printed instructions that:

1. Direct voters to sign the voter affidavit, mark the ballot, and return the voted ballot in the enclosed return envelope;
2. Include a website address where the following information will be posted: (1) official locations where early ballots may be deposited; and (2) official write-in candidates and withdrawn candidates for all jurisdictions on the ballot, [A.R.S. § 16-343\(G\)](#); and (2);
3. Inform voters that no votes will be counted for a particular office if they overvote (vote for more candidates than permitted) and therefore the voter should contact the County Recorder to request a new ballot in the event of an overvote;
4. Recommend that voters mail a ballot-by-mail at least six calendar days before the election to best ensure the ballot will be timely received by 7:00 p.m. on Election Day;
5. Informs voters regarding the appropriate marking devices to be used when marking the ballot; and
6. Include the following language:
  - In order to be valid and counted, the ballot and affidavit must be delivered to the County Recorder or other officer in charge of elections or may be deposited at any polling place in the county no later than 7:00 p.m. on Election Day; and
  - WARNING - It is a felony to offer or receive any compensation for a ballot.

[A.R.S. § 16-547\(C\)](#). The County Recorder may substitute “vote center” for “polling place” if the county uses vote centers. ~~If applicable~~ For elections held pursuant to [A.R.S. § 16-409](#) and [A.R.S. § 16-558\(A\)](#), the County Recorder may ~~add additional~~ substitute “ballot drop-off location”~~s~~ for “polling place” to the statutorily prescribed language. [A.R.S. § 16-411\(D\)](#).

A County Recorder in a covered jurisdiction, as designated by the Census Bureau in the current Federal Register publication, must provide these instructions in English and any additional written language(s) required under the federal Voting Rights Act. See [Chapter 8, Section VI](#).

## D. Mailing Ballots-by-Mail

### 1. Methods of Transmitting Ballots-by-Mail

A ballot-by-mail must be mailed to voters by first-class, non-forwardable mail. The ballot-by-mail must be accompanied by an early ballot affidavit, instructions to voters, and a postage-prepaid return envelope.

UOCAVA ballots may be transmitted by mail, fax, email, or other secure method of online transmittal, in accordance with the delivery method selected by the voter on the FPCA. UOCAVA mailing requirements apply to all elections, not just federal elections. [A.R.S. § 16-](#)



[543\(A\)](#).

## 2. Time Period for Mailing Ballots-by-Mail

Voters who make a ballot-by-mail request at least 27 days before the election are entitled to be mailed a ballot-by-mail between 27 and 24 days before the election. [A.R.S. § 16-542\(C\)](#); [A.R.S. § 16-545\(B\)\(1\)](#); [A.R.S. § 16-544\(F\)](#).<sup>17</sup>

Voters who make a ballot-by-mail request between 26 and 11 days before the election are entitled to be sent a ballot-by-mail within two business days of the request. [A.R.S. § 16-542\(D\)-\(E\)](#).

Requests for a ballot-by-mail made ten days or less before the election are untimely. [A.R.S. § 16-542\(E\)](#) (requiring requests be made by 5:00 p.m. on the 11th day before the election).

## 3. Special Time Period for Transmitting UOCAVA Ballots

If a UOCAVA voter registers to vote with an FPCA at least 48 days before an election, a County Recorder must transmit a ballot-by-mail to the voter at least 45 days before the election. [A.R.S. § 16-543\(A\)](#); [52 U.S.C. § 20302\(a\)\(8\)](#).

A UOCAVA voter who registers to vote using an FWAB pursuant to [A.R.S. § 16-543.02\(D\)](#) must simultaneously write-in their vote choices for federal candidates. However, if a County Recorder receives an FWAB sufficiently in advance of the election, the County Recorder should transmit a ballot-by-mail to the registrant and, if the FWAB received is not the version revised in 2017 or later that contains all the same information as the FPCA, should include an FPCA. If the voter returns the voted ballot-by-mail (and includes a completed FPCA if necessary), the County Recorder should void out the FWAB. FWABs from UOCAVA voters are held until 7:00 p.m. on Election Day if the voter was sent a ballot-by-mail and, if the ballot-by-mail was voted and returned, the FWAB is disqualified and the voted ballot-by-mail is transmitted to the officer in charge of elections for tabulation.

If a UOCAVA voter registers less than 48 days before the election, a County Recorder must transmit the ballot-by-mail within one business day of receipt of the registration. [A.R.S. § 16-543\(A\)](#); [A.R.S. § 16-542\(D\)](#). Requests made within 48 hours of Election Day should be further expedited to the extent possible.

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<sup>17</sup> [A.R.S. § 16-542\(C\)](#) allows early ballots to be mailed as late as 24 days before the election, but also requires ballots be mailed “within five days after receipt of the official early ballots from the officer charged by law with the duty of preparing ballots pursuant to section 16-545.” In the event a County Recorder cannot mail early ballots within five days of receipt, a County Recorder remains in compliance with [A.R.S. § 16-542\(C\)](#) if early ballots are mailed no later than the 24th day before the election.

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**a. Effect of Incomplete FPCA Registration**

If a UOCAVA voter submits an incomplete FPCA (or attempts to register to vote using a registration form other than an FPCA or FWAB containing all same information as an FPCA) within 48 days of the election, the County Recorder must transmit a blank FPCA along with a ballot-by-mail to the voter within one business day of receipt. [A.R.S. § 16-543\(A\)](#). If the voter does not return a new completed FPCA by 7:00 p.m. on Election Day, any voted ballot-by-mail from that voter will not count.

**b. Waiver of UOCAVA 45-Day Transmittal Deadline**

In exceptional circumstances, the Secretary of State has authority to seek a waiver of the 45-day UOCAVA ballot transmission deadline from the U.S. Department of Defense as a result of undue hardship.<sup>18</sup> For example, an “undue hardship” may be found if:

- A county has suffered a delay in generating ballots due to a legal contest;
- Arizona’s primary election date prohibits counties from meeting the 45-day mailing requirement; or
- The Arizona Constitution prohibits counties from complying with the 45-day mailing requirement.

[52 U.S.C. § 20302\(g\)\(2\)\(B\)](#). If a county experiences (or believes it will experience) an undue hardship, the County Recorder or other officer in charge of elections must contact the Secretary of State as soon as possible and provide sufficient information to enable the Secretary of State to make a timely waiver request.

The Secretary of State’s waiver request must include:

- An explanation of the undue hardship;
- A recognition that the original purpose of the 45-day mailing requirement was to allow UOCAVA voters to have enough time to vote in a federal election;
- The number of days prior to the election that Arizona law requires ballots-by-mail to be transmitted to UOCAVA voters, [A.R.S. § 16-543\(A\)](#) (45 days);
- The State’s plan to ensure that UOCAVA voters are able to receive and return their ballot-by-mail in time to be counted for the election. This includes the specific steps the county or counties will take, why the plan will give UOCAVA voters enough time to vote, and factual information explaining how the plan gives sufficient time for this to

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<sup>18</sup> [52 U.S.C. § 20302\(g\)](#); <https://www.fvap.gov/eo/waivers>. The Under Secretary of Defense for Personnel & Readiness is the Presidential designee charged with evaluating such requests. See [Executive Order 12642](#), available at <https://www.archives.gov/federal-register/codification/executive-order/12642.html>; Department of Defense Instruction 1000.04, Federal Voting Assistance Program (FVAP), available at <https://www.fvap.gov/uploads/FVAP/Policies/dodi1000.04.pdf>.

occur.<sup>19</sup>

The Secretary of State is generally required to submit a waiver request at least 90 days before the election, which the Department of Defense must act upon within 25 days. [52 U.S.C. § 20302\(g\)\(3\)\(A\)](#). If the undue hardship results from a legal contest, however, the Secretary of State must submit the waiver request as soon as practicable, which the Department of Defense must act upon within five business days. [52 U.S.C. § 20302\(g\)\(3\)\(B\)](#).

#### **E. Issuing Replacement Ballots-by-Mail**

A County Recorder may issue replacement ballots-by-mail to a voter upon request and may limit the total number of ballots-by-mail to three per voter per election. The County Recorder should keep a record of each replacement ballot issued. The County Recorder may require a signed, sworn statement that the ballot was lost, spoiled, destroyed or not received, similar to that required for special district elections. A.R.S. § 16-558.02. The County Recorder must ensure that only one ballot for a particular voter is verified and transmitted to the officer in charge of elections for tabulation. Only the first verified ballot received shall be counted.

**Comment [WJ2]:** RECOMMENDED change: While no statutory provisions discuss early ballot replacements, ARS 16-558.02 discusses replacement ballots for special district elections which provides helpful guidance in the absence of statutory guidelines. Using the same procedures for all elections provides the maximum degree of uniformity and efficiency.

#### **F. Emergency UOCAVA Early Balloting Procedures**

In the event of a national or local emergency that makes substantial compliance with the UOCAVA statute impracticable, including occurrences of natural disasters, armed conflict, or mobilization of the National Guard or military reserve units of this State, the following procedures for the early balloting process shall apply for UOCAVA voters:

- The Secretary of State will issue a press statement for immediate release, posted on the Secretary of State's website and official social media accounts, and distributed as broadly and immediately as practicable to national and local wire services, to radio and television broadcast stations within the state, and to daily newspapers of general circulation in the state, outlining applicable measures that will be taken to continue or lengthen the early voting process for UOCAVA voters.
- The Secretary of State will prepare and distribute written public service announcements describing these early voting procedures for broadcast on radio and television networks, including but not limited to the U.S. Armed Forces Network and Federal Voting Assistance Program, and announcements describing these procedures on internet sites of interest to military and non-military U.S. citizens living abroad.
- The Secretary of State will direct the County Recorders and officers in charge of elections to make all reasonable efforts to locate each eligible UOCAVA voter in their jurisdiction and to notify such voter individually, by email, telephone, and/or fax, of the

<sup>19</sup> [52 U.S.C. § 20302\(g\)\(1\)](#); see also [https://www.fvap.gov/uploads/FVAP/EO/2012\\_waiver\\_guidance.pdf](https://www.fvap.gov/uploads/FVAP/EO/2012_waiver_guidance.pdf).

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modified early voting process including the alternatives for issuing or returning early ballots faster than traditional mail service.

Should such an event cause insufficient time to receive, execute, and return a ballot, the deadline for the receipt of the early ballots mailed, emailed, or faxed back to the County Recorder will be 5:00 p.m. on the third business day after the election.

[A.R.S. § 16-543\(C\)](#).

### **G. Reporting UOCAVA Transmission Statistics**

Each County Recorder must timely confirm UOCAVA compliance to the Secretary of State, which must include information about:

- How many UOCAVA ballots were validly requested;
- How many UOCAVA ballots were transmitted in accordance with the 45-day deadline based on valid requests received before that date; and
- How many UOCAVA ballots were transmitted after the 45-day deadline based on valid requests received before that date.

UOCAVA reports must be emailed or electronically submitted to the Secretary of State within one business day of the UOCAVA ballot transmission deadline. The reports shall not include any protected information for voters who have their records sealed pursuant to A.R.S. § 16-153 or who are enrolled in the Address Confidentiality Program.

The Secretary of State must consolidate the county reports and report Arizona's aggregated statistics to the U.S. Department of Justice following each primary and general election for federal office. See <https://www.justice.gov/crt/statutes-enforced-voting-section#uocava>.

### **H. Deadline to Return Ballots-by-Mail**

A ballot-by-mail (with completed affidavit) must be delivered to the County Recorder, the officer in charge of elections, ~~an official ballot drop-off site~~, or any voting location in the county no later than 7:00 p.m. on Election Day. [A.R.S. § 16-547\(C\)](#); [A.R.S. § 16-551\(C\)](#).

The ballot-by-mail return deadline also applies to UOCAVA ballots, regardless of the method of transmission to the election official, unless the UOCAVA return deadline is extended pursuant to emergency procedures as outlines in [Chapter 2, Section I\(F\)](#).

### **I. Reporting Ballot-by-Mail Requests and Returns**

At the request of a state or county political party chairperson before an election, a County Recorder must provide the following information at no cost to the political party:

- A listing of registrants who have requested a ballot-by-mail. This information must be

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provided daily Monday through Friday, beginning 33 days before the election and through the Friday before the election;

- A listing of registrants who have returned their ballot-by-mail, which must be provided daily in Maricopa and Pima Counties and weekly in all other counties.
  - Daily information in Maricopa and Pima Counties must be provided Monday through Friday, beginning the first Monday after early voting commences and ending the Monday before the election;
  - Weekly information in all other counties must be provided beginning on the Friday after early voting commences and ending on the Friday before the election.

[A.R.S. § 16-168\(D\)](#).

Ballot-by-mail request and return reports should conform to the format established for precinct lists as nearly as practicable (*see* [Chapter 1, Section X\(A\)\(1\)](#)) and should contain the following minimum information:

1. Registrant's name;
2. Voter registration/ID number;
3. Residential address;
4. Mailing address (if different from residential address);
5. Political party;
6. Whether PEVL or one-time request (ballot-by-mail request reports only); and
7. Date of request, for one-time requests (ballot-by-mail request reports only).

The first ballot-by-mail request report should contain all PEVL registrants and registrants who made a one-time ballot-by-mail request up to the time of the report. Subsequent ballot-by-mail request reports should include new one-time ballot-by-mail requests that have been made since the last report.

## II. ON-SITE EARLY VOTING

A County Recorder shall establish on-site early voting at the County Recorder's office during the early voting period. A County Recorder may also establish additional in-person early voting locations throughout the county as practicable to ensure that all voters may reasonably access at least one early voting location. [A.R.S. § 16-246\(C\)](#); [A.R.S. § 16-542\(A\)](#).

A voter must cast a ballot issued at the on-site early voting location at that location, and may not remove that ballot from the location. An early ballot must be issued even if the voter previously requested or received a ballot-by-mail, but ~~unless the voter was issued an incorrect ballot,~~ only the first ballot received by the County Recorder shall be counted.

An elector [presenting valid identification](#) who appears at an on-site early voting location by 5:00

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p.m. on the Friday preceding the election must be given a ballot and permitted to vote at the on-site early voting location. [A.R.S. § 16-542\(E\)](#).

#### **A. Posting Notice of Write-In and Withdrawn Candidates**

A County Recorder must post a Notice of Write-In and Withdrawn Candidates at each on-site early voting location. [A.R.S. § 16-312\(E\)](#); [A.R.S. § 16-343\(G\)](#).

Information about write-in and withdrawn candidates also must be posted to the website of the County Recorder or officer in charge of elections. [A.R.S. § 16-343\(G\)](#).

#### **B. Applicability of Voter ID Requirements**

Before receiving a ballot or being permitted to cast a vote on an accessible voting device at any on-site early voting location, a qualified elector must provide identification as prescribed by [A.R.S. § 16-579](#) (see [Chapter 9, Section IV](#) for more details on the identification requirement; identification is also required to receive an early ballot at an emergency voting center or from a special election board, see [Chapter 2, Section III\(B\)](#) and [IV\(B\)](#)). If needed, a voter may update their voter registration record at the on-site early or emergency voting location prior to receiving a ballot by completing a new voter registration form. Such updates shall be deemed effective starting in that election. [A.R.S. § 16-411\(B\)\(5\)\(b\)](#); [A.R.S. § 16-542\(A\), \(H\)-\(I\)](#).

#### **C. Requirements and Security Procedures for Accessible Voting Devices**

An on-site early voting location must have at least one certified accessible voting device available for voters with disabilities, unless the election is for a city or town with a population under 20,000. [A.R.S. § 16-442.01\(A\)](#).

An accessible voting device must be approved by the Secretary of State, based on review and recommendation by the Election Equipment Certification Committee, and successfully pass logic and accuracy testing prior to deployment for on-site early voting. See [Chapter 4, Sections I and II](#).

All accessible voting devices used for early voting shall be physically secured at all times and if the media containing the election for the accessible voting device is removable, the media itself shall be physically secured at all times.

The chain of custody of the accessible voting device must be tracked and logged by a team of at least two board workers or staff of the County Recorder or other officer in charge of elections.

- The log shall include: (1) the seal numbers on the device; (2) for devices that mark and tabulate, the number of votes cast at the time the device was turned on and the number of votes cast at the time the device was turned off; and (3) a place for the two board workers or county staff to initial or sign verifying the information.
- For devices that mark and tabulate, at the close of the early voting location each day, the board workers or county staff shall log the number of votes cast on the device and then

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either turn the device off or otherwise secure the device. Each morning, when the device is turned on, the number of votes cast on the machine shall be compared to the log from the previous day. Any discrepancy shall be immediately reported to the officer in charge of elections.

- At 5:00 p.m. or as soon as practicable after the last voter has left the site on the last day of on-site early voting or emergency voting, the device shall be closed out according to procedures provided by the officer in charge of elections.

All other security procedures set forth in this manual shall be followed for accessible voting devices used for early voting. See [Chapter 4, Section III](#).

### III. EMERGENCY VOTING

#### A. Establishing Emergency Voting Centers

Upon a specific resolution of the County Board of Supervisors before each election, the Board may authorize the County Recorder or other officer in charge of elections to establish and operate emergency voting centers. The Board shall specify in the resolution the location of the emergency voting centers and the hours of operation. [A.R.S. § 16-411\(B\)\(5\)](#).

“Emergency” means any unforeseen circumstance that would prevent the voter from voting at the polls. Qualified electors who experience an emergency between 5:00 p.m. on the Friday preceding the election and 5:00 p.m. on the Monday preceding the election may request to vote at an emergency voting center in the manner prescribed by the Board of Supervisors of their respective county. [A.R.S. § 16-542\(H\)](#).

If an emergency voting center established pursuant to this section becomes unavailable and there is not sufficient time for the County Board of Supervisors to convene to approve an alternate location for that emergency voting center, the County Recorder or other officer in charge of elections may make changes to the approved emergency voting center location and shall notify the public and the board of supervisors regarding that change as soon as practicable. The alternate emergency voting center shall be as close in proximity to the approved emergency voting center location as possible. A.R.S. § 16-411(B)(5)(c).

#### B. Identification and Signed Statement Requirements

Before receiving a ballot at an emergency voting center, a voter must provide identification as prescribed by [A.R.S. § 16-579](#) (see [Chapter 9, Section IV](#) for more details on the identification requirement). If needed, a voter may update their voter registration record at an emergency voting center prior to receiving a ballot by completing a new voter registration form. Such updates shall be deemed effective starting in that election. [A.R.S. § 16-411\(B\)\(5\)](#); [A.R.S. § 16-542\(E\), \(H\), \(I\)](#).

The voter must also sign a statement under penalty of perjury containing substantially the following language: “I declare under penalty of perjury that I am experiencing or have

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experienced an emergency after 5:00 p.m. on the Friday immediately preceding the election and before 5:00 p.m. on the Monday immediately preceding the election that will prevent me from voting at a polling place on Election Day.”

- Such signed statements are not subject to public inspection pursuant to Title 39, Chapter 1, Article 2. [A.R.S. § 16-542\(H\)](#); [A.R.S. § 16-246\(F\)\(2\)](#). Election workers should not ask for any additional information regarding the voter’s specific emergency.
- The signed statement for emergency voting may be incorporated into the early ballot envelope and affidavit, with a line for the voter to initial or sign next to the statement, or may be provided to the voter on a separate form to be signed by the voter.

#### IV. SPECIAL ELECTION BOARDS

A County Recorder or officer in charge of elections may appoint any number of special election boards to facilitate and enable voting by qualified electors who are ill or have a disability.

- For partisan elections, the board must be comprised of two members, one from each of the two political parties who cast the highest number of votes in the state in the last preceding general election. Under no circumstances shall both members of the board consist of voters who are registered with the same party affiliation. The county chairperson of each such party shall furnish, within sixty days before the election day, the county recorder or other officer in charge of elections with a list of names of qualified electors within the chairperson’s political party, and such additional lists as may be required, from which the county recorder or other officer in charge of elections shall appoint members to such special election boards. The county recorder or other officer in charge of elections may refuse for cause to appoint or may for cause remove a member of this board. A person who is a candidate for an office in that election (other than the office of precinct committeeman) is not eligible to serve on a special election board for that election.
- For nonpartisan elections, the board should consist of two members with different political affiliations. On request, a county may allow any bipartisan panel of certified election officials to act as a special election board. A person who is a candidate for an office in that election (other than the office of precinct committeeman) is not eligible to serve on a special election board for that election.

[A.R.S. § 16-549\(A\)](#); [A.R.S. § 16-246\(F\)](#).

##### A. Time Periods for Requesting a Special Election Board

A qualified elector who is confined because of a continuing illness or disability may vote using a ballot-by-mail or by making a verbal or written request to have a special election board personally deliver a ballot to the elector’s residence or other place of confinement. Such requests must be made by 5:00 p.m. on the second Friday before the election. [A.R.S. § 16-549\(C\)](#).

Qualified electors who become ill or disabled *after* the second Friday before the election may



nonetheless request personal ballot delivery by a special election board up to, and including, the Monday before the election. The County Recorder or other officer in charge of elections shall honor these requests when possible. [A.R.S. § 16-549\(D\)](#).

Electors who are hospitalized after 5:00 p.m. on the second Friday before the election and before 5:00 p.m. on Election Day may request a special election board deliver their ballot to the hospital or other place of confinement. This ballot shall be processed as a provisional ballot to ensure the voter does not vote more than once. [A.R.S. § 16-549\(D\)](#).

## **B. Identification and Signed Statement Requirements**

Before receiving a ballot from a special election board, a voter who requests a special election board after the second Friday before the election must:

- Provide identification as prescribed by [A.R.S. § 16-579](#) (see [Chapter 4, Section IV](#) for more details on the identification requirement).
- Sign a statement under penalty of perjury containing substantially the following language: “I declare under penalty of perjury that I am experiencing or have experienced an emergency after 5:00 p.m. on the second Friday preceding the election and before 5:00 p.m. on the Monday immediately preceding the election that will prevent me from voting at a polling place on Election Day.”
  - Such signed statements are not subject to public inspection pursuant to Title 39, Chapter 1, Article 2.

[A.R.S. § 16-549\(D\)](#).

## **V. CHALLENGES TO EARLY BALLOTS**

Challenges to early ballots must be submitted prior to the opening of the early ballot affidavit envelope. Challenges received after the affidavit envelope containing the ballot has been opened may be summarily denied as untimely.

Written challenges to voted early ballots shall be given immediately to an early voting election board or other officer in charge of elections. If the written challenge contains at least one of the grounds listed in [A.R.S. § 16-591](#), the board or officer shall, within 24 hours, send the following by first class mail to the challenged voter:

- Notice of the challenge;
- A copy of the written challenge; and
- The time and place at which the voter may appear to defend the challenge.

The notice must be sent to the mailing address shown on the voter’s request for the ballot-by-mail. If no address is provided, the notice may be sent to the mailing address on the registration rolls.

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Notice must also be sent to:

- The challenger at the address provided on the challenge; and
- The county chairperson of each political party represented on the ballot.

The early voting election board shall meet to hear the challenge at the time specified, but:

- Not earlier than **96 hours** after the notice is mailed, or not earlier than **48 hours** after delivery if the notice is delivered by overnight or hand delivery; and
- Not later than 5:00 p.m. on the Monday following the election.

The early election board or other officer in charge of early ballot processing is not required to provide a notice if the written challenge is untimely or fails to set forth at least one of the grounds listed in [A.R.S. § 16-591](#) as a basis for the challenge.

[A.R.S. § 16-552](#); [A.R.S. § 16-594](#).

## VI. PROCESSING AND TABULATING EARLY BALLOTS

The following procedures for processing early ballots shall be followed, unless the Secretary of State has granted a jurisdiction permission to use another method otherwise consistent with applicable law. A jurisdiction wishing to deviate from these instructions must make a request in writing no later than 90 days prior to the election for which the exception is requested.

### A. County Recorder Signature Verification

Upon receipt of the return envelope with an early ballot and completed affidavit, a County Recorder or other officer in charge of elections shall compare the signature on the affidavit with the voter's signature in the voter's registration record. In addition to the voter registration form, the County Recorder should also consult additional known signatures from other official election documents in the voter's registration record, such as signature rosters or early ballot/PEVL request forms, in determining whether the signature on the early ballot affidavit was made by the same person who is registered to vote.

If **satisfied** that the signatures were made by the same person, the County Recorder shall place a distinguishing mark on the unopened affidavit envelope to indicate that the signature is sufficient and safely keep the early ballot and affidavit (unopened in the return envelope) until they are transferred to the officer in charge of elections for further processing and tabulation.

If **not satisfied** that the signatures were made by the same person ~~or if the early ballot affidavit is missing a signature,~~ the County Recorder shall make a reasonable and meaningful attempt to contact the voter via mail, phone, text message, and/or email, notify the voter of the inconsistent signature, and allow the voter to ~~provide,~~ correct, or confirm the signature. The County Recorder shall attempt to contact the voter as soon as practicable using any contact information available in the voter's record and any other source reasonably available to the County Recorder.

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CHAPTER 2:  
Early Voting — VI. Processing and Tabulating Early Ballots

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Voters must be permitted to correct or confirm an inconsistent ~~or missing~~ signature until 5:00 p.m. on the fifth business day after a primary, general, or special election that includes a federal office or the third business day after any other election. For the purposes of determining the applicable signature cure deadline, ~~(i) the PPE is considered a federal election; and (ii) for counties that operate under a four day workweek, only days on which the applicable county office is open for business are considered "business days."~~

If the early ballot affidavit is not signed, the County Recorder shall reject the ballot. The County Recorder shall then make a reasonable and meaningful attempt to contact the voter via mail, phone, text message, and/or email, to notify the voter the ballot was rejected and provide the voter an opportunity to cast a replacement early or provisional ballot before 7:00pm on Election Day. The County Recorder shall attempt to contact the voter as soon as practicable using any contact information available in the voter's record and any other source reasonably available to the County Recorder. Neither replacement ballots nor provisional ballots can be issued after 7:00pm on Election Day.

All early ballots, including ballots-by-mail and those cast in-person at an on-site early voting location, emergency voting center, or through a special election board must be signature-verified by the County Recorder. However, because voters who cast an early ballot in-person at an on-site early voting location, emergency voting center, or through a special election board must show identification prior to receiving a ballot, early ballots cast in-person should generally not be invalidated based solely on an allegedly inconsistent signature absent other evidence that the signatures were not made by the same person. After verifying an in-person early ballot, a County Recorder may update the signature in a voter's record by scanning the voter's affidavit signature and uploading the signature image to the voter's record.

[A.R.S. § 16-550\(A\)](#); [A.R.S. § 16-552\(B\)](#); ~~Settlement Agreement at 3, Navajo Nation v. Hobbs, No. CV2018-08329, ECF No. 44-2 (D. Ariz. August 6, 2019).~~

## **B. Early Ballot Board Responsibilities**

The Board of Supervisors or officer in charge of elections shall appoint one or more early ballot boards consisting of an inspector and two judges (the two judges must be from different political parties). If the early ballot boards retire and reconvene, all materials shall be secured under the control of the Board of Supervisors or officer in charge of elections until the time for the boards to reconvene.

### **1. Early Ballot Report Log**

The early ballot board shall maintain an early ballot report log that includes the following information for each batch of early ballots:

1. Batch ID;
2. Number of ballots to process/processed;

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3. Number of ballots rejected and the reason for the rejection;
4. Number of ballots sent to duplication;
5. Number of ballots sent to tabulation;
6. Board members' initials; and
7. Board ID.

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**2. Affidavit Verification**

Upon receipt of early ballots that have been signature-verified by the County Recorder or other officer in charge of elections, the early ballot board shall confirm whether the voter's affidavit is sufficient (*see* [Chapter 2, Section VI\(A\)](#) above) and whether the voter's name appears on the precinct register or batch report:

- The vote shall be counted if the affidavit is determined to be sufficient and the registrant is a qualified elector of the voting precinct.
- The vote shall not be counted if the affidavit is determined to be insufficient, or the registrant is not a qualified elector of the voting precinct.

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**3. Accepted Early Ballots**

If the early ballot is accepted, the early ballot board shall:

1. Verify that all affidavit envelopes are of the batch being processed (and set aside any ballots from a different batch to be joined/processed with the proper batch);
2. Enter the total on the early ballot report;
3. Open each accepted affidavit envelope, being careful not to damage the ballot or the affidavit printed on the envelope;
4. Remove the ballot and check to ensure that the ballot is for the election shown on the affidavit envelope;
5. Place the voted ballot in the designated stack and count the ballots;
6. Place the empty affidavit envelope in the designated stack;
7. Repeat the process until all valid ballots are opened and placed in their appropriate stacks; and
8. Fill out the ballot transmittal slip and send ballots to tabulation.

**Comment [WJ3]:** Procedures need to be included in the manual on how to deal with ballots that are not for the election shown on the affidavit envelope. Relevant procedures from 2014 EPM included below.

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**4. Damaged Early Ballots**

If damaged ballots are found, they should be segregated from the batch and placed with any other ballots to be duplicated from the batch. The early ballot board must include each damaged ballot on a transmittal slip.

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**5. Rejected Early Ballots**

If the board determines the ballot should be rejected, the board shall:

- identify or mark across the envelope:
- “rejected as insufficient,” or
- “rejected as not an elector,” or
- “rejected because signature does not match”
- note on the early voting ballot report the voter’s ID number and the reason for rejection.
- set aside the unopened affidavit envelope in the designated stack.

**6. Incorrect Ballots**

If it is determined that the voter was sent an incorrect ballot and there is sufficient time to mail a new ballot and receive the correct voted ballot back from the voter, the Recorder shall issue a corrected ballot.

If the Early Ballot Board discovers that a voter received and voted an incorrect ballot and it is too late to mail the correct ballot, the incorrect ballot is sent to the Ballot Duplication Board, and any offices or issues the voter could have lawfully voted for shall be duplicated onto the correct ballot.

**5-7. Transmittal Slips for Tabulation or Duplication**

Each batch of ballots sent to the central counting place and Ballot Duplication Boards shall be accompanied by a completed transmittal slip with the following information:

1. Date item is originally processed;
2. Where ballots are sent **To:** (central counting place, Ballot Duplication Board, etc.);
3. Where ballots are sent **From:** (early voting, Ballot Duplication Board, etc.);
4. Ballot color and party (if applicable);
5. Total number of ballots sent;
6. Board ID;
7. Initials of board members; and
8. Batch/sub-batch numbers.

If a ballot was transmitted by facsimile to a UOCAVA voter and the voted ballot was returned by facsimile, the ballot should be sent to the Ballot Duplication Board to be duplicated in the method prescribed under Ballot Duplication Board instructions. See [Chapter 10, Section II\(D\)](#).

**6-8. Close Out**

The early ballot board will close out each batch as follows:

**Comment [WJ4]:** SAMPLE WORDING - Obtained procedures from 2014 EPM pg. 169.

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**Comment [WJ5]:** SAMPLE WORDING - obtained procedures from 2014 EPM pgs. 64 and 177.

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1. Calculate a cumulative total of the number of:
  - a. affidavit envelopes received;
  - b. ballots sent to the Ballot Duplication Boards;
  - c. ballots rejected; and
  - d. ballots sent to the central counting place;
2. Verify and audit these numbers against each applicable item (*i.e.*, the total number of affidavit envelopes collected should match the cumulative total on the early voting ballot report, etc.);
3. Place paperwork in the official envelope (official envelopes are marked to specify the items to be placed in each);
4. Retain a duplicate copy of the early voting ballot report for office records; and
5. Seal the official envelope.

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**7.9. Ballot Transportation**

After processing is complete, ballots shall be transported in a secure manner by at least two election officials (not of the same political party) with the ballots inside of a sealed ballot transfer container to a receiving site or a central counting place that is inside a secured building. Badge control shall be handled in the same manner as the central counting place.

**Comment [WJ6]:** RECOMMENDED change: See 2014 EPM Pg 170. Recommend including as a common-sense election integrity protocol already utilized by the counties and previously required.

**C. Timing for Tabulation of Early Ballots and Reporting of Results**

The officer in charge of elections may begin tabulating early ballots after confirmation from the Secretary of State that all equipment passes any required logic and accuracy test. [A.R.S. § 16-552\(A\)](#). Tabulation of early ballots shall not begin any earlier than 14 days before the election. [A.R.S. § 16-550\(B\)](#).

Early ballot tabulation results may not be reported until Election Day, at the earlier of:

- The time when all ballots cast on Election Day at voting locations have been tabulated; or
- One hour after all polls under the jurisdiction of the officer in charge of elections have closed on Election Day.

Polls presumptively close at 7:00 p.m. on Election Day unless extended by court order. [A.R.S. § 16-551\(C\)](#); [A.R.S. § 16-552\(A\)](#); [A.R.S. § 16-565\(A\)](#).

**VII. ELIGIBLE VOTERS IN JAIL OR DETENTION FACILITIES**

Individuals held in pretrial detention or serving a sentence for a misdemeanor conviction remain eligible to register and vote (assuming no other deficiencies in eligibility). ~~To the extent practicable, County Recorders shall coordinate with the county sheriff's office, jail or detention~~

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~~facilities, the county public defender's office, and other appropriate stakeholders to develop and implement reasonable procedures to facilitate voting by eligible voters held in jail or detention facilities, including those taken into custody shortly before Election Day. Such procedures may include coordinating a means for secure and effective delivery and return of ballots by mail for those in custody and/or the use of special election boards in appropriate circumstances.~~

## CHAPTER 3: BALLOT-BY-MAIL ELECTIONS

“Ballot-by-mail” elections are elections in which a ballot is automatically mailed to every qualified elector in a jurisdiction, regardless of whether the voter is on the PEVL. These elections also include establishment of ballot replacement sites, where voters may receive and cast a replacement ballot.

Ballot-by-mail elections must be conducted according to most of the same requirements applicable to early voting. [A.R.S. § 16-191](#); [A.R.S. § 16-409\(A\)](#); [A.R.S. § 16-558\(B\)](#).

### I. ELIGIBILITY TO HOLD A BALLOT-BY-MAIL ELECTION

Cities, towns, school districts, and special taxing districts are the only jurisdictions permitted to conduct ballot-by-mail elections. [A.R.S. § 16-409\(A\)](#); [A.R.S. § 16-558\(A\)](#).

In addition, a County Recorder or other officer in charge of elections may send a Presidential Preference Election ballot to all qualified electors in precincts with 300 or less registered voters. [A.R.S. § 16-248\(H\)](#).

### II. APPROVAL TO HOLD A BALLOT-BY-MAIL ELECTION

A city, town, school district, or special taxing district may conduct its own ballot-by-mail election after obtaining approval of their governing board. [A.R.S. § 16-409\(A\)](#); [A.R.S. § 16-558\(A\)](#).

Special taxing districts must obtain approval of the applicable County Board of Supervisors, even if the special taxing district will conduct its own election. The special taxing district must obtain approval from the Board of Supervisors before it publishes a call of election. If a special taxing district comprises more than one county, the governing board of the special taxing district must seek approval of the County Board of Supervisors in the county that contains the greater number of registered voters in the district. [A.R.S. § 16-558\(A\)](#).

If a city, town, school district, or special taxing district requests a county conduct the election on the jurisdiction’s behalf, the conduct of that election is generally subject to an agreement between the county and the jurisdiction. [A.R.S. § 16-205](#). Among other things, the agreement may require that all local jurisdictions holding elections on a particular consolidated election date conduct a ballot-by-mail election in lieu of establishing voting locations on Election Day.

The governing body of a special taxing district must provide various public notifications before conducting any election that is not held concurrently with a general election, which includes



ballot-by-mail elections. [A.R.S. § 16-226\(B\)](#); [A.R.S. § 16-227\(A\)](#). See [Chapter 8, Section IV\(C\)](#).

### III. PREPARING AND MAILING BALLOTS

A County Recorder or other officer in charge of elections may use a unified ballot format that combines all candidates and issues on the same ballot in a ballot-by-mail election. [A.R.S. § 16-204\(G\)](#).

Ballots utilized in a ballot-by-mail election must be prepared and transmitted in accordance with the requirements applicable to early ballots (see [Chapter 2, Sections I\(C\)](#) and [I\(D\)](#)), except:

- The County Recorder must mail ballots to all eligible voters not more than 27 and not fewer than 15 days before the election. [A.R.S. § 16-558.01](#).
- ~~• If the ballot by mail election is consolidated with a partisan primary election, the County Recorder must mail a notice to all non-PEVL voters who are not affiliated with a recognized political party at least 33 days before the election to allow the voter to designate a political party ballot. In lieu of sending separate notices to PEVL and non-PEVL voters, a County Recorder may send a notice to all eligible voters at least 90 days before the ballot by mail election. See [Chapter 2, Section I\(B\)\(9\)](#). If the voter does not designate a political party ballot or nonpartisan ballot by 5:00 p.m. on the 11th day before the election, or a later deadline established by the County Recorder, the voter will not be mailed a ballot by mail for the election. [A.R.S. § 16-542\(E\)](#). However, the voter is still permitted to vote in person at a ballot replacement site and, at that time, specify a political party ballot or nonpartisan ballot.~~
- Return envelopes in ballot-by-mail elections for Title 48 special district elections need not be postage pre-paid. The district governing board must determine whether the cost of return postage will be borne by the local jurisdiction or the voter. [A.R.S. § 16-558.01](#).

If a jurisdiction conducts its own election without using the services of the County Recorder, the duties listed above for the County Recorder shall be performed by the officer in charge of elections for the jurisdiction.

### IV. METHODS TO RETURN OR REPLACE BALLOTS

~~A ballot-by-mail (with completed affidavit) must be delivered to the appropriate officer in charge of elections or an official ballot drop-off location no later than 7:00 p.m. on Election Day. [A.R.S. § 16-411\(D\)](#); [16-558\(B\)](#); [16-551\(C\)](#).~~

A city, town, school district, or special taxing district that conducts a ballot-by-mail election on its own behalf, and a county that conducts a ballot-by-mail election on behalf of a jurisdiction, may establish voting locations/ballot replacement sites on Election Day as well as ballot drop-off sites for voters to deposit voted ballots until 7:00 p.m. on Election Day. [A.R.S. § 16-411\(D\)](#); see also [Chapter 8, Section I\(B\)](#).

**Comment [WJ7]:** RECOMMEND adding for clarification and consistency as Chapter 3 does not refer to the deadline to return ballots-by-mail outlined in Chapter 2(I)(H).

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A County Recorder or other officer in charge of elections must establish at least one central location in each district to issue replacement ballots in cases where the voter's mailed ballot was lost, spoiled, destroyed, or not received, which shall be open until 7:00pm on the day of the election. A.R.S. § 16-558.02(A); A.R.S. § 16-409(A). The County Recorder or other officer in charge of elections may establish as many additional ballot replacement sites as deemed necessary. If there is no appropriate location for a ballot replacement site in the district (for example, if the district contains only residential buildings), the County Recorder or officer in charge of elections should establish a ballot replacement site as close to the district as practicable.

In order for the replacement ballot to be counted, the voter must sign a sworn statement that the original ballot was lost, spoiled, destroyed, or not received. A.R.S. § 16-409(A); A.R.S. § 16-558.02(A). This language may be incorporated into the early ballot affidavit prescribed by A.R.S. § 16-547(A). See Chapter 2, Section I(C)(2). The County Recorder or other officer in charge of elections shall keep a record of each replacement ballot. A.R.S. § 16-558.02(B). In any case, the County Recorder must ensure that only one early ballot for a particular voter is verified and transmitted to the officer in charge of elections for tabulation. See Chapter 2, Section VI(A).

## V. PROCESSING VOTED BALLOTS IN A BALLOT-BY-MAIL ELECTION

Voted ballots returned to the County Recorder or other officer in charge of elections must be processed and tabulated in a manner similar to early ballots. A.R.S. § 16-409(B); A.R.S. § 16-558(B); A.R.S. § 16-552; see Chapter 2, Section VI.

Even if a city, town, school district, or special taxing district conducts its own election, the jurisdiction must usually enter into an agreement with the applicable county (or counties) in order to conduct signature verification. See A.R.S. § 16-205(C). Absent an agreement with the County Recorder, a local jurisdiction could conduct its own signature verification at a public terminal provided by the County Recorder during normal business hours.

If a special taxing district crosses county lines, the district must enter into an agreement with both counties in order to conduct signature verification. For example, the county with the larger number of registered voters may conduct the election on the special taxing district's behalf, and seek voter registration records from the smaller county in order to conduct signature verification for all voters in the special taxing district.

## VI. POST-ELECTION REPORTING REQUIREMENTS

A city, town, or school district that conducts a ballot-by-mail election must report the following information to the Senate President and Speaker of the House of Representatives by January 1 of the year immediately following any ballot-by-mail election:

1. Changes in voter turnout from the previous election (regardless of whether the previous

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- election was a ballot-by-mail or traditional election);
2. The cost of the ballot-by-mail election compared to traditional elections;
  3. Suggestions for improvements to the ballot-by-mail election system;
  4. The frequency and severity of irregularities in the ballot-by-mail process, if any;
  5. Voter satisfaction with the ballot-by-mail election process; and
  6. The number of nondeliverable ballots in the ballot-by-mail election.

[A.R.S. § 16-409\(B\).](#)

## CHAPTER 4: VOTING EQUIPMENT

### I. VOTING EQUIPMENT CERTIFICATION

All components of a voting system must be properly certified prior to use in any election for a federal, state, or county office. [A.R.S. § 16-442\(B\)](#). In addition, a city, town, or agricultural improvement district may adopt for use in its elections any electronic voting system or vote tabulating device approved by the Secretary of State, and thereupon, the voting system or device may be used at any or all elections for voting, recording, and counting votes cast in an election. [A.R.S. § 16-442\(E\)](#).

A voting system is defined as the total combination of mechanical, electromechanical, or electronic equipment (including the software, firmware, and documentation required to program, control, and support the equipment) that is used to define ballots, cast and count votes, report or display election results, and maintain and produce any audit trail information. [52 U.S.C. § 21081\(b\)\(1\)](#). Thus, a voting system consists of the electronic voting equipment (including central count equipment, precinct voting equipment, and accessible voting equipment) and election management system (EMS) used to tabulate ballots.

This section outlines the procedures under which voting systems are certified, recertified, or decertified for use in Arizona. A new voting system must be certified by:

1. A Voting System Test Laboratory (VSTL) accredited in accordance with the Help America Vote Act;
2. The federal Election Assistance Commission (EAC); and
3. The Secretary of State, based on a recommendation from the state Election Equipment Certification Committee.

[A.R.S. § 16-442\(A\)-\(B\)](#).

Certification includes a review of system documentation and/or conducting a demonstration and functionality test. Upgrades or modifications to an existing voting system require recertification, but if the upgrade or modification is *de minimis*, a demonstration and functionality test is optional and not necessarily required. See [Chapter 4, Section I\(A\)\(2\)](#). A request for emergency conditional certification is subject to different standards. See [Chapter 4, Section I\(C\)](#).

The Secretary of State shall consult with and obtain recommendations regarding voting systems from nonprofit organizations that represent persons who are blind or visually impaired, persons with expertise in accessible software, hardware, and other technology, county and local election officials, and other persons deemed appropriate by the Secretary of State. The Secretary of State shall submit these recommendations to the state Election Equipment Certification Committee to

be considered for possible certification if the election equipment vendor submits an application for certification. [A.R.S. § 16-442.01\(C\)](#).

### **A. State Certification Process**

A manufacturer's voting system must be tested and certified as a comprehensive suite, not as individual components. Therefore, a manufacturer's proposed combination of hardware, software, and firmware must be tested as an integrated whole to ensure the particular system accurately tabulates votes. As a result, a jurisdiction may not mix-and-match components from different manufacturers' certified voting systems. The officer in charge of elections may mix components from different manufacturers' voting systems only if those systems are not interconnected and under exceptional circumstances after notifying and receiving written approval from the Secretary of State.

#### **1. Submitting an Application for Certification**

To initiate state certification, a voting system manufacturer must submit an application to the Secretary of State. The application form is prescribed by the Secretary of State. A complete application packet consists of:

1. A completed application form, including a description of all voting system components and, if seeking recertification, a description of modifications to the prior certified voting system;
2. Product descriptions and/or sales brochures of the voting system components;
3. VSTL Test Report; and
4. EAC Certificate of Conformance, including EAC Certification Number and Scope of Certification.

A manufacturer may submit an application packet to the Secretary of State electronically or by mail. The Secretary of State must conduct a preliminary review of the application packet within 21 days of receipt of a completed packet or sooner if practicable. If the application packet is incomplete, the Secretary of State should inform the manufacturer and need not take further action until the application packet is complete.

#### **2. Review by the Election Equipment Certification Committee**

Once the application packet is deemed complete, the Secretary of State must notify and provide all relevant documentation to the Election Equipment Certification Committee and schedule a public meeting. If a demonstration and functionality test will be required, the Secretary of State must (1) coordinate with the manufacturer to receive test ballots; (2) develop a test script to vote the test ballots on all electronic voting equipment; (3) tabulate the test ballots (using alternative equipment provided by the vendor that is not the equipment to be tested in the demonstration and functionality test) in advance of the public meeting to ensure conformity with the test script; and (4) coordinate delivery and storage of the voting system as the test date nears.

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Upon notification by the Secretary of State, to the extent practicable, the Equipment Certification Committee must conduct a public meeting within 90 days to consider an application for certification or recertification.

The Secretary of State coordinates the logistical details for holding the public meeting, including complying with notice requirements in accordance with Arizona open meeting laws, taking meeting minutes, and ensuring the presence of legal counsel. [A.R.S. § 38-431.01](#).

**a. Composition of the Election Equipment Certification Committee**

The state Election Equipment Certification Committee consists of three persons appointed by the Secretary of State with the following qualifications:

1. A faculty member of the engineering college at an Arizona university;
2. A lawyer member of the Arizona Bar Association; and
3. A person who is familiar with voting procedures in the state, such as a trained election official.

Committee members serve without compensation. No more than two of the Committee members may be registered with the same political party. At least one member must have at least five years of experience with, and be able to render an opinion based on knowledge of or training/education in, electronic voting systems, procedures, and security. [A.R.S. § 16-442\(A\)](#).

**b. New Application for Certification**

For a new application for certification, the Election Equipment Certification Committee must conduct the following activities in a public meeting:

1. Review the manufacturer's application packet for completeness;
2. Confirm VSTL approval and EAC certification;
3. Confirm the voting system under review is the same voting system certified by the EAC;
4. Review the voting system and test ballots for compliance with the legal standards for certification;
5. Conduct a demonstration and functionality test;
6. Ask questions to the manufacturer's representatives as necessary;
7. Seek legal advice in executive session as necessary; and
8. Vote on whether to recommend to the Secretary of State approval, conditional approval, or denial of the manufacturer's application.

The Election Equipment Certification Committee may issue a recommendation to the Secretary of State to approve or deny the application, including partial or conditional approval. The Committee may also recommend specific conditions under which the voting system may be used by a county, city, town, or special taxing district.

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The Election Equipment Certification Committee must issue a written recommendation to the Secretary of State based on the majority vote from the public meeting.

i. Legal Standards for Certification

A voting system must comply with all federal and state laws, including the following:

1. The voting system must be tested and certified under federal law:
  - a. The voting system must be reviewed and/or tested by an accredited VSTL;
  - b. The voting system must be certified by the EAC; and
  - c. The voting system must otherwise comply with the then-applicable federal Voluntary Voting System Guidelines (VVSG) in effect;
2. The voting system must have the following functional capability and/or characteristics required under federal and state law:
  - a. The voting system must be suitably designed and be of durable construction;
  - b. The voting system must provide for secure, efficient, and accurate voting;
  - c. The voting system must record votes correctly and accurately, including aggregation of the voter's choices made on a single device;
  - d. The voting system must provide a durable paper document that visually indicates the voter's selection~~tabulate (and if necessary, produce) ballots that visually indicate the voter's selections~~ and can be (1) used to verify the voter's choices; (2) spoiled by the voter if they fail to reflect the voter's choices; and (3) used in recounts and manual audits;
  - e. The voting system must function for all types of elections;
  - f. The voting system must be capable of rotating candidate names within a race and accurately tabulating the results;
  - g. The voting system must aggregate the votes in the EMS in a way that prevents votes from being changed ~~(unless the vote is on an over-voted ballot or ballot read as blank or unclear and is therefore flagged for electronic adjudication)~~ or deleted after voting has concluded; and
  - h. The voting system must contain security features that prevent unauthorized access or hacking;
3. Ballot marking devices and direct-recording electronic (DRE) voting machines must:
  - a. Permit the voter to verify (in a private, secret, and independent manner) the votes selected by the voter on the ballot before the ballot is cast and counted;
  - b. Allow the voter to vote for the candidate or ballot measure of choice, allow the voter to vote for or against as many candidates or ballot measures for which they are entitled to vote, and inform the voter if the number of vote choices exceeds the

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permitted amount or prevent the voter from selecting more than the permitted number of vote choices;

c. Prevent the voter from voting for the same person more than once for the same office.

e.d. Have the capability to be sealed and prevent further voting after the close of the polls and/or after the last voter has voted;

d.e. DRE voting machines must produce a paper ballot or voter verifiable paper audit trail (VVPAT) for audit purposes, including the ability to change the ballot or correct any error and noting a spoiled or voided ballot when the voter changes the ballot or corrects an error; and

e.f. Provide the voter with an opportunity (in a private, secret, and independent manner) to correct any error before the ballot is cast and counted or cast a replacement ballot if the previous ballot is spoiled or unable to be changed or corrected;

4. Accessible voting equipment must be capable of:

a. Allowing the voter to cast and verify (both visually and with audio or synthesized speech) the voter's selections, including a synthesized (or actual) speech recording and braille keyboard or other input method that is ADA compliant;

b. Displaying the on-screen ballot in a format substantially similar to that of paper ballots (see [Chapter 4, Section II\(E\)\(1\)](#) and [Chapter 8, Section V\(A\)](#));

c. Displaying, providing audio or synthesized speech (and if applicable, printing) the ballot in English and in any minority language required under federal or state law;<sup>20</sup> and

d. Otherwise providing voters with visual impairments equivalent access to the voting experience compared to that provided for voters without visual impairments.

5. The voting system may not be subject to a recent decertification proceeding or otherwise have been utilized in violation of federal or state law.<sup>21</sup>

[A.R.S. § 16-442\(B\)](#); [A.R.S. § 16-442.01\(A\)-\(B\)](#); [A.R.S. § 16-446\(A\)-\(B\)](#); [A.R.S. § 16-502\(H\)](#); [52 U.S.C. § 20971\(a\)-\(b\)](#); [52 U.S.C. § 21081\(a\)](#).

**ii. Demonstration and Functionality Test**

A demonstration and functionality test consists of:

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<sup>20</sup> See [Chapter 8, Section VI](#). If the applicable minority language is not a written language, the accessible voting machine must be capable of providing audio or synthesized reading of the ballot to the voter.

<sup>21</sup> For example, under [A.R.S. § 16-1004\(B\)](#), it is a class 5 felony to knowingly modify the software, hardware, or source code for voting equipment without receiving certification from the Election Equipment Certification Committee.



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1. Explaining the testing process (of both primary and general election test ballots) during the public meeting;
2. Casting ballots on all electronic voting equipment in accordance with the test script prepared for the meeting;
3. Casting ballots on the accessible voting equipment in English and any minority language required under federal or state law, including testing the audio equipment;
4. If the system captures digital ballot images, determining whether the system:
  - a. Produces digital images of readable quality, including clearly displaying write-in votes;
  - b. Produces digital images that are capable of being sorted by criteria such as race, district, ballot type, or precinct;
  - c. Encrypts the digital images; and
  - d. Is capable of transferring or downloading the digital images at a reasonably fast rate;
5. Ensuring the aggregate vote totals for each race in the EMS match the pre-determined test results prepared by the Secretary of State; and
6. Demonstrating the voting system's ability to function in compliance with applicable state and federal law.

**c. Application for Recertification of Updated/Modified Systems**

Upgrades or modifications to an existing certified voting system require recertification as a precondition for the upgraded/modified system to be used in Arizona elections. Like new applications, an application for recertification requires VSTL approval, EAC certification, and certification by the Secretary of State, based on review and recommendation by the Election Equipment Certification Committee. However, depending on the nature of the upgrade/modification, a demonstration and functionality test may not be necessary.

An upgrade or modification is documented through an engineering change order (ECO) prepared by the manufacturer and submitted to the appropriate VSTL. If the VSTL concludes, and the EAC agrees, that the ECO represents a *de minimis* change to the existing certified voting system, the Secretary of State may:

1. Notify the Election Equipment Certification Committee that the upgrade or modification has been deemed *de minimis* by the EAC;
2. Recommend the Committee conduct its review without a demonstration and functionality test; and
3. If the Committee agrees to forego a demonstration and functionality test, schedule a public meeting to review the manufacturer's application for recertification.

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If the Election Equipment Certification Committee foregoes a demonstration and functionality test, the Committee must:

1. Review the manufacturer's application for recertification for completeness in a public meeting, whether in-person, telephonically, or by video teleconference;
2. Confirm VSTL approval and EAC certification;
3. Ask questions to the manufacturer's representatives as necessary;
4. Seek legal advice in executive session as necessary;
5. Make an independent finding that the upgrade or modification is *de minimis* in nature; and
6. Vote on the manufacturer's application for recertification.

The Election Equipment Certification Committee must issue a written recommendation to the Secretary of State based on the majority vote from the public meeting. The Election Equipment Certification Committee may recommend approval or denial of the application, including partial or conditional approval.

If the Committee determines that the upgrade or modification is not *de minimis*, or the application for recertification otherwise requires additional review or testing, the Committee may vote to schedule a subsequent meeting to conduct a demonstration and functionality test. In that case, the Committee must evaluate the upgraded or modified voting system under the standards applicable to a new application for certification.

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**3. Secretary of State Final Decision**

Within a reasonable period after receiving the Election Equipment Certification Committee's recommendation, the Secretary of State must issue a final decision on an application for certification or recertification. The Secretary of State may accept, deny, or modify the Election Equipment Certification Committee's recommendation, including issuance of a partial or conditional certification.

The Secretary of State must issue the final decision in writing and notify the manufacturer by mail or email.

A final decision denying certification must include notice that the decision constitutes an appealable agency action. The notice must:

1. Identify the statute, rule, or provision upon which the decision was based;
2. Identify with reasonable particularity the reason why certification was denied or conditioned;
3. Include a description of the manufacturer's right to request a hearing on the decision; and
4. Include a description of the manufacturer's right to request an informal settlement conference pursuant to [A.R.S. § 41-1092.06](#).

[A.R.S. § 41-1092\(3\)](#); [A.R.S. § 41-1092.03\(A\)](#).

#### **4. Appeal Process**

A manufacturer may appeal the Secretary of State's final decision denying an application for certification or recertification.

##### ***a. Filing Notice of Appeal***

A manufacturer must file the notice of appeal with the Secretary of State within 30 days after receiving the final decision. The notice of appeal must:

1. Identify the manufacturer;
2. Provide the manufacturer's address;
3. Identify the agency and action being appealed; and
4. Contain a concise statement of the reasons for the appeal.

The notice of appeal must be served by personal delivery or certified mail, return receipt requested.

Within five business days of receiving an appeal, the Secretary of State must:

1. Notify any local jurisdictions who use the manufacturer's voting system or are otherwise potentially affected by the appeal; and
2. Request a hearing from the Office of Administrative Hearings.

[A.R.S. § 41-1092.03\(A\)-\(B\)](#); [A.R.S. § 41-1092.04](#).

##### ***b. Hearing on Appeal***

If an informal settlement conference pursuant to [A.R.S. § 41-1092.06](#) is not requested, a hearing before the Office of Administrative Hearings:

1. Must be conducted no later than 60 days after the appeal was filed with the Secretary of State;
2. Must include a complete and accurate record;
3. Must be conducted in accordance with [A.R.S. § 41-1092.07](#); and
4. Must be presided over by an administrative law judge, who must issue a recommended decision pursuant to [A.R.S. § 41-1092.08\(A\)](#).

The manufacturer bears the burden of persuasion to establish that the voting system should have been certified or recertified. The administrative law judge must issue a recommended decision within 20 days after the hearing is concluded. [A.R.S. § 41-1092.08\(A\)](#).

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The only remedy available is recommended reversal or modification of the Secretary of State's final decision. Damages of any kind may not be awarded.

[A.R.S. § 41-1092.05.](#)

***c. Action on Recommended Decision***

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Within 30 days following issuance of the administrative law judge's recommendation, the Secretary of State may accept, reject, or modify the decision. [A.R.S. § 41-1092.08\(B\).](#)

The Secretary of State's decision constitutes the final determination of the application for certification or recertification. The Secretary of State must provide notice of the final determination to the manufacturer and any other interested parties.

**B. Requirements for Equipment Decertification**

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If the Secretary of State has reason to believe that a certified voting system is not performing or being utilized in accordance with federal or state law, the Secretary of State may issue an Intent to Decertify the voting system or any component of the system. [A.R.S. § 16-442\(C\)-\(D\).](#)

In reaching the preliminary decision to decertify, the Secretary of State may take into account any of the following:

1. Material breach of contract with any Arizona jurisdiction;
2. Submission of a fraudulent, misleading, or otherwise ineligible application for certification or recertification;
3. Installation or use of an unauthorized voting system;
4. Failure to properly function or perform, including perceived security vulnerabilities;
5. Federal decertification by the EAC;
6. Failure to place election equipment source code in escrow and/or failure to authorize the State of Arizona to access or receive the source code; or
7. Failure to continue to meet any requirements for certification.

Upon issuance of an Intent to Decertify, the Secretary of State must promptly notify the manufacturer and any affected parties. Within 30 days of issuance, the manufacturer and any affected parties may submit written comments to the Secretary of State in support of or opposition to decertification.

Within 120 days of issuance, the Secretary of State must convene the Election Equipment Certification Committee. At a public meeting the Committee must:

1. Review the evidence for and against decertification;
2. Ask questions to the manufacturer's representatives (as necessary);

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3. Seek legal advice in executive session (as necessary); and
4. Vote on whether to recommend decertification.

The Election Equipment Certification Committee may recommend full or partial decertification. The Committee may also specify the conditions under which the voting system may continue to be used by a county, city, town, or special taxing district. The Election Equipment Certification Committee must issue a written recommendation to the Secretary of State based on the majority vote from the public meeting.

Within a reasonable period after receiving the Election Equipment Certification Committee's recommendation, the Secretary of State must issue a final decision on the Intent to Decertify. The Secretary of State may accept, deny, or modify the Election Equipment Certification Committee's recommendation, including issuance of a conditional recertification. The Secretary must follow the remaining procedures applicable to issuance of a final decision for an application for certification or recertification. See [Chapter 4, Section I\(A\)\(3\)](#) above.

The manufacturer or affected party may appeal a decertification in accordance with the appeal procedures for denials of certification and recertification. See [Chapter 4, Section I\(A\)\(4\)](#) above.

In addition to decertification, the Secretary of State may prohibit the purchase, lease, or use of any voting system (or component thereof) if a manufacturer or jurisdiction: (1) installs, uses, or permits the use of a voting system that is not certified for use or approved for experimental use; or (2) uses or includes hardware, firmware, or software in a voting system version that is not certified for use or approved for experimental use. [A.R.S. § 16-442\(D\)](#).

### **C. Emergency Conditional Certification of Upgrade/Modification**

If a local jurisdiction requires an emergency upgrade or modification to its existing certified voting system, the jurisdiction may apply to the Secretary of State for emergency conditional certification of the upgrade or modification. Emergency conditional certification allows the voting system to be upgraded or modified without seeking VSTL testing or EAC certification. [A.R.S. § 16-442\(G\)](#).

To apply for emergency conditional certification, the local jurisdiction must:

1. Convene its governing board to pass a resolution outlining why the forthcoming election cannot be conducted without the requested emergency conditional certification;
2. Make a written request to the Secretary of State that outlines the need for conditional emergency certification, including:
  - a. A description of the proposed upgrade/modification;
  - b. A description of what aspects of the voting system will be affected;
  - c. An explanation why the upgrade/modification is necessary in order to conduct the next election, including a copy of the governing board's resolution;

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- d. An explanation why the upgrade/modification could not have been sought earlier through the standard recertification process; and
- e. A description of what safeguards or contingency plans will be implemented if the proposed upgrade/modification does not function as intended during the election; and
- f. Any other information deemed relevant by the local jurisdiction.

Upon receipt of a request for emergency conditional certification, the Election Equipment Certification Committee must convene as soon as practicable (but no later than 30 days from the date of the request) and follow the same procedures applicable to an application for recertification, except:

- VSTL approval and EAC certification are not required; and
- Both the local jurisdiction and manufacturer are expected to participate in the public meeting and answer the Election Equipment Certification Committee's questions.

Upon receipt of the Election Equipment Certification Committee's recommendation, the Secretary of State must issue a final decision within 15 days or sooner if practicable.

Any grant of conditional emergency certification is limited to six months from the date of the Secretary's final decision. If the manufacturer has not applied for (and been granted) recertification before expiration of the 6-month period, the conditionally-certified voting system is automatically decertified and ineligible for continued use. [A.R.S. § 16-442\(G\)](#).

The local jurisdiction may appeal a denial of emergency certification in accordance with the appeal procedures for denials of certification and recertification described above. See [Chapter 4, Section I\(A\)\(4\)](#).

## **II. LOGIC AND ACCURACY (L&A) TESTING**

A logic and accuracy (L&A) test is intended to confirm that votes are attributed to the correct candidates and ballot measures in the election management system (EMS) and that each candidate and ballot measure receives the accurate number of votes.

The Board of Supervisors or officer in charge of elections is responsible for performing an L&A test on all voting equipment prior to each election. The conduct of the test must be overseen by at least two elections staff or inspectors (of different political parties), and shall be open to observation by representatives of the political parties, candidates, the press, and the public.

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For any election that includes a federal, statewide, or legislative office, the Secretary of State is responsible for conducting an additional L&A test on selected voting equipment. [A.R.S. § 16-449](#).<sup>22</sup>

### A. Timeframe to Conduct L&A Testing

#### 1. Accessible Voting Equipment L&A Test

In-person voting, both during the early voting period and on Election Day, requires the deployment of accessible voting equipment for voters with disabilities (and ballot marking by all voters in certain counties).

The officer in charge of elections must test all accessible voting equipment prior to an election.

- For an all ballot-by-mail election, equipment must be tested at least 15 days before the election.
- For a city, town, school district, special taxing district, or county election, equipment must be tested at least 27 days before the election (prior to the commencement of early voting).
- For a federal, statewide, or legislative election, equipment must be tested prior to the Secretary of State's L&A test, where practicable, or promptly thereafter.

In the case of federal, statewide, or legislative elections, the Secretary of State tests selected accessible voting equipment within seven days before the start of early voting (*i.e.*, between 34 and 27 days before the election). [A.R.S. § 16-449\(B\)](#).

L&A tests for accessible voting equipment are a prerequisite for the County Recorder to open on-site early voting locations.

#### 2. Optical and Digital Equipment L&A Test

The officer in charge of elections must test precinct voting equipment and central count equipment within 30 days of an election. In the case of federal, statewide or legislative elections, the Secretary of State must also test selected equipment within 17 days before the election. [A.R.S. § 16-449\(A\)](#).

However, if a county's accessible voting equipment does not independently tabulate votes (*i.e.*, the equipment marks and/or produces a paper ballot that will be tabulated using different voting equipment), the officer in charge of elections and Secretary of State may test all voting equipment (including precinct voting equipment and central count equipment) during the time period applicable to accessible device testing. [A.R.S. § 16-449\(C\)](#). If the officer in charge of

<sup>22</sup> Though not required, counties may, in their discretion, conduct additional pre- and/or post-election L&A tests, including with participation from representatives of the recognized political parties.

**Comment [WJ8]:** DISCUSS: Footnote is unclear when this additional testing is allowed. Once certified for use in an election, equipment is then "deployed" and further testing would invalidate certification. Prior to certification, general testing important preparation. Procedures outlined in 2014 EPM Pg 104 for "diagnostic testing" Post-election L&A is discussed in Chapter 12, Section II.

**Comment [WJ9]:** DISCUSS: Unclear what "ballot marking by all voters" means. Accessible voting equipment has only been statutorily authorized under ARS 16-442.01 for people with disabilities. County-wide deployment as primary means of voting has not been statutorily approved.

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elections wishes to have all voting equipment testing completed together, the officer in charge of elections must make that request to the Secretary of State at least 90 days prior to the election. In order to prepare for this consolidated testing, the officer in charge of elections must provide to the Secretary of State all testing materials as referenced in [Chapter 4, Section II\(D\)\(2\)](#) below, including printed ballots, at least three weeks before the start of early voting. The Secretary of State has discretion to grant or deny a request for consolidated testing based on the circumstances. For example, if test ballots are not timely received, the tests will need to be conducted separately and the officer in charge of elections will be notified of the determination.

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### 3. Rescheduling L&A Tests

The Secretary of State's Office must conduct its L&A tests after the officer in charge of elections has conducted county-level tests whenever practicable. In the event the officer in charge of elections has not successfully conducted an L&A test prior to the Secretary of State's scheduled test, the officer in charge of elections should contact the Secretary of State to consider whether to postpone the Secretary's L&A test pending further local testing.

If the electronic voting system has not successfully passed the Secretary of State's L&A test, the Secretary of State may schedule a re-test for a later date. Re-testing may continue during the early voting period and through the day prior to the election. However, the officer in charge of elections may not deploy any electronic voting equipment in a federal, statewide, or legislative election that has not successfully passed the Secretary of State's L&A test.

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#### B. Public Notice of L&A Test

The Board of Supervisors or other officer in charge of elections must publish notice of the time and place of each L&A test at least 48 hours in advance of the test. [A.R.S. § 16-449\(A\)](#). The notice must be published at least once in a daily or weekly newspaper circulated in the county. If no newspaper is published in the jurisdiction, notice must be published in any newspaper of general circulation. [A.R.S. § 16-449\(A\)](#).

If the Secretary of State must reschedule an L&A test or schedule a re-test, and the Board of Supervisors or other officer in charge of elections cannot reasonably comply with the 48-hour public notice requirement, the Board of Supervisors or other officer in charge of elections must:

- Publish notice of the rescheduled L&A test in a daily or weekly newspaper within the county as soon as possible if the notice is capable of being published before the test date;
- Post the notice on the county's website and distribute the notice through any other public communication or social media channel(s) regularly utilized by the county; and
- Provide notice of the place and time of the reschedule L&A test or re-test by phone or email to all L&A test observers from the immediately preceding L&A test.



### C. Observers for L&A Test

An L&A test must be observed by the officer in charge of elections. An L&A test must also be open to:

- Designated political party representatives;
- Candidates or candidate representatives;
- Government officials; and
- Members of the public and the media.

[A.R.S. § 16-449\(A\)](#). For security reasons and to prevent disruption of election operations, the officer in charge of elections may specify a designated area where observers are permitted to view the L&A test.

### D. Process for Conducting L&A Tests by the Secretary of State

The Secretary of State must conduct an L&A test on accessible voting equipment and optical/digital scan equipment before each federal, statewide, and legislative election.

#### 1. Acquisition of Precinct Information and Voting Equipment

At least eight weeks before a primary election or PPE, the officer in charge of elections must provide the Secretary of State a complete list of precincts and legislative and congressional districts and ensure the Secretary of State possesses the necessary precinct voting equipment to preliminarily verify the county's L&A test results at the Secretary of State's Office. To conduct the pre-test, the Secretary of State may acquire the necessary voting equipment from the county or directly from equipment vendors, if practicable. If multiple counties use the same type of voting equipment, the Secretary of State may preliminarily test multiple counties' ballots on the same piece of voting equipment without acquiring voting equipment from each county.

#### 2. Selection of Precincts and Test Ballots

The Secretary of State must randomly select precincts that will be included in each type of L&A test conducted by the Secretary of State.

The Secretary of State generally selects five to ten precincts for a small or medium-sized county and 10-20 precincts for a large county. In doing so, the Secretary of State must ensure:

- At least one precinct is selected in each congressional and legislative district; and
- Each federal, statewide, and legislative candidate and each ballot question will receive at least one test vote in the selected precincts.

The Secretary of State must also acquire test ballots from each county. If a county will use preprinted ballots and ballots through a ballot-on-demand printer, the officer in charge of elections must provide ballots generated through both printing methods.

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For a primary election or PPE, the officer in charge of elections must provide the Secretary of State the following test ballots from each pre-determined test precinct:

- 50 ballots from each of the two largest political parties entitled to continued representation on the ballot;
- 25 ballots from every other recognized or new political party; and
- Five “federal-only” ballots.

The Secretary of State may request additional test ballots if necessary. The Secretary of State also may account for new political parties or the possibility that not all recognized political parties will participate in a PPE.

For a general election, the officer in charge of elections must provide the Secretary of State the following test ballots from each pre-determined test precinct:

- 50 ballots; and
- 10 “federal-only” ballots.

If a precinct contains a precinct split, the officer in charge of elections should ensure the above-referenced test ballots are distributed among each precinct split. In addition, if minority-language ballots are required in the county, the officer in charge of elections must also include minority-language ballots among the requested quantities of test ballots.

The Secretary of State may vary the number of test ballots if necessary.

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**3. Notification of Completion of Programming**

Before each federal, statewide or legislative election, the officer in charge of elections must promptly notify the Secretary of State when the county has completed programming its election.

Within one business day of receiving this notification, the Secretary of State must confirm with the officer in charge of elections the date/time of the accessible and optical/digital scan tests and the conditions for each test, including precinct selections, ballot requirements, and the number of machines selected at random for testing. The Secretary of State must inform the officer in charge of elections of the date/time of the L&A test as soon as practicable.

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**4. Secretary of State Preparation for L&A Testing**

For an accessible voting equipment L&A test, the Secretary of State must:

1. Request that all accessible voting equipment to be used during on-site early voting be made available for the L&A test and be pre-programmed with all precinct ballot styles;

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2. Identify the precincts randomly selected by the Secretary of State and request the accessible voting equipment to be utilized at those precincts be made available for the L&A test;
3. Ensure the attendance of any necessary minority language interpreters at the L&A test;
4. Inform the officer in charge of elections that they must:
  - a. Utilize the actual election program for Election Day (not a copy);
  - b. Reset any vote totals from prior L&A tests and ensure equipment zero tapes are accessible for examination;
  - c. Print a zero report from the county's EMS and ensure the report is accessible for examination;
  - d. Ensure that equipment operators are available to assist with the L&A test;
  - e. Ensure the equipment is set up, set to run in "election mode," and ready to vote upon the Secretary of State's arrival;
  - f. Ensure that voter card encoders and bar code printers will be available for testing (if applicable);
  - g. Ensure political party observers have been contacted for the L&A test;
  - h. Ensure that headphones and touchpads will be available for all equipment; and
  - i. Ensure all equipment is capable of processing and outputting the testing results.

For an optical/digital scan equipment L&A test, the Secretary of State must:

1. Request the requisite number of test ballots;
2. Request the applicable memory cards or sticks in order to preliminarily verify L&A test results at the Secretary of State's Office;
3. Request that all central count equipment be made available for the L&A test;
4. Identify the precincts randomly selected by the Secretary of State and request the precinct voting equipment to be utilized at those precincts be made available for the L&A test;
5. Inform the officer in charge of elections that they must:
  - a. Utilize the actual election program for Election Day (not a copy);
  - b. Reset any vote totals from prior L&A tests and ensure equipment zero tapes are accessible for examination;
  - c. Print a zero report from the county's EMS and ensure the report is accessible for examination;
  - d. Ensure political party observers have been contacted for the L&A test;
  - e. Ensure that equipment operators are available to assist with the L&A test; and
  - f. Ensure the equipment is set up, set to run in "election mode," and ready to vote upon the Secretary of State's arrival.

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The officer in charge of elections must provide any requested materials or information to the Secretary of State in accordance with the deadline set forth in the Secretary of State’s letter, but no later than five weeks before each election and/or three weeks before the start of early voting.

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**5. Marking Test Ballots and Creation of Test Script**

The Secretary of State must create a script that outlines how each test ballot will be marked.

Votes must be randomly distributed in each of the selected precincts, ensuring that each federal, statewide, and legislative candidate and ballot measure receives at least one vote. In addition, various races and issues must be over-voted to test the optical/digital scan equipment’s ability to notify the voter of, or out-stack, an over-vote, physically or digitally.

Upon receipt of test ballots from the officer in charge of elections, the Secretary of State must mark the test ballots in accordance with the predetermined script.

The Secretary of State also must create a script for each accessible voting machine that specifies how many ballots will be cast on the machine and how the votes will be distributed during the accessible equipment L&A test.

The Secretary of State must run the test ballots through the optical/digital scan equipment provided to the Secretary of State for preliminary verification purposes.

Finally, the Secretary of State creates a summary report that aggregates the vote totals for each candidate and ballot measure. The Secretary of State must ensure these test ballot results match the summary report.

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**6. Conducting the L&A Test**

The Secretary of State must bring a sufficient number of personnel to conduct the L&A test.

Upon arrival, the Secretary of State must ensure that the selected voting equipment has zero recorded votes prior to commencing the L&A test. The Secretary of State then must test the selected voting equipment to ensure each machine reports the correct vote totals (and that the EMS reports the correct aggregate totals) in accordance with the prepared scripts.

The Secretary of State must review ballots, and each ballot display on the accessible voting equipment, to confirm formatting, language, and audio requirements in the testing standards have been met (see testing standards in [Section II\(E\)](#) below).

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**E. L&A Testing Standards**

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**1. Accessible Voting Equipment**

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Accessible voting equipment must:

1. Display candidate races, ballot measures, and voter instructions in English and any other language required in the county under the federal Voting Rights Act, at the voter's option;
2. Display candidate races, ballot measures, and voter instructions in large print and contrasting colors, at the voter's option;
3. Produce an accurate audio recording in English and any other language required in the county under the Voting Rights Act;
4. Display the correct voting precinct and state, county, and election type;
5. Display instructions how to use the equipment and mark the ballot;
6. Display the ballot as nearly as practicable in accordance with the formatting requirements for paper ballots, including color marking for partisan primary elections;
7. Display candidate names accurately, in accordance with the candidate's nomination paper;
8. Display ballot measures accurately, in accordance with any certification from the Secretary of State;
9. Sequentially advance from screen-to-screen;
10. Perform the functions selected by the voter;
11. Provide a warning to the voter if the voter attempts to under-vote or over-vote a particular race or issue, or, in the case of an over-vote, prevent a voter from doing so;
12. Increase or decrease the headphone audio volume in accordance with the voter's preferences;
13. Contain a functioning keypad (whether stand-alone or incorporated into the accessible voting equipment screen);
14. Allow the voter to write in a candidate using a keypad in the voter's selected language;
15. Provide a means for the voter to verify all of the voter's selections prior to committing the selections and a means for the voter to change a selection if desired before committing the selections;
16. Display a summary screen at the conclusion of voting that matches the voter's selections; and
17. If the accessible voting equipment independently tabulates votes, tabulate the voter's selections accurately, including:
  - Accurately tabulating in the EMS; and
  - Printing an accurate ballot in English and any other written language required in the county under the Voting Rights Act and/or printing an accurate voter verifiable paper audit trail (VVPAT).

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## 2. Optical and Digital Scan Voting Equipment

Optical and digital scan voting equipment must:

1. Attribute votes to the correct candidates and ballot measures in the EMS;
2. Attribute the correct number of votes to each candidate and ballot measure;
3. Warn the operator of an over-vote or out-stack, physically or digitally, a ballot in the event of an over-vote;
4. Record no vote in an over-voted race and out-stack for further adjudication if applicable (precinct voting equipment and central count equipment);
5. Accept ballot styles for that specific precinct and reject ballot styles from other precincts (precinct voting equipment only); and
6. Accept ballot styles from the current election and reject ballot styles from a different election.

In advance of the Secretary of State's L&A test, the officer in charge of elections should conduct a preliminary test of ballots as soon as they are available from the printing vendor to ensure the ballots are correct and meet the requirements for the voting equipment utilized. This may include testing a blank ballot and a fully-voted ballot on every ballot style used in the election.

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**3. ~~On-Screen/Electronic Adjudication~~**

~~If on-screen/electronic adjudication of ballots will be utilized as part of the election tabulation system, that functionality shall also be tested during the L&A test to ensure secure and proper functioning and attribution of Electronic Vote Adjudication Board determinations for the ballots electronically adjudicated. See Chapter 10, Section II(E) for requirements for electronic adjudication.~~

**Comment [WJ10]:** AS AN ALTERNATIVE TO DELETING, if specific procedures relating to electronic tallying of write-in votes is moved to Write-In Tally Board section as discussed in Chapter 10 recommendations, this section could be reworded to discuss L&A Testing for that specific functionality.

**3. Errors Discovered During Testing**

If any error is detected during L&A testing:

- The cause shall be ascertained and corrected.
- An errorless count shall be made before the voting equipment and programs are approved for use in the election.
- And if the database is found to be the source of the error, a copy of a revised database shall be filed with the Secretary of State within 48 hours after the revision.
- And if the error was created by voting equipment malfunction, a report shall be filed with the Secretary of State within 48 hours after the correction is made, stating the cause and the corrective action taken.

**Comment [WJ11]:** SAMPLE WORDING – From 2014 EPM Pg 109-110

A.R.S. § 16-449(A).

**4. Certification of Voting Equipment**

The Secretary of State must certify the voting equipment if the equipment meets the requirements in the L&A testing standards. Voting equipment may not be deployed or used until the Secretary of State has certified that the equipment passed L&A testing.

If the voting equipment does not meet the mandatory requirements from the testing standards, the Secretary of State should work with the officer in charge of elections to determine the cause of the deficiency and whether it can be corrected in a timely manner. If the error can be readily corrected, the voting equipment may be retested until the mandatory requirements have been met; otherwise, the L&A test must be rescheduled for a later time and date.

**F. County L&A Testing**

The officer in charge of elections must substantially follow the L&A testing procedures applicable to the Secretary of State, except that all of the county's deployable voting equipment must be tested. The officer in charge of elections also must conduct a post-election L&A test of tabulation equipment. See [Chapter 12, Section II](#).

### **G. Retention of L&A Programs, Test Ballots, and Database**

The tests ballots and database used in L&A testing shall be:

- Secured immediately after the L&A test is run; and
- Retained until the post-election L&A test is ready to be conducted after ballot tabulation for the election.

Programs and test ballots used in L&A testing shall be under the control of the officer in charge of elections. After completion of the post-election L&A test, the databases and test ballots shall be retained with the official returns according to the retention period applicable for that election.

## **III. SECURITY MEASURES FOR ELECTRONIC VOTING SYSTEMS**

All components of the electronic voting system, including any e-pollbooks uploaded with voter registration information, must be secured in accordance with this section. Counties should also conduct periodic election security and cybersecurity assessments and develop and implement appropriate security procedures and best practices in consultation with county (and, where appropriate, federal and state) information technology and security professionals. Counties may establish more stringent and robust security protocols so long as the following minimum requirements are met.

The officer in charge of elections must develop and implement a training plan to ensure that elections staff (and any temporary workers) understand and comply with all security procedures applicable to the electronic voting system.

A person who knowingly modifies the software, hardware, or source code for voting equipment without receiving approval or certification pursuant to [A.R.S. § 16-442](#) is guilty of a class 5 felony. [A.R.S. § 16-1004\(B\)](#).

### **A. Physical Security of the Electronic Voting System**

Hardware components of the electronic voting system:

1. Must be permanently labeled with a unique serial number for tracking and auditing purposes;
2. Must be inventoried before and after an election;
3. Must be stored in a locked, secured location that prevents unauthorized access;
  - Access to the electronic voting system (including voting equipment and the EMS) must be authorized by the officer in charge of elections. Access must be documented with a written log or with electronic key card access that indicates the date, time, and identity of the person accessing the system.
4. Must be sealed with tamper-resistant or tamper-evident seals once programmed;



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- The seal number must be logged as corresponding with particular voting equipment and the election media that has been sealed in the voting equipment. The log should be preserved with the returns of the election. In the event of a recount or re-tally of votes, the officer in charge of elections should be prepared to submit an affidavit confirming that the election program and any election media used in the election have not been altered. [A.R.S. § 16-445\(C\)](#).
- 5. Must be safeguarded from unauthorized access when being moved, transferred, serviced, programmed, or temporarily stored;
- 6. May be accessed by elections staff only to the extent necessary to perform their authorized task; and
- 7. Must be witnessed by two or more election staff members (of different political parties if possible) when being moved or transferred, which includes an inventory of the equipment and chain of custody before and after the move or transfer.

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**B. Data Security of the Electronic Voting System**

Components of the electronic voting system:

1. Must be password-protected (for voting system software);
  - In addition to complying with any system requirements, passwords must: (1) contain mixed-cased and non-alphabetic characters, if possible; (2) be changed on a regular basis and may not be a vendor-supplied password; and (3) may be known only by authorized users.
2. May not be connected to the internet, any wireless communications device, or any external network (except for e-pollbooks);
  - An EMS must be a stand-alone system, attached only to components inside an isolated network. An EMS may only be installed on a computer that contains only an operating system, the EMS software, data/audio extractor software, and any necessary security software.
3. May not be used to modem election results, whether through analog, cellular, or any similar transmission;
4. May not contain remote access software or any capability to remotely-access the system;
5. Must match the software or firmware hash code on file with the officer in charge of elections prior to programming the election and the hash code on file with either (1) the National Institute of Standards and Technology (NIST); or (2) the Secretary of State at the time of certification of the electronic voting system; and
  - If the EMS software hash code is on file with NIST or the Secretary of State, the officer in charge of elections must certify that the officer compared the hash code on file with NIST or Secretary of State for the EMS software with the hash code of the EMS software to be used in the election and certify that the numbers are identical.

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6. Must be observed by the officer in charge of elections or a designee if the election program (or any software or firmware) is updated or modified.

In addition, the following security protocols apply to any memory stick or removable electronic storage device used with the electronic voting system:

1. A stick or device must be purchased or received from a reliable source.
2. A stick or device shall be permanently identified with a unique serial number or identifier when in use, and an inventory of all electronic media shall be created and maintained.
3. Electronic storage media shall be physically secured at all times. No physical access should be given to any person unless the election officer in charge of the electronic storage media specifically grants that person access. Secured locations must be provided for storing electronic media when not in use, coding an election, creating the election media, and transferring and installing the election media into the voting device.
4. No electronic storage media shall be left unattended or in an unsecured location once it has been coded for an election. Where applicable, coded election media shall be immediately loaded into the relevant voting device, sealed, logged, and made secure or must be placed in a secured and controlled environment and inventoried.
5. A stick or device should generally not be used to transfer data between an internet-connected system and a non-connected electronic voting system. Only when necessary to import ballot language to the electronic voting system should such transfer occur, and in those circumstances, the internet-connected system and stick or device shall be scanned with updated antivirus software prior to transfer. In addition, the officer in charge of elections shall consider and implement other appropriate security protocols for such data transfers.
6. A stick or device used to transfer data to or from the electronic voting system should only be used one time – to transfer data from one system to a second system and then securely disposed of. When feasible, write-once memory cards or write-once disks should be used instead of USB devices to transfer data to or from an electronic voting system to ensure a “one-way, one-use policy” is self-enforced by the technology.
7. If the individual file to be transferred between systems was electronically received (whether through download, by email, or any other electronic means), the individual file must be scanned with antivirus software prior to being placed on the stick or device. If any files were downloaded from an internet portal, the portal must be a secure portal for data transmission purposes. Regardless of the method of receipt, however, individual files should only be downloaded, transferred, or otherwise utilized if they were received by a trusted third-party source.
8. If a stick or device was received by mail:
  - The stick or device should only be accepted from a trusted, third-party source;
  - The stick or device must be encrypted by the third-party source, and the password to decrypt the stick or device may not be included with the mailing itself; and

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- Upon receipt, the stick or device must be scanned with antivirus software prior to opening or otherwise executing any file contained on the stick or device.

Finally, the following security protocols apply to the use of e-pollbooks and ballot-on-demand printers:

1. E-pollbooks and ballot-on-demand printers shall only be connected to authorized and secured networks and resources;
2. E-pollbooks and ballot-on-demand printers should transmit and receive data utilizing industry standard best practices for information and network security, including encryption;
3. E-pollbooks and ballot-on-demand printers shall be patched and updated to current versions as designated by the vendor;
4. Only software, applications, or drivers necessary for e-pollbook operation shall be installed on e-pollbooks;
5. E-pollbooks and ballot-on-demand printers shall be tested before each election to ensure proper operation;
6. To the extent practicable, voter data files on e-pollbooks should be compared to the original files by checking a hash code or, at a minimum, comparing file size prior to testing or use at a voting location; and
7. Only power or charging cables supplied by the vendor or purchased from a verified source shall be used to power e-pollbooks.

#### **IV. CONTINGENCY PLANNING**

The officer in charge of elections must develop a written contingency plan in case election operations, including the use of voting systems and any component thereof, are significantly disrupted. A contingency plan should consider all potential sources of disruption, including but not limited to:

- Systemic equipment failures or malfunctions;
- Power outages;
- Natural disasters or infrastructure failure;
- Terror threats or other civil disturbances; and
- Unauthorized access, intrusion, or hacking into election facilities or equipment.

Among other things, a contingency plan must outline how the officer in charge of elections would ensure continuity in voting in case one or more voting locations becomes temporarily or permanently unusable on Election Day, which may include:

- Sending voters to an alternative voting location (whether new or existing);
- Seeking a court order to extend voting hours; and/or

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- Requesting voters return to the voting location after the problem has been resolved.

The officer in charge of elections must implement any additional procedures necessary to ensure that voters are properly notified and receive the correct ballot style.

In advance of each election, the officer in charge of elections must review/update the contingency plan and ensure that key staff members have been briefed on the plan. As necessary, the officer in charge of elections should also be prepared to review and/or execute the contingency plan in coordination with:

- The County Recorder;
- The Board of Supervisors;
- The County Attorney's office;
- The County Sheriff's office;
- The Presiding Judge of the Superior Court;
- The Secretary of State's Office;
- The Arizona Counter Terrorism Information Center (ACTIC);
- The Arizona Department of Public Safety;
- The Attorney General's office;
- The Federal Bureau of Investigation;
- The U.S. Department of Homeland Security; and
- The U.S. Attorney's office.

The officer in charge of elections must file certain contingency information with the Secretary of State at least 10 days in advance of the election, including:

- A description of the officer's contingency plan to tabulate ballots in case of central count equipment failure (see specific requirements below); and
- A copy of the county's election program (see specific requirements below).

#### **A. Tabulation Contingency Plan**

The officer in charge of elections must file with the Secretary of State a tabulation contingency plan that identifies alternative voting equipment or facilities in case the county experiences a complete loss of its central count equipment or use of its central counting place. The tabulation contingency plan shall be completed no later than the second Monday before the election.

The plan may include the transport of ballots across county lines. In that case, the ballots must be inventoried and safeguarded by the originating county's employees in the same manner as if the ballots had not been transported. See [Chapter 9, Section VIII\(B\)](#). A county must exhaust all

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possible options (including the acquisition of additional voting equipment from the vendor) before invoking a contingency plan that involves transportation of ballots across state lines.

The officer in charge of elections must notify the Secretary of State (and the chairpersons of the recognized political parties) if a tabulation contingency plan is invoked.

**B. Election Program Contingency Plan**

Any jurisdiction that conducts an election must file a copy of the election program with the Secretary of State at least 17 days prior to each election. [A.R.S. § 16-445\(A\)](#). This copy may serve as a backup in case the original program is destroyed or rendered unusable.

The election program must be in a machine-readable format and may be transmitted to the Secretary of State via a password-protected CD, DVD, USB memory stick, or SFTP site.

If any subsequent changes are made to the election program, the officer in charge of elections must file the new copy with the Secretary of State within 48 hours of the change. [A.R.S. § 16-445\(B\)](#).

The Secretary of State must preserve election programs in escrow for three years. The Secretary of State must securely destroy any election program after this retention period has expired. [A.R.S. § 16-445\(A\)](#).

## CHAPTER 5: ACCOMMODATING VOTERS WITH DISABILITIES

### I. VOTER REGISTRATION INFORMATION

Before an election, each county shall prepare and disseminate information by public notice, including about voter registration deadlines, availability of registration and voting aids, how to vote early, availability of sample ballots, and types of assistance (including reasonable accommodations) available at voting locations, in a manner calculated to reach all voters and, in particular:

- Persons with disabilities;
- Seniors, age 65 or more;
- Self-identified voters; and
- Others who request information.

Upon a ten-day notice, the County Recorder or officer in charge of elections shall provide voting and registration information in alternative formats for the purpose of ensuring effective communication with people with disabilities. These available alternative formats may vary by County and shall include two or more alternative formats, which may include: large print, braille, electronic material for use with a screen reader, and/or computer disk in a format available on the jurisdiction's computer equipment. A voter may make an on-going or permanent request to receive information in a particular format in their county for each election. If a voter makes a request for information in an alternative format after any applicable deadlines, the County Recorder or officer in charge of elections shall make best efforts to accommodate the request if practicable.

Voters with a hearing or speech disability may dial 7-1-1 to be connected to a Telecommunications Relay Service (TRS), which permits persons with a hearing or speech disability to call persons with or without such disability. Each County Recorder and/or officer in charge of elections shall publish information on how voters may use TRS to initiate a call to the office of the County Recorder or officer in charge of elections.

Signs explaining assistance available for voters with disabilities must be posted at all permanent registration facilities, polling places, and vote centers. Temporary or permanent signs shall be:

- Posted on stakes or taped to corridor walls to provide reasonable guidance to reach the voting area;

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- In large, clear lettering that meets the [ADA Accessibility Guidelines](#)<sup>23</sup> requirements as to character proportion<sup>24</sup> and height<sup>25</sup>;
- On a contrasting background color; and
- At a recommended height of 60 inches.

## II. VOTING AND VOTING LOCATION INFORMATION

Voters with disabilities are entitled to receive voting materials (and access to the voting experience in general) that is equivalent to that provided to voters without disabilities. [A.R.S. § 16-442.01\(B\)](#).

Thus, with few exceptions, ballots displayed in accessible voting equipment must follow the same content, format, and rotational requirements as those applicable to printed ballots. [A.R.S. § 16-442.01\(A\)](#). For example:

- Voting screens must be in the same order of arrangement as provided for paper ballots as far as practicable, except that information can be printed in vertical or horizontal rows or on separate screens. [A.R.S. § 16-468\(1\)](#).
- If there are more candidates for a particular race than can be displayed on one voting screen, the screen must indicate that the race is continued on the following screen, and the same number of candidates must be displayed on each screen as far as practicable. [A.R.S. § 16-468\(3\)](#).

In addition, the officer in charge of elections must be prepared to print ballots in braille or large print format to reasonably accommodate voters who request alternative formats. [A.R.S. § 16-442.01\(B\)\(2\)](#). Requests must be made to the officer in charge of elections by the second Friday before the election. *See, e.g.,* [A.R.S. § 16-549\(C\)](#). If a voter makes a request after the applicable deadline, the officer in charge of elections shall make best efforts to accommodate the request if practicable.

Information on how individuals may identify themselves as needing accommodations for voting and for requesting reasonable accommodations at their polling place or vote center shall be attached to or distributed with the voter registration form. Printed materials shall be provided at the time of registration, at the time of notification of registration status pursuant to [ARS § 16-163\(B\)](#), and on all sample ballots. These materials shall advise voters where they may call to ensure accessible voting, report instances of inaccessibility, and obtain voting materials in available alternative formats.

<sup>23</sup> Available at: <https://www.access-board.gov/guidelines-and-standards/buildings-and-sites/about-the-ada-standards/background/adaag#4.30>.

<sup>24</sup> ADA Accessibility Guidelines 4.30.2 requires that: “[l]etters and numbers on signs shall have a width-to-height ratio between 3:5 and 1:1 and a stroke-width-to-height ratio between 1:5 and 1:10.”

<sup>25</sup> ADA Accessibility Guidelines 4.30.3 requires that: “[c]haracters and numbers on signs shall be sized according to the viewing distance from which they are to be read. The minimum height is measured using an upper case X. Lower case characters are permitted.”

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The County Recorder and/or officer in charge of elections, as applicable, shall also include the following information on their websites:

- How voters with disabilities may obtain more information about voting assistance and reasonable accommodations in the voting process;
- How to request and obtain voting material in alternative formats;
- How to request voting through a special election board; and
- Instructions on how to use accessible voting devices used by the County.

### III. ENSURING ACCESSIBILITY AT THE VOTING LOCATION

Voting locations must comply with the current Americans with Disabilities Act (ADA) Standards for Accessible Design. *See* 2016 ADA Standards for Accessible Design, [36 C.F.R. § 1191](#), Appendices B & D (2016 Standards). The voting location must be in existing compliance with the Standards or the officer in charge of elections must bring the voting location into compliance with the Standards prior to the start of voting at the location. The officer in charge of elections should consult the ADA Checklist for Polling Places, available at <https://www.ada.gov/votingchecklist.htm>, when confirming that voting locations comply with federal accessibility requirements.

In addition to complying with all federal accessibility requirements, the officer in charge of elections must ensure that all voting locations also meet the following state requirements:

1. **Seating:** Each polling place shall include seating to allow voters to wait to enter the voting booth. A minimum of two seats is required and additional seats should be provided as practicable to reasonably accommodate voters with disabilities.
2. **Stairs:**
  - Stair treads shall be no less than 11 inches wide, measured from riser to riser.
  - Undersides of nosings shall not be abrupt. The radius of curvature at the leading edge of the tread shall be no greater than ½ inch. Risers shall be sloped or the underside of the nosing shall have an angle not less than 60 degrees from the horizontal.
  - Nosings shall project no more than 1 ½ inch.
  - Handrails shall be continuous along both sides of stairs. If not continuous, they shall extend at least 12 inches beyond the top riser and at least 12 inches plus the width of one tread beyond the bottom riser.
  - The clear space between handrails and wall shall be 1 ½ inch.
  - The ends of handrails shall be rounded or returned smoothly to floor or wall.
  - Handrails shall not rotate within their fittings.



**3. Booths and Equipment:**

- At least one voting booth in each voting location and early voting site shall be accessible. This requires that the clear area in the voting booth be no less than 30 inches by 48 inches. The preferred arrangement provides a knee space 27 inches high below the counter or ballot machine to allow front wheelchair approach. An alternative arrangement provides a clear area parallel to the ballot or counter and sufficient room to maneuver a wheelchair to this position.
- Each voting location and early voting site shall have an accessible voting device for use by voters with disabilities. Each accessible voting device shall be prominently marked with a permanent sign that is located in a conspicuous place on the device that is of a color and design approved by the Secretary of State and that bears the internationally accepted symbol of access “Accessible Voting Device.” [ARS § 16-447\(A\)](#).
- The County Recorder, officer in charge of elections, or designee shall ensure that accessible voting devices are operational and remain turned on as long as the voting location or early voting site is open, and shall ensure that board workers are trained on the proper operation of accessible voting devices.

**4. Resources for Voters with Sight and Hearing Disabilities:**

- Each voting location and early voting site shall have at least one magnifying instrument.
  - For a statewide election, the Secretary of State shall provide each county with at least one large print version of the publicity pamphlet for each polling place, vote center, and early voting site. The officer in charge of elections shall provide at least one large print version of county publicity pamphlets to each polling place, vote center, and early voting site.
  - For those with hearing disabilities, paper and pen/pencil shall be made available.
- 5. Rest Stops:** For voters with limited strength/stamina or restricted mobility, periodic rest stops with seats or benches should be available at each polling location, at intervals of approximately 200 feet along the route from the vehicular access location to the voting room. Every effort should be made to provide an accessible route to the polling place that is less than 200 feet from the accessible parking spaces or passenger loading areas.
- 6. Lighting:** Adequate lighting shall be provided for voting locations.

Voting locations and early voting sites must be accessible if such a site is available in the precinct. If no site is accessible, temporary measures, as described in Section IV below, shall be taken to make the location accessible.

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Each county shall conduct a uniform inspection of all voting locations and early voting sites to ensure compliance with the criteria set out in this Section. Counties shall have procedures for inspection of each location before each election or provisions in contracts with voting locations and early voting sites requiring a contact person to inform the county if the accessibility of a location has been altered prior to an election.

Counties shall submit the results of their inspections in the accessibility report provided to the Secretary of State with the general election canvass. See [Chapter 13, Section II\(A\)\(1\)](#); see also Sample Accessibility Report sample form in [Chapter 17](#).

#### **IV. ALTERNATIVE VOTING OPTIONS**

Alternative means of voting shall be used at polling places and vote centers determined by the officer in charge of elections to be inaccessible only when:

- No accessible sites are available; and
- No temporary measures can make them accessible.

When the officer in charge of elections determines that no accessible voting location is available or no alternative means are available, all voters in the precinct shall be notified as soon as practicable, and prior to the deadline to request an early ballot-by-mail, that the voting location selected for their precinct is inaccessible and provided the reason(s) for inaccessibility.

The following alternative means of voting shall be offered to voters with disabilities or seniors:

- Where practicable, reassignment to an accessible voting location in a precinct with the same ballot as the voter's precinct and that is as close to the voter's home precinct as practicable;
- Assistance provided by a person of the voter's choice or two election officials of different political parties;
- Early voting; or
- Curbside voting, if available at the voting location.

Curbside voting may be made available as a reasonable accommodation as necessary to provide voters with disabilities equal access to the voting process. If curbside voting is offered, the following guidelines must be met:

- A sign shall be posted at or near the entrance to the voting location or the accessible parking spaces: (1) stating that curbside voting is available at that location; (2) notifying voters that they can relay a message through a companion or other nearby person to the election board that the voter wishes to vote; and (3) providing a telephone number or other means to call to request curbside voting assistance or for additional information.
- The election official, using the precinct register or e-pollbook, shall: (1) verify the registration status of the senior or voter with a disability; (2) verify the voter's identification; and (3) notify the inspector.

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- The inspector shall direct the two election board workers (with different political party affiliations) to: (i) proceed to the curbside with an appropriate ballot (and if needed, a provisional ballot affidavit); (ii) permit the voter to privately vote their ballot after having signed the signature roster, electronic signature pad, or curbside voter affidavit form; and (iii) place the voted ballot in a secrecy sleeve.
- The election board workers shall then return to the voting area and present the ballot to the inspector, who shall deposit the ballot in the tabulation unit or ballot box.

## **V. SPECIAL ELECTION BOARDS**

Personal ballot delivery through a special election board shall be provided to any qualified elector who is confined as a result of a continuing illness or physical disability and is, therefore, not able to go to the polls on Election Day. *See* [Chapter 2, Section IV](#) for more details.

## CHAPTER 6: CANDIDATE NOMINATION

### I. NOMINATION PROCEDURES

A candidate may run for office by obtaining a nomination or running as a write-in candidate.

- There are two methods for obtaining a nomination: one reserved for candidates running under recognized party labels, and one reserved for “independent” candidates (*i.e.*, those not affiliated with a recognized political party).
- In lieu of seeking a nomination, a person may run as a write-in candidate if the person files the required documentation in advance of the election and, for primary write-in candidates, meets applicable minimum vote requirements.

Under the “resign-to-run” law, except during the final year of the term being served, an incumbent holding a salaried elective office (whether through election or by appointment) must resign their current office before filing a nomination paper and seeking nomination or election to any other salaried federal, state, or local public office. [Ariz. Const. Art. XXII, § 18](#); [A.R.S. § 38-296\(A\)](#). Violation of the resign-to-run law results in the incumbent’s present office being “declared vacant.” [A.R.S. § 38-296\(E\)](#). To enforce this provision, the Attorney General, applicable County Attorney, or a person entitled to rightfully hold the office must file a *quo warranto* action in court. [A.R.S. § 12-2041](#); [A.R.S. § 12-2042](#); [A.R.S. § 12-2043](#); *Jennings v. Woods*, 194 Ariz. 314 (1999).

#### A. Candidates for Partisan Federal, State, and Local Office

This section outlines the requirements to run for public offices in Arizona, with the exception of President of the United States.

##### 1. Nomination for Public Office

For partisan elections, a candidate (other than a presidential or precinct committeeman candidate) must be nominated by one of two methods in order to appear on a general election ballot.

- A candidate may be nominated by winning a recognized political party’s primary election. [A.R.S. § 16-311](#).
- An independent candidate may be nominated by obtaining nomination petition signatures from qualified electors, known as “nomination other than by primary.” [A.R.S. § 16-341](#).

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a. *Nomination by Primary Election*

Except for a candidate for U.S. Senator or Representative in Congress, a candidate seeking nomination for the general election ballot through a recognized political party's primary election must be a qualified elector in the electoral district for the office sought at the time of filing and a member of the political party for which the candidate is seeking a nomination beginning no later than the date of the first signature on the candidate's nomination petition through the date of the general election at which the person is a candidate. [A.R.S. § 16-311\(A\)](#).

To qualify for a primary election ballot, a candidate must timely file the following documents with the appropriate filing officer:

- A statement of interest;<sup>26</sup>
- A nomination paper for the office sought;
- A requisite number of nomination petition signatures; and
- A financial disclosure statement.<sup>27</sup>

[A.R.S. § 16-311](#).

**i. Statement of Interest**

Effective August 27, 2019, certain candidates seeking a primary election nomination or nomination other than by primary must file a statement of interest with the appropriate filing officer no later than the date of their first petition signature. Signatures collected before the filing of the statement of interest are subject to challenge. [A.R.S. § 16-311\(H\)](#); [A.R.S. § 16-341\(I\)](#). Petition signatures collected by candidates who started collecting signatures before August 27, 2019 may not be challenged on the basis of their collection before the filing of a statement of interest so long as the candidate files a statement of interest by January 2, 2020. [S.B. 1451 § 6\(A\), 54th Leg., 1st Sess. \(Az. 2019\)](#).

**ii. Nomination Petition Signatures**

A candidate seeking a primary election nomination must file a minimum number of nomination petition signatures with their nomination paper. [A.R.S. § 16-314\(A\)-\(B\)](#); [A.R.S. § 16-322](#).

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<sup>26</sup> A statement of interest is not required for candidates for special taxing districts that are established pursuant to Title 48, chapters 2, 3, 11, 12, 15, 17, 18, 19, 20, 22, 27 and 32, candidates for precinct committeeman, or candidates for President or Vice President of the United States. [A.R.S. § 16-311\(H\)](#); [A.R.S. § 16-341\(I\)](#).

<sup>27</sup> [A.R.S. § 16-311\(H\)\(1\)](#); [A.R.S. § 18-444\(A\), \(F\)](#); [A.R.S. § 38-543](#). Title 48 special district candidates, school district governing board candidates, and precinct committeeman candidates are not required to file a financial disclosure statement. See [A.R.S. § 38-543](#); [A.R.S. § 38-541\(8\)](#). A federal candidate is also not required to file a financial disclosure statement but has the option to file a statement of recall with the Secretary of State. [A.R.S. § 19-221](#).

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Nomination signatures may be gathered on a paper nomination petition form prescribed by the Secretary of State or, for federal, statewide, and legislative candidates, through the Secretary of State’s online signature portal known as E-Qual. [A.R.S. § 16-315\(A\)](#); [A.R.S. § 16-316](#); [A.R.S. § 16-317](#); [A.R.S. § 16-318](#).

A nomination petition signer must be a qualified elector who is registered to vote in the electoral jurisdiction or district in which the candidate seeks office. [A.R.S. § 16-321\(B\)](#). In partisan elections, the petition signer also must be registered to vote with the same recognized political party from which the candidate is seeking a nomination, with a political party not recognized for continued representation on the ballot, or as an independent or unaffiliated voter (*i.e.*, the voter must not be registered with another recognized political party). [A.R.S. § 16-321\(F\)](#). “Federal-only” voters are only eligible to sign nomination petitions for federal candidates and may not sign nomination petitions for state or local candidates. [AG Opinion 113-011\(R13-016\) 2013](#).

An elector may only sign one nomination petition for the same office unless more than one candidate is to be elected for that office. For example, an elector may only sign one candidate’s petition for state senate but may sign two candidates’ petitions for state house. If an elector signed more nomination petitions than permitted, only the earlier signatures are deemed valid. If the duplicate signatures were signed on the same date, all signatures signed by the elector on that date are deemed invalid. [A.R.S. § 16-321\(A\), \(C\)](#).

Depending on the type of candidacy, the minimum number of nomination petition signatures may be based on the number of persons qualified to sign a candidate’s petition, the number of registered voters in a jurisdiction, the number of votes cast in a jurisdiction, or a static number of signatures. *See* [A.R.S. § 16-322\(A\)-\(C\)](#).

The Secretary of State must prescribe the nomination petition form for use in federal, statewide, legislative, county, city, and town elections. [A.R.S. § 16-315\(C\)](#). The Secretary of State may prescribe the method of filing nomination petitions for federal, state and legislative offices, including but not limited to the electronic creation and filing of petitions. [A.R.S. § 16-315\(E\)](#).

**iii. Filing Officer Processing of Nomination Petition Signatures**

A filing officer may reject nomination petitions for failure to file by the applicable deadline or failure to file the minimum number of required petition signatures. *See* [Chapter 6, Section I\(F\)](#) for a more detailed discussion of the limited bases for a filing officer to reject candidate filings.

If there is no basis to reject a candidate filing, the filing officer must count the nomination petition signatures to ensure the minimum number of signatures has been filed. A nomination petition signature line should be counted by the filing officer if it contains at least:

- An address, description of place of residence, or P.O. Box; and
- A signature *or* a printed name [in the signature column](#).

Although nomination petition signature lines that are missing a signature but contain a printed name, or use a P.O. Box as a residence address, are presumed valid and counted in the filing

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officer's determination of the number of signatures submitted, such signatures may be subject to challenge.

The filing officer must issue a receipt to the candidate or candidate's committee. If the candidate meets the minimum signature threshold for the office sought, the candidate is qualified for the ballot, subject to any subsequent court challenges or candidate withdrawals.

**iv. Deadline to File Nomination Documents**

A candidate seeking a primary nomination must file a nomination paper, nomination petitions and, if applicable, financial disclosure statement between 150 and 120 days before the primary election. [A.R.S. § 16-311\(A\)-\(B\), \(E\)-\(F\), \(H\)](#); [A.R.S. § 16-314\(A\)](#). However, a statewide or legislative candidate seeking public funding under the Citizens Clean Elections Act may file these nomination documents with the Secretary of State as early as January 2 of an election year. [A.R.S. § 16-951\(B\)](#).

A candidate seeking a primary nomination in a special election to fill a congressional vacancy must file a nomination paper and nomination petitions no more than 30 days after the date of the Governor's proclamation calling the special election. [A.R.S. § 16-222\(B\)\(2\)](#).

A candidate who does not file the requisite nomination documents by 5:00 p.m. on the last day for filing is not eligible to have their name printed on the primary election ballot. [A.R.S. § 16-311\(E\)-\(F\)](#).

**b. Independent Nomination (Other than by Primary)**

In lieu of seeking a nomination through a political party primary, a candidate who is not registered with a recognized political party (*i.e.*, an "independent" or "unaffiliated" candidate) may be nominated for partisan office by filing the requisite number of nomination petition signatures with the filing officer. Such an "independent" or "unaffiliated" candidate who meets this threshold will be placed directly on the general election ballot, along with a three-word "party" designation. However, a candidate may not seek a nomination in this manner if the candidate filed nomination petitions for the primary election and failed to qualify due to insufficient valid signatures. [A.R.S. § 16-341\(A\)-\(B\), \(D\)](#); [A.R.S. § 16-502\(E\)](#).

Similar to candidates seeking nomination by political party primary, candidates seeking independent nomination must timely file a statement of interest, nomination paper, and a requisite number of nomination petition signatures with the appropriate filing officer. Non-federal candidates must also file a financial disclosure statement if applicable.<sup>28</sup> [A.R.S. § 16-341\(E\), \(J\)\(1\)-\(2\)](#); [A.R.S. § 16-314\(A\)](#); [A.R.S. § 16-311\(D\)](#). A federal candidate is not required to file a financial disclosure statement, but has the option to file a statement on recall with the Secretary of State. [A.R.S. § 19-221](#).

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<sup>28</sup> [A.R.S. § 16-311\(H\)\(1\)](#); [A.R.S. § 18-444\(A\), \(F\)](#); [A.R.S. § 38-543](#). Title 48 special district candidates, school district governing board candidates, and precinct committeemen candidates are not required to file a financial disclosure statement. See [A.R.S. § 38-543](#); [A.R.S. § 38-541\(8\)](#).

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**i. Nomination Petition Signatures**

An independent candidate must collect nomination petition signatures equal to at least 3% of the registered voters in the jurisdiction in which the candidate is running who are not registered with a recognized political party, based on voter registration totals reported by the Secretary of State or County Recorder, as applicable, as of January 2nd in the general election year. Although the minimum number of signatures required is based on the number of voters not registered with a recognized political party, any person who is registered to vote in the state, county, subdivision, or district for which the candidate is nominated is eligible to sign the nomination petition without regard to the signer's party affiliation.

Nomination signatures may be gathered on a hard-copy independent nomination petition form prescribed by the Secretary of State or, for federal, statewide, and legislative candidates, through the Secretary of State's online signature portal known as E-Qual.

A filing officer must process (and in appropriate cases reject) independent nomination petition signatures in the same manner as partisan and nonpartisan nomination petitions. Likewise, if an independent candidate's nomination petitions are challenged in court, the applicable County Recorder must review the challenged signatures in the same manner as partisan or nonpartisan nomination petitions.

[A.R.S. § 16-316](#); [A.R.S. § 16-317](#); [A.R.S. § 16-318](#).

**ii. Deadline to File Independent Nomination Documents**

Like candidates seeking nomination through a political party primary:

- A candidate seeking a nomination other than by primary (to be placed on the general election ballot) must file an independent nomination paper, independent nomination petitions, and a financial disclosure statement between 150 and 120 days before the primary election, [A.R.S. § 16-341\(C\)](#); and
- An independent statewide or legislative candidate seeking public funding under the Citizens Clean Elections Act may file these nomination documents with the Secretary of State as early as January 2 of an election year. [A.R.S. § 16-951\(B\)](#)

An independent candidate seeking a nomination in a special election to fill a congressional vacancy must file a nomination paper and nomination petitions no more than 30 days after the date of the Governor's proclamation calling the special election. [A.R.S. § 16-222\(B\)\(2\)](#).

A candidate who does not file the requisite nomination documents by 5:00 p.m. on the last day for filing is not eligible to have their name printed on the general election ballot. [A.R.S. § 16-311\(H\)](#).



## 2. Write-In Candidacy

In lieu of collecting nomination petition signatures to qualify for a primary or general election ballot, a person may run as a write-in candidate. Becoming an official write-in candidate requires the officer in charge of elections to tabulate any write-in votes for the candidate and include those results in the official canvass of the election. [A.R.S. § 16-312](#).

To qualify as an official write-in candidate, a candidate must timely file a write-in nomination paper and, if applicable, a financial disclosure statement with the appropriate filing officer. [A.R.S. § 16-312\(A\), \(C\)](#); [A.R.S. § 18-444\(A\)](#); [A.R.S. § 38-543](#); [A.R.S. § 18-444\(F\)](#). A federal write-in candidate is not required to file a financial disclosure statement but has the option to file a statement on recall with the Secretary of State.

A person may not seek a write-in candidacy in the primary election if the candidate filed a nomination petition for that primary and failed to submit a sufficient number of valid signatures, withdrew from the primary election after a petition challenge in court, or was removed from the primary election ballot or otherwise found to be ineligible by a court of law. A person may not seek a write-in candidacy in the general election for the same reasons listed above as to primary elections. In addition, if the candidate ran and lost in the preceding primary election or did not receive the requisite number of votes required to proceed to the general election, that candidate may not seek a write-in candidacy in the general election for the same office. [A.R.S. § 16-312\(F\)\(1\)-\(4\)](#); [A.R.S. § 9-821.01](#); [A.R.S. § 16-645](#).

The required documents must be filed no later than 5:00 p.m. on the 40th day before the election, except: (i) a write-in candidate to fill a vacancy that occurs after the official ballots have been printed must file the required nomination documents no later than five days before the election; and (ii) a write-in candidate who intends to run in a school district, special taxing district, or precinct committeeman election that may be canceled due to an insufficient number of candidates seeking election must file the required nomination documents no later than 76 days before the election in question. [A.R.S. § 16-312\(B\)](#); [A.R.S. § 16-343\(D\)](#). A statewide or legislative candidate seeking public funding under the Citizens Clean Elections Act may not run as a write-in candidate in the primary or general election. [A.R.S. § 16-950\(E\)](#).

### B. Candidates for Nonpartisan Office

A candidate seeking nomination for a nonpartisan office must be a qualified elector in the electoral district for the office sought at the time of filing. [A.R.S. § 16-311\(B\)](#). There are specific requirements for eligibility to serve in city and town offices, on school district governing boards, and on special district boards pursuant to Title 9, Title 15, and Title 48, respectively. In addition, the “resign-to-run” law provisions apply to nonpartisan candidates. See [Chapter 6, Section I](#) above.

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Similar to candidates for partisan office, candidates for nonpartisan office may run by filing nomination documents or by filing documents to run as an official write-in candidate.

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**1. Nonpartisan Nomination**

To qualify to appear on the ballot, a candidate for nonpartisan office must timely file the following nomination documents with the appropriate filing officer:

- A statement of interest;<sup>29</sup>
- A nomination paper for the office sought; and
- A requisite number of nomination petition signatures.

[A.R.S. § 16-311](#). Candidates for nonpartisan office are generally not required to file a financial disclosure statement.<sup>30</sup> However, cities and towns must require candidates to file a financial disclosure statement consistent with state law. [A.R.S. § 38-545](#).

These nomination documents must be filed between 150 and 120 days before the election. [A.R.S. § 16-311\(B\)-\(C\)](#). A candidate who does not file the requisite nomination documents by 5:00 p.m. on the last day for filing is not eligible to have their name printed on the ballot. [A.R.S. § 16-311\(E\)](#).

For nonpartisan elections in cities and towns, a candidate may be elected at the primary election and a general (run-off) election is not required if the candidate received a majority of votes. [A.R.S. § 9-821.01](#). Additionally, charter cities may differ in their scheduling of candidate elections based on the number of candidates running for office.

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**2. Write-In Candidacy**

In lieu of collecting nomination petition signatures to qualify to appear on the ballot, a person may run as an official write-in candidate for a nonpartisan office. Becoming an official write-in candidate requires the officer in charge of elections to tabulate any write-in votes for the candidate and include those results in the official canvass of the election. [A.R.S. § 16-312](#).

To qualify as an official write-in candidate, a candidate must timely file a write-in nomination paper and, if applicable, a financial disclosure statement with the appropriate filing officer. [A.R.S. § 16-312\(A\), \(C\)](#); [A.R.S. § 38-541\(6\)](#); [A.R.S. § 38-545](#).

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<sup>29</sup> A statement of interest is not required for candidates for special taxing districts that are established pursuant to Title 48, chapters 2, 3, 11, 12, 15, 17, 18, 19, 20, 22, 27 and 32, candidates for precinct committeeman, or candidates for President or Vice President of the United States. [A.R.S. § 16-311\(H\)](#); [A.R.S. 16-341\(I\)](#). See [Chapter 6, Section I\(A\)\(1\)\(a\)\(i\)](#) above for more details on the statement of interest requirement.

<sup>30</sup> Title 48 special district candidates, school district governing board candidates, and precinct committeemen candidates are not required to file a financial disclosure statement. See [A.R.S. § 38-543](#); [A.R.S. § 38-541\(8\)](#).

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A person may not seek a write-in candidacy if the candidate filed a nomination petition for that election and failed to submit a sufficient number of valid signatures, withdrew from the election after a petition challenge in court, was removed from the election ballot, or was otherwise found to be ineligible by a court of law. [A.R.S. § 16-312\(F\)\(1\)-\(4\)](#); [A.R.S. § 9-821.01](#); [A.R.S. § 16-645](#).

The required documents must be filed no more than 40 days before the election, except: (i) a write-in candidate to fill a vacancy that occurs after the official ballots have been printed must file the required nomination documents no later than five days before the election; and (ii) a write-in candidate who intends to run in a school district, special taxing district, or precinct committeemen election that may be canceled due to an insufficient number of candidates seeking election must file the required nomination documents no later than 76 days before the election in question. [A.R.S. § 16-312\(B\)](#); [A.R.S. § 16-343\(D\)](#).

For nonpartisan special district elections, the candidate(s) who receive the highest number of votes is elected. [Ariz. Const. Art. VII § 7](#). For elections in cities and towns, a candidate may be elected at the primary election and a general (run-off) election is not required if the candidate received a majority of votes. [A.R.S. § 9-821.01](#). Additionally, charter cities may differ in their scheduling of candidate elections based on the number of candidates running for office.

### C. Presidential Candidates

A candidate may run for U.S. President in Arizona by one of two methods: obtaining a nomination or running as a write-in candidate.

Absent a successful challenge, a nomination means the presidential candidate's name will appear on the general election ballot in a presidential election year. There are two methods for obtaining a nomination: one reserved for candidates running under recognized party labels, and one reserved for "independent" or party-unaffiliated candidates.

- A candidate seeking the nomination of a recognized political party usually runs in the Presidential Preference Election (PPE). However, the presidential and vice-presidential candidates that ultimately appear on the general election ballot will be formally nominated by party delegates at national conventions held during the summer preceding the election. As a prerequisite to placement of their nominees on the general election ballot, each recognized political party must timely submit the names of presidential electors who will cast votes for the winning candidate in the Electoral College.
- Alternatively, a candidate may qualify as an independent presidential candidate by collecting nomination petition signatures. If the candidate meets the requisite signature threshold, the candidate and their vice-presidential running mate (along with a "party" designation of the candidates' choice) will appear on the general election ballot.

In lieu of seeking a nomination, a person may run as a write-in presidential candidate if the person files required documentation by the applicable deadline in advance of the general election.

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## 1. Presidential Preference Elections

A PPE is only open to candidates seeking the nomination of a recognized political party. Write-in candidates are prohibited from participating in the PPE. [A.R.S. § 16-243\(B\)](#); [A.R.S. § 16-244](#); [A.R.S. § 16-247](#).

Candidates seeking to appear on their political party's PPE ballot must meet the constitutional qualifications for President of the United States and submit valid nomination documents before the filing deadline. The candidates who receive the most votes at the PPE will be entitled to have their party's delegates from the State of Arizona vote for them at their political party's national convention. [A.R.S. § 16-243\(B\)](#); [U.S. Const. Art. II, § 1, cl. 5](#).

### a. Required Documents for Running in the PPE

A candidate may qualify for the PPE ballot by filing with the Secretary of State: (i) a PPE nomination paper; and (ii) PPE nomination petition with the requisite number of signatures, or certificates of presidential preference ballot qualification from at least two other states. [A.R.S. § 16-242\(A\)](#); [A.R.S. § 16-311\(A\)-\(B\), \(D\), \(G\)](#).

#### i. PPE Nomination Petition Signatures

A presidential candidate may qualify for the PPE ballot by filing a minimum number of nomination petition signatures with the nomination paper. A PPE candidate must collect at least 500 nomination petition signatures from qualified electors. For a recognized political party that has at least 50,000 registered voters in Arizona, only qualified electors registered with that political party may sign the nomination petition. For a recognized political party with less than 50,000 registered Arizona voters, any registered voter may sign the nomination petition. [A.R.S. § 16-242\(C\)](#).

#### ii. Alternative to Submitting Nomination Petition Signatures

In lieu of filing nomination petition signatures, a presidential candidate may submit official documentation from at least two other states proving that the candidate previously qualified for the partisan party ballot in that state. Such documentation may be from the chief election office, commission, or board. A signed letter on official government letterhead will suffice. Only states with primary-style (not caucus) presidential preference elections are eligible for this reciprocity. [A.R.S. § 16-242\(E\)](#).

### b. Deadline to File Nomination Documents

A presidential candidate must file a PPE nomination paper and PPE nomination petitions or certificates of ballot qualification between 130 and 100 days before the PPE. If the deadline for filing falls on a weekend or legal holiday, the nomination documents must be filed by the next business day. A presidential candidate who does not file the requisite nomination documents by

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5:00 p.m. on the last day for filing is not eligible to have their name printed on the PPE ballot. [A.R.S. § 16-242\(B\)](#).

***c. Opting Out of the PPE***

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Participation in the PPE by an eligible party is not mandatory. *See Arizona State Democratic Committee v. Hull*, No. CV 96-00909 (Ariz. Super. 1996). If an eligible party chooses not to participate in the PPE, the state party’s chairperson must notify the Secretary of State in writing by September 16, 2019 for the 2020 PPE, and by September 1 (or the next business day if that date falls on a weekend or state holiday) of the year preceding the PPE for every PPE thereafter. The Secretary of State will promptly notify county officials and provide further instructions as needed.

The presidential nominee of eligible parties who opt out of the PPE may appear on the general election ballot so long as their party chairpersons nominate presidential electors as prescribed by statute and by the statutory deadline. [A.R.S. § 16-344](#); *see* [Chapter 6, Section I\(C\)](#).

**2. Presidential Nomination Through Party Convention**

Presidential and vice-presidential candidates who were nominated by recognized political parties at national party conventions will appear on the general election ballot, contingent on the state political party’s timely submission of presidential electors’ nomination documents to the Secretary of State.

***a. Required Documents for Nomination of Presidential Electors***

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The state chairperson of a recognized political party must file nomination papers for its presidential electors, equal to the number of U.S. Senators and members of the U.S. House of Representatives from Arizona. [A.R.S. § 16-344](#).

***b. Deadline to File Nomination Documents***

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The state chairperson of a recognized political party must file presidential elector nomination papers no later than ten days after the primary election. A recognized political party that does not file the requisite presidential elector nomination papers by 5:00 p.m. on the last day for filing is not eligible to have its presidential, vice-presidential, or presidential elector names printed on the general election ballot. [A.R.S. § 16-344\(A\)](#).

**3. Independent Presidential Candidates**

A candidate who is not affiliated with a recognized political party label may seek nomination as an “independent” candidate. If the candidate meets the requisite signature threshold, the candidate and their vice-presidential running mate (along with a “party” label of the candidates’ choice) will appear on the general election ballot.

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To qualify as an independent presidential candidate on the general election ballot, a candidate must file the following documents with the Secretary of State:

- A letter of consent;
  - An independent presidential candidate must file a letter with the Secretary of State designating the candidate’s vice-presidential running mate and the names of their presidential electors, including each person’s signed consent to be designated as such. The letter of consent is separate from the nomination papers that must be filed. The wording of the letter is left to the candidate’s discretion, as long as the letter is signed by the vice-presidential running mate and each presidential elector. [A.R.S. § 16-341\(I\)](#).
- Independent nomination papers for the presidential, vice-presidential, and presidential elector candidates; and
- Independent nomination petitions.

An independent presidential candidate must submit nomination petition signatures equal to at least 3% of registered voters in the state who are not registered with a recognized political party. The number of unaffiliated registered voters is determined on the basis of voter registration totals reported by the Secretary of State as of January 2nd in the general election year. [A.R.S. § 16-341\(E\)-\(G\)](#).

Any registered voter may sign the petition as long as the voter has not signed another presidential elector nomination petition for the same presidential election. A “federal-only” voter is qualified to sign. [A.R.S. § 16-341\(G\)](#). Otherwise, the same rules for signing and circulating a nomination petition apply to independent presidential nomination petitions. See [Chapter 6, Sections I\(A\)](#) and [I\(D\)](#).

An independent presidential candidate must file a letter of consent, nomination papers, and nomination petitions between 90 and 60 days before the general election. [A.R.S. § 16-341\(G\), \(I\)](#).

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**4. Write-In Candidate for President**

In lieu of securing a nomination to qualify for the general election ballot, a person may run as a write-in presidential candidate. Becoming an official write-in candidate causes the officer in charge of elections to tabulate any write-in votes for the candidate and include those results in the official canvass of the election. [A.R.S. § 16-312\(C\)](#).

A person may not seek a write-in candidacy in the general election if the candidate filed independent presidential nomination petitions for the current election. [A.R.S. § 16-312\(F\)\(4\)](#).

A person may qualify as an official write-in presidential candidate by filing with the Secretary of State: (i) a letter of consent signed by the vice-presidential running mate and each presidential elector; and (ii) write-in nomination papers for the presidential, vice-presidential, and presidential elector candidates. [A.R.S. § 16-312\(G\)](#).

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A write-in presidential candidate must file a write-in letter of consent and requisite nomination papers no later than 5:00 p.m. on the 40th day before the general election. A write-in presidential candidate who does not file the requisite nomination documents by 5:00 p.m. on the last day for filing is not eligible to have votes tallied or included in the official canvass. Promptly after the close of the filing deadline, the filing officer must notify the Board of Supervisors of any write-in candidates certified for the election. [A.R.S. § 16-312\(B\), \(E\)](#).

#### **D. Candidate Nomination Petition Circulators**

Circulators of candidate nomination petitions are not required to be Arizona residents, but must otherwise be qualified to register to vote in this state pursuant to [A.R.S. § 16-101](#). If the circulator is not a resident of this state, they must register as a circulator with the Secretary of State through the [Circulator Portal](https://azsos.gov/elections/requirements-paid-non-resident-circulators) (<https://azsos.gov/elections/requirements-paid-non-resident-circulators>). [A.R.S. § 16-315\(D\)](#).

A circulator must complete the affidavit on the back of the nomination petition attesting that each of the names on the petition was signed in the circulator's presence on the date indicated and that, in the circulator's belief, each signer was a qualified elector who resides at the address given as the signer's residence on the date indicated. If the nomination petition is for a partisan election, the circulator must additionally attest that each signer is a qualified signer. [A.R.S. § 16-321\(D\)](#).

#### **E. Filing Officer for Candidate Documents**

Candidate documents, including statements of interest, nomination papers, nomination petitions, and financial disclosure statements, must be filed with the proper filing officer.

The Secretary of State is the filing officer for:

- Presidential elector candidates;
- PPE candidates;
- U.S. Senate and U.S. House of Representatives candidates;
- Statewide candidates;
- Legislative candidates;
- Supreme Court justices (seeking retention); and
- Court of Appeals judges (seeking retention).

[A.R.S. § 16-242\(A\)](#); [A.R.S. § 16-311\(E\)](#); [Ariz. Const. Art. VI, § 38\(A\)](#).

The county officer in charge of elections is the filing officer for:

- County candidates, including County Sheriff, County Attorney, County Recorder, County Treasurer, County Assessor, County Superintendent of Schools, and County Supervisors;

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- Candidates for precinct office, which include:<sup>31</sup>
  - Justice of the Peace candidates;
  - Constable candidates; and
  - Precinct committeemen candidates;
- Community college district governing board candidates;<sup>32</sup>
- Special taxing district candidates;
- Superior Court judges (seeking election or retention); and
- Clerk of the Superior Court candidates.<sup>33</sup>

[A.R.S. § 16-311\(F\)](#); [A.R.S. § 15-1442\(A\)](#).

The county school superintendent is the filing officer for:

- School district governing board candidates; and
- Joint technical education district governing board candidates.

[A.R.S. § 15-422\(A\)](#); [A.R.S. § 15-431\(B\)\(6\)](#); [A.R.S. § 16-311\(F\)](#); [A.R.S. § 15-393\(A\)\(4\), \(C\)\(5\)](#).

The city or town clerk is the filing officer for candidates for city or town council or mayor.  
[A.R.S. § 16-928\(A\)\(3\)](#).

#### **F. Bases to Reject a Candidate Filing**

A filing officer may reject a candidate filing on any of the following bases:

- Failure to file a sufficient number of nomination petition signatures. A filing officer may reject nomination petitions without conducting a full count if the candidate or campaign acknowledges that an insufficient number of signatures are being presented for filing;
- Failure to file nomination documents by the statutory deadline;
- Failure to file all the required documents to run for office (except that failure to file a statement of interest is not a basis to reject a filing, although it renders signatures collected prior to filing a statement of interest subject to challenge);
- Failure to fully or properly complete any required document to run for office, including:

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<sup>31</sup> *Nicol v. Superior Court, Maricopa County*, 106 Ariz. 208, 209 (1970) (Justices of the Peace and Constables are “precinct officers” pursuant to [A.R.S. § 22-102](#)).

<sup>32</sup> Community college district governing board candidates file nomination papers with the “appropriate county officer,” which may be the county officer in charge of elections in some counties or the county school superintendent in others. See [A.R.S. § 15-1442\(A\)](#).

<sup>33</sup> [Ariz. Op. Atty. Gen. No. 185-086 \(R85-071\) \(1985\)](#) (holding that candidates for Clerk of the Superior Court are treated as county candidates for the purpose of filing nomination petitions).



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- Failure to sign a document that requires a signature (an electronic or type-written signature may be permitted for candidates using the Secretary of State’s electronic Candidate Portal);
  - Failure to select a required checkbox or answer a required question;
  - Use of an honorific or other unauthorized title on a nomination paper. However, when possible, a filing officer should simply reject the unauthorized or honorific title in lieu of rejecting the nomination paper altogether.
- Failure to use the correct form or correct version of any required document, as prescribed by the filing officer, to run for office;
  - Seeking more than one office at the same time if the candidate would be prohibited from serving in the offices simultaneously; or
    - However, a candidate for legislative office may simultaneously run for community college district, school district, or joint technical education district governing board member, and a candidate for U.S. Senate or U.S. House of Representatives may also run for U.S. President or U.S. Vice President during the same election cycle. [Ariz. Const. Art. IV, Pt. 2, § 5](#); [A.R.S. § 38-296.01\(B\)](#).
  - If a candidate for state or local office is liable for an aggregate of \$1,000 or more in fines, penalties, late fees, or administrative or civil judgments, including any interest or costs, that have not been fully paid at the time of the attempted filing of the nomination paper and the liability arose from campaign finance violations under Title 16, Chapter 6, unless the liability is being appealed.

[A.R.S. § 16-322](#); [A.R.S. § 16-311\(D\)](#), (H), (I), (J).

Any other alleged deficiencies in a candidate’s nomination documents should be addressed in court. For example, the filing officer is not authorized to reject a nomination paper or nomination petitions “that have been submitted by a candidate who is found guilty of petition forgery,” nor may a filing officer reject nomination papers of a candidate for failure to meet residency requirements if the papers “on their face substantially comply with the terms of the statute.” [Ariz. Atty. Gen. Op. No. 184-096](#). Any such disqualification must be ordered by a court in response to a candidate challenge filed pursuant to [A.R.S. § 16-351\(F\)](#).

## **II. NOMINATION PETITION CHALLENGES**

Any qualified elector may challenge a candidate for any reason relating to the qualifications for the office sought as prescribed by law, or based on insufficiency of the nomination paper or petition and/or the signatures thereon. [A.R.S. § 16-314](#); [A.R.S. § 16-321](#); [A.R.S. § 16-351](#).

### **A. Initiating a Candidate Petition Challenge**

Challenge procedures are specified in [A.R.S. § 16-351](#). The challenge petition must be filed in superior court no later than 5:00 p.m. on the tenth day, excluding Saturday, Sunday, and legal holidays, after the deadline for filing nomination papers and petitions.

- The challenger must state specifically the grounds for the challenge. If nomination petition signatures are being challenged, the challenge petition must specify the petition page and line number for each signature being challenged as well as the grounds for challenging each signature.
- The challenge petition must name as defendants: (i) the Board of Supervisors of any county involved in the challenge, (ii) the County Recorder for any county involved, (iii) the appropriate filing officer, and (iv) the candidate who is subject to the challenge. If the candidate is seeking nomination for office for a jurisdiction or district that crosses county lines, the challenge petition must name the appropriate Board of Supervisors and County Recorder for each county included in the jurisdiction or district.
- The challenge petition must be served immediately after the challenge is filed and, in any case, no later than 24 hours after it is filed, excluding Saturday, Sunday, and legal holidays.

### **B. Service of Process and Notification Requirements**

The officer with whom the challenged candidate filed their nomination paper and petitions is the designated agent for service of process in all candidate challenges. *See* [Chapter 6, Section I\(E\)](#).

Once the correct filing officer has been served with the challenge, the filing officer must immediately mail a copy of the challenge to the candidate and notify the candidate by phone and/or email of the challenge. The filing officer shall also immediately notify the County Recorder(s) named in the challenge and provide the County Recorder(s) with a copy of the challenge and a copy of the front sides of the nomination petitions (if applicable) filed by the challenged candidate. [A.R.S. § 16-351\(D\)](#).

### **C. County Recorder Signature Verification**

The filing officer should provide the pertinent nomination petition pages to the County Recorder(s) promptly upon receipt of the complaint and reasonable certainty of a challenge, regardless of whether the challenger has formally served process on the filing officer. Upon receipt of the challenge and the nomination petitions from the filing officer, the County Recorder(s) must perform signature verification on the nomination petition signatures that are being challenged, if any.

The following procedures apply to the County Recorder's signature verification:

- The County Recorder need only perform signature verification for the challenged signatures of qualified electors in the County Recorder's county. For a nomination petition challenge for an office where the applicable boundaries include multiple

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counties, the County Recorder need only verify the petition signatures of the County that is designated at the top of the nomination petition form.

- The County Recorder need only perform one check of the signatures that are challenged.
- For a challenge that alleges that specific petition signers are not registered to vote, the County Recorder will search the County’s voter registration database, as of the time of the filing of the court action, for the signer’s name and address and confirm whether the signer was registered to vote as of the date of signing.
- If the County Recorder is the candidate being challenged, the County Recorder will be screened from the signature verification process and will have staff conduct the signature verification and prepare the report. The County Recorder shall not personally work on the verification.
- The County Recorder must ensure that staff performing the signature verification are properly trained. Temporary employees may be trained by full time staff with at least two election cycles of signature verification experience.
- The County Recorder need not retain or employ a handwriting expert to perform signature verification.

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**1. Criteria for Disqualifying Signatures**

The County Recorders shall apply the criteria spelled out in the County Recorder Petition Signature Verification Guide (see [Chapter 17, Appendix 4](#)) when performing signature verification.

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**2. County Recorder’s Signature Verification Report**

Upon completion of verification of challenged signatures, the County Recorder must prepare a report of the results of the verification.

- The report shall include: (i) the list of challenged signatures determined to be invalid by the County Recorder; and (ii) the basis or bases for the County Recorder’s determination that the signature is invalid.
- The County Recorder may limit the reasons for disqualifying a signature to the reason(s) identified by the challenger. Nonetheless, the County Recorder may identify, and the County Recorder’s report may reflect, a reason for disqualifying a signature other than the reason(s) specified in the challenge.
- The County Recorder shall produce the signature verification report as soon as practicable after receiving, or having access to, the pertinent nomination petition pages from the filing officer or as required by the court.

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**3. Testimony and Evidence by County Recorder**

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In addition to the County Recorder's signature verification report, the County Recorder(s) and the filing officer, or their designee(s), must also provide testimony and other evidence for the challenge hearing on the request of any of the parties to the court action. [A.R.S. § 16-351\(E\)](#).

If a party to a nomination petition challenge requests certified copies of voter registration forms, the County Recorder must make best efforts to provide the certified copies as soon as practicable and prior to the court hearing. Due to the very condensed timeframe for challenges, the requestor should cooperate with the County Recorder to facilitate timely fulfillment of the requests, including by providing the voter registration number for each individually identified voter at the County Recorder's request. If the County Recorder is unable to apply ~~statutorily-required redactions~~ within the necessary timeframe, the County Recorder should seek to produce the records pursuant to an appropriate protective order or under seal in accordance with the Arizona Rules of Civil Procedure and other applicable law.

**Comment [WJ12]:** Needs citation. RECOMMEND adding what needs to be redacted for the maximum degree of correctness and uniformity. If there is no citation, statement should be removed.

#### D. Duties of the Challenger and Candidate

Upon filing the challenge, the challenger shall provide the applicable County Recorder(s) an electronic, sortable version of any spreadsheet filed with the complaint, which identifies the page number, line number, and reason for the challenge for each petition signature being challenged. To the extent practicable, this spreadsheet should also provide the full name, address, and voter registration identification number for each signer whose signature is being challenged. ~~The challenger should provide this spreadsheet to the County Recorder as soon as practicable after the challenge is filed.~~

**Comment [WJ13]:** RECOMMEND deleting. First sentence in paragraph states the challenge should provide the spreadsheet upon filing, this statement says as soon as practicable. One or the other is fine, but both are inconsistent.

To facilitate the County Recorder's signature verification, the candidate being challenged may provide the County Recorder with a spreadsheet listing the petition page number and line number in the same order as provided in the challenger's spreadsheet and indicating the candidate's response as to each challenged signature.

#### E. Court Hearing

The hearing on the challenge and the court's ruling must occur within ten days after the challenge is filed, excluding Saturdays, Sundays and holidays. [A.R.S. § 16-351\(A\)](#); *but see Brousseau v. Fitzgerald*, 138 Ariz. 453 (1984) (holding that the ten day requirement for action by the court on nomination petition challenges is directory, not mandatory).

#### F. Costs and Expenses

The filing officer has no statutory duty to reimburse County Recorders for signature verification or other expenses incurred in connection with nomination petition challenges. Accordingly, County Recorders should seek sufficient funding from their Board of Supervisors to ensure the ability to comply with the signature verification and reporting requirements of [A.R.S. § 16-351](#).

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The County Recorder may seek reasonable expenses from the challenger or candidate under specified circumstances. If the court finds that the challenge was without substantial justification or primarily for the purpose of delay or harassment, the court may enter judgment in favor of the County Recorder or officer in charge of elections and against the challenger for the reasonable expenses incurred in the signature verification process. Similarly, if the court finds that the candidate knowingly or recklessly submitted a substantial number of invalid signatures, the court may enter judgment in favor of the County Recorder or officer in charge of elections for the reasonable costs incurred in the signature verification process. [A.R.S. § 16-351.01](#).

## CHAPTER 7: PRESIDENTIAL PREFERENCE ELECTION

### I. TIMING

A Presidential Preference Election (PPE) shall be held on the Tuesday immediately following March 15 in a presidential election year or on a later date pursuant to a proclamation issued by the Governor at least 180 days before the date set forth in the proclamation. No other election may appear on the same ballot as the PPE. [A.R.S. § 16-241\(A\)-\(B\)](#).

### II. ELIGIBILITY TO PARTICIPATE IN THE PPE

#### A. Party Eligibility to Participate in the PPE

Only political parties eligible for continued representation on the ballot pursuant to [A.R.S. § 16-804](#) and new political parties eligible to appear on the ballot pursuant to [A.R.S. § 16-801](#) may participate in the PPE. [A.R.S. § 16-244\(A\)](#). New parties must have filed their petition for recognition as a new party with the Secretary of State between 180 and 150 days before the PPE in order to be eligible to participate in the PPE. [A.R.S. § 16-244\(A\)\(2\)](#).

Eligible political parties are not required to participate in the PPE, and may opt to conduct their own election or caucus instead. *See Arizona State Democratic Committee v. Hull*, No. CV96-00909 (Maricopa County Super. Ct., Feb. 1, 1999) (holding that the PPE is different from a primary election and political parties can choose whether or not to participate). If an eligible party chooses not to participate in the PPE, the state party's chairperson must notify the Secretary of State in writing by September 16, 2019 for the 2020 PPE, and by September 1 (or the next business day if that date falls on a weekend or state holiday) of the year preceding the PPE for every PPE thereafter. *See H.B. 2751 § 19, 54th Leg., 1st Sess. (Az. 2019)*. The Secretary of State will promptly notify county officials and provide further instructions as needed.

#### B. Eligibility to Vote in the PPE

The "open primary" laws, [AZ. Const. Art. 7 § 10](#), do not apply to the PPE. Only qualified electors registered with the political parties participating in the PPE may vote in the PPE. Independent voters or voters with no party preference and voters affiliated with a political party that is not participating in the PPE may not participate unless they change their party registration or affiliation to that of a participating political party by the deadline to register to vote in the PPE. [A.R.S. § 16-241\(A\)](#); *see also Attorney General Opinion No. 199-025 (R99-049)*.

Voters not on the PEVL may request a ballot-by-mail for the PPE within 93 and 11 days before the election. [A.R.S. § 16-246\(A\)](#).

### C. Candidate Participation in the PPE

Candidates seeking to appear on the PPE ballot must meet the requirements set forth in [A.R.S. § 16-242](#). Candidates may file with the Secretary of State either:

- A nomination paper and nominating petitions signed by at least 500 qualified electors who are eligible to vote for the candidate in the PPE; or
- A notice of candidacy affirming that they are on the PPE ballot of at least two other states.

[A.R.S. § 16-242\(C\)-\(E\)](#).

Write-in candidates are prohibited. [A.R.S. § 16-247](#).

The Secretary of State will certify to counties the names of candidates who qualify for the PPE ballot within 72 hours of the close of the filing period. [A.R.S. § 16-242\(F\)](#). The filing period for the PPE is 130 to 100 days before the PPE. [A.R.S. § 16-242\(B\)](#). See [Chapter 6, Section I\(C\)\(1\)](#) for more information regarding PPE candidacy.

## III. PPE BALLOTS

### A. Official Ballot

Official ballots for the PPE must meet the following requirements:

1. They must be printed on different colored paper for each party if more than one party is participating, or white paper with a different colored stripe at the top;
2. Only one party may be represented on each ballot;
3. The top of each ballot must contain the words, “Official Ballot of the \_\_\_\_\_ Party, Presidential Preference Election (date), County of \_\_\_\_\_, State of Arizona.”
4. Candidate names must be printed in a random order determined by the Secretary of State through the drawing of lots. Rotation of candidate names is prohibited. Above the list of candidate names, the title “\_\_\_\_\_ party candidates for President of the United States” should be printed, along with “vote for not more than one” immediately below the title. The ballot may also contain other printed instructions to voters as prescribed for other elections.
5. The ballot should be configured so that it may be tabulated by congressional districts.

[A.R.S. § 16-245](#); [A.R.S. § 16-249\(C\)](#).

## B. Sample Ballots

Sample ballots for the PPE must be mailed to each household containing a registered voter eligible to participate, unless each qualified voter is on the PEVL. No elected or appointed public officer's name should appear on the sample ballot, and each ballot must contain a conspicuous disclaimer that the ballot is not official. The sample ballot must also contain a list of acceptable forms of voter identification pursuant to [A.R.S. § 16-579\(A\)\(1\)](#); [A.R.S. § 16-245 \(D\)-\(E\)](#).

The mailing face of each sample ballot must be imprinted with the Great Seal of the State of Arizona, and the words, "Official Voting Materials – Presidential Preference Election." [A.R.S. § 16-245 \(D\)-\(E\)](#).

The officer in charge of elections must provide a ballot proof to the chairperson of each participating party within five days of receiving the list of certified candidates from the Secretary of State. [A.R.S. § 16-245\(C\)](#).

## IV. CONDUCT OF THE PPE

The PPE should be conducted in the same manner as any other primary election held pursuant to [A.R.S. § 16-201](#). All provisions of other laws governing elections apply to the PPE, except as otherwise provided in Title 16, Chapter 2, Article 4, including laws relating to registration and qualification of electors. [A.R.S. § 16-241\(C\)-\(D\)](#). The PPE is also subject to the hand count procedure detailed in [Chapter 11, Section VIII](#).

### A. Voting Locations

Not less than 20 days before a PPE, the Board of Supervisors must designate a reasonable and adequate number of voting locations for the PPE, based on the number of active registered voters as of January 2 of the year of the PPE.<sup>34</sup> County Boards of Supervisors must follow the formulas set out in [A.R.S. § 16-248\(C\)-\(E\)](#) to determine the maximum allowable number of polling places. The Secretary of State may release a county from these limits if complying with them would jeopardize compliance with federal or state law. [A.R.S. § 16-248\(F\)](#). In addition, the limits and consolidation requirements do not apply to Native American reservations. [A.R.S. § 16-248\(G\)](#).

The officer in charge of elections may conduct the PPE entirely by mail in precincts with fewer than 300 active, registered voters (except for on Native American reservations). [A.R.S. § 16-248\(H\)](#).

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<sup>34</sup> Although [A.R.S. § 16-248\(B\)-\(E\)](#) specifies that the designation of polling places should be based on the number of active registered voters as of "January 1" of the year of the PPE, the 54th Legislature, First Regular Session, via Senate Bill 1154, amended [A.R.S. § 16-168\(G\)](#) to require County Recorders to report voter registration statistics as of January 2 each year, rather than January 1. Accordingly, January 2 is used in lieu of January 1 here.



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In addition to Election Day voting locations, County Recorders may establish on-site early voting locations and provide for special election boards within the time limits and procedures applicable to other elections. [A.R.S. § 16-246\(C\)](#); *see also* [A.R.S. § 16-542](#). With authorization from the Board of Supervisors, a County Recorder may also establish emergency voting centers between 5:00 p.m. on the Friday preceding the PPE and 5:00 p.m. on the Monday preceding the PPE. [A.R.S. § 16-246\(F\)](#).

## B. Certification of Results

### 1. The Board of Supervisors

The results of the PPE must be canvassed by congressional district. [A.R.S. § 16-249\(C\)](#). Each county Board of Supervisors should meet to canvass the returns within ten days after the PPE, and provide a certified permanent copy of the official canvass to the Secretary of State on paper and electronically.

### 2. Secretary of State

The Secretary of State must canvass the returns and certify the results of the PPE to the chairpersons of participating political parties on or before the second Monday after the PPE. [A.R.S. § 16-661](#), relating to automatic recounts, does not apply. [A.R.S. § 16-249\(A\)-\(B\)](#).

## V. COUNTY REIMBURSEMENT FOR THE PPE

The Secretary of State, in consultation with County Recorders and other officers in charge of elections, must include in the budget request for the Secretary of State's Office sufficient funding from the state general fund to conduct the PPE. Counties are generally entitled to reimbursement for PPE costs at a rate of \$1.25 for each active registered voter in the county as of January 2 of the year of the PPE.<sup>35</sup> The Secretary of State may release a county from this reimbursement rate upon determining that being bound by it would jeopardize the county's compliance with federal or state laws and regulations. [A.R.S. § 16-250](#).

<sup>35</sup> Although [A.R.S. § 16-250](#) specifies that reimbursement should be based on the number of active registered voters in the county on "January 1" of the year of the PPE, the 54th Legislature, First Regular Session, via Senate Bill 1154, amended [A.R.S. § 16-168\(G\)](#) to require County Recorders to report voter registration statistics as of January 2 each year, rather than January 1. Accordingly, January 2 is used in lieu of January 1 here.

## CHAPTER 8: PRE-ELECTION PROCEDURES

### I. ESTABLISHING PRECINCTS AND VOTING LOCATIONS

#### A. Establishing Precincts

The Board of Supervisors must establish a convenient number of election precincts within the county and define those precincts' boundaries. If the Board of Supervisors seeks to change existing precinct boundaries, for example, to address population shifts or excessive wait times, the Board must finalize those changes by October 1 in the year preceding a general election and deliver a complete description of the updated precinct boundaries to the County Recorder or other officer in charge of elections. [A.R.S. § 16-411\(A\)](#). The new precinct boundaries become effective on January 2 of the year of the general election. [A.R.S. § 16-412](#).

#### B. Establishing Voting Locations

Counties may conduct Election Day voting using one of two types of voting locations (or any combination thereof, as approved by the Board of Supervisors):

- **Polling places:** voters in a particular precinct are required to vote at a polling place specifically designated for that precinct; or
- **Vote centers:** voters are permitted to vote at any vote center within the county, regardless of which precinct the voter lives in.

Collectively, polling places and vote centers are referred to as “voting locations” in this Manual.

Upon approval of the Board of Supervisors, the officer in charge of elections may establish precinct-based assigned polling places and/or vote centers, or any combination thereof, including co-location of precinct polling places or vote centers that also serve as assigned polling places for certain precincts. See [A.R.S. § 16-411\(B\)\(4\)](#). In any case, the Board of Supervisors (in consultation with the officer in charge of elections) has a duty to establish a reasonable and adequate number of voting locations for an election. [A.R.S. § 16-411\(B\)\(3\)](#).

~~Except for the designation of Election Day emergency voting locations,~~ The Board of Supervisors must finalize all voting locations at least 20 days before a statewide primary or general election or ten days before a special election. [A.R.S. § 16-411\(B\)](#). Thereafter, the Board of Supervisors or officer in charge of elections must publicly post the names and/or locations of each voting location on the county's website. [A.R.S. § 16-411\(G\)](#).

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## 1. Assigned Polling Places

If a county decides to conduct elections using precinct-based assigned polling places, the Board of Supervisors must designate at least one polling place in each precinct. [A.R.S. § 16-411\(B\)](#).<sup>36</sup>

If no suitable polling place is available within a precinct, the Board of Supervisors may designate a polling place in an adjacent precinct. The Board of Supervisors must make a specific finding that there is no suitable polling place within the precinct and include that finding in a separate section of the order or resolution designating polling places for the election. [A.R.S. § 16-411\(B\)\(1\)](#).

Based on projected high voter demand, precincts may be split for administrative purposes to allow a polling place to be established in each precinct split. Arizona statute requires these polling places to “be listed in separate sections of the [Board’s] order or resolution” designating polling places for the election. [A.R.S. § 16-411\(B\)\(2\)](#).

Based on projected low voter demand (specifically, a high number of PEVL voters), adjacent precincts may be combined for administrative purposes to allow multiple precincts to be serviced by the same polling place and same election board. The Board of Supervisors must make a specific finding that a high number of PEVL voters is likely to substantially reduce the number of voters appearing at one or more specific polling places on Election Day and include that finding in a separate section of the order or resolution designating polling places for the election. [A.R.S. § 16-411\(B\)\(3\)](#).

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## 2. Vote Centers

The Board of Supervisors may establish vote centers in lieu of precinct-based polling places. A vote center allows voters from any precinct within the county to cast a ballot with the correct ballot style on Election Day. Vote centers must be established by a vote of the Board of Supervisors and in consultation with the County Recorder and officer in charge of elections. [A.R.S. § 16-411\(B\)\(4\)](#).

Vote centers typically entail ballot tabulation exclusively at the central counting place, without use of precinct voting equipment that will warn voters of an over-vote. In that case, the officer in charge of elections must: (1) establish a voter education program that notifies voters of the effect of casting multiple votes for an office; and (2) provides the voter with instructions on how to correct the ballot before it is cast (including instructions how to spoil the ballot and correct the error through issuance of a replacement ballot). [52 U.S.C. § 21081\(a\)\(1\)\(B\)](#).

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<sup>36</sup> The Board of Supervisors is not required to designate a polling place for special district or all ballot-by-mail elections, but may designate one or more sites in each district for voters to deposit voted ballots through 7:00 p.m. on Election Day. [A.R.S. § 16-411\(D\)](#). See also [Chapter 3, Section IV](#).

### **C. Failure to Timely Establish Polling Places**

In counties that utilize assigned polling places, if a Board of Supervisors fails to designate a polling place in a particular precinct before a primary or general election (or if the election cannot be held at the polling place originally designated by the Board of Supervisors and the County Recorder or other officer in charge of elections has not designated an emergency polling place for that precinct for Election Day), the Justice of the Peace of the precinct shall designate the polling place and post public notice two days before the election in at least three locations in the precinct. [A.R.S. § 16-411\(C\)](#).

If the Justice of the Peace fails to do so (or there is no Justice of the Peace for the precinct), the election board of the precinct must designate and give notice of the place for holding the election. [A.R.S. § 16-411\(C\)](#).

### **D. Consolidation of Polling Places Based on Lack of Candidates**

In counties that conduct assigned polling place elections, if there are no candidates for elected office appearing on the ballot in a particular precinct, the Board of Supervisors may consolidate polling places (and consolidate the tabulation of results in combined precincts) if the following conditions apply:

- All affected voters are notified by mail of the change at least 33 days before the election;
- Notice of the change in polling place includes notice of the new polling place, notice of the hours polls are open on Election Day, and notice of the telephone number to call for voter assistance; and
- All affected voters receive information on early voting, which includes information on how to make a one-time early ballot request.

[A.R.S. § 16-411\(C\)\(1\)-\(3\)](#).

### **E. Factors to Consider When Selecting Voting Locations**

The following factors should be considered when selecting voting locations:

1. The location should be capable of being used in both the primary and general election;
2. Buildings must be appropriately-sized based on projected voter turnout, among other predictive factors (*see* [Chapter 8, Section IX\(A\)](#));
3. Property owners must be willing to grant permission to use the building for voting purposes on Election Day, including making the building available the day before Election Day, early morning on Election Day, and until a reasonable time after the polls close on Election Day;
  - Insurance considerations and payment of fees (if any) should be discussed with the property owner;

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4. Buildings should have easy ingress and egress to the parking lot, including a parking lot in close proximity to the building;
5. Buildings must meet accessibility requirements or be adapted to meet accessibility requirements for Election Day (see [Chapter 5, Section III](#));
6. Buildings must have a room or hallway of sufficient size to meet the needs for setting up equipment and voter check-in stations, including adequate space for voters to wait in line;
7. Buildings should have an adequate power source;
8. The property should be located near major traffic arteries, including within walking distance of public transit where possible;
9. The decision of where to locate a polling place or vote center should have public support, especially through outreach to rural and underserved communities;
10. In counties that conduct assigned polling place elections, the polling place must be located within the applicable precinct, unless applicable exceptions apply (see [Chapter 8, Section I\(B\)\(1\)](#));
11. Voters should not have to travel unreasonable distances to vote;
12. The property must have sufficient parking for voters' use on Election Day; and
13. If re-used, the voting location must have been successfully used in the past.

The elections staff should conduct a site visit to confirm the location's suitability for voting. The officer in charge of elections should also solicit community feedback on all proposed voting locations if practicable.

#### **F. Use of School Facilities for Voting Locations**

Upon request of the officer in charge of elections, a public school must provide sufficient space for use as a voting location in any statewide, county, city, or town election. [A.R.S. § 16-411\(E\)](#).

The principal of a public school may deny the request to host a voting location if, within two weeks of receiving the request, the principal provides a written statement confirming: (1) the school lacks sufficient space to host a voting location; or (2) the safety or welfare of students would be jeopardized by hosting a voting location. [A.R.S. § 16-411\(F\)](#).

**G. Designation of Emergency Election Day Polling Places/Vote Centers**  
**Emergency Designation**

A County Recorder or other officer in charge of elections may ~~establish~~ grant an emergency designation to a polling place/vote center ~~for Election Day without the Board of Supervisors' approval~~ if either of the following occurs:

- An act of God renders a previously-established Election Day voting location unusable; or
- The County Recorder or other officer in charge of elections has exhausted all options and there are no suitable facilities that are willing to host an Election Day voting location unless the facility receives an emergency designation.

[A.R.S. § 16-411\(D\)](#).

At least two weeks before Election Day, the County Recorder or other officer in charge of elections must post on its website a list of ~~emergency~~ polling places/vote centers ~~for Election Day with emergency designations~~ and must specify:

- The reason the emergency designation was granted; and
- The number of attempts made to find another voting location before granting an emergency designation.

[A.R.S. § 16-411\(H\)](#).

Electioneering and other political activity is not permitted at an ~~emergency~~ polling place/vote center with an emergency designation on Election Day on the property of the hosting facility, even outside the 75-foot limit. [A.R.S. § 16-411\(I\)](#). However, if the voting location is not listed on the jurisdiction's elections website as having an emergency ~~location~~ designation, electioneering and other political activity must be permitted on the premises, outside the 75-foot limit. [A.R.S. § 16-411\(H\)](#).

If an emergency arises after the initial website posting, the County Recorder or other officer in charge of elections must:

- Update the website as soon as is practicable to include any new ~~Election Day~~ emergency voting locations designations;
- Highlight the new ~~Election Day~~ emergency voting location with an emergency designation on the website; and
- Like other ~~Election Day~~ emergency locations with an emergency designation, specify the reason the emergency designation was necessary and the number of attempts that were made to find a standard voting location before granting an emergency designation. [A.R.S. § 16-411\(H\)](#).

## H. Requirement to Allow Electioneering Outside 75-Foot Limit

Except in cases of an emergency designation (*see* Section I(G) above), any voting location or ballot replacement site used on Election Day or during on-site early voting must permit persons to engage in electioneering and other political activity in public areas and parking lots used by voters outside the 75-foot limit. [A.R.S. § 16-411\(H\)](#).

Electioneering or political activity may not result in voter intimidation. Further, no temporary or permanent structure may be erected and access to parking spaces may not be blocked or impaired. [A.R.S. § 16-411\(H\)](#).

## I. Ensuring Accessibility at the Voting Location

Voting locations must comply with the current ADA Checklist for Polling Places and any additional state accessibility requirements. *See* [Chapter 5, Section III](#) for more details.

## II. APPOINTMENT AND TRAINING OF POLL WORKERS

At least 20 days before a primary or general election, the Board of Supervisors must appoint at least the following poll workers for each polling place with more than 300 qualified electors and each vote center:

- One inspector;
- Two judges;
- One marshal; and
- As many clerks as deemed necessary.

[A.R.S. § 16-531\(A\)](#).

For polling places with less than 300 qualified electors, the Board of Supervisors must appoint at least an inspector and two judges. [The board of supervisors shall give notice of election precincts consisting of fewer than three hundred qualified electors to the county chairperson of the two largest political parties not later than thirty days before the election. A.R.S. § 16-531\(B\)](#).

The inspector, judges, marshal (and clerks, if applicable) are collectively known as the “election board”<sup>37</sup> for a particular voting location and are referred to in this Manual as poll workers or board workers.

<sup>37</sup> Notwithstanding [A.R.S. § 16-531\(A\)](#)’s reference to judges and the inspector, Arizona statutes generally provide that the election board is comprised of all poll workers at a particular voting location. *See, e.g.,* [A.R.S. § 16-531\(G\)](#) (allowing students to be appointed to an election board as clerks). This Manual accordingly adopts the interpretation of “election boards” to include inspectors, judges, marshals, and clerks.

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The officer in charge of elections must provide a report containing each poll worker's name, position, precinct, and political party to the Board of Supervisors.

Poll workers must be registered voters, except for student poll workers. In assigned polling place elections, each poll worker must be a registered voter in the precinct of assignment unless there are not enough poll workers that meet this residential requirement. [A.R.S. § 16-531\(A\)](#).

Other than candidates for precinct committeeman, no candidate (nor the spouse, child, or parent of a candidate) for any office on the ballot may serve as a poll worker during that election.

The officer in charge of elections ~~should~~shall ensure that the election board is comprised of individuals registered with different political parties. At minimum, for partisan elections, if the inspector is a member of one of the two largest political parties, the marshal must be a member of the other of the two largest political parties and each of the two judges must be registered with different political parties. An inspector, marshal, or judge may not serve in that position if they have changed their political party registration since the last general election-

At least 90-days before an election, the county chairperson of the two largest political parties may designate qualified electors to serve on election boards. When the list is timely submitted, it shall be used to appoint judges. Whenever possible, any person appointed as an inspector shall have had previous experience as an inspector, judge, marshal or clerk of elections. If there is no qualified person in a given precinct, the appointment of an inspector may be made from names designated by the county party chairperson. Any registered voter in the precinct, or alternatively, in another precinct, may be appointed as clerk. [A.R.S. § 16-531\(A\)](#).<sup>38</sup>

#### **A. Election Board Duties**

The following duties must be performed by the members comprising the election board. The officer in charge of elections may allocate these duties among different board members as deemed appropriate:

1. Prepare and monitor the voting location, including taking appropriate measures to preserve order and manage voter lines, [A.R.S. § 16-562](#), [A.R.S. § 16-512](#);
2. Open, exhibit, and lock the ballot box before receiving any ballots, [A.R.S. § 16-564\(A\)](#);

<sup>38</sup> If it is impossible to sufficiently staff the boards with members of differing political parties, the officer in charge of elections shall, at minimum, exercise best efforts to utilize board members with no party affiliation or from differing unrecognized parties to ensure that there is a diversity of political party affiliation (including no affiliation) on the election boards and that no election board is comprised of members of only one party. Further, the officer in charge of elections shall document when and how the political parties in the county were contacted about the need for board workers affiliated with those parties and all other actions taken in a best effort to obtain board workers from two different political parties. However, nothing in this Manual shall be interpreted to supersede otherwise applicable statutory requirements, including the requirement that board workers be of differing political party affiliation.



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3. Maintain the signature roster or e-pollbook;
4. Check for proper identification;
5. Direct voters in the wrong polling place to the correct polling place, including the specific address (for assigned polling place elections only);
6. Mark spoiled ballots (inspector and only one judge required), [A.R.S. § 16-585](#);
7. Ensure that voted ballots are deposited in the correct ballot box, and deposit ballots in the ballot box at the voter's request, [A.R.S. § 16-580\(C\)](#);
8. Assist voters in using accessible voting equipment and assist voters in marking the ballot (two board members of different political parties required), [A.R.S. § 16-580\(E\)](#);
9. Close the polls (inspector and two judges required); [A.R.S. § 16-565\(C\)](#);
10. Prepare a report of the number of voters who have voted and seal the box containing the voted ballots, [A.R.S. § 16-608\(A\)](#), [A.R.S. § 16-616](#); and
11. Return the signature roster, copies of the precinct registers, and other election supplies to the Board of Supervisors or officer in charge of elections. [A.R.S. § 16-617](#).

In addition, the inspector, marshal, and judges of the election board are specifically tasked with the responsibilities described below.

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**1. Inspector**

The inspector serves as the chair of the election board and exercises authority over all election-related activities at the voting location (under the direction of the county officer in charge of elections, who maintains overall authority over the voting location). The inspector usually acts as the single point-of-contact with the officer in charge of elections, poll worker hotline, troubleshooters, or other entity designated by the officer in charge of elections to provide assistance on Election Day.

The inspector's specific duties include the following:

1. As chair of the election board, maintain sufficient knowledge about election procedures and voting equipment;
2. Lead and assign duties to other poll workers, including appointing a substitute judge, marshal, or clerk ([while maintaining political party balance](#)) if a poll worker fails to show up or fails to perform their duty on Election Day and no alternative poll worker is available, [A.R.S. § 16-534\(A\)](#), [A.R.S. § 16-533](#); and
3. Ensure the polling place is setup and functions properly, including publicly opening the sealed package of official ballots, ensuring the required ballot styles/types are present, certifying the voting roster, posting appropriate lists and notices, arranging the voting booths, and assisting electors, [A.R.S. § 16-563](#), [A.R.S. § 16-312\(E\)](#), [A.R.S. § 16-343\(F\)-\(G\)](#), [A.R.S. § 16-169\(B\)](#), [A.R.S. § 16-579\(D\)-\(E\)](#), [A.R.S. § 16-572\(A\)](#).

## 2. Marshal

The marshal is responsible for preserving order at the voting location, which includes:

1. Announcing the opening and closing of the polls, [A.R.S. § 16-565\(C\)](#);
2. ~~Preserving order and Preventing-preventing~~ any violation of election law, including voter intimidation or electioneering within the 75-foot limit, ~~from the opening of the polls until the count of the ballots is completed~~, [A.R.S. § 16-535\(B\)](#); and
3. Periodically measuring the length of wait times, notifying the inspector if wait times have the potential to equal or exceed the 30-minute maximum, and implementing measures to reduce voter wait time, including having the authority to request additional voting equipment or supplies and board workers or to appoint additional board workers upon approval of the officer in charge of elections, [A.R.S. § 16-535\(B\)](#).

The marshal may also perform the duties of any other election board worker on a relief basis. [A.R.S. § 16-535\(B\)](#).

## 3. Judges

Judges oversee the voting process itself, which may generally include:

1. Issuing ballots to qualified voters, [A.R.S. § 16-579\(C\)](#), [A.R.S. § 16-467\(B\)](#), [A.R.S. § 16-572\(B\)](#);
2. Signing the roster for an elector who is unable to sign because of physical disability, [A.R.S. § 16-579\(D\)-\(E\)](#); and
3. Examining electronic voting equipment and comparing the number of votes cast as indicated on the machine with the number indicated on the poll list (or e-pollbook) and the number of provisional ballots cast, [A.R.S. § 16-602\(A\)](#).

### B. Bilingual Poll Workers

Jurisdictions covered under the language minority provisions under Section 203 of the Voting Rights Act should appoint bilingual poll workers and/or ensure access to on-site or remote interpretation services in the covered language(s) to provide language assistance to voters who need it. Additionally, an Election Terminology Glossary in the covered languages should be provided among the polling place supplies.

### C. Student Poll Workers

The Board of Supervisors may appoint a student to serve as a clerk on the election board if the student:

- Will be at least 16 years old at the time of the election;
- Will be a United States citizen at the time of the election; and
- Provides written permission from a parent or guardian.

A student poll worker must receive poll worker training and must be supervised by a trained adult poll worker at the voting location. [A.R.S. § 16-531\(F\)](#).

A student's absence from school due to service as a student poll worker does not affect the school's average daily membership or count against any mandatory attendance requirements for the student. [A.R.S. § 15-901\(A\)\(1\)](#); [A.R.S. § 16-531\(G\)](#).

#### **D. Poll Worker Training**

Within 45 days before an election, the officer in charge of elections must commence poll worker training for inspectors, judges, and any other election board members deemed necessary by the officer in charge of elections. [A.R.S. § 16-532\(A\)](#). At least one poll worker training session should be conducted in-person during each election cycle, but additional training may be conducted online as deemed necessary. Additionally, the officer in charge of elections should develop a mechanism to assess individual poll workers' performance following the election.

Persons who conduct poll worker training must be qualified in election law and have practical experience in the election process. [A.R.S. § 16-532\(A\)-\(B\)](#). Persons who conduct poll worker training must also be certified by the Secretary of State as an election officer in accordance with [A.R.S. § 16-407](#) or under the management of a certified election officer.

Poll worker training must cover the following pre-Election Day topics, as applicable:

1. Delivery of ballots and supplies to the voting location;
2. Duties of each election board member;
3. Ensuring proper political party representation among election board members;
4. Conducting a pre-election meeting;
5. Gaining building access;
6. Inventorying supplies;
7. Equipment setup and furniture arrangement;
8. Voting equipment checks, including ensuring that equipment seals have not been tampered with and match the seal log;
9. Conducting an official ballot count;
10. Customer service responsibilities, including voter assistance, assistance to voters with a disability, and ensuring language accessibility; and

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Poll worker training must also cover the following Election Day topics, as applicable:

1. Opening the voting location;
2. Hours the voting location will be open;
3. Poll workers' hours;
4. Establishing the 75-foot limit and enforcing non-electioneering and non-intimidation rules;
- 4.5. **Applicable election laws, in particular adhering to and enforcing Chapter 7 of Title 16;**
- ~~5.6.~~ Sharing voting locations with tribal elections;
- ~~6.7.~~ Procedures for checking identification;
- ~~7.8.~~ Provisional ballot processing;
- ~~8.9.~~ Operation of voting equipment;
- ~~9.10.~~ Operation of accessible voting equipment;
- ~~10.11.~~ Operation of e-pollbooks or procedures for managing the signature rosters and poll lists;
- ~~11.12.~~ Troubleshooting, including when and how to implement wait-time reduction and other contingency plans;
- ~~12.13.~~ Any voter registration information deemed necessary;
- ~~13.14.~~ Who may vote in the election;
- ~~14.15.~~ Use of precinct registers and/or the issuance of ballot types/styles (political party, FED only, ballot splits, etc.);
- ~~15.16.~~ Standard voting procedures;
- ~~16.17.~~ Recorder's Certificates;
- ~~17.18.~~ Spoiled ballot procedures;
- ~~18.19.~~ Procedure for early ballot drop-off;
- ~~19.20.~~ Political party observers;
- ~~20.21.~~ Procedures for challenges;
- ~~21.22.~~ Kids Voting;
- ~~22.23.~~ Closing the polls;
- ~~23.24.~~ Transmitting results and/or delivery of voted ballots;
- ~~24.25.~~ Completing a Certificate of Performance, verifying that various election duties were properly performed; and
- ~~25.26.~~ Preparing the official and unofficial envelope contents (*see* [Chapter 8, Section V](#)).

**Comment [WJ14]:** RECOMMEND adding requirements to cover relevant penal codes of Title 16 during training as poll workers must abide by the laws, and marshals must enforce. Pursuant to ARS 16-532, instruction must include training on election laws applicable to the election.

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The officer in charge of elections may require additional training for poll workers at any time. Regardless of whether additional training is provided, however, poll workers must be notified in writing prior to Election Day of any changes in election law or procedure that became effective since the last poll worker training. [A.R.S. § 16-532\(E\)](#).

### 1. Premium Training

The officer in charge of elections may institute an advanced method of instruction and testing for certain election board members known as premium training. The premium training must include at least eight hours of training and a written examination on election law and procedures. [A.R.S. § 16-532\(D\)](#).

Those who complete this training and pass the test are certified as a “premium board worker.” Premium board workers are certified for a period of 30 months and, if approved by the Board of Supervisors, are entitled to additional compensation. [A.R.S. § 16-532\(D\)](#).

The officer in charge of elections may require additional training for poll workers at any time. Regardless of whether additional training is provided, however, poll workers must be notified in writing prior to Election Day of any changes in election law or procedure that became effective since the last poll worker training. [A.R.S. § 16-532\(E\)](#).

### 2. Certificate of Qualification

Upon successful completion of poll worker training, each election board member will receive a certificate of qualification from the Board of Supervisors or officer in charge of elections stating the worker’s name and the course of instruction completed. No inspector or judge (except those appointed to fill a vacancy and as provided in [A.R.S. § 16-533](#) and [A.R.S. § 16-534](#)) may serve on Election Day unless the person has been issued a certificate of qualification. [A.R.S. § 16-532\(A\)](#).

### E. Poll Worker Compensation

The Board of Supervisors must set the compensation of poll workers, which constitutes a county charge. [A.R.S. § 16-536](#). The Board of Supervisors may approve poll worker pay by virtue of approving the election director’s budget for the forthcoming election.

Poll workers must be paid at least \$30 per day. [A.R.S. § 16-536](#). The Board of Supervisors may approve additional compensation for premium board workers. [A.R.S. § 16-532\(D\)](#).

## III. DESIGNATION OF POLITICAL PARTY AND OTHER OBSERVERS

Political party representatives are permitted to observe at voting locations and central counting places for partisan elections. The proceedings at the central counting place may also be observed by up to three additional people representing a candidate for nonpartisan office, or representing a

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political committee in support of or in opposition to a ballot measure, proposition or question. Such observation (and observation at early voting locations, emergency voting centers, and County Recorder processing procedures, where permitted by the County Recorder or other officer in charge of elections) are subject to the procedures described below. Observation at nonpartisan elections may be permitted at the discretion of the officer in charge of elections. [A.R.S. § 16-590\(A\)-\(B\)](#); [A.R.S. § 16-621\(A\)](#).

The County Recorder or other officer in charge of elections may develop additional local procedures governing political party observation. Additional procedures shall allow political party observers to effectively observe the election process, and no changes to the procedures shall be made after the Tuesday prior to the election in order to facilitate compliance by the county political parties and designees.

### A. Appointment Process

The county chairperson (or ~~other county political party officer designated by the chairperson/designee~~) of each party ~~that has a candidate represented~~ on the ballot ~~must appoint~~ must submit the names of political party observers ~~specific political party observers in writing on political party letterhead with the signature of the appointing authority, and provide the appointment~~ to the County Recorder or officer in charge of elections in hard copy or electronically in advance of observation. The County Recorder or officer in charge of elections may require ~~original signatures and compliance with~~ reasonable deadlines for advance notice of appointments. Where there is no county political party officer to make the appointment, the state political party chairperson may appoint political party observers for that county.

Political party observers may be appointed to specific voting locations (for Election Day observation), to a central counting place, or to multiple voting locations as authorized by the political party chairperson and the officer in charge of elections. Observers appointed to observe in multiple locations need only one appointment in writing designating the various locations where the observer is appointed. An appointment is not transferable to another individual.

Unless agreed upon by the political parties ~~and the County Recorder or officer in charge of elections~~, not more than one party representative for each party represented on the ballot shall be at a voting location at one time.

Appointed political party observers need not be qualified electors in the precinct or county of observation. Except for precinct committeeman candidates, candidates appearing on the ballot or official write-in candidates shall not serve as political party observers.

### B. Observer Credentials

The political party letter of appointment on political party letterhead with the signature of the appointing authority serves as the written credential necessary to conduct observation at a voting location or central counting place. Credentials must be issued by the recognized political party chairperson or designee; this authority may not be delegated to a candidate or candidate's agent.

**Comment [WJ15]:** RECOMMENDED changes to resolve apparent inconsistencies. First paragraph requires an appointment letter to be provided in advance of the election and may require original signatures. Second paragraph requires appointment letters, with possible original signatures as well to be provided at the place of observation. Taken as written, every observer needs two original letters - one to be provided in advance and one to be used as election day credentials.

While advance notice is not statutorily required, advance notice may be more efficiently provided as a list, rather than hundreds of individual appointment letters possibly provided in hard copy with original signatures. Appointment letters with original or copied signatures would then be used for voting location/central counting credentials.

**Comment [WJ16]:** Also RECOMMENDED. See previous comment

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The political party observer must present the political party appointment letter (or copy thereof, if permitted by the County Recorder or officer in charge of elections) to the appropriate election official upon entering the voting location, County Recorder's office, or central counting place, and be prepared to show identification if requested.

### C. Observation at Voting Locations

Political party observers may observe the following activities at a voting location:

- Opening the voting location;
- Voting at the voting location (but may not observe in the voting booth or otherwise impede voters' ability to maintain a secret ballot);
- Closing the voting location;
- Transport of ballots from the voting location to a receiving site (using a separate vehicle); and/or
- Any other significant voting or processing activities at the voting location provided that it does not interfere with or impede the election procedures or staff and does not enable the observer to observe voters' personally identifiable information on e-pollbooks.

Each recognized political party is presumptively entitled to have no more than one political party observer at a time at each voting location. [A.R.S. § 16-590\(C\)](#).

All political party observers are subject to removal by the County Recorder or other officer in charge of elections for failure to ~~adhere to federal or state law, observer guidelines, or other rules established by the County Recorder or other officer in charge of elections, comply with a request to cease an activity that interferes with the election process or violates state or federal law.~~

### D. Observation at Central Counting Places

Political party representatives may observe at a central counting place and at each point where ballots are handled or transferred from one election official to another, including areas where the following activities take place:

- Receiving the ballots at the County Recorder's office or central counting place;
- Inspecting the ballots;
- Reviewing ballots by the ~~write-in board~~ [Write-in Tally Board](#);
- Duplicating ballots by the Ballot Duplication Board;
- Adjudicating ballots by the Electronic Vote Adjudication Board;
- Receiving electronic media or processing voting results by the ~~Data Processing Accuracy Certification~~ [Board](#);
- Tabulation of ballots; and/or

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- Any other significant tabulation or processing activities at a central counting place provided that it does not interfere with or impede the election procedures or staff.

### E. Observer Guidelines

The following observation guidelines govern all observers:

1. ~~At all times at a central counting place, and unless a voter specifically requests assistance from the observer at a voting location, a~~ An political party observer may not mark any ballot, place any type of material on a ballot, or otherwise touch a voted ballot during observation.
2. Observers shall not touch or handle election materials, rosters, early ballot envelopes, provisional ballot envelopes, ballot transfer containers, voting machines, or voting machine components except as expressly permitted by the officer in charge of elections during demonstrations.
3. Observers may not interfere with or impede the election procedures or staff.
  - If an observer has a question about the proceedings or seeks to raise an objection, the observer should speak solely to the designated point of contact (*e.g.*, inspector, County Recorder, or other officer in charge of elections) and not to other poll workers or staff.
  - The officer in charge of elections or inspector may prohibit observers from using electronic devices in the voting location or central counting place if doing so would interfere with or impede the election procedures or staff. No photos may be taken within the 75 foot limit of a voting location. [A.R.S. § 16-515\(G\)](#).
  - Observers may not wear, carry, or display any materials that identify or express support or opposition for a political party, political organization, or a candidate or ballot measure appearing on the ballot. [A.R.S. § 16-515\(F\)](#).
  - In cases where multiple ballots are dropped off at a voting location, as observer may not, within the 75-foot limit: (1) inspect, copy, or photograph the early ballot envelopes in an effort to discern voters' identities; or (2) confront, question, or photograph the individual who dropped off the early ballots.
  - Observers can enter and leave a voting location or central counting place so long as their entering and leaving does not interfere with or impede the election procedures or staff.
4. Observers may take handwritten notes during observation, but must use a writing instrument of a color designated by the officer in charge of the election or procedure.
5. If an observer is asked by the inspector or other officer in charge to cease an activity that interferes with the election process, the observer must comply or face possible ejection.
6. Observers must be prepared to show their appointment credential immediately upon entering any voting location or central counting place or upon request by any election official.



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7. At a central counting place, all observers must check in with the County Recorder or other officer in charge of elections prior to being admitted and may be required to log in and out of the facility each time they enter or leave.
8. At a central counting place, the County Recorder or other officer in charge of elections may ensure that observers are given identifying badges to ensure that observers are clearly identifiable.

#### IV. ISSUING PRE-ELECTION NOTICES

##### A. Secretary of State: 120-Day Notice of Offices to be Elected

At least 120 days before a primary election, the Secretary of State must notify in writing each Board of Supervisors and officer in charge of elections of the federal, statewide, and legislative offices for which candidates will be nominated at the primary election. [A.R.S. § 16-202](#).

##### B. County: 180-Day Notice of Election to Local Jurisdictions

At least 180 days before each consolidated election date, the Board of Supervisors or officer in charge of elections must give written notice to each school district, community college district, city and town within the county's geographical boundaries. The Board of Supervisors or officer in charge of elections also must give written notice to all special taxing districts within the county. [A.R.S. § 16-205\(A\)](#).

The notice must include:

- The specific election date;
- The deadline by which the local jurisdiction must inform the Board of Supervisors or officer in charge of elections whether an election will be held; and
  - The deadline to inform the Board of Supervisors or officer in charge of elections should be set at or just after special taxing districts' 150-day deadline to call an election pursuant to [A.R.S. § 16-226\(A\)](#).
- Any additional information deemed necessary by the Board of Supervisors or officer in charge of elections.

The notice may be mailed, emailed, or otherwise electronically transmitted.

### C. Special Taxing District/Nonpartisan Election Notices

The governing body of a special taxing district must provide various public notifications before conducting an election that is not held concurrently with a general election. [A.R.S. § 16-226\(B\)](#); [A.R.S. § 16-227\(A\)](#).<sup>39</sup>

- A special taxing district must call an election at least 150 days in advance of an election, except for elections called pursuant to [A.R.S. § 19-209](#), [A.R.S. § 16-226\(A\)](#). “Calling” an election means the governing board of the special taxing district must officially inform the applicable Board of Supervisors or officer in charge of elections that the district intends to conduct an election.
- In addition, the special taxing district must also issue a “call of election” to the public by publishing the “call of election”, at least two times and at least one week apart, in a newspaper of general circulation covering the jurisdiction between 132 and 90 days before the election. [A.R.S. § 16-227\(A\)](#). Alternatively, the special taxing district may mail the “call of election” to each household containing a qualified elector at least 90 days before the election. [A.R.S. § 16-227\(B\)](#).
- Finally, a special taxing district must issue a “notice of election,” which is like the call of election but intended as the final public notice in advance of a special taxing district election. [A.R.S. § 16-228\(A\)-\(B\)](#). A special taxing district that conducts a ballot by mail election need only issue the notice specified in [A.R.S. § 16-228\(C\)-\(D\)](#). Notice requirements specific to fire district or irrigation and water conservation district bond elections can be found at [A.R.S. § 48-806\(A\)](#) and [A.R.S. § 48-3190\(A\)](#), respectively.

A special taxing district must file an affidavit certifying compliance with federal and state law with the applicable Board of Supervisors at least five days before holding a nonpartisan election. [A.R.S. § 16-229](#).

### V. PREPARATION OF BALLOTS

The County Board of Supervisors is responsible for preparing the official ballot to be used in federal, statewide, legislative, and countywide elections. [A.R.S. § 16-405](#); [A.R.S. § 16-503\(A\)](#). The Board of Supervisors may delegate this responsibility to the officer in charge of elections.

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<sup>39</sup> A.R.S. §§ 16-225 to 16-229 outline various requirements for holding “nonpartisan” elections. [A.R.S. § 16-226\(B\)](#) defines nonpartisan elections (for purposes of those statutes) as elections of special taxing districts not held concurrent with the general election.

## A. Official Ballot Format

### 1. Form and Content of the Ballot

#### a. Requirements for All Ballots

##### i. Paper Type

All official ballots must be printed with black ink on white paper of sufficient thickness to prevent the printing from being discernible on the reverse side the ballot. [A.R.S. § 16-468\(2\)](#); [A.R.S. § 16-502\(A\)](#).

##### ii. Font

The ballot must use the same font and color template throughout the ballot. [A.R.S. § 16-502\(A\)](#), [\(C\)](#). The only color exception is for a political party indicator or stripe to be printed on official ballots used for a partisan primary election or PPE. See [Chapter 7, Section III\(A\)](#) and [Chapter 8, Section V\(A\)\(1\)\(b\)](#).

The ballot must use the same font size within each category on the ballot (for example, all candidate names for a particular race must be printed in the same font size), which must be printed in no less than 8-point font if practicable. However, ballot measure numbers must be printed in at least 12-point font. The officer in charge of elections may adjust spacing between the letters on a ballot to accommodate space limitations.

##### iii. Early Ballot Designation

Early ballots, including ballots-by-mail and in-person early ballots, shall be identical to regular ballots, except that early ballots shall have the word “early” printed or stamped on them. [A.R.S. § 16-545\(A\)](#).

##### iv. Spacing and Heading

The ballot must contain sufficient spacing between races and sections to enable the voter to clearly understand the ballot.

On the front side, the ballot must be headed with the phrase “Official Ballot” in bold-faced plain letters, with a heavy rule above and below the heading. The ballot may not contain any other statement or matter printed above the “Official Ballot” header. [A.R.S. § 16-502\(A\)](#).

Immediately below the “Official Ballot” heading, the following components must be printed in the following order:

- A subheading that specifies the type of election (general, primary, or special), the election date, and the name of the county and state holding the election;
- Instructions to the voter how to properly mark the ballot; and

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- The various candidate names and/or ballot measures. [A.R.S. § 16-502\(A\), \(C\)](#).

v. Candidate Races

For candidate races, the official ballot must:

- Arrange the candidate names according to [A.R.S. § 16-502\(C\)](#) in column format, starting with the left-hand column;
- List the name of the office to be filled at the head of each portion of the column;
- List the district number, division number, or other jurisdictional name/number to the right of the office name to be filled, if applicable;
- Include the designation “Vote for not more than \_\_\_\_\_” below the name of each office to be filled to indicate the appropriate number of candidates to select;
- List candidate names according to last name, followed by first name and any nickname;
  - The officer in charge of elections may: (1) shorten or truncate a candidate’s name (with the candidate’s consent) in order to fit the candidate’s name on the ballot; and/or (2) decline to print the candidate’s requested nickname if it suggests reference to professional, fraternal, religious, or military titles.
- Contain a location for the voter to place a mark to vote for their candidate of choice to the right or left (and on the same line) of each candidate’s name;
- Contain the candidate’s political party designation in bold-faced letters next to the candidate’s name (for partisan races only); and
- Contain blank lines that correspond to the number to elect placed below the last candidate name for a particular office, along with a location for the voter to place a mark next to their write-in candidate(s) of choice.

[A.R.S. § 16-502\(C\)-\(G\)](#); [A.R.S. § 16-311\(G\)](#); [A.R.S. § 16-341\(C\)](#).

Additionally, the ballot must contain the name or number of the precinct in which the ballot will be utilized, and may include the precinct part or ballot style code. [A.R.S. § 16-502\(A\)](#).

**b. Additional Requirements for Primary Election Ballots**

In addition to the specifications outlined in [Section V\(A\)\(1\)\(a\)](#) above, primary election ballots must comply with the following additional requirements.

Primary election ballots must be printed with a particular color to indicate the political party ballot. [A.R.S. § 16-461\(B\)](#). The ballot may be printed on colored stock or on white stock with a distinctive color indicator such as a stripe. The following colors represent the recognized political parties:

- Blue: Democratic Party
- Green: Green Party

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- Yellow: Libertarian Party
- Red or Salmon: Republican Party

The officer in charge of elections may use varying hues of the requisite colors, but may not select entirely different colors as substitutes for the requisite colors. The primary election ballot displayed in accessible voting equipment must also utilize a color designation for each political party. [A.R.S. § 16-446\(B\)\(9\)](#).

If the number of recognized party candidates in a particular race exceeds the number to elect, the officer in charge of elections must rotate candidate names in that particular race by precinct so that each candidate will appear substantially an equal number of times in each possible location for the particular race across all primary election ballots. If the number of candidates in a particular race is less than or equal to the number to elect, the candidates' names must be listed in alphabetical order by last name and no rotation is required. [A.R.S. § 16-464\(A\)](#).

If more persons file nomination petitions for the office of precinct committeeman than the number to elect in a particular precinct, the county officer in charge of elections must prepare a separate ballot style that includes the office of precinct committeeman for the voters registered with that political party in that precinct. [A.R.S. § 16-822\(C\)](#). The position of the precinct committeemen candidate names must be drawn by lot at a public meeting called by the Board of Supervisors for that purpose. [A.R.S. § 16-464\(B\)](#). This ballot style, which includes all the races in the precinct and the precinct committeeman race, must be provided only to voters registered with that political party in the precinct. [A.R.S. § 16-822\(C\)](#).

**c. Additional Requirements for General Election Ballots**

In addition to the specifications outlined in [Section V\(A\)\(1\)\(a\)](#) above, general election ballots must comply with the following additional requirements.

For partisan candidate races, the official ballot must list candidates in a particular race in the following descending order:

- Candidates who are registered with a recognized political party that appeared on the gubernatorial ballot in the most recent general election for the office of governor, listed in the order that corresponds to the number of votes for each party's gubernatorial candidate in that county;
- Candidates who are registered with a recognized political party that did not appear on the gubernatorial ballot in the most recent general election for the office of governor, listed in alphabetical order by last name; and
- Independent candidates who were nominated pursuant to [A.R.S. § 16-341](#) (along with a three-letter designation determined by the filing officer), listed in alphabetical order by last name. [A.R.S. § 16-502\(E\)](#).

If there are two or more candidates of the same political party for the same office, or more than one candidate for a judicial office, the names of all such candidates in the particular race must be

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rotated so that each candidate will substantially appear an equal number of times in each possible location. However, if the number of candidates in a particular race is less than or equal to the number to elect, the candidates' names must be listed in alphabetical order by last name and no rotation is required. [A.R.S. § 16-502\(E\), \(H\)](#).

In general elections with a presidential candidate on the ballot, presidential electors' first and last names must be listed in alphabetical order (according to last name). The presidential and vice-presidential candidates' last names must be printed in bold and placed adjacent to the elector names, with the presidential candidate's name printed above the vice-presidential candidate's name. [A.R.S. § 16-502\(C\)\(1\)](#).

For ballot measures, the officer in charge of elections must use one of the following methods to describe the measure:

1. Print the full text of the measure on the ballot;
2. Print a summary of the measure that contains a statutorily-prescribed heading, an official title, a descriptive title, and a summary that describes the measure's effect; or
3. Print a summary of the measure that contains an alternative heading and a summary that describes the measure's effect, but omits the official title and descriptive title (see below for specific requirements).

The ballot must contain the words "Yes" and "No" or "For \_\_\_\_" and "Against \_\_\_\_", along with a space for the voter to mark their choice, below the description of the ballot measure. [A.R.S. § 19-125\(B\)-\(F\)](#); [A.R.S. § 16-502\(L\)-\(N\)](#).

**d. Additional Requirements for PPE Ballots**

Similar to a partisan primary election ballot, a PPE ballot must distinguish political party ballots by color and contain candidate names for only that political party. [A.R.S. § 16-245\(A\)](#). Otherwise, PPE ballots must comply with the following specific requirements.

A PPE ballot must contain the following information in descending order:

- The following header at the top of the ballot:  
"Official Ballot of the \_\_\_\_\_ Party,  
Presidential Preference Election (date),  
County of \_\_\_\_\_,  
State of Arizona"
- The title "\_\_\_\_\_ Party Candidates for President of the United States;"
- The text "Vote for not more than one;" and
- The political party candidates certified to appear on the ballot. [A.R.S. § 16-245\(A\)-\(B\)](#).

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The ballot also may contain printed instructions to voters as prescribed for other elections (see below for specific instructions). [A.R.S. § 16-245\(B\)](#).

Unlike all other ballots, candidate order is determined by lot drawn at a public meeting conducted by the Secretary of State. The officer in charge of elections must print candidate names in the order and format specified by the Secretary of State, without rotation of candidate names. [A.R.S. § 16-245\(B\)](#). Write-in votes are not permitted, and no other elections may be combined with a PPE ballot. [A.R.S. § 16-241\(A\)](#); [A.R.S. § 16-247](#).

A PPE ballot must comply with any other ballot format requirements in [Section V\(A\)\(1\)\(a\)](#) that are not inconsistent with this Section.

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## 2. Ballot Marking Instructions

Immediately below the subheading that specifies the type of election, the election date, and the name of the county and state holding the election, an official ballot may contain the following voter instructions:

1. Put a mark according to the instructions next to the name of each candidate for each office for whom you wish to vote.
2. If you wish to vote for a person whose name is not printed on the ballot, write such name in the blank space provided on the ballot or write-in envelope and put a mark according to the instructions next to the name so written.
3. Put a mark according to the instructions next to the word “yes” (or “for”) for each proposition or question you wish to be adopted. Put a mark according to the instructions next to the word “no” (or “against”) for each proposition or question you wish not to be adopted.

[A.R.S. § 16-502\(A\)](#). The officer in charge of elections may add additional instructions to the ballot as needed.

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## 3. Order of Candidate Races

### a. Partisan Candidate Offices

Partisan candidate races must be listed in the following order in the partisan section of the ballot:

1. Presidential electors;
2. U.S. Senator;
3. U.S. Representative;
4. Governor;
5. State Senator;
6. State Representative;

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- [A.R.S. § 16-502\(D\)](#) requires state legislative candidates' names to appear directly below the gubernatorial candidates' names. In election years where there are no gubernatorial candidates on the ballot, legislative candidates' names must still appear before statewide offices.
7. Secretary of State;
  8. Attorney General;
  9. State Treasurer;
  10. Superintendent of Public Instruction;
  11. State Mine Inspector;
  12. Corporation Commissioner;
  13. County Offices;
    - The officer in charge of elections may determine the ballot order for County Supervisor, County Assessor, County Attorney, Clerk of the Superior Court, County Recorder, County School Superintendent, County Sheriff, and County Treasurer.
  14. Justice of the Peace; and
  15. Constable.

[A.R.S. § 16-502\(C\)](#). Candidate races not up for election must be omitted from the ballot. Precinct Committeemen must be included on a separate ballot style only for voters registered with the particular political party. See [Chapter 8, Section V\(A\)\(1\)\(b\)](#). PPE ballots are subject to different requirements. See [Chapter 8, Section V\(A\)\(1\)\(d\)](#).

**b. Nonpartisan Candidate Offices**

Subject to the exceptions outlined below, the following nonpartisan candidate races must be listed in order in the nonpartisan section of the ballot:

1. Justice of the Supreme Court;
2. Judge of the Court of Appeals (Division 1);
3. Judge of the Court of Appeals (Division 2);
4. Judge of the Superior Court (retention in Maricopa, Pima, and Pinal Counties);
5. Judge of the Superior Court (election in Apache, Cochise, Coconino, Gila, Graham, Greenlee, La Paz, Mohave, Navajo, Santa Cruz, Yavapai, and Yuma Counties).
6. Governing Board Member of a School District;
7. Governing Board Member of a Community College District;
8. Governing Board of a Joint Technical Education District;
9. Governing Board Member of a Special Taxing District;



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10. City or Town Mayor;
11. City or Town Council Member.

[A.R.S. § 16-502\(J\)](#). The following exceptions apply to candidate order in the nonpartisan candidate section:

- The officer in charge of elections may reasonably adjust the nonpartisan candidate order in order to avoid printing on the reverse side of the ballot, to achieve uniformity with the reverse side of the ballot, or to eliminate blank space;
- A recall election involving a candidate who was originally elected in a partisan race should be listed in the partisan section of the ballot, and (if applicable) in the section of the partisan ballot where candidate's race was originally positioned, [A.R.S. § 19-213](#); and
- An election to fill the vacant unexpired term of a nonpartisan office must appear under separate heading immediately below the nonpartisan candidate candidates and shall include the expiration date of the term of the vacated office. A.R.S. § 16-502(K); A.R.S. § 15-424(F).

Candidate races not up for election (or judicial offices not up for retention) should be omitted from the ballot.

i. Determining Judicial Offices Subject to Retention

Following appointment, a justice or judge (including superior court judges in counties with a population that exceeds 250,000) serves an initial 2-year term before seeking retention in office. [Ariz. Const. Art. VI, § 37\(C\)](#). Thereafter, justices and judges serve 6-year terms between retention elections. [Ariz. Const. Art. VI, § 4](#); [Ariz. Const. Art. VI, § 37\(C\)](#); [A.R.S. § 12-101](#); [A.R.S. § 12-120.01\(B\)](#).

Supreme Court justices appear on the ballot for retention in all Arizona counties.

For the 16 judges in Division 1 of the Court of Appeals, which covers Maricopa, Yuma, La Paz, Mohave, Coconino, Yavapai, Navajo, and Apache Counties:

- The ten judges appointed from Maricopa County in Division 1 of the Court of Appeals must appear on the Maricopa County ballot for retention;
- The five judges appointed from Yuma County, La Paz County, Mohave County, Coconino County, Yavapai County, Navajo County or Apache County in Division 1 of the Court of Appeals must appear on these 7 counties' ballots for retention;
- Retention of the 16th judge in Division 1 of the Court of Appeals depends on the county of residence:
  - If the judge was appointed from Maricopa County, that judge must appear on the Maricopa County ballot for retention;

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- If the judge was appointed from Yuma County, La Paz County, Mohave County, Coconino County, Yavapai County, Navajo County or Apache County, that judge must appear on these 7 counties' ballots for retention.

[A.R.S. § 12-120.02\(A\).](#)

For the six judges in Division 2 of the Court of Appeals, which covers Pima, Pinal, Cochise, Santa Cruz, Greenlee, Graham, and Gila Counties:

- The four judges appointed from Pima County in Division 2 of the Court of Appeals must appear on the Pima County ballot for retention; and
- The two judges appointed from Pinal County, Cochise County, Santa Cruz County, Greenlee County, Graham County, or Gila County in Division 2 of the Court of Appeals must appear on these six counties' ballots for retention.

[A.R.S. § 12-120.02\(A\)-\(B\).](#)

Superior court judges appear on the ballot for retention in the county in which they were elected or appointed. [Ariz. Const. Art. 6, § 37\(B\).](#)

The Arizona Commission on Judicial Performance must notify the Secretary of State which justices and judges are up for retention in a particular general election. [A.R.S. § 19-123\(A\)\(5\); A.R.S. § 19-124.01.](#)

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**4. Political Party Designations**

In a partisan race where a candidate sought a political party nomination by primary, the officer in charge of elections must place a three-letter designation to the right of the candidate's name that corresponds to the party designated in the candidate's nomination paper. [A.R.S. § 16-502\(E\).](#)

The following three-letter designations correspond to the current or recently recognized political parties:

- DEM: Democratic Party
- GRN: Green Party
- LBT: Libertarian Party
- REP: Republican Party

In a partisan race where an independent candidate sought a nomination other than by primary, the officer in charge of elections must determine a three-letter designation based on the three-word designation in the candidate's nomination paper. [A.R.S. § 16-341\(D\); A.R.S. § 16-502\(E\).](#)

A political party selection of "independent" must be designated as "IND" on the general election ballot. Otherwise, the officer in charge of elections has sole discretion how to translate other non-recognized political party selections into three-letter designations (except that independent

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candidates may not be designated as “DEM,” “GRN,” “LBT,” or “REP” on the general election ballot).

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**5. Special Provisions for Ballot Measures**

**a. Numbering Ballot Measures**

For any measure that has qualified for the ballot, the officer in charge of elections must assign a three-digit proposition or question number based on the ballot measure type:

- Constitutional Initiative: 100 series
  - A “constitutional initiative” is brought about by petition and represents the citizens’ effort to amend the Arizona Constitution.
- Constitutional Referral: 100 series
  - A “constitutional referral” is a proposed constitutional amendment referred to the general election ballot by the Arizona Legislature.
- Statutory Initiative: 200 series
  - A “statutory initiative” is brought about by petition and represents the citizens’ effort to amend, add, or strike a statute.
- Statutory Referral: 300 series
  - A “statutory referral” is a statutory measure referred to the general election ballot by the Arizona Legislature.
- Citizen Referendum: 300 series
  - A “citizen referendum” is brought about by petition and represents the citizens’ effort to veto a bill recently passed by the Arizona Legislature or other local government body.
- Local charter amendment, initiative, referendum, bond measure, or budget override: 400 series

Propositions or questions within a jurisdiction must be numbered consecutively based on the order filed with the officer in charge of elections. Individual numbers continue from the last number used in the previous election and do not repeat until all 100 numbers in that series have been used. [A.R.S. § 19-125\(B\)](#). For non-statewide ballot measures appearing on the ballot in multiple counties, unless otherwise agreed upon by the applicable counties, the county with the highest population of voters shall assign the number for the ballot measure and, where practicable, other counties shall use that same number for the same ballot measure in order to minimize voter confusion.

The proposition or question number must be printed in reverse type (white type on black background) in at least 12-point font. [A.R.S. § 19-125\(C\)](#). For example, a statutory initiative designated as Proposition 205 must be printed on the ballot as follows:

**PROPOSITION 205**

**PROPOSICIÓN 205**

**b. Order of Ballot Measures**

Ballot measures must appear on the ballot in the following order, below any nonpartisan candidate races in the nonpartisan section of the ballot:

- State constitutional amendments;
- Statewide statutory initiatives;
- Statewide referenda;
- County ballot measures, including school district, joint technical education district, and community college district ballot measures;
  - The officer in charge of elections may determine the ballot order for county initiatives, county referenda, county school district bond measures, county school district budget overrides, community college district bond measures, community college district budget overrides, special taxing district bond measures, and special taxing district budget overrides.
- City or town ballot measures; and
  - The city or town clerk may determine the ballot order for city charter amendments, city or town initiatives, and city or town referenda.
- Special taxing district ballot measures.

[A.R.S. § 16-502\(L\)](#); [A.R.S. § 19-125\(B\)](#). Ballot measures types that will not be voted on in the election should be omitted from the ballot.

**c. Printing Initiatives and Referenda on the Ballot**

The officer in charge of elections may use one of the three methods to print initiatives and referenda (including legislative referrals) on the official ballot:

1. Print the full text of the measure on the ballot, followed by the words “**yes**” and “**no**” or “**for** \_\_\_\_\_” and “**against** \_\_\_\_\_” for the voter to mark their choice;
2. Print a standard summary of the measure that contains a statutorily-prescribed heading, an official title, a descriptive title, and a summary that describes the measure’s effect (see below for specific requirements); or
3. Print a condensed summary of the measure that contains an alternative heading and a summary that describes the measure’s effect, but omits the official title and descriptive title (see below for specific requirements).

**i. Standard Summary of the Measure**

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If the officer in charge of elections chooses the standard summary option (printing a statutorily-prescribed heading, an official title, a descriptive title, and an analysis of the measure’s potential effect), the following requirements apply.

Below the proposition number, the officer in charge of elections must print one of the following **headings**, as applicable:

- Constitutional Initiative: “Proposed Amendment to the Constitution by the Initiative;”
- Constitutional Referral: “Proposed Amendment to the Constitution by the Legislature;”
- Statutory Initiative: “Proposed by Initiative Petition;”
- Statutory Referral: “Referred to the People by the Legislature;” or
- Citizen Referendum: “Referendum Ordered by Petition of the People.”

An **official title** must be printed below the prescribed heading. The official title comprises a description of the constitutional or statutory provisions being amended, added, or deleted by the measure. This information is drawn from the introductory portion of the initiative or referendum itself.

A **descriptive title** must be printed below the official title. The descriptive title constitutes a summary of the principal provisions of the measure, not to exceed 50 words.

Finally, an **analysis of the potential effect** of a “yes” or “no” vote on the measure must be printed below the descriptive title. Each analysis must begin with following introductory phrases:

A “yes” vote shall have the effect of \_\_\_\_\_.

A “no” vote shall have the effect of \_\_\_\_\_.

The “yes” line must be filled with a “brief phrase” that describes the essential change to existing law should an initiative or referral receive a majority of votes cast in the election. The “no” must be filled with a “brief phrase” that describes how the status quo will be maintained should the measure not receive a majority of votes. For a citizen referendum, a “yes” vote has the effect of approving the enactment passed by the Legislature and allowing the bill to go into effect, whereas a “no” vote essentially constitutes a citizens’ veto and prevents the bill from going into effect.

Below the ballot measure analysis, the officer in charge of elections must print the words “yes” and “no” for the voter to mark their selection on the ballot.

For statewide ballot measures, the heading, official title, descriptive title, and “yes/no” analysis are drafted by the Secretary of State and approved by the Attorney General before being provided to the officer in charge of elections for printing on the ballot. For local ballot measures, the local jurisdiction is responsible for drafting the heading, official title, descriptive title, and “yes/no” analysis.

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[A.R.S. § 19-125\(C\)-\(D\)](#); [A.R.S. § 19-141](#).

**ii.** Condensed Summary of the Measure

In lieu of printing the full standard summary of a measure that includes the official title and descriptive title, the officer in charge of elections may print an alternative summary on the ballot that contains the following information below the proposition number:

1. One of the following methods of designating the measure in the ballot header:
  - The standard header, as prescribed for the standard summary above:
    - Constitutional Initiative: “Proposed Amendment to the Constitution by the Initiative”
    - Constitutional Referral: “Proposed Amendment to the Constitution by the Legislature”
    - Statutory Initiative: “Proposed by Initiative Petition”
    - Statutory Referral: “Referred to the People by the Legislature”
    - Citizen Referendum: “Referendum Ordered by Petition of the People”; *or*
  - The word “Proposition,” “Question,” or “Charter Amendment” (as applicable), followed by the phrase “relating to \_\_\_\_\_” and inserting the subject matter of the measure;
2. One of the following methods of explaining the effect of the measure:
  - An analysis of the potential effect of a “yes” or “no” vote on the measure as prescribed for the standard summary above; or
  - The full text of the measure;<sup>40</sup>
3. The words “yes” and “no” for the voter to mark their selection on the ballot; and
4. Instructions that direct the voter to the official title, descriptive title, and full text of the measure as printed on the sample ballot and posted in the voting location.

[A.R.S. § 16-502\(M\)](#); [A.R.S. § 19-125\(E\)](#); [A.R.S. § 16-502\(N\)](#); [A.R.S. § 19-125\(F\)](#).

In other words, this alternative summary allows the officer in charge of elections flexibility to omit the official title, descriptive title, and full text of the measure from the official ballot due to space limitations.

The alternative heading and “yes/no” analysis are drafted by the Secretary of State and approved by the Attorney General before being provided to the officer in charge of elections for printing on the ballot. [A.R.S. § 19-125\(D\)](#).

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<sup>40</sup> The full text of the measure need not be printed on the ballot itself, but may be printed on a separate insert (a “tablecloth”) that accompanies the sample ballot. The full text must be made available at each voting location as well. [A.R.S. § 16-502\(N\)](#); [A.R.S. § 19-125\(F\)](#).

## B. Proofing Ballots

The officer in charge of elections must proof the official ballot (in all languages and in all formats, including ballots displayed and spoken in accessible voting equipment) prior to distributing the ballots for voting purposes.

## C. Sending Ballot Proofs to Candidates and Political Parties

At least 45 days before a primary or general election (unless a shorter time is available due to the pendency of a lawsuit), the officer in charge of elections should send a proof of the official ballot to:

- Each candidate (or candidate's agent) who will appear on the ballot; and
- The county chairperson of each recognized political party that will have at least one candidate on the ballot.<sup>41</sup>

The officer in charge of elections may send the ballot proof by mail, email, or any other method of delivery. The candidate/candidate's agent and/or county chairperson must inform the officer in charge of elections of any errors or omissions in the ballot proof within five calendar days after receipt. [A.R.S. § 16-461\(B\)](#).

## D. Financial Responsibility for Printing Ballots

Official ballots used in federal, statewide, legislative, and county elections must be printed at county expense. Expenses for ballots used in city, town, or special taxing district elections must be borne by the applicable city, town, or special taxing district. [A.R.S. § 16-503\(B\)-\(C\)](#).

For ballots that contain races from multiple jurisdictions, the officer in charge of elections may contract with a city, town, or special taxing district to reimburse the county for the proportional amount of printing expenses.

## E. Storage and Security of Ballots

The officer in charge of elections must implement security procedures to ensure that official ballots are properly secured prior to distribution to voting locations.

For security reasons, official ballots:

1. Must be inventoried upon receipt and prior to distribution to voting locations;

<sup>41</sup> By statute, the officer in charge of elections must send a proof of the official ballot at least 45 days before a primary or general election. [A.R.S. § 16-461\(A\)\(2\)-\(3\)](#); [A.R.S. § 16-510\(A\)](#). See also [A.R.S. § 16-503\(A\)](#) (requiring the officer in charge of elections to make the official ballot available for inspection by candidates or the agents ten days before the election); [A.R.S. § 16-503\(A\), \(C\)](#) (requiring the governing body of a city, town, or special taxing district to make the ballot available five days before the election). ~~The Notwithstanding, officers in charge of elections are encouraged to send proofs at least 60-days period has been selected before a primary or general election~~ to allow sufficient time to make changes to the ballot before the UOCAVA mailing deadline. See [Chapter 2, Section I\(D\)](#).

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2. May be accessed by elections staff only to the extent necessary to perform their authorized task;
3. Must be stored in a locked, secured location that prevents unauthorized access;
  - Access to ballots must be authorized by the officer in charge of elections. Access to the ballot storage location (the outer access area, not each individual cage or storage unit) must be documented with a written log or with electronic keycard access that indicates the date, time, and identity of the person accessing the ballots. The electronic log for key card access must be accessible but need not be printed out.
4. Must be witnessed by two or more election staff members (of different political parties if possible) when being moved or transferred, which includes an inventory of the ballots before and after the move or transfer.

The officer in charge of elections shall also implement reasonable security procedures for auditing and accountability of blank ballot stock for use with on-demand printers.

## **F. Sample Ballots**

The officer in charge of elections must prepare sample ballots for each primary and general election. [A.R.S. § 16-461\(A\)](#); [A.R.S. § 16-510](#). A sample ballot provides voters who intend to vote in-person on Election Day advanced notice of the candidates and issues that will appear on their ballot.

### **1. Preparing Sample Ballots**

Sample ballots:

- May be printed on a single page or multiple pages;
- May not indicate the name or identity of any public official who prepared the sample ballot or to whom the sample ballot must be returned; [A.R.S. § 16-461\(F\)](#);<sup>42</sup>
- Must be imprinted with the Great Seal of the State of Arizona for elections involving a federal, statewide, or legislative candidate or statewide ballot measure; alternatively, the seal of the appropriate county, city or town (whichever corresponds to the highest-level jurisdiction with a candidate or measure on the ballot) may be imprinted in lieu of the state seal; [A.R.S. § 16-461\(G\)](#); and
- Must include the following warning in a conspicuous location on the ballot: “This is a sample ballot and cannot be used as an official ballot under any circumstances.” [A.R.S. § 16-461\(D\)](#).

Primary election sample ballots are subject to additional requirements, as they must be printed with a different color (or contain a distinctive color indicator) that corresponds to the recognized

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<sup>42</sup> The public official’s name may only appear in the candidate section of the ballot, if applicable.



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political party appearing on that ballot. [A.R.S. § 16-468\(2\)](#). Sample ballots to be mailed to voters who are not registered with a recognized political party:

- May contain all political party candidates on the same sample ballot; and
- May be printed in alternative paper formats that do not conform to the same size as an official ballot, including a reduced size ballot. [A.R.S. § 16-461\(B\)](#).

For a general election involving a ballot measure, the officer in charge of elections must print the official title and descriptive title on the ballot and include the full text of the measure with any mailing. The full text of the measure need not be printed on the ballot itself, but may be printed on a separate insert (a “tablecloth”) that accompanies the sample ballot. [A.R.S. § 16-502\(N\)](#); [A.R.S. § 19-125\(F\)](#).

Ballots should be prepared in sufficient time for proofs to be transmitted to candidates at least 45 days before the election. For primary elections, the officer in charge of elections must transmit the ballot proofs to political parties as well. [A.R.S. § 16-461\(A\)](#). If a county conducts an election on behalf of a local jurisdiction, the officer in charge of elections may transmit the ballot proofs to the local filing officer, who in turn must forward the proofs to the applicable candidates for approval.

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## 2. Printing and Mailing Official Sample Ballots to Households

At least 11 days before a primary or general election (except for all ballot-by-mail elections), the County Board of Supervisors is responsible for printing and mailing a sample ballot to each household containing at least one active registered voter who is not on PEVL. [A.R.S. § 16-461\(D\)](#); [A.R.S. § 16-510\(C\)](#); see also [A.R.S. § 16-193\(2\)](#). The Board of Supervisors may delegate this responsibility to the County Recorder or other officer in charge of elections.

The sample ballot mailing:

- Must contain the appropriate sample ballot or ballots that correspond to the political party preference of the eligible voters in the household (for primary elections only);
- Must contain the words “Official Voting Materials” on the outgoing envelope or mailer face mailed to voters, [A.R.S. § 16-461\(G\)](#);
- Must include the list of acceptable forms of identification to vote at a voting location pursuant to [A.R.S. § 16-579\(A\)\(1\)](#); and
- Must contain the statement (for assigned polling place elections only): “Have you moved? You MUST go to the polling place designated for your CURRENT RESIDENCE ADDRESS. If you go to the WRONG polling place, your (provisional) ballot will NOT COUNT.”

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## 3. Sample Ballots at Voting Locations

The Board of Supervisors is responsible for printing and distributing at least two official sample ballots of each ballot style for use at polling places during the primary and general election.

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[A.R.S. § 16-510\(B\)](#). The sample ballots must correspond to the appropriate official ballots for the polling place and be contained in the precinct supplies for that location. The Board of Supervisors may delegate this responsibility to the officer in charge of elections.

Sample ballots need not be provided to vote centers if the vote center is able to print sample ballots upon request.

The officer in charge of elections must make the sample ballots available in plain view or post a notice at voting locations that sample ballots are available upon request. [A.R.S. § 16-461\(B\)](#).

#### 4. Financial Responsibility for Preparing and Mailing Sample Ballots

The Board of Supervisors shall seek reimbursement from the Secretary of State for each sample ballot mailed to a county household. [A.R.S. § 16-510\(C\)](#). See [Chapter 12, Section IV\(C\)](#).

## VI. LANGUAGE MINORITY VOTING MATERIALS

After the U.S. Supreme Court's decision in *Shelby County v. Holder*, 570 U.S. 529 (2013), the State of Arizona is no longer a covered jurisdiction required to provide all voting materials in Spanish under the federal Voting Rights Act, Sections 4(b), 4(f)(3), and 4(f)(4). Nonetheless, counties and other political subdivisions are strongly encouraged to continue to provide voting materials in Spanish, as well as other languages previously required in the county.

The following counties are currently independently covered under Section 203 of the Voting Rights Act and therefore have an obligation to print (in the case of written languages) and/or provide (in the case of oral languages) voting materials in additional languages for the following language minority groups:

- Apache County: Navajo
- Coconino County: Navajo
- Gila County: Apache
- Graham County: Apache
- Maricopa County: Spanish
- Navajo County: Navajo
- Pima County: Spanish
- Pinal County: Apache
- Santa Cruz County: Spanish
- Yuma County: Spanish

Voting Rights Act Amendments of 2006, Determinations Under Section 203, 81 FR 87532-01 (Dec. 5, 2016), available at <https://www.gpo.gov/fdsys/pkg/FR-2016-12-05/pdf/2016-28969.pdf>.

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A covered jurisdiction must determine which language, forms of languages, or dialects will be effective in meeting the requirements of the Voting Rights Act. [28 C.F.R. § 55.11](#).

The following sections describe the minority language requirements in greater detail.

**A. Voting Materials Required To Be in Minority Language(s)**

If a covered jurisdiction is required to provide language assistance, all materials distributed to (or provided for the benefit of) voters must be printed in the required language(s), [28 C.F.R. § 55.19\(a\)](#), including:

- Registration and voting notices;
- Forms;
- Instructions;
- In-person assistance;
- Ballots (including accessible ballots and the accompanying audio translation); and
- Any other materials or information relating to the electoral process. [28 C.F.R. § 55.15](#).

A covered jurisdiction may attempt to use cost effective methods of compliance if they are equivalent in their effectiveness to more costly methods. [28 C.F.R. § 55.16](#). This may include implementing a system that provides translated voting materials to fewer than all registered voters, as long as the system is designed and implemented in a way that ensures language minority group members who need translated materials and assistance can receive them. [28 C.F.R. § 55.17](#).

Where the language of the applicable minority group is oral or unwritten, the covered jurisdiction is only required to provide oral instructions, assistance, or other information relating to registration and voting in the covered language. [52 U.S.C. § 10503\(c\)](#).

**B. Types of Elections Requiring Minority Language Voting Materials**

A covered jurisdiction must provide voting materials in the required language(s) for all elections within the covered jurisdiction, including the elections of each municipality, school district, or special taxing district within the covered jurisdiction. [28 C.F.R. § 55.10\(a\)-\(b\)](#); [28 C.F.R. § 55.9](#).

For offices that cross county lines, language minority voting material requirements are to be applied on a county-by-county basis. Accordingly, if an individual county is not a covered jurisdiction, that county does not need to provide bilingual voting materials. [28 C.F.R. § 55.10\(c\)](#).

**VII. PREPARATION OF SIGNATURE ROSTERS AND E-POLLBOOKS**

Prior to a statewide primary or general election, the County Recorder must prepare paper signature rosters and precinct registers or e-pollbook data and distribute the rosters/data to the

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officer in charge of elections for use at each voting location on Election Day. [A.R.S. § 16-168\(A\)-\(B\)](#); [A.R.S. § 16-169\(A\)](#); [A.R.S. § 16-583\(A\)](#). A signature roster or e-pollbook serves as the official list of eligible voters (other than secured voters) for a particular voting location or election.<sup>43</sup>

If a County Recorder uses paper signature rosters, the rosters must be bound with a suitable cover and bear the title “signature roster \_\_\_\_\_ precinct, \_\_\_\_\_ county, Arizona” (if used in assigned polling place-assigned). The cover must contain the following affidavit for the inspector to sign:

“I, \_\_\_\_\_, inspector of the board of election of \_\_\_\_\_ precinct, \_\_\_\_\_ county, Arizona hereby certify that the foregoing (excepting signatures in red) are true and correct signatures of all electors who voted in precinct on \_\_\_\_\_.

(date)

(inspector)”

[A.R.S. § 16-169\(B\)](#). An e-pollbook must be accompanied by an affidavit (equivalent to that specified for paper rosters) to be signed by the inspector on Election Day. [A.R.S. § 16-169\(C\)](#).

The County Recorder or other officer in charge of elections must have a back-up solution, such as a printed roster or other contingency plan, in case the e-pollbooks do not properly function on Election Day. [A.R.S. § 16-571\(C\)](#). The County Recorder or other officer in charge of elections must also implement cybersecurity protocols to ensure the integrity of e-pollbook data when e-pollbooks are electronically connected to county systems. See [Chapter 4, Section III\(B\)](#).

A County Recorder should ensure the signature roster or e-pollbook contains the most up-to-date information prior to printing or distribution. In particular, a County Recorder should check the DHS SAVE database to confirm eligibility for any registrant who submitted an Alien Registration Number, Naturalization Certificate Number, or Citizenship Certificate Number as proof of citizenship. See [Chapter 1, Section II\(A\)\(6\)](#). If time permits, the County Recorder should be prepared to print a supplement to the signature roster or conduct a last-minute upload to the e-pollbooks. In cases where the roster or e-pollbook cannot be timely updated, the County Recorder may issue a Recorder’s Certificate to any affected registrants. See [Chapter 1, Section II](#).

A signature roster or e-pollbook must contain the following information:

1. Name;
2. Residence address;

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<sup>43</sup> For purposes of this Section, an e-pollbook includes a system whereby electronic tablets or computers are uploaded with voter registration data or are connected to a live voter registration database via a secure virtual private network (VPN) connection.

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3. Registration date and status (active/inactive); and
4. Party preference or registered party.
5. Roster number, numbered consecutively;
6. Mailing address (if different than residence address);
7. Signature block (an early ballot affidavit may serve as the signature block when conducting on-site early voting or a ballot-by-mail election);
8. “Federal-only” voter designation (if applicable);
9. Indicator if voter requested, received, or returned an early ballot, as applicable;

A signature roster or e-pollbook must also contain the following information, if practicable:<sup>44</sup>

- ~~1. Roster number, numbered consecutively;~~
- ~~2.1 Birth year;~~
- ~~3.1 Mailing address (if different than residence address);~~
- 4.2 Ballot type/style, including political party ballot selected in a partisan primary;
- ~~5.1 Signature block (an early ballot affidavit may serve as the signature block when conducting on site early voting or a ballot by mail election);~~
- 6.3 Voter ID number;
- ~~7.1 “Federal-only” voter designation (if applicable);~~
- 8.4 Barcode (paper signature rosters only);
- ~~9.1 Indicator if voter requested, received, or returned an early ballot, as applicable;~~
- 10.5. A standardized oath that poll workers obtained valid proof of identity from every voter, or if identification was not presented, the provisional ballot envelope was marked appropriately.

A signature roster or e-pollbook may not contain secured registrants’ information. If a county uses a tablet or computer terminal that has live access to the voter registration database via a secure virtual private network (VPN) connection, the system must be capable of shielding secured registrants’ information from public view (or providing view access only to the secured registrant). See [Chapter 4, Section III](#).

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<sup>44</sup> Additional data, such as full dates of birth, may be transmitted to e-pollbook vendors to facilitate e-pollbook functionality provided the following requirements are met: (i) only data required for e-pollbook functionality shall be transmitted to e-pollbook vendors; (ii) the data shall be transmitted using secure methods, such as encryption or secure website or SFTP; (iii) the County Recorder or officer in charge of elections shall exercise best efforts to protect the confidentiality of registrant data transferred to vendors, including requiring the vendor to agree to reasonable confidentiality terms; and (iv) the vendor shall securely dispose of the transmitted data after it is no longer needed for the election at issue.

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For paper rosters, additional pages for inactive voters and voters who voted a provisional ballot must be included in any signature roster (either attached to the back of the roster, in a separate roster, or identified within the roster). If inactive voters are comingled with active voters on the signature roster, the inactive voters must be clearly identified and the officer in charge of elections must have the ability to identify and/or extract the inactive voter information after the election to update the voter registration record. For provisional ballot voters, the roster must be numbered consecutively starting with “V-1,” “V-2,” etc. [A.R.S. § 16-584\(E\)](#). E-pollbooks must also contain inactive voters and have a means of indicating which voters voted a provisional ballot.

## VIII. PREPARATION OF VOTING SUPPLIES

### A. Materials to Be Distributed to Voting Locations

The following items should be included among supplies distributed to voting locations, as applicable:

1. Election board worker supplies:
  - Board workers’ checklists;
  - Signature rosters, poll lists, and precinct registers (if paper signature rosters are utilized);
  - Challenge lists or forms;
  - Sample ballots (for assigned polling place elections), *see* [Chapter 8, Section V\(F\)](#);
  - Relevant election laws and training guides;
  - Provisional ballot envelopes or affidavits (*see* [Section VIII\(B\)](#) below);
  - Provisional ballot roster;
  - Ballot box keys; and
  - Demonstration ballots (ballots that contain marking instructions)
2. Signs:
  - Arrows;
  - “Vote Here” signs;
  - “Instructions to Voters” notice, *see* [Chapter 9, Section I\(A\)](#);
  - “Right to Vote a Provisional Ballot” notice, *see* [Chapter 9, Section I\(A\)](#);
  - “Handicap Parking” signs (if no permanent signs are available);
  - “Curbside Voting Available” signs (as needed); and
  - Write-in candidate notice, *see* [Chapter 9, Section I\(A\)](#);
3. Supply Bag:

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- Voting equipment manuals (if applicable);
  - Pens and/or pencils;
  - A method for measuring the 75-foot limit;
  - Masking tape; and
  - “I Voted” stickers (if available);
4. Official returns envelope;
- Upon completion of the election, the official returns envelope must contain any spoiled ballots, a copy of the signature roster (paper jurisdictions only), and the challenge list/forms (if applicable). The envelope must be sealed with a pressure-sensitive label, and the inspector and judges are required to sign across the seal and onto the envelope. [A.R.S. § 16-615](#). If the voting location has a tabulation machine, the official returns envelope should also contain a copy of the results tape from the tabulation machine, printed immediately after the close of the polls.
5. Unofficial returns envelope (if necessary);
- By statute, upon completion of the election, the unofficial returns envelope must contain completed payroll vouchers and any other items directed by the officer in charge of elections. The unofficial returns must be made available for inspection for six months after the election. [A.R.S. § 16-616](#); [A.R.S. § 16-551\(D\)](#). However, the use of e-pollbooks or other technology may render an unofficial returns envelope unnecessary if the technology electronically captures all the required information.
6. Payroll supplies:
- Payroll voucher
7. Miscellaneous supplies:
- ADA temporary equipment, including ramps, door props, door handles, etc. (as needed);
  - Magnifying sheets that may be used to magnify the text on a ballot;
  - Precinct map (assigned polling place elections only);
    - In assigned polling place elections, a poll worker may use the map to assist the voter in locating the correct polling place, but may also use an e-pollbook to identify the correct precinct or provide contact information (phone number or website) for the voter to contact the elections department or County Recorder’s office. Alternatively, the poll worker may offer the option to vote a provisional ballot using the accessible voting equipment if the equipment is capable of displaying all ballot styles.
  - U.S. flag & stand;
  - Badges / name tags;

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- Secrecy sleeves that may be used to protect the secrecy of the voter’s choices when carrying the ballot in the voting location;
  - Ballot boxes with seals;
  - Voting equipment, including e-pollbooks with seals, accessible voting equipment with seals, and tabulation equipment with seals (if applicable); and
  - Voting booths, including voting booths that are accessible for voters with a disability;
8. Ballots of each required ballot style or blank ballot stock.

**B. Provisional Ballot Envelope and Affidavit**

A voted provisional ballot must be placed and sealed in a provisional ballot envelope. A provisional ballot envelope must have affixed to it an affidavit for the voter to complete and provide the following information:

1. First and last name;
2. Current residence address;
3. Current mailing address;
4. Former name, if any;
5. Former residence address, if any;
6. Date of birth;
7. Telephone number;
8. AZDL/ID# or SSN4;
9. Date (if necessary); and
10. A signature attesting to the following statement:

“I swear or affirm under penalty of perjury that the above information is correct, that I have resided in the precinct and/or district at least 29 days before the election, that I am eligible to vote in this election and that I have not previously voted in this election.

I know that my provisional ballot will only be counted if I have voted in the correct precinct, which is based on where I currently live. **I understand that voting in the wrong precinct or county means that my ballot will not be counted.**”

Counties may exhaust existing provisional ballot envelopes or affidavits before printing envelopes or affidavits with the updated language. Elections conducted through vote centers are exempt from utilizing the statement applicable to out-of-precinct voting. Counties may also capture this information and statements electronically, but the voter must sign the affidavit envelope.



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The provisional ballot envelope or affidavit also must contain the following information for the poll worker to complete:

1. The reason why the voter was issued a provisional ballot;
2. An indication of whether the voter presented proper or insufficient identification;
3. Provisional ballot affidavit number;
  - The provisional ballot envelope should contain a tear-off stub for the voter to retain or the voter should be provided a provisional ballot receipt. Both the envelope affidavit and the receipt or tear-off stub should have matching provisional ballot affidavit numbers.
4. Precinct number or voting location;
5. Type of party ballot issued, if applicable;
6. An indication of whether the ballot is a “federal-only” ballot; and
7. The poll worker’s signature.

The provisional ballot envelope may contain an “Official Use Only” section for County Recorder use, which may include (but is not limited to) the following information:

1. Voter ID number;
2. Type of ID provided;
3. Recorder staff member who processed provisional ballot;
4. Whether ballot was counted or not counted; and
5. Reason for rejection, if applicable.

## **IX. IMPLEMENTING A WAIT TIME REDUCTION PLAN**

“Wait time” is defined as the duration of time from when the voter arrives in line to the time the voter is provided a ballot or access to an accessible voting equipment to vote a regular ballot.

The officer in charge of elections must establish and approve a specific wait time reduction plan for each election to ensure that voters do not have to wait in lines at the voting location for more than 30 minutes. The factors outlined in the following sections are not exclusive. See [A.R.S. § 16-411\(J\)](#).

### **A. Projecting Voter Turnout**

The officer in charge of elections must project voter turnout at each voting location prior to the election to assure the location is adequately staffed and equipped to meet voter demand.

The officer in charge of elections should take into account the following information to project voter turnout:

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1. The percentage of voter turnout from the prior two elections of a similar type;
2. The number of ballots (including regular, early, and provisional) cast in the prior two elections of a similar type, [A.R.S. § 16-411\(J\)\(1\)](#);
3. The number of registered voters, both active and inactive, [A.R.S. § 16-411\(J\)\(3\)](#);
4. The number of registered voters who requested an early ballot or are on the permanent early voting list, [A.R.S. § 16-411\(J\)\(2\)](#); and
5. The potential number of ineligible voters that could attempt to vote, especially during a PPE.

### **B. Re-Precincting**

If excessive wait times are likely to occur at a particular polling place, whether based on population growth or any other reason, the officer in charge of elections must consider redrawing precinct boundaries to reduce the likelihood of this possibility. [A.R.S. § 16-411\(J\)](#). This decision should be made well in advance of the election.

To determine whether recent or projected population growth warrants re-precincting, the officer in charge of elections should consider:

- The year-over-year growth in registered voters in the precinct; and/or
- The potential for future construction or land development in the precinct (based on information obtained from the county assessor, city clerk, or town clerk).

If the officer in charge of election concludes that precinct size would have an adverse impact on Election Day wait times, the officer should recommend redrawing the precinct in order to better allocate voters. In that case, the County Recorder must also transfer the affected voters into their newly-designated precinct.

The County Recorder must mail a new voter registration card to each affected voter, which satisfies the requirement to mail a notice of the precinct change. [A.R.S. § 16-412](#).<sup>45</sup>

The Board of Supervisors must approve all precinct lines by October 1 of an odd-numbered year. [A.R.S. § 16-411\(A\)](#). The new precinct boundaries become effective on January 2 of the year of the general election. [A.R.S. § 16-412](#). By January 2 of the following year, the officer in charge of elections must ensure all relevant maps and legal descriptions have been updated with the new precinct lines, voter registration records are updated, and new voter registration cards (with updated precincts) are issued to all affected voters. [A.R.S. § 16-412](#).

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<sup>45</sup> The statute provides an exception if a sample ballot containing voters' newly-designated precinct name or number is mailed prior to the next primary election. See [A.R.S. § 16-412](#).

### C. Staffing and Supplying Voting Locations

The officer in charge of elections should deploy additional resources at voting locations where projected turnout (including both eligible and ineligible voters) is expected to exceed normal levels.

The officer in charge of elections should:

1. Determine the optimal number of poll workers, based on:
  - The projected time to check-in a voter and seek proof of identity;
  - The projected time involved in use of accessible voting devices;
  - The number of voters likely to cast provisional ballots;
  - The number of independent voters who may seek to vote (if conducting a PPE); and
  - Any increased or unusual level of interest in the election.
2. Determine the proper number of signature rosters/e-pollbooks and voting equipment in order to keep up with demand;
3. Recruit additional poll workers who will be assigned or remain in reserve on Election Day, including recruitment of students and other county workers;
4. Conduct additional training for poll workers (including premium poll workers) assigned to high volume precincts;
5. Ensure proper signage at all polling locations, including signs that will educate voters in line about how to proceed through the voting process efficiently;
6. Determine the number of bilingual poll workers needed for each voting location;
7. Empower the inspector to request additional poll workers and, in exceptional cases, recruit poll workers from the line with permission of the officer in charge of elections;
8. Ensure the inspector is prepared to shift personnel, redistribute responsibilities, reorganize the voting location, or make any other changes that will facilitate efficiency and reduce wait times;
9. Assign troubleshooters or equivalent staff who are capable of reaching any voting location within 30 minutes of being dispatched (if geographically feasible); and
10. Ensure troubleshooters or equivalent staff have made prior contact with each inspector they oversee on Election Day, including a discussion about voting location layout and contingency plans.

#### **D. Conducting Voter Education**

The officer in charge of elections must educate voters by disseminating information that may help reduce wait times on Election Day, including, but not limited to, information on the following topics:

1. Voters must present a valid identification;
2. Voters' registration must be up-to-date;
3. Voters may only vote at their designated polling place based on their current address (assigned polling place elections only);
4. Peak voting times compared to times when wait times are likely shorter;
5. Information about any websites, phone apps, or other technology that facilitate the voting process or provide voter education;
6. Encourage voters to bring their sample ballots to the polls with selections already marked to help accelerate their voting process; and
7. Early voting and permanent early voting options.

Much of this information must be reported in the county's voter education report. *See* [Chapter 13, Section II](#).

#### **E. Developing Contingency Plans**

The officer in charge of elections must have a contingency plan ready to implement if wait times consistently or significantly exceed 30 minutes. The contingency plan must include, but need not be limited to, the following:

1. A transfer plan for poll workers to move from a less busy location or from a reserve staging area;
2. A plan to open alternate voting locations (including a plan to educate voters about the new location);
3. A plan to add additional e-pollbooks (if used in the county);
4. A plan to add voting/secrecy booths; and
5. A plan to add accessible voting equipment.

To the extent practicable, a plan for implementing back-up paper systems should be available in case of electronic equipment failure or loss of power.

The marshal will monitor the voter wait time at a polling place, and must inform the inspector (who must, in turn, contact the officer in charge of elections) when the wait time reaches 20 minutes or more.

## **F. Emergency Procedures**

The ballot box shall not be removed from the polling place or presence of bystanders until all ballots are counted, nor opened until after the polls are finally closed unless an emergency renders the polling place unusable to the point where it can no longer function as a polling place because law enforcement or other emergency personnel have ordered the polling place to be evacuated or as determined by the officer in charge of elections to allow voting to continue while awaiting an evacuation order. The following procedures shall be followed in the event of an emergency:

- If the locked ballot box must be removed from the polling place due to an emergency, at least two members of the election board, not members of the same political party, shall accompany the box to a new polling place designated by the officer in charge of elections.
- If practical and available, a law enforcement officer shall aid in the transfer of the ballot box.
- If two members of the election board are not available to transfer the ballot box, one member of the election board and one law enforcement officer may accompany the box to the new polling place.
- Two additional board members shall verify whether the ballot box arrived at the new polling place and that it was not opened or damaged.
- All election board members who accompanied the locked ballot box to the new location and the one or two board members who verified the box's arrival shall file a report with the officer in charge of elections that describes the actions taken by the board members. This report shall be filed on the day of the emergency.
- On the day of the emergency in which the ballot box was moved, all election board members who aided in the transfer and verification of the locked ballot box shall indicate on official documents containing their oath whether they witnessed the transfer of the box and whether the box remained locked.

A.R.S. § 16-564(A)-(E), (G).

## **F-G. Ballot Box Overflow Procedures**

If during the course of an election the ballot box can no longer accommodate additional ballots, the officer in charge of elections shall dispatch an additional ballot box to the appropriate voting location. The full ballot box shall remain locked until closing of the polls. If a tabulation unit is used, it shall be removed and placed on the additional ballot box or another tabulation unit and ballot box should be dispatched so voting may continue. If another unit is deployed, poll workers must first run zero tapes and confirm transfer, including checking security seals.

In the event there is no spare ballot box available, the board workers shall remove a sufficient number of ballots from the ballot box and shall place the removed ballots into the case that will be used for the transfer of the ballots to the officer in charge of elections. The inspector and both judges shall oversee the transfer and the following shall apply:

**Comment [WJ17]:** RECOMMEND adding provisions set out in ARS 16-564(B)(C)(D)(E)(G) not otherwise provided for in the EPM. SAMPLE WORDING from the 2014 EPM Pg 142-143.

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1. The number of removed ballots shall be hand counted immediately by the election board.
2. A written document shall be produced and signed by the board members supervising the count. The written document shall indicate the count and the reason for the removal of ballots.
3. The removed ballots and corresponding documentation shall be placed in the transfer case and shall be kept sealed until the polls are closed.
4. Once the removed ballots are sealed in the transfer case, the original ballot box shall be relocked or sealed and voting may continue.
5. At the close of the polls, the ballots in the locked or sealed ballot box shall be: (i) removed from the ballot box and immediately tabulated; or (ii) maintained in the locked and sealed box and securely transferred to the officer in charge of elections for tabulation. If tabulation occurs after of closing of the polls, the count shall be documented.
6. Ballots should be sealed in ballot boxes or transfer cases with any corresponding documentation while ensuring tabulated ballots are kept separate from un-tabulated ballots.
7. The sealed ballot boxes and/or transfer cases will be transported to the central counting place designated by the officer in charge of elections.

At the close of an election, if the ballot box has been opened, a report detailing those events and other pertinent information shall be made by the officer in charge of elections to the chairpersons of all recognized political parties in that county at their request. [A.R.S. § 16-564\(F\), \(G\)](#)

Comment [WJ18]: RECOMMEND adding citation.

#### **G.H. Complete Power or Unit Failure/Ballot Emergency Bin**

In counties that use polling place tabulation units, any ballots that have been deposited in the emergency bin during a complete power failure or unit failure must be fed through the tabulation unit when polls close and prior to generating the results tape at the end of the day.<sup>46</sup> In addition, the following steps must be completed:

- Using the key provided, at least two board workers not from the same political party shall open the ballot box emergency bin and remove the unprocessed ballots, if any, that were placed in the emergency bin due to a complete power failure or tabulation unit failure.
- The board workers shall feed the unprocessed ballots, one by one, into the tabulation unit, making sure that the digital readout increases by one each time.
- If any ballot that is over-voted or blank is returned, the inspector will use the override procedure to allow the ballot to be scanned.
- After all of the unprocessed ballots have been fed into the tabulation unit, the board workers may proceed with the regular procedures for closing the polls.

<sup>46</sup> There is no “complete power failure” or “unit failure” if the battery backup remained operative.

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- After the polls have closed, any ballot the machine is unable to process or that has been marked but is returned as “unreadable” shall be set aside and sent to the central counting place for duplication.

#### **H.I. Determining Optimal Layout**

The officer in charge of elections must determine the optimal layout for each voting location based on voter turnout projections. High volume voting locations should process provisional voters separately from other voters to maintain a continuous flow of voters.

#### **I.J. Wait-Time Reduction Survey**

In order to test the efficacy of wait time reduction efforts over time, the officer in charge of elections should participate in occasional wait time reduction surveys at the request of (and in collaboration with) the Secretary of State.

#### **J.K. Public Input**

The officer in charge of elections is encouraged to solicit public feedback on the wait time reduction plan, for example, by posting the proposed plan on the officer’s website and soliciting feedback.

### **X. CANCELING AN ELECTION**

Certain candidate elections may be canceled if there are equal to or fewer candidates seeking office, including write-in candidates, than the number to elect for a given race.

The following races are eligible for cancellation:

1. Precinct committeeman, [A.R.S. § 16-410\(A\)](#); [A.R.S. § 16-822\(B\)](#);
2. School district governing board member, [A.R.S. § 16-410\(A\)](#); [A.R.S. § 15-424\(D\)](#);
3. Community college district governing board member, [A.R.S. § 16-410\(A\)](#); and
4. Any special taxing district board member, [A.R.S. § 16-410\(A\)](#); [A.R.S. § 48-5503\(C\)](#).

If a candidate race qualifies for cancellation, the applicable Board of Supervisors may cancel the election no earlier than 75 days before Election Day, appoint to the office those candidates who had timely filed a nomination paper for the office, and issue a certificate of election to the candidate. [A.R.S. § 16-410\(A\)-\(B\)](#).

After approval of the Board of Supervisors to cancel the election, the officer in charge of elections must omit the race in question from the ballot. If the cancellation occurs after the ballots have been printed, the canceled race must not be canvassed. [A.R.S. § 16-410\(D\)](#).

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If no candidates filed nomination papers for the office in question, the Board of Supervisors may cancel the election no earlier than 75 days before Election Day, declare the office vacant, and initiate procedures to fill the vacancy. [A.R.S. § 16-410\(C\)](#).



## CHAPTER 9: CONDUCT OF ELECTIONS/ELECTION DAY OPERATIONS

### I. SETTING UP THE VOTING LOCATION

Upon arriving at the voting location (either on Election Day or the day prior to the election), the election board (at the direction of the officer in charge of the election) must:

1. Ensure that any accessible voting device is set up, including any key pad and headset;
2. Post the following documents or notices (1) in plain view in the room where ballots will be cast and (2) in at least one other conspicuous place in and around the polling place:
  - Sample ballots that correspond to the candidates/measures that will appear on the ballot (for precinct-assigned polling places), [A.R.S. § 16-510\(B\)](#); [A.R.S. § 16-563\(1\)](#);
  - “Instructions to Voters and Election Officers” (see [Chapter 9, Section I\(A\)\(1\)](#) below);
  - A notice of voters’ “Right to Vote a Provisional Ballot” (see [Chapter 9, Section I\(A\)\(2\)](#) below);
3. Unless the same information is printed on the sample ballot, place a card or poster in each voting booth that contains a “Notice to Voters” in large plain type (see [Chapter 9, Section I\(A\)\(3\)](#) below);
4. Post a list of official write-in candidates in a conspicuous location within the voting location, if applicable, [A.R.S. § 16-312\(E\)](#);
5. Post a list of candidate withdrawals or vacancies in a conspicuous location within the voting location (if applicable), including a notice stating that any votes cast for the candidate will not be tabulated unless the withdrawal or vacancy was due to death or incapacity, [A.R.S. § 16-343\(F\)-\(G\)](#);<sup>47</sup>
6. Display the United States flag, [A.R.S. § 16-512](#);
7. Arrange voting booths in view of the election board, [A.R.S. § 16-562\(A\)](#);
8. Arrange the signature roster, e-pollbook(s), or other check-in devices for convenient access;
9. Prepare ballot boxes:
  - Open and examine the ballot boxes to ensure the boxes are empty prior to voting, secure the ballot boxes; and arrange the ballot boxes in view of the election board. [A.R.S. § 16-564\(A\)](#).

<sup>47</sup> The notice must also be posted at all on-site early voting locations. See [Chapter 2, Section II\(A\)](#).

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- Confirm placement of the early ballot drop-off container (if separate boxes/containers are used);
10. Inventory the ballots received from the elections department, including ballot stock;
- If the officer in charge of elections determines it is not feasible to inventory ballot stock at the voting location, the officer in charge of elections must implement a reasonable alternative method to ensure accountability of ballot stock.
11. Set up tabulation equipment (if applicable) and accessible voting equipment near an electrical outlet in plain view of the election board and the voters.
- Ensure that electrical cords do not present a hazard to the board workers or voters;
  - For the tabulation equipment, plug in the voting equipment and obtain a zero count following procedures in [Chapter 4, Section II\(D\)\(4\)](#); and
  - Ensure that all tamper resistant or tamper evident seals are intact, contain the correct assigned number, and have not been tampered with.
12. Establish the 75-foot limit by posting at least three “75-foot limit” signs:
- The signs must have the heading “75-foot limit” printed in letters at least 2 inches high; and
  - Have the following statement printed below the heading:

“No person shall be allowed to remain inside these limits while the polls are open, except for the purpose of voting, and except the election officials, one representative at any one time of each political party represented on the ballot who has been appointed by the county chairperson of such political party, and the challengers allowed by law. Voters having cast their ballots shall at once retire without the seventy-five foot limit. A person violating any provision of this notice is guilty of a class 2 misdemeanor.”

[A.R.S. § 16-515\(B\)](#).

All signs and notices required under this Section must be printed in English and any other language required in the county under the Voting Rights Act.

#### **A. Notices to Be Posted at the Voting Location**

##### **1. Instructions to Voters and Election Officers**

The “Instructions to Voters and Election Officers” notice must be displayed at the voting location, containing substantially the following information:

**Instructions to Voters and Election Officers**

1. The polls are open from 6:00 a.m. until 7:00 p.m.
2. Please give your full name, place of residence, and identification documents to the election officer. The election officer will determine which type of ballot you will use to cast your vote.
3. Once you have received your ballot, go to the next available voting booth to cast your vote. Mark your ballot in the appropriate place next to the name of each candidate for whom you want to vote.
4. If you want to vote for a person who is an official write-in candidate, write that person's name on the lines provided and mark the ballot in the appropriate place next to the name you have written.
5. Ask for assistance if you need assistance marking your ballot or wish to utilize the accessible voting equipment. If you request assistance marking your paper ballot, two election officers from opposing political parties will accompany you to the voting booth. They will:
  - Read you the names of all candidates for each office on the ballot;
  - Read you the political parties by which the candidates were nominated for each office;
  - Ask the name of the candidates for whom you want to cast your vote; and
  - Mark your ballot correctly.

Neither of the election officers who assist you with your vote is allowed to influence your vote by recommending, explaining, or suggesting any candidate or political party for any office or issue.

6. If you accidentally spoil your ballot, present it to the election judge. Make sure to conceal any votes you have made on the ballot. Either you or the judge will need to mark the ballot as spoiled, and the judge will give you another ballot on which to cast your vote. You are allowed to use no more than three ballots.

If you believe that a violation of the Help America Vote Act of 2002 has occurred, you may contact:

Secretary of State's Division of Election Services  
1700 West Washington Street 7th Floor  
Phoenix, AZ 85007  
1-877-THE VOTE

[A.R.S. § 16-513](#); [A.R.S. § 16-563\(1\)](#).

## 2. Right to Vote a Provisional Ballot

The “Right to Vote a Provisional Ballot” notice must be displayed at the voting location, containing substantially the following information:

### Right to Vote a Provisional Ballot

1. If you did not receive a regular ballot, you have a right to vote a provisional ballot if one of the following situations applies to you:
  - Your name does not appear on the signature roster or e-pollbook, and you are in the correct polling place based on your current residence;
  - You have moved to a new address within the county and have not updated your voter registration (if applicable);
  - You have legally changed your name and have not updated your voter registration (if applicable);
  - You requested an early ballot but did not vote an early ballot (if applicable);
  - You have not produced sufficient identification; or
  - You were challenged as a qualified voter.
2. To vote using a provisional ballot:
  - Present identification to the poll worker and state your first and last name;
  - Provide your complete residence address to the poll worker;
  - Provide your signature next to your name after the election official enters your name on the signature roster; and
  - Sign an affirmation on the provisional ballot envelope stating that the information filled out on the provisional ballot envelope is correct, that you have resided in the precinct at least 29 days before the election, that you are eligible to vote in this election, that you have not previously voted in this election, that your provisional ballot will only be counted if you voted in the correct precinct (which is based on where you currently live), and that you understand that voting in the wrong precinct means that your ballot will not be counted.

Once you have voted using a provisional ballot, your ballot will be placed in a provisional ballot envelope, which you can seal. The poll worker will ensure that the envelope is sealed. You will then be given a provisional ballot receipt with information on how to present sufficient identification to the County Recorder (if necessary) and how to verify the status of your provisional ballot. Your vote will be counted upon verification of your eligibility to vote in the election.

[A.R.S. § 16-513.01](#); [A.R.S. § 16-563\(1\)](#).

### 3. Notice to Voters

Unless the same information is printed on the sample ballot, a “Notice to Voters” card or poster must be placed in each voting booth (in large, plain type), containing substantially the following information:

#### Notice to Voters

Section one of this ballot is comprised of partisan candidates. To vote for the candidates for the partisan offices, mark the ballot next to the name of the candidate for each partisan office for whom you wish to vote. If you wish to vote for a person whose name is not printed on the ballot, write such name in the blank space provided AND put a mark next to the name according to the instructions.

Section two of this ballot is comprised of nonpartisan candidates, potentially including judicial candidates, school district candidates, and initiative or referendum propositions. To vote for the candidates for the nonpartisan offices, mark the ballot opposite the name of the candidate for each nonpartisan office for which you wish to vote. If you wish to vote for a person whose name is not printed on the ballot, write such name in the blank space provided AND put a mark next to the name according to the instructions. Mark the ballot by the word ‘yes’ (or for) for each proposition or question which you wish to be adopted. Mark the ballot by the word ‘no’ (or against) for each proposition or question which you wish not to be adopted.

When marking a paper ballot the voter shall do so by placing a mark next to the printed name in the designated location or in the square following the name written in.

[A.R.S. § 16-514](#). Minor alterations have been made to the statutory language to account for modern ballot design.

## II. OPENING THE VOTING LOCATION

The election board should arrive at the voting location no later than 5:30 a.m. on Election Day to promptly open the polls at 6:00 a.m.

Upon arrival at the polling place, members of the election board must take their oath of office, to be administered by a board member or another qualified elector of the precinct. [A.R.S. § 16-534\(C\)](#); [A.R.S. § 38-231\(E\)](#). If the county utilizes vote centers, the individual administering the oath need only be a qualified elector in the county.

If the voting location contains precinct voting equipment or accessible voting equipment that independently tabulates votes, the election board must generate a “zero report” from the voting

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equipment prior to opening the polls. The zero report is intended to confirm that the equipment contains no votes prior to commencement of voting.

To verify a zero report, the election board must:

- Print a zero report from the equipment (the report must remain attached to the voting equipment and not removed until final results have been printed at the close of the polls);
- Verify the correct precinct number on the report (only in counties that conduct assigned polling place elections);
- Compare the zero report to the ballot and sample ballot to ensure the same names appear (only in counties that conduct assigned polling place elections);
- Confirm that no votes have been cast for any candidates or ballot measures;
- Have at least two board members of different political parties sign the zero report prior to opening the polls; and
- Make sure the digital readout on the front of the unit registers zero after the zero report is complete.

The election board may be required to perform other necessary tasks prior to opening the voting location.

At 6:00 a.m., the marshal must announce that the polls are open, and voters will be allowed to enter the voting location. [A.R.S. § 16-565](#).

### **III. PRESERVING ORDER AND SECURITY AT THE VOTING LOCATION**

#### **A. Enforcing Electioneering Ban**

No electioneering may take place within the 75-foot limit of a voting location. [A.R.S. § 16-515\(A\)](#). Additionally, no electioneering may take place outside the 75-foot limit if it is audible from a location inside the door to the voting location. The 75-foot limit is measured from the main outside entrance of the voting location.

“Electioneering” occurs when a person knowingly, intentionally, and verbally expresses support for, or opposition to, a candidate or ballot measure on the ballot in that election, or a political party with one or more candidates who appear on the ballot in that election, in order to induce or compel another person to vote in a particular manner or to refrain from voting. [A.R.S. § 16-515\(D\)](#).

The electioneering ban applies to the election board, other election officials, political party observers, and any voter within the 75-foot limit.

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Though voters or voters' assistants are permitted to wear clothing with political messages, election board members, other election officials, or political party observers may not wear, carry, or display any materials that identify or express support or opposition for a political party, political organization, or a candidate or ballot measure appearing on the ballot. [A.R.S. § 16-515\(F\)](#).

The marshal, under the direction of the officer in charge of elections, enforces the electioneering ban on Election Day, while the County Recorder enforces the ban during in-person early voting and at ballot replacement sites. Law enforcement officials may be contacted to help enforce the ban in exceptional circumstances.

A County Recorder or other officer in charge of elections may ~~establish~~ ~~grant~~ emergency ~~designations to Election Day~~ polling places/vote centers where electioneering is not permitted on the property of the hosting facility, even outside the 75-foot limit. [A.R.S. § 16-411\(D\)](#); see [Chapter 8, Section I\(G\)](#).

### B. Enforcing Photography Ban

No photography or video recording is permitted within the 75-foot limit at a voting location. [A.R.S. § 16-515\(G\)](#). There is no exception for members of the media.

A voter, however, may display an image, that was not taken in a voting location, of their own ballot that was received by mail on the internet. [A.R.S. § 16-1018\(4\)](#).

### C. Enforcing Access Restrictions

A key component of preserving order at the voting location is ensuring that only authorized persons are present within the 75-foot limit. Only the following persons are authorized to be present within the 75-foot limit:

1. Members of the election board;
2. Election officials;
3. Voters (including minor children accompanying the voter, [A.R.S. § 16-515\(E\)](#));
  - Once in a voting booth, voters must vote promptly and move outside the 75-foot limit after voting. [A.R.S. § 16-515\(A\)](#); [A.R.S. § 16-580\(B\)-\(C\)](#).
4. A person selected by the voter to assist him or her voting (see [Chapter 9, Section V](#));
5. Authorized political party observers (see [Chapter 8, Section III](#)); and
6. [U.S. Department of Justice or other federal government observers](#).

Unauthorized persons may not be present within the 75-foot limit, including but not limited to the following persons:

1. Members of the media;

**Comment [WJ19]:** DISCUSS: Post Shelby, there is no statutory exception for DOJ. Inclusion absent statutory authority requires further discussion. See <https://www.justice.gov/crt/about-federal-observers-and-election-monitoring>. "Other federal government observers" is vague and doesn't comport with previous EPM.

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2. Researchers;
3. Persons who conduct exit polls; or
4. Political party or campaign representatives without authorized political party observer status seeking “tear sheets.”
  - Tear sheets are copies of the poll list where voters are entered in the order of voting, which are utilized by political parties to identify which persons have and have not voted at a particular voting location. If a county utilizes tear sheets, only authorized political party observers are authorized to acquire the tear sheets. See [Chapter 8, Section III](#).

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**1. Simultaneous Activities Permitted at Voting Location**

Regular business activity that normally occurs at the voting location may continue on Election Day, as long as the activity does not interfere with the voting process or result in electioneering. For example, a city clerk’s office used as a voting location may require persons to cross or temporarily remain within the 75-foot limit in order to conduct city business. Additionally, Native American tribal election boards may be co-located with traditional election boards at the same voting location if a tribal election is held on the same day and time. [A.R.S. § 16-515\(D\)](#).

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**D. Preventing Voter Intimidation**

Any activity by a person with the intent or effect of threatening, harassing, intimidating, or coercing voters (or conspiring with others to do so) inside or outside the 75-foot limit at a voting location is prohibited. [A.R.S. § 16-1013](#). The officer in charge of elections has a responsibility to train poll workers and establish policies to prevent and promptly remedy any instances of voter intimidation.

The officer in charge of elections should publicize and/or implement the following guidelines as applicable:

- The inspector must utilize the marshal to preserve order and remove disruptive persons from the voting location. The inspector and/or marshal must use sound judgment to decide whether to contact law enforcement, and any higher-level decisions should be raised through the officer in charge of elections.
- Persons who witness problems at a voting location should not speak to or accost a voter in an attempt to “enforce” the law, but rather inform the inspector or marshal to allow them to resolve the issue.
- Private citizens are prohibited from bringing weapons into a polling place (including the 75-foot limit), even if the voter is properly licensed to carry such weapons. In order to keep voting locations safe and free of potential intimidation, therefore, observers at voting locations should leave weapons at home or in their vehicles. [A.R.S. § 13-3102\(A\)\(11\)](#) (exceptions apply for military and peace officers in the performance of official duties, see A.R.S. § 13-3102(C)).



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In addition to the potentially intimidating conduct outlined above, the following may also be considered intimidating conduct inside or outside the polling place:

- Aggressive behavior, such as raising one’s voice or taunting a voter or poll worker;
- Using threatening, insulting, or offensive language to a voter or poll worker;
- Blocking the entrance to a voting location;
- Disrupting voting lines;
- Intentionally disseminating false or misleading information at a voting location, such as flyers or communications that misstate the date of the election, hours of operation for voting locations, addresses for voting locations, or similar efforts intended to disenfranchise voters;
- Directly confronting or questioning voters in a harassing or intimidating manner;
- Asking voters for “documentation” or other questions that only poll workers should perform;
- Raising repeated frivolous voter challenges to poll workers without any good faith basis, or raising voter challenges solely based on race, ethnicity, national origin, language, religion or disability; or
- Posting signs or communicating messages about penalties for “voter fraud” in a harassing or intimidating manner.

See [A.R.S. § 16-1013\(A\)](#); [A.R.S. § 16-1017](#).

#### IV. CHECKING VOTER IDENTIFICATION

Voters are required to prove identity at the voting location before receiving a ballot on Election Day. [A.R.S. § 16-579\(A\)](#). The same requirements for proving identity now also apply during in-person early voting, including at an on-site early voting location, emergency vote center, or through personal early ballot delivery by a special election board. See [Chapter 2, Sections II\(B\)](#).

Acceptable forms of identification fall into one of three categories:

- A valid form of photo identification with the voter’s photograph, and name and address that reasonably match the name and address in the signature roster or e-pollbook (List 1);
- Two separate valid forms of non-photo identification with the voter’s name and address that reasonably match the name and address in the signature roster or e-pollbook (List 2); or
- One valid form of identification with the voter’s photograph, name, and address not reasonably matching the address in the signature roster or e-pollbook or a valid U.S. passport or military identification with the voter’s name and photograph, *and* one valid form of non-photo identification from List 2 (List 3).

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[A.R.S. § 16-579\(A\)\(1\)\(a\)-\(c\)](#). Each list is described in greater detail in the sections below.

The address on the identification must reasonably match the voter's residence or mailing address in the signature roster or e-pollbook in order to vote a regular ballot. If an address does not reasonably match, the voter is deemed to have shown identification, but must vote a provisional ballot. Identification is deemed valid unless it can be determined on its face that it has expired.

[A.R.S. § 16-579\(A\)\(1\)](#).

If the voter provides identification, but the name or address does not reasonably match the signature roster or e-pollbook, the voter should be issued a provisional ballot, not a conditional provisional ballot. See [Chapter 9, Section VI\(B\)\(1\)](#).

A voter who provides no proof of identity (or invalid proof of identity) must be issued a conditional provisional ballot. [A.R.S. § 16-579\(A\)\(2\)](#). In order for a conditional provisional ballot to count, the voter must present an acceptable form of identification to the County Recorder by 5:00 p.m. on the 5th business day following a primary, general, or special election that includes an election for a federal office, or by 5:00 p.m. on the 3rd business day following any other election. [A.R.S. § 16-579\(A\)\(2\)](#). For the purposes of determining the applicable deadline to provide identification: ~~(i) the PPE is considered a federal election; and (ii) for counties that operate under a four day workweek, only days on which the applicable county office is open for business are considered "business days."~~

If the voter identifies himself or herself as a member of a recognized Native American tribe, the voter may present alternative proof of identity as outlined in [Chapter 9, Section IV\(B\)](#) below. [A.R.S. § 16-579\(A\)\(1\)](#).

The officer in charge of elections must post a list of acceptable forms of identification in a conspicuous place (and make it available to voters upon request) at each voting location on Election Day (see sample forms in [Chapter 17](#)).

## A. Acceptable Forms of Identification

### 1. List 1 – Photo ID with the Voter's Name and Address

Acceptable forms of identification with the voter's photograph, and name and address that reasonably match the voter's name and address in the signature roster or e-pollbook, include (only one required):

- A valid Arizona driver license;
- A valid Arizona non-operating identification license;
- A tribal enrollment card or other form of tribal identification; or

- Any other valid United States federal, state, or local government-issued identification.<sup>48</sup>

[A.R.S. § 16-579\(A\)\(1\)\(a\).](#)

### **2. List 2 – Non-Photo ID with the Voter’s Name and Address**

A voter may present two separate documents that contain the voter’s name and address. Acceptable forms of identification with the voter’s name and address include the following:

- A utility bill for electric, gas, water, solid waste, sewer, telephone, cell phone, or cable/satellite television service dated within 90 days of the election;
- A bank or credit union statement dated within 90 days of the election;
- A valid Arizona vehicle registration;
- A valid Indian or Native American census card;
- A property tax statement for the voter’s residence;
- A valid tribal enrollment card or other valid form of tribal identification;
- A valid Arizona vehicle insurance card;
- A valid Recorder’s Certificate;
- Any mailing marked “Official Election Material,” including a valid Arizona voter registration card; or
- Any valid United States federal, state, or local government-issued identification.

[A.R.S. § 16-579\(A\)\(1\)\(b\).](#) Any List 2 document may be presented to a poll worker in electronic format, including on a smart phone or tablet.

### **3. List 3 – Acceptable Hybrid Forms of ID**

The voter may present certain combinations of documents from Lists 1 and 2. Acceptable combinations include:

- A valid photo identification from List 1 with an address that does not reasonably match the voter’s address in the signature roster or e-pollbook, accompanied by a document from List 2 with an address that does reasonably match the voter’s address in the signature roster or e-pollbook;
- A valid U.S. Passport or passport card, accompanied by a document from List 2; or
- A valid U.S. Military identification, accompanied by a document from List 2.

[A.R.S. § 16-579 \(A\)\(1\)\(c\).](#)

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<sup>48</sup> While identification issued by a public college or university or other public educational institution qualifies as a state or local government-issued identification, it is not sufficient for voting purposes unless it includes the voter’s photograph, name, and address as required by [A.R.S. § 16-579\(A\)\(1\)\(a\).](#)

## B. ID Requirements for Native American Voters

A voter who identifies himself or herself as a member of a federally-recognized Native American tribe and presents one item of tribal identification (that does not meet the requirements of List 1) must be issued a provisional ballot (in lieu of a conditional provisional ballot) and does not need to return to confirm their identity. [A.R.S. § 16-579\(A\)\(1\)](#). A “tribe” includes a Native American nation, community, band, or tribal subdivision.

Acceptable forms of tribal identification include, but are not limited to, the following:

- A tribal identification card issued under the authority of the Bureau of Indian Affairs or a federally-recognized Native American tribe;
- A tribal enrollment card issued under the authority of the Bureau of Indian Affairs or a federally-recognized Native American tribe;
- A Certificate of Indian Blood issued under the authority of the Bureau of Indian Affairs or a federally-recognized Native American tribe;
- A voter identification card issued under the authority of a federally-recognized Native American tribe;
- A home site assignment lease, permit or allotment issued under the authority of the Bureau of Indian Affairs or a federally-recognized Native American tribe; or
- A grazing permit or allotment issued under the authority of the Bureau of Indian Affairs or a federally-recognized Native American tribe.

If the voter does not present an acceptable form of tribal identification and otherwise does not satisfy the identification requirements in [A.R.S. § 16-579\(A\)\(1\)](#) (see [Chapter 9, Section IV\(A\)](#) above), the voter must be issued a conditional provisional ballot. [A.R.S. § 16-579\(A\)\(2\)](#).

## V. ASSISTING VOTERS ON ELECTION DAY

Voters may be accompanied within the 75-foot limit and assisted by a person of the voter’s choice during any part of the voting process.

A voter may request assistance from a third-party (other than the voter’s employer or union representative or a candidate appearing on the ballot<sup>49</sup>) or from members of the election board.

If a voter requests assistance from the election board, two members of the board (of different political parties) should perform the following steps, as applicable:

- Jointly accompany the voter into the voting booth or to the accessible voting equipment;
- Audibly read the candidate’s names for each office, including party designations and the number to elect;

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<sup>49</sup> Candidates for precinct committeeman are permitted to provide voter assistance.

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- Audibly read the relevant information pertaining to any ballot measures;
- Ask the voter what candidates and issues the voter desires to vote for;
- If requested, instruct the voter how to operate any accessible voting equipment, including what to expect for the recorded instructions and what keys to use to move forward or go back on the screen.

When assisting voters ~~upon their request, members of the election board,~~ in a voting location, assistants may not attempt to influence a voter in the choice of candidates or issues, nor in any manner suggest or recommend a vote for any particular candidate or issue. See [Chapter 9, Section I\(A\)\(1\)](#) above. When assisting voters, poll workers should also remember to speak only as loudly as needed to assist the voter and protect their privacy as much as possible.

Curbside voting may also be provided to senior citizens or voters with disabilities as a reasonable accommodation or when the county officer in charge of elections determines that a voting location is inaccessible, that no accessible sites are available, and that no temporary measures can make it accessible. See [Chapter 5, Section III](#).

## VI. ISSUING BALLOTS

### A. Issuing a Regular Ballot

Upon checking in at a voting location, a voter must announce his/her name and address or provide their name and residence or mailing address in writing (by presenting proof of identity). [A.R.S. § 16-579\(A\)](#).

In jurisdictions that conduct assigned polling place elections, the residence address must be within the precinct in which the voter is attempting to vote. By signing the signature roster or the e-pollbook signature pad, the voter is deemed to affirm that they are registered in that jurisdiction and is eligible to vote in that jurisdiction. [A.R.S. § 16-584\(C\)](#). If the voter is found in the signature roster or e-pollbook ~~(and had, has)~~ presented acceptable proof of identity, and does not fall into an exception listed below, the voter must be issued a regular ballot. See [A.R.S. § 16-579\(C\)](#).

Each voter must sign their name in the signature roster or e-pollbook signature pad prior to receiving a ballot. Alternatively, an inspector or judge may sign the roster or e-pollbook for a voter who is personally unable to sign due to physical disability. In jurisdictions that use a paper signature roster, the inspector or judge must write the voter's name with red ink. [A.R.S. § 16-579\(D\)](#). In jurisdictions that use an e-pollbook, the inspector or judge must write the voter's name and the inspector's/judge's initials (on the e-pollbook signature pad) as an attestation. [A.R.S. § 16-579\(E\)](#).

A voter at a special district election for which no signature roster has been supplied may vote a regular ballot, but must provide the voter's name and address in an affidavit and affirm therein that the voter:

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- Resides within the district boundaries or proposed district boundaries;
- Is a qualified elector for the election; and
- Has not already voted at the election.

[A.R.S. § 16-579\(F\).](#)

## **B. Issuing a Provisional Ballot**

### **1. Circumstances Requiring Issuance of a Provisional Ballot**

#### **a. Voter Received an Early Ballot**

A voter must be allowed to vote a provisional ballot if the voter appears on the signature roster or e-pollbook as having *received* an early ballot-by-mail, but either: (1) affirms that they have not voted and will not vote the ballot-by-mail; or (2) surrenders the ballot-by-mail to the inspector on Election Day. [A.R.S. § 16-579\(B\).](#)

~~Alternatively, if the election board has access to real time or updated information to view the status of the voter's ballot by mail, the judge may issue a regular ballot to the voter if: (1) a board worker confirms that the voter's ballot by mail has not been verified and tallied; and (2) the County Recorder or other officer in charge of elections has a system in place to promptly void the voter's ballot by mail.~~

Voters who appear at a voting location with a ballot-by-mail that has not been voted, along with the affidavit envelope, may use a privacy booth at the voting location to mark the ballot-by-mail. In this circumstance, the voter does not sign in and the voter must place the voted ballot-by-mail in its affidavit envelope, sign the affidavit envelope, and place the envelope in the early ballot drop-off container at the voting location.

#### **b. Name Does Not Appear on Signature Roster**

A voter whose name does not appear on the signature roster must be issued a provisional ballot if the voter:

- Presents identification that includes their name and a residential address that the clerk verifies to be within the precinct (in counties that conduct assigned polling place elections); or
- Signs an affirmation that states the voter is registered and eligible to vote in that jurisdiction.

[A.R.S. § 16-584\(B\).](#)

#### **i. Recorder's Certificate**

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A voter whose name does not appear on the signature roster, but who presents a certificate from the County Recorder showing that the voter is entitled to vote at the voting location, is entitled to vote a regular ballot. In a jurisdiction that uses a paper signature roster, the voter must sign on the first available blank line on the signature roster. [A.R.S. § 16-584\(A\)](#).

**c. Voter Has an Inactive Status**

If a voter whose registration record is in inactive status and the voter has a new residential address in a different precinct, the voter must be directed to the correct voting location (in counties that conduct assigned polling place elections). In this case, the voter must also be informed that although the voter has a right to vote a provisional ballot at that location, the voter must vote in the correct polling place that corresponds to the voter's current address for the vote to count.

If a voter affirms they continue to reside at the address on the signature roster or in the e-pollbook, the voter must be issued a regular ballot and the County Recorder must place the voter's registration record in active status following the election. [A.R.S. § 16-583\(A\)-\(B\)](#).

**d. Voter Changed Their Name**

If a voter's current name does not appear in the signature roster or e-pollbook because the voter changed their name, the voter must be issued a provisional ballot or conditional provisional ballot. In that case, the clerk must write the voter's new name and former name on the provisional ballot envelope. The provisional ballot envelope will be used by the County Recorder after the election to change the voter's name in the voter registration database.

However, if the election board has real-time access to voter registration records, the voter's information may be updated at the voting location upon completion of a new voter registration or address update form ~~and a regular ballot to be issued in lieu of a provisional ballot.~~

**e. Voter Moved Within the County**

If a voter moved to a new address within the county but did not update their address with the County Recorder before the election, the voter must vote a provisional ballot and (in counties that conduct assigned polling place elections) must vote at the polling place that corresponds to their new address. [A.R.S. § 16-584\(C\)](#). A clerk must inform the voter that although the voter has a right to vote a provisional ballot at that location, the voter must vote in the correct polling place that corresponds to the voter's current address in order for the vote to count.<sup>50</sup>

At the new polling place, the voter will be permitted (via the provisional ballot envelope) to update their voter registration record with the new address. [A.R.S. § 16-584\(C\)](#). In a jurisdiction that utilizes vote centers, the voter may update their address in the same manner but may vote at any vote center within the jurisdiction.

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<sup>50</sup> See Stipulation for Dismissal, *Jones v. Reagan*, No. CV2016-014708 (Ariz. Super. Ct. Aug. 2, 2017); Order of Dismissal, *Jones v. Reagan*, No. CV2016-014708 (Ariz. Super. Ct. Aug. 4, 2017).

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If the election board has real-time access to voter registration records, the voter's information may be updated at the voting location upon completion of a new voter registration form or address update form ~~and a regular ballot may be issued in lieu of a provisional ballot as long as the voter is the correct voting location for their new address.~~

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## 2. Procedures for Issuing Provisional Ballots

A voter who is issued a provisional ballot must sign their name on a separate signature roster page beginning with the number V-1 and numbered consecutively ~~(for paper signature rosters only).~~ [A.R.S. § 16-584\(E\)](#).

The voter and election board member must complete the information required on the provisional ballot envelope. The voter then must:

- Take the completed envelope and provisional ballot to the voting booth;
- Vote the provisional ballot;
- Place the voted ballot inside the provisional ballot envelope and seal the envelope; and
- Provide the sealed provisional ballot envelope to the election board member.

Upon receipt of the provisional ballot envelope, the election board member or voter must deposit the provisional ballot envelope in the provisional ballot box (and ensure the ballot is not inserted into any precinct tabulation equipment). [A.R.S. § 16-584\(D\)](#). The voter will be provided with a receipt or number with which to electronically verify the status of their provisional ballot.

All voters shall have the option of voting a provisional ballot on an accessible voting device.

### a. Issuing Provisional Ballots to Secured Registrants

In the event a secured registrant attempts to vote provisionally at a polling place (and informs the poll worker of his/her secured status), the poll worker undertake additional precautions, including but not limited to:

- Confirming the correct ballot style;
- Ensuring that a protected government official or protected victim lists their actual residential address on the provisional ballot envelope;
- Making a notation about secured registrant status on the provisional ballot envelope; and/or
- Limiting the signature roster to the registrant's voter ID number and the notation "address protected."

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## 3. Procedures for Issuing Conditional Provisional Ballots



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If the voter does not provide acceptable proof of identity, *see* [Chapter 9, Section IV](#) above, the voter must be issued a conditional provisional ballot. [A.R.S. § 16-579\(A\)\(2\)](#).

The process for voting the ballot, completing the ballot envelope, and sealing the voted ballot in an envelope is the same procedure applicable to provisional ballots. *See* [Chapter 9, Section VI\(B\)\(2\)](#) above. However, for a conditional provisional ballot, the election board member must:

1. Indicate on the ballot envelope that the voter did not provide acceptable identification;
2. Deposit the sealed envelope in the conditional provisional ballot box or other appropriate ballot box (or allow the voter to do so);
3. Provide a receipt that:
  - Informs the voter how and where the voter may provide the required identification; and
  - Informs the voter that they must provide proof of identity to the County Recorder by 5:00 p.m. on:
    - The 5th business day following a general election that includes an election for a federal office, or
    - The 3rd business day following any election other than a general election.

[A.R.S. § 16-579\(A\)\(2\)](#).

## VII. CHALLENGES TO A VOTER ELIGIBILITY TO VOTE

A qualified elector in the county may, at the voting location, orally challenge a voter's eligibility. The elector challenging a voter's eligibility must show, by clear and convincing evidence, that:

1. The voter has voted before at that election, [A.R.S. § 16-591](#);
2. The voter is not the person whose name appears in the signature roster or e-pollbook, [A.R.S. § 16-121.01\(B\)\(1\)](#);
3. The voter has not resided in Arizona (or the relevant local jurisdiction) for at least 29 days before the election, [A.R.S. § 16-121.01\(B\)\(2\)](#);
4. The voter is registered at an address that is not permitted for registration purposes, [A.R.S. § 16-121.01\(B\)\(3\)](#); or
5. The voter is not otherwise a qualified elector, for example, the voter does not live within the proper electoral district or is not at least 18 years old. [A.R.S. § 16-121.01\(B\)\(4\)](#); [A.R.S. § 16-101\(A\)](#).

[A.R.S. § 16-121.01\(B\)](#).

A voter may not be challenged on the basis that they:

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- Registered to vote using the State or Federal Form and did not provide proof of citizenship; or
- Moved from one address within the county to another within the county.

Challenges must be decided at the voting location by the inspector and two judges. The inspector should have the challenged voter step aside and permit the other voters in line to continue to vote while the challenge is being determined.

If requested by the challenged voter, and before administering any oath, the inspector must read to the voter the rules for determining residency, including the following information:

1. The residence of a person is that place in which their habitation is fixed and to which they have the intention of returning.
2. A person does not gain or lose their residence by reason of their presence at, or absence from, a place while employed in the service of the United States or of this state, or while engaged in overseas navigation, or while a student at an institution of learning, or while kept in prison or mental institution.
3. ~~A person does not lose their residence by traveling to another county, state, or foreign country for temporary purposes, with the intention of returning.~~
- ~~3.4.~~ A person does not gain a residence in any county they travel to for temporary purposes, without the intention of making that county their home.
- ~~4.5.~~ If a person moves to another state with the intention of making it their residence, they lose residency in this state.
- ~~5.6.~~ If a person moves to another state with the intention of making it their current residence and remaining there for an indefinite time, the person loses residency in this state even though they have an intention of returning at some future period.
- ~~6.7.~~ The place where a person's family permanently resides is their residence (unless separated from their family), but is not their residence if it serves as a temporary location or is used for transient purposes.
- ~~7.8.~~ If a person has a family residing in one place and the person does business in another, the family residence constitutes the person's place of residence. Except a person who has taken up a residence apart from their family with the intention of remaining shall be regarded as a resident where the person resides.
- ~~8.9.~~ A United States citizen who has never resided in the United States is eligible to vote in this state by using a federal write-in early ballot if both of the following apply:
  - A parent is a United States citizen.
  - The parent is registered to vote in this state.
- ~~9.10.~~ The mere intention of acquiring a new residence without leaving the state, or leaving the state without the intent to permanently do so, does not cause a loss of residency.

**Comment [WJ20]:** RECOMMENDED change. Statement combines ARS 16-593(A)(3) & (4). Separating them to match the statute provides greater clarity.

**Comment [WJ21]:** RECOMMEND adding. Missing the second half of the statutory provision which provides an exception to the rule. ARS 16-593(A)(8).

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[A.R.S. § 16-593\(A\)](#); [A.R.S. § 16-593\(C\)](#). Board members should consult above residency requirements when determining registration validity.

If the challenged voter appears to be registered, the challenged voter must orally take the oath prescribed in the State Form: “I swear or affirm that the information in my voter registration is true, that I am a resident of Arizona, I have not been convicted of a felony or my civil rights have been restored, and I have not been adjudicated incapacitated with my voting rights revoked.” [A.R.S. § 16-592\(A\)](#).

The challenged voter also may choose to answer questions material to the challenge, under oath. Only the inspector may address questions to the challenged voter. [A.R.S. § 16-592\(A\)](#).

If a majority of the board finds the challenge to be invalid, the voter must be permitted to vote a regular ballot, so long as the voter is otherwise eligible to do so. [A.R.S. § 16-592\(B\)](#).

If the person challenged refuses to take any oath, refuses to answer questions material to the challenge, or if a majority of the board finds that the challenge is valid, the challenged voter must be permitted to vote a provisional ballot. [A.R.S. § 16-592\(C\)](#).

In the case of any challenge, the election board must complete the Official Challenge List (*see Chapter 17* for sample forms) and may seek guidance from the officer in charge of the election. [A.R.S. § 16-592\(C\)](#).

**Comment [WJ22]:** RECOMMEND adding citation. Previous statements reference relative statutory provision. The statutory reference for this provision is placed in the paragraph below, but does not apply to the paragraph below. Clarifying by placing with the appropriate provision.

## VIII. CLOSING THE VOTING LOCATION

### A. Announcing the Closing of the Polls

The polls close at 7:00 p.m. on Election Day. [A.R.S. § 16-565\(A\)](#). The marshal must announce the closing of the polls and make the following additional public announcements (inside the voting location and to any voters waiting in line) at the specified time intervals:

- 1 hour before the closing of the polls;
- 30 minutes before the closing of the polls;
- 15 minutes before the closing of the polls;
- 1 minute before the closing of the polls; and
- At the moment of closing at 7:00 p.m.

[A.R.S. § 16-565\(C\)](#). The marshal must allow everyone to vote who is physically in line at the moment of closing the polls. The marshal may use any reasonable system to document or keep track of which voters were in line as of 7:00 p.m., for example, by standing in line behind the last person to arrive as of the closing of the polls and telling those who arrive later that the polls are closed. Voters who arrive in line after 7:00 p.m. on Election Day are not permitted to vote. [A.R.S. § 16-565\(D\)](#).

**B. Election Board Close-Out Duties**

Upon closing the voting location after the last voter has voted on Election Day, the election board should perform close-out duties as assigned by the officer in charge elections, including the following duties as applicable:

1. Using the procedures specified by the officer in charge of elections, the election board must conduct an audit to ensure that the number of voters who signed in on the signature roster or e-pollbook matches the number of ballots cast, including regular and provisional ballots and any votes cast on the accessible voting equipment, if the accessible voting equipment independently tabulates votes.
2. The information from this audit must be recorded on an Official Ballot Report form provided by the officer in charge of elections, which must include:
  - a. The number of ballots received by the voting location;
  - b. The number of voters who signed in on the signature roster, poll list, or e-pollbook and are indicated as having been issued regular ballots;
  - c. The number of regular ballots cast as determined by the election board's manual count if tabulation is not done at the voting location, or as reflected on the printed summary tape from the tabulation machine if tabulation is done at the voting location;
  - d. The number of voters who signed in on the signature roster, poll list, or e-pollbook and are indicated as having been issued provisional and conditional provisional ballots;
  - e. The number of provisional and conditional provisional ballots cast;
  - f. The number of unused ballots, spoiled ballots, misread ballots that still need to be tabulated (if tabulation is done at the voting location), and write-in ballots (if applicable);
  - g. In counties that use accessible voting units that independently tabulate, the number of regular and provisional ballots cast on the unit, and the unit's beginning and ending counts (if applicable);
  - h. The Official Ballot Report must be signed by the inspector and both judges, and if there are any discrepancies in the report, an explanation for the discrepancy should be attached or otherwise provided with the Official Ballot Report. The Audit Board will use this information to conduct their post-election audit (*see* [Chapter 10, Section II\(I\)](#)).
3. Secure the ballot boxes;
4. Remove all memory cards or electronic media from voting equipment and e-pollbooks (if applicable);
  - a. Lock and/or seal any ports or compartments where memory cards or electronic media had been inserted.
5. Power down any voting equipment and prepare the equipment for transport/pick-up;

**Comment [WJ23]:** RECOMMEND AMENDING: Section on Election Board Close-out duties not as clear as in the 2014 EPM Pg 158-162. Missing key security protocols provided for in the previous EPM and statutorily mandated. RECOMMEND reviewing 2014 EPM to craft similar clarifying procedures.  
ARS 16-602(A) (comparing votes cast with poll list);  
ARS 16-607 (statement of tally);  
ARS 16-608 (reports, poll lists, ballots in secured sealed container);  
ARS 16-614 (ballots sealed in envelope, which has previously been interpreted to also relate to memory packs);  
ARS 16-615 (enclosed and sealed envelope containing returns); and  
ARS 16-616 (sealed packages of ballots and secured sealed envelope for unofficial returns).

**Comment [WJ24]:** RECOMMEND adding procedure to comply with ARS 16-161(B) to provide a count of federal-only ballots. Also add line item to "Sample Official Ballot Report" on page A205 for counting federal-only ballots.

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6. Collect all supplies required to be returned to the elections department;
7. Sign the Certificate of Performance for the signature roster or e-pollbook;
8. Prepare the official and unofficial envelopes (if applicable), *see* [Chapter 10, Section II\(G\)](#);
9. Prepare to transport the following items to the central counting place or other receiving site:
  - Official and unofficial return envelopes;
  - Voted ballots (sealed in a container with a number seal), A.R.S 16-608;
  - Unvoted ballots (in a sealed container), A.R.S. § 16-566;
  - Spoiled ballots, A.R.S. § 16-585;
  - Signature rosters or poll lists (enclosed in a secure envelope which sealed and signed by the inspector and judges), A.R.S. § 16-615(A);
  - Affidavits of challenged voters, decisions of election officials and challenge lists, A.R.S. § 16-594;
  - E-pollbooks (if the signature roster information remains in the e-pollbook and has not been extracted by removing memory cards or electronic media or otherwise securely synced with the central server);
  - Memory sticks or electronic media; and
  - Any voting equipment that independently tabulates (if memory sticks or electronic media have not been removed).
10. Exit and lock the voting location.

### C. Transport of Ballots, Voting Equipment, and Precinct Supplies

Following the close of voting on Election Day, the transport of any ballots, voting equipment, and necessary precinct supplies to the central counting place or other authorized receiving site must be done by: (1) two authorized election workers, who must be members of different political parties; or (2) if extenuating circumstances exist, a sworn official election messenger, such as a sheriff's deputy, appointed in accordance with [A.R.S. § 16-615\(B\)](#).

## CHAPTER 10: CENTRAL COUNTING PLACE PROCEDURES

### I. CENTRAL COUNTING PLACE OPERATIONS

All early ballots and provisional ballots are initially processed by the County Recorder and then transferred to the officer in charge of elections for tabulation at the central counting place. Regular ballots cast on Election Day that are not processed and tabulated at the voting location are also transmitted to the central counting place for processing and tabulation. Central counting place operations are conducted under the direction of the Board of Supervisors or the officer in charge of elections. The operations must be in accordance with the procedures outlined in this manual, and open to observation by representatives of each political party and the public.

The central counting place and the computer center, where the computer containing the election management system (EMS) is securely kept, may be separate or joined as determined by the Board of Supervisors or designee. Maximum efficiency and control results when all board functions are performed in the same facility. However, when physical restrictions result in inadequate working spaces, it is permissible to separate board functions as long as prescribed board functions and sequence are maintained and the public can observe.

When the computer center, central counting place, or receiving sites are not at the same location, the officer in charge of elections or designee transfer the ballots to the computer center or observe the transmission of voted results, even if they are initially received and processed at another location.

A security officer or an election official may conduct tours through the central counting place for the public. At no time shall any public observance of the election process interfere with or interrupt the normal ballot flow, nor shall members of the public touch a ballot, computer, or tabulation device (except as permitted by the officer in charge of elections during demonstrations). [A.R.S. § 16-621\(A\)](#).

#### A. Deputies/Oath of Office

All persons taking part in the actual processing and counting of ballots, including the employees of a jurisdiction conducting an election, must be appointed in writing and take an oath provided by the Board of Supervisors (or designee) that they will faithfully and impartially perform their duties. Any person who has not been appointed in writing or taken the oath shall, under no circumstances, be permitted to touch any ballot, computer, or counting device used in processing ballots.

## B. Providing Live Video Recording at Central Counting Place

For any statewide, legislative, or county election, and subject to local appropriation, the county officer in charge of elections must provide a live video recording of the custody of all ballots when ballots are present in the tabulation room in the central counting place.<sup>51</sup>

The live video recording must include date and time indicators. If the live coverage is interrupted, the officer in charge of elections must attempt to reinstate coverage as soon as practicable. Any disruption in live video recording does not prevent the officer in charge of elections from continuing to tabulate ballots. The officer in charge of elections must record the video coverage and retain the recording as a public record at least through the challenge period for the election. At minimum, the challenge period is through the date to file or conclude any post-election recount or election contest.

The county officer in charge of elections must timely provide the website hyperlink to the Secretary of State, who must publish those hyperlinks on the Secretary of State's website. [A.R.S. § 16-621\(C\)](#).

## C. Manual Ballot Counting

If it becomes impracticable to count all or some of the ballots with tabulating equipment, the officer in charge of elections may direct that ballots be counted manually, following the provisions governing the counting of paper ballots. No valid ballot shall be left uncounted.

## II. ESTABLISHING CENTRAL COUNTING PLACE BOARDS

The Central Counting Place may have 11 or more types of boards as needed, which may be combined, if practicable, at the discretion of the officer in charge of elections. The Board of Supervisors or officer in charge of elections shall appoint boards for the tallying of results after the polls have closed. More than one board may be appointed for each type of board:

1. Receiving Board
2. Inspection Board
3. Central Counting Place Board
4. Ballot Duplication Board
5. Electronic Vote Adjudication Board
6. Accuracy Certification Board
7. Write-in Tally Board
8. Provisional Ballot Board

**Comment [WJ25]:** RECOMMEND changing. Write-in Board inconsistent with rest of EPM. Elsewhere referred to as "Write-in Tally Board".

<sup>51</sup> Live video recording is not required for L&A testing or the post-election hand count audit. [A.R.S. § 16-602\(B\)](#).

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9. Special Election Board
10. Audit Board
11. Snag Board

Board members are appointed by the Board of Supervisors or other county officer in charge of elections at least 14 days prior to the board beginning its duties. All board members should be trained on their duties before assuming their positions. Some boards may have their duties combined at the discretion of the County Recorder or officer in charge of elections.

Unless otherwise noted below, each board is comprised of two members of different political parties. County party chairpersons may nominate persons to fill board positions. Without a nomination from a party chairperson, the Board of Supervisors (or designee) may fill the position with a member of the appropriate party.<sup>52</sup>

Separate boards consisting of two judges and an inspector will be appointed to process early ballots and write-in votes. At least one of the judges should not be a member of the same political party as the inspector.

The following procedures for processing ballots shall be followed, unless the Secretary of State has granted a jurisdiction permission to use another method. A jurisdiction wishing to deviate from these instructions must make a request in writing no later than 90 days prior to the election for which the exception is requested.

#### **A. Receiving Board**

The Receiving Board consists of two members who are not registered in the same political party. The officer in charge of elections or designee serves as the chair of the Receiving Board.

The Receiving Board is responsible for receiving the following items from the elections boards at the polling places and voting locations after the polls have closed, as applicable:

1. Memory devices;
2. Ballot transport containers containing ballots;
3. Early ballots that have been dropped off at a polling place;

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<sup>52</sup> If it is impossible to sufficiently staff the boards with members of different political parties, the officer in charge of elections shall, at minimum, exercise best efforts to utilize board members with no party affiliation or affiliated with unrecognized political parties to ensure that there is a diversity of political party affiliation (including no affiliation) on the boards and that no board is comprised of members of only one party. Further, the County Recorder or officer in charge of elections shall document when and how the political parties in the county were contacted about the need for board workers affiliated with those parties and all other actions taken in a best effort to obtain board workers from two different political parties. However, nothing in this Manual shall be interpreted to supersede otherwise applicable statutory requirements, including requirements as to differing political party affiliation of board workers.



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4. Provisional ballots;
5. Official returns container;
6. Unofficial returns container;
7. Precinct payroll envelope containing vouchers and a copy of the Official Ballot Report;
8. Duplicate poll list; and
9. Signature roster or e-pollbook.

When a ballot transfer container is delivered to a Receiving Board, the following entries shall be made in the Receiving Board Log, as applicable:

1. Precinct/polling place or vote center name or other identifier;
2. Signatures of the persons delivering the container;
3. Seal number of the Ballot Transfer Container;
4. Seal number on the carrying case of the tabulation unit;
5. Seal number on the carrying case of the Accessible Voting System unit and memory packs; and
6. Initials of the person receiving the ballot transfer container.

The Receiving Board shall ensure proper chain of custody documentation for all items received. The Receiving Board shall give a numbered receipt acknowledging receipt of such ballots to the person in charge who delivers such ballots. A.R.S. § 16-608(A).

If it appears that the ballot transfer container seal is broken, it shall be immediately referred to the ~~officer in charge of elections or~~ Snag Board for disposition. All other ballot transfer containers should be delivered unopened to the Inspection Board.

**Comment [WJ26]:** RECOMMEND changing. In the 2014 EPM Pg 174, broken seals were referred to the Snag Board. Boards provide greater election integrity as members of both major parties actively participate to resolve issues.

## B. Inspection Board

The Inspection Board is responsible for:

- Opening and verifying information on the precinct ballot report if the ballot transfer container contains any voting materials other than voted ballots; and
- Inspecting returns as necessary.

Receiving Boards and Inspection Boards should normally be combined, unless circumstances would render this inefficient. The officer in charge of elections shall provide each board with a log to enter pertinent data for each precinct/polling place or vote center.

### 1. Preliminary Procedures

When the ballot transfer container or alternate ballot box arrives at the central counting place, the Inspection Board shall:

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1. Break the seal and open the ballot transfer container;
2. Break the seal on the alternate ballot box, if used;
3. Remove the Ballot Report Form and check to see that the seal number is the same as shown on the log—if the Ballot Report Form is absent, incomplete, or the seal number does not agree with the number on your inspection board log, call for the supervisor or officer in charge of elections;
4. Enter on the inspection board log:
  - Precinct name and/or number or voting location
  - Number of write-in ballots,
  - Number of provisional ballots, and
  - Number of early ballots dropped off at the polling place;
5. Separate the types of ballots to be processed into:
  - Provisional ballots,
  - Write-in ballots,
  - Voted ballots, and
  - Early ballots.

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**2. Provisional Ballots**

If there are provisional ballots:

1. The provisional ballot envelopes should be visually distinguishable from other ballot envelopes issued at a voting location or early voting site. Provisional and conditional provisional ballot envelopes may be printed on colored paper, may bear bar codes that do not identify the voter, or may use other methods to visually distinguish those types of ballot envelopes;
2. Keep provisional ballots separate from conditional provisional ballots;
3. Complete the provisional ballot transmittal slip by entering:
  - The number of provisional ballots stated on the ballot report, and
  - The actual number of provisional ballots received; and
4. Record the number of provisional ballots on the inspection board log.

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**3. Voted Early Ballots**

Early ballots dropped off at the polling place must be delivered to the County Recorder for signature verification, and may be verified prior to or along with the provisional ballots. For more information about processing early ballots, see [Chapter 2, Section VI](#).

#### 4. Regular Voted Ballots

Regular ballots that were tabulated at the voting location remain in the ballot transfer container received from the precinct or are packaged for storage and retention in the Treasurer's vault.

#### 5. Write-In Ballots

If there are write-in ballots:

1. Count the total number of ballots containing write-ins, if not previously counted at the polling place.
2. Record the number on the log, and
3. Complete a transmittal envelope for delivery of ballots containing write-in votes to the Write-In Tally Board.

**Comment [WJ27]:** RECOMMEND adding procedure outlined in 2014 EPM Pg 176 for processing write-in ballots found by inspection board. SAMPLE WORDING.

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### C. Central Counting Place Board

The Central Counting Place Board is responsible for the processing and tabulation of voted ballots on the central count tabulation equipment and the EMS and shall maintain the security of the ballots throughout the process. The Central Counting Place Board shall be under the direction of the Central Counting Place Board inspector; and consist of as many trained personnel selected by the Board of Supervisors (or designee) as required to process all ballots delivered to the computer room.

Members of the Central Counting Place Board should be familiar with the L&A test requirements, data processing procedures, and ballot tabulation equipment. There shall be no preferential counting of ballots for the purpose of projecting the election. [A.R.S. § 16-621](#).

The Central Counting Place Board shall:

1. Secure all processed ballots until successful completion of the last accuracy certification test;
2. Seal the ballot containers and secure the room where the ballots are located;
3. Keep the containers in a secure area until:
  - The end of the challenge period, or
  - If a challenge is filed, until the challenge has been resolved, and
  - The ballots have been released to the custody of the officer in charge of elections;
4. Transfer the sealed containers to the officer in charge of elections who shall transfer the ballots to the County Treasurer for retention.

The computer operating area, where the computer containing the EMS is located, shall be in a separate room or in an area of a larger room which is clearly marked as the computer operating area. Only members of the Central Counting Place Board and Accuracy Certification Board may

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be permitted in the immediate computer operating area. Other observers may be permitted to observe the operations of these boards and the computer from a designated location, but must not interfere with the conduct of the operations. The Snag Board may enter the computer operating area to resolve any discrepancy.

Except for a County Recorder whose name is not on the ballot and who is carrying out official duties, no public officer serving in an elected position, or any candidate for an elective public office at the election shall be permitted to enter the central counting place unaccompanied by the officer in charge of elections or designee, any area where a central count board has been convened, any area where decisions about ballots are being made, or any other operational area where ballots are being processed or tallied.

#### D. Ballot Duplication Board

When any ballot, including an early ballot, is damaged or defective so that it cannot be read by the tabulation machine, it must be duplicated by a Ballot Duplication Board and the duplicated ballot must be tabulated in place of the damaged ballot. [A.R.S. § 16-621\(A\)](#).

##### 1. Establishing a Ballot Duplication Board

Each Ballot Duplication Board shall be comprised of at least two members who are registered voters not of the same political party and who are appointed by the officer in charge of elections. An Inspection Board may serve as a Ballot Duplication Board.

The Ballot Duplication Board duplicates ballots that cannot be read by the tabulation machine but on which the voter has nonetheless clearly indicated their intent to vote on a particular race or ballot measure. This may include crumpled or otherwise damaged ballots, ballots with smudged ink, or ballots which are marked in the wrong color of ink or with a device that cannot be read by the tabulation machine. If voter intent is not clear and Ballot Duplication Board members do not agree on the voter intent for a particular ballot, that ballot should be referred to the Snag Board ~~or officer in charge of elections~~ for resolution prior to duplicating the ballot.

##### 2. General Duplication Guidelines

Generally, only UOCAVA ballots, early ballots, and ballots cast at voting locations without a tabulation machine on-site should be duplicated at central counting facilities. Voters who vote at a voting location with a tabulation machine on-site feed their voted ballots directly into the tabulation machine and have the opportunity to correct an unreadable ballot on the spot.

If a voter selects more than the maximum number of seats for a race, the tabulation machine will read the race as over-voted. Similarly, if a voter voted for a candidate whose name is printed on the ballot by marking the appropriate arrow or oval and also wrote the candidate's name in the write-in area, the tabulation machine will read that race as over-voted. Over-voted ballots should be sent to the Ballot Duplication Board (and the Snag Board ~~or officer in charge of elections~~ for adjudication if needed), even if the voter correctly filled in the arrow or oval for other choices. If

**Comment [WJ28]:** RECOMMEND changing. Boards provide greater election integrity as members of both major parties actively participate to resolve issues.

**Comment [WJ29]:** RECOMMEND changing. Boards provide greater election integrity as members of both major parties actively participate to resolve issues.

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voter intent can be determined, the ballot should be duplicated and counted. ~~In counties that utilize digital scanning tabulation equipment, ballots may be digitally out stacked for electronic adjudication, as provided in Section II(E) below.~~

If a voter has consistently marked their ballot by circling the name of the candidates, or circling yes or no for issues, or placing an x, check mark, punched hole, or other similar mark next to the voter's choices, the tabulation machine will read the ballot as blank or invalid. These blank ballots should be sent to the Ballot Duplication Board.

If the early ballot board finds ballots that are torn, corrected with white out or labels, erased, marked with ink or crayon that cannot be read by the equipment, the ballot must be sent to the Ballot Duplication Board.

Ballots received via fax, email, or secure web portal from UOCAVA voters shall be forwarded to the Ballot Duplication Board for processing.

### 3. Procedures for Duplicating a Ballot

A damaged or unreadable ballot must be duplicated according to the following procedures:

- Ensure the correct ballot style for the voter's precinct will be used to create the duplicated ballot;
- Mark the proper precinct identification code, if applicable;
- Record an identical serial number on both the original and duplicate ballot (including spoiled duplicates) – this ties the ballots together and creates a paper trail as required by statute, [A.R.S. § 16-621\(A\)](#);
- Conspicuously mark the original ballot as “DUPLICATED;”
- Conspicuously mark the duplicate ballot as “DUPLICATE”, A.R.S. § 16-621(A);
- Using the damaged or unreadable ballot as a guide, mark a blank ballot with votes identical to those on the original ballot;
- Do not duplicate write-in names that are not on the authorized write-in list (“blank” or “unofficial” may be typed in if using a ballot marking device to duplicate and the name/line cannot be left blank). However, mark the arrow or fill in the oval to indicate the vote cast;
- After marking the duplicate ballot, check to make sure it is identical to the original, including over-votes if voter intent cannot be determined and any under-votes;
- If the Ballot Duplication Board makes any errors, mark the duplicate ballot “SPOILED” in a conspicuous manner, and repeat the above steps on a new ballot;
- Place all original ballots in an envelope or container labeled “ballots that have been duplicated.”

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It is never permitted to enhance or alter a voter's original ballot markings to render the ballot readable. Instead, the ballot should be duplicated.

~~E. Electronic Vote Adjudication Board~~

~~As an alternative to manual duplication of entire ballots performed by the Ballot Duplication Board or manual tallying of write-in votes by the Write-In Tally Board, the officer in charge of elections may appoint Electronic Vote Adjudication Boards and utilize an electronic adjudication program to process specific votes requiring adjudication or tally write-in votes for qualified write-in candidates. Any electronic vote adjudication and electronic tallying of write-in votes shall be done pursuant to the requirements in this Section unless the Secretary of State has granted a jurisdiction written approval to use alternate procedures. A jurisdiction wishing to deviate from the procedures in this Section must make a request in writing no later than 90 days prior to the election for which the exception is requested.~~

**Comment [WJ30]:** REMOVED - This section violates ARS 16-621(A) which requires a "true duplicate" be made for ballots that are damaged or defective such that the ballot cannot properly be counted by the automatic tabulating equipment. A "true duplicate" ballot is statutorily required to "substitute" the original ballot. Accordingly, a "true duplicate" necessarily means a physical duplicate copy of the entire ballot which is then tabulated by the electronic tabulation equipment. Electronic manipulation of the vote tally with a paper audit log does not satisfy the duplication requirement. Provisions in this section relating to electronic tallying of write-in votes, however, may be isolated and moved to the Write-In Tally Board section. ARS 16-531(E) could reasonably permit the Write-In Tally Board to electronically tally write-in votes.

~~The following types of votes may be adjudicated or tallied using electronic adjudication:~~

- ~~• Over votes: The Electronic Vote Adjudication Board may evaluate over vote conditions to determine the voter's intent and make corresponding adjustments to the record if the voter's intent is clear. If the voter's choice for a specific race or ballot measure cannot be positively determined, no selection shall be counted for that race or ballot measure. A.R.S. § 16-610.~~
- ~~• Votes on ballots read as blank or unclear: The Electronic Vote Adjudication Board may review ballots read by the tabulation machine as blank or unclear, determine if voter intent is clear on some or all races or ballot measures, and make corresponding adjustments to the record. If the voter's choice for a specific race or ballot measure cannot be positively determined, no selection shall be counted for that race or ballot measure. A.R.S. § 16-610.~~
- ~~• Write-in votes: The Electronic Vote Adjudication Board may review write-in entries and assign those votes to the appropriate qualified write-in candidate.~~

~~Votes that do not meet the above criteria shall not be electronically adjudicated. Ballots that are damaged or defective must be manually duplicated and shall not be electronically adjudicated. A.R.S. § 16-621(A).~~

~~1. EMS Requirements~~

~~To utilize electronic adjudication and/or electronic tallying of write-in votes, the following minimum system and application requirements must be met:~~

- ~~1. The electronic adjudication application must be part of an EMS that has received federal and state certification and is authorized for use in elections in Arizona.
  - ~~• The application must be installed with the EMS on a secure, isolated, closed network and shall not be connected to the internet or an external network.~~~~

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- ~~2. The application shall provide distinct security roles, with separate user names and secure passwords for each user or station. These security roles must have different functions. Each election worker shall be given access to only the components of the application necessary to perform their duties. If a secured user name and password are used for each station rather than each user, a detailed log of who utilized each station and at what time(s) shall be maintained.~~
- ~~3. Users (and, if applicable, stations) shall have unique user names and secure passwords. Vendor-supplied generic passwords may not be used.~~
- ~~4. Log in must be required each time the electronic adjudication application is started. The application and/or tabulation system shall be capable of identifying ballots that contain over votes or write-in votes, or that are read as blank or unclear.~~
- ~~5. The application shall provide comprehensive logging of any changes to the ballot record for audit purposes, as well as validation of all changes through the use of multiple electronic "signatures" before committing any changes to the EMS results.~~
- ~~6. The application shall allow election officials to review, evaluate, and adjudicate votes, based on the voter's intent, through the application without physical duplication of the ballot and record those changes and any modified totals in the results report.~~
- ~~7. The application shall allow for each transaction to be reviewed and approved by at least two election officials of different political party affiliation.~~
- ~~8. The application shall include electronic review, attribution of eligible write-in votes, and tallying of official write-in votes within the application.~~
- ~~9. There must be an efficient and reliable means of identifying and locating the physical ballots that have been electronically adjudicated and/or electronically tallied if needed for auditing. For example, the tabulation machine may be programmed to out stack and/or print identification numbers on the ballots to be electronically adjudicated.~~

~~Even if electronic adjudication is not utilized, the tabulation equipment may be programmed to stop on, sort, or flag write-in votes for races with official write-in candidates. Official write-in candidates may be entered into the EMS after the write-in filing deadline to facilitate this process as long as doing so does not modify the election programming if L&A testing has been completed.~~

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## ~~2. L&A Testing Requirements~~

~~If electronic adjudication will be utilized for an election, that functionality of the tabulation system will also be tested during the L&A test for that election to ensure proper and secure functioning. In addition, a paper audit log must be produced, verified, and signed off on by the Electronic Vote Adjudication Board members *before* committing their selections to the EMS (see [Chapter 10, Section II\(E\)\(3\)](#)).~~

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## ~~3. Electronic Vote Adjudication Board Composition~~

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~~If the officer in charge of elections elects to use electronic adjudication, they must appoint an Electronic Vote Adjudication Board consisting of two judges, overseen by an inspector or the officer in charge of elections (or designee). The two judges shall not be members of the same political party.~~

~~An Electronic Vote Adjudication Board that will tally official write in votes must consist of an inspector and two judges of opposite political parties as outlined in A.R.S. § 16-531(E).~~

#### ~~4. Electronic Vote Adjudication Procedures~~

~~Prior to electronically adjudicating any ballots, the Electronic Vote Adjudication Board must be trained in their duties and application functionality.~~

- ~~1. The electronic adjudication of votes and electronic tallying of write in votes must be performed in a secure location, preferably in the same location as the EMS system, but open to public viewing.~~
- ~~2. The officer in charge of elections shall make a back-up of the election from the EMS prior to the start of electronic adjudication/tallying and again after electronic adjudication/tallying is complete in order to have a record of the results as initially read by the tabulator and after electronic adjudication/tallying.~~
- ~~3. Electronic adjudication of voter intent shall be performed separate and apart from the electronic tallying of official write in votes, and the results of adjudication of voter intent and tallying of official write in votes shall be reported and verified on separate paper audit logs.~~
- ~~4. If the Electronic Vote Adjudication Board cannot agree on the resolution of a vote, that vote shall be flagged and referred to the officer in charge of elections or designee for final determination.~~
- ~~5. The EMS and/or electronic adjudication application shall provide a report on the votes electronically adjudicated and/or official write in votes tallied, the selections made by the Electronic Vote Adjudication Board, the names of the members of the Electronic Vote Adjudication Board that processed the votes on the report, and the date of processing.~~
- ~~6. The electronic adjudication or electronic write in tally process shall include production of a paper audit log of the Electronic Vote Adjudication Board's decisions as to each ballot/vote electronically adjudicated or tallied. The paper audit log must be verified and signed off on by the board members, who shall verify that the paper audit log accurately reflects the board's selections and that those selections are accurately reflected in the electronic adjudication application *prior to* committing the selections to the EMS.~~
- ~~7. To meet the requirement of a board verified paper audit log, the Electronic Vote Adjudication Board shall either:
  - ~~• Maintain a manual, hard copy log of its selections for each ballot/vote electronically adjudicated and/or official write in votes tallied by batch; or~~~~



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~~8. Print a log of its selections by batch from the application, verify that the printed log accurately reflects the board's selections, and confirm that those selections are accurately reflected in the electronic adjudication application *prior to* committing the selections for that batch to the EMS.~~

~~a. ***Electronically Adjudicating Votes on Ballots Read as Over-voted, Blank, or Unclear***~~

~~An Electronic Vote Adjudication Board that adjudicates votes on ballots read as over-voted, blank, or unclear must:~~

- ~~1. Use the electronic adjudication application or tabulation system to filter and review votes on ballots read as over-voted, blank, or unclear;~~
- ~~2. Determine voter intent and electronically attribute votes according to the clear intent of the voter;
  - ~~— The general guidelines for determining voter intent in Chapter 11, Section IX should be followed to the extent they do not conflict with any requirements in this Section.~~
  - ~~— The board may decide to: (i) approve the ballot with no changes to any races; (ii) place a ballot on hold for further review by the officer in charge of elections or Snag Board, or (iii) approve the ballot with changes based on the board's adjudication of voter intent.~~
  - ~~— The board shall only adjudicate votes that are marked by the voter in a manner that prevents the tabulation machine from accurately counting the race as the voter intended. If it is not possible to positively determine the voter's choice for a particular race or ballot measure, the board shall not designate a choice for that race or ballot measure. A.R.S. § 16-610.~~~~
- ~~3. After adjudication is complete, and the board has verified that the paper audit log of its selections are accurate and verified that those selections are accurately reflected in the application, the results must be committed to the EMS and the election results will be updated with new totals; and~~
- ~~4. Produce a paper audit log of all adjudicated ballots/votes and the board's disposition of each ballot/vote for each batch adjudicated. *Before* committing the selections for each adjudicated batch to the EMS, the Electronic Vote Adjudication Board shall verify that the paper audit log accurately reflects the board's selections and verify that those selections are accurately reflected in the electronic adjudication application. The paper audit log shall be maintained in case resolution of any discrepancy or audit of the electronic adjudication process is needed.~~

~~b. ***Electronically Tallying Write-In Votes***~~

~~An Electronic Vote Adjudication Board that tallies write-in votes must:~~

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- ~~1. Use the EMS and electronic adjudication application to electronically filter and review ballots with write-in votes;~~
- ~~2. Determine voter intent and attribute votes to official write-in candidates only;
  - ~~a. If the voter writes the name of a candidate on the ballot, the vote shall be counted for that candidate. If a voter writes the name of a political party on an FWAB, the vote shall be counted as a vote for the candidate of that party. A.R.S. § 16-543.02(C). Any abbreviation, misspelling, or other minor variation in the form of the name of a candidate or political party shall be disregarded in determining the validity of the ballot if the intention of the voter can be clearly ascertained.~~
  - ~~b. Write-in votes for unofficial write-in candidates are invalid and shall not be tallied electronically.~~~~
- ~~3. Produce a paper audit log of all tallied write-in votes and the board's disposition of each vote for each batch of ballots for which write-in votes were electronically tallied. Prior to committing the selections for each batch to the EMS, the Electronic Vote Adjudication Board shall verify that the paper audit log accurately reflects the board's selections and verify that those selections are accurately reflected in the electronic adjudication application. The paper audit log shall be maintained in case resolution of any discrepancy or audit of the electronic write-in tally process is needed.~~
- ~~4. Procedures and guidelines applicable to the Write In Tally Board in Chapter 10, Section II(H) also apply to Electronic Vote Adjudication Boards that electronically tally write-in votes to the extent they do not conflict with the requirements in this Section (Chapter 10, Section II(E)).~~

#### **F.E. Accuracy Certification Board**

The Accuracy Certification Board consists of two elections officials registered with two different political parties and shall be appointed by the Board of Supervisors (or designee). The Accuracy Certification Board is responsible for verifying the accuracy of computer programs, through the L&A test materials, and attesting to the procedures during computer processing of ballots. [A.R.S. § 16-449](#).

All L&A tests shall be observed by the Accuracy Certification Board, and open to representatives of political parties, candidates, the press, and the general public. Political party observers are distinguished from members of the general public, who may view the central counting place activities from the public viewing area. Properly credentialed political party observers may observe the proceedings from inside the room where they happen. However, under no circumstances should a political party observer touch or operate the election server computer or any scanning device. See [Chapter 10, Section I\(A\)](#).

If an error is detected in the L&A test, it shall be corrected. An errorless test must occur and be completed before the program and computer are certified.

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Immediately after completion of the tabulation of ballots, the Accuracy Certification Board shall certify that:

- The number of ballots processed for each precinct or voting location was checked against the number of ballots received from the precinct or voting location by the Ballot Inspection Board (part of the Central County Place Board), as reflected on the Ballot Report Form; and
- Any discrepancies in the number of ballots received and the number processed by the vote tally system are properly resolved.

### **G.F. Provisional Ballot Processing**

Provisional ballots are processed initially by the County Recorder and then by a Provisional Ballot Board at the central counting place.

The provisional ballot affidavit, whether part of the provisional ballot envelope or a separate form, shall be deemed sufficient if it is signed by the voter and, if the voter did not provide adequate identification at the voting location, the signature matches the signature on the voter's registration record. A provisional ballot shall not be rejected solely for lack of a signature on the affidavit by polling place election officials.

A conditional provisional ballot cast by a voter must be clearly distinguishable and kept separate from other provisional ballots. A conditional provisional ballot must not be processed and forwarded for tabulation until the voter has produced sufficient identification to the County Recorder, in accordance with the provisions of this manual governing proof of identity. *See Chapter 9, Section IV.* The County Recorder must disqualify the ballot if the voter does not provide sufficient identification by the deadline.

#### **1. County Recorder Responsibilities**

##### **a. Verification of Provisional Ballots**

All provisional ballots must be verified for proper registration within ten calendar days after a general election that includes an election for federal office, and within five business days for all other elections. [A.R.S. § 16-135\(D\)](#). The provisional ballot shall be counted if:

1. The voter's registration is verified and the voter is eligible to vote in the precinct, *and*
2. The voter's signature does not appear on any other signature roster for that election, *and*
3. There is no record that the voter voted early in that election.

For a provisional ballot to be counted, the County Recorder shall confirm that all of the following requirements are met:

1. Confirm that the provisional ballot affidavit is signed;
2. Confirm that the voter was registered to vote and was eligible to vote in the election;

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3. Confirm that the voter voted in the correct polling place or voting location or cast the ballot for the correct precinct;
4. Confirm that there is no record that the voter voted early for that election;
5. If the voter moved without updating their address and voted in the precinct for the new address, confirm that the voter did not vote in the prior precinct by confirming that the voter did not sign the signature roster for the prior precinct;
6. For a partisan primary election, confirm that the voter received and voted the correct party ballot based on the voter's party affiliation;
7. If the voter is registered as a "federal-only" voter, confirm that the voter received a "federal-only" ballot or clearly mark or stamp the outside of the provisional ballot envelope to indicate that the voter is a "federal-only" voter and only races for federal candidates should be duplicated and tabulated.

The County Recorder shall deliver only provisional ballot envelopes and/or affidavits of qualified voters who meet the above requirements to the Board of Supervisors or officer in charge of elections for counting. Rejected provisional ballot envelopes and/or affidavits should be separately retained and delivered to the officer in charge of elections for retention in accordance with [A.R.S. § 16-624](#).

***b. Rejection Reason Code***

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The rejection code reason is determined by the County Recorder. The rejection reasons include:

1. Not registered;
2. No ballot in envelope;
3. Registered after 29-day cut-off;
4. No signature;
5. Insufficient/illegible information;
6. Voter did not provide adequate identification and signature does not match;
7. Wrong party;
8. Outside jurisdiction ballot;
9. Voter challenge upheld;
10. Voted in wrong precinct;
11. Voted and returned an early ballot;
12. Proper identification not provided by deadline;
13. Not eligible; and
14. Other (please specify).

**c. Updating Voter Registration Records**

The County Recorder shall update the appropriate county register or registration database with the names of all provisional voters whose registration was verified to indicate that those voters are qualified to vote in future elections.

The County Recorder may also use the information from a provisional ballot envelope or affidavit to update a voter's name and address. A provisional ballot envelope or affidavit accompanied by an Arizona Voter Registration Form may also be used to register a voter for the first time for future elections (not the current election the provisional ballot was used for) ~~if it contains all the required information for a voter registration form~~. Additionally, a "federal-only" voter may use the provisional ballot process to provide a driver license number as DPOC for future elections (although not for the current election the provisional ballot was used in).

**d. Voter Verification of Provisional Ballot Status**

The County Recorder shall create a provisional ballot record for the voter that contains the following information:

1. Provisional ballot receipt number;
2. Name of the voter;
3. Precinct/polling location where the provisional ballot was cast;
4. Provisional ballot status;
5. Provisional ballot status reason;
6. Address (optional)
7. Date of Birth (optional)
8. Political Party (optional).

[A.R.S. § 16-584\(E\)](#).

This information will be used for online verification of a voter's provisional ballot. The information shall be available online for one month after posting.

As soon as possible after verification of the provisional ballots is complete, a notice informing the voter whether their vote was counted or not counted, and the reason for not counting if applicable, shall be provided to the voter. This may be in the form of a notice mailed to the voter, or the voter may access the information pursuant to the instructions on the receipt that was issued to the voter at the time they voted the provisional ballot. The receipt will provide the voter with clear instructions on how to determine the status of their vote.

The County Recorder or other officer in charge of elections shall provide to provisional voters a toll-free number or other method of verifying the status of their votes. Reasonable restrictions will be employed to limit transmittal of the information only to the voter, such as verifying the

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date of birth, state or country of birth, or other information that could confirm the voter's identity if compared with the voter registration information on file. The officer in charge of elections will request verification of identity with information from the voter's registration record or provisional ballot envelope. [A.R.S. § 16-584\(F\)](#).

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**2. Provisional Ballot Board Responsibilities**

The Board of Supervisors shall appoint one or more Provisional Ballot Boards, consisting of two elections officials not of the same political party, for the processing of provisional ballots. They must also appoint additional clerks as needed, designate the supervisory authority, designate the location for processing, and provide all necessary supplies.

Provisional ballot boards may convene and begin ballot processing any time after provisional ballots are delivered to the officer in charge of elections. The provisional ballot processing board shall place official and unofficial returns in containers marked "official returns" and "unofficial returns." The container may be an envelope or any other container that keeps the official and unofficial returns physically separated by precinct.

The inspector on the Provisional Ballot Board shall be in charge of processing. The inspector shall receive the provisional ballot envelopes from the verification staff and record the precinct identification data on the transmittal form.

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**3. Verification Staff Procedures for Specific Scenarios**

Verification staff at the central counting place must follow the following procedures in the specified scenarios below.

**a. Provisional Ballots Cast by Federal-Only Voters**

The verification staff must examine the outside of the provisional ballot envelope to determine if the Recorder's Office has identified the voter as a "federal-only" voter. If that indicator is present and the Recorder's Office has indicated that the ballot is otherwise verified, the verification staff will open the provisional ballot envelope and confirm whether the ballot inside is a "full-ballot" or "federal-only" ballot.

- If the ballot in the provisional ballot envelope is a "federal-only" ballot, the ballot shall be removed and processed for tabulation.
- If the ballot in the provisional ballot envelope is a "full-ballot," the verification staff will remove the ballot from the envelope and send the ballot to the Ballot Duplication Board for duplication of the races for President of the United States (Presidential Electors), United States Senator, and United States House of Representatives only. No other race or ballot measure will be duplicated from that ballot.

**b. Provisional Ballots Voted on an Accessible Voting Device that Independently Tabulates Votes**

The verification staff must examine the provisional ballot affidavit to determine if the Recorder's Office has identified the voter as a "federal-only" voter. If that indicator is present and the Recorder's Office has indicated that the ballot is otherwise verified, the verification staff will print a copy of the voted ballot or pull the voter-verifiable paper audit trail to confirm whether the ballot is a "full-ballot" or a "federal-only" ballot.

- If the ballot is a "federal-only" ballot, the ballot shall be marked "accepted" on the EMS and processed for tabulation.
- If the ballot is a "full-ballot," the verification staff will mark the ballot "Fed-Only" and send the ballot to the Ballot Duplication Board for duplication of the offices of President of the United States (Presidential Elector), United States Senate, and United States House of Representatives only. No other race or ballot measure will be duplicated from that ballot. The provisional ballot shall be marked "rejected" on the EMS and the duplicated ballot shall be counted with the rest of the provisional paper ballots.

**c. Damaged Ballots**

If there are damaged provisional ballots, the verification staff must:

1. Count the number of damaged ballots in each precinct;
2. Initiate a transmittal slip to accompany the ballot to the Ballot Duplication Board;
3. Record the number on the slip; and
4. Forward the ballots, with the transmittal slip, to the Ballot Duplication Board.

**d. Ballots Ready for Counting**

The number of ballots ready to be counted must be recorded on a transmittal slip. The ballots and transmittal slip are forwarded to the Central Counting Place Board.

**e. Ballots to Be Duplicated**

If any provisional ballots require duplication, the verification staff must forward those ballots to the Ballot Duplication Board in a proper transmittal envelope.

**f. Write-In Votes**

After the provisional ballots have been counted on a tabulation unit, any ballots containing write-in votes shall be separated from the other ballots and forwarded to the Write-in Tally Board.

#### 4. Challenges

Challenges of provisional ballots will be determined by the Provisional Ballot Board using the procedure outlined for counting early ballots in [Chapter 2, Section V](#). If the voter is found to be not registered, the ballot shall remain unopened and be retained in the same manner as voted ballots. Party representatives and alternates may be appointed to be present during provisional ballot processing and to challenge the disposition of provisional ballots.

##### **H.G. Write-In Tally Board**

The Write-In Tally Board is comprised of one inspector and two judges, who are members of the two political parties which cast the highest number of votes in the state at the last general election. At least one of the judges must be of a different political party than the inspector. ~~At least 90-days before an election, the county chairperson of the two largest political parties may designate qualified electors to serve on Write-In Tally Board. When the list is timely submitted, it shall be used to appoint board members. Without a nomination from a party chairperson, the Board of Supervisors (or designee) may fill the position with a member of the appropriate party. A.R.S. § 16-531(E). The Write In Tally Board may manually tally write in votes or do so through an electronic adjudication program pursuant to Chapter 10, Section H(E) above.~~

If the voter writes the name of a candidate on the ballot, the vote shall be counted for that candidate. If a voter writes the name of a political party on an FWAB, the vote shall be counted as a vote for the candidate of that party. Any abbreviation, misspelling, common nickname, or other minor variation in the name of a candidate or political party shall be disregarded in determining the validity of the vote if the intent of the voter can be ascertained. [A.R.S. § 16-543.02\(C\)](#).

Write-in votes are tallied only if the ballot is properly marked by the voter. This is done by writing in the name of a qualified write-in candidate AND by filling in the oval or connecting the arrow (or other method of properly marking the vote as indicated in the instructions for the particular optical scan or digital scan ballot). [A.R.S. § 16-448](#).

If a write-in vote is declared to be invalid, the Write-In Tally Board manually tallying write-in votes must disqualify the vote. The Write-In Tally Board must not count any write-in vote that an election official has identified as disqualified.

##### **I.H. Audit Board**

The officer in charge of elections is responsible for overseeing a post-election audit of each voting location using an Audit Board.

All election board logs, the Official Ballot Report, tabulation units, accessible voting device tapes/printouts, and a copy of the downloaded precinct results shall be delivered to an Audit Board upon the completion of each election board's function.

**Comment [WJ31]:** AS AN ALTERNATIVE TO DELETING, specific procedures in the Electronic Vote Adjudication Board section relating to electronic tallying of write-in votes may be moved to this section. ARS 16-531(E) could reasonably permit the Write-In Tally Board to electronically tally write-in votes.



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The Audit Board:

1. Receives the Official Ballot Reports for each voting location and any supplemental information from the election boards that could explain any discrepancies;
2. Receives the signature rosters, poll lists (or scanned copies), or reports from e-pollbooks that show voter check-ins and signatures;
3. Receives the tabulation unit and accessible voting device precinct paper tape;
4. Receives a copy of the transmitted precinct results from the election management system;
5. Verifies the counts on the Official Ballot Report;
6. Verifies that the count from the tabulation unit and accessible voting device precinct paper tapes is the same as the count from the transmitted precinct results on the election management system;
7. Produces a written record that the correct vote totals for each candidate and issue were transmitted from the polling place to the election management system;
8. Has access to all voting locations' ballot statements contained in the unofficial return envelope;
9. Identifies discrepancies in the reports following final tabulation of duplicated ballots and provisional ballots;
10. Resolves problems that appear to be of major significance in the presence of political party observers; and
11. Resolves and documents all discrepancies.

The functions of the Audit Board must be completed prior to the acceptance of the canvassing results in order to ensure the integrity of the canvass results.

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**J-I. Snag Board**

The Snag Board is comprised of at least three members who are knowledgeable about the entire elections process. Where possible, its members should have experience working as board members in several previous elections cycles. It is appointed by the Board of Supervisors or officer in charge of elections, and should have members of at least two political parties.

The function of the Snag Board is to resolve any problem brought to its attention by any of the other election boards.

## CHAPTER 11: HAND COUNT AUDIT

A limited precinct hand count and early ballot hand count audit must be conducted after each countywide primary, special, general, and PPE election and compared against the results from the electronic tabulation system, unless applicable exceptions apply. The purpose of the hand count audit is to compare the results of the machine count to the hand count to assure that the machines are working properly and accurately counting votes. Those conducting the hand count shall not be provided the machine count results of the batches of ballots they are hand counting prior to completion of the hand count of that batch. If the results from the hand count audit are within the “designated margin” of the electronic results for selected ballots, the hand count is deemed to have confirmed the accuracy of the electronic tabulation equipment, the hand count may cease, and the countywide electronic results are deemed the official results of the election. If the results from the hand count audit are outside of the designated margin, a second hand count of the same ballots is required, potentially followed by an expanded hand count and one or more jurisdiction-wide hand counts depending on the results. [A.R.S. § 16-602\(C\)-\(F\)](#).

### I. DESIGNATION OF HAND COUNT BOARD MEMBERS

At least 14 days prior to a countywide primary, special, general, or PPE election, the officer in charge of elections must notify the county chairpersons of each recognized political party of the requirement to designate Hand Count Board members, who will perform the hand count audits under the supervision of the officer in charge of elections. The officer in charge of elections should forecast the requisite number of board members (including alternate board members) based on the number of precincts/vote centers included in the hand count and/or the total number of ballots to be hand counted.

The political party county chairpersons must designate Hand Count Board members and alternates at least seven days before the election (*i.e.*, by 5:00 p.m. on the Tuesday before the election). If the political party is not represented by a county chairperson, the chairperson of the applicable state political party (or designee) may appoint the Hand Count Board members.

The proposed board members and alternates must be registered to vote in Arizona but need not be registered members of the political party that designated them. Candidates appearing on the ballot, except for the office of precinct committeeman, may not serve as Hand Count Board members. Board members are entitled to receive compensation, but not for lodging, meals, or travel.

The officer in charge of elections must notify a political party county chairperson by 9:00 a.m. on the Wednesday before the election if there is a shortage of required board members (*i.e.*, the total number of proposed board members provided by all parties is less than four times the number of precincts to be audited). The chairperson must provide additional board member names by the next business day (5:00 p.m. on the Thursday before the election).

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The hand count shall not proceed unless a sufficient number of Hand Count Board members has been designated by 5:00 p.m. on the Thursday preceding the election and appear at the designated time and location to perform the hand count. The hand count may also be canceled (and the electronic tabulation of ballots will constitute the official count) if the officer in charge of elections removes enough board members (due to disruption or members being unable to perform their duty) such that there is an insufficient number of board members and the shortage cannot be remedied with substitutions.

The officer in charge of elections must notify the Secretary of State if the hand count will be canceled. Among other information, the notification to the Secretary of State must outline the steps taken by the officer in charge of elections to secure sufficient participation in the hand count.

If a sufficient number of members are present for the hand count, the officer in charge of elections must create boards by selecting at least two judges and one inspector per board. Each Hand Count Board must be comprised of designees from at least two recognized political parties and no more than 75% of the members may be from the same political party. Typically, for a three-member Hand Count Board, no more than two board members shall be members of the same political party entitled to continued representation on the ballot. All board members must take the oath specified in [A.R.S. § 38-231\(E\)](#).

Board members may not bring any electronic devices, black pens, blue pens, or cell phones into the designated location of the hand count. [A.R.S. § 16-602\(B\)\(7\)](#).

## **II. OBSERVATION OF THE HAND COUNT AUDIT**

The hand count is not subject to the live video requirements of [A.R.S. § 16-621\(C\)](#). However, political party representatives who are observing the hand count may bring their own video cameras to record the hand count. The sole act of recording the hand count does not constitute sufficient grounds for the officer in charge of elections to prohibit observers from recording or to remove them from the facility. However, the observation or recording may not interfere with the hand count. In addition, to preserve the right to a secret ballot, no recording of ballot content shall be allowed. If either situation occurs, the officer in charge of elections may remove the observers or board members from the facility or further restrict video recording. [A.R.S. § 16-602\(B\)](#).

## **III. TYPES AND QUANTITIES OF BALLOTS TO HAND COUNT**

A post-election hand count audit includes a precinct hand count, which involves a manual count of regular ballots from selected precincts, and an early ballot hand count, which involves a manual count of a percentage of early ballots cast in the election.

#### **A. Ballots Included in the Precinct Hand Count**

For the precinct hand count, the officer in charge of elections must conduct a hand count of regular ballots from at least 2% of the precincts, or 2 precincts, whichever is greater. Provisional and conditional provisional ballots are not included in the hand count. [A.R.S. § 16-602\(B\)\(1\)](#).

In counties that utilize vote centers, each vote center is considered to be a precinct/polling location and the officer in charge of elections must conduct a hand count of regular ballots from at least 2% of the vote centers, or 2 vote centers, whichever is greater.

In a PPE, the officer in charge of elections must conduct a hand count of regular ballots from 2% of the polling places or vote centers established pursuant to [A.R.S. § 16-248](#). [A.R.S. § 16-602\(B\)\(3\)](#).

#### **B. Ballots Included in the Early Ballot Hand Count**

The officer in charge of elections is required to conduct a hand count of 1% of the total number of early ballots cast, or 5,000 early ballots, whichever is less. [A.R.S. § 16-602\(F\)](#). Counties may elect to audit a higher number of ballots at their discretion.

At least one batch of up to 400 early ballots from each central count machine used to tabulate early ballots and at least one accessible voting machine (if those machines independently tabulate votes) used during on-site early voting shall be selected for the early ballot hand count process. The officer in charge of elections must securely sequester those selected ballots along with their unofficial electronically-tabulated results for use in the early ballot hand count.

### **IV. SELECTING PRECINCTS/POLLING PLACES TO BE HAND COUNTED**

The county political party chairpersons (or designees) shall take turns randomly drawing the precincts, vote centers, or consolidated polling places for the hand count. If a chairperson appoints a designee, the appointment must be in writing with the signature of the chairperson. The precincts/polling places shall be selected by lot without the use of a computer and the order of selection by the county political party chairpersons (or designees) shall also be by lot.

The selection of the precincts/polling locations shall not begin until all ballots voted in the precinct polling places have been delivered to the central counting facility. The unofficial vote totals from all precincts/polling locations shall be made public before selecting the precincts/polling locations to be hand counted. The selection of precincts/polling locations shall occur prior to the selection of the races to be counted.

At least 2% of the precincts/polling locations in the county (rounded to the nearest whole number) or two precincts/polling locations, whichever is greater, shall be selected at random from a lot consisting of every precinct/polling location in that county. For any election where

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there are consolidated polling locations, the number of precincts to hand count should be calculated based on the number of active polling locations for that election.

For counties utilizing vote centers, each vote center shall be considered to be a precinct/polling location during the selection process and the officer in charge of elections must conduct a hand count of regular ballots from at least 2% of the vote centers, or two vote centers, whichever is greater.

The process for selecting the precincts for Primary and General Elections is:

1. **Determine Selection Order:** Select by lot the order in which the county political party chairpersons (or designees) shall draw precincts/polling locations. The selection order will apply for the entire hand count process.
2. **Create Lot:** Create a lot containing all precincts/polling locations in the county.
3. **Select Precincts:** Draw the required 2% or two precincts/polling locations to be counted from a lot containing every precinct/polling location in the county. Precincts/polling locations without any registered voters shall be excluded from the pool of available precincts/polling locations in the county. The county political party chairpersons (or designees) shall alternate selecting precincts/polling locations based on the order defined in Step 1 from the lot until the required number of precincts/polling locations is selected.
  - a. If a tabulation unit from a vote center was selected as a precinct/polling location to be hand counted, a subsequential selection shall be conducted to select a touchscreen voting machine (if they independently tabulate votes, and if there are more than one) utilized at that vote center:
    - **Create Lot:** Create a lot containing all touchscreen voting machines used at the same vote center in which a tabulation unit was previously selected.
    - **Select Touchscreen Voting Machines:** Draw a corresponding number of touchscreen voting machines to be hand counted for each tabulation unit from a vote center that was previously selected, from a lot containing every touchscreen voting machine utilized at a vote center from which a tabulation unit was selected during the selection of the precincts/polling locations.
4. **Record Precincts.** The officer in charge of elections shall record the precincts/polling locations to be hand counted in the Master Precinct and Race Selection Worksheet. The precincts/polling locations shall be listed in the order selected. The order of the precincts/polling locations shall be used when selecting the contested races in [Section V](#) of this Chapter.

[A.R.S. § 16-602\(B\)\(1\), \(B\)\(2\), \(B\)\(2\)\(e\), \(C\)](#).

## V. RACES ELIGIBLE TO BE HAND COUNTED

### A. Eligible Races Generally

The races to be counted in the hand count audit generally includes up to five contested races, which shall include:

- One statewide candidate race;
- One statewide ballot measure (if the election has a statewide ballot measure on the general election ballot);
- One legislative candidate race (Arizona House of Representatives or Arizona Senate); and
- One federal candidate race (United States House of Representatives or United States Senate);
- One presidential elector race (only in general elections with a race for President of the United States).

[A.R.S. § 16-602\(B\)\(2\), \(5\).](#)

A candidate race within one of the above-referenced categories is eligible for inclusion in the hand count only if the race is “contested,” meaning there are more candidates seeking election or nomination than the number of seats available. [A.R.S. § 16-602\(B\)\(2\)\(f\)](#). Write-in candidacies do not create contested races if the race is not otherwise contested. [A.R.S. § 16-602\(B\)\(4\)](#).

If there are no contested races within one of the above-referenced categories, one or more additional contested races from one of the other categories must be selected by lot until the required number of contested races are selected for the hand count. [A.R.S. § 16-602\(B\)\(2\)\(e\)](#). For example, because a statewide ballot measure will not appear on the ballot during a primary election, an additional contested race from one of the other categories of eligible races must be drawn to make up the required four races.

For a primary election, each political party primary is considered a separate race. For example, the requirement to select one contested legislative race is satisfied by selecting either the Democratic or Republican primary election race. [A.R.S. § 16-602\(B\)](#).

For federal and legislative candidate races, only the type of office (House or Senate) must be selected, not any particular district. [A.R.S. § 16-602\(B\)\(2\)\(c\)-\(d\)](#). Therefore, if, for example, the race for U.S. House of Representatives has been selected to satisfy the federal candidate race category, and the county encompasses parts of three Congressional districts, ballots cast in any of the Congressional districts are eligible for the hand count audit as long as those races are contested.

## B. Eligible Races in Special Elections

For a special election to vote on a statewide ballot measure, all statewide ballot measures should be selected for the hand count audit (assuming there are four or fewer statewide ballot measures on the special election ballot).

For a special election to fill a Congressional vacancy:

- If a Congressional primary is contested, all contested political party races should be selected for the hand count audit for that special primary election (assuming there are four or fewer contested primaries);
- Regardless of whether a Congressional primary was contested, a contested special general election must be selected for the hand count.

## C. Eligible Races in PPEs

A hand count must be conducted following a PPE. [A.R.S. § 16-602\(B\)\(3\)](#). Since no other races may appear on a PPE ballot, all contested political party preference races should be selected for the hand count audit (assuming there are four or fewer contested preference races). [A.R.S. § 16-241\(A\)](#).

## VI. SELECTING RACES TO BE HAND COUNTED

The county political party chairpersons (or designees) must randomly select the particular contested races to be hand counted, in the same order determined at the beginning of the hand count process and used to select precincts/polling locations.

If there are fewer than four contested races on the ballot, only the contested races on the ballot that fall within one of the four categories shall be included in the hand count audit. If there are no contested races in any of the designated categories in an election, no hand count will take place. [A.R.S. § 16-602\(B\)\(2\)\(e\)-\(f\)](#).

### A. Selecting Races for Primary and General Elections

The following process shall be used to select the races to be counted for both the precinct hand count and early ballot hand count for primary and general elections:

1. **Determine the race categories available for this election.** The possible race categories shall be statewide candidate, federal candidate, state legislative candidate, and ballot measure, and, in a presidential election year, presidential elector. Some categories may not appear on the ballot for a particular election. [A.R.S. § 16-602\(B\)\(2\)](#).
2. **Create a master list of all contested races.** Create a list by race category of all possible contested races. This list will be referenced when creating the lots of possible races to count. The entries on this list shall be specific. Examples for the Primary would include Governor/Democrat or State House/Republican. Examples for the General would include State Treasurer or State Senate.

**3. Determine the required number of races that will be counted from each category.**

There should be one race for each required category unless a category does not have an eligible race.

**a. Determine if there is a contested presidential elector race.**

- If there is no contested presidential elector race on the ballot, place a zero in the “Presidential Elector” line of Section B of the Master Precinct and Race Selection Worksheet, *see* sample form in [Chapter 17](#).
- If there is a contested presidential elector race, place a tick mark in the “Presidential Elector” line.

**b. Determine if there is a contested statewide candidate race.**

- If there is no contested statewide candidate race on the ballot, place a zero in the “Statewide Candidate” line of Section B of the Master Precinct and Race Selection Worksheet and place a tick mark in the “Additional Races Needed” line.
- If there is a contested statewide candidate race, place a tick mark in the “Statewide Candidate” line.

**c. Determine if there is a statewide ballot measure race.**

- If there is no statewide ballot measure on the ballot, place a zero in the “Statewide Ballot Measure” line of Section B of the Master Precinct and Race Selection Worksheet and place a tick mark in the “Additional Races Needed” line.
- If there is a statewide ballot measure race, place a tick mark in the “Statewide Ballot Measure” line.

**d. Determine if there is a contested federal candidate race on any of the ballots in the precincts/polling locations selected.**

- If there is no contested federal candidate race in any of the selected precincts/polling locations, place a zero in the “Federal Candidate” line of Section B of the Master Precinct and Race Selection Worksheet and place a tick mark in the “Additional Races Needed” line.
- If there is a contested federal candidate race, place a tick mark in the “Federal Candidate” line.

**e. Determine if there is a contested state legislative race on any of the ballots in the precincts/polling locations selected.**

- If there is no contested state legislative race in any of the selected precincts/polling locations, place a zero in the “State Legislative” line of Section B of the Master Precinct and Race Selection Worksheet and place a tick mark in the “Additional Races Needed” line.
- If there is a contested state legislative race, place a tick mark in the “State Legislative” line.



- f. If additional races are needed, determine if the number of races can be satisfied by an additional race(s) in another category.**
- The priority for selecting other categories, if needed, is as follows: statewide candidate, statewide ballot measure, federal candidate and then state legislative. All additional races shall be fulfilled with the highest priority race category possible. The categories of races to be hand counted and the number per category shall be recorded on the Master Precinct and Race Selection Worksheet.
- 4. Separate out the contested races by category and create selection lots for each category from which a race or races will be selected.**
- a.** For the statewide candidate lot in a primary election, each contested party race shall be placed in the lot (*e.g.*, Governor/Republican, State Mine/Democrat).
- b.** For the federal candidate lot, the officer in charge of elections shall evaluate each of the precincts/polling locations selected to determine the possible federal candidate race types for the lot. If one or more precincts/polling locations have a contested federal candidate race, that race type shall be placed in the lot. In a primary election, each contested party race type shall be placed in the lot. The selections for U.S. House of Representative shall not contain the specific district since the names of the candidates may vary among the sampled precincts/polling places (*e.g.*, U.S. House/Republican and U.S. House/Democrat).
- c.** For the state legislative lot, the officer in charge of elections shall evaluate each of the precincts/polling locations selected to determine the possible contested state legislative race types for the lot. If one or more precincts/polling locations have a contested state legislative race, that race type shall be placed in the lot. In a primary election, each contested party race type shall be placed in the lot. The selections for state legislative race shall not contain the specific district since the names of the candidates may vary among the sampled precincts/polling locations (*e.g.*, State House/Democrat, State House/Republican, State House/Libertarian).
- If any candidate race is for a vacancy, the vacancy race shall be treated as a separate race for creating lots. For example, if an AZ Corporation Commission seat is vacant and the term ends in 2010 and there is also a race for the seat with a term that ends in 2012, the Corporation Commission Term Ending 2010 and Corporation Commission Term Ending 2012 will be two separate races when creating the Statewide Candidate lot.
- 5. Select the contested races to be hand counted.** The county political party chairpersons (or designees) shall alternate selecting races continuing with the order defined when selecting precincts/polling locations. The races will be selected by lot until the required number of races is selected. Categories of contested races shall be drawn in the following order until the required number of contested races is reached: presidential elector, statewide candidate, statewide ballot measure, federal candidate, and state legislative

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candidate. Document any selected race(s) in Section C of the Master Precinct and Race Selection Worksheet.

- If a selected candidate race does not have a contested race in each of the selected precincts/polling locations, only the precincts/polling locations where there is a contested candidate race shall be hand counted for that race. The machine counts of the races in this category shall be added together and measured against the hand counts of the races in this category to determine if the total difference falls within the designated margin.
6. **The races selected for the precinct hand count shall be the same used for the early ballot hand count.** Because the batches used for the early ballot hand count do not correspond to the precincts/polling locations selected for the precinct hand count, the names of candidates for the selected races may differ among the various early ballot batches selected for the audit. The machine counts of the races in such categories shall be added together and measured against the hand counts of the races in those categories to determine if the total difference falls within the designated margin.
  7. **Create Hand Count Board Worksheets.** The officer in charge of elections shall create a Hand Count Board Worksheet for each Hand Count Board. The worksheet documents the members of the Hand Count Board and what races they will be hand counting.

### B. Selecting Races for a PPE

The following process shall be used to select the races to be hand counted for a PPE:

1. **Determine Selection Order.** Select by lot the order in which the county political party chairpersons (or designees) shall choose from the pool of available precincts.
2. **Create Lot of Polling Locations.** Create a lot of available polling locations. A county may consolidate precincts in a PPE. Only actual polling locations will be placed in the lot of available polling locations.
3. **Select Precincts.** Draw the required 2% or two polling locations to be counted among a lot containing every actual polling location for the PPE.
4. **Record Precincts.** The officer in charge of elections shall record the polling locations to be hand counted in Section A of the Master Precinct and Race Selection Worksheet.
5. **Create Lot of Contested Races.** Create a lot of the contested races available for the PPE. Each political party that is participating in the PPE will count as a contested race.
6. **Select Race(s).** If there are four contested races or less, all possible races will be hand counted. If there are more than four contested races, the county political party chairperson (or designee) who is next (from Step 1), shall choose a contested PPE race to be hand counted. The political party chairpersons (or designees) will alternate until four contested races are selected.
7. **Record Race.** The officer in charge of elections shall record the PPE race(s) to be hand counted in Section B of the Master Precinct and Race Selection Worksheet.

[A.R.S. § 16-602\(B\)\(3\)](#).

## VII. HAND COUNT TABULATING METHODS

There are two approved methods of hand counting votes:

- Stacking method: used for hand counting optical/digital scan ballots; and
- Three-person call-out method: used for hand counting votes from the VVPAT of an accessible voting machine.

For either method, each judge shall be given a tally sheet that shall be marked with the precinct/polling location, the race, and the names of the candidates for that particular race. *See* Sample Hand Count Tally Sheet in [Chapter 17](#).

~~For counties that use electronic adjudication (see [Chapter 10, Section II\(E\)](#)), the officer in charge of elections shall ensure that, if any ballots in the precinct or early ballot batches to be hand counted require electronic adjudication, such adjudication is completed prior to the start of the hand count. If any ballot in a hand count batch has had a vote electronically adjudicated, the officer in charge of elections shall print out the image of the original ballot, any adjudicated marks, and the audit log for that precinct or batch containing that ballot, and make those print-outs available for the board members to review in the event of any discrepancy between the hand count tally for the batch and the machine count for the batch.~~

### A. Stacking Method for Optical/Digital Scan Ballots

The stacking method is used for hand counting optical/digital scan ballots, and may also be used to hand count paper ballots printed by accessible ballot marking devices. For the stacking method, the inspector picks up each ballot and sorts the ballots into piles with the assistance of the other two board members (the judges) and tallies the number of votes for each candidate in the particular race using the process below.

#### 1. Processing Ballots with Write-In Votes

1. Since write-in votes may not have been tabulated yet, it is very important to keep ballots with write-in votes segregated from ballots without write-in votes. To do so, the first judge counts the total number of ballots with write-in votes. The second judge shall recount the total number of ballots with write-in votes. If the totals from both judges match, the result shall be documented in the Hand Count Tally Sheet.
  - Ballots with write-in votes may be marked with yellow highlighter to enable them to be readily segregated from other ballots after the hand count of the batch is complete.
2. The inspector shall announce the specific race to be counted, identify that race on the ballot, and separate out ballots with over-votes or no selection for that race. The two judges shall confirm that the inspector performs this step correctly.

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3. The inspector shall announce the first candidate/selection listed in the race and begin the **stacking process** for that candidate/selection:
  - The inspector shall hold up the ballots one at a time and declare the voter's choice for the specific candidate/selection in the race. All ballots with a vote for that candidate/selection shall be placed in one stack (the "yes" stack) and all ballots with a vote for any other candidate/selection in the race shall be placed in a separate stack (the "no" or "other" stack). The judges shall view each ballot and ensure that the inspector is placing the ballot in the right stack.
  - After the sorting process is complete, one judge shall count each pile in stacks of ten or 25 (or another agreed-upon pre-determined number) and then the other judge shall recount each stack. The inspector shall enter the number of ballots in each stack onto the Hand Count Tally Sheet.
  - The inspector shall move the "yes" stack aside, perform the stacking process for the next candidate/selection in the race using the ballots in the "no" or "other" stack, and repeat until done recording totals for all candidates/selections on the Hand Count Tally Sheet.
    - If the race being counted is for multiple seats (*e.g.*, vote for two), it will be necessary to go through entire set of ballots for each candidate, without the option of setting aside the "yes" stack as described in the prior step.
  - If there is any question about the intent of the voter, the determination of voter intent must be made by unanimous consent of all three Hand Count Board members using the standards established in [Chapter 11, Section IX](#). If a unanimous decision cannot be reached by the Hand Count Board, the officer in charge of elections shall make the final decision regarding the voter's intent. A notation of the final decision shall be logged on the tally sheet and the inspector shall place the ballot into the proper stack for counting.
4. After completing the stacking process, the inspector shall place the ballots with write-in votes back in the write-in envelope and keep those ballots separated from the regular ballots.

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## 2. Processing Regular Ballots

1. The first judge shall count the total number of regular ballots. The second judge shall recount the total number of regular ballots. If the totals from both judges match, the result shall be documented in the Hand Count Tally Sheet.
2. The inspector announces the specific race to be counted, identifies that race on the ballot, and separates out ballots with over-votes or no selection for that race. The two judges shall confirm that the inspector performs this step correctly.
3. The inspector announces the first candidate/selection listed in the race and begins the **stacking process** for that candidate/selection, using the same procedure described above for ballots with write-in votes.

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4. After completing the stacking process, the inspector shall place the regular ballots back in the regular ballot envelope and keep those ballots separated from the ballots with write-in votes.

**B. Three-Person Call-Out Method for Ballots Cast on Accessible Voting Devices that Independently Tabulate Votes**

The three-person call method may be used when hand counting votes from an accessible voting machine that independently tabulates votes, including the VVPAT (*see* Section VII(C) below).

1. The inspector shall take the ballots one at a time. On each ballot, the inspector shall find the races that were selected to be hand counted and announce the races one at a time. The judges will find the race on the proper “DRE Hand Count Tally Sheet.” The inspector shall then announce the name of the candidate that the voter marked on the ballot for that race or, if a ballot measure, the voter’s selection for the measure.
  - The determination of voter intent must be made by unanimous consent of all three Hand Count Board members, using the standards established in [Chapter 11, Section IX](#). If a unanimous decision cannot be reached by the Hand Count Board, the officer in charge of elections shall make the final decision regarding the voter’s intent. A notation of the final decision shall be logged on the tally sheet.
2. The judges shall place a tick mark by the voted candidate’s name on the tally sheet. After processing each batch of 25 ballots, the judges shall compare the number of tick marks with each other. If the results from both judges match, the judges shall cross through the remaining numbers in the row. If the results do not match, the Hand Count Board shall recount the batch of 25 ballots until the results from both judges match.
3. Upon completion of the hand count, the judges shall sign the final “Hand Count Cumulative Sheet.”

**C. Process for Hand Counting Accessible Voting Audit Tapes**

The Hand Count Board, under the direction of the officer in charge of elections, shall:

1. Unroll the VVPAT generated by the accessible voting device and verify the precinct.
2. Mark through all the voided or spoiled votes cast with a red pen/pencil in a manner that is visually distinguishable but does not interfere with the ability to read the paper.
3. Mark through all provisional votes with a red pen/pencil in a manner that is visually distinguishable but does not interfere with the ability to read the paper.
4. Ensure that the voided or spoiled and provisional votes are not counted.
5. If the paper roll is unable to be read for any reason, a new precinct shall be selected for the precinct hand count in accordance with [Section VIII](#) of this Chapter. If no other precinct/polling location is available for selection, the unreadable ballots shall be read using the printed version of the electronic ballots as generated by the accessible voting

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device. The officer in charge of elections shall make the determination of whether a paper roll is readable.

6. Utilize the Three-Person Call Tabulating Method.
7. If multiple accessible voting devices were used in the precinct or for early voting, repeat the process above for each paper roll generated by the Accessible Voting Devices.
8. Record results on the Accessible Voting Device Hand Count Tally Sheet.

## VIII. PROCEDURES FOR CONDUCTING THE HAND COUNT

The officer in charge of elections must commence the hand count with a public announcement and explanation of the procedure. The hand count must begin within 24 hours after the polls close on Election Day and must be completed before the county canvass. [A.R.S. § 16-602\(I\)](#). The start of the hand count can be defined as the official training of the Hand Count Board members, selection of the precincts and races, coordinating the hand count with the party leaders, or any other activity that furthers the progress of the hand count for that election.

Hand count board members shall not bring cellular phones, other electronic devices, or pens with black or blue ink into the official hand counting area.

Throughout the hand count, the officer in charge of elections must retain custody and control of all hand counted ballots. [A.R.S. § 16-602\(H\)](#).

### A. Precinct Hand Count

#### 1. Precinct Hand Count Process

The initial precinct hand count must be conducted according to the following procedure for each race selected for the hand count.

1. The officer in charge of elections: (i) ensures each board is properly assembled and has been provided all necessary forms and supplies; (ii) apportions ballots to the Hand Count Boards; and (iii) announces which specific race will be hand counted. The boards are not provided with the electronically-tabulated results for any race at this time.
2. The inspector or one of the judges fills out a **Hand Audit Tally Sheet** (see sample forms in [Chapter 17](#)) for each race to be hand counted.<sup>53</sup> The inspector signs each Hand Audit Tally Sheet. All Hand Audit Tally Sheets from the precinct hand count shall be provided to the officer in charge of elections after completion.
  - a. Each judge shall fill out the top of the Hand Audit Tally Sheet, listing the precinct/polling location name, precinct/polling location number, inspector name and their name as the judge. Each judge shall also check the box for the proper election type.

<sup>53</sup> See Sample Count Tally Sheet – Stacking Method, and Hand Count Tally Sheet – Three-Person Call Out Method, in [Chapter 17](#).

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- b. For a candidate race, list each candidate's name on a separate counting line of the Hand Audit Tally Sheet. For ballot measures, list "Yes" on the first counting line and "No" on the second counting line.
3. For optical/digital scan ballots, the Hand Count Board shall separate ballots with write-in votes from the other precinct/polling location ballots and hand count each group of ballots using the stacking method described in Section VII(A) above. For ballots cast on accessible voting devices that independently tabulates votes and VVPATs, the Hand Count Board shall conduct the hand count using the three-person call-out method, *see* Sections VII(B)-(C) above.
4. The Hand Count Board shall list the totals for each candidate on the appropriate Hand Audit Tally Sheet. Each precinct/polling location shall have one Hand Audit Tally Sheet for the optical/digital scan ballots and one for the accessible voting devices, unless the accessible voting device produces a paper ballot read by a tabulation unit and those paper ballots were hand counted using the stacking method. At this point, the hand count results for the batch is compared to the machine count results and the Auditor initials the Hand Count Tally Sheet to indicate that there are no discrepancies in the batch totals.
5. The officer in charge of elections shall create a Precinct Hand Count Margin Worksheet (*see* sample form in [Chapter 17](#)) for each race that was hand counted and calculate the hand count margin using the Precinct Hand Count Margin Worksheet and following the steps below in the presence of the county political party chairpersons (or designees):
  - a. **Fill out Top of Form.** Fill out the date of the election. Circle the proper election (general, special, primary, or PPE). State the race category that the worksheet is for (presidential elector, statewide candidate, statewide ballot, federal candidate, or state legislative candidate). List the specific race (*e.g.*, State Senator, Corporation Commission/Democrat). List the hand count round (1st hand count, 2nd hand count, expanded hand count or final hand count).
  - b. **Enter Hand Count Totals.** For each precinct/polling location that was hand counted, enter separately the hand count totals for the optical/digital scan ballots and the hand count totals for the accessible voting devices. These totals will come directly from the Hand Count Tally Sheets. Each candidate's counts or yes/no counts for ballot measures from the Hand Count Tally Sheet must be listed in the table. The total number of hand counted votes shall be calculated and noted in the worksheet.
  - c. **Enter Machine Count Totals.** For each precinct/polling location that was hand counted, enter separately the machine totals for the optical/digital scan ballots and the machine totals for the accessible voting devices. These totals will come directly from Election Management Systems. Each candidate's counts or yes/no counts for ballot measures from the Hand Count Tally Sheet must be listed in the table. The total number of machine counted votes shall be calculated and noted in the worksheet.
  - d. **Calculate Absolute Difference.** For each candidate's total or ballot measure yes/no total, calculate the absolute difference between the hand count and the

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machine count. The absolute difference is the difference between the two numbers listed as a positive value (*e.g.*, [100 – 99] or [99 – 100] will both have an absolute value of one). The total absolute value for each precinct/machine type shall be calculated and noted in the worksheet.

- e. **Calculate Grand Totals.** Add up all the machine count totals for a particular race category to calculate the “Grand Total Machine Count.” Add up all the absolute differences for a particular race category to calculate the “Grand Total Absolute Difference.”
  - f. **Calculate Hand Count Margin.** Divide the “Grand Total Absolute Difference” by the “Grand Total Machine Count” and multiply the result by 100 to calculate the margin in a percentage form.
6. Compare the hand count margin for each race to the designated margin established by the Vote Count Verification Committee (established by the Secretary of State pursuant to [A.R.S. § 16-602\(K\)](#)) to determine if it is in the acceptable range or if a second or expanded precinct hand count is required. The applicable designated margin is available on the Secretary of State’s website at <https://www.azsos.gov/elections/voting-election/voting-equipment>.
  7. If the calculated margin for the specific race from the Precinct Hand Count Margin Worksheet is less than the designated margin for the precinct hand count established by the Vote Count Verification Committee, the precinct hand count will be deemed concluded and the results of the electronic tabulation will constitute the official count for that race. The officer in charge of elections shall indicate on the Hand Count Cumulative Sheet that the count is complete and two members, one of each political party from each Hand Count Board present, shall sign the sheet.

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**2. Second Precinct Hand Count**

If any hand counted race results in a calculated margin that is equal to or greater than the designated margin for the precinct hand count, a second precinct hand count of that race and of those same ballots shall be performed. A new Precinct Hand Count Margin Worksheet shall be created for the second precinct hand count for the race in question.

If the second precinct hand count results in a calculated margin that is less than the designated margin, the precinct hand count will be concluded and the results of the electronic tabulation will constitute the official count for that race. The officer in charge of elections shall indicate on the Hand Count Cumulative Sheet that the count is complete and a representative from each political party present shall sign the sheet. [A.R.S. § 16-602\(C\)](#).

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**3. Expanded Precinct Hand Count**

If the second precinct hand count results in a margin that is equal to or greater than the designated margin, the precinct hand count shall be expanded to include a total of twice the original number of randomly selected precincts/polling locations. Those additional precincts/polling locations (equal to the original number of randomly selected precincts/polling



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locations, so that the total number of ballots hand counted is twice the original number) shall be selected in accordance with the process set forth in Section IV. If the remaining number of precincts/polling locations for a race is less than the original number of precincts/polling locations selected for the first hand count, then the total remaining precincts/polling locations shall be included in the expanded hand count. [A.R.S. § 16-602\(C\)](#). A new Precinct Hand Count Margin Worksheet shall be created for the expanded Precinct Hand Count race in question.

If the calculated margin for the expanded precinct hand count (as calculated based on the results of the original hand count plus the expanded hand count) is less than the designated precinct hand count margin, the precinct hand count will be concluded and the results of the electronic tabulation will constitute the official count for that race. The officer in charge of elections shall indicate on the Hand Count Cumulative Sheet that the count is complete and a representative from each political party present shall sign the sheet. [ARS § 16-602\(E\)](#).

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**4. Full Precinct Hand Count**

If the expanded precinct hand count results in a calculated margin that is equal to or greater than the designated precinct hand count margin, the precinct hand count shall be extended to include the entire jurisdiction for that race. If the jurisdictional boundary for that race includes any portion of more than one county, the full precinct hand count shall not be extended into the precincts/polling locations that are outside of the county that is conducting the full precinct hand count. A new Precinct Hand Count Margin Worksheet shall be created for the full precinct hand count race.

If necessary, the officer in charge of elections may work with the county political party chairpersons (or designees) to select additional Hand Count Board members using the same selection procedure for the initial Hand Count Board members.

The full hand count must be repeated for a particular race until the results of a full hand count are identical to the results of another full hand count for that race. When an identical hand count result is achieved, the hand count (not the electronic tabulation) constitutes the official result for the race in that county. The precinct hand count totals shall be added to the total count of early ballots, provisional ballots, conditional provisional ballots, and write-in votes to determine the final count and the officer in charge of elections shall report that final count to the Secretary of State. [A.R.S. § 16-602\(D\)](#).

**B. Early Ballot Hand Count**

The early ballot hand count is a hand count of a percentage of early ballots actually voted. The number of early ballots to be counted is 1% of the total number of early ballots cast or 5,000 early ballots, whichever is less. Each machine used for early ballot tabulation shall have at least one batch included in the early ballot hand count, and batch sizes may not exceed 400 ballots. [A.R.S. § 16-602\(F\)](#).

**1. Early Ballot Hand Count Process**

The selected early ballots shall be hand counted according to the following procedure for each race selected for the early ballot hand count.

1. Prior to beginning the tabulation of early ballots, the officer in charge of elections shall determine the total number of early ballots sent for the election. From this number the officer in charge of elections shall calculate a number that equals 1% of the number or 5,000, whichever is less. Because the number of early ballots voted (including in-person early voting) will generally be lower than the number of early ballots sent, this calculation should yield a number of ballots that meets or exceeds the number of early ballots required to be hand counted.
2. The officer in charge of elections shall then determine the number and size of the batches. The number of batches must be enough to include at least one batch per machine used for early ballot tabulation. That number must then be doubled to account for the possibility of an expansion from 1% to 2% of early ballots required to be hand counted. The batch size can be any amount up to 400 ballots. The size of the batch should start with the 1% number divided by the number of machines used for early ballot tabulation. The table below provides some examples.

|                                                                                                | County A      | County B          | County C            |
|------------------------------------------------------------------------------------------------|---------------|-------------------|---------------------|
| Number of early ballots sent to voters                                                         | 4,000         | 60,000            | 800,000             |
| Number of machines used for early ballot tabulation                                            | 2             | 4                 | 3                   |
| 1% of early ballots sent to voters, or 5,000, whichever is less                                | 40            | 600               | 5,000               |
| 2% of early ballots sent to voters, or 10,000, whichever is less (in case expansion is needed) | 80            | 1,200             | 10,000              |
| Size of Batches                                                                                | 20            | 150               | 400 (max)           |
| Number of Batches Required to Meet 1%                                                          | $(40/20) = 2$ | $(600/150) = 4$   | $(5,000/400) = 13$  |
| Number of Batches Required to Meet 2%                                                          | $(80/20) = 4$ | $(1,200/150) = 8$ | $(10,000/400) = 25$ |

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3. The county political party chairpersons (or designees) will work with the officer in charge of elections to randomly select one or more batches of early ballots included in the initial tabulation. This includes at least one batch from each machine used to tabulate early ballots, and shall securely sequester those ballots, along with their unofficial tally reports, for use in the early ballot hand count.
  - a. Every precaution should be taken to ensure that no partial or complete tallies of the early election board be released or divulged before all precincts have reported or one hour after the closing of the polls on Election Day, whichever occurs first.
4. From the sequestered early ballots, the officer in charge of elections will randomly select the required number of early ballots with which to conduct a hand count of the same races that are being hand counted in the precinct hand count and create batches consisting of up to 400 ballots per batch. The total number of ballots divided into batches shall satisfy the total number of early ballots required to be hand counted. At least one batch shall be created from early ballots tabulated on each machine used for tabulating early ballots. The batches may be selected from any presorted early ballot returns from Step 3 above. The batches used for the early ballot hand count need not correspond to the precincts/polling locations selected for the precinct hand count. The names of the candidates may vary among the batches if necessary. The machine counts of the races in this category shall be added together and measured against the hand counts of the races in this category to determine if the total margin of difference falls within the designated margin.
5. If a county has an EMS that can produce sub-reports of results, then the officer in charge of elections will complete the steps necessary to create a batch report for each batch and print out the sub-report.
6. The ballots included in a batch, as well as the baseline and batch tally reports, will be clearly labeled and sequestered separate from any other ballots or batches. The machine that the batches of early ballots were counted on shall be identified and listed with the batch. Each batch may include a stack of regular ballots and a stack of ballots with write-in votes.
7. This process shall continue until a sufficient number of batches have been created.
8. On Election Day, the officer in charge of elections shall calculate the exact number of early ballots tallied up to that point in time. From this number, the officer in charge of elections shall calculate a number equaling 1% of the total early ballots. This shall serve as the number of ballots to audit.
9. The political party chairpersons shall randomly select one or more batches until enough ballots have been selected to equal the number of ballots to audit.
10. If needed, for each race selected for audit, the officer in charge of elections shall calculate the electronic total for the race by subtracting the batch tally total for that race from the baseline tally total for that race. This shall be done for all selected batches. All races selected for the precinct hand count shall also be hand counted in the early ballot hand count. For the early ballot hand count, the races shall be listed in Section C of the Master Precinct and Race Selection Worksheet.

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11. A Hand Count Tally Sheet shall be created for each possible contested race listed on the Master List of All Contested Races.
12. The Hand Count Board members shall then perform a hand count of the optical/digital scan ballots using the stacking method. If accessible voting devices that independently tabulate votes are used for early voting, then at least one batch from each accessible voting device shall be included in the early ballot hand count and hand counted using the three-person call-out method.
13. The officer in charge of elections shall add all hand count results together for each race, including any accessible voting device results, add all electronic results together for each race, including any accessible voting device, and calculate the margin of difference using the Early Ballot Hand Count Margin Worksheet as follows:
  - a. **Fill out Top of Form.** Fill out the date of the election. Circle the proper election (general, special, primary, or PPE). State the race category that the worksheet is for (presidential elector, statewide candidate, statewide ballot, federal candidate, or state legislative candidate). List the specific race (*e.g.*, State Senator, Corporation Commission/Democrat). List the hand count round (1st hand count, 2nd hand count, expanded hand count or final hand count).
  - b. **Enter Hand Count Totals.** Enter separately the hand count totals for the optical/digital scan ballots and the hand count totals for the accessible voting devices. These totals will come directly from the Hand Count Tally Sheets. Each candidate's counts or yes/no counts for ballot measures from the Hand Count Tally Sheet must be listed in the table. The total number of hand counted votes shall be calculated and noted in the worksheet.
  - c. **Enter Machine Count Totals.** Enter separately the machine totals for the optical/digital scan ballots and the machine totals for the accessible voting devices. These totals will come directly from Election Management Systems. Each candidate's counts or yes/no counts for ballot measures from the Hand Count Tally Sheet must be listed in the table. The total number of machine counted votes shall be calculated and noted in the worksheet.
  - d. **Calculate Absolute Difference.** For each candidate's total or ballot measure yes/no total, calculate the absolute difference between the hand count and the machine count. The absolute difference is the difference between the two numbers listed as a positive value (*e.g.*, [100 – 99] or [99 – 100] will both have an absolute value of one).
  - e. **Calculate Grand Totals.** Add up all the machine count totals for a particular race category to calculate the "Grand Total Machine Count." Add up all the absolute differences for a particular race category to calculate the "Grand Total Absolute Difference."
  - f. **Calculate Hand Count Margin.** Divide the "Grand Total Absolute Difference" by the "Grand Total Machine Count" and multiply the result by 100 to calculate the margin in a percentage form.

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If the margin of difference between the manual count of early ballots compared to the electronic tabulation of those ballots is less than the designated early ballot hand count margin, the electronic tabulation shall be the official count of the race and included in the canvass. No further hand count of the early ballots shall be conducted. The officer in charge of elections or Hand Count Board shall mark off and sign the Early Ballot Hand Count Margin Worksheet as completed. [A.R.S. § 16-602\(F\)](#).

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**2. Second Early Ballot Hand Count**

If the margin of difference is equal to or greater than the designated early ballot hand count margin for any race, the Hand Count Board shall repeat the hand count of the same early ballots for that race.

If the second early ballot hand count results in a margin that is less than the designated margin, the early ballot hand count will be concluded and the results of the electronic tabulation will constitute the official count for that race. No further hand count of the early ballots shall be conducted. The Hand Count Board shall mark off the chart as completed and two members, one of each political party, from each Hand Count Board present shall sign the chart. [A.R.S. § 16-602\(F\)](#).

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**3. Expanded Early Ballot Hand Count**

If the margin is equal to or greater than the designated early ballot hand count margin for any race, the Hand Count Board shall conduct an expanded early ballot hand count for that race, to include a number of additional early ballots equal to 1% of the total early ballots cast or an additional 5,000 ballots, whichever is less, to be randomly selected from the batch or batches of sequestered early ballots. The Hand Count Board shall hand count the additional early ballots using the steps spelled out in [Section VIII\(B\)\(1\)](#) above. [A.R.S. § 16-602\(F\)](#).

To calculate the hand count margin for the expanded early ballot hand count, add the first and expanded electronic count and add the first and expanded hand count together and then calculate the margin using the equation in Step 13 in [Section VIII\(B\)\(1\)](#) above.

If the expanded early ballot audit results in a difference for that race that is equal to or greater than the designated early ballot hand count margin, the manual counts shall be repeated for that race until a manual count results in a margin that is less than the designated margin.

All results shall be documented in writing and signed by the officer in charge of elections and all county political party chairpersons (or designees) present. The officer in charge of elections shall label the ballots used for the early ballot hand count and preserve them separately. [A.R.S. § 16-602\(F\)](#).

### C. Review of Election Program by a Special Master

If a full jurisdiction-wide hand count was necessary, the Secretary of State must make available the escrowed election program source code for that county's election equipment to the superior court for that county. The superior court for that county must then appoint a special master to review the election program.

The special master must:

1. Have expertise in software engineering;
2. Not be affiliated with an election equipment or software vendor;
3. Not be affiliated with a candidate who appeared on the ballot in that county;
4. Be bound by a signed nondisclosure agreement with respect to the contents of the election program.

The special master must prepare a public report to the superior court and to the Secretary of State with their findings on any discrepancies found in the election program.

The Secretary of State's Election Equipment Certification Committee must review this report when considering the continued certification of that election equipment and software. [A.R.S. § 16-602\(J\)](#).

### IX. STANDARD FOR DETERMINING VOTER INTENT IN HAND COUNT

Ballots with vote choices that were marked improperly, corrected or erased, or otherwise read as blank or unclear by the electronic tabulation machine have likely been duplicated or adjudicated using the procedures in [Chapter 10, Section II](#) prior to being tabulated and/or committed to the EMS. Where necessary, the Hand Count Board members must also determine the voter's intent on such ballots, using the following standards:

1. If the voter selected more than the allowed number of selections for a particular race and the voter's intended choice(s) cannot be positively determined, then no vote is counted for any candidate for that race or for or against that ballot measure.
2. If the voter did not select any choice for a particular race or ballot question, then no vote is counted for any candidate for that race or for or against that ballot measure.
3. If the voter clearly and unambiguously indicated their intended vote choice on the face of the ballot in a manner consistently used throughout the rest of the ballot but the vote choice was nonetheless unreadable by the electronic tabulation equipment, either due to the voter marking the ballot using an improper method or for other reasons, the Hand Count Board must count the voter's intended choice in the hand count.
  - If the voter properly marked the ballot (for example, filled in the oval or connected the arrow) but the ballot face includes other extraneous marks, the

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extraneous marks should be disregarded and the Hand Count Board must consider the properly marked vote choice as the voter's intended selection.

4. If the voter attempted to erase or undo their original vote choice, the Hand Count Board must determine which mark is clearest and count it as the proper vote choice.
5. If the voter marked the ballot using an improper method (for example, circling a vote choice rather than filling an oval) such that the selections were unreadable by the electronic tabulation equipment, but the markings indicate the clear and unambiguous intent of the voter and the improper method is consistently used throughout the rest of the ballot, the Hand Count Board must count the voter's selections in the hand count, even if a ballot is slightly defaced or soiled.

The Hand Count Board members must reach a unanimous decision as to voter intent. If the Hand Count Board members are unable to reach a unanimous decision in a particular race, the officer in charge of elections shall make the final determination of voter intent. [A.R.S. § 16-602\(G\)](#).

## **X. HAND COUNT OF RECOUNTED ELECTIONS**

A precinct hand count audit must also be conducted following a court-ordered recount pursuant to [A.R.S. § 16-661](#) through [A.R.S. § 16-663\(B\)](#). This means any ballots that have been electronically re-tabulated for purposes of a recount are treated as if a new election took place and therefore are again subject to hand count audit requirements.

The same procedures for a precinct hand count shall be followed except that the officer in charge of elections and the political parties must conduct a hand count of at least 5% of precincts for the recounted race. [A.R.S. § 16-663\(B\)](#). In counties that conduct vote center-based elections, the officer in charge of elections and the political parties must conduct a hand count of at least 2% of the total number of ballots that were subject to the recount.

## **XI. REPORTING RESULTS OF THE HAND COUNT**

Within two business days of the completion of the precinct hand count and early voting hand count, and prior to the county canvass, the officer in charge of elections must electronically submit a report to the Secretary of State that includes the following information:

- Dates of the precinct and early ballot hand counts;
- Precincts or vote centers selected for the precinct hand count;
- Races selected;
- Summary of the results by precinct/voting location and race for both the electronically tabulated vote totals and the hand counted totals; and
- The margins from the hand count when compared to the electronically tabulated results.

The Secretary of State must post the results on the Secretary of State's website. [A.R.S. § 16-602\(I\)](#).

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## CHAPTER 12: OTHER POST-ELECTION DAY PROCEDURES

### I. REPORTING ELECTION RESULTS

The officer in charge of elections may publicly release election results at the earlier of:

- The time when all ballots cast on Election Day at voting locations have been tabulated and publicly reported; or
- One hour after all polls under the jurisdiction of the officer in charge of elections have closed on Election Day.

Polls presumptively close at 7:00 p.m. on Election Day unless extended by court order. [A.R.S. § 16-551\(C\)](#); [A.R.S. § 16-565\(A\)](#).

For elections involving a federal, statewide, or legislative candidate race or a statewide ballot measure, the officer in charge of elections must promptly transmit those election results to the Secretary of State, prior to or immediately after making those results public. For the initial transmission of election results on Election Day, and as additional results are tabulated prior to the county canvass, the officer in charge of elections must transmit election results to the Secretary of State in the required electronic format using an application specified by the Secretary of State. [A.R.S. § 16-622\(B\)](#).

### II. CONDUCTING POST-ELECTION LOGIC & ACCURACY TEST

A post-election logic and accuracy (L&A) test must be performed by the officer in charge of elections after the official count has been completed but before the county canvass.

The post-election L&A test must be performed using the same election program and voting equipment used for the pre-election L&A test and the election. The same test ballots and test script from the pre-election L&A test must be utilized.

The post-election L&A test should generate the same results as the pre-election L&A test. If the post-election L&A test does not yield the same results, the officer in charge of elections should visually assess the test ballots and/or voting equipment for errors or malfunctions. If the problem still cannot be resolved, the officer in charge of elections should contact the Secretary of State and/or the County Attorney for further assistance.

### III. FILING FEDERAL POST-ELECTION REPORTS

#### A. Election Assistance Commission Reporting

Within 90 days after a federal general election (or any later date established by the federal Election Assistance Commission (EAC)), the Secretary of State must submit a comprehensive post-election report to the EAC in accordance with the format prescribed by the EAC. The report must be prepared in conjunction with, and based on data from, County Recorders and/or the other officers in charge of elections. [A.R.S. § 16-142\(B\)](#).

#### B. Department of Justice UOCAVA Reporting

At the request of the United States Department of Justice, the Secretary of State must report the following information following a federal election:

- The number of UOCAVA ballots requested for the election;
- The number of UOCAVA ballots timely transmitted; and
- The number of UOCAVA ballots that were not timely transmitted.

If the County Recorder believes that UOCAVA ballots will be transmitted late, the County Recorder should notify the Secretary of State as soon as practicable.

County Recorders must provide the required data to the Secretary of State in order to meet the federal reporting requirements. [52 U.S.C. § 20308](#).

### IV. POST-ELECTION REIMBURSEMENT REQUESTS

#### A. Reimbursement for Conducting Local Election

Within 90 days after conducting an election on behalf of a local jurisdiction, the County Recorder or other officer in charge of elections must prepare an accounting report which itemizes all expenditures incurred by the county in administering the election. The report must include the specific charges for each local jurisdiction which participated in the election. Local jurisdictions that participated in the election may request and receive a copy of the report. [A.R.S. § 16-205\(D\)](#).

#### B. Reimbursement for PPE Expenses

Within 90 days after a PPE, the County Recorder or other officer in charge of elections should submit a proper claim to the Secretary of State for reimbursement of expenses incurred in conducting the election. The claim must include the number of registered voters in the county as of January 2 of the PPE year.

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The Secretary of State must reimburse each county that submitted a claim at the specified statutory rate per active registered voter in the county as of January 2. [A.R.S. § 16-250\(B\)](#).<sup>54</sup>

The Secretary of State may reimburse a county at a rate greater than \$1.25 per active registered voter, in the Secretary of State’s discretion, if the County Recorder or other officer in charge of elections: (1) submitted a proper claim that outlined the county’s actual expenses to conduct the PPE; and (2) demonstrates that reimbursement at the statutory rate would significantly jeopardize the county’s ability to comply with federal and state law. [A.R.S. § 16-250\(B\)](#).

### C. Reimbursement for Sample Ballots

The Board of Supervisors or officer in charge of elections shall seek reimbursement from the Secretary of State for each sample ballot mailed to a county household. The Board of Supervisors or officer must present a certified claim that specifies the actual cost for printing, labeling and postage, along with supporting documentation. The Secretary of State shall direct payment of such authenticated claims from funds of the Secretary of State’s Office. [A.R.S. § 16-510\(C\)](#).

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<sup>54</sup> Although [A.R.S. § 16-250\(B\)](#) specifies that reimbursement for the PPE must be based on the number of active registered voters as of “January 1” of the year of the PPE, the 54th Legislature, First Regular Session, via Senate Bill 1154, amended [A.R.S. § 16-168\(G\)](#) to require County Recorders to report voter registration statistics as of January 2 each year, rather than January 1. Accordingly, January 2 is used in lieu of January 1 here.

## CHAPTER 13: CERTIFYING ELECTION RESULTS

### I. DETERMINING ELECTION RESULTS

In a partisan primary election:

- The candidate who receives the largest number of votes must be declared the party nominee for that office and issued a certificate of nomination by the Board of Supervisors (or designee).
  - If more than one candidate may be nominated, the candidates who receive the largest number of votes will be declared nominees and issued certificates of nomination in accordance with the number to be nominated. Nomination entitles the candidate to be placed on the general election ballot.

[A.R.S. § 16-645\(A\), \(F\)](#).

- In order for a write-in candidate to become the nominee of a party with continued representation on the ballot, the candidate:
  - Must receive the largest number of votes; and
  - Must receive at least as many votes as the number of nomination petition signatures required to appear on the primary election ballot for that office.

At the general election:

- Unless otherwise specified in law, the candidate who receives the largest number of votes must be declared elected to that office and issued a certificate of election by the Board of Supervisors (or designee), [A.R.S. § 16-647](#); [A.R.S. § 16-650](#); and
- A ballot measure that is approved by a majority of votes cast for the measure will be declared to be law, [Ariz. Const. Art. IV, Pt. 1, § 1\(13\)](#).
  - If two or more conflicting measures (in whole or in part) are approved by voters at the same election, the measure with the most votes will prevail with respect to any provisions that are in conflict. [Ariz. Const. Art. IV, Pt. 1, § 1\(12\)](#).
  - Upon completion of the canvass by the Secretary of State, the Governor will issue a proclamation of the votes cast for and against any constitutional amendments, initiatives, and referenda, and declare those approved by a majority to be law. [A.R.S. § 16-651](#).

[A.R.S. § 16-649](#) specifies the result of the election in the event of a tie.

## II. CANVASSING THE ELECTION

The governing body conducting an election must meet and canvass the election results of each precinct or election district. The purpose of the canvass is to officially certify the election. The canvass includes vote totals for all races tabulated by voting equipment (including early ballots, regular ballots, and provisional ballots) and write-in votes.

A canvass must be conducted by the statutory deadline, but should not be conducted until all necessary audits have been completed to verify the accuracy and integrity of the election results.

### A. County Board of Supervisors Canvassing Duties

A Board of Supervisors must canvass the official election results in a public meeting. The official election results must include the following information:

1. A Statement of Votes Cast, which includes:
  - a. The number of ballots cast in each precinct and in the county;
  - b. The number of ballots rejected in each precinct and in the county;
  - c. The titles of the offices up for election and the names of the persons (along with the party designation, if any, of each person) running to fill those offices;
  - d. The number of votes for each candidate by precinct and in the county;
  - e. The number and a brief title of each ballot measure; and
  - f. The number of votes for and against each ballot measure by precinct and in the county.
- [A.R.S. § 16-646.](#)
2. A cumulative Official Final Report, which includes:
  - a. The total number of precincts;
  - b. The total number of ballots cast;
  - c. The total number of registered voters eligible for the election;
  - d. The number of votes for each candidate by district or division, including a designation showing which candidate received the highest number of votes;
    - In a PPE, the number of votes for each candidate by congressional district;
    - In a primary election, the report must contain the party designation for each office; whereas in a general election, the report must contain the party designation for each candidate;
  - e. The number of votes for and against each ballot measure by district, including a designation of which choice received the highest number of votes;
  - f. The total number of votes in each district or division.

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3. A Write-Ins Vote Report, which includes the name and number of votes for each authorized write-in candidate by precinct.

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**1. Deadline to Canvass Results**

The Board of Supervisors should canvass the election results only after all necessary audits have been performed and any discrepancies have been addressed by the County Recorder or other officer in charge of elections.

Assuming all prerequisites have been met, the Board of Supervisors must canvass the election by the required deadline, which varies by type of election.

- For primary elections and PPEs, the Board of Supervisors must canvass the results within ten days after the election. [A.R.S. § 16-241\(C\)](#); [A.R.S. § 16-645\(B\)](#).
- For all other elections held on a consolidated election date (including general elections), the Board of Supervisors must canvass between six and 20 days after the election. [A.R.S. § 16-642\(A\)](#).
- For special elections, the Board of Supervisors must canvass the election according to the deadline established in the order calling the election.

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**2. Scope of Duty to Canvass**

The Board of Supervisors may postpone the canvass on a day-to-day basis if the results from any precinct are missing. If precinct results are still missing after six postponements, the Board of Supervisors must canvass the remaining election results. [A.R.S. § 16-642\(C\)](#).

The Board of Supervisors has a non-discretionary duty to canvass the returns as provided by the County Recorder or other officer in charge of elections and has no authority to change vote totals or reject the election results.

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**3. Preserving and Transmitting Canvass Results**

Once the Board of Supervisors has certified the election results, the Official Final Report and Statement of Votes Cast from the canvass must be published on the website of the officer in charge of elections. An original signed canvass should be preserved as a permanent record by the Board of Supervisors.

For any elections that include a federal, statewide, or legislative office, or a statewide ballot measure, the Board of Supervisors or officer in charge of elections must transmit the official canvass to the Secretary of State (in an electronic format determined by the Secretary of State) within the applicable statutory deadline. [A.R.S. § 16-645\(B\)](#). In addition, a certified copy must be promptly mailed to the Secretary of State to be preserved as a permanent record.

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If the county conducted an election on behalf of a local jurisdiction, the Board of Supervisors or officer in charge of elections should promptly transmit a copy of the official canvass to those jurisdictions as well.

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**4. Reports Included with County Canvass**

***a. Provisional Ballot Report***

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The County Recorder or other officer in charge of elections must submit a provisional ballot report to the Secretary of State with the primary and general election canvasses. The report must contain the following information about provisional ballots cast at that election:

1. The number of voters in each precinct;
2. The number of provisional ballots cast in each precinct;
3. The number of provisional ballots verified/counted in each precinct;
4. The number of provisional ballots not verified/counted in each precinct, along with the reason for not doing so;
5. The number of conditional provisional ballots cast in each precinct;
6. The number of conditional provisional ballots verified/counted in each precinct; and
7. Whether the uniform procedures were followed for determining whether a provisional ballot is counted or not counted.

***b. Accessibility Report***

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The County Recorder or other officer in charge of elections must submit an accessibility report to the Secretary of State with the general election canvass (which includes information from both the primary and general election). The report must contain the following information about the recently conducted elections:

1. The number of voting locations in the county;
2. The number of voting locations that were fully handicap-accessible under the Americans With Disabilities Act (ADA);
3. The number of voting locations that were not fully handicap-accessible under the ADA. If some locations were not fully handicap-accessible, the report must identify:
  - The address or description of the voting location;
  - The number of voters registered in the precinct(s) in question (if the county conducts polling place-assigned elections); and
  - The number of ballots cast at the voting location;
4. If some locations were not fully handicap-accessible prior to use on Election Day, the efforts undertaken prior to the election to either make the voting location fully accessible or identify an alternative location that was fully accessible; and

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5. The measures being undertaken to bring inaccessible voting locations into compliance or to replace inaccessible voting locations with accessible locations.

**c. Voter Education Report**

The County Recorder or other officer in charge of elections must submit a voter education report to the Secretary of State with the general election canvass (which includes information from both the primary and general election). The report must contain the following information about the recently conducted elections:

1. The percentage of voter turnout;
2. The number of early ballots requested;
3. The number of early ballots cast;
4. The number of early ballots that were verified and tabulated;
5. The number of provisional ballots voted;
6. The number of public service announcements about the election prior to the election, including during the 90-day period prior to election day, including a summary of media outreach (such as paid advertising, social media posts, public events, interviews, etc.);
7. The number of voter education and outreach events, including seminars or community meetings that provided voter education;
8. The number of locations where the County Recorder or officer in charge of elections provided voter information for public display and the length of time such information was on public display; and
9. A comparison of all of the statistics referenced above with the same statistics from the previous equivalent federal election.

**d. Poll Worker Training Report**

The County Recorder or other officer in charge of elections must submit a poll worker report to the Secretary of State with the general election canvass (which includes information from both the primary and general election). The report must contain the following information about the recently conducted elections:

1. The number of poll workers trained;
2. A description of the types of election board workers trained for each voting location, including:
  - The number of inspectors, marshals, judges, and clerks trained and assigned to each voting location;
  - The number of “premium” poll workers (if any) trained and assigned to each voting location or other area; and



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- The number of “troubleshooters” (if any) trained and assigned to each voting location or other area;
3. The number of provisional ballots cast at each voting location; and
  4. The number of signature rosters or e-pollbooks used at each voting location.

**e. Political Party Ballot Report**

Concurrently with submitting its primary election canvass, the County Recorder or other officer in charge of elections must file a report with the Secretary of State that identifies the total number of partisan ballots, by party, selected by voters registered as no party preference, independent, or any political party not recognized for continued representation on the ballot. [A.R.S. § 16-645\(B\)](#).

**f. “Federal-Only” Ballot Report**

Following each general election, the County Recorder or other officer in charge of elections shall post on the recorder’s website the number of ballots cast by those persons who were eligible to vote a ballot containing federal offices only. A.R.S. § 16-161(B).

**Comment [WJ32]:** RECOMMEND adding. Adding the statutory requirements for the “Federal-Only” Ballot report to the Reports for the County Canvass will provide the maximum degree of uniformity and efficiency.

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**B. Secretary of State’s Canvassing Duties**

The Secretary of State must canvass the results for any elections that include a federal, statewide, or legislative office, state appellate court judges, and statewide ballot measures.

**1. Deadline to Canvass Results**

For primary elections and PPEs, the Secretary of State must canvass the results on or before the second Monday after the election. [A.R.S. § 16-241\(C\)](#); [A.R.S. § 16-645\(B\)](#). In the case of a PPE, the Secretary of State must promptly transmit the results to the state chairpersons of any political party that had candidates on the ballot.

For a general election, the Secretary of State must canvass the results on the fourth Monday following the election. [A.R.S. § 16-648\(A\)](#). The Secretary of State must conduct the general election canvass at a public meeting and in the presence of the Governor and Attorney General. [A.R.S. § 16-648\(A\)](#). If any statewide ballot measures appeared on the ballot, the Secretary of State must canvass the results in the presence of the Governor and Chief Justice of the Arizona Supreme Court. [A.R.S. § 16-648\(B\)](#).

**2. Scope of Duty to Canvass**

The Secretary of State may postpone the canvass on a day-to-day basis if the results from any county are missing. [A.R.S. § 16-648\(C\)](#). All counties must transmit their canvasses to the Secretary of State, and the Secretary of State must conduct the statewide canvass, no later than 30 days after the election. [A.R.S. § 16-648\(C\)](#).

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The Secretary of State has a non-discretionary duty to canvass the returns as provided by the counties and has no authority to change vote totals or reject the election results.

**3. Preserving and Transmitting Canvass Results**

Once the Secretary of State has certified the election results, the official canvass (along with the official final precinct level results files from each county) must be published on the Secretary of State's website. An original signed canvass must be preserved as a permanent record.

Following a general election with at least one statewide ballot measure, the Secretary of State must promptly transmit the results of each ballot measure to the Governor. [A.R.S. § 16-648\(B\)](#).

Following an electoral college to select the President of the United States, the Secretary of State must transmit Certificates of Ascertainment and Certificates of Vote to the Archivist of the United States, President of the United States Senate, and the Chief Judge of the United States District Court for the District of Arizona by the deadline provided under federal law. See <https://www.archives.gov/federal-register/electoral-college/officials.html>.

**C. City and Town Canvassing Duties**

A city or town council must canvass the official election results of city or town elections in a public meeting. [A.R.S. § 16-403](#).

A certified copy of the official canvass must be filed with the city or town clerk, which must be preserved as a permanent record. [A.R.S. § 16-646\(D\)](#).

**D. Special Taxing District Canvassing Duties**

A special taxing district must canvass the official results for its elections in a public meeting and present the canvass results to the applicable Board of Supervisors at the Board's next regularly scheduled meeting. [A.R.S. § 16-642\(B\)](#).

For the purposes of an election contest pursuant to [A.R.S. § 16-673](#), the canvass is not complete until the special taxing district results have been presented to the Board of Supervisors. [A.R.S. § 16-642\(B\)](#). The clerk of the Board of Supervisors is responsible for maintaining and preserving the certified permanent copy of the official canvass. [A.R.S. § 16-646\(D\)](#).

**E. County School Superintendent Canvassing Duties**

Within 30 days following the date of any school election, the County School Superintendent must meet with the Chairperson of the Board of Supervisors or designee to canvass the returns in accordance with procedures for the canvass of returns in a general election. [A.R.S. 15-426\(B\)](#); [A.R.S. § 15-302\(A\)\(8\)](#).

### III. CONDUCTING AN AUTOMATIC RECOUNT

#### A. Vote Margins that Trigger Recount

A recount must be performed following a general, primary, or special election if the margin of votes, based on the official canvass, between the two candidates receiving the highest number of votes for a particular office, or the votes cast for and against a ballot measure, are equal to the lesser of:

1. 1/10 of 1% or less of the total number of votes cast for the top two candidates or the ballot measure in question; or
2. One of the following margins:
  - 200 votes for statewide or federal office where the total number of votes cast exceeded 25,000;
  - 200 votes for a ballot measure;
  - 50 votes for statewide or federal office where the total number of votes cast was 25,000 or less;
  - 50 votes for legislative office; or
  - 10 votes for county, city, or town office.

[A.R.S. § 16-661\(A\)](#).

The automatic recount requirements do not apply for the following offices:

- Precinct committeemen;
- School district or joint technical education district board member;
- Community college district board member;
- Special taxing district board member; or
- Presidential candidate in a PPE.

[A.R.S. § 16-249\(B\)](#); [A.R.S. § 16-661\(B\)](#).

#### B. Method of Initiating a Recount

If the official canvass demonstrates that a recount is required, the recount is automatically triggered but must be initiated by court order. [A.R.S. § 16-662](#).

Promptly following the canvass, the applicable filing officer must:

- File a lawsuit in the appropriate superior court, citing to the applicable vote margin that triggered the automatic recount and including the canvass;

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- Consult with the applicable officer(s) in charge of elections and estimate the time period it will take to recount the affected ballots; and
- Obtain a signed court order that initiates the recount and sets a court hearing to announce the results, and then distribute the order to the applicable officer(s) in charge of elections.

[A.R.S. § 16-662](#); [A.R.S. § 16-663\(A\)](#). A third-party may not request a recount as a matter of right.

### C. Method of Conducting the Recount

For any race other than the Secretary of State’s race, the Secretary of State is responsible for ensuring that the electronic voting equipment to be used for the recount is available and properly programmed. Unless the Board of Supervisors race is subject to an automatic recount, the Secretary of State may delegate this duty to the Board of Supervisors, who in turn may delegate this duty to the officer in charge of elections. If a Board of Supervisors race is subject to an automatic recount, the Secretary of State may directly delegate this responsibility to the officer(s) in charge of elections. [A.R.S. § 16-664\(A\)](#).

If the Secretary of State’s race is the race to be recounted, the Governor is responsible for performing the oversight duties normally performed by the Secretary of State in a recount. [A.R.S. § 16-664\(B\)](#).

If the Secretary of State delegates oversight to the Board of Supervisors, ballots from the race to be recounted will be tabulated using the same electronic voting equipment that was used during the election, except the equipment must be reconfigured to only tabulate the race to be recounted. This reconfiguration constitutes a different “program” from the program used to initially tabulate votes. [A.R.S. § 16-664\(C\)](#).

Regardless of which electronic voting equipment is used for the recount, the equipment must be L&A tested by the officer in charge of elections (and, in the case of a legislative, statewide, or federal office or statewide ballot measure, by the Secretary of State as well).

The recount must be conducted by running paper ballots from the applicable race through the designated electronic voting equipment. For votes that were cast on an accessible voting device that independently tabulates votes, the votes (as indicated by the voter verifiable paper audit trail) must be duplicated onto paper ballots, which thereafter must be tabulated by the electronic voting equipment reprogrammed for the recount.<sup>55</sup>

~~For counties that use electronic adjudication, any ballots requiring electronic adjudication must be re-adjudicated in the event of an automatic recount.~~

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<sup>55</sup> A recount conducted in accordance with this section is deemed to be “conducted in the accordance with the laws pertaining to contests of elections.” [A.R.S. § 16-663\(A\)](#).

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While the recount is in progress, the officer(s) in charge of elections may not publicly release vote totals from the recount.

At the conclusion of the recount, the officer(s) in charge of elections must provide the official results to the filing officer who initiated the recount. Once the filing officer has collected all the recount results, the filing officer must appear at the scheduled court hearing and provide the sealed results to the court. The court must declare the winner in open court. The court announcement and/or order constitute the official result for the recounted race, making it unnecessary to re-canvass the race.

Where there are discrepancies between the initial result and the result from the automatic recount, the officer in charge of elections shall undertake reasonable efforts to reconcile the discrepancy and provide a report to the Secretary of State explaining the reasons for any discrepancy.

In a candidate race, the prevailing candidate must be issued a Certificate of Nomination or Certificate of Election at the conclusion of the court proceedings by the Clerk of Board of Supervisors. [A.R.S. § 16-647](#).

#### **IV. ISSUING CERTIFICATES OF NOMINATION AND ELECTION**

Upon completion of the applicable canvass, a city or town council (or designee) must promptly issue a Certificate of Nomination (following a primary or first election) or Certificate of Election (following a general or second election) to each candidate who received the highest number of votes for each office at the election.

Likewise, upon completion of the county's canvass, the Clerk of the Board of Supervisors must promptly issue a Certificate of Nomination (following a primary election) or Certificate of Election (following a general election) to each candidate who received the highest number of votes for the following offices:

- All county offices;
- Precinct committeemen;
- Community college district board member; and
- Special taxing district board member. [A.R.S. § 16-645\(A\)](#).

Certificates of election for school district board members must be issued by the county school superintendent following the applicable canvass. [A.R.S. § 15-426](#).

However, a certificate may not be issued under the following conditions:

- A Certificate of Nomination may not be issued to a write-in candidate for a city or town office, and that candidate may not advance to the general or run-off election if the write-in candidate did not receive a number of votes equivalent to at least the number of

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signatures required by [A.R.S. § 16-322](#) for nominating petitions for the same office, [A.R.S. § 9-821.01\(F\)](#);

- A Certificate of Nomination may not be issued to a write-in candidate from a political party recognized for continued representation who did not receive at least as many votes as the number of signatures required to appear on the primary election ballot, [A.R.S. § 16-645\(E\)](#);
- A Certificate of Nomination may not be issued to a write-in candidate of a political party not recognized for continued representation who did not receive a plurality of the votes of the party for the office for which the candidate is a candidate, [A.R.S. § 16-645\(D\)](#); and
- A Certificate of Election may not be issued to a write-in candidate for precinct committeemen or nonpartisan office who did not receive at least as many votes as the number of signatures required to appear on the ballot, [A.R.S. § 16-322\(A\)\(6\), \(8\)-\(10\)](#), [A.R.S. § 16-645\(C\)](#).

Following completion of the statewide canvass (and subject to the same exception for write-in candidates from a political party not recognized for continued representation), the Secretary of State must promptly issue a Certificate of Nomination or Certificate of Election to each legislative, statewide, and federal candidate who received the highest number of votes for each office at the election. The Certificate of Election must be signed by the Secretary of State and authenticated with the Great Seal of the State of Arizona. [A.R.S. § 16-645\(B\)](#); [A.R.S. § 16-650](#).

## V. ISSUING BALLOT MEASURE PROCLAMATIONS

At the conclusion of a statewide canvass that contains a ballot measure, the Governor must issue a proclamation that:

- Proclaims the number votes cast for and against each proposed constitutional amendment;
- Proclaims the number of votes cast for and against each proposed initiative or referendum; and
- Declares which measures were approved by a majority of those voting on the measures.

[A.R.S. § 16-651](#); [A.R.S. § 19-126\(A\)](#). If there are two or more conflicting measures approved at the same election, the Governor must proclaim which measure received the greatest number of affirmative votes. [A.R.S. § 19-126\(B\)](#).

For any approved measure, the Secretary of State must cause the measure to be printed with the general laws enacted by the next ensuing session of the Arizona Legislature, along with the date of the Governor's proclamation declaring the measure to be approved. [A.R.S. § 19-127\(B\)](#).

## VI. STORAGE OF BALLOTS AND RETURNS OF THE ELECTION

After the county canvass is complete, the officer in charge of elections must seal the voted ballots and deliver these ballots and official returns to the County Treasurer (or a secure facility contracted by the County Treasurer) for secure storage. [A.R.S. § 16-624\(A\)](#). If voting equipment produces digital ballot images, the digital ballot images must be retained and preserved in the same manner. [A.R.S. § 16-625](#). Unused ballots are not subject to retention.

The County Treasurer must keep the ballots and official returns unopened and unaltered for a period of 24 months following an election for federal office and six months for all other elections. During these retention periods, ballots and official returns may only be opened pursuant to a court order (including for the purpose of a recount or election contest). In the absence of any recount or election contest, the County Treasurer must dispose of the ballots and official returns after the applicable retention period without opening or examining the contents. [A.R.S. § 16-624\(A\), \(D\)](#).

If a county conducts an election on behalf of a local jurisdiction, the county officer in charge of elections may transfer the official returns to the local jurisdiction (which thereafter must be preserved by the local jurisdiction in lieu of the County Treasurer).

## CHAPTER 14: REGULATION OF PETITION CIRCULATORS

Arizona law prescribes certain requirements for circulators and signers regarding the gathering of petition signatures. Failure to adhere to these requirements may result in petition signatures being invalidated. More information regarding the regulation and registration of circulators, including the Secretary of State's recommended best practices for circulating petition sheets, is available on the Secretary of State's website at [www.azsos.gov/elections](http://www.azsos.gov/elections).

### I. QUALIFICATIONS FOR PETITION CIRCULATORS

Any person who is qualified to register to vote in Arizona, or who would be qualified to register to vote in Arizona if they were an Arizona resident, may circulate petitions for a candidate, ballot measure, or political party recognition. [A.R.S. § 16-321\(D\)](#); [A.R.S. § 16-801\(A\)\(2\)](#); [A.R.S. § 19-114\(A\)](#).

Certain individuals are prohibited from circulating initiative, referendum, or recall petitions due to perceived conflict of interest. No County Recorder or Justice of the Peace may circulate petitions for an initiative, referendum, or recall. Any signatures gathered on petitions circulated by prohibited individuals are void. [A.R.S. § 19-114\(A\)](#); [A.R.S. § 19-205.02](#).

In addition, the following individuals may not circulate statewide initiative or referendum petitions:

- Those who have had a civil or criminal penalty imposed for a violation of Title 16 or Title 19 within the last five years;
- Those who have been convicted of treason or a felony and have not had their civil rights restored; and
- Those who have been convicted of any crime involving fraud, forgery, or identity theft.

[A.R.S. § 19-118\(D\)](#).

### II. CIRCULATOR REGISTRATION AND DISCLOSURE REQUIREMENTS

A petition circulator must register with the Secretary of State's Office if the circulator:

- is *paid* to circulate statewide initiative or referendum petitions (whether or not the circulator is a resident of this state); or
- is *not a resident* of this state (whether or not the circulator is paid) and will circulate: (i) a *statewide* initiative or referendum petition, or (ii) a candidate petition in any Arizona jurisdiction (statewide, county, city, or town).



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[A.R.S. § 19-118\(A\)](#); [A.R.S. § 16-321\(D\)](#).

### A. Paid Circulators

A circulator may be paid or act as a volunteer.

- A volunteer circulator is an individual who does not receive any compensation for circulating petitions.
- A “paid circulator” is defined as an individual who receives compensation for circulating a statewide initiative or referendum petition, but does not include a paid employee of a political committee unless that employee has or will obtain 200 or more signatures on a statewide initiative, referendum, or recall petition in an election cycle. [A.R.S. § 19-118\(D\)\(1\)-\(2\)](#).
  - Statewide initiative and referendum petition circulators may not be paid based on the number of signatures collected. Signatures collected by circulators who are paid per-signature are void. [A.R.S. § 19-118.01](#).

Any paid circulator, whether a resident or non-resident of Arizona, is required to register with the Secretary of State prior to circulating a *statewide initiative or referendum* petition. Failure to do so invalidates any initiative or referendum petition signatures collected by the circulator prior to registration. [A.R.S. § 19-118\(A\)](#); [A.R.S. § 19-102\(E\)](#); [A.R.S. § 19-204\(D\)](#).

All initiative, referendum, and recall petition circulators, whether or not they are required to register with the Secretary of State, must indicate their paid or volunteer status by checking the appropriate box on each petition sheet prior to circulation. Failure to indicate on an initiative or referendum petition sheet whether the circulator is paid or acting as a volunteer invalidates any signatures collected on that petition sheet. [A.R.S. § 19-101\(C\)-\(D\)](#); [A.R.S. § 19-102\(C\)-\(E\)](#); [A.R.S. § 19-204\(C\)-\(D\)](#).<sup>56</sup>

### B. Non-Resident Circulators

Circulators who are not residents of Arizona must register with the Secretary of State prior to circulating: (i) a *statewide* initiative or referendum petition; or (ii) a *candidate* petition in any Arizona jurisdiction (statewide, county, city, or town). Failure to do so invalidates the signatures collected by the circulator prior to registration. [A.R.S. § 19-118\(A\)](#); [A.R.S. § 16-321\(D\)](#).

A circulator who lists an out-of-state address on the back side of a petition sheet is deemed to be a non-resident circulator.

**Comment [WJ33]:** RECOMMEND removing footnote as there is no statutory authority. May cause confusion as to the legal implications if the wrong checkbox is preselected.

<sup>56</sup> ~~The “paid circulator” or “volunteer” status boxes may be pre-marked by the circulator or the committee or petition circulating organization on behalf of the circulator.~~

### C. Circulator Registration Procedures

Circulator registration must be conducted as prescribed by the Secretary of State through the electronic Circulator Portal (<https://apps.azsos.gov/apps/election/circulatorportal/>). A circulator registration is not complete until the Secretary of State confirms the registration in writing. [A.R.S. § 19-118\(A\)](#); [A.R.S. § 16-452\(A\)](#).

Circulators must satisfy the following requirements when registering with the Secretary of State through the Circulator Portal:

- Provide his/her name, residential address, telephone number, and email address;
- Indicate the petition(s) being circulated, by serial number and/or candidate name;
- Consent to the jurisdiction of Arizona courts in resolving any disputes concerning the circulation of petitions by that circulator;
- Indicate the committee's address in Arizona (for statewide initiative or referendum petitions) or a designated address in Arizona (for candidate petitions) at which the circulator will accept service of process related to disputes concerning circulation of that circulator's petitions;
- Indicate the circulating organization at which the circulator is employed (if applicable); and
- For circulators of statewide initiative or referendum petitions, provide a notarized circulator affidavit declaring that the circulator is eligible to register, that all information contained in the registration is true and correct, and that the circulator has read and understands Arizona election laws applicable to the collection of signatures for a statewide initiative or referendum. Exact language to be included in the affidavit can be found at [A.R.S. § 19-118\(B\)\(5\)](#).
  - Circulators registering through Circulator Portal will be prompted to upload an electronic copy of the notarized circulator affidavit, which must be accepted by the Secretary of State's Office, before the circulator is permitted to register to circulate a statewide initiative or referendum petition. The Secretary of State may also require circulators to submit the original notarized circulator affidavit to the Secretary of State's Office within a specified time period after completion of electronic registration.

[A.R.S. § 19-118\(B\)](#).

The applicable committee and/or the circulating organization that employs petition circulators, at the direction of the applicable committee, may coordinate with their circulators to gather the necessary information, including, if applicable, notarized circulator affidavits, and facilitate submission of registration applications through Circulator Portal.

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The Secretary of State's Office has no obligation to review the substance of circulator registrations to ensure that accurate or proper information has been provided. The circulator remains solely responsible for compliance with all legal provisions.

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**1. Issuance of Circulator ID Number**

Within five days after submission of a circulator registration application, the Secretary of State will assign a random circulator ID number to each such circulator. [A.R.S. § 19-118\(C\)](#). The circulator ID number is permanently assigned to the circulator and must be used for all petitions being circulated by that particular individual (regardless of the election cycle or which petition is being circulated).

The circulator ID number of registered circulators must be printed on the front and back of each statewide initiative or referendum petition sheet. [A.R.S. § 19-121\(A\)\(2\)](#); [A.R.S. § 19-121.01\(A\)\(1\)\(c\)](#). In contrast to the petition serial number, the circulator ID number may be placed on the petition sheet at any time prior to submitting the petition sheets to the Secretary of State. The circulator ID number may be pre-printed on petition sheets and need not be written on the petition sheet by the circulator personally.

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**2. Updating or Canceling Circulator Registrations**

An individual circulator may update or cancel their circulator registration for any or all measures directly through the Secretary of State's Circulator Portal.

In addition, an authorized representative of the committee serving as an initiative or referendum proponent (*i.e.*, the committee designated on the initiative or referendum serial number application) may cancel the registration of circulators for its measure by providing to the Secretary of State's Office, in writing, a list of circulator names and identification numbers and a request that those circulators' registration for the specific measure be canceled. The committee must also provide notice of the cancellation request to each affected circulator.

Such cancellation does not affect the validity of signatures collected by those circulators before the cancellation, but any signatures collected by canceled circulators thereafter are invalid if circulator registration was otherwise required.

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**D. Service of Process on Registered Circulators**

Circulators who are required to register must provide an address in Arizona at which the circulator will accept service of process related to disputes concerning circulation of that circulator's petitions. For circulators of statewide initiative and referenda petitions, this address must be the address of the committee in this state for which the circulator is gathering signatures. In the event of litigation regarding the petition circulated, service of process on the circulator is effected by delivering a copy of the subpoena to that person individually, by leaving a copy of

the subpoena with a person of suitable age, or by mailing a copy of the subpoena to the committee or circulator by certified mail to the address provided on the circulator's registration application. [A.R.S. § 19-118\(B\)\(4\)](#); [A.R.S. § 16-315\(D\)](#).

### III. SIGNATURE GATHERING AND VERIFICATION REQUIREMENTS

Every person who signs a paper petition must do so in the presence of a circulator, therefore a circulator must personally witness each collected signature.

- For an initiative, referendum, or recall petition, the circulator must execute the circulator affidavit of verification on the back of the petition before a notary after collecting signatures on a paper petition sheet. [A.R.S. § 19-112\(A\), \(C\)-\(D\)](#); [A.R.S. § 19-205](#).
- For a candidate petition or petition for new party recognition, the circulator must sign the circulator verification statement on the back of the petition sheet, but notarization is not required. [A.R.S. § 16-321\(D\)](#).

Additionally, an initiative, referendum, or recall petition must have a copy of the official and correct title and text attached to the petition sheet before any signatures are obtained on that sheet. [A.R.S. § 19-112\(C\)](#); [A.R.S. § 19-202.01\(D\)](#); [A.R.S. § 19-203\(D\)](#). For statewide measures, the political committee or circulator must ensure that the staple is placed within the designated area in the upper-left corner of the petition sheet.

Qualified electors who require assistance in completing and/or signing a petition due to a physical disability or medical condition shall not be prevented from signing a petition on that basis. Petition circulators should utilize a separate petition sheet for signatures from voters who require assistance to complete or sign the petition due to a physical disability or medical condition. As a best practice, circulators should also execute a supplemental affidavit (in addition to the circulator affidavit on the petition sheet) specifying that the voters who signed that petition sheet required assistance. In addition, the person who assisted the voter may sign a declaration: (i) stating that the person assisted the voter in the voter's presence and at the voter's specific request; and (ii) providing the name and residence address of the voter who was assisted, the name and residence address of the person who assisted the voter, the title and serial number of the petition signed, and the date. Any such supplemental affidavits and/or voter assistance declarations should be retained by the committee in the event of a challenge and will not be accepted or approved by the filing officer.

More information regarding signature collection requirements and circulator verification, including the Secretary of State's recommended best practices, will be available on the Secretary of State's website at [www.azsos.gov/elections](http://www.azsos.gov/elections).

## CHAPTER 15: POLITICAL PARTY RECOGNITION

A recognized political party is entitled to representation on a partisan primary election ballot and subsequent placement of the prevailing candidate on the general election ballot. This chapter describes the process by which a political party achieves or maintains official recognition.

A political party may obtain first-time or new-party recognition by submitting a sufficient number of valid petition signatures to the appropriate filing officer. [A.R.S. § 16-801\(A\)](#); [A.R.S. § 16-802](#). Alternatively, an existing political party maintains its recognition by either receiving a sufficient number of votes in the last general election or by achieving a sufficient number of registered voters. [A.R.S. § 16-801\(B\)](#); [A.R.S. § 16-804\(A\)-\(B\)](#).

### I. NEW PARTY RECOGNITION

A group of qualified electors seeking to form a new political party is not required to establish a political committee unless the group raises or spends at least the current adjusted registration threshold pursuant to [A.R.S. § 16-931\(A\)\(1\)](#) in connection with the effort to seek new party recognition. [A.R.S. § 16-905](#). If the group is required to register as a committee (or decides to voluntarily register), the group must register as a political action committee. [A.R.S. § 16-905\(B\)](#). A group may only register as a political party committee after the filing officer has granted new party recognition pursuant to [A.R.S. § 16-803](#). [A.R.S. § 16-905\(E\)](#).

Qualified electors seeking to form a new political party must comply with the following requirements, depending on the jurisdiction.

#### A. Requirements for Seeking New Party Recognition

##### 1. Statewide Recognition

To qualify for statewide recognition, qualified electors must timely submit the following documents to the Secretary of State:

- An affidavit signed by ten qualified electors, requesting that a new political party be formed; and
- Petition signatures equal to at least 1⅓ percent of the total votes cast for Governor at the last preceding general election at which a Governor was elected. The number of votes cast for Governor are determined based upon the applicable statewide canvass, calculated by the Secretary of State and published on the Secretary of State's website.

[A.R.S. § 16-801\(A\)](#).

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The new party affidavit must be completed on a form prescribed by the Secretary of State. Within seven business days of filing, the Secretary of State must send the affidavit to the applicable County Recorders to verify that each signer is a qualified elector. [A.R.S. § 16-801\(A\)\(1\)](#). The Secretary of State must transmit the affidavit to the County Recorders, and the County Recorders must verify that the affidavit signers are qualified electors, in accordance with the deadlines outlined in [A.R.S. § 16-803\(B\)](#) and [A.R.S. § 16-803\(E\)](#). The Secretary of State may deny party recognition if the County Recorders determine there are less than ten qualified electors who signed the new party affidavit.

The new party petitions must be substantially in the form of candidate petitions but must be captioned “Petition for Political Party Recognition.” [A.R.S. § 16-801\(A\)\(2\)-\(3\)](#). Petitions for statewide recognition must be printed on a form prescribed by the Secretary of State. Petition signatures must be gathered from registered voters in at least five different counties, and at least 10% of the required total of qualified signers must be registered in counties with populations of less than 500,000 persons. [A.R.S. § 16-801\(A\)\(1\)](#). Petition signatures may not be dated more than 24 months from the date of filing.

Both the new party affidavit and new party petitions must be filed with the Secretary of State at least 250 days before the primary election for which the party seeks recognition. [A.R.S. § 16-803\(A\)](#). The Secretary of State may require electronic filing for the affidavit and new party petitions.

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## 2. County Recognition

To qualify for county recognition, qualified electors must timely submit petition signatures equal to at least 2% percent of the total votes cast for County Attorney at the last preceding general election at which the County Attorney was elected. The number of votes cast for County Attorney is determined based upon the applicable county canvass. The petitions must be filed with the officer in charge of elections. [A.R.S. § 16-802](#).

The new party petitions must be substantially in the form of candidate petitions but must be captioned a “Petition for Political Party Recognition.” [A.R.S. § 16-801\(A\)\(2\)-\(3\)](#). Petitions for county recognition must be printed on a form prescribed by the officer in charge of elections. Petition signatures must be gathered from registered voters in at least ¼ of the election precincts of the county. [A.R.S. § 16-802](#). Petition signatures may not be dated more than 24 months from the date of filing.

New party petitions must be filed with the officer in charge of elections at least 250 days before the primary election for which the party seeks recognition. [A.R.S. § 16-803\(A\)](#).

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## 3. Simultaneous Statewide and County Recognition

Qualified electors may simultaneously seek statewide and county recognition by filing the original petitions with the county officer in charge of elections, and filing a certified copy with

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the Secretary of State. Petitions must be in the form prescribed by the Secretary of State. [A.R.S. § 16-803\(A\)](#).

Both filing officers must process the petitions in accordance with the procedures applicable to their jurisdiction. Accordingly:

- The electors must file the required affidavit with the Secretary of State; and
- The electors must submit petition signatures equal to at least:
  - 1½ percent of the total votes cast for Governor at the last preceding general election; and
  - 2% of the total votes cast for applicable County Attorney at the last preceding general election.

[A.R.S. § 16-801\(A\)](#); [A.R.S. § 16-802](#).

If the petitions do not meet the requirements for certification at the statewide or county level, the political party will not be recognized in that jurisdiction.

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#### **4. City or Town Recognition**

To qualify for city or town recognition, qualified electors must timely submit petition signatures equal to at least 2% of the total votes cast for Mayor at the last preceding election at which the Mayor was elected.

If a Mayor is not elected by voters (for example, the Mayor is appointed or elected by other councilmembers, not the city's or town's electorate), qualified electors must timely submit petition signatures equal to at least 2% of the highest total votes cast for any councilmember at the last preceding election at which a councilmember was elected. [A.R.S. § 16-802](#). The number of votes cast for Mayor or councilmember are determined based upon the applicable city or town canvass.

New party petitions must be filed with the applicable city or town clerk. [A.R.S. § 16-802](#).

The new party petitions must be substantially in the form of candidate petitions, but must be captioned "Petition for Political Party Recognition." [A.R.S. § 16-801\(A\)\(2\)-\(3\)](#). Petitions for municipal recognition must be printed on a form prescribed by the city or town clerk. Petition signatures must be gathered from registered voters in at least ¼ of the election precincts of the city or town. [A.R.S. § 16-802](#). Petition signatures may not be dated more than 24 months from the date of filing.

New party petitions must be filed with the city or town at least 250 days before the primary (or first) election for which the party seeks recognition. [A.R.S. § 16-803\(A\)](#).

## **B. Processing Statewide New Party Petitions**

### **1. Secretary of State Processing**

#### **a. *Out-of-County Signature Eliminations***

Signatures must be grouped by county on the petition sheets. Signatures collected outside the county of the majority of signers must be eliminated from a petition sheet. [A.R.S. § 16-803\(B\)\(1\)](#).

The Secretary of State must initially assume that the signers of a petition sheet reside in the county listed in the caption of the petition sheet. The Secretary of State prints a three-letter code in the upper right-corner of each petition image that corresponds to this county. [A.R.S. § 16-803\(B\)\(1\)\(a\)](#).

The Secretary of State must then review each signature line to verify the signer resides in the county designated at the top of the petition sheet. Any signature line printed by a signer who appears to reside in a different county will be eliminated. [A.R.S. § 16-803\(B\)\(1\)\(b\)](#).

The Secretary of State does not have a duty to verify that each individual address falls within the designated county's boundary but must verify that the signer's city or town falls within the designated county. If the city or town is missing, the Secretary of State must verify that the signer's zip code falls within the county. For cities or towns that cross county lines, the Secretary of State may assume the signer resides in the county designated at the top of the petition sheet.

If a majority of signers on the petition sheet reside (based on the city or town listed) in a different county than what was designated at the top of the petition sheet, the Secretary of State must change the county code for that petition sheet to the majority county and eliminate signature lines printed by signers who do not reside in the majority county. [A.R.S. § 16-803\(B\)\(1\)](#).

Petition sheets must be organized by county prior to transmitting any petition sheets to a County Recorder. [A.R.S. § 16-803\(B\)\(1\)\(c\)](#).

#### **b. *Individual Signature Eliminations***

After signatures outside the county of the majority of signers have been stricken, the Secretary of State must eliminate petition signatures for any of the following reasons:

1. The signature or printed name of the petition signer is missing, [A.R.S. § 16-803\(B\)\(2\)\(a\)](#):
  - The Secretary of State must eliminate a signature line if either the printed first or last name is missing or the printed name is illegible. *See Whitman v. Moore*, 59 Ariz. 211, 230 (1942). However, the Secretary of State should not eliminate a signature line if the signature is illegible, if the printed first and last names are switched and printed in the wrong columns or if the name and signature are switched and printed in the wrong columns.



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2. The signer did not provide a residence address or description of the signer’s residence location, or provided a P.O. Box in lieu of a residence address or location, [A.R.S. § 16-803\(B\)\(2\)\(b\)](#):
  - If the signer provided any information that could be reasonably construed as a street name or street number, the Secretary of State should not eliminate the signature line.
  - The Secretary of State should not eliminate a signature line if the street type (such as “lane,” “boulevard,” or “circle”) is missing. *See Jenkins v. Hale*, 218 Ariz. 561, 564 (2008).
  - The Secretary of State may not eliminate a signature line that uses quotation marks or “ditto” marks to incorporate the address from the signature line immediately above.
3. The petition signature date is missing, [A.R.S. § 16-803\(B\)\(2\)\(c\)](#):
  - The Secretary of State should eliminate a signature line if it is missing the day or month of signing. *See Meyers v. Bayless*, 192 Ariz. 376, 378 (1998);
  - The Secretary of State may not eliminate a signature line that is only missing the year of signing. *See Energy Fuels Nuclear, Inc. v. Coconino County*, 159 Ariz. 210, 213 (1988);
  - The Secretary of State may not eliminate a signature line that uses quotation marks or “ditto” marks to incorporate the date from the signature line immediately above.

The Secretary of State does not have authority to reject petition sheets or signatures based on the following legal deficiencies:

1. A missing petition caption, modified petition caption, or a caption that contains inaccurate information;
2. A missing county in the petition caption; or
3. Signatures obtained more than 24 months from the filing date.

[A.R.S. § 19-101\(A\)](#); [A.R.S. § 19-102\(A\)](#). The foregoing legal deficiencies are not explicitly or implicitly referenced in [A.R.S. § 16-803\(B\)\(2\)](#), therefore these legal deficiencies must be reviewed by a court.

**c. Preparing Signatures for County Recorder Verification**

Within seven business days after receipt of a petition for statewide recognition, the Secretary of State must perform the following steps to determine whether signatures may be transmitted for County Recorder verification:

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1. Count the number of signature lines on each valid petition sheet that have not been stricken, and place the total number on the upper right-hand corner on the front side of each petition sheet;
2. Count the total number of petition sheets and signatures eligible for County Recorder verification. Each petition sheet has been physically and electronically labeled upon being scanned into the Secretary of State's review software, therefore the petition sheets are not re-numbered after the Secretary of State has completed the sheet and signature count;
3. Determine whether the signatures eligible for verification exceeds the required minimum:
  - If the minimum has been met, the Secretary of State must conduct a 20% random sample and should issue a receipt to the applicant that includes the following information:
    - The total number of signatures eliminated by the Secretary of State;
    - The total number of signatures that remain eligible for County Recorder verification (this number must exceed the required minimum);
    - The total number of signatures that have been randomly sampled and transmitted to one or more County Recorders; and
    - The deadline for County Recorder review.
  - If the minimum has not been met, the Secretary of State must issue a receipt to the applicant, stating that the political party is not eligible for recognition, and cease further processing of the petition.

[A.R.S. § 16-803\(B\)\(3\); A.R.S. § 16-803\(B\)\(4\); A.R.S. § 16-803\(B\)\(5\), \(C\).](#)

The Secretary of State's selection of a random sample to transmit to County Recorders must also be conducted within seven business days after receipt of a petition for statewide recognition:

1. The Secretary of State must randomly select (whether manually or electronically) 20% of eligible signatures across all petition sheets that have not been eliminated;
2. The Secretary of State must mark the petition signature lines that have been randomly selected in a clear manner; and
3. The Secretary of State must transmit the front sides of any petition sheet containing a randomly sampled signature to the applicable County Recorder(s). This may be done electronically.

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[A.R.S. § 16-803\(C\)](#). Although there is no deadline for transmitting the random sample to the applicable County Recorders, the Secretary of State should do so within a reasonable timeframe, along with the affidavit of electors.

## 2. County Recorder Processing

Following receipt from the Secretary of State, a County Recorder shall determine which signatures of individuals whose names were transmitted shall be disqualified for any of the following reasons:

1. No residence address or description of residence location is provided.
2. No date of signing is provided.
3. The signature is illegible and the signer is otherwise unidentifiable.
4. The address provided is illegible or nonexistent.
5. The individual was not a qualified elector on the date of signing the petition.
6. The individual was a registered voter but was not at least eighteen years of age on the date of signing the petition or affidavit.
7. The signature was disqualified after comparison with the signature on the affidavit of registration.
8. If a petitioner signed more than once, all but one otherwise valid signature shall be disqualified.
9. For the same reasons any signatures could have been removed by the secretary of state pursuant to this section, must eliminate signatures using the same criteria applied to initiative, referendum, and recall petitions under [A.R.S. § 19-121.02](#).

[A.R.S. § 16-803\(E\)](#).

The County Recorder must issue a certification and transmit this certification to the Secretary of State and the electors within ten business days of receiving the signatures. [A.R.S. § 16-803\(E\)](#). The County Recorder's certification must include:

- The total number of signatures that were transmitted to the County Recorder for verification;
- The total number of random signatures that were disqualified by the County Recorder; and
- The name of any signer whose petition signature was eliminated, including the petition page number and signature line number where the signature was eliminated.

[A.R.S. § 16-803\(F\)](#). The County Recorder must transmit this certification to the Secretary of State in the manner specified by the Secretary. If the Secretary of State electronically transmitted petition sheets to the County Recorder, it is unnecessary for the County Recorder to return the petition sheet images to the filing officer. [A.R.S. § 16-803\(G\)\(1\)](#).

The Secretary of State should also transmit the County Recorder certifications to the electors.

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**Comment [WJ34]:** RECOMMEND conforming the processing requirements with ARS 16-803(E). Relevancy of ARS 19-121.02 is unclear. Further ARS 19-121.02 disqualifies entire petition sheets circulated by a justice of the peace or county recorder, which is not provided for in ARS 16-803(E).

### 3. Final Certification by Secretary of State

Within three calendar days of receiving the last County Recorder's certification, the Secretary of State must determine whether there are sufficient valid signatures for the party to qualify for the ballot:

- The Secretary of State calculates the total number of petition signatures verified by County Recorders, including the percentage of verification.
- The Secretary of State then multiplies the total number of eligible signatures by the verification percentage.

[A.R.S. § 16-803\(H\)](#). The Secretary of State must also review the certification(s) regarding the affidavit of electors. See [A.R.S. § 16-801\(A\)\(1\)](#).

The new party qualifies for recognition if the number of presumed valid signatures exceeds the required minimum and all ten electors were found to be qualified electors by the County Recorder(s). If the new party petition qualifies, the Secretary of State issues a certification and receipt to the electors and notifies the Boards of Supervisors, County Recorders, and officers in charge of elections. [A.R.S. § 16-803\(I\)](#).

If the new party petition does not qualify for recognition, the Secretary of State issues a certification and receipt to the electors explaining why the petition did not qualify for recognition and returns the original petition sheets to the electors. [A.R.S. § 16-803\(I\)](#).

#### C. Duration of New Party Recognition

A new political party that receives statewide recognition is entitled to recognition through the next two general elections for federal office immediately following recognition of the party. [A.R.S. § 16-801\(B\)](#). For example, if a new political party achieves statewide recognition in March 2020, the party is entitled to recognition through the 2022 general election.

#### D. Recognition Following Expiration of New Party Status

Following the expiration of new party status, the party may maintain recognition by:

- Qualifying for continued representation based upon votes cast at the election preceding the expiration of new party status or a requisite number of active registered voters; or
- Timely filing a new petition for new party recognition.

[A.R.S. § 16-801\(B\)](#); [A.R.S. § 16-804](#).

A political party that qualifies for continued representation is treated differently from a political party that files a new petition for new party recognition. For example, a member of a political party with continued representation may not sign a nomination petition for a candidate seeking a nomination from a different party with continued recognition. [A.R.S. § 16-321\(F\)](#). Thus, a voter registered with the Democratic Party—a party with continued representation—may sign a

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nomination petition for Democratic candidates, new party candidates, or independent candidates, but not for Republican candidates—another party with continued representation. Whereas a voter registered with a new party may sign any candidate’s petition.

As a corollary, members of a political party with continued representation are not included when calculating other continuously-represented parties’ signature totals to run for office. For example, the number of signatures needed to run for the U.S. Senate as a Republican—a party with continued representation—are determined by calculating  $\frac{1}{4}$  of one percent of all Republicans, new party registrants, independents, and registrants with no party designation. In contrast, the number of signatures needed to run for the U.S. Senate as a new party candidate excludes Republicans, Democrats, and any other recognized parties with continued representation. [A.R.S. § 16-322\(A\)\(1\)](#); [A.R.S. § 16-321\(F\)](#).

#### **E. Expiration of New Party Status**

If a new political party does not re-qualify for recognition as a new party, new party status expires when the Secretary of State, County Recorder, or city or town clerk (as applicable) issues their announcement regarding continued representation. [A.R.S. § 16-804\(C\)-\(E\)](#).

## **II. QUALIFYING FOR CONTINUED RECOGNITION**

To qualify for continued representation, a political party must meet one of two baseline levels of support: number of votes cast for the party’s candidate or the number of active registered voters in the jurisdiction. [A.R.S. § 16-804\(A\)-\(B\)](#); *see also* [A.R.S. § 16-193\(5\)](#).

#### **A. Statewide Continued Representation**

To qualify for statewide continued representation:

- The new party’s candidate for Governor or President must receive at least 5% of the votes cast at the federal general election immediately preceding the expiration of new party status; or
- The new party must have at least  $\frac{2}{3}$  of 1% of active registered voters statewide as of October 1st of the year preceding expiration of new party status.

The Secretary of State must determine the political parties qualified for continued representation by December 1st of the appropriate year. [A.R.S. § 16-804\(C\)](#).

Promptly thereafter, the Secretary of State must notify the political party, county election officials, and the public about whether the party qualified for continued representation.

## **B. County Continued Representation**

To achieve continued representation at the county level:

- The new party's candidate for County Attorney must receive at least 5% of the votes cast at the federal general election immediately preceding the expiration of new party status; or
- The new party must have at least  $\frac{2}{3}$  of 1% of active registered voters in the county as of October 1st of the year preceding expiration of new party status.

[A.R.S. § 16-804\(A\)](#). The County Recorder must determine the political parties qualified for continued representation by December 1st of the appropriate year. [A.R.S. § 16-804\(D\)](#). Promptly thereafter, the County Recorder must notify the political party, county election officials, and the public about whether the party qualified for continued representation.

## **C. City or Town Continued Representation**

To achieve continued representation in a city or town that conducts partisan elections:

- The new party's candidate for Mayor must receive at least 5% of the votes cast at the general election (or second or runoff election) immediately preceding the expiration of new party status; or
- The new party must have at least  $\frac{2}{3}$  of 1% of active registered voters in the city or town (as determined by the applicable County Recorder) as of 155 days prior to the primary election (or first election) that will be conducted in the year new party status expires.

[A.R.S. § 16-804\(A\)](#).

The city or town clerk must determine the political parties that qualify for continued representation 140 days prior to the primary election (or first election) that will be conducted in the year new party status expires. [A.R.S. § 16-804\(E\)](#).

Promptly thereafter, the city or town clerk must notify the political party, county election officials, and the public about whether the party qualified for continued representation.

## CHAPTER 16: CAMPAIGN FINANCE

### I. CAMPAIGN FINANCE REPORTING

The Secretary of State is required to prescribe the format for all campaign finance reports and statements. [A.R.S. § 16-926\(A\)](#). Sample forms are included in [Chapter 17](#) for reference by local jurisdictions. Candidates who file their campaign finance reports and statements with the Secretary of State's Office must use the Secretary of State's online campaign finance reporting system.

Additional campaign finance guidance is available on the Secretary of State's website at [www.azsos.gov/elections](http://www.azsos.gov/elections). All candidates and political committees are encouraged to read the Secretary of State's campaign finance guides for additional information. In addition, candidates running with Clean Elections funding have additional rules they must follow. They should contact the Citizens Clean Elections Commission (CCEC) for further information, or visit their website at [www.azcleelections.gov](http://www.azcleelections.gov).

### II. CAMPAIGN FINANCE ENFORCEMENT

Campaign finance enforcement may be initiated through the filing officer. In addition, any person may file a complaint with CCEC if they believe a violation of the Clean Elections Act or CCEC rules has occurred. CCEC staff may also initiate an internally generated complaint against a person for violation of the Clean Elections Act. See [A.R.S. § 16-957](#). More details about CCEC enforcement procedures are available at <https://www.azcleelections.gov/campaign-finance-enforcement>.<sup>57</sup>

Adjudication of third-party campaign finance complaints filed with the filing officer follows a bifurcated structure, relying on an initial determination by a filing officer followed by the final decision of an enforcement officer. The overall process is summarized as follows and is covered in more detail in this Section:

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<sup>57</sup> [A.R.S. § 16-938\(A\)](#) states “. . . a filing officer is the sole public officer who is authorized to initiate an investigation into alleged violations of . . . [Articles 1, 1.1, 1.2, 1.3, 1.4, 1.5, 1.6 and 1.7 of Title 16, Chapter 6 of the Arizona Revised Statutes], including the alleged failure to register as a committee.” However, the phrase “is the sole public officer” has been invalidated by court judgment. An appeal is pending as of August 9, 2019, but the lower court judgment remains in effect absent any stay or reversal by a higher court. See *Arizona Advocacy Network et al., v. State of Arizona*, No. CV2017-096705, (Ariz. Super. June 5, 2019).

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- The filing officer will make a preliminary determination whether a campaign finance violation has occurred, known as a “reasonable cause” finding. [A.R.S. § 16-938\(C\)](#).
- If the filing officer makes a reasonable cause finding, the filing officer generally will refer the matter to the appropriate enforcement officer. [A.R.S. § 16-938\(C\)](#).
- The enforcement officer makes the final determination whether a legal violation occurred, which may require an additional investigation beyond the information provided by the filing officer. [A.R.S. § 16-938\(C\), \(E\)](#).
- If the enforcement officer concludes that a campaign finance violation occurred, the enforcement officer may issue a notice of violation to the alleged violator. If the violation has not been timely remedied, the enforcement officer may initiate legal action to secure compliance with campaign finance law. [A.R.S. § 16-938 \(E\)-\(G\)](#).

## **A. Initiation of Campaign Finance Complaints**

### **1. Third Party Complaints**

Any person may file a complaint with the appropriate filing officer if they believe a violation of Arizona campaign finance laws has occurred, including but not limited to:

- Failure to register as a political committee when required;
- Unlawful commingling of money;
- Violation of campaign contribution limits;
- Making or accepting unlawful contributions;
- Failure to include proper advertising disclaimers;
- Failure to file campaign finance reports (if the filing officer has not already initiated an enforcement action);
- Improper or unreported expenditures; or
- Filing incomplete or inaccurate campaign finance reports.

[A.R.S. § 16-938](#).

The complaint must be made in writing and submitted to the applicable filing officer for campaign finance reports. Email submissions are acceptable. [A.R.S. § 16-938\(B\)](#).

Regardless of whether a complainant is represented by counsel, a complaint must contain the full name and mailing address of the complainant. A complaint should also:

- Clearly recite the facts that describe a violation of Arizona campaign finance law under the filing officer’s jurisdiction as specifically as possible (citations to the law are highly encouraged);
- Clearly identify each person, committee, organization or group that is alleged to have committed a violation;

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Campaign Finance — II. Campaign Finance Enforcement



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- Include any supporting documentation (such as sworn affidavits from persons with first-hand knowledge, media reports, advertisements, website links, etc.) supporting the alleged violation, if available; and
- Differentiate between statements based on a complainant’s personal knowledge and those based on information and belief. Statements not based on personal knowledge should identify the source of the information.

Complaints should be filed as soon as possible after the alleged violation becomes known to the complainant in order to preserve available evidence and initiate the enforcement process within the four-year statute of limitations period. See [A.R.S. § 12-550](#). A filing officer should retain candidate filings for at least four years after committee termination notwithstanding the three-year retention period for “candidate records” in Schedule Number GS-1058 of the Arizona State Library, Archives and Public Records general records retention schedule.

The filing officer must review the complaint for compliance with the required criteria outlined above, including confirmation that the complaint falls within the filing officer’s jurisdiction. If the complaint does not meet the criteria, the filing officer should notify the complainant of the deficiencies and that no action will be taken on the complaint. If the complaint is deemed sufficient, the filing officer will:

- Assign the complaint a complaint number (in a format determined by the filing officer);
- Confirm in writing that the complaint has been received;
- Inform the complainant that the respondent will be provided an opportunity to submit a response and the complainant may submit a reply within specified time periods; and
- Inform the complainant that the filing officer will notify him or her once a preliminary decision has been made.

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## **2. Mitigating Conflicts of Interest**

A filing officer and enforcement officer should avoid actual or perceived conflicts of interest when adjudicating campaign finance complaints. A conflict analysis should be undertaken promptly after a complaint is filed and before the respondent is directed to submit a response. [A.R.S. § 38-503\(B\)](#).

~~A possible conflict of interest involves blending the roles of filing officer and enforcement officer. To maintain the necessary degree of independence, the enforcement officer generally should not render legal advice to the filing officer regarding a particular complaint while maintaining an enforcement role as to that specific complaint. For example, the enforcement officer generally should not advise the filing officer that reasonable cause exists and later initiate an enforcement action after receiving a referral from that filing officer. If such a conflict exists, the enforcement officer would need to refer the matter to another enforcement officer. Alternative options include, but are not limited to, the following: (1) the enforcement officer could establish a conflict wall to ensure the same attorney providing advice is not the same attorney initiating enforcement; (2) the filing officer could seek legal advice from outside~~

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~~counsel (other than the enforcement officer) to reach a reasonable cause decision; (3) the enforcement officer could delegate their enforcement authority to outside counsel, thereby allowing the original enforcement officer to continue providing legal advice to the filing officer.~~

If a filing officer determines that a conflict of interest exists, the filing officer should refer a campaign finance complaint to another filing officer in the state who accepts the referral.<sup>58</sup> The receiving officer has the same jurisdiction to make a reasonable cause determination as the original officer. [A.R.S. § 16-938\(A\)](#). If the receiving officer ultimately does find reasonable cause, they may: (i) refer the matter directly to an appropriate enforcement officer, if permitted by the enforcement officer, or; (ii) refer the matter back to the original filing officer, and the original filing officer must refer the matter to the enforcement officer for that jurisdiction.

If a filing officer makes a reasonable cause finding but believes the corresponding enforcement officer will have a conflict of interest, the filing officer nonetheless must make the referral to that enforcement officer. *Winn v. Maricopa County Attorney's Office*, No. CV2013-003007, Minute Entry pg. 5 (Ariz Super. Ct. May 2, 2013); *see also Comm. for Justice & Fairness v. Arizona Sec'y of State's Office*, 235 Ariz. 347, 350 (Ct. App. 2014). The enforcement officer must then determine whether a conflict of interest exists and, if so, refer the matter to another enforcement officer.

## **B. Notice of Complaint and Opportunity for Response and Reply**

### **1. Notice to Respondents**

A “respondent” is the person who is the subject of the campaign finance complaint or referral.

Within five business days after receiving a properly filed complaint, the filing officer will send the respondent a copy of the complaint and a letter describing the filing officer’s campaign finance processing procedures. The notification letter reflects no judgment about the accuracy of the allegations, but simply: (i) informs the respondent that the filing officer has received allegations as to possible violations of campaign laws by the respondent; (ii) provides a copy of the complaint or referral document, or in limited circumstances, a summary of the complaint; and (iii) gives the respondent an opportunity to respond in writing in a timely manner.

### **2. Submitting a Response**

The response is the respondent’s opportunity to demonstrate to the filing officer why the filing officer should not pursue an enforcement action, or to clarify, correct, or supplement the

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<sup>58</sup> If the original filing officer cannot promptly identify another filing officer who will accept the referral, the original filing officer should promptly notify the complainant and respondent after the complaint was filed that: (i) the filing officer has a conflict of interest; and (ii) the new filing officer (once identified) will contact the parties and formally initiate the enforcement proceedings.

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information in the complaint or referral. Respondents are not required to respond to the allegations. Respondents must be provided an opportunity to respond to both a third-party complaint and an internally-initiated investigation.

Respondents, if they choose, may be represented by counsel. Once the filing officer receives a notification that the respondent is represented by counsel, the filing officer will communicate only with the counsel unless otherwise authorized by the respondent.

There is no prescribed format for responses. While not required, providing documentation, including sworn affidavits or declarations under penalty of perjury from persons with first-hand knowledge of the facts, is helpful. It is also helpful for a respondent to specifically address each allegation in the complaint. The response may be submitted by email, and the respondent need not copy the complainant on the response.

The filing officer may set a response deadline not to exceed 30 calendar days. Upon request by the respondent and for good cause shown, the filing officer may grant a reasonable extension of the response deadline. The respondent must make the request to the filing officer in writing, and the filing officer must copy the complainant on the filing officer's decision on the extension request.

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### **3. Submitting a Reply**

Within five business days after receiving a response, the filing officer will send the complainant a copy of the response and a letter that explains the opportunity for the complainant to submit a reply.

There is no prescribed format for replies and complainants are not required to file a reply. However, the reply is the complainant's opportunity to address issues raised in the response and/or buttress the complaint's original allegations. The reply may not raise new issues that were not addressed in the original complaint.

The filing officer may set a reply deadline not to exceed 14 calendar days. The filing officer may not take any action on the complaint or referral (other than dismiss the matter) until this time period has passed. Upon request by the complainant and for good cause shown, the filing officer may grant a reasonable extension of the reply deadline.

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### **C. Decision by Filing Officer**

After the reply period (and any extension, if granted) has passed, the filing officer will evaluate the complaint, response and reply (if any) to determine whether there is reasonable cause to believe a violation occurred. The filing officer should also consider any relevant campaign finance reports or documents on file with the filing officer and any other information available in the public record. The filing officer does not possess subpoena powers to compel production of evidence or attendance of witnesses concerning a potential campaign finance violation (nor may

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any party to the proceeding conduct discovery). However, the filing officer may request voluntary production of information to assist in evaluating the complaint or response. [A.R.S. § 16-938\(D\)](#).

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**1. Determining Whether a Violation Occurred**

A filing officer may take one of three courses of action: find reasonable cause, dismiss the matter, or find no reasonable cause.

**a. Finding Reasonable Cause**

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To refer a matter to an enforcement officer, a filing officer must find “reasonable cause to believe a person violated” campaign finance law. [A.R.S. § 16-938\(C\)](#). A reasonable cause finding is not a definitive finding that the respondent violated campaign finance law but simply means that the filing officer believes a violation may have occurred.

In determining whether there is reasonable cause, the standard of review is akin to “probable cause” to support the complainant’s allegations, which generally means there is reasonably trustworthy information and circumstances that would lead a reasonable person to conclude there is substantial likelihood that the respondent committed a violation. See *In re Shaheen Tr.*, 236 Ariz. 498, 501 (Ct. App. 2015); *State v. Keener*, 206 Ariz. 29, 32 (Ct. App. 2003).

**b. Dismissal of Complaint**

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In their discretion, a filing officer may dismiss a matter that does not merit further use of government resources. The filing officer may take into account the following factors when deciding whether to dismiss a complaint:

- Whether there is a small dollar amount at issue;
- The insignificance of the alleged violation;
- The vagueness or weakness of the evidence;
- Whether the alleged violation has been remedied and not likely to be repeated; and
- Whether the alleged violation was unintentional.

If dismissal is warranted, the filing officer may send a letter cautioning or reminding the respondent regarding the relevant legal obligations going forward.

**c. Finding No Reasonable Cause**

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A filing officer should find “no reasonable cause” if a violation occurred when the complaint, response and reply (if any), along with any publicly available information, taken together, fail to give rise to a reasonable inference that a violation has occurred (or even if the allegations were true, would not constitute a violation of the law).

## 2. Issuance and Notification of Decision

A filing officer should issue a reasoned decision explaining the basis for the filing officer's determination. Absent extenuating circumstances, a filing office shall render a decision within 120 days after the deadline for submitting a reply if a response was submitted, or within 120 days after the deadline for a response if no response was submitted. However, if the filing officer's deadline to issue a decision falls within 30 days of an election in the filing officer's jurisdiction, the decision shall be issued within 30 days after the election. The filing officer should keep the parties reasonably apprised of the projected decision timetable and shall notify all parties in writing of the decision.

If the filing officer dismisses the complaint or finds no reasonable cause, the matter is closed and no notification is given to the enforcement officer. A dismissal or finding of no reasonable cause are not considered appealable actions.

If the filing officer finds reasonable cause, the filing officer must notify the enforcement officer and provide all relevant documentation from the case:

- For matters investigated by the Secretary of State as filing officer, the Secretary must notify the Attorney General;
- For matters investigated by a county filing officer, the county filing officer must notify the county attorney; or
- For matters investigated by a city or town filing officer, the city or town filing officer must notify the city or town attorney.

[A.R.S. § 16-938\(C\)\(1\)-\(3\)](#).

If the filing officer determines there is reasonable cause to believe that knowing and intentional misrepresentations were made, the filing officer may refer the matter to the enforcement officer for possible criminal prosecution as well. [A.R.S. § 16-1021](#).

### D. Decision by Enforcement Officer

Upon receipt of a reasonable cause finding from a filing officer, an enforcement officer must:

- Review the matter for potential conflicts of interest;
- If necessary, conduct an investigation and/or compel discovery through the enforcement officer's subpoena powers; and
- Reach a final decision whether a campaign finance violation occurred.

Nonpublic information independently gathered during the investigation (other than the complaint, response, reply and accompanying exhibits, which may be disclosed) must be kept confidential until after the final disposition of any appeal of the enforcement order. [A.R.S. § 16-938\(E\)\(3\)](#).

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If the enforcement officer determines a violation occurred, the enforcement officer may serve a notice of violation on the respondent. The notice must:

- State with reasonable particularity the nature of the violation;
- Specify the fine or penalty imposed, and any other corrective action required to be undertaken; and
- Require compliance within 20 calendar days after the date of issuance of the notice.

[A.R.S. § 16-938\(E\)\(2\)](#).

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**1. Late Campaign Finance Reports**

In the case of a registered committee's failure to file campaign finance reports, no further investigation or discovery is generally necessary and the enforcement officer may proceed to issue a notice of violation. The notice should include a calculation of the penalties that have accrued between the filing deadline and the date of the notice of violation, and state that penalties will continue to accrue until paid in full or corrective action is taken. [A.R.S. § 16-938\(E\)\(2\)](#); *see also* [A.R.S. § 16-937\(B\)](#).

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**2. Other Campaign Finance Violations**

In the case of any other campaign finance violation, the notice of violation should include a presumptive financial penalty equal to the amount of money improperly received, spent or promised in violation of the law. In special circumstances, based on the severity, extent, or willful nature of the violation, the enforcement officer may issue a financial penalty up to three times the amount of money improperly received, spent or promised. The enforcement officer should outline the special circumstances in the notice of violation.

A notice of violation also may require the respondent to form a political committee and thereafter file campaign finance reports for past and future political activity. However, if the respondent timely appeals this ruling, the respondent need not file the campaign finance reports unless and until the enforcement officer's notice of violation has been upheld.

[A.R.S. § 16-938\(E\)\(2\)](#).

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**E. Response to Notice of Violation**

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**1. Respondent Takes Corrective Action**

If a notice of violation requires corrective action and payment of a fine or financial penalty, but the respondent takes the specified corrective action within 20 days of being served with the notice, the respondent is not subject to any fine or financial penalty. [A.R.S. § 16-938\(G\)\(1\)](#). The enforcement officer should close the matter and issue a confirmation in writing.

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**2. Respondent Takes No Corrective Action**

If the respondent fails to timely comply with a notice of violation, the enforcement officer may impose the fine or financial penalty (if any) and provide the respondent a final notice stating that the fine or penalty may be appealed to the Superior Court. [A.R.S. § 16-938\(G\)\(2\)](#).

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**3. Respondent Appeals to Superior Court**

If the respondent fails to comply with a final notice but timely files an appeal, the final notice is stayed until the appeal is resolved. A respondent must file an appeal in superior court within 30 days after receiving the final decision and provide a copy of the appeal to the enforcement officer. [A.R.S. § 16-938\(H\)](#).

At the hearing, the Superior Court must conduct a trial de novo and the enforcement officer has the burden of proving any alleged violations by a preponderance of the evidence. [A.R.S. § 16-938\(I\)](#).

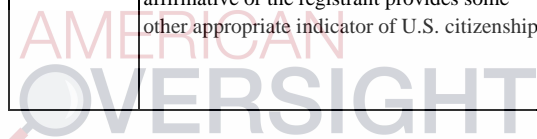
## **CHAPTER 17: APPENDICES AND SAMPLE FORMS**

The sample forms contained in this manual are subject to revisions. Please contact the Secretary of State's Office, Election Services Division, for the most current version.



**CRITICAL**

| Location         | Current Language                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Proposed Language                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | Reason                                             | Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | AZSOS Response/Discussion Notes                                                                                               | STATUS              |
|------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------|---------------------|
| <b>Chapter 1</b> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                               |                     |
| Pg 2 ¶ 3         | Any registration form may be used to register to vote for the first time or amend/update an existing registration record.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Any registration form <b>in compliance with A.R.S. § 16-152 or 52 U.S.C. § 20508(b)</b> may be used to register to vote for the first time or amend/update an existing registration record.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Clarification<br>Violates ARS 16-121.01            | Forms not in compliance with the statutory requirements may not contain the minimum required information to enable County Recorders to legally register the voter.                                                                                                                                                                                                                                                                                                                             | Proposed revision: "Any registration form in compliance with applicable state or federal laws..."                             | Resolved            |
| Pg 10 ¶ 9        | The County Recorder who receives the bundle shall rely on this cover letter (see Chapter 17 for a sample form) as verification of citizenship. The County Recorder need not re-check any citizenship or immigration numbers to verify citizenship and must register the newly naturalized registrants as "full-ballot" voters (assuming no other deficiencies).                                                                                                                                                                                                                                                                                             | The County Recorder who receives the bundle <b>may shall</b> rely on this cover letter (see Chapter 17 for a sample form) as verification of citizenship. The County Recorder need not re-check any citizenship or immigration numbers to verify citizenship and <b>may must</b> register the newly naturalized registrants as "full-ballot" voters (assuming no other deficiencies).                                                                                                                                                                                                                                                                                                                                            | Extra-statutory<br>Violates ARS 16-166(F)          | ARS 16-166(F) - the registering County Recorder statutorily obligated to determine sufficiency of DPOC. No statutory authority to mandate County Recorder accept cover letter.                                                                                                                                                                                                                                                                                                                 | We do not agree that the current language violates any statutory provision, but are willing to make the edit as a compromise. | Resolved            |
| Pg 12 ¶ 7        | A new registrant must be a resident of Arizona at least 29 days before the next election. A.R.S. § 16-101(A)(3). A County Recorder has no duty to verify a registrant's residency status and shall rely on the registrant's affirmation of residency.                                                                                                                                                                                                                                                                                                                                                                                                       | A new registrant must be a resident of Arizona at least 29 days before the next election. A.R.S. § 16-101(A)(3). A County Recorder has no duty to verify a registrant's residency status and <b>shall may</b> rely on the registrant's affirmation of residency.                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Extra-statutory                                    | No statutory authority to mandate acceptance of affirmation.                                                                                                                                                                                                                                                                                                                                                                                                                                   | We do not agree that the current language violates any statutory provision, but are willing to make the edit as a compromise. | Resolved            |
| Pg 13 ¶ 6        | A County Recorder has no duty to verify whether the civil rights of a registrant with felony conviction(s) have been restored and shall rely on the registrant's affirmation when registering to vote.                                                                                                                                                                                                                                                                                                                                                                                                                                                      | A County Recorder has no duty to verify whether the civil rights of a registrant with felony conviction(s) have been restored and <b>shall may</b> rely on the registrant's affirmation when registering to vote.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | Extra-statutory                                    | No statutory authority to mandate acceptance of affirmation.                                                                                                                                                                                                                                                                                                                                                                                                                                   | We do not agree that the current language violates any statutory provision, but are willing to make the edit as a compromise. | Resolved            |
| Pg 14 ¶ 1        | A County Recorder has no duty to verify whether a registrant has been adjudicated mentally incapacitated and shall rely on the registrant's affirmation when registering to vote.                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | A County Recorder has no duty to verify whether a registrant has been adjudicated mentally incapacitated and <b>shall may</b> rely on the registrant's affirmation when registering to vote.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | Extra-statutory                                    | No statutory authority to mandate acceptance of affirmation.                                                                                                                                                                                                                                                                                                                                                                                                                                   | We do not agree that the current language violates any statutory provision, but are willing to make the edit as a compromise. | Resolved            |
| Pg 18 ¶ 6        | If contact information is missing, a County Recorder must use reasonable efforts to research and acquire contact information for the registrant through any appropriate means.                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | If contact information is missing, a County Recorder <b>must may must, if practicable,</b> use reasonable efforts to research and acquire contact information for the registrant through any appropriate means.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Extra-statutory<br>Unfunded mandate                | No statutory requirement to research and acquire missing contact information, therefore no authority to mandate.                                                                                                                                                                                                                                                                                                                                                                               | Suggested modification in green. AGO is probably ok with this revision; ED to confirm if acceptable.                          | Discussed - Pending |
| Pg 20 ¶ 5        | If the registrant did not answer "yes" to the citizenship question or provide some other appropriate indicator that the registrant is a U.S. citizen (and DPOC cannot be acquired from AZMVD records or the statewide voter registration database), the County Recorder must notify the registrant by mail, email, and/or telephone within ten business days of receipt, request the incomplete information, and inform the registrant that they will remain in "suspense" status (or functional equivalent) until the citizenship question is answered in the affirmative or the registrant provides some other appropriate indicator of U.S. citizenship. | If the registrant did not answer "yes" to the citizenship question or provide some other appropriate indicator that the registrant is a U.S. citizen (and DPOC cannot be acquired from AZMVD records or the statewide voter registration database), the County Recorder must notify the registrant by mail, email, and/or telephone within ten business days of receipt, request the incomplete information, and inform the registrant that they will remain in "suspense" status (or functional equivalent) until the citizenship question <b>on the submitted voter registration form</b> is answered in the affirmative or the registrant provides some other appropriate indicator of U.S. citizenship, <b>such as DPOC.</b> | Violates ARS 16-121.01(A)<br>Violates 52 USC 20508 | ARS 16-121.01(A) mandates registrant must provide a "checkmark or other appropriate indicator that the person answered 'yes' to the question regarding citizenship" for the person to be properly registered. Affirmation of citizenship outside of the voter registration form does not meet minimum state requirements. Further, because our signed declaration does not include an "attestation that the application meets [the citizenship requirement]" it does not satisfy 52 USC 20508. | We do not disagree in substance and will make this clarifying edit.                                                           | Resolved            |



**CRITICAL**

| Location               | Current Language                                                                                                                                                                                                                                                                                                                                        | Proposed Language                                                                                                                                                                                                                                                                                                                                                                                                                                          | Reason                                 | Comment                                                                                             | AZSOS Response/Discussion Notes                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | STATUS                        |
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| <b>Chapter 2</b>       |                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                        |                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                               |
| Pg 49 ¶ 8<br>Pg 50 ¶ 1 | A voter enrolled in the PEVL may not request that ballots be automatically sent to an out-of-state address for each election unless the voter is also a UOCAVA voter. However, a PEVL voter may make one-time requests to have their ballot mailed to an address outside of the voter's county of residence for specific elections. A.R.S. § 16-544(B). | A voter enrolled in the PEVL <b>must use a mailing address in the voter's county of residence and</b> may not request that ballots be automatically sent to an out-of-state address for each election unless the voter is also a UOCAVA voter. However, a PEVL voter may make one-time requests to have their ballot mailed to an address outside of the <del>Arizona</del> <b>voter's county of residence</b> for specific elections. A.R.S. § 16-544(B). | Violates ARS 16-544(B)                 | Statute specifies mailing address must be in the county of residence.                               | AGO's interpretation is wrong. ARS 16-544(B) is admittedly confusing and internally inconsistent: in one part, 544(B) says: "The application shall allow for the voter to provide the voter's...mailing address in the voter's county of residence." But the next sentence says: "The voter shall not list a mailing address that is <b>outside of this state</b> for the purposes of the permanent early voting list..." This language was specifically amended in 2011 by HB2304 to permit voters to use a mailing address outside of the county but within the state for PEVL . See <a href="https://www.azleg.gov/legtext/50leg/1R/laws/0332.pdf">https://www.azleg.gov/legtext/50leg/1R/laws/0332.pdf</a> ; <a href="https://www.azleg.gov/legtext/50leg/1r/summary/h.hb2304_04-21-11_astransmittedtogov.doc.htm">https://www.azleg.gov/legtext/50leg/1r/summary/h.hb2304_04-21-11_astransmittedtogov.doc.htm</a> ; <a href="https://www.azleg.gov/legtext/50leg/1r/summary/s.2304_jud_asenacted.doc.htm">https://www.azleg.gov/legtext/50leg/1r/summary/s.2304_jud_asenacted.doc.htm</a> . The 2014 manual also says w/in the state (see pg. 53). The legislative change was sought by counties b/c the PO box serving a particular residential address may cross county lines given the geographic layout in some counties. HB2304 was enacted to specifically address this issue. | Resolved                      |
| Pg 50 ¶ 6              | The voter's mailing address in the state;                                                                                                                                                                                                                                                                                                               | The voter's mailing address in the <b>state county of residence</b> ;                                                                                                                                                                                                                                                                                                                                                                                      | Violates ARS 16-544(B)                 | Statute specifies mailing address must be in the county of residence.                               | See above re: PEVL mailing address.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Resolved                      |
| Pg 51 ¶ 4              | Mailing address within the state (if different from residential address);                                                                                                                                                                                                                                                                               | Mailing address within the <b>state county of residence</b> (if different from residential address);                                                                                                                                                                                                                                                                                                                                                       | Violates ARS 16-544(B)                 | Statute specifies mailing address must be in the county of residence.                               | See above re: PEVL mailing address.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Resolved                      |
| Pg 51 ¶ 6              | If the PEVL request does not contain the voter's name, residence address, mailing address in the state, date of birth, or signature, or contains a signature that does not match the signature in the registrant's record, the County Recorder must notify the voter                                                                                    | If the PEVL request does not contain the voter's name, residence address, mailing address in the <b>state county of residence</b> , date of birth, or signature, or contains a signature that does not match the signature in the registrant's record, the County Recorder must notify the voter                                                                                                                                                           | Violates ARS 16-544(B)                 | Statute specifies mailing address must be in the county of residence.                               | See above re: PEVL mailing address.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Resolved                      |
| Pg 53 ¶ 2              | 2. Change the mailing address to another location within the state;                                                                                                                                                                                                                                                                                     | 2. Change the mailing address to another location within the <b>state county of residence</b> ;                                                                                                                                                                                                                                                                                                                                                            | Violates ARS 16-544(B)                 | Statute specifies mailing address must be in the county of residence.                               | See above re: PEVL mailing address.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Resolved                      |
| Pg 54 ¶ 7              | Contain the County Recorder's name, official title, and the post office address of the County Recorder (or other officer in charge of elections) on the front side of the return envelope (as explained below, a mailing envelope separate from the ballot affidavit may be used);                                                                      | Contain the County Recorder's name, official title, and the post office address of the County Recorder (or other officer in charge of elections) on the front side of the return envelope <del>(as explained below, a mailing envelope separate from the ballot affidavit may be used);</del>                                                                                                                                                              | Extra-statutory<br>Violates ARS 16-547 | Statutes do not provide for a privacy envelope. Statutes explicit in what is to be on the envelope. | We disagree with AGO's interpretation. To be discussed at 12/6 meeting.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | To Be Discussed (Privacy Env) |

**CRITICAL**

| Location  | Current Language                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Proposed Language                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Reason                                                                                                                 | Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                  | AZSOS Response/Discussion Notes                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | STATUS                           |
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| Pg 55 ¶ 8 | In lieu of printing the ballot affidavit on the exterior of the return envelope, a County Recorder may also include a postage prepaid secrecy envelope. In this circumstance, the voter is directed to place their marked ballot in the standard return envelope that contains the early ballot affidavit; the voter must then place the standard return envelope inside the postage prepaid secrecy envelope. This method ensures that the voter's signature (or other personally identifying information) will not be visible on the exterior envelope transmitted through the mail. | <del>In lieu of printing the ballot affidavit on the exterior of the return envelope, a County Recorder may also include a postage prepaid secrecy envelope. In this circumstance, the voter is directed to place their marked ballot in the standard return envelope that contains the early ballot affidavit; the voter must then place the standard return envelope inside the postage prepaid secrecy envelope. This method ensures that the voter's signature (or other personally identifying information) will not be visible on the exterior envelope transmitted through the mail.</del> | Violates ARS 16-547<br>Extra-statutory<br>Voter confusion<br>Voter disenfranchisement                                  | Statutes do not provide for a privacy envelope. ARS 16-547 explicit in what is to be on the envelope. One side must have the return address, the other the affidavit. Two envelopes with return addresses may confuse voters causing ballots to be returned in just the mailing envelope without the requisite affidavit, causing ballots to not be counted or voting be delayed.                                                                        | We disagree with AGO's interpretation. To be discussed at 12/6 meeting.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | To Be Discussed (Privacy Env)    |
| Pg 56 ¶ 3 | A.R.S. § 16-547(C). The County Recorder may substitute "vote center" for "polling place" if the county uses vote centers. If applicable, the County Recorder may add additional ballot drop-off locations to the statutorily-prescribed language.                                                                                                                                                                                                                                                                                                                                      | A.R.S. § 16-547(C). The County Recorder may substitute "vote center" for "polling place" if the county uses vote centers. <del>If applicable</del> For elections held pursuant to A.R.S. § 16-409 and A.R.S. § 16-558, the County Recorder may <del>add additional</del> substitute "ballot drop-off location" for "polling place" <del>to the statutorily-prescribed language.</del> A.R.S. § 16-411(D).                                                                                                                                                                                         | Extra-statutory<br>Clarification                                                                                       | Ballot drop-off locations only statutorily permitted for elections held pursuant to ARS 16-558 and 16-409.                                                                                                                                                                                                                                                                                                                                               | We disagree with AGO's interpretation and will discuss at the 12/6 meeting.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | To Be Discussed (Drop-Off Sites) |
| Pg 60 ¶ 4 | A ballot-by-mail (with completed affidavit) must be delivered to the County Recorder, the officer in charge of elections, an official ballot drop-off site, or any voting location in the county no later than 7:00 p.m. on Election Day. A.R.S. § 16-547(C); A.R.S. § 16-551(C).                                                                                                                                                                                                                                                                                                      | A ballot-by-mail (with completed affidavit) must be delivered to the County Recorder, the officer in charge of elections, <del>an official ballot drop-off site,</del> or any voting location in the county no later than 7:00 p.m. on Election Day. A.R.S. § 16-547(C); A.R.S. § 16-551(C).                                                                                                                                                                                                                                                                                                      | Extra-statutory                                                                                                        | Statutory provisions enabling ballot drop-off sites only authorized for elections held pursuant to ARS 16-409 and ARS 16-558. ARS 16-411(D). This section applicable to Early Voting. Added statement to Chapter 3. Page 72.                                                                                                                                                                                                                             | See above re: ballot drop-off locations. We disagree with AGO and will discuss at the 12/6 meeting.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | To Be Discussed (Drop-Off Sites) |
| Pg 61 ¶ 6 | An elector who appears at an on-site early voting location by 5:00 p.m. on the Friday preceding the election must be given a ballot and permitted to vote at the on-site early voting location. A.R.S. § 16-542(E).                                                                                                                                                                                                                                                                                                                                                                    | An elector <del>presenting valid identification</del> who appears at an on-site early voting location by 5:00 p.m. on the Friday preceding the election must be given a ballot and permitted to vote at the on-site early voting location. A.R.S. § 16-542(E).                                                                                                                                                                                                                                                                                                                                    | Violates ARS 16-542(E)                                                                                                 | ARS 16-542(E) requires presentation of identification.                                                                                                                                                                                                                                                                                                                                                                                                   | We do not agree that the current language "violates ARS 16-542(E)," but are willing to make the clarifying edit.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Resolved                         |
| Pg 66 ¶ 3 | If not satisfied that the signatures were made by the same person or if the early ballot affidavit is missing a signature, the County Recorder shall make a reasonable and meaningful attempt to contact the voter via mail, phone, text message, and/or email, notify the voter of the inconsistent signature, and allow the voter to provide, correct, or confirm the signature.                                                                                                                                                                                                     | If not satisfied that the signatures were made by the same person <del>or if the early ballot affidavit is missing a signature,</del> the County Recorder shall make a reasonable and meaningful attempt to contact the voter via mail, phone, text message, and/or email, notify the voter of the inconsistent signature, and allow the voter to <del>provide,</del> correct, or confirm the signature.                                                                                                                                                                                          | Violates ARS 16-548(A)<br>Violates ARS 16-552(B)<br>Violates statutory intent and legislative history of ARS 16-550(A) | Voters shall make and sign the affidavit. Ballot affidavit signature must be sufficient for the vote to be allowed. Curing the ballot contained within an unsigned envelope is not possible, as the voter cannot affirm the ballot contained therein is THEIR actual ballot. New ballot must be issued and received before the close of elections. New early ballot may be mailed, time permitting, or on Election Day a provisional ballot may be cast. | We disagree with AGO's statutory interpretation, based on legal advice from the AGO attorneys who represented our office in the NN lawsuit. Under no circumstance would an early ballot be "allowed" or counted if it does not have a signature. All the EPM does is specify the deadline for curing a ballot with a missing signature - i.e. for the voter to provide the missing signature. This deadline does not conflict with any statutory provision as statute is silent on this issue. Filling in this gap is within the authority of the SOS under 16-452(A), which specifically requires that the EPM shall provide uniform procedures for early voting and for the counting and tabulation of ballots. Further, AGO is wrong in the factual statement that curing the ballot contained in an unsigned envelope is not possible. It is possible - counties are able to determine the voter's identity based on the affidavit envelope even if it's not signed - that's how they're able to contact the voter to notify them of the issue. | To Be Discussed (Missing Sig)    |



**CRITICAL**

| Location  | Current Language                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | Proposed Language                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Reason                                                                                                                                           | Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | AZSOS Response/Discussion Notes                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | STATUS                        |
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| Pg 66 ¶ 4 | Voters must be permitted to correct or confirm an inconsistent or missing signature until 5:00 p.m. on the fifth business day after a primary, general, or special election that includes a federal office or the third business day after any other election.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Voters must be permitted to correct or confirm an inconsistent <del>or missing</del> signature until 5:00 p.m. on the fifth business day after a primary, general, or special election that includes a federal office or the third business day after any other election.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Violates ARS 16-548(A)<br>Violates ARS 16-552(B)<br>Violates statutory intent and legislative history of ARS 16-550(A)<br>Violates ARS 16-566(B) | Further, provisions for curing missing signatures violate the legislative intent. Legislative intent can be inferred from the fact the legislature changed the bill to exclude the word "missing" from ARS 16-550 from the time the bill was presented to the time it was adopted. Finally, pursuant to ARS 16-566(B), as soon as the polls close, all unused ballots shall be sealed. No further ballots may be issued.                                                         | See above re: missing signatures                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | To Be Discussed (Missing Sig) |
| Pg 66     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | If the early ballot affidavit is not signed, the County Recorder shall reject the ballot. The County Recorder shall then make a reasonable and meaningful attempt to contact the voter via mail, phone, text message, and/or email, to notify the voter the ballot was rejected and provide the voter an opportunity to cast a replacement early or provisional ballot before 7:00pm on Election Day. The County Recorder shall attempt to contact the voter as soon as practicable using any contact information available in the voter's record and any other source reasonably available to the County Recorder. Neither replacement ballots nor provisional ballots can be issued after 7:00pm on Election Day.                                                                                        |                                                                                                                                                  | Statutory provisions require a signed ballot affidavit for the vote to be counted. Curing the ballot contained within an unsigned envelope is not possible, as the voter cannot affirm the ballot contained therein is THEIR actual ballot. Replacement ballot must be issued before the close of elections. New early ballot may be mailed, time permitting, or replaced or provisional ballot cast.                                                                            | See above re: missing signatures. These proposed procedures are not grounded in statute and are not consistent with how counties have long handled these types of ballots.                                                                                                                                                                                                                                                                                                                                                                                                    | To Be Discussed (Missing Sig) |
| Pg 66 ¶ 6 | A.R.S. § 16-550(A); A.R.S. § 16-552(B); Settlement Agreement at 3, Navajo Nation v. Hobbs, No. CV2018-08329, ECF No. 44-2 (D. Ariz. August 6, 2019).                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | A.R.S. § 16-550(A); A.R.S. § 16-552(B); <del>Settlement Agreement at 3, Navajo Nation v. Hobbs, No. CV2018-08329, ECF No. 44-2 (D. Ariz. August 6, 2019).</del>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | See above re: missing signatures                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | To Be Discussed (Missing Sig) |
| Pg 69 ¶ 6 | Individuals held in pretrial detention or serving a sentence for a misdemeanor conviction remain eligible to register and vote (assuming no other deficiencies in eligibility). To the extent practicable, County Recorders shall coordinate with the county sheriff's office, jail or detention facilities, the county public defender's office, and other appropriate stakeholders to develop and implement reasonable procedures to facilitate voting by eligible voters held in jail or detention facilities, including those taken into custody shortly before Election Day. Such procedures may include coordinating a means for secure and effective delivery and return of ballots-by-mail for those in custody and/or the use of special election boards in appropriate circumstances. | Individuals held in pretrial detention or serving a sentence for a misdemeanor conviction remain eligible to register and vote (assuming no other deficiencies in eligibility). <del>To the extent practicable, County Recorders shall coordinate with the county sheriff's office, jail or detention facilities, the county public defender's office, and other appropriate stakeholders to develop and implement reasonable procedures to facilitate voting by eligible voters held in jail or detention facilities, including those taken into custody shortly before Election Day. Such procedures may include coordinating a means for secure and effective delivery and return of ballots-by-mail for those in custody and/or the use of special election boards in appropriate circumstances.</del> | Extra-statutory<br>Unfunded mandate                                                                                                              | - Existing procedures under ARS 16-542(E) allow mailing a ballot to a temporary address.<br>- ARS 16-549 - Special elections board only for "qualified electors who are confined as the result of a continuing illness or physical disability" and inapplicable here.<br>- No statutory authority to implement outlined program.<br>- No statutory authority to bind recorders, sheriffs, public defender's offices...<br>- No provisions for funding for counties to implement. | Counties are required to do this anyways - people in pretrial detention or serving a misdemeanor sentence have a right to vote assuming they are registered and otherwise eligible. We do have statutory authority to bind recorders and this does not bind sheriffs, public defenders, etc. In any case, the provision says: "to the extent practicable" and requires only "reasonable" efforts - so there is significant discretion built in for counties. We received no objection to this provision and there is nothing in statute prohibiting counties from doing this. | Discussed - Pending           |

**CRITICAL**

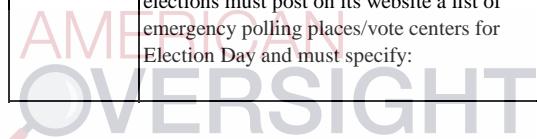
| Location         | Current Language                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Proposed Language                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Reason                                                                                                                                          | Comment                                                                                                                                                                                                               | AZSOS Response/Discussion Notes                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | STATUS                                                                        |
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| <b>Chapter 3</b> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                                 |                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                               |
| Pg 71 ¶ 5        | <p>• If the ballot-by-mail election is consolidated with a partisan primary election, the County Recorder must mail a notice to all non-PEVL voters who are not affiliated with a recognized political party at least 33 days before the election to allow the voter to designate a political party ballot. In lieu of sending separate notices to PEVL and non-PEVL voters, a County Recorder may send a notice to all eligible voters at least 90 days before the ballot-by-mail election. See Chapter 2, Section I(B)(9). If the voter does not designate a political party ballot or nonpartisan ballot by 5:00 p.m. on the 11th day before the election, or a later deadline established by the County Recorder, the voter will not be mailed a ballot-by-mail for the election. A.R.S. § 16-542(E). However, the voter is still permitted to vote in-person at a ballot replacement site and, at that time, specify a political party ballot or nonpartisan ballot.</p> | <p><del>• If the ballot-by-mail election is consolidated with a partisan primary election, the County Recorder must mail a notice to all non-PEVL voters who are not affiliated with a recognized political party at least 33 days before the election to allow the voter to designate a political party ballot. In lieu of sending separate notices to PEVL and non-PEVL voters, a County Recorder may send a notice to all eligible voters at least 90 days before the ballot-by-mail election. See Chapter 2, Section I(B)(9). If the voter does not designate a political party ballot or nonpartisan ballot by 5:00 p.m. on the 11th day before the election, or a later deadline established by the County Recorder, the voter will not be mailed a ballot-by-mail for the election. A.R.S. § 16-542(E). However, the voter is still permitted to vote in-person at a ballot replacement site and, at that time, specify a political party ballot or nonpartisan ballot.</del></p> | <p>Extra Statutory<br/>Disenfranchises unaffiliated voters<br/>Violates ARS 16-558.01<br/>Violates ARS 16-542(C)<br/>Violates ARS 16-544(F)</p> | <p>No statutory authority to consolidate all ballot-by-mail and partisan primaries. Further, as written, does not meet the statutory requirements for each election type and disenfranchises unaffiliated voters.</p> | <p>We disagree with AGO's interpretation. ARS 16-204(G) authorizes this practice, stating: "Notwithstanding any other law, for an election administered by a county recorder or other officer in charge of elections on behalf of a city, town or school district and <u>that is an all mail ballot election</u> for that city, town or school district, the county recorder or other officer in charge of elections <u>may use a unified ballot format</u> that combines all of the issues applicable to the voters in the city, town or school district requesting the all mail ballot election." This provision was added in 2012 as part of the consolidation of election dates, requiring local elections occur on the statewide election dates, and the authorization of a "unified ballot" w/ all issues applicable to the voters in the all-mail election would necessarily include any statewide primary races if they fall on the same date.</p> | <p>To Be Discussed<br/>(Consolidating<br/>BBM &amp; Partisan<br/>Primary)</p> |

**CRITICAL**

| Location         | Current Language                                                                                                                                                                                                                                                                                                                                                                                                                                     | Proposed Language                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | Reason                                          | Comment                                                                                                                                                               | AZSOS Response/Discussion Notes                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | STATUS               |
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| <b>Chapter 4</b> |                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                 |                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                      |
| Pg 77 ¶ 2        | The voting system must tabulate (and if necessary, produce) ballots that visually indicate the voter's selections and can be used to verify the voter's choices; (2) spoiled by the voter if they fail to reflect the voter's choices; and (3) used in recounts and manual audits;                                                                                                                                                                   | The voting system must provide a durable paper document <del>tabulate (and if necessary, produce) ballots</del> that visually indicates the voter's selections and can be used to verify the voter's choices; (2) spoiled by the voter if they fail to reflect the voter's choices which permits the voter to cast a new ballot; and (3) used in recounts and manual audits;                                                                                                                                                                                                                                                                                                                                                                                                          | Clarification<br>Conforming to ARS 16-446(B)(7) | Statement does not conform to statutory language, as worded isn't possible, and fails to substantially comply with the statutory language.                            | We don't believe these edits are necessary but are willing to accept them at AGO's request.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | Resolved             |
| Pg 77 ¶ 2        | The voting system must aggregate the votes in the EMS in a way that prevents being changed (unless the vote is on an over-voted ballot or ballot read as blank or unclear and is therefore flagged for electronic adjudication) or deleted after voting has concluded; and                                                                                                                                                                           | The voting system must aggregate the votes in the EMS in a way that prevents votes from being changed <del>(unless the vote is on an over-voted ballot or ballot read as blank or unclear and is therefore flagged for electronic adjudication)</del> or deleted after voting has concluded; and                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Violates ARS 16-621(A)                          | Over-voted, blank, or unclear ballots cannot be counted and then electronically changed. Electronic adjudication violates ARS 16-621(A). See Chapter 10 for comments. | See EA discussion. In any case, ARS 16-610 provides that a ballot shall be rejected only if "it is impossible to positively determine the voter's intent." If, for example, a voter puts an X next a choice rather than filling in the circle completely, the choice cannot be read by the tabulator, the voter's intent is clear and it must be counted - whether via electronic adjudication or manual duplication. Or if a voter fills in two choices, but clearly indicates their intent to cancel one and select the other, the voter's intent is clear and the vote must be counted. | To Be Discussed (EA) |
| Pg 77            |                                                                                                                                                                                                                                                                                                                                                                                                                                                      | c. The voting system must prevent the voter from voting for the same person more than once for the same office.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | ARS 16-446(B)(3)                                | Missing statutory provision                                                                                                                                           | Accepted                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Resolved             |
| Pg 92 ¶ 3        | 3. On-Screen/Electronic Adjudication<br>If on-screen/electronic adjudication of ballots will be utilized as part of the election tabulation system, that functionality shall also be tested during the L&A test to ensure secure and proper functioning and attribution of Electronic Vote Adjudication Board determinations for the ballots electronically adjudicated. See Chapter 10, Section II(E) for requirements for electronic adjudication. | <del>3. On-Screen/Electronic Adjudication<br/>If on-screen/electronic adjudication of ballots will be utilized as part of the election tabulation system, that functionality shall also be tested during the L&amp;A test to ensure secure and proper functioning and attribution of Electronic Vote Adjudication Board determinations for the ballots electronically adjudicated. See Chapter 10, Section II(E) for requirements for electronic adjudication.</del>                                                                                                                                                                                                                                                                                                                  | Violates ARS 16-621(A)                          | Electronic Adjudication violates ARS 16-621(A). See comment in Chapter 10. See also recommendations.                                                                  | See EA discussion.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | To Be Discussed (EA) |
| Pg 92            |                                                                                                                                                                                                                                                                                                                                                                                                                                                      | 4. Errors Discovered During Testing<br>If any error is detected during L&A testing:<br><ul style="list-style-type: none"><li>• The cause shall be ascertained and corrected.</li><li>• An errorless count shall be made before the voting equipment and programs are approved for use in the election.</li><li>• And if the database election program is found to be the source of the error, a copy of a revised database election program shall be filed with the Secretary of State within 48 hours after the revision.</li><li>• And if the error was created by voting equipment malfunction, a report shall be filed with the Secretary of State within 48 hours after the correction is made, stating the cause and the corrective action taken.</li></ul> A.R.S. § 16-449(A). | Missing procedures ARS 16-449(A)                | Missing statutorily required procedures for L&A testing. SAMPLE WORDING based on 2014 EPM Pg 109-110.                                                                 | Proposed modifications in green.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | Discussed - Pending  |
| <b>Chapter 5</b> |                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                 |                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                      |

**CRITICAL**

| Location         | Current Language                                                                                                                                                                                                                                                                                                                                       | Proposed Language                                                                                                                                                                                                                                                                                                                                                       | Reason                                       | Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | AZSOS Response/Discussion Notes                                                                                                                                                                                                                        | STATUS   |
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| <b>Chapter 6</b> |                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                         |                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                        |          |
| Pg 107 ¶ 6       | • A signature or a printed name.                                                                                                                                                                                                                                                                                                                       | • A signature or a printed name <b>in the signature column.</b>                                                                                                                                                                                                                                                                                                         | Violates ARS 16-322<br>Creates Confusion     | Pursuant to statute, "nomination petitions shall be signed". Counting lines without anything propoting to be a signature violates the statute and would create confusion about the requirements.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | We do not agree that the current language "violates ARS 16-322," but can make the clarifying edit.                                                                                                                                                     | Resolved |
| Pg 121 ¶ 2       | If the County Recorder is unable to apply statutorily-required redactions within the necessary timeframe ( <i>see Chapter 1, Section X(C)(1)</i> ), the County Recorder should seek to produce the records pursuant to an appropriate protective order or under seal in accordance with the Arizona Rules of Civil Procedure and other applicable law. |                                                                                                                                                                                                                                                                                                                                                                         | Missing citation                             | Refers to "statutorily-required redactions" without referencing the statute or requirements. At minimum, citation needed. RECOMMEND adding what needs to be redacted for the maximum degree of correctness and uniformity. If there is no citation, statement should be removed.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | We think it's unnecessary to add the statute or requirements here. We can cross reference Chapter 1, Section X(C)(1), which lists out compenents of a registrants' record that are confidential and not subject to disclosure (see addition in green). | Resolved |
| <b>Chapter 7</b> |                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                         |                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                        |          |
| <b>Chapter 8</b> |                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                         |                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                        |          |
| Pg 127 ¶ 5       | Except for the designation of Election Day emergency voting locations, the Board of Supervisors must finalize all voting locations at least 20 days before a statewide primary or general election or ten days before a special election. A.R.S. § 16-411(B).                                                                                          | <del>Except for the designation of Election Day emergency voting locations,</del> <b>Except for the designation an emergency voting location pursuant to A.R.S. § 16-411(I),</b> the Board of Supervisors must finalize all voting locations at least 20 days before a statewide primary or general election or ten days before a special election. A.R.S. § 16-411(B). | Extra Statutory                              | Nothing in ARS 16-411(B) provides for stated exception.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | We disagree with AGO's interpretation. ARS 16-411(I) provides for such designations, which we need to account for. Proposed modification in green and adding cite to ARS 16-411(I).                                                                    | Resolved |
| Pg 130 ¶ 5       | G. Designation of Emergency Election Day Polling Places/Vote Centers<br>A County Recorder or other officer in charge of elections may establish an emergency polling place/vote center for Election Day without the Board of Supervisors' approval if either of the following occurs:                                                                  | G. <del>Designation of Emergency Election Day</del> Polling Place/Vote Center <b>Emergency Designation</b><br>A County Recorder or other officer in charge of elections may <b>establish grant</b> an emergency <b>designation to a polling place/vote center for Election Day without the Board of Supervisors' approval</b> if either of the following occurs:        | Clarification<br>Conforming to ARS 16-411(I) | Current language seems to confuse emergency voting pursuant to ARS 16-542(H) & ARS 16-411(B)(5) (which requires BOS approval) with "emergency designations" pursuant to ARS 16-411(I). ARS 16-411(I) states "county recorder or other officer in charge of elections shall designate a polling place as an emergency polling place". County Recorder cannot "establish" a polling place without board approval. Instead, already approved polling stations may be granted an emergency designation which limits electioneering. Also, Emergency designations under ARS 16-411 are not limited to Election Day. ARS 16-411(H) discusses early voting centers as being able to have an emergency designation. For clarity, procedures pursuant to ARS 16-411(B)(5)(c) added to Pg 63. | We think the prior phrasing is clear as it was, but can make these technical edits as a compromise.                                                                                                                                                    | Resolved |
| Pg 131 ¶ 1       | At least two weeks before Election Day, the County Recorder or other officer in charge of elections must post on its website a list of emergency polling places/vote centers for Election Day and must specify:                                                                                                                                        | At least two weeks before Election Day, the County Recorder or other officer in charge of elections must post on its website a list of <b>emergency</b> polling places/vote centers <b>for Election Day with emergency designations</b> and must specify:                                                                                                               | Clarification<br>Conforming to ARS 16-411    | Current wording could create unintentional confusion between emergency voting and voting locations with an emergency designation. Emergency designations pertain to early voting as well as Election Day.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | Same as above                                                                                                                                                                                                                                          | Resolved |



**CRITICAL**

| Location   | Current Language                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Proposed Language                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | Reason                                    | Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | AZSOS Response/Discussion Notes                   | STATUS   |
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| Pg 131 ¶ 2 | Electioneering and other political activity is not permitted at an emergency polling place/vote center on Election Day on the property of the hosting facility, even outside the 75-foot limit. A.R.S. § 16-411(I). However, if the voting location is not listed on the jurisdiction's elections website as an emergency location, electioneering and other political activity must be permitted on the premises, outside the 75-foot limit. A.R.S. § 16-411(H).                                                                                                                      | Electioneering and other political activity is not permitted at an <del>emergency</del> polling place/vote center <del>with an emergency designation on Election Day</del> on the property of the hosting facility, even outside the 75-foot limit. A.R.S. § 16-411(I). However, if the voting location is not listed on the jurisdiction's elections website as <del>having</del> an emergency <del>location designation</del> , electioneering and other political activity must be permitted on the premises, outside the 75-foot limit. A.R.S. § 16-411(H).                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Clarification<br>Conforming to ARS 16-411 | Current wording could create unintentional confusion between emergency voting and voting locations with an emergency designation. Emergency designations pertain to early voting as well as Election Day.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Same as above                                     | Resolved |
| Pg 131 ¶ 3 | <ul style="list-style-type: none"> <li>Update the website as soon as is practicable to include any new Election Day emergency voting locations;</li> <li>Highlight the new Election Day emergency voting location on the website; and</li> <li>Like other Election Day emergency locations, specify the reason the emergency designation was necessary and the number of attempts that were made to find a standard voting location before granting an emergency designation. A.R.S. § 16-411(H).</li> </ul>                                                                           | <ul style="list-style-type: none"> <li>Update the website as soon as is practicable to include any new <del>Election-Day-emergency designations of polling places/vote centers voting locations</del>;</li> <li>Highlight the new <del>Election-Day-emergency</del>-voting location(s) with an <del>emergency designation</del> on the website; and</li> <li>Like other <del>Election-Day-emergency</del>-locations with an <del>emergency designation</del>, specify the reason the emergency designation was necessary and the number of attempts that were made to find a standard voting location before granting an emergency designation. A.R.S. § 16-411(H).</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Clarification<br>Conforming to ARS 16-411 | Current wording could create unintentional confusion between emergency voting and voting locations with an emergency designation. Emergency designations pertain to early voting as well as Election Day.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Same as above, with minor modifications in green. | Resolved |
| Pg 132 ¶ 7 | The officer in charge of elections should ensure that the election board is comprised of individuals registered with different political parties. At minimum, for partisan elections, if the inspector is a member of one of the two largest political parties, the marshal must be a member of the other of the two largest political parties and each of the two judges must be registered with different political parties. An inspector, marshal, or judge may not serve in that position if they have changed their political party registration since the last general election. | The officer in charge of elections <del>should</del> - <del>shall</del> ensure that the election board is comprised of individuals registered with different political parties. At minimum, for partisan elections, if the inspector is a member of one of the two largest political parties, the marshal must be a member of the other of the two largest political parties and each of the two judges must be registered with different political parties. An inspector, marshal, or judge may not serve in that position if they have changed their political party registration since the last general election.<br><br><del>At least 90-days before an election, the county chairperson of the two largest political parties may designate qualified electors to serve on election boards. When the list is timely submitted, it shall be used to appoint judges. Whenever possible, any person appointed as an inspector shall have had previous experience as an inspector, judge, marshal, or clerk of elections. If there is no qualified person in a given precinct, the appointment of an inspector may be made from names designated by the county party chairperson. Any registered voter in the precinct, or alternatively, in another precinct, may be appointed as a clerk. A.R.S. § 16-531(A).</del> | Key components of ARS 16-531(A) missing   | Statute is clear that board composition "shall be divided equally" and "shall be equal" between the two largest political parties. Party balance is not discretionary. Also missing key requirements to use lists provided by political parties for filling election board positions. "Although the board of supervisors actually appoints the judges and clerks, its action is completely driven by the political parties' selections, if the county party chairmen make proper and timely designations to the board. In contrast, this section permits the board to appoint inspectors from names provided by the county party chairmen only if there is no qualified person in the precinct with previous experience." Ariz. Op.Atty.Gen. No. I93-001. See also Ariz. Op.Atty.Gen. No. 62-23, Ariz. Op.Atty.Gen. No. 69-1, 2014 EPM Pg 124. | Minor modification in green.                      | Resolved |



**CRITICAL**

| Location         | Current Language                                                                                                                                                                                                                                                                                                                                                                                                                  | Proposed Language                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Reason                                                                                          | Comment                                                                                                                                                                                                                                                | AZSOS Response/Discussion Notes                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | STATUS               |
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| Pg 140 ¶ 2       | 1. At all times at a central counting place, and unless a voter specifically requests assistance from the observer at a voting location, a political party observer may not mark any ballot, place any type of material on a ballot, or otherwise touch a voted ballot during observation.                                                                                                                                        | 1. <del>At all times at a central counting place, and unless a voter specifically requests assistance from the observer at a voting location, a political party</del> At all times at a central counting place, and unless a voter specifically requests assistance from the observer at a voting location pursuant to A.R.S. § 16-580(E), an observer may not mark any ballot, place any type of material on a ballot, or otherwise touch a voted ballot during observation. | Violates ARS 16-590(B)                                                                          | Statute clearly states that "no challenger may enter a voting booth except to mark his ballot". Therefore observer cannot enter a voting booth to assist a voter.                                                                                      | We disagree with AGO's interpretation - see proposed modification in green. AGO's edit would violate 16-580(E): "Any registered voter, at the voter's option, may . . . <b>be accompanied and assisted by a person of the voter's own choice</b> or be assisted by two election officials, one from each major political party, during any process relating to voting or during the actual process of voting on a paper ballot, machine or electronic voting system. A person who is a candidate for an office in that election other than the office of precinct committeeman is not eligible to assist any voter." There is no limit on who a voter may ask to assist them in the voting booth. | Discussed - Pending  |
| <b>Chapter 9</b> |                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                 |                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                      |
| Pg 177 ¶ 3       | A County Recorder or other officer in charge of elections may establish emergency Election Day polling places/vote centers where electioneering is not permitted on the property of the hosting facility, even outside the 75-foot limit. A.R.S. § 16-411(I); see Chapter 8, Section I(G).                                                                                                                                        | A County Recorder or other officer in charge of elections may <del>establish grant</del> emergency <del>designations to Election Day</del> polling places/vote centers where electioneering is not permitted on the property of the hosting facility, even outside the 75-foot limit. A.R.S. § 16-411(I); see Chapter 8, Section I(G).                                                                                                                                        | Clarification<br>Conforming to ARS 16-411(I)<br>Conforming with changes made to Chapter 8(I)(G) | Current wording could create unintentional confusion between emergency voting and voting locations with an emergency designation.                                                                                                                      | We think the prior phrasing is clear as it was, but can make these technical edits as a compromise.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Resolved             |
| Pg 183 ¶ 2       | When assisting voters upon their request, members of the election board, may not attempt to influence a voter in the choice of candidates or issues, nor in any manner suggest or recommend a vote for any particular candidate or issue.                                                                                                                                                                                         | <del>When Those</del> assisting a voters upon the voter's request <del>upon their request, members of the election board, in a voting location, assistants</del> may not attempt to influence a voter in the choice of candidates or issues, nor in any manner suggest or recommend a vote for any particular candidate or issue.                                                                                                                                             | Violates ARS 16-515(I)<br>Violates ARS 16-1018(1)                                               | Neither election board workers, nor third-party assistants may electioneer inside the 75-foot limit.                                                                                                                                                   | We disagree that the current language violates ARS 16-515(I) or 16-1018(1), but propose the revisions in green as clarifying edits.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Resolved             |
| Pg 184 ¶ 2       | Alternatively, if the election board has access to real-time or updated information to view the status of the voter's ballot-by-mail, the judge may issue a regular ballot to the voter if: (1) a board worker confirms that the voter's ballot-by-mail has not been verified and tallied; and (2) the County Recorder or other officer in charge of elections has a system in place to promptly void the voter's ballot-by-mail. | <del>Alternatively, if the election board has access to real-time or updated information to view the status of the voter's ballot-by-mail, the judge may issue a regular ballot to the voter if: (1) a board worker confirms that the voter's ballot-by-mail has not been verified and tallied; and (2) the County Recorder or other officer in charge of elections has a system in place to promptly void the voter's ballot-by-mail.</del>                                  | Violates ARS 16-579(B)                                                                          | Statute requires issuance of a provisional ballot in any circumstance where an early ballot has been sent to voter, whether it has been verified and tallied or not.                                                                                   | Counties have serious concerns about this. Will result in the doubling of provisional ballots across the state. The reality is that counties are doing the provisional ballot verification process - all the same steps - in real time, and this would just force them to have to do it over again after the election, significantly slowing down processing. If this practice were prohibited, counties would need to seek legislative change to push back the canvass and double the time for processing provisional ballots. Pinal just spent \$250K for e-pollbooks specifically for this purpose, would be a complete waste of money.                                                        | To Be Discussed (PB) |
| Pg 184 ¶ 2       | However, if the election board has real-time access to voter registration records, the voter's information may be updated at the voting location upon completion of a new voter registration or address update form and a regular ballot to be issued in lieu of a provisional ballot.                                                                                                                                            | However, if the election board has real-time access to voter registration records, the voter's information may be updated at the voting location upon completion of a new voter registration or address update form. <del>and a regular ballot to be issued in lieu of a provisional ballot.</del>                                                                                                                                                                            | Violates ARS 16-137                                                                             | Statute states "An elector may also correct the voter registration record by providing the new name <i>while voting a provisional ballot</i> pursuant to § 16-584 at the appropriate polling place." Accordingly, a provisional ballot must be issued. | See above re: provisional ballots if received ballot-by-mail                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | To Be Discussed (PB) |

**CRITICAL**

| Location          | Current Language                                                                                                                                                                                                                                                                                                                                              | Proposed Language                                                                                                                                                                                                                                                                                                                                                         | Reason                                           | Comment                                                                                                                                                                                                                                                                                    | AZSOS Response/Discussion Notes                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | STATUS               |
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| Pg 185 ¶ 7        | If the election board has real-time access to voter registration records, the voter's information may be updated at the voting location upon completion of a new voter registration form or address update form and a regular ballot may be issued in lieu of a provisional ballot as long as the voter is the correct voting location for their new address. | If the election board has real-time access to voter registration records, the voter's information may be updated at the voting location upon completion of a new voter registration form or address update form. <del>and a regular ballot may be issued in lieu of a provisional ballot as long as the voter is the correct voting location for their new address.</del> | Violates ARS 16-135(B)<br>Violates ARS 16-584(C) | Statutes require issuance of a provisional ballot when the elector has moved to a new address within the county.                                                                                                                                                                           | See above re: provisional ballots if received ballot-by-mail                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | To Be Discussed (PB) |
| <b>Chapter 10</b> |                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                                                           |                                                  |                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                      |
| Pg 195 ¶ 3        | The Receiving Board shall ensure proper chain of custody documentation for all items received.                                                                                                                                                                                                                                                                | The Receiving Board shall ensure proper chain of custody documentation for all items received. <b>The Receiving Board shall give a numbered receipt acknowledging receipt of such ballots to the person in charge who delivers such ballots. A.R.S. § 16-608(A).</b>                                                                                                      | Conforming to ARS 16-608(A)                      | Missing statutory requirement to provide a receipt. Previously accounted for in the EPM. See 2014 EPM Pg 174. Not found elsewhere in this EPM.                                                                                                                                             | Accepted                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Resolved             |
| Pg 198 ¶ 5        | In counties that utilize digital scanning tabulation equipment, ballots may be digitally out-stacked for electronic adjudication, as provided in Section II(E) below.                                                                                                                                                                                         | <del>In counties that utilize digital scanning tabulation equipment, ballots may be digitally out-stacked for electronic adjudication, as provided in Section II(E) below.</del>                                                                                                                                                                                          | Violates ARS 16-621(A)                           | Electronic Adjudication violates ARS 16-621(A). See comment below.                                                                                                                                                                                                                         | See EA discussion.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | To Be Discussed (EA) |
| Pg 199 ¶ 2        | • Conspicuously mark the original ballot as "DUPLICATED;"                                                                                                                                                                                                                                                                                                     | • Conspicuously mark the original ballot as "DUPLICATED;"<br>• <b>Conspicuously mark the duplicate ballot as "DUPLICATE", A.R.S. § 16-621(A);</b>                                                                                                                                                                                                                         | Conforming to ARS 16-621(A)                      | Pursuant to the statutory requirements, all duplicate ballots shall be clearly labeled "duplicate".                                                                                                                                                                                        | Accepted                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Resolved             |
| Pg 199 - 204      | E. Electronic Vote Adjudication Board                                                                                                                                                                                                                                                                                                                         | <del>E. Electronic Vote Adjudication Board</del>                                                                                                                                                                                                                                                                                                                          | Violates ARS 16-621(A)                           | Section Removed. ARS 16-621(A) requires a "true duplicate" be made for ballots that are damaged or defective such that the ballot cannot properly be counted by the automatic tabulating equipment. A "true duplicate" ballot is statutorily required to "substitute" the original ballot. | The EPM is consistent with 16-621(A) as it expressly requires that a "true duplicate" is made for damaged or defective ballots. The EPM specifies that such ballots cannot be electronically adjudicated. However, ballots that are not themselves damaged or defective, but that are <b>read</b> as blank or possibly over-voted can be electronically adjudicated. There is nothing in statute prohibiting this and statute expressly requires the SOS to spell out procedures for counting and tabulating ballots (ARS 16-452(A)), handling of electronic ballots and electronic scanning of ballots (ARS 16-449(B)), and procedures at the counting center (ARS 16-621(A)). Indeed, we were expressly advised by our attorneys at AGO attorneys that EA is not inconsistent w/ statute. We were advised that voting systems w/ EA functionality can be certified by SOS, w/ use of the EA function conditional on EA being authorized by the next EPM. Though EA is not authorized by the 2014 EPM, we were advised it is within the authority of the SOS to authorize EA in the updated EPM. | To Be Discussed (EA) |
| Pg 209 ¶ 7        | The Write-In Tally Board is comprised of one                                                                                                                                                                                                                                                                                                                  | The Write-In Tally Board is comprised of one inspector and two judges, who are                                                                                                                                                                                                                                                                                            | Conforming to ARS 16-                            | Statute requires boards to be filled by lists                                                                                                                                                                                                                                              | Proposed modification in green.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Resolved             |
| Pg 210 ¶ 1        | The Write-In Tally Board may manually tally write-in votes or do so through an electronic adjudication program pursuant to Chapter 10, Section II(E) above.                                                                                                                                                                                                   | <del>The Write-In Tally Board may manually tally write-in votes or do so through an electronic adjudication program pursuant to Chapter 10, Section II(E) above.</del>                                                                                                                                                                                                    | Violates ARS 16-621(A)                           | Electronic Adjudication violates ARS 16-621(A). See comment above.                                                                                                                                                                                                                         | See EA discussion.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | To Be Discussed (EA) |

**CRITICAL**

| Location          | Current Language                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Proposed Language                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Reason                 | Comment                                                            | AZSOS Response/Discussion Notes | STATUS               |
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| <b>Chapter 11</b> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                        |                                                                    |                                 |                      |
| Pg 221 ¶ 3        | For counties that use electronic adjudication (see Chapter 10, Section II(E)), the officer in charge of elections shall ensure that, if any ballots in the precinct or early ballot batches to be hand counted require electronic adjudication, such adjudication is completed prior to the start of the hand count. If any ballot in a hand count batch has had a vote electronically adjudicated, the officer in charge of elections shall print out the image of the original ballot, any adjudicated marks, and the audit log for that precinct or batch containing that ballot, and make those print-outs available for the board members to review in the event of any discrepancy between the hand count tally for the batch and the machine count for the batch. | <del>For counties that use electronic adjudication (see Chapter 10, Section II(E)), the officer in charge of elections shall ensure that, if any ballots in the precinct or early ballot batches to be hand counted require electronic adjudication, such adjudication is completed prior to the start of the hand count. If any ballot in a hand count batch has had a vote electronically adjudicated, the officer in charge of elections shall print out the image of the original ballot, any adjudicated marks, and the audit log for that precinct or batch containing that ballot, and make those print-outs available for the board members to review in the event of any discrepancy between the hand count tally for the batch and the machine count for the batch.</del> | Violates ARS 16-621(A) | Electronic Adjudication violates ARS 16-621(A). See comment above. | See EA discussion.              | To Be Discussed (EA) |
| <b>Chapter 12</b> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                        |                                                                    |                                 |                      |
| <b>Chapter 13</b> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                        |                                                                    |                                 |                      |
| Pg 246 ¶ 8        | For counties that use electronic adjudication, any ballots requiring electronic adjudication must be re-adjudicated in the event of an automatic recount.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | <del>For counties that use electronic adjudication, any ballots requiring electronic adjudication must be re-adjudicated in the event of an automatic recount.</del>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | Violates ARS 16-621(A) | Electronic Adjudication violates ARS 16-621(A). See comment above. | See EA discussion.              | To Be Discussed (EA) |
| <b>Chapter 14</b> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                        |                                                                    |                                 |                      |
| <b>Chapter 15</b> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                        |                                                                    |                                 |                      |

**CRITICAL**

| Location          | Current Language                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | Proposed Language                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | Reason          | Comment                                                                                                                                                                                                          | AZSOS Response/Discussion Notes                                                                                                 | STATUS   |
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| <b>Chapter 16</b> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                 |                                                                                                                                                                                                                  |                                                                                                                                 |          |
| Pg 267 ¶ 6        | A possible conflict of interest involves blending the roles of filing officer and enforcement officer. To maintain the necessary degree of independence, the enforcement officer generally should not render legal advice to the filing officer regarding a particular complaint while maintaining an enforcement role as to that specific complaint. For example, the enforcement officer generally should not advise the filing officer that reasonable cause exists and later initiate an enforcement action after receiving a referral from that filing officer. If such a conflict exists, the enforcement officer would need to refer the matter to another enforcement officer. Alternative options include, but are not limited to, the following: (1) the enforcement officer could establish a conflict wall to ensure the same attorney providing advice is not the same attorney initiating enforcement; (2) the filing officer could seek legal advice from outside counsel (other than the enforcement officer) to reach a reasonable cause decision; (3) the enforcement officer could delegate their enforcement authority to outside counsel, thereby allowing the original enforcement officer to continue providing legal advice to the filing officer. | <del>A possible conflict of interest involves blending the roles of filing officer and enforcement officer. To maintain the necessary degree of independence, the enforcement officer generally should not render legal advice to the filing officer regarding a particular complaint while maintaining an enforcement role as to that specific complaint. For example, the enforcement officer generally should not advise the filing officer that reasonable cause exists and later initiate an enforcement action after receiving a referral from that filing officer. If such a conflict exists, the enforcement officer would need to refer the matter to another enforcement officer. Alternative options include, but are not limited to, the following: (1) the enforcement officer could establish a conflict wall to ensure the same attorney providing advice is not the same attorney initiating enforcement; (2) the filing officer could seek legal advice from outside counsel (other than the enforcement officer) to reach a reasonable cause decision; (3) the enforcement officer could delegate their enforcement authority to outside counsel, thereby allowing the original enforcement officer to continue providing legal advice to the filing officer.</del> | Extra-statutory | ARS 16-938(B) does not extend to promulgating procedures for enforcement officers. No statutory authority to bind enforcement officers. Further, ARS 38-503 does not contemplate the type of conflict addressed. | This was included in response to requests for guidance from county and local filing officers, but we are fine with removing it. | Resolved |
| <b>Chapter 17</b> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                 |                                                                                                                                                                                                                  |                                                                                                                                 |          |

**IMPORTANT**

| Location         | Current Language                                                                                                                                                                                                                                                                                                                                                                       | Proposed Language                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Reason                                                      | Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
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| <b>Chapter 1</b> |                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| Pg 5 FN 6        | While the SAVE database may be used to verify citizenship status for initial registration, it shall not be used for list maintenance purposes.                                                                                                                                                                                                                                         | <del>While the SAVE database may be used to verify citizenship status for initial registration, it shall not be used for list maintenance purposes.</del> While the SAVE database is used to verify citizenship status for initial registration, it shall not be used for list maintenance purposes, <i>i.e.</i> to cancel an existing registration. See A.R.S. 16-165.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | Consistency<br>(See Pg 160)                                 | Inconsistent with Chapter 8 (VII) where SAVE is encouraged to be used to maintain the registration records.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| Pg 12 ¶ 3        | The County Recorder must notify the registrant by mail within ten business days of receipt of the registration form to: (1) inform the registrant that their registration will remain in “suspense” until the registrant turns 18; and (2) specify the next election where the registrant will be eligible to vote. A.R.S. § 16-101(A)(2); A.R.S. § 16-134(B); A.R.S. § 16-152(A)(15). | The County Recorder, <del>after verifying citizenship as outlined in Chapter 1(II)(A),</del> must notify the registrant by mail within ten business days of receipt of the registration form to: (1) inform the registrant that their registration will remain in “suspense” until the registrant turns 18; <del>and</del> (2) specify the next election where the registrant will be eligible to vote; and (3) specify the registrant’s “full-ballot” or “federal-only ballot” designation (providing an opportunity to submit DPOC where applicable); <del>and (4) notify the registrant of residency requirements related to the next general election; and (5) provide instructions on how to maintain their voter registration record while the registration is in “suspense”.</del> A.R.S. § 16-101(A)(1),(2),(3); A.R.S. § 16-134(B); A.R.S. § 16-152(A)(15). See Chapter 17 for sample forms.<br><br><del>If the County Recorder determines the registrant does not meet the citizenship requirements, the registration form shall be processed, and the registrant must be notified, pursuant to the procedures outlines in Chapter 1, Section II(A).</del><br><br><del>In addition to being placed in a “suspense” status, the voter registration record must accurately reflect the registrant’s “full ballot” or “federal-only” designation as outlined to Chapter 1, Section II(A).</del> | Clarification<br>Incomplete Instructions<br>Voter confusion | A.R.S. § 16-101 requires citizenship. A.R.S. § 16-101 also requires residency prior to the general election. Due to a possible two-year delay before the registration is activated, registrant should be apprised of their legal obligation to maintain their registration record so they do not inadvertently violate the law. Without apprising the registrant of their legal obligations, a registrant may not have requisite notice of the obligations to maintain their address and then later might rely on the issuance of a voter registration card as legally enabling them to vote even if they now lack residency requirements. |
| Pg 12            |                                                                                                                                                                                                                                                                                                                                                                                        | In order to maintain eligibility to vote in the next general election, the registered minor must be a resident for the 29 days preceding the election, except as provided in A.R.S. § 16-126. A.R.S. § 16-101(A)(4). See also A.R.S. § 16-593.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Clarification                                               | A.R.S. § 16-101 imposes residency requirements preceding an election. A.R.S. § 16-593 provides useful guidance.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |

**IMPORTANT**

| Location  | Current Language                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Proposed Language                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | Reason                                       | Comment                                                                                                                                                                                                                                                                                                                                        |
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| Pg 20 ¶ 2 | If yes, the registrant should be added to the voter registration database in “active” status (assuming no other deficiencies), notwithstanding a “no” answer or failure to answer the age question.                                                                                                                                                                                                                                                                                                                                                                       | If yes <i>and the registrant will be 18 years old by the next election (whether or not the next election is a general election)</i> , the registrant should be added to the voter registration database in “active” status <del>unless the registrant will not be 18 years old by the next election</del> (assuming no other deficiencies), notwithstanding a “no” answer or failure to answer the age question. <i>If the registrant will not be 18 years old by the next general election but will not be 18 years old by the next election (that is not a general election), the registrant shall be placed in the “suspense” status as outlined in Chapter 1, Section II(B).</i>                                                                                                                                                                                                                                                                                                             | Consistency<br>Clarification                 | Clarifying procedures for when registrant will be 18 by the next general election but won't be 18 by the next election (i.e. primary election).                                                                                                                                                                                                |
| Pg 39 ¶ 2 | If the preceding conditions have been met, under NVRA, the registrant’s record may be canceled after four years from the date of the Final Notice or following the second general election after the Final Notice. A.R.S. § 16-166(C), (E).                                                                                                                                                                                                                                                                                                                               | If the preceding conditions have been met, under NVRA, the registrant’s record <del>shall may</del> be canceled after four years from the date of the Final Notice or following the second general election after the Final Notice. A.R.S. § 16-166(C), (E); <i>A.R.S. § 16-165(A)(7).</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Clarification                                | A.R.S 16-165(A)(7) mandates removal of inactive voters after the statutory period expires.                                                                                                                                                                                                                                                     |
| Pg 45 ¶ 2 | The information listed above may be viewed, accessed, or reproduced by the registrant (if the information pertains to the registrant’s own record), an authorized government official in the scope of the official’s duties, a voter registration assistance agency, or pursuant to a court order. If requested for news gathering purposes by a person engaged in newspaper, radio, television, or reportorial work, a County Recorder may condition release of such confidential information (other than secured records) upon execution of a non-disclosure agreement. | The information listed above may be viewed, accessed, or reproduced by the registrant (if the information pertains to the registrant’s own record), an authorized government official in the scope of the official’s duties, <del>a designated</del> voter registration assistance <del>agency</del> <i>agencies, for signature verification on petition and candidate filings, for election purposes and for news gathering purposes by a person engaged in newspaper, radio, television or reportorial work, or connected with or employed by a newspaper, radio or television station,</i> or pursuant to a court order. If requested for news gathering purposes by a person engaged in newspaper, radio, television, or reportorial work, a County Recorder may condition release of such confidential information (other than secured records) upon execution of a non-disclosure agreement. <i>A registrant's e-mail address may not be released for any purpose. A.R.S. § 16-168(F).</i> | Clarification<br>Conforming to ARS 16-168(F) | For clarity, conforming to statutory language. The statute delineates the voter registration assistance agencies is specific to the agencies appropriately designated by the SOS; "for election purposes" as it pertains to news organizations is absent from listed exceptions; and pursuant to statute, email address may never be released. |
| Pg 45 ¶ 4 | Registrant records may only be used for political or political party activity, a political campaign or election, nonpartisan voter registration or outreach, revising district boundaries, or any other purpose specifically authorized by law. A.R.S. § 16-168(E), (N).                                                                                                                                                                                                                                                                                                  | Registrant records may only be used for political or political party activity, a political campaign or election, <del>nonpartisan voter registration or outreach</del> , revising district boundaries, or any other purpose specifically authorized by law. A.R.S. § 16-168(E), (N).                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Violates A.R.S. 16-168(E)                    | Nonpartisan voter registration or outreach is not statutorily specified. No citation to law specifically authorizing release. Conforming statement to statutory language.                                                                                                                                                                      |

**Chapter 2**

**IMPORTANT**

| Location  | Current Language                                                                                                                                                                                                                                                                                                                                                            | Proposed Language                                                                                                                                                                                                                                                                                                                                                                                          | Reason                      | Comment                                                                                                                                                                                                                                                                                                                                 |
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| Pg 53 ¶ 2 | 1. Designate a political party ballot (only if the upcoming election is an open partisan primary and the voter is not registered with a recognized political party);                                                                                                                                                                                                        | 1. Designate a political party ballot <b>or request a non-partisan ballot, if applicable</b> , (only if the upcoming election <b>is includes</b> an open partisan primary and the voter is not registered with a recognized political party);                                                                                                                                                              | Clarification & Consistency | Chapter 2 (I)(B)(9)(a) references voters may request non-partisan ballot.                                                                                                                                                                                                                                                               |
| Pg 55 ¶ 6 | A.R.S. § 16-547(A). The affidavit must also request an optional telephone number or email address to enable the County Recorder to contact the voter in case there is a deficiency with the early ballot.                                                                                                                                                                   | A.R.S. § 16-547(A). The affidavit <del>must</del> <b>may</b> also request an optional telephone number or email address to enable the County Recorder to contact the voter in case there is a deficiency with the early ballot.                                                                                                                                                                            | Extra-statutory             | No statutory authority to mandate phone/email information.                                                                                                                                                                                                                                                                              |
| Pg 60 ¶ 4 | A ballot-by-mail (with completed affidavit) must be delivered to the County Recorder, the officer in charge of elections, an official ballot drop-off site, or any voting location in the county no later than 7:00 p.m. on Election Day. A.R.S. § 16-547(C); A.R.S. § 16-551(C).                                                                                           | A ballot-by-mail (with completed affidavit) must be delivered to the County Recorder, the officer in charge of elections, <del>an official ballot drop-off site,</del> or any voting location in the county no later than 7:00 p.m. on Election Day. A.R.S. § 16-547(C); A.R.S. § 16-551(C).                                                                                                               | Extra-statutory             | Statutory provisions enabling ballot drop-off sites only authorized for elections held pursuant to ARS 16-409 and ARS 16-558. ARS 16-411(D). This section applicable to Early Voting. Added statement to Chapter 3, pg 72.                                                                                                              |
| Pg 61 ¶ 5 | A voter must cast a ballot issued at the on-site early voting location at that location, and may not remove that ballot from the location. An early ballot must be issued even if the voter previously requested or received a ballot-by-mail, but unless the voter was issued an incorrect ballot, only the first ballot received by the County Recorder shall be counted. | A voter must cast a ballot issued at the on-site early voting location at that location, and may not remove that ballot from the location. An early ballot must be issued even if the voter previously requested or received a ballot-by-mail, but <del>unless the voter was issued an incorrect ballot,</del> only the first ballot received <b>and verified</b> by the County Recorder shall be counted. | Extra-statutory             | No statutory provision for counting the second ballot when the first ballot was issued incorrectly. However, the 2014 EPM, outlined a process for the recorder to reissue a ballot before the ballot is tabulated if discovered that the voter returned an incorrect ballot. Relevant procedures from 2014 EPM included on Pg 68 below. |

**IMPORTANT**

| Location  | Current Language                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Proposed Language                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Reason                                        | Comment                                                                                                                      |
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| Pg 63     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | <p>If an emergency voting center established pursuant to this section becomes unavailable and there is not sufficient time for the County Board of Supervisors to convene to approve an alternate location for that emergency voting center, the County Recorder or other officer in charge of elections may make changes to the approved emergency voting center location and shall notify the public and the board of supervisors regarding that change as soon as practicable. The alternate emergency voting center shall be as close in proximity to the approved emergency voting center location as possible. A.R.S. § 16-411(B)(5)(c).</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | <p>Missing procedures ARS 16-411(B)(5)(c)</p> | <p>Added missing statutory procedures relative to this section.</p>                                                          |
| Pg 64 ¶ 1 | <p>For partisan elections, the board must be comprised of two members, one from each of the two political parties who cast the highest number of votes in the state in the last preceding general election. Under no circumstances shall both members of the board consist of voters who are registered with the same party affiliation. A person who is a candidate for an office in that election (other than the office of precinct committeeman) is not eligible to serve on a special election board for that election.</p> | <p>For partisan elections, the board must be comprised of two members, one from each of the two political parties who cast the highest number of votes in the state in the last preceding general election. Under no circumstances shall both members of the board consist of voters who are registered with the same party affiliation. <b>The county chairperson of each such party shall furnish, within sixty days before the election day, the county recorder or other officer in charge of elections with a list of names of qualified electors within the chairperson's political party, and such additional lists as may be required, from which the county recorder or other officer in charge of elections shall appoint members to such special election boards. The county recorder or other officer in charge of elections may refuse for cause to appoint or may for cause remove a member of this board.</b> A person who is a candidate for an office in that election (other than the office of precinct committeeman) is not eligible to serve on a special election board for that election.</p> | <p>Conforming to ARS 16-549(A)</p>            | <p>Added statutory language missing which clarifies the procedures for appointing members of the special election board.</p> |



**IMPORTANT**

| Location  | Current Language                                                                                                                                                                                                                                                                         | Proposed Language                                                                                                                                                                                                                                                                                    | Reason                                                                                                                                                          | Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
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| Pg 66 ¶ 4 | For the purposes of determining the applicable signature cure deadline: (i) the PPE is considered a federal election; and (ii) for counties that operate under a four-day workweek, only days on which the applicable county office is open for business are considered “business days.” | For the purposes of determining the applicable signature cure deadline: <del>(i) the PPE is considered a federal election.; and (ii) for counties that operate under a four-day workweek, only days on which the applicable county office is open for business are considered “business days.”</del> | Equal Protection Clause of the 14th Amendment<br>Violates statutory intent and legislative history of ARS 16-550(A)<br>See also ARS 16-120(A) and ARS 16-242(B) | Giving some voters more time to cure inconsistent signatures on ballot affidavits violates the Equal Protection Clause of the Fourteenth Amendment by treating Arizona voters different depending on the operating hours of the County Recorder’s Office. Further, contradicts the legislative intent on having statewide consistency on cure times as discussed in legislative testimony. Other provisions in Title 16 refer to business days and can be informative: ARS 16-120(B) and ARS 16-242(B). |
| Pg 67     | 4. Remove the ballot and check to ensure that the ballot is for the election shown on the affidavit envelope;                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                      | Unclear procedures                                                                                                                                              | Procedures need to be included in the manual on how to deal with ballots that are not for the election shown on the affidavit envelope. Relevant procedures from 2014 EPM included on Pg 68 below.                                                                                                                                                                                                                                                                                                      |

**IMPORTANT**

| Location         | Current Language                                                                                                                                                                                                                                                                        | Proposed Language                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Reason             | Comment                                                                                                                                                            |
|------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Pg 68            |                                                                                                                                                                                                                                                                                         | <p><b>5. Rejected Early Ballots</b></p> <p>If the board determines the ballot should be rejected, the board shall:</p> <ul style="list-style-type: none"> <li>· <del>identify or mark across the envelope</del> indicate for each ballot that the ballot has been rejected;</li> <li>· <del>“rejected as insufficient,” or</del></li> <li>· <del>“rejected as not an elector,” or</del></li> <li>· <del>“rejected because signature does not match”</del></li> <li>· note on the early voting ballot report the voter’s ID number and the reason for rejection; and</li> <li>· set aside the unopened affidavit envelope in the designated stack.</li> </ul>                                 | Unclear procedures | Manual refers to "rejected ballots" but does not discuss processing procedures. SAMPLE WORDING - Obtained procedures from 2014 EPM Pg 169.                         |
| Pg 68            |                                                                                                                                                                                                                                                                                         | <p><b>6. Incorrect Ballots</b></p> <p>If it is determined that the voter was sent an incorrect ballot and there is sufficient time to mail a new ballot and receive the correct voted ballot back from the voter, the Recorder shall issue a corrected ballot.</p> <p><del>If the Early Ballot Board discovers that a voter received and voted an incorrect ballot and it is too late to mail the correct ballot when the error is discovered but it is still possible to link the ballot to a voter, the incorrect ballot is sent to the Ballot Duplication Board, and any offices or issues the voter could have lawfully voted for shall be duplicated onto the correct ballot.</del></p> | Unclear procedures | Manual refers to "incorrect ballots" but does not discuss how to deal with them if they are found. SAMPLE WORDING - obtained procedures from 2014 EPM Pg 64 & 177. |
| <b>Chapter 3</b> |                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                    |                                                                                                                                                                    |
| Pg 71 ¶ 9        | A County Recorder or other officer in charge of elections must establish at least one central location in each district to issue replacement ballots in cases where the voter’s mailed ballot was lost, spoiled, destroyed, or not received. A.R.S. § 16-558.02(A); A.R.S. § 16-409(A). | A County Recorder or other officer in charge of elections must establish at least one central location in each district to issue replacement ballots in cases where the voter’s mailed ballot was lost, spoiled, destroyed, or not received. <del>These ballot replacement sites which shall be open until 7:00pm on the day of the election.</del> A.R.S. § 16-558.02(A); A.R.S. § 16-409(A).                                                                                                                                                                                                                                                                                               | Clarification      | Statutory requirement not otherwise discussed in manual.                                                                                                           |

**IMPORTANT**

| Location  | Current Language                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Proposed Language                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Reason        | Comment                                                  |
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| Pg 72 ¶ 2 | In order for the replacement ballot to be counted, the voter must sign a sworn statement that the original ballot was lost, spoiled, destroyed, or not received. A.R.S. § 16-409(A); A.R.S. § 16-558.02(A). This language may be incorporated into the early ballot affidavit prescribed by A.R.S. § 16-547(A). See Chapter 2, Section I(C)(2). In any case, the County Recorder must ensure that only one early ballot for a particular voter is verified and transmitted to the officer in charge of elections for tabulation. See Chapter 2, Section VI(A). | In order for the replacement ballot to be counted, the voter must sign a sworn statement that the original ballot was lost, spoiled, destroyed, or not received. A.R.S. § 16-409(A); A.R.S. § 16-558.02(A). This language may be incorporated into the early ballot affidavit prescribed by A.R.S. § 16-547(A). See Chapter 2, Section I(C)(2). <b>The County Recorder or other officer in charge of elections shall keep a record of each replacement ballot provided. A.R.S. § 16-558.02(B).</b> In any case, the County Recorder must ensure that only one early ballot for a particular voter is verified and transmitted to the officer in charge of elections for tabulation. See Chapter 2, Section VI(A). | Clarification | Statutory requirement not otherwise discussed in manual. |

**Chapter 4**

|           |                                                                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                                                                                          |                                                      |                                                                                                                                                                                                                                                                                                                                                                            |
|-----------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Pg 92 ¶ 6 | The officer in charge of elections must substantially follow the L&A testing procedures applicable to the Secretary of State, except that all of the county's deployable voting equipment must be tested. The officer in charge of elections also must conduct a post-election L&A test of tabulation equipment. See Chapter 12, Section II. | The officer in charge of elections must substantially follow the L&A testing procedures applicable to the Secretary of State, except that all of the county's deployable voting equipment must be tested. The officer in charge of elections also must conduct a post-election L&A test <del>of tabulation equipment</del> . See Chapter 12, Section II. | Consistency<br>Conflicts with Chapter 12, Section II | Statement conflicts with requirements outlined in Chapter 12, Section II "The post-election L&A test must be performed using the same election program and voting equipment used for the pre-election L&A test and the election. The same test ballots and test script from the pre-election L&A test must be utilized." Does not appear to limit to tabulating equipment. |
|-----------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

**Chapter 5**

**Chapter 6**

**Chapter 7**

**Chapter 8**

**IMPORTANT**

| Location   | Current Language                                                                                                                                                                                                                                                           | Proposed Language                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Reason                                          | Comment                                                                                                                                                                                                                                                                                                                     |
|------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Pg 132 ¶ 2 | A.R.S. § 16-531(A). For polling places with less than 300 qualified electors, the Board of Supervisors must appoint at least an inspector and two judges. A.R.S. § 16-531(B).                                                                                              | A.R.S. § 16-531(A).<br><br>For polling places with less than 300 qualified electors, the Board of Supervisors must appoint at least an inspector and two judges. <b>The board of supervisors shall give notice of election precincts consisting of fewer than <del>three hundred</del> 300 qualified electors to the county chairperson of the two largest political parties not later than <del>thirty</del> 30 days before the election.</b> A.R.S. § 16-531(B).                                                        | Conforming to ARS 16-531(B)                     | Board of Supervisor's responsibility to inform the county party chairpersons inadvertently missing.                                                                                                                                                                                                                         |
| Pg 134 ¶ 1 | 2. Lead and assign duties to other poll workers, including appointing a substitute judge, marshal, or clerk if a poll worker fails to show up or fails to perform their duty on Election Day and no alternative poll worker is available, A.R.S. § 16-534(A); and          | 2. Lead and assign duties to other poll workers, including appointing a substitute judge, marshal, or clerk <b>(while maintaining political party balance)</b> if a poll worker fails to show up or fails to perform their duty on Election Day and no alternative poll worker is available, A.R.S. § 16-534(A), <b>A.R.S. § 16-533</b> ; and                                                                                                                                                                             | Conforming to ARS 16-533                        | Maintaining party balance when filling vacancies statutorily required. RECOMMEND adding language outlined in the 2014 EPM Pg 128 for filling vacancies.                                                                                                                                                                     |
| Pg 134 ¶ 2 | 2. Preventing any violation of election law, including voter intimidation or electioneering within the 75-foot limit, A.R.S. § 16-535(B); and                                                                                                                              | 2. <b>Preserving order and</b> preventing any violation of election law, including voter intimidation or electioneering within the 75-foot limit, <b>from the opening of the polls until the count of the ballots is completed</b> , A.R.S. § 16-535(B); and                                                                                                                                                                                                                                                              | Clarification<br>Conforming to ARS 16-535(B)    | Clarifying statutory language.                                                                                                                                                                                                                                                                                              |
| Pg 138 ¶ 6 | Unless agreed upon by the political parties and the County Recorder or officer in charge of elections, not more than one party representative for each party represented on the ballot shall be at a voting location at one time.                                          | Unless agreed upon by the political parties <del>and the County Recorder or officer in charge of elections</del> , not more than one party representative for each party represented on the ballot shall be at a voting location at one time. <b>Any agreement by the parties to have more than one representative each at a voting location must also be approved by the County Recorder or officer in charge of elections and may be denied based on reasonable space, security, and/or operational considerations.</b> | Extra Statutory<br>Conflicts with ARS 16-590(C) | ARS 16-590(C) does not require County Recorder to be in agreement with the party representatives.                                                                                                                                                                                                                           |
| Pg 139 ¶ 3 | • Any other significant voting or processing activities at the voting location provided that it does not interfere with or impede the election procedures or staff and does not enable the observer to observe voters' personally identifiable information on e-pollbooks. | • Any other significant voting or processing activities at the voting location provided that it does not interfere with or impede the election procedures or staff <del>and does not enable the observer to observe voters' personally identifiable information on e-pollbooks.</del>                                                                                                                                                                                                                                     | Extra Statutory<br>Conflicts with ARS 16-591    | Observers statutory role is to, when necessary, act as challengers (ARS 16-590). Challenges under ARS 16-591 are pursuant to ARS 16-121.01, which deals solely with personally identifiable information. Statutory authority bestowed upon observers may, at times, necessitate seeing personally identifiable information. |

**IMPORTANT**

| Location     | Current Language                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Proposed Language                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Reason                                       | Comment                                                                                                                                                                                                                                                                |
|--------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Pg 139 ¶ 5   | All political party observers are subject to removal by the County Recorder or other officer in charge of elections for failure to adhere to federal or state law, observer guidelines, or other rules established by the County Recorder or other officer in charge of elections.                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | All political party observers are subject to removal by the County Recorder or other officer in charge of elections for failure to <del>adhere to federal or state law, observer guidelines, or other rules established by the County Recorder or other officer in charge of elections.</del> <b>comply with a request to cease an activity that interferes with the election process or violates state or federal law.</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Vague                                        | Removal of a statutory role in elections is an extraordinary measure. Such removal must be safeguarded through due process so that ejection cannot be construed as politically motivated or arbitrary and capricious. SAMPLE WORDING obtained from 2014 EPM Pg 121-22. |
| Pg 149 ¶ 2   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | • <b>An election to fill the vacant unexpired term of a nonpartisan office must appear under separate heading immediately below the nonpartisan candidate candidates and shall include the expiration date of the term of the vacated office. A.R.S. § 16-502(K); A.R.S. § 15-424(F).</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Clarification<br>Conforming to ARS 16-502(K) | Inadvertantly missing requirements for including vacant unexpired terms for nonpartisan offices as detailed in ARS 16-502(K) and referred to in ARS 15-424(F).                                                                                                         |
| Pg 155 fn 41 | <sup>41</sup> By statute, the officer in charge of elections must send a proof of the official ballot at least 45 days before a primary or general election. A.R.S. § 16-461(A)(2)-(3); A.R.S. § 16-510(A). See also A.R.S. § 16-503(A) (requiring the officer in charge of elections to make the official ballot available for inspection by candidates or the agents ten days before the election); A.R.S. § 16-503(A), (C) (requiring the governing body of a city, town, or special taxing district to make the ballot available five days before the election). The 60-day period has been selected to allow sufficient time to make changes to the ballot before the UOCAVA mailing deadline. See Chapter 2, Section I(D).See Chapter 2, Section I(D). | <sup>41</sup> By statute, the officer in charge of elections must send a proof of the official ballot at least 45 days before a primary or general election. A.R.S. § 16-461(A)(2)-(3); A.R.S. § 16-510(A). See also A.R.S. § 16-503(A) (requiring the officer in charge of elections to make the official ballot available for inspection by candidates or the agents ten days before the election); A.R.S. § 16-503(A), (C) (requiring the governing body of a city, town, or special taxing district to make the ballot available five days before the election). <del>The</del> <b>Notwithstanding, officers in charge of elections are encouraged to send proofs at least 60-days-period has been selected before a primary or general election</b> to allow sufficient time to make changes to the ballot before the UOCAVA mailing deadline. See Chapter 2, Section I(D).See Chapter 2, Section I(D). | Inconsistent                                 | Inadvertantly inconsistent language after 60 was changed to 45 in appointed section between drafts. Suggest this language to make consistent or remove FN all together.                                                                                                |

**IMPORTANT**

| Location   | Current Language                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | Proposed Language                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | Reason                                              | Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Pg 160-161 | <p>A signature roster or e-pollbook must contain the following information:</p> <ol style="list-style-type: none"> <li>1. Name;</li> <li>2. Residence address;</li> <li>3. Registration date and status (active/inactive); and</li> <li>4. Party preference or registered party.</li> </ol> <p>A signature roster or e-pollbook must also contain the following information, if practicable:</p> <ol style="list-style-type: none"> <li>1. Roster number, numbered consecutively;</li> <li>2. Birth year;</li> <li>3. Mailing address (if different than residence address);</li> <li>4. Ballot type/style, including political party ballot selected in a partisan primary;</li> <li>5. Signature block (an early ballot affidavit may serve as the signature block when conducting on-site early voting or a ballot-by-mail election);</li> <li>6. Voter ID number;</li> <li>7. "Federal-only" voter designation (if applicable);</li> <li>8. Barcode (paper signature rosters only);</li> <li>9. Indicator if voter requested, received, or returned an early ballot, as applicable;</li> <li>10. A standardized oath that poll workers obtained valid proof of identity from every voter, or if identification was not presented, the provisional ballot envelope was marked appropriately.</li> </ol> | <p>A signature roster or e-pollbook must contain the following information:</p> <ol style="list-style-type: none"> <li>1. Name;</li> <li>2. Residence address;</li> <li>3. Registration date and status (active/inactive); and</li> <li>4. Party preference or registered party.</li> <li><b>5. Roster number, numbered consecutively (paper signature roster only);</b></li> <li><b>6. Mailing address (if different than residence address);</b></li> <li><b>7. Signature block (an early ballot affidavit may serve as the signature block when conducting on-site early voting or a ballot-by-mail election);</b></li> <li><b>8. "Federal-only" voter designation (if applicable);</b></li> <li><b>9. Indicator if voter requested, received, or returned an early ballot, as applicable;</b></li> </ol> <p>A signature roster or e-pollbook must also contain the following information, if practicable:</p> <p><del>1. Roster number, numbered consecutively;</del></p> <ol style="list-style-type: none"> <li><del>1. Birth year;</del></li> <li><del>3. Mailing address (if different than residence address);</del></li> <li><del>4.2. Ballot type/style, including political party ballot selected in a partisan primary;</del></li> <li><del>5. Signature block (an early ballot affidavit may serve as the signature block when conducting on-site early voting or a ballot-by-mail election);-</del></li> <li><del>6.3. Voter ID number;</del></li> <li><del>7. "Federal-only" voter designation (if applicable);</del></li> <li><del>8.4. Barcode (paper signature rosters only);</del></li> <li><del>9. Indicator if voter requested, received, or returned an early ballot, as applicable;</del></li> <li><del>10.5. A standardized oath that poll workers obtained valid proof of identity from every voter, or if identification was not presented, the provisional ballot envelope was marked appropriately.</del></li> </ol> | <p>Clarification<br/>See also 2014 EPM Pg 47-48</p> | <p>ARS 16-168(B) spells out the four items listed as "must contain" on Pg 160-161. Second list of "must contain... if practicable" include information necessary to carryout statutorily required duties and have been moved to the first section:<br/>#1 - ARS 16-579(C) consecutively numbered roster required.<br/>#3 - Inconsistent with Chapter 9(IV) - "reasonably match voter's residence or mailing address" (see also 2014 EPM Pg 153)<br/>#5 - ARS 16-579(D) &amp; (E) - "shall sign elector's name"<br/>#7 - Ariz. Atty. Gen. Op. I13-011 - Fed only voters only entitled to Federal Ballot - necessarily need to know designation to provide appropriate ballot<br/>#9 - ARS 16-579(B) - "listed" as having applied for an early ballot &amp; Inconsistent with Chapter 9(VI)(B)(1)(a) - "voter appears on the signature roster or e-pollbook as having received an early ballot".</p> |

**Chapter 9**

**IMPORTANT**

| Location   | Current Language                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Proposed Language                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Reason                                                                                    | Comment                                                                                                                                                                                                                                                                                                                                        |
|------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Pg 180 ¶ 3 | In order for a conditional provisional ballot to count, the voter must present an acceptable form of identification to the County Recorder by 5:00 p.m. on the 5th business day following a primary, general, or special election that includes an election for a federal office, or by 5:00 p.m. on the 3rd business day following any other election. A.R.S. § 16-579(A)(2). For the purposes of determining the applicable deadline to provide identification: (i) the PPE is considered a federal election; and (ii) for counties that operate under a four-day workweek, only days on which the applicable county office is open for business are considered “business days.” | In order for a conditional provisional ballot to count, the voter must present an acceptable form of identification to the County Recorder (or designee) by 5:00 p.m. on the 5th business day following a primary, general, or special election that includes an election for a federal office, or by 5:00 p.m. on the 3rd business day following any other election. A.R.S. § 16-579(A)(2). For the purposes of determining the applicable deadline to provide identification: <del>(i) the PPE is considered a federal election.; and (ii) for counties that operate under a four-day workweek, only days on which the applicable county office is open for business are considered “business days.”</del> | Equal Protection Clause of the 14th Amendment<br>See also ARS 16-120(A) and ARS 16-242(B) | Giving some voters more time to present ID violates the Equal Protection Clause of the Fourteenth Amendment by treating voters different depending on the operating hours of the County Recorder’s Office within which they live. Other provisions in Title 16 refer to business days and can be informative. ARS 16-120(B) and ARS 16-242(B). |
| Pg 183 ¶ 5 | If the voter is found in the signature roster or e-pollbook (and had presented acceptable proof of identity), the voter must be issued a regular ballot. See A.R.S. § 16-579(C).                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | If the voter is found in the signature roster or e-pollbook <del>(and had, has</del> presented acceptable proof of identity, <del>and does not fall into an exception listed below)</del> , the voter must be issued a regular ballot. See A.R.S. § 16-579(C).                                                                                                                                                                                                                                                                                                                                                                                                                                               | Clarification<br>Inconsistent                                                             | Next section deals with reasons why a provisional ballot would be issued despite proper identification being shown.                                                                                                                                                                                                                            |
| Pg 186 ¶ 1 | A voter who is issued a provisional ballot must sign their name on a separate signature roster page beginning with the number V-1 and numbered consecutively (for paper signature rosters only). A.R.S. § 16-584(E).                                                                                                                                                                                                                                                                                                                                                                                                                                                               | A voter who is issued a provisional ballot must sign their name on a separate signature roster page beginning with the number V-1 and numbered consecutively <del>(for paper signature rosters only)</del> . A.R.S. § 16-584(E).                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Violates ARS 16-584(E)                                                                    | Statute requires separate signature roster page for provisional voters which must be numbered consecutively. There is no statutory exception for e-pollbooks. E-pollbook must substantially comply with the statute.                                                                                                                           |

**IMPORTANT**

| Location   | Current Language                                                                                               | Proposed Language                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | Reason        | Comment                                                                                                                                                                                                   |
|------------|----------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Pg 191 ¶ 1 | <ul style="list-style-type: none"> <li>• Voted ballots;</li> <li>• Signature rosters or poll lists;</li> </ul> | <ul style="list-style-type: none"> <li>• Voted ballots (sealed in a container with a number seal), A.R.S 16-608(A);</li> <li>• Unvoted ballots (in a sealed container), A.R.S. § 16-566(B);</li> <li>• Spoiled ballots, A.R.S. § 16-585;</li> <li>• Signature rosters or poll lists (enclosed in a secure envelope, which sealed and signed by the inspector and judges), A.R.S. § 16-615(A);</li> <li><del>• Affidavits of challenged voters, decisions of election officials and challenge lists, A.R.S. § 16-594;</del></li> </ul> | Clarification | Procedures do not clearly outline statutory requirements. These additions delineate minimum statutory requirements not clearly provided for in the EPM. See also recommendations and 2014 EPM Pg 158-162. |



**RECOMMEND**

| Location         | Current Language                                                                                                                                                                                                                                                                                                                 | Proposed Language                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Reason                                             | Comment                                                                                                                                                                                                                                                                                                                                       | AZSOS Response/Discussion Notes                                                                                                                                                                                                                                                                                                                                 | STATUS              |
|------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------|
| <b>Chapter 1</b> |                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                    |                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                                                 |                     |
| Pg 12 & Appendix | B. Age Requirement for Registration                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Consistency                                        | RECOMMEND creating a corresponding Voter Correspondence Sample Form in order to achieve the maximum degree of uniformity and efficiency.                                                                                                                                                                                                      | Sample forms drafted and will be added. BO SENT SAMPLE NOTICE LETTERS ON 11/29.                                                                                                                                                                                                                                                                                 | Discussed - Pending |
| <b>Chapter 2</b> |                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                    |                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                                                 |                     |
| Pg 59 ¶ 2        | A County Recorder may issue replacement ballots-by-mail to a voter upon request and may limit the total number of ballots-by-mail to three per voter per election. The County Recorder must ensure that only one ballot for a particular voter is verified and transmitted to the officer in charge of elections for tabulation. | A County Recorder may issue replacement ballots-by-mail to a voter upon request and may limit the total number of ballots-by-mail to three per voter per election. <b>The County Recorder should keep a record of each replacement ballot issued. The County Recorder may require a signed, sworn statement that the ballot was lost, spoiled, destroyed or not received, similar to that required for special district elections. See A.R.S. § 16-558.02.</b> The County Recorder must ensure that only one ballot for a particular voter is verified and transmitted to the officer in charge of elections for tabulation. <b>Only the first verified ballot received and verified shall be counted.</b> | Clarification<br>Consistency                       | RECOMMENDED change: While no statutory provisions discuss early ballot replacements, ARS 16-558.02 discusses replacement ballots for special district elections which provides helpful guidance in the absence of statutory guidelines. Using the same procedures for all elections provides the maximum degree of uniformity and efficiency. | Accepted w/ modifications in green. Further, if it's okay to carry over requirements from special district elections (which we agree it is), there's no principled justification for not allowing counties to use ballot drop-off locations in regular elections just b/c it's only explicitly mentioned in the context of an all-mail jurisdictional election. | Resolved            |
| Pg 69 ¶ 2        | After processing is complete, ballots shall be transported in a secure manner to a receiving site or a central counting place that is inside a secured building. Badge control shall be handled in the same manner as the central counting place.                                                                                | After processing is complete, ballots shall be transported in a secure manner <b>by at least two election officials (not of the same political party) with the ballots inside of a sealed ballot transfer container</b> to a receiving site or a central counting place that is inside a secured building. Badge control shall be handled in the same manner as the central counting place.                                                                                                                                                                                                                                                                                                                | Omits security provisions outlined in the 2014 EPM | RECOMMENDED change: See 2014 EPM Pg 170. Recommend including as a common-sense election integrity protocol already utilized by the counties and previously required.                                                                                                                                                                          | Accepted                                                                                                                                                                                                                                                                                                                                                        | Resolved            |
| <b>Chapter 3</b> |                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                    |                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                                                 |                     |
| Pg 71            |                                                                                                                                                                                                                                                                                                                                  | <b>A completed ballot-by-mail (with completed affidavit) must be delivered to the appropriate officer in charge of elections or an official ballot drop-off location no later than 7:00 p.m. on Election Day. A.R.S. § 16-411(D); 16-558(B); 16-551(C).</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                | Clarification<br>Consistency                       | RECOMMEND adding for clarification and consistency as Chapter 3 does not refer to the deadline to return ballots-by-mail outlined in Chapter 2(I)(H).                                                                                                                                                                                         | Proposed modifications in green; will make consistent w/ Ch. 2 one way or the other.                                                                                                                                                                                                                                                                            | Discussed - Pending |
| <b>Chapter 4</b> |                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                    |                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                                                 |                     |
| <b>Chapter 5</b> |                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                    |                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                                                 |                     |
| <b>Chapter 6</b> |                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                    |                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                                                 |                     |
| Pg 121 ¶ 3       | The challenger should provide this spreadsheet to the County Recorder as soon as practicable after the challenge is filed.                                                                                                                                                                                                       | <del>The challenger should provide this spreadsheet to the County Recorder as soon as practicable after the challenge is filed.</del>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Inconsistent                                       | First sentence in paragraph states the challenge should provide the spreadsheet upon filing, this statement says as soon as practicable. One or the other is fine, but both are inconsistent.                                                                                                                                                 | Will delete the "as soon as practicable after the challenge is filed" sentence.                                                                                                                                                                                                                                                                                 | Resolved            |
| <b>Chapter 7</b> |                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                    |                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                                                 |                     |
| <b>Chapter 8</b> |                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                    |                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                                                 |                     |

**RECOMMEND**

| Location                                        | Current Language                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Proposed Language                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Reason                                                                         | Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | AZSOS Response/Discussion Notes                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | STATUS                      |
|-------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------|
| Pg 136 ¶ 2                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | ARS 16-532                                                                     | RECOMMEND adding requirements to cover as poll workers must abide by the laws, and marshals must enforce. Pursuant to ARS 16-532, instruction must include training on election laws applicable to the election.                                                                                                                                                                                                                                                           | <p>We already ask a lot of our poll workers, including the amount of training required. Chapter 7 of Title 16 is extensive and includes many provisions that are not at all relevant to the poll workers' duties (e.g. campaign finance violations, redistricting, political signs, election wagers) - adding training on this will accomplish little if anything and impede the ability to thoroughly train on what poll workers actually need to know to fulfill their core duties. JW TO FOLLOW-UP ON WHETHER THERE'S ANY SPECIFIC PART OF CH. 7 SHE BELIEVES IS PARTICULARLY RELEVANT TO POLL WORKERS.</p> | Pending - Discussed         |
| Pg 138 ¶ 4                                      | The county chairperson (or other county chairperson) of each party that has a candidate on the ballot must appoint specific political party observers in writing on political party letterhead with the signature of the appointing authority, and provide the appointment to the County Recorder or officer in charge of elections in hard copy or electronically in advance of observation. The County Recorder or officer in charge of elections may require original signatures and compliance with reasonable deadlines for advance notice of appointments.                                                                                                                       | The county chairperson (or designee other county political party officer designated by the chairperson) of each party that has a candidate on the ballot must submit the names of specific political party observers specific political party observers in writing on political party letterhead with the signature of the appointing authority, and provide the appointment to the County Recorder or officer in charge of elections in writing (in hard copy or electronically, as required by the County Recorder or officer in charge of elections) in advance of observation. The County Recorder or officer in charge of elections may require original signatures and compliance with reasonable deadlines for advance notice of appointments.                                                                                                                                     | Inconsistency between multiple paragraphs<br>ARS 16-590<br>2014 EPM Pg 120-121 | RECOMMENDED changes to resolve apparent inconsistencies.<br>First paragraph requires an appointment letter to be provided in advance of the election and may require original signatures. Second paragraph requires appointment letters, with possible original signatures as well to be provided at the place of observation. Taken as written, every observer needs two original letters - one to be provided in advance and one to be used as election day credentials. | Proposed modifications in green.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | To Be Discussed (Observers) |
| Pg 138 ¶ 4<br>Pg 139 ¶ 2<br>with not consistent | The political party letter of appointment serves as the written credential necessary to conduct observation at a voting location or central counting place. Credentials must be issued by the recognized political party chairperson or designee; this authority may not be delegated to a candidate or candidate's agent. The political party observer must present the political party appointment letter (or copy thereof, if permitted by the County Recorder or officer in charge of elections) to the appropriate election official upon entering the voting location, County Recorder's office, or central counting place, and be prepared to show identification if requested. | The political party letter of appointment <del>on political party letterhead with the signature of the appointing authority (and, if required by the County Recorder or officer in charge of elections, on political party letterhead) serves as the written credential necessary to conduct observation at a voting location or central counting place. Credentials must be issued by the recognized political party chairperson or designee; this authority may not be delegated to a candidate or candidate's agent. The political party observer must present the political party appointment letter (or copy thereof, if permitted by the County Recorder or officer in charge of elections) to the appropriate election official upon entering the voting location, County Recorder's office, or central counting place, and be prepared to show identification if requested.</del> | Inconsistency between multiple paragraphs<br>ARS 16-590<br>2014 EPM Pg 120-121 | <b>Continued from previous:</b><br>While advance notice is not statutorily required, advance notice may be more efficiently provided as a list, rather than hundreds of individual appointment letters possibly provided in hard copy with original signatures. Appointment letters with original or copied signatures would then be used for voting location/central counting credentials.                                                                                | Proposed modifications in green.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | To Be Discussed (Observers) |
| Pg 144 ¶ 5                                      | • Reviewing ballots by the write-in board; • Reviewing ballots by the write-in board; • Reviewing ballots by the write-in Tally Board;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | • Reviewing ballots by the write-in board; • Reviewing ballots by the write-in board; • Reviewing ballots by the write-in Tally Board;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Consistency                                                                    | RECOMMENDED change. Inconsistent references. See Chapter 10(II) Establishing Boards                                                                                                                                                                                                                                                                                                                                                                                        | Accepted                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                             |



**RECOMMEND**

| Location   | Current Language                                                                                                                                                                                                                                                             | Proposed Language                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Reason                        | Comment                                                                                                                                               | AZSOS Response/Discussion Notes                                                                                                                                                                                                                                                                                     | STATUS                                                                                      |
|------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------|
| Pg 144 ¶ 5 | • Receiving electronic media or processing voting results by the Data Processing Board;                                                                                                                                                                                      | • Receiving electronic media or processing voting results by the <del>Data Processing-</del> <b>Accuracy Certification</b> Board;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Consistency                   | RECOMMENDED change. Inconsistent references. See Chapter 10(II) Establishing Boards                                                                   | Accepted                                                                                                                                                                                                                                                                                                            |                                                                                             |
| Pg 147 ¶ 4 | Put a mark according to the instructions next to the word “yes” (or for) for each proposition or question you wish to be adopted. Put a mark according to the instructions next to the word “no” (or against) for each proposition or question you wish not to be adopted.   | 3. Put a mark according to the instructions next to the word “yes” (or "for") for each proposition or question you wish to be adopted. Put a mark according to the instructions next to the word “no” (or "against") for each proposition or question you wish not to be adopted.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Clarification                 | RECOMMENDED change. Inadvertantly missing the number "3" in list as detailed in A.R.S. 16-502(A). Also added quotation marks as indicated in statute. | Accepted                                                                                                                                                                                                                                                                                                            |                                                                                             |
| Pg 169     |                                                                                                                                                                                                                                                                              | <p><b>F. Emergency Procedures</b></p> <p>The ballot box shall not be removed from the polling place or presence of bystanders until all ballots are counted, nor opened until after the polls are finally closed unless an emergency renders the polling place unusable to the point where it can no longer function as a polling place because law enforcement or other emergency personnel have ordered the polling place to be evacuated or as determined by the officer in charge of elections to allow voting to continue while awaiting an evacuation order. The following procedures shall be followed in the event of an emergency:</p> <ul style="list-style-type: none"> <li>• If the locked ballot box must be removed from the polling place due to an emergency, at least two members of the election board, not members of the same political party, shall accompany the box to a new polling place designated by the officer in charge of elections.</li> <li>• If practical and available, a law enforcement officer shall aid in the transfer of the ballot box.</li> <li>• If two members of the election board are not available to transfer the ballot box, one member of the election board and one law enforcement officer may accompany the box to the new polling place.</li> <li>• Two additional board members shall verify whether the ballot box arrived at the new polling place and that it was not opened or damaged.</li> <li>• All election board members who accompanied the locked ballot box to the new location and the one or two board members who verified the box’s arrival shall file a report with the officer in charge of elections that describes the actions taken by the board members. This report shall be filed on the day of the emergency.</li> <li>• On the day of the emergency in which the ballot box was moved, all election board members who aided in the transfer and verification of the locked ballot box shall indicate on official documents containing their oath whether they witnessed the transfer of the box and whether the box remained locked.</li> </ul> <p>A.R.S. § 16-564(A)-(E), (G).</p> | Missing procedures ARS 16-564 | RECOMMEND adding provisions set out in ARS 16-564(B)(C)(D)(E)(G) not otherwise provided for in the EPM. SAMPLE WORDING from the 2014 EPM Pg 142-143.  | <p>We generally have no objection to adding these procedures, it is just very rarely needed and simply repeats almost verbatim what the statute says.</p> <p>We generally have no objection to adding these procedures, it is just very rarely needed and simply repeats almost verbatim what the statute says.</p> | <p>To Be Discussed (Emergency Procedures)</p> <p>To Be Discussed (Emergency Procedures)</p> |
| Pg 169 ¶ 2 | At the close of an election, if the ballot box has been opened, a report detailing those events and other pertinent information shall be made by the officer in charge of elections to the chairpersons of all recognized political parties in that county at their request. | At the close of an election, if the ballot box has been opened, a report detailing those events and other pertinent information shall be made by the officer in charge of elections to the chairpersons of all recognized political parties in that county at their request. <b>A.R.S. § 16-564(F), (G)</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Missing citation              | RECOMMEND adding citation.                                                                                                                            | Accepted                                                                                                                                                                                                                                                                                                            | Resolved                                                                                    |

**RECOMMEND**

| Location         | Current Language                                                                                                                                                                                                                                                                                             | Proposed Language                                                                                                                                                                                                                                                                                                                    | Reason               | Comment                                                                                                                                                                                                                                                              | AZSOS Response/Discussion Notes                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | STATUS                      |
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| <b>Chapter 9</b> |                                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                                                                      |                      |                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                             |
| Pg 188 ¶ 2       | 3. A person does not lose their residence by traveling to another county, state, or foreign country for temporary purposes, with the intention of returning. A person does not gain a residence in any county they travel to for temporary purposes, without the intention of making that county their home. | 3. A person does not lose their residence by traveling to another county, state, or foreign country for temporary purposes, with the intention of returning.<br>3.4. A person does not gain a residence in any county they travel to for temporary purposes, without the intention of making that county their home.                 | Clarification        | RECOMMENDED change. Statement combines ARS 16-593(A)(3) & (4). Separating them to match the statute provides greater clarity.                                                                                                                                        | Accepted                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | Resolved                    |
| Pg 188 ¶ 2       | 7. If a person has a family residing in one place and the person does business in another, the family residence constitutes the person's place of residence.                                                                                                                                                 | 7.8. If a person has a family residing in one place and the person does business in another, the family residence constitutes the person's place of residence. <b>Except a person who has taken up a residence apart from their family with the intention of remaining shall be regarded as a resident where the person resides.</b> | Clarification        | RECOMMEND adding. Missing the second half of the statutory provision which provides an exception to the rule. ARS 16-593(A)(8).                                                                                                                                      | Accepted                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | Resolved                    |
| Pg 189 ¶ 4       | If the person challenged refuses to take any oath, refuses to answer questions material to the challenge, or if a majority of the board finds that the challenge is valid, the challenged voter must be permitted to vote a provisional ballot.                                                              | If the person challenged refuses to take any oath, refuses to answer questions material to the challenge, or if a majority of the board finds that the challenge is valid, the challenged voter must be permitted to vote a provisional ballot. <b>A.R.S. § 16-592(C).</b>                                                           | Consistency          | RECOMMEND adding citation. Previous statements reference relative statutory provision. The statutory reference for this provision is placed in the paragraph below, but does not apply to the paragraph below. Clarifying by placing with the appropriate provision. | Accepted                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | Resolved                    |
| Pg 190 & A205    | B. Election Board Close-Out Duties                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                      | Statutory compliance | RECOMMEND adding procedure to comply with ARS 16-161(B) to provide a count of federal-only ballots. Also add line item to "Sample Official Ballot Report" on page A205 for counting federal-only ballots.                                                            | Fed-only ballots are put into the same ballot boxes as full ballots and transported to the central counting place for tabulation, so poll workers do not have a practicable way of ascertaining how many fed-only ballots were cast at each voting location at the close of the polls. In any case, this is not required by statute - 16-161(B) requires each county to report, after each general election, "the number of ballots cast by those persons who were eligible to vote a ballot containing federal offices only" - not number of fed-only ballots from each voting location for each election -- this data is not necessary to comply with 16-161(B). | To Be Discussed (Close-Out) |

**RECOMMEND**

| Location          | Current Language                                                                                                                                                       | Proposed Language                                                                                                                                                                                                                                                                                                                           | Reason                                | Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | AZSOS Response/Discussion Notes                                                              | STATUS                                             |
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| Pg 190-191        | B. Election Board Close-Out Duties                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                             | Statutory compliance & Added Security | RECOMMEND AMENDING: Section on Election Board Close-out duties not as clear as in the 2014 EPM Pg 158-162. Missing key security protocols provided for in the previous EPM and statutorily mandated. RECOMMEND reviewing 2014 EPM to craft similar clarifying procedures. ARS 16-602(A) (comparing votes cast with poll list); <b>already included in 1st bullet. We can just add cite to 16-602(A) if that helps.</b> ARS 16-607 (statement of tally); ARS 16-608 (reports, poll lists, ballots in secured sealed container); ARS 16-614 (ballots sealed in envelope, which has previously been interpreted to also relate to memory packs); <b>614 is re: signing of tally lists...</b> ARS 16-615 (enclosed and sealed envelope containing returns); and ARS 16-616 (sealed packages of ballots and secured sealed envelope for unofficial returns). <b>This is about preparation of unofficial returns; nothing about sealed packages of ballots.</b> | We are looking at this and will have some proposed revisions to discuss at the 12/6 meeting. | To Be Discussed (Close-Out)                        |
| <b>Chapter 10</b> |                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                             |                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                              |                                                    |
| Pg 193 ¶ 5        | 7. Write-in Board                                                                                                                                                      | 7. Write-in <b>Tally</b> Board                                                                                                                                                                                                                                                                                                              | Consistency                           | RECOMMEND changing. Write-in Board inconsistent with rest of EPM. Elsewhere referred to as "Write-in Tally Board".                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Accepted                                                                                     | Resolved                                           |
| Pg 195 ¶ 4        | If it appears that the ballot transfer container seal is broken, it shall be immediately referred to the officer in charge of elections or Snag Board for disposition. | If it appears that the ballot transfer container seal is broken, it shall be immediately referred to the <del>officer in charge of elections or</del> Snag Board for disposition.                                                                                                                                                           | Recommended security measure          | RECOMMEND changing. In the 2014 EPM Pg 174, broken seals were referred to the Snag Board. Boards provide greater election integrity as members of both major parties actively participate to resolve issues.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Not every county has a snag board and ultimately the OICE has to resolve issues.             | Resolved                                           |
| Pg 197            |                                                                                                                                                                        | <b>5. Write-In Ballots</b><br><br>If there are write-in ballots:<br>1. Count the total number of ballots containing write-ins, if not previously counted at the polling place,<br>2. Record the number on the log, and<br>3. Complete a transmittal envelope for delivery of ballots containing write-in votes to the Write-In Tally Board. | Missing Procedure                     | RECOMMEND adding procedure outlined in 2014 EPM Pg 176 for processing write-in ballots found by inspection board. <b>SAMPLE WORDING.</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | We have no objection to adding these procedures.                                             | To Be Discussed (Inspection Bd - Write-In Ballots) |

**RECOMMEND**

| Location          | Current Language                                                                                                                                                                                                                                               | Proposed Language                                                                                                                                                                                                                                                                                                   | Reason                       | Comment                                                                                                                                                                                                                                                                                     | AZSOS Response/Discussion Notes                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | STATUS               |
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| Pg 198 ¶ 3        | If voter intent is not clear and Ballot Duplication Board members do not agree on the voter intent for a particular ballot, that ballot should be referred to the Snag Board or officer in charge of elections for resolution prior to duplicating the ballot. | If voter intent is not clear and Ballot Duplication Board members do not agree on the voter intent for a particular ballot, that ballot should be referred to the Snag Board <del>or officer in charge of elections</del> for resolution prior to duplicating the ballot.                                           | Recommended security measure | RECOMMEND changing. Boards provide greater election integrity as members of both major parties actively participate to resolve issues.                                                                                                                                                      | Not every county has a snag board and ultimately the OICE has to resolve issues.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Resolved             |
| Pg 198 ¶ 5        | Over-voted ballots should be sent to the Ballot Duplication Board (and the Snag Board or officer in charge of elections for adjudication if needed), even if the voter correctly filled in the arrow or oval for other choices.                                | Over-voted ballots should be sent to the Ballot Duplication Board (and the Snag Board <del>or officer in charge of elections</del> for adjudication if needed), even if the voter correctly filled in the arrow or oval for other choices.                                                                          | Recommended security measure | RECOMMEND changing. Boards provide greater election integrity as members of both major parties actively participate to resolve issues.                                                                                                                                                      | Not every county has a snag board and ultimately the OICE has to resolve issues.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Resolved             |
| Pg 210 ¶ 1        | The Write-In Tally Board may manually tally write-in votes or do so through an electronic adjudication program pursuant to Chapter 10, Section II(E) above.                                                                                                    | <del>The Write-In Tally Board may manually tally write-in votes or do so through an electronic adjudication program pursuant to Chapter 10, Section II(E) above.</del>                                                                                                                                              |                              | AS AN ALTERNATIVE TO DELETING, specific procedures in the Electronic Vote Adjudication Board section relating to electronic tallying of write-in votes may be moved to this section. ARS 16-531(E) could reasonably permit the Write-In Tally Board to electronically tally write-in votes. | We would prefer this over deleting if we end up removing EA sections.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | To Be Discussed (EA) |
| <b>Chapter 11</b> |                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                     |                              |                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                      |
| <b>Chapter 12</b> |                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                     |                              |                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                      |
| <b>Chapter 13</b> |                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                     |                              |                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                      |
| Pg 243 ¶ 3        |                                                                                                                                                                                                                                                                | f. <del>"Federal-Only" Ballot Report</del><br>Following each general election, the County Recorder or other officer in charge of elections shall post on the recorder's website the number of ballots cast by those persons who were eligible to vote a ballot containing federal offices only. A.R.S. § 16-161(B). | ARS 16-161(B) compliance     | RECOMMEND adding. Adding the statutory requirements for the "Federal-Only" Ballot report to the Reports for the County Canvass will provide the maximum degree of uniformity and efficiency.                                                                                                | This reporting requirement is discussed in Ch. 1 (pg. 42).                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Resolved             |
| <b>Chapter 14</b> |                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                     |                              |                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                      |
| Pg 251 FN 56      | The "paid circulator" or "volunteer" status boxes may be pre-marked by the circulator or the committee or petition circulating organization on behalf of the circulator.                                                                                       | <del>The "paid circulator" or "volunteer" status boxes may be pre-marked by the circulator or the committee or petition circulating organization on behalf of the circulator.</del>                                                                                                                                 | No Statutory Authority       | RECOMMEND removing footnote as there is no statutory authority. May cause confusion as to the legal implications if the wrong checkbox is preselected.                                                                                                                                      | There's a court ruling on this. We can add the citation. Minute Entry at 10, <i>Molera v. Reagan</i> , CV2018-010209, Super. Ct. (Aug. 16, 2018) (holding that even applying a strict compliance standard, interpreting the law to require invalidating petitions because the paid/volunteer line was pre-checked would "unreasonably hinder or restrict the Constitution's initiative provisions" and "also would not reasonably supplement the constitutional purpose"). The court's ruling was reversed on other grounds in <i>Molera v. Reagan</i> , 245 Ariz. 291 (2018) (holding that initiative's 100-word summary created significant danger of confusion or unfairness, thus invalidating petition, and declining to consider other issues raised on appeal). | Discussed - Pending  |

**RECOMMEND**

| Location          | Current Language                                                                                                                                                                                                         | Proposed Language                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Reason                                                                | Comment                                                                                                                                                                                                                                                                                                                                                                    | AZSOS Response/Discussion Notes                                                                                                                       | STATUS   |
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| <b>Chapter 15</b> |                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                       |                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                       |          |
| Pg 261 ¶ 2        | Following receipt from the Secretary of State, a County Recorder must eliminate signatures using the same criteria applied to initiative, referendum, and recall petitions under A.R.S. § 19-121.02. A.R.S. § 16-803(E). | Following receipt from the Secretary of State, a County Recorder <del>shall determine which signatures of individuals whose names were transmitted shall be disqualified for any of the following reasons:</del><br>1. No residence address or description of residence location is provided.<br>2. No date of signing is provided.<br>3. The signature is illegible and the signer is otherwise unidentifiable.<br>4. The address provided is illegible or nonexistent.<br>5. The individual was not a qualified elector on the date of signing the petition.<br>6. The individual was a registered voter but was not at least eighteen years of age on the date of signing the petition or affidavit.<br>7. The signature was disqualified after comparison with the signature on the affidavit of registration.<br>8. If a petitioner signed more than once, all but one otherwise valid signature shall be disqualified.<br>9. For the same reasons any signatures could have been removed by the secretary of state pursuant to this section, <del>must eliminate signatures using the same criteria applied to initiative, referendum, and recall petitions under A.R.S. § 19-121.02.</del><br>A.R.S. § 16-803(E). | Unclear Statutory Authority Clarification Conforming to ARS 16-803(E) | RECOMMEND conforming the processing requirements with ARS 16-803(E). Relevancy of ARS 19-121.02 is unclear. Further ARS 19-121.02 disqualifies entire petition sheets circulated by a justice of the peace or county recorder, which is not provided for in ARS 16-803(E).                                                                                                 | Accepted; we had also flagged this for revision.                                                                                                      | Resolved |
| <b>Chapter 16</b> |                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                       |                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                       |          |
| <b>Chapter 17</b> |                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                       |                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                       |          |
| A126              | Political Committee Campaign Finance Report                                                                                                                                                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | ARS 16-926(B)(5) inadvertently missing                                | RECOMMEND adding certification by the committee treasurer. May not be necessary if all campaign finance reports are filed electronically and digitally certified by the committee treasurer. However, if paper copies can be submitted, to conform with statutory requirements, add certification to report or add a certification page that can be filed with the report. | We only accept electronic filings w/ digital certifications, but will ensure a sample treasurer's certification is available for local jurisdictions. | Resolved |

**DISCUSS**

| Location         | Current Language                                                                                                                                                                                                                                                                                                                                 | Comment                                                                                                                                                                                                                                                                                                                                                                                  | AZSOS Response                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
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| <b>Chapter 4</b> |                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| Pg 84 FN 22      | Though not required, counties may, in their discretion, conduct additional pre-election L&A tests prior to the county and Secretary of State's pre-election L&A test and/or additional post-election L&A tests after the county's post-election L&A test, including with participation from representatives of the recognized political parties. | Footnote is unclear when this additional testing is allowed. Once certified for use in an election, equipment is then "deployed" and further testing would invalidate certification. Prior to certification, general testing important preparation. Procedures outlined in 2014 EPM Pg 104 for "diagnostic testing". Post-election L&A is discussed in Chapter 12, Section II.           | Proposed revisions in green to clarify sequence per our discussion on 11/22. <span style="float:right">Resolved</span>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| Pg 85 ¶ 1        | In-person voting, both during the early voting period and on Election Day, requires the deployment of accessible voting equipment for voters with disabilities (and ballot marking by all voters in certain counties).                                                                                                                           | Unclear what "ballot marking by all voters" means. Accessible voting equipment has only been statutorily authorized under ARS 16-442.01 for people with disabilities. County-wide deployment as primary means of voting has not been statutorily approved.                                                                                                                               | We disagree with AGO's interpretation. ARS 16-442.01 requires the provision of accessible voting equipment to "persons who are blind or visually impaired" but does not prohibit the use of this same equipment by people who are not. Such a strict reading of this statute would also limit the use of these devices to those with eyesight-related, and not other, disabilities. 16-442.01 was enacted to comply w/ HAVA, it's an enabling provision, not a limiting provision. The 2014 Manual already allows for a more expansive use than AGO's interpretation by stating: "All voters shall have the option of voting a provisional ballot on an accessible voting device." Counties have always used accessible voting equipment more broadly than just for voters with disabilities. There's no way for counties to police whether someone has a disability or not - AGO's interpretation would require counties to ask people if they have a disability before allowing use of an accessible machine, which is problematic on many levels. Further, the statutes authorize counties to use a vote center model w/ no limitation on how to implement it and this is the only way some counties can operationalize a vote center model (w/out BODs). <span style="float:right">Resolved</span> |
| <b>Chapter 9</b> |                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| Pg 177 ¶ 6       | 6. U.S. Department of Justice or other authorized federal government observers.                                                                                                                                                                                                                                                                  | Post Shelby, there is no statutory exception for DOJ. Inclusion absent statutory authority requires further discussion. See <a href="https://www.justice.gov/crt/about-federal-observers-and-election-monitoring">https://www.justice.gov/crt/about-federal-observers-and-election-monitoring</a> . "Other federal government observers" is vague and doesn't comport with previous EPM. | Even post-Shelby, some counties are bound by court order or consent decrees to have federal observers in certain circumstances. There may be other circumstance where federal agencies may send an observer, e.g. DHS for election security purposes, EAC, etc. <span style="float:right">Resolved</span>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |



**CRITICAL**

| Location         | Current Language                                                                                                                                                                                                                                                                                                                                                | Proposed Language                                                                                                                                                                                                                                                                                                                                                                     | Reason                                    | Comment                                                                                                                                                                        |
|------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Chapter 1</b> |                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                       |                                           |                                                                                                                                                                                |
| Pg 2 ¶ 3         | Any registration form may be used to register to vote for the first time or amend/update an existing registration record.                                                                                                                                                                                                                                       | Any registration form <b>in compliance with A.R.S. § 16-152 or 52 U.S.C. § 20508(b)</b> may be used to register to vote for the first time or amend/update an existing registration record.                                                                                                                                                                                           | Clarification<br>Violates ARS 16-121.01   | Forms not in compliance with the statutory requirements may not contain the minimum required information to enable County Recorders to legally register the voter.             |
| Pg 10 ¶ 9        | The County Recorder who receives the bundle shall rely on this cover letter (see Chapter 17 for a sample form) as verification of citizenship. The County Recorder need not re-check any citizenship or immigration numbers to verify citizenship and must register the newly naturalized registrants as “full-ballot” voters (assuming no other deficiencies). | The County Recorder who receives the bundle <b>may shall</b> rely on this cover letter (see Chapter 17 for a sample form) as verification of citizenship. The County Recorder need not re-check any citizenship or immigration numbers to verify citizenship and <b>may must</b> register the newly naturalized registrants as “full-ballot” voters (assuming no other deficiencies). | Extra-statutory<br>Violates ARS 16-166(F) | ARS 16-166(F) - the registering County Recorder statutorily obligated to determine sufficiency of DPOC. No statutory authority to mandate County Recorder accept cover letter. |
| Pg 12 ¶ 7        | A new registrant must be a resident of Arizona at least 29 days before the next election. A.R.S. § 16-101(A)(3). A County Recorder has no duty to verify a registrant’s residency status and shall rely on the registrant’s affirmation of residency.                                                                                                           | A new registrant must be a resident of Arizona at least 29 days before the next election. A.R.S. § 16-101(A)(3). A County Recorder has no duty to verify a registrant’s residency status and <b>shall may</b> rely on the registrant’s affirmation of residency.                                                                                                                      | Extra-statutory                           | No statutory authority to mandate acceptance of affirmation.                                                                                                                   |
| Pg 13 ¶ 6        | A County Recorder has no duty to verify whether the civil rights of a registrant with felony conviction(s) have been restored and shall rely on the registrant’s affirmation when registering to vote.                                                                                                                                                          | A County Recorder has no duty to verify whether the civil rights of a registrant with felony conviction(s) have been restored and <b>shall may</b> rely on the registrant’s affirmation when registering to vote.                                                                                                                                                                     | Extra-statutory                           | No statutory authority to mandate acceptance of affirmation.                                                                                                                   |
| Pg 14 ¶ 1        | A County Recorder has no duty to verify whether a registrant has been adjudicated mentally incapacitated and shall rely on the registrant’s affirmation when registering to vote.                                                                                                                                                                               | A County Recorder has no duty to verify whether a registrant has been adjudicated mentally incapacitated and <b>shall may</b> rely on the registrant’s affirmation when registering to vote.                                                                                                                                                                                          | Extra-statutory                           | No statutory authority to mandate acceptance of affirmation.                                                                                                                   |
| Pg 18 ¶ 6        | If contact information is missing, a County Recorder must use reasonable efforts to research and acquire contact information for the registrant through any appropriate means.                                                                                                                                                                                  | If contact information is missing, a County Recorder <b>must may</b> use reasonable efforts to research and acquire contact information for the registrant through any appropriate means.                                                                                                                                                                                             | Extra-statutory<br>Unfunded mandate       | No statutory requirement to research and acquire missing contact information, therefore no authority to mandate.                                                               |

**CRITICAL**

| Location  | Current Language                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Proposed Language                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Reason                                             | Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
|-----------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Pg 20 ¶ 5 | If the registrant did not answer “yes” to the citizenship question or provide some other appropriate indicator that the registrant is a U.S. citizen (and DPOC cannot be acquired from AZMVD records or the statewide voter registration database), the County Recorder must notify the registrant by mail, email, and/or telephone within ten business days of receipt, request the incomplete information, and inform the registrant that they will remain in “suspense” status (or functional equivalent) until the citizenship question is answered in the affirmative or the registrant provides some other appropriate indicator of U.S. citizenship. | If the registrant did not answer “yes” to the citizenship question or provide some other appropriate indicator that the registrant is a U.S. citizen (and DPOC cannot be acquired from AZMVD records or the statewide voter registration database), the County Recorder must notify the registrant by mail, email, and/or telephone within ten business days of receipt, request the incomplete information, and inform the registrant that they will remain in “suspense” status (or functional equivalent) until the citizenship question <b>on the submitted voter registration form</b> is answered in the affirmative or the registrant provides some other appropriate indicator of U.S. citizenship, <b>such as DPOC</b> . | Violates ARS 16-121.01(A)<br>Violates 52 USC 20508 | ARS 16-121.01(A) mandates registrant must provide a "checkmark or other appropriate indicator that the person answered 'yes' to the question regarding citizenship" for the person to be properly registered. Affirmation of citizenship outside of the voter registration form does not meet minimum state requirements. Further, because our signed declaration does not include an "attestation that the application meets [the citizenship requirement]" it does not satisfy 52 USC 20508. |

**Chapter 2**

|                        |                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                        |                                                                       |
|------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------|-----------------------------------------------------------------------|
| Pg 49 ¶ 8<br>Pg 50 ¶ 1 | A voter enrolled in the PEVL may not request that ballots be automatically sent to an out-of-state address for each election unless the voter is also a UOCAVA voter. However, a PEVL voter may make one-time requests to have their ballot mailed to an address outside of the voter’s county of residence for specific elections. A.R.S. § 16-544(B). | A voter enrolled in the PEVL <b>must use a mailing address in the voter’s county of residence and</b> may not request that ballots be automatically sent to an out-of-state address for each election unless the voter is also a UOCAVA voter. However, a PEVL voter may make one-time requests to have their ballot mailed to an address outside of the <del>Arizona</del> <b>voter’s county of residence</b> for specific elections. A.R.S. § 16-544(B). | Violates ARS 16-544(B) | Statute specifies mailing address must be in the county of residence. |
| Pg 50 ¶ 6              | The voter’s mailing address in the state;                                                                                                                                                                                                                                                                                                               | The voter’s mailing address in the <b>state county of residence</b> ;                                                                                                                                                                                                                                                                                                                                                                                      | Violates ARS 16-544(B) | Statute specifies mailing address must be in the county of residence. |
| Pg 51 ¶ 4              | Mailing address within the state (if different from residential address);                                                                                                                                                                                                                                                                               | Mailing address within the <b>state county of residence</b> (if different from residential address);                                                                                                                                                                                                                                                                                                                                                       | Violates ARS 16-544(B) | Statute specifies mailing address must be in the county of residence. |
| Pg 51 ¶ 6              | If the PEVL request does not contain the voter’s name, residence address, mailing address in the state, date of birth, or signature, or contains a signature that does not match the signature in the registrant’s record, the County Recorder must notify the voter                                                                                    | If the PEVL request does not contain the voter’s name, residence address, mailing address in the <b>state county of residence</b> , date of birth, or signature, or contains a signature that does not match the signature in the registrant’s record, the County Recorder must notify the voter                                                                                                                                                           | Violates ARS 16-544(B) | Statute specifies mailing address must be in the county of residence. |

**CRITICAL**

| Location  | Current Language                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Proposed Language                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Reason                                                                                | Comment                                                                                                                                                                                                                                                                                                                                                                           |
|-----------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Pg 53 ¶ 2 | 2. Change the mailing address to another location within the state;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | 2. Change the mailing address to another location within the <del>state</del> county of residence;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | Violates ARS 16-544(B)                                                                | Statute specifies mailing address must be in the county of residence.                                                                                                                                                                                                                                                                                                             |
| Pg 54 ¶ 7 | Contain the County Recorder’s name, official title, and the post office address of the County Recorder (or other officer in charge of elections) on the front side of the return envelope (as explained below, a mailing envelope separate from the ballot affidavit may be used);                                                                                                                                                                                                                                                                                                     | Contain the County Recorder’s name, official title, and the post office address of the County Recorder (or other officer in charge of elections) on the front side of the return envelope <del>(as explained below, a mailing envelope separate from the ballot affidavit may be used);</del> ;                                                                                                                                                                                                                                                                                                   | Extra-statutory<br>Violates ARS 16-547                                                | Statutes do not provide for a privacy envelope. Statutes explicit in what is to be on the envelope.                                                                                                                                                                                                                                                                               |
| Pg 55 ¶ 8 | In lieu of printing the ballot affidavit on the exterior of the return envelope, a County Recorder may also include a postage prepaid secrecy envelope. In this circumstance, the voter is directed to place their marked ballot in the standard return envelope that contains the early ballot affidavit; the voter must then place the standard return envelope inside the postage prepaid secrecy envelope. This method ensures that the voter’s signature (or other personally identifying information) will not be visible on the exterior envelope transmitted through the mail. | <del>In lieu of printing the ballot affidavit on the exterior of the return envelope, a County Recorder may also include a postage prepaid secrecy envelope. In this circumstance, the voter is directed to place their marked ballot in the standard return envelope that contains the early ballot affidavit; the voter must then place the standard return envelope inside the postage prepaid secrecy envelope. This method ensures that the voter’s signature (or other personally identifying information) will not be visible on the exterior envelope transmitted through the mail.</del> | Violates ARS 16-547<br>Extra-statutory<br>Voter confusion<br>Voter disenfranchisement | Statutes do not provide for a privacy envelope. ARS 16-547 explicit in what is to be on the envelope. One side must have the return address, the other the affidavit. Two envelopes with return addresses may confuse voters causing ballots to be returned in just the mailing envelope without the requisite affidavit, causing ballots to not be counted or voting be delayed. |
| Pg 56 ¶ 3 | A.R.S. § 16-547(C). The County Recorder may substitute “vote center” for “polling place” if the county uses vote centers. If applicable, the County Recorder may add additional ballot drop-off locations to the statutorily-prescribed language.                                                                                                                                                                                                                                                                                                                                      | A.R.S. § 16-547(C). The County Recorder may substitute “vote center” for “polling place” if the county uses vote centers. <del>If applicable</del> For elections held pursuant to A.R.S. § 16-409 and A.R.S. § 16-558, the County Recorder may <del>add additional</del> substitute “ballot drop-off location” for “polling place” <del>to the statutorily-prescribed language.</del> A.R.S. § 16-411(D).                                                                                                                                                                                         | Extra-statutory<br>Clarification                                                      | Ballot drop-off locations only statutorily permitted for elections held pursuant to ARS 16-558 and 16-409.                                                                                                                                                                                                                                                                        |
| Pg 60 ¶ 4 | A ballot-by-mail (with completed affidavit) must be delivered to the County Recorder, the officer in charge of elections, an official ballot drop-off site, or any voting location in the county no later than 7:00 p.m. on Election Day. A.R.S. § 16-547(C); A.R.S. § 16-551(C).                                                                                                                                                                                                                                                                                                      | A ballot-by-mail (with completed affidavit) must be delivered to the County Recorder, the officer in charge of elections, <del>an official ballot drop-off site,</del> or any voting location in the county no later than 7:00 p.m. on Election Day. A.R.S. § 16-547(C); A.R.S. § 16-551(C).                                                                                                                                                                                                                                                                                                      | Extra-statutory                                                                       | Statutory provisions enabling ballot drop-off sites only authorized for elections held pursuant to ARS 16-409 and ARS 16-558. ARS 16-411(D). This section applicable to Early Voting. Added statement to Chapter 3. Page 72.                                                                                                                                                      |

**CRITICAL**

| Location  | Current Language                                                                                                                                                                                                                                                                                                                                                                   | Proposed Language                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Reason                                                                                                                                           | Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
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| Pg 61 ¶ 6 | An elector who appears at an on-site early voting location by 5:00 p.m. on the Friday preceding the election must be given a ballot and permitted to vote at the on-site early voting location. A.R.S. § 16-542(E).                                                                                                                                                                | An elector <b>presenting valid identification</b> who appears at an on-site early voting location by 5:00 p.m. on the Friday preceding the election must be given a ballot and permitted to vote at the on-site early voting location. A.R.S. § 16-542(E).                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Violates ARS 16-542(E)                                                                                                                           | ARS 16-542(E) requires presentation of identification.                                                                                                                                                                                                                                                                                                                                                                                                   |
| Pg 66 ¶ 3 | If not satisfied that the signatures were made by the same person or if the early ballot affidavit is missing a signature, the County Recorder shall make a reasonable and meaningful attempt to contact the voter via mail, phone, text message, and/or email, notify the voter of the inconsistent signature, and allow the voter to provide, correct, or confirm the signature. | If not satisfied that the signatures were made by the same person <del>or if the early ballot affidavit is missing a signature</del> , the County Recorder shall make a reasonable and meaningful attempt to contact the voter via mail, phone, text message, and/or email, notify the voter of the inconsistent signature, and allow the voter to <del>provide,</del> correct, or confirm the signature.                                                                                                                                                                                                                                                                                                                  | Violates ARS 16-548(A)<br>Violates ARS 16-552(B)<br>Violates statutory intent and legislative history of ARS 16-550(A)                           | Voters shall make and sign the affidavit. Ballot affidavit signature must be sufficient for the vote to be allowed. Curing the ballot contained within an unsigned envelope is not possible, as the voter cannot affirm the ballot contained therein is THEIR actual ballot. New ballot must be issued and received before the close of elections. New early ballot may be mailed, time permitting, or on Election Day a provisional ballot may be cast. |
| Pg 66 ¶ 4 | Voters must be permitted to correct or confirm an inconsistent or missing signature until 5:00 p.m. on the fifth business day after a primary, general, or special election that includes a federal office or the third business day after any other election.                                                                                                                     | Voters must be permitted to correct or confirm an inconsistent <del>or missing</del> signature until 5:00 p.m. on the fifth business day after a primary, general, or special election that includes a federal office or the third business day after any other election.                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Violates ARS 16-548(A)<br>Violates ARS 16-552(B)<br>Violates statutory intent and legislative history of ARS 16-550(A)<br>Violates ARS 16-566(B) | Further, provisions for curing missing signatures violate the legislative intent. Legislative intent can be inferred from the fact the legislature changed the bill to exclude the word "missing" from ARS 16-550 from the time the bill was presented to the time it was adopted. Finally, pursuant to ARS 16-566(B), as soon as the polls close, all unused ballots shall be sealed. No further ballots may be issued.                                 |
| Pg 66     |                                                                                                                                                                                                                                                                                                                                                                                    | <b>If the early ballot affidavit is not signed, the County Recorder shall reject the ballot. The County Recorder shall then make a reasonable and meaningful attempt to contact the voter via mail, phone, text message, and/or email, to notify the voter the ballot was rejected and provide the voter an opportunity to cast a replacement early or provisional ballot before 7:00pm on Election Day. The County Recorder shall attempt to contact the voter as soon as practicable using any contact information available in the voter's record and any other source reasonably available to the County Recorder. Neither replacement ballots nor provisional ballots can be issued after 7:00pm on Election Day.</b> |                                                                                                                                                  | Statutory provisions require a signed ballot affidavit for the vote to be counted. Curing the ballot contained within an unsigned envelope is not possible, as the voter cannot affirm the ballot contained therein is THEIR actual ballot. Replacement ballot must be issued before the close of elections. New early ballot may be mailed, time permitting, or replaced or provisional ballot cast.                                                    |

**CRITICAL**

| Location  | Current Language                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | Proposed Language                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Reason                              | Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
|-----------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Pg 66 ¶ 6 | A.R.S. § 16-550(A); A.R.S. § 16-552(B); Settlement Agreement at 3, Navajo Nation v. Hobbs, No. CV2018-08329, ECF No. 44-2 (D. Ariz. August 6, 2019).                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | A.R.S. § 16-550(A); A.R.S. § 16-552(B); <del>Settlement Agreement at 3, Navajo Nation v. Hobbs, No. CV2018-08329, ECF No. 44-2 (D. Ariz. August 6, 2019).</del>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| Pg 69 ¶ 6 | Individuals held in pretrial detention or serving a sentence for a misdemeanor conviction remain eligible to register and vote (assuming no other deficiencies in eligibility). To the extent practicable, County Recorders shall coordinate with the county sheriff's office, jail or detention facilities, the county public defender's office, and other appropriate stakeholders to develop and implement reasonable procedures to facilitate voting by eligible voters held in jail or detention facilities, including those taken into custody shortly before Election Day. Such procedures may include coordinating a means for secure and effective delivery and return of ballots-by-mail for those in custody and/or the use of special election boards in appropriate circumstances. | Individuals held in pretrial detention or serving a sentence for a misdemeanor conviction remain eligible to register and vote (assuming no other deficiencies in eligibility). <del>To the extent practicable, County Recorders shall coordinate with the county sheriff's office, jail or detention facilities, the county public defender's office, and other appropriate stakeholders to develop and implement reasonable procedures to facilitate voting by eligible voters held in jail or detention facilities, including those taken into custody shortly before Election Day. Such procedures may include coordinating a means for secure and effective delivery and return of ballots-by-mail for those in custody and/or the use of special election boards in appropriate circumstances.</del> | Extra-statutory<br>Unfunded mandate | <ul style="list-style-type: none"> <li>- Existing procedures under ARS 16-542(E) allow mailing a ballot to a temporary address.</li> <li>- ARS 16-549 - Special elections board only for "qualified electors who are confined as the result of a continuing illness or physical disability" and inapplicable here.</li> <li>- No statutory authority to implement outlined program.</li> <li>- No statutory authority to bind recorders, sheriffs, public defender's offices...</li> <li>- No provisions for funding for counties to implement.</li> </ul> |

**CRITICAL**

| Location         | Current Language                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Proposed Language                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Reason                                                                                                                                          | Comment                                                                                                                                                                                                               |
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| <b>Chapter 3</b> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                                 |                                                                                                                                                                                                                       |
| Pg 71 ¶ 5        | <p>• If the ballot-by-mail election is consolidated with a partisan primary election, the County Recorder must mail a notice to all non-PEVL voters who are not affiliated with a recognized political party at least 33 days before the election to allow the voter to designate a political party ballot. In lieu of sending separate notices to PEVL and non-PEVL voters, a County Recorder may send a notice to all eligible voters at least 90 days before the ballot-by-mail election. See Chapter 2, Section I(B)(9). If the voter does not designate a political party ballot or nonpartisan ballot by 5:00 p.m. on the 11th day before the election, or a later deadline established by the County Recorder, the voter will not be mailed a ballot-by-mail for the election. A.R.S. § 16-542(E). However, the voter is still permitted to vote in-person at a ballot replacement site and, at that time, specify a political party ballot or nonpartisan ballot.</p> | <p><del>• If the ballot-by-mail election is consolidated with a partisan primary election, the County Recorder must mail a notice to all non-PEVL voters who are not affiliated with a recognized political party at least 33 days before the election to allow the voter to designate a political party ballot. In lieu of sending separate notices to PEVL and non-PEVL voters, a County Recorder may send a notice to all eligible voters at least 90 days before the ballot-by-mail election. See Chapter 2, Section I(B)(9). If the voter does not designate a political party ballot or nonpartisan ballot by 5:00 p.m. on the 11th day before the election, or a later deadline established by the County Recorder, the voter will not be mailed a ballot-by-mail for the election. A.R.S. § 16-542(E). However, the voter is still permitted to vote in person at a ballot replacement site and, at that time, specify a political party ballot or nonpartisan ballot.</del></p> | <p>Extra Statutory<br/>Disenfranchises unaffiliated voters<br/>Violates ARS 16-558.01<br/>Violates ARS 16-542(C)<br/>Violates ARS 16-544(F)</p> | <p>No statutory authority to consolidate all ballot-by-mail and partisan primaries. Further, as written, does not meet the statutory requirements for each election type and disenfranchises unaffiliated voters.</p> |

**CRITICAL**

| Location         | Current Language                                                                                                                                                                                                                                                                                                                                                                                                                                         | Proposed Language                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Reason                                          | Comment                                                                                                                                                               |
|------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Chapter 4</b> |                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                 |                                                                                                                                                                       |
| Pg 77 ¶ 2        | The voting system must tabulate (and if necessary, produce) ballots that visually indicate the voter's selections and can be (1) used to verify the voter's choices; (2) spoiled by the voter if they fail to reflect the voter's choices; and (3) used in recounts and manual audits;                                                                                                                                                                   | The voting system must <del>provide a durable paper document tabulate (and if necessary, produce) ballots</del> that visually indicates the voter's selections and can be (1) used to verify the voter's choices; (2) spoiled by the voter if they fail to reflect the voter's choices <del>which permits the voter to cast a new ballot</del> ; and (3) used in recounts and manual audits;                                                                              | Clarification<br>Conforming to ARS 16-446(B)(7) | Statement does not conform to statutory language, as worded isn't possible, and fails to substantially comply with the statutory language.                            |
| Pg 77 ¶ 2        | The voting system must aggregate the votes in the EMS in a way that prevents votes from being changed (unless the vote is on an over-voted ballot or ballot read as blank or unclear and is therefore flagged for electronic adjudication) or deleted after voting has concluded; and                                                                                                                                                                    | The voting system must aggregate the votes in the EMS in a way that prevents votes from being changed <del>(unless the vote is on an over-voted ballot or ballot read as blank or unclear and is therefore flagged for electronic adjudication)</del> or deleted after voting has concluded; and                                                                                                                                                                          | Violates ARS 16-621(A)                          | Over-voted, blank, or unclear ballots cannot be counted and then electronically changed. Electronic adjudication violates ARS 16-621(A). See Chapter 10 for comments. |
| Pg 77            |                                                                                                                                                                                                                                                                                                                                                                                                                                                          | <del>c. The voting system must prevent the voter from voting for the same person more than once for the same office.</del>                                                                                                                                                                                                                                                                                                                                                | ARS 16-446(B)(3)                                | Missing statutory provision                                                                                                                                           |
| Pg 92 ¶ 3        | 3. On-Screen/Electronic Adjudication<br><br>If on-screen/electronic adjudication of ballots will be utilized as part of the election tabulation system, that functionality shall also be tested during the L&A test to ensure secure and proper functioning and attribution of Electronic Vote Adjudication Board determinations for the ballots electronically adjudicated. See Chapter 10, Section II(E) for requirements for electronic adjudication. | <del>3. On-Screen/Electronic Adjudication<br/><br/>If on-screen/electronic adjudication of ballots will be utilized as part of the election tabulation system, that functionality shall also be tested during the L&amp;A test to ensure secure and proper functioning and attribution of Electronic Vote Adjudication Board determinations for the ballots electronically adjudicated. See Chapter 10, Section II(E) for requirements for electronic adjudication.</del> | Violates ARS 16-621(A)                          | Electronic Adjudication violates ARS 16-621(A). See comment in Chapter 10. See also recommendations.                                                                  |

**CRITICAL**

| Location | Current Language | Proposed Language                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Reason                           | Comment                                                                                               |
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| Pg 92    |                  | <p>4. Errors Discovered During Testing</p> <p>If any error is detected during L&amp;A testing:</p> <ul style="list-style-type: none"><li>• The cause shall be ascertained and corrected.</li><li>• An errorless count shall be made before the voting equipment and programs are approved for use in the election.</li><li>• And if the database is found to be the source of the error, a copy of a revised database shall be filed with the Secretary of State within 48 hours after the revision.</li><li>• And if the error was created by voting equipment malfunction, a report shall be filed with the Secretary of State within 48 hours after the correction is made, stating the cause and the corrective action taken.</li></ul> <p>A.R.S. § 16-449(A).</p> | Missing procedures ARS 16-449(A) | Missing statutorily required procedures for L&A testing. SAMPLE WORDING based on 2014 EPM Pg 109-110. |

**Chapter 5**



**CRITICAL**

| Location         | Current Language                                                                                                                                                                                                                                                                                             | Proposed Language                                                                                                                                                                                                                                                        | Reason                                   | Comment                                                                                                                                                                                                                                                                          |
|------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Chapter 6</b> |                                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                          |                                          |                                                                                                                                                                                                                                                                                  |
| Pg 107 ¶ 6       | • A signature or a printed name.                                                                                                                                                                                                                                                                             | • A signature or a printed name <b>in the signature column.</b>                                                                                                                                                                                                          | Violates ARS 16-322<br>Creates Confusion | Pursuant to statute, "nomination petitions shall be signed". Counting lines without anything proporing to be a signature volates the statute and would create confusion about the requirements.                                                                                  |
| Pg 121 ¶ 2       | If the County Recorder is unable to apply statutorily-required redactions within the necessary timeframe, the County Recorder should seek to produce the records pursuant to an appropriate protective order or under seal in accordance with the Arizona Rules of Civil Procedure and other applicable law. |                                                                                                                                                                                                                                                                          | Missing citation                         | Refers to "statutorily-required redactions" without referencing the statute or requirements. At minimum, citation needed. RECOMMEND adding what needs to be redacted for the maximum degree of correctness and uniformity. If there is no citation, statement should be removed. |
| <b>Chapter 7</b> |                                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                          |                                          |                                                                                                                                                                                                                                                                                  |
| <b>Chapter 8</b> |                                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                          |                                          |                                                                                                                                                                                                                                                                                  |
| Pg 127 ¶ 5       | Except for the designation of Election Day emergency voting locations, the Board of Supervisors must finalize all voting locations at least 20 days before a statewide primary or general election or ten days before a special election. A.R.S. § 16-411(B).                                                | <del>Except for the designation of Election Day emergency voting locations,</del> The Board of Supervisors must finalize all voting locations at least 20 days before a statewide primary or general election or ten days before a special election. A.R.S. § 16-411(B). | Extra Statutory                          | Nothing in ARS 16-411(B) provides for stated exception.                                                                                                                                                                                                                          |

**CRITICAL**

| Location   | Current Language                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Proposed Language                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Reason                                               | Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
|------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Pg 130 ¶ 5 | <p>G. Designation of Emergency Election Day Polling Places/Vote Centers</p> <p>A County Recorder or other officer in charge of elections may establish an emergency polling place/vote center for Election Day without the Board of Supervisors' approval if either of the following occurs:</p>                                                                                                                                                                         | <p>G. <del>Designation of Emergency Election Day</del> Polling Place/Vote Center <b>Emergency Designation</b></p> <p>A County Recorder or other officer in charge of elections may <b>establish grant</b> an emergency <b>designation to a</b> polling place/vote center <del>for Election Day without the Board of Supervisors' approval</del> if either of the following occurs:</p>                                                                                                                                                         | <p>Clarification<br/>Conforming to ARS 16-411(I)</p> | <p>Current language seems to confuse emergency voting pursuant to ARS 16-542(H) &amp; ARS 16-411(B)(5) (which requires BOS approval) with "emergency designations" pursuant to ARS 16-411(I). ARS 16-411(I) states "county recorder or other officer in charge of elections shall designate a polling place as an emergency polling place". County Recorder cannot "establish" a polling place without board approval. Instead, already approved polling stations may be granted an emergency designation which limits electioneering. Also, Emergency designations under ARS 16-411 are not limited to Election Day. ARS 16-411(H) discusses early voting centers as being able to have an emergency designation. For clarity, procedures pursuant to ARS 16-411(B)(5)(c) added to Pg 63.</p> |
| Pg 131 ¶ 1 | <p>At least two weeks before Election Day, the County Recorder or other officer in charge of elections must post on its website a list of emergency polling places/vote centers for Election Day and must specify:</p>                                                                                                                                                                                                                                                   | <p>At least two weeks before Election Day, the County Recorder or other officer in charge of elections must post on its website a list of <b>emergency</b> polling places/vote centers <del>for Election Day with emergency designations</del> and must specify:</p>                                                                                                                                                                                                                                                                           | <p>Clarification<br/>Conforming to ARS 16-411</p>    | <p>Current wording could create unintentional confusion between emergency voting and voting locations with an emergency designation. Emergency designations pertain to early voting as well as Election Day.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| Pg 131 ¶ 2 | <p>Electioneering and other political activity is not permitted at an emergency polling place/vote center on Election Day on the property of the hosting facility, even outside the 75-foot limit. A.R.S. § 16-411(I). However, if the voting location is not listed on the jurisdiction's elections website as an emergency location, electioneering and other political activity must be permitted on the premises, outside the 75-foot limit. A.R.S. § 16-411(H).</p> | <p>Electioneering and other political activity is not permitted at an <b>emergency</b> polling place/vote center <b>with an emergency designation on Election Day</b> on the property of the hosting facility, even outside the 75-foot limit. A.R.S. § 16-411(I). However, if the voting location is not listed on the jurisdiction's elections website as <b>having an emergency location designation</b>, electioneering and other political activity must be permitted on the premises, outside the 75-foot limit. A.R.S. § 16-411(H).</p> | <p>Clarification<br/>Conforming to ARS 16-411</p>    | <p>Current wording could create unintentional confusion between emergency voting and voting locations with an emergency designation. Emergency designations pertain to early voting as well as Election Day.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |

**CRITICAL**

| Location   | Current Language                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Proposed Language                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Reason                                    | Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
|------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Pg 131 ¶ 3 | <ul style="list-style-type: none"> <li>Update the website as soon as is practicable to include any new Election Day emergency voting locations;</li> <li>Highlight the new Election Day emergency voting location on the website; and</li> <li>Like other Election Day emergency locations, specify the reason the emergency designation was necessary and the number of attempts that were made to find a standard voting location before granting an emergency designation. A.R.S. § 16-411(H).</li> </ul>                                                                           | <ul style="list-style-type: none"> <li>Update the website as soon as is practicable to include any new <del>Election-Day-emergency</del> <b>designations voting locations</b>;</li> <li>Highlight the new <del>Election-Day-emergency</del> voting location <b>with an emergency designation</b> on the website; and</li> <li>Like other <del>Election-Day-emergency</del> locations <b>with an emergency designation</b>, specify the reason the emergency designation was necessary and the number of attempts that were made to find a standard voting location before granting an emergency designation. A.R.S. § 16-411(H).</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Clarification<br>Conforming to ARS 16-411 | Current wording could create unintentional confusion between emergency voting and voting locations with an emergency designation. Emergency designations pertain to early voting as well as Election Day.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| Pg 132 ¶ 7 | The officer in charge of elections should ensure that the election board is comprised of individuals registered with different political parties. At minimum, for partisan elections, if the inspector is a member of one of the two largest political parties, the marshal must be a member of the other of the two largest political parties and each of the two judges must be registered with different political parties. An inspector, marshal, or judge may not serve in that position if they have changed their political party registration since the last general election. | <p>The officer in charge of elections <del>should</del><b>shall</b> ensure that the election board is comprised of individuals registered with different political parties. At minimum, for partisan elections, if the inspector is a member of one of the two largest political parties, the marshal must be a member of the other of the two largest political parties and each of the two judges must be registered with different political parties. An inspector, marshal, or judge may not serve in that position if they have changed their political party registration since the last general election.</p> <p><b>At least 90-days before an election, the county chairperson of the two largest political parties may designate qualified electors to serve on election boards. When the list is timely submitted, it shall be used to appoint judges. Whenever possible, any person appointed as an inspector shall have had previous experience as an inspector, judge, marshal or clerk of elections. If there is no qualified person in a given precinct, the appointment of an inspector may be made from names designated by the county party chairperson. Any registered voter in the precinct, or alternatively, in another precinct, may be appointed as clerk.</b> A.R.S. § 16-531(A).</p> | Key components of ARS 16-531(A) missing   | Statute is clear that board composition "shall be divided equally" and "shall be equal" between the two largest political parties. Party balance is not discretionary. Also missing key requirements to use lists provided by political parties for filling election board positions. "Although the board of supervisors actually appoints the judges and clerks, its action is completely driven by the political parties' selections, if the county party chairmen make proper and timely designations to the board. In contrast, this section permits the board to appoint inspectors from names provided by the county party chairmen only if there is no qualified person in the precinct with previous experience." Ariz. Op.Atty.Gen. No. I93-001. See also Ariz. Op.Atty.Gen. No. 62-23, Ariz. Op.Atty.Gen. No. 69-1, 2014 EPM Pg 124. |

**CRITICAL**

| Location         | Current Language                                                                                                                                                                                                                                                                                                                                                                                                                  | Proposed Language                                                                                                                                                                                                                                                                                                                                                                                                                            | Reason                                                                                          | Comment                                                                                                                                                              |
|------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Pg 140 ¶ 2       | 1. At all times at a central counting place, and unless a voter specifically requests assistance from the observer at a voting location, a political party observer may not mark any ballot, place any type of material on a ballot, or otherwise touch a voted ballot during observation.                                                                                                                                        | 1. <del>At all times at a central counting place, and unless a voter specifically requests assistance from the observer at a voting location, a political party</del> An observer may not mark any ballot, place any type of material on a ballot, or otherwise touch a voted ballot during observation.                                                                                                                                     | Violates ARS 16-590(B)                                                                          | Statute clearly states that "no challenger may enter a voting booth except to mark his ballot". Therefore observer cannot enter a voting booth to assist a voter.    |
| <b>Chapter 9</b> |                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                                 |                                                                                                                                                                      |
| Pg 177 ¶ 3       | A County Recorder or other officer in charge of elections may establish emergency Election Day polling places/vote centers where electioneering is not permitted on the property of the hosting facility, even outside the 75-foot limit. A.R.S. § 16-411(I); see Chapter 8, Section I(G).                                                                                                                                        | A County Recorder or other officer in charge of elections may <del>establish</del> grant emergency <del>designations to Election Day</del> polling places/vote centers where electioneering is not permitted on the property of the hosting facility, even outside the 75-foot limit. A.R.S. § 16-411(I); see Chapter 8, Section I(G).                                                                                                       | Clarification<br>Conforming to ARS 16-411(I)<br>Conforming with changes made to Chapter 8(I)(G) | Current wording could create unintentional confusion between emergency voting and voting locations with an emergency designation.                                    |
| Pg 183 ¶ 2       | When assisting voters upon their request, members of the election board, may not attempt to influence a voter in the choice of candidates or issues, nor in any manner suggest or recommend a vote for any particular candidate or issue.                                                                                                                                                                                         | When assisting voters <del>upon their request, members of the election board, in a voting location,</del> assistants may not attempt to influence a voter in the choice of candidates or issues, nor in any manner suggest or recommend a vote for any particular candidate or issue.                                                                                                                                                        | Violates ARS 16-515(I)<br>Violates ARS 16-1018(1)                                               | Neither election board workers, nor third-party assistants may electioneer inside the 75-foot limit.                                                                 |
| Pg 184 ¶ 2       | Alternatively, if the election board has access to real-time or updated information to view the status of the voter's ballot-by-mail, the judge may issue a regular ballot to the voter if: (1) a board worker confirms that the voter's ballot-by-mail has not been verified and tallied; and (2) the County Recorder or other officer in charge of elections has a system in place to promptly void the voter's ballot-by-mail. | <del>Alternatively, if the election board has access to real-time or updated information to view the status of the voter's ballot-by-mail, the judge may issue a regular ballot to the voter if: (1) a board worker confirms that the voter's ballot-by-mail has not been verified and tallied; and (2) the County Recorder or other officer in charge of elections has a system in place to promptly void the voter's ballot-by-mail.</del> | Violates ARS 16-579(B)                                                                          | Statute requires issuance of a provisional ballot in any circumstance where an early ballot has been sent to voter, whether it has been verified and tallied or not. |

**CRITICAL**

| Location          | Current Language                                                                                                                                                                                                                                                                                                                                              | Proposed Language                                                                                                                                                                                                                                                                                                                                                         | Reason                                           | Comment                                                                                                                                                                                                                                                                                    |
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| Pg 184 ¶ 2        | However, if the election board has real-time access to voter registration records, the voter’s information may be updated at the voting location upon completion of a new voter registration or address update form and a regular ballot to be issued in lieu of a provisional ballot.                                                                        | However, if the election board has real-time access to voter registration records, the voter’s information may be updated at the voting location upon completion of a new voter registration or address update form. <del>and a regular ballot to be issued in lieu of a provisional ballot.</del>                                                                        | Violates ARS 16-137                              | Statute states "An elector may also correct the voter registration record by providing the new name <i>while voting a provisional ballot</i> pursuant to § 16-584 at the appropriate polling place." Accordingly, a provisional ballot must be issued.                                     |
| Pg 185 ¶ 7        | If the election board has real-time access to voter registration records, the voter’s information may be updated at the voting location upon completion of a new voter registration form or address update form and a regular ballot may be issued in lieu of a provisional ballot as long as the voter is the correct voting location for their new address. | If the election board has real-time access to voter registration records, the voter’s information may be updated at the voting location upon completion of a new voter registration form or address update form. <del>and a regular ballot may be issued in lieu of a provisional ballot as long as the voter is the correct voting location for their new address.</del> | Violates ARS 16-135(B)<br>Violates ARS 16-584(C) | Statutes require issuance of a provisional ballot when the elector has moved to a new address within the county.                                                                                                                                                                           |
| <b>Chapter 10</b> |                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                                                           |                                                  |                                                                                                                                                                                                                                                                                            |
| Pg 195 ¶ 3        | The Receiving Board shall ensure proper chain of custody documentation for all items received.                                                                                                                                                                                                                                                                | The Receiving Board shall ensure proper chain of custody documentation for all items received. <del>The Receiving Board shall give a numbered receipt acknowledging receipt of such ballots to the person in charge who delivers such ballots. A.R.S. § 16-608(A).</del>                                                                                                  | Conforming to ARS 16-608(A)                      | Missing statutory requirement to provide a receipt. Previously accounted for in the EPM. See 2014 EPM Pg 174. Not found elsewhere in this EPM.                                                                                                                                             |
| Pg 198 ¶ 5        | In counties that utilize digital scanning tabulation equipment, ballots may be digitally out-stacked for electronic adjudication, as provided in Section II(E) below.                                                                                                                                                                                         | <del>In counties that utilize digital scanning tabulation equipment, ballots may be digitally out-stacked for electronic adjudication, as provided in Section II(E) below.</del>                                                                                                                                                                                          | Violates ARS 16-621(A)                           | Electronic Adjudication violates ARS 16-621(A). See comment below.                                                                                                                                                                                                                         |
| Pg 199 ¶ 2        | • Conspicuously mark the original ballot as “DUPLICATED;”                                                                                                                                                                                                                                                                                                     | • Conspicuously mark the original ballot as “DUPLICATED;”<br>• <del>Conspicuously mark the duplicate ballot as “DUPLICATE”, A.R.S. § 16-621(A);</del>                                                                                                                                                                                                                     | Conforming to ARS 16-621(A)                      | Pursuant to the statutory requirements, all duplicate ballots shall be clearly labeled “duplicate”.                                                                                                                                                                                        |
| Pg 199 - 204      | E. Electronic Vote Adjudication Board                                                                                                                                                                                                                                                                                                                         | <del>E. Electronic Vote Adjudication Board</del>                                                                                                                                                                                                                                                                                                                          | Violates ARS 16-621(A)                           | Section Removed. ARS 16-621(A) requires a "true duplicate" be made for ballots that are damaged or defective such that the ballot cannot properly be counted by the automatic tabulating equipment. A “true duplicate” ballot is statutorily required to “substitute” the original ballot. |

**CRITICAL**

| Location   | Current Language                                                                                                                                                                                                                                                                                                | Proposed Language                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Reason                         | Comment                                                                                                              |
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| Pg 209 ¶ 7 | The Write-In Tally Board is comprised of one inspector and two judges, who are members of the two political parties which cast the highest number of votes in the state at the last general election. At least one of the judges must be of a different political party than the inspector. A.R.S. § 16-531(E). | The Write-In Tally Board is comprised of one inspector and two judges, who are members of the two political parties which cast the highest number of votes in the state at the last general election. At least one of the judges must be of a different political party than the inspector. <b>At least 90-days before an election, the county chairperson of the two largest political parties may designate qualified electors to serve on Write-In Tally Board. When the list is timely submitted, it shall be used to appoint board members. Without a nomination from a party chairperson, the Board of Supervisors (or designee) may fill the position with a member of the appropriate party.</b> A.R.S. § 16-531(E). | Conforming to ARS 16-531(A)(E) | Statute requires boards to be filled by lists provided by political parties, if timely submitted. See comment above. |
| Pg 210 ¶ 1 | The Write-In Tally Board may manually tally write-in votes or do so through an electronic adjudication program pursuant to Chapter 10, Section II(E) above.                                                                                                                                                     | <del>The Write-In Tally Board may manually tally write-in votes or do so through an electronic adjudication program pursuant to Chapter 10, Section II(E) above.</del>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Violates ARS 16-621(A)         | Electronic Adjudication violates ARS 16-621(A). See comment above.                                                   |

**CRITICAL**

| Location          | Current Language                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Proposed Language                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Reason                 | Comment                                                            |
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| <b>Chapter 11</b> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                        |                                                                    |
| Pg 221 ¶ 3        | For counties that use electronic adjudication (see Chapter 10, Section II(E)), the officer in charge of elections shall ensure that, if any ballots in the precinct or early ballot batches to be hand counted require electronic adjudication, such adjudication is completed prior to the start of the hand count. If any ballot in a hand count batch has had a vote electronically adjudicated, the officer in charge of elections shall print out the image of the original ballot, any adjudicated marks, and the audit log for that precinct or batch containing that ballot, and make those print-outs available for the board members to review in the event of any discrepancy between the hand count tally for the batch and the machine count for the batch. | <del>For counties that use electronic adjudication (see Chapter 10, Section II(E)), the officer in charge of elections shall ensure that, if any ballots in the precinct or early ballot batches to be hand counted require electronic adjudication, such adjudication is completed prior to the start of the hand count. If any ballot in a hand count batch has had a vote electronically adjudicated, the officer in charge of elections shall print out the image of the original ballot, any adjudicated marks, and the audit log for that precinct or batch containing that ballot, and make those print-outs available for the board members to review in the event of any discrepancy between the hand count tally for the batch and the machine count for the batch.</del> | Violates ARS 16-621(A) | Electronic Adjudication violates ARS 16-621(A). See comment above. |
| <b>Chapter 12</b> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                        |                                                                    |
| <b>Chapter 13</b> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                        |                                                                    |
| Pg 246 ¶ 8        | For counties that use electronic adjudication, any ballots requiring electronic adjudication must be re-adjudicated in the event of an automatic recount.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | <del>For counties that use electronic adjudication, any ballots requiring electronic adjudication must be re-adjudicated in the event of an automatic recount.</del>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | Violates ARS 16-621(A) | Electronic Adjudication violates ARS 16-621(A). See comment above. |
| <b>Chapter 14</b> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                        |                                                                    |
| <b>Chapter 15</b> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                        |                                                                    |

**CRITICAL**

| Location          | Current Language                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Proposed Language                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Reason          | Comment                                                                                                                                                                                                                 |
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| <b>Chapter 16</b> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                 |                                                                                                                                                                                                                         |
| Pg 267 ¶ 6        | <p>A possible conflict of interest involves blending the roles of filing officer and enforcement officer. To maintain the necessary degree of independence, the enforcement officer generally should not render legal advice to the filing officer regarding a particular complaint while maintaining an enforcement role as to that specific complaint. For example, the enforcement officer generally should not advise the filing officer that reasonable cause exists and later initiate an enforcement action after receiving a referral from that filing officer. If such a conflict exists, the enforcement officer would need to refer the matter to another enforcement officer. Alternative options include, but are not limited to, the following: (1) the enforcement officer could establish a conflict wall to ensure the same attorney providing advice is not the same attorney initiating enforcement; (2) the filing officer could seek legal advice from outside counsel (other than the enforcement officer) to reach a reasonable cause decision; (3) the enforcement officer could delegate their enforcement authority to outside counsel, thereby allowing the original enforcement officer to continue providing legal advice to the filing officer.</p> | <p><del>A possible conflict of interest involves blending the roles of filing officer and enforcement officer. To maintain the necessary degree of independence, the enforcement officer generally should not render legal advice to the filing officer regarding a particular complaint while maintaining an enforcement role as to that specific complaint. For example, the enforcement officer generally should not advise the filing officer that reasonable cause exists and later initiate an enforcement action after receiving a referral from that filing officer. If such a conflict exists, the enforcement officer would need to refer the matter to another enforcement officer. Alternative options include, but are not limited to, the following: (1) the enforcement officer could establish a conflict wall to ensure the same attorney providing advice is not the same attorney initiating enforcement; (2) the filing officer could seek legal advice from outside counsel (other than the enforcement officer) to reach a reasonable cause decision; (3) the enforcement officer could delegate their enforcement authority to outside counsel, thereby allowing the original enforcement officer to continue providing legal advice to the filing officer.</del></p> | Extra-statutory | <p>ARS 16-938(B) does not extend to promulgating procedures for enforcement officers. No statutory authority to bind enforcement officers. Further, ARS 38-503 does not contemplate the type of conflict addressed.</p> |
| <b>Chapter 17</b> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                 |                                                                                                                                                                                                                         |

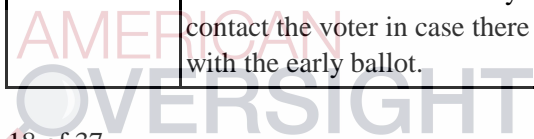


**IMPORTANT**

| Location         | Current Language                                                                                                                                                                                                                                                                                                                                                                       | Proposed Language                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Reason                                                      | Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
|------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Chapter 1</b> |                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| Pg 5 FN 6        | While the SAVE database may be used to verify citizenship status for initial registration, it shall not be used for list maintenance purposes.                                                                                                                                                                                                                                         | <del>While the SAVE database may be used to verify citizenship status for initial registration, it shall not be used for list maintenance purposes.</del>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Consistency<br>(See Pg 160)                                 | Inconsistent with Chapter 8 (VII) where SAVE is encouraged to be used to maintain the registration records.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| Pg 12 ¶ 3        | The County Recorder must notify the registrant by mail within ten business days of receipt of the registration form to: (1) inform the registrant that their registration will remain in “suspense” until the registrant turns 18; and (2) specify the next election where the registrant will be eligible to vote. A.R.S. § 16-101(A)(2); A.R.S. § 16-134(B); A.R.S. § 16-152(A)(15). | The County Recorder, <b>after verifying citizenship as outlined in Chapter 1(II)(A)</b> , must notify the registrant by mail within ten business days of receipt of the registration form to: (1) inform the registrant that their registration will remain in “suspense” until the registrant turns 18; <del>and</del> (2) specify the next election where the registrant will be eligible to vote; (3) <b>specify the registrant’s “full-ballot” or “federal-only ballot” designation (providing an opportunity submit DPOC where applicable); (4) notify the registrant of residency requirements related to the next general election; and (5) provide instructions on how to maintain their voter registration record while the registration is in “suspense”.</b> A.R.S. § 16-101(A)(1),(2),(3); A.R.S. § 16-134(B); A.R.S. § 16-152(A)(15).<br><br><b>If the County Recorder determines the registrant does not meet the citizenship requirements, the registration form shall be processed, and the registrant must be notified, pursuant to the procedures outlines in Chapter 1(II)(A).</b><br><br><b>In addition to being placed in a “suspense” status, the voter registration record must accurately reflect the registrant’s “full” or “federal-only” designation as outlined to Chapter 1(II)(A).</b> | Clarification<br>Incomplete Instructions<br>Voter confusion | A.R.S. § 16-101 requires citizenship. A.R.S. § 16-101 also requires residency prior to the general election. Due to a possible two-year delay before the registration is activated, registrant should be apprised of their legal obligation to maintain their registration record so they do not inadvertently violate the law. Without apprising the registrant of their legal obligations, a registrant may not have requisite notice of the obligations to maintain their address and then later might rely on the issuance of a voter registration card as legally enabling them to vote even if they now lack residency requirements. |
| Pg 12            |                                                                                                                                                                                                                                                                                                                                                                                        | <b>In order to maintain eligibility to vote in the next general election, the registered minor must be a resident for the twenty-nine days preceding the election, except as provided in A.R.S. § 16-126. A.R.S. § 16-101(A)(4). See also A.R.S. § 16-593.</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Clarification                                               | A.R.S. § 16-101 imposes residency requirements preceding an election. A.R.S. § 16-593 provides useful guidance.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| Pg 20 ¶ 2        | If yes, the registrant should be added to the voter registration database in “active” status (assuming no other deficiencies), notwithstanding a “no” answer or failure to answer the age question.                                                                                                                                                                                    | If yes, the registrant should be added to the voter registration database in “active” status <b>unless the registrant will not be 18 years old by the next election</b> (assuming no other deficiencies), notwithstanding a “no” answer or failure to answer the age question. <b>If the registrant will not be 18 years old by the next election, the registrant shall be placed in the “suspense” status as outlined in Chapter 1, Section II(B).</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Consistency<br>Clarification                                | Clarifying procedures for when registrant will be 18 by the next general election but won't be 18 by the next election (i.e. primary election).                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |

**IMPORTANT**

| Location         | Current Language                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Proposed Language                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Reason                                       | Comment                                                                                                                                                                                                                                                                                                                                        |
|------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Pg 39 ¶ 2        | If the preceding conditions have been met, under NVRA, the registrant’s record may be canceled after four years from the date of the Final Notice or following the second general election after the Final Notice. A.R.S. § 16-166(C), (E).                                                                                                                                                                                                                                                                                                                               | If the preceding conditions have been met, under NVRA, the registrant’s record <del>shall may</del> be canceled after four years from the date of the Final Notice or following the second general election after the Final Notice. A.R.S. § 16-166(C), (E); <b>A.R.S. § 16-165(A)(7)</b> .                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Clarification                                | A.R.S 16-165(A)(7) mandates removal of inactive voters after the statutory period expires.                                                                                                                                                                                                                                                     |
| Pg 45 ¶ 2        | The information listed above may be viewed, accessed, or reproduced by the registrant (if the information pertains to the registrant’s own record), an authorized government official in the scope of the official’s duties, a voter registration assistance agency, or pursuant to a court order. If requested for news gathering purposes by a person engaged in newspaper, radio, television, or reportorial work, a County Recorder may condition release of such confidential information (other than secured records) upon execution of a non-disclosure agreement. | The information listed above may be viewed, accessed, or reproduced by the registrant (if the information pertains to the registrant’s own record), an authorized government official in the scope of the official’s duties, <b>a designated voter registration assistance agency, for signature verification on petition and candidate filings, for election purposes and for news gathering purposes by a person engaged in newspaper, radio, television or reportorial work, or connected with or employed by a newspaper, radio or television station,</b> or pursuant to a court order. If requested for news gathering purposes by a person engaged in newspaper, radio, television, or reportorial work, a County Recorder may condition release of such confidential information (other than secured records) upon execution of a non-disclosure agreement. <b>A registrant's e-mail address may not be released for any purpose. A.R.S. § 16-168(F)</b> . | Clarification<br>Conforming to ARS 16-168(F) | For clarity, conforming to statutory language. The statute delineates the voter registration assistance agencies is specific to the agencies appropriately designated by the SOS; "for election purposes" as it pertains to news organizations is absent from listed exceptions; and pursuant to statute, email address may never be released. |
| Pg 45 ¶ 4        | Registrant records may only be used for political or political party activity, a political campaign or election, nonpartisan voter registration or outreach, revising district boundaries, or any other purpose specifically authorized by law. A.R.S. § 16-168(E), (N).                                                                                                                                                                                                                                                                                                  | Registrant records may only be used for political or political party activity, a political campaign or election, <del>nonpartisan voter registration or outreach,</del> revising district boundaries, or any other purpose specifically authorized by law. A.R.S. § 16-168(E), (N).                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | Violates A.R.S. 16-168(E)                    | Nonpartisan voter registration or outreach is not statutorily specified. No citation to law specifically authorizing release. Conforming statement to statutory language.                                                                                                                                                                      |
| <b>Chapter 2</b> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                              |                                                                                                                                                                                                                                                                                                                                                |
| Pg 53 ¶ 2        | 1. Designate a political party ballot (only if the upcoming election is an open partisan primary and the voter is not registered with a recognized political party);                                                                                                                                                                                                                                                                                                                                                                                                      | 1. Designate a political party ballot <b>or request a non-partisan ballot, if applicable,</b> (only if the upcoming election <del>is</del> includes an open partisan primary and the voter is not registered with a recognized political party);                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Clarification & Consistency                  | Chapter 2 (I)(B)(9)(a) references voters may request non-partisan ballot.                                                                                                                                                                                                                                                                      |
| Pg 55 ¶ 6        | A.R.S. § 16-547(A). The affidavit must also request an optional telephone number or email address to enable the County Recorder to contact the voter in case there is a deficiency with the early ballot.                                                                                                                                                                                                                                                                                                                                                                 | A.R.S. § 16-547(A). The affidavit <del>must may</del> also request an optional telephone number or email address to enable the County Recorder to contact the voter in case there is a deficiency with the early ballot.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | Extra-statutory                              | No statutory authority to mandate phone/email information.                                                                                                                                                                                                                                                                                     |



**IMPORTANT**

| Location  | Current Language                                                                                                                                                                                                                                                                                                                                                            | Proposed Language                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Reason                                 | Comment                                                                                                                                                                                                                                                                                                                                 |
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| Pg 60 ¶ 4 | A ballot-by-mail (with completed affidavit) must be delivered to the County Recorder, the officer in charge of elections, an official ballot drop-off site, or any voting location in the county no later than 7:00 p.m. on Election Day. A.R.S. § 16-547(C); A.R.S. § 16-551(C).                                                                                           | A ballot-by-mail (with completed affidavit) must be delivered to the County Recorder, the officer in charge of elections, <del>an official ballot drop-off site,</del> or any voting location in the county no later than 7:00 p.m. on Election Day. A.R.S. § 16-547(C); A.R.S. § 16-551(C).                                                                                                                                                                                                                                                                                                                                                           | Extra-statutory                        | Statutory provisions enabling ballot drop-off sites only authorized for elections held pursuant to ARS 16-409 and ARS 16-558. ARS 16-411(D). This section applicable to Early Voting. Added statement to Chapter 3, pg 72.                                                                                                              |
| Pg 61 ¶ 5 | A voter must cast a ballot issued at the on-site early voting location at that location, and may not remove that ballot from the location. An early ballot must be issued even if the voter previously requested or received a ballot-by-mail, but unless the voter was issued an incorrect ballot, only the first ballot received by the County Recorder shall be counted. | A voter must cast a ballot issued at the on-site early voting location at that location, and may not remove that ballot from the location. An early ballot must be issued even if the voter previously requested or received a ballot-by-mail, but <del>unless the voter was issued an incorrect ballot,</del> only the first ballot received by the County Recorder shall be counted.                                                                                                                                                                                                                                                                 | Extra-statutory                        | No statutory provision for counting the second ballot when the first ballot was issued incorrectly. However, the 2014 EPM, outlined a process for the recorder to reissue a ballot before the ballot is tabulated if discovered that the voter returned an incorrect ballot. Relevant procedures from 2014 EPM included on Pg 68 below. |
| Pg 63     |                                                                                                                                                                                                                                                                                                                                                                             | <del>If an emergency voting center established pursuant to this section becomes unavailable and there is not sufficient time for the County Board of Supervisors to convene to approve an alternate location for that emergency voting center, the County Recorder or other officer in charge of elections may make changes to the approved emergency voting center location and shall notify the public and the board of supervisors regarding that change as soon as practicable. The alternate emergency voting center shall be as close in proximity to the approved emergency voting center location as possible. A.R.S. § 16-411(B)(5)(c).</del> | Missing procedures ARS 16-411(B)(5)(c) | Added missing statutory procedures relative to this section.                                                                                                                                                                                                                                                                            |

**IMPORTANT**

| Location  | Current Language                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Proposed Language                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Reason                                                                                                                                                          | Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
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| Pg 64 ¶ 1 | For partisan elections, the board must be comprised of two members, one from each of the two political parties who cast the highest number of votes in the state in the last preceding general election. Under no circumstances shall both members of the board consist of voters who are registered with the same party affiliation. A person who is a candidate for an office in that election (other than the office of precinct committeeman) is not eligible to serve on a special election board for that election. | For partisan elections, the board must be comprised of two members, one from each of the two political parties who cast the highest number of votes in the state in the last preceding general election. Under no circumstances shall both members of the board consist of voters who are registered with the same party affiliation. <b>The county chairperson of each such party shall furnish, within sixty days before the election day, the county recorder or other officer in charge of elections with a list of names of qualified electors within the chairperson's political party, and such additional lists as may be required, from which the county recorder or other officer in charge of elections shall appoint members to such special election boards. The county recorder or other officer in charge of elections may refuse for cause to appoint or may for cause remove a member of this board.</b> A person who is a candidate for an office in that election (other than the office of precinct committeeman) is not eligible to serve on a special election board for that election. | Conforming to ARS 16-549(A)                                                                                                                                     | Added statutory language missing which clarifies the procedures for appointing members of the special election board.                                                                                                                                                                                                                                                                                                                                                                                   |
| Pg 66 ¶ 4 | For the purposes of determining the applicable signature cure deadline: (i) the PPE is considered a federal election; and (ii) for counties that operate under a four-day workweek, only days on which the applicable county office is open for business are considered “business days.”                                                                                                                                                                                                                                  | For the purposes of determining the applicable signature cure deadline: <del>(i) the PPE is considered a federal election.; and (ii) for counties that operate under a four-day workweek, only days on which the applicable county office is open for business are considered “business days.”</del>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Equal Protection Clause of the 14th Amendment<br>Violates statutory intent and legislative history of ARS 16-550(A)<br>See also ARS 16-120(A) and ARS 16-242(B) | Giving some voters more time to cure inconsistent signatures on ballot affidavits violates the Equal Protection Clause of the Fourteenth Amendment by treating Arizona voters different depending on the operating hours of the County Recorder’s Office. Further, contradicts the legislative intent on having statewide consistency on cure times as discussed in legislative testimony. Other provisions in Title 16 refer to business days and can be informative: ARS 16-120(B) and ARS 16-242(B). |
| Pg 67     | 4. Remove the ballot and check to ensure that the ballot is for the election shown on the affidavit envelope;                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Unclear procedures                                                                                                                                              | Procedures need to be included in the manual on how to deal with ballots that are not for the election shown on the affidavit envelope. Relevant procedures from 2014 EPM included on Pg 68 below.                                                                                                                                                                                                                                                                                                      |

**IMPORTANT**

| Location         | Current Language                                                                                                                                                                                                                                                                        | Proposed Language                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Reason             | Comment                                                                                                                                                                   |
|------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Pg 68            |                                                                                                                                                                                                                                                                                         | <p><b>5. Rejected Early Ballots</b></p> <p>If the board determines the ballot should be rejected, the board shall:</p> <ul style="list-style-type: none"> <li>· identify or mark across the envelope:</li> <li>· “rejected as insufficient,” or</li> <li>· “rejected as not an elector,” or</li> <li>· “rejected because signature does not match”</li> <li>· note on the early voting ballot report the voter’s ID number and the reason for rejection,</li> <li>· set aside the unopened affidavit envelope in the designated stack.</li> </ul>                                             | Unclear procedures | Manual refers to "rejected ballots" but does not discuss processing procedures. <b>SAMPLE WORDING</b> - Obtained procedures from 2014 EPM Pg 169.                         |
| Pg 68            |                                                                                                                                                                                                                                                                                         | <p><b>6. Incorrect Ballots</b></p> <p>If it is determined that the voter was sent an incorrect ballot and there is sufficient time to mail a new ballot and receive the correct voted ballot back from the voter, the Recorder shall issue a corrected ballot.</p> <p>If the Early Ballot Board discovers that a voter received and voted an incorrect ballot and it is too late to mail the correct ballot, the incorrect ballot is sent to the Ballot Duplication Board, and any offices or issues the voter could have lawfully voted for shall be duplicated onto the correct ballot.</p> | Unclear procedures | Manual refers to "incorrect ballots" but does not discuss how to deal with them if they are found. <b>SAMPLE WORDING</b> - obtained procedures from 2014 EPM Pg 64 & 177. |
| <b>Chapter 3</b> |                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                    |                                                                                                                                                                           |
| Pg 71 ¶ 9        | A County Recorder or other officer in charge of elections must establish at least one central location in each district to issue replacement ballots in cases where the voter’s mailed ballot was lost, spoiled, destroyed, or not received. A.R.S. § 16-558.02(A); A.R.S. § 16-409(A). | A County Recorder or other officer in charge of elections must establish at least one central location in each district to issue replacement ballots in cases where the voter’s mailed ballot was lost, spoiled, destroyed, or not received, <b>which shall be open until 7:00pm on the day of the election.</b> A.R.S. § 16-558.02(A); A.R.S. § 16-409(A).                                                                                                                                                                                                                                   | Clarification      | Statutory requirement not otherwise discussed in manual.                                                                                                                  |

**IMPORTANT**

| Location  | Current Language                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Proposed Language                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Reason        | Comment                                                  |
|-----------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|----------------------------------------------------------|
| Pg 72 ¶ 2 | In order for the replacement ballot to be counted, the voter must sign a sworn statement that the original ballot was lost, spoiled, destroyed, or not received. A.R.S. § 16-409(A); A.R.S. § 16-558.02(A). This language may be incorporated into the early ballot affidavit prescribed by A.R.S. § 16-547(A). See Chapter 2, Section I(C)(2). In any case, the County Recorder must ensure that only one early ballot for a particular voter is verified and transmitted to the officer in charge of elections for tabulation. See Chapter 2, Section VI(A). | In order for the replacement ballot to be counted, the voter must sign a sworn statement that the original ballot was lost, spoiled, destroyed, or not received. A.R.S. § 16-409(A); A.R.S. § 16-558.02(A). This language may be incorporated into the early ballot affidavit prescribed by A.R.S. § 16-547(A). See Chapter 2, Section I(C)(2). <b>The County Recorder or other officer in charge of elections shall keep a record of each replacement ballot provided. A.R.S. § 16-558.02(B).</b> In any case, the County Recorder must ensure that only one early ballot for a particular voter is verified and transmitted to the officer in charge of elections for tabulation. See Chapter 2, Section VI(A). | Clarification | Statutory requirement not otherwise discussed in manual. |

**Chapter 4**

|           |                                                                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                                                                                          |                                                      |                                                                                                                                                                                                                                                                                                                                                                            |
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| Pg 92 ¶ 6 | The officer in charge of elections must substantially follow the L&A testing procedures applicable to the Secretary of State, except that all of the county's deployable voting equipment must be tested. The officer in charge of elections also must conduct a post-election L&A test of tabulation equipment. See Chapter 12, Section II. | The officer in charge of elections must substantially follow the L&A testing procedures applicable to the Secretary of State, except that all of the county's deployable voting equipment must be tested. The officer in charge of elections also must conduct a post-election L&A test <del>of tabulation equipment</del> . See Chapter 12, Section II. | Consistency<br>Conflicts with Chapter 12, Section II | Statement conflicts with requirements outlined in Chapter 12, Section II "The post-election L&A test must be performed using the same election program and voting equipment used for the pre-election L&A test and the election. The same test ballots and test script from the pre-election L&A test must be utilized." Does not appear to limit to tabulating equipment. |
|-----------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

**Chapter 5**

**Chapter 6**

**Chapter 7**

**Chapter 8**

|            |                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                                                                                                                       |                             |                                                                                                     |
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| Pg 132 ¶ 2 | A.R.S. § 16-531(A). For polling places with less than 300 qualified electors, the Board of Supervisors must appoint at least an inspector and two judges. A.R.S. § 16-531(B). | A.R.S. § 16-531(A).<br><br>For polling places with less than 300 qualified electors, the Board of Supervisors must appoint at least an inspector and two judges. <b>The board of supervisors shall give notice of election precincts consisting of fewer than three hundred qualified electors to the county chairperson of the two largest political parties not later than thirty days before the election.</b> A.R.S. § 16-531(B). | Conforming to ARS 16-531(B) | Board of Supervisor's responsibility to inform the county party chairpersons inadvertently missing. |
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**IMPORTANT**

| Location   | Current Language                                                                                                                                                                                                                                                                   | Proposed Language                                                                                                                                                                                                                                                                                                                                                                                                          | Reason                                          | Comment                                                                                                                                                                                                                                                                                                                     |
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| Pg 134 ¶ 1 | 2. Lead and assign duties to other poll workers, including appointing a substitute judge, marshal, or clerk if a poll worker fails to show up or fails to perform their duty on Election Day and no alternative poll worker is available, A.R.S. § 16-534(A); and                  | 2. Lead and assign duties to other poll workers, including appointing a substitute judge, marshal, or clerk ( <b>while maintaining political party balance</b> ) if a poll worker fails to show up or fails to perform their duty on Election Day and no alternative poll worker is available, A.R.S. § 16-534(A), <b>A.R.S. § 16-533</b> ; and                                                                            | Conforming to ARS 16-533                        | Maintaining party balance when filling vacancies statutorily required. RECOMMEND adding language outlined in the 2014 EPM Pg 128 for filling vacancies.                                                                                                                                                                     |
| Pg 134 ¶ 2 | 2. Preventing any violation of election law, including voter intimidation or electioneering within the 75-foot limit, A.R.S. § 16-535(B); and                                                                                                                                      | 2. <b>Preserving order and</b> preventing any violation of election law, including voter intimidation or electioneering within the 75-foot limit, <b>from the opening of the polls until the count of the ballots is completed</b> , A.R.S. § 16-535(B); and                                                                                                                                                               | Clarification<br>Conforming to ARS 16-535(B)    | Clarifying statutory language.                                                                                                                                                                                                                                                                                              |
| Pg 138 ¶ 6 | Unless agreed upon by the political parties and the County Recorder or officer in charge of elections, not more than one party representative for each party represented on the ballot shall be at a voting location at one time.                                                  | Unless agreed upon by the political parties <del>and the County Recorder or officer in charge of elections</del> , not more than one party representative for each party represented on the ballot shall be at a voting location at one time.                                                                                                                                                                              | Extra Statutory<br>Conflicts with ARS 16-590(C) | ARS 16-590(C) does not require County Recorder to be in agreement with the party representatives.                                                                                                                                                                                                                           |
| Pg 139 ¶ 3 | • Any other significant voting or processing activities at the voting location provided that it does not interfere with or impede the election procedures or staff and does not enable the observer to observe voters' personally identifiable information on e-pollbooks.         | • Any other significant voting or processing activities at the voting location provided that it does not interfere with or impede the election procedures or staff <del>and does not enable the observer to observe voters' personally identifiable information on e-pollbooks.</del>                                                                                                                                      | Extra Statutory<br>Conflicts with ARS 16-591    | Observers statutory role is to, when necessary, act as challengers (ARS 16-590). Challenges under ARS 16-591 are pursuant to ARS 16-121.01, which deals solely with personally identifiable information. Statutory authority bestowed upon observers may, at times, necessitate seeing personally identifiable information. |
| Pg 139 ¶ 5 | All political party observers are subject to removal by the County Recorder or other officer in charge of elections for failure to adhere to federal or state law, observer guidelines, or other rules established by the County Recorder or other officer in charge of elections. | All political party observers are subject to removal by the County Recorder or other officer in charge of elections for failure to <del>adhere to federal or state law, observer guidelines, or other rules established by the County Recorder or other officer in charge of elections</del> <b>comply with a request to cease an activity that interferes with the election process or violates state or federal law.</b> | Vague                                           | Removal of a statutory role in elections is an extraordinary measure. Such removal must be safeguarded through due process so that ejection cannot be construed as politically motivated or arbitrary and capricious. SAMPLE WORDING obtained from 2014 EPM Pg 121-22.                                                      |
| Pg 149 ¶ 2 |                                                                                                                                                                                                                                                                                    | • <b>An election to fill the vacant unexpired term of a nonpartisan office must appear under separate heading immediately below the nonpartisan candidate candidates and shall include the expiration date of the term of the vacated office. A.R.S. § 16-502(K); A.R.S. § 15-424(F).</b>                                                                                                                                  | Clarification<br>Conforming to ARS 16-502(K)    | Inadvertantly missing requirements for including vacant unexpired terms for nonpartisan offices as detailed in ARS 16-502(K) and referred to in ARS 15-424(F).                                                                                                                                                              |

**IMPORTANT**

| Location     | Current Language                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Proposed Language                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Reason                                      | Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
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| Pg 155 fn 41 | <p><sup>41</sup> By statute, the officer in charge of elections must send a proof of the official ballot at least 45 days before a primary or general election. A.R.S. § 16-461(A)(2)-(3); A.R.S. § 16-510(A). See also A.R.S. § 16-503(A) (requiring the officer in charge of elections to make the official ballot available for inspection by candidates or the agents ten days before the election); A.R.S. § 16-503(A), (C) (requiring the governing body of a city, town, or special taxing district to make the ballot available five days before the election). The 60-day period has been selected to allow sufficient time to make changes to the ballot before the UOCAVA mailing deadline. See Chapter 2, Section I(D).See Chapter 2, Section I(D).</p> | <p><sup>41</sup> By statute, the officer in charge of elections must send a proof of the official ballot at least 45 days before a primary or general election. A.R.S. § 16-461(A)(2)-(3); A.R.S. § 16-510(A). See also A.R.S. § 16-503(A) (requiring the officer in charge of elections to make the official ballot available for inspection by candidates or the agents ten days before the election); A.R.S. § 16-503(A), (C) (requiring the governing body of a city, town, or special taxing district to make the ballot available five days before the election). <del>The</del><b>Notwithstanding, officers in charge of elections are encouraged to send proofs at least 60-days-period has been selected before a primary or general election</b> to allow sufficient time to make changes to the ballot before the UOCAVA mailing deadline. See Chapter 2, Section I(D).See Chapter 2, Section I(D).</p> | Inconsistent                                | Inadvertantly inconsistent language after 60 was changed to 45 in appointed section between drafts. Suggest this language to make consistent or remove FN all together.                                                                                                                                                                                                                                                                                                                              |
| Pg 160-161   | <p>A signature roster or e-pollbook must contain the following information:</p> <ol style="list-style-type: none"> <li>1. Name;</li> <li>2. Residence address;</li> <li>3. Registration date and status (active/inactive); and</li> <li>4. Party preference or registered party.</li> </ol> <p>A signature roster or e-pollbook must also contain the following information, if practicable:</p> <ol style="list-style-type: none"> <li>1. Roster number, numbered consecutively;</li> <li>2. Birth year;</li> </ol>                                                                                                                                                                                                                                                | <p>A signature roster or e-pollbook must contain the following information:</p> <ol style="list-style-type: none"> <li>1. Name;</li> <li>2. Residence address;</li> <li>3. Registration date and status (active/inactive); and</li> <li>4. Party preference or registered party.</li> <li><b>5. Roster number, numbered consecutively;</b></li> <li><b>6. Mailing address (if different than residence address);</b></li> <li><b>7. Signature block (an early ballot affidavit may serve as the signature block when conducting on-site early voting or a ballot-by-mail election);</b></li> <li><b>8. "Federal-only" voter designation (if applicable);</b></li> <li><b>9. Indicator if voter requested, received, or returned an early ballot, as applicable;</b></li> </ol> <p>A signature roster or e-pollbook must also contain the following information, if</p>                                             | Clarification<br>See also 2014 EPM Pg 47-48 | ARS 16-168(B) spells out the four items listed as "must contain" on Pg 160-161. Second list of "must contain... if practicable" include information necessary to carryout statutorily required duties and have been moved to the first section:<br>#1 - ARS 16-579(C) consecutively numbered roster required.<br>#3 - Inconsistent with Chapter 9(IV) - "reasonably match voter's residence or mailing address" (see also 2014 EPM Pg 153)<br>#5 - ARS 16-579(D) & (E) - "shall sign elector's name" |



**IMPORTANT**

| Location | Current Language                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Proposed Language                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Reason | Comment                                                                                                                                                                                                                                                                                                                                                                               |
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|          | <p>3. Mailing address (if different than residence address);</p> <p>4. Ballot type/style, including political party ballot selected in a partisan primary;</p> <p>5. Signature block (an early ballot affidavit may serve as the signature block when conducting on-site early voting or a ballot-by-mail election);</p> <p>6. Voter ID number;</p> <p>7. "Federal-only" voter designation (if applicable);</p> <p>8. Barcode (paper signature rosters only);</p> <p>9. Indicator if voter requested, received, or returned an early ballot, as applicable;</p> <p>10. A standardized oath that poll workers obtained valid proof of identity from every voter, or if identification was not presented, the provisional ballot envelope was marked appropriately.</p> | <p>practicable;</p> <p><del>1. Roster number, numbered consecutively;</del></p> <p><del>2.1. Birth year;</del></p> <p><del>3. Mailing address (if different than residence address);</del></p> <p><del>4.2. Ballot type/style, including political party ballot selected in a partisan primary;</del></p> <p><del>5. Signature block (an early ballot affidavit may serve as the signature block when conducting on-site early voting or a ballot-by-mail election);-</del></p> <p><del>6.3. Voter ID number;</del></p> <p><del>7. "Federal-only" voter designation (if applicable);</del></p> <p><del>8.4. Barcode (paper signature rosters only);</del></p> <p><del>9. Indicator if voter requested, received, or returned an early ballot, as applicable;</del></p> <p><del>10.5. A standardized oath that poll workers obtained valid proof of identity from every voter, or if identification was not presented, the provisional ballot envelope was marked appropriately.</del></p> |        | <p>#7 - Ariz. Atty. Gen. Op. 113-011 - Fed only voters only entitled to Federal Ballot - necessarily need to know designation to provide appropriate ballot</p> <p>#9 - ARS 16-579(B) - "listed" as having applied for an early ballot &amp; Inconsistent with Chapter 9(VI)(B)(1)(a) - "voter appears on the signature roster or e-pollbook as having received an early ballot".</p> |

**Chapter 9**

|            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                   |                                                                                                                                                                                                                                                                                                                                                       |
|------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Pg 180 ¶ 3 | <p>In order for a conditional provisional ballot to count, the voter must present an acceptable form of identification to the County Recorder by 5:00 p.m. on the 5th business day following a primary, general, or special election that includes an election for a federal office, or by 5:00 p.m. on the 3rd business day following any other election. A.R.S. § 16-579(A)(2). For the purposes of determining the applicable deadline to provide identification: (i) the PPE is considered a federal election; and (ii) for counties that operate under a four-day workweek, only days on which the applicable county office is open for business are considered "business days."</p> | <p>In order for a conditional provisional ballot to count, the voter must present an acceptable form of identification to the County Recorder by 5:00 p.m. on the 5th business day following a primary, general, or special election that includes an election for a federal office, or by 5:00 p.m. on the 3rd business day following any other election. A.R.S. § 16-579(A)(2). For the purposes of determining the applicable deadline to provide identification: <del>(i) the PPE is considered a federal election.; and (ii) for counties that operate under a four-day workweek, only days on which the applicable county office is open for business are considered "business days."</del></p> | <p>Equal Protection Clause of the 14th Amendment<br/>See also ARS 16-120(A) and ARS 16-242(B)</p> | <p>Giving some voters more time to present ID violates the Equal Protection Clause of the Fourteenth Amendment by treating voters different depending on the operating hours of the County Recorder's Office within which they live. Other provisions in Title 16 refer to business days and can be informative. ARS 16-120(B) and ARS 16-242(B).</p> |
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**IMPORTANT**

| Location   | Current Language                                                                                                                                                                                                     | Proposed Language                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Reason                        | Comment                                                                                                                                                                                                              |
|------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Pg 183 ¶ 5 | If the voter is found in the signature roster or e-pollbook (and had presented acceptable proof of identity), the voter must be issued a regular ballot. See A.R.S. § 16-579(C).                                     | If the voter is found in the signature roster or e-pollbook <del>(and had, has</del> presented acceptable proof of identity, <b>and does not fall into an exception listed below</b> ), the voter must be issued a regular ballot. See A.R.S. § 16-579(C).                                                                                                                                                                                                                                                                                             | Clarification<br>Inconsistent | Next section deals with reasons why a provisional ballot would be issued despite proper identification being shown.                                                                                                  |
| Pg 186 ¶ 1 | A voter who is issued a provisional ballot must sign their name on a separate signature roster page beginning with the number V-1 and numbered consecutively (for paper signature rosters only). A.R.S. § 16-584(E). | A voter who is issued a provisional ballot must sign their name on a separate signature roster page beginning with the number V-1 and numbered consecutively <del>(for paper signature rosters only)</del> . A.R.S. § 16-584(E).                                                                                                                                                                                                                                                                                                                       | Violates ARS 16-584(E)        | Statute requires separate signature roster page for provisional voters which must be numbered consecutively. There is no statutory exception for e-pollbooks. E-pollbook must substantially comply with the statute. |
| Pg 191 ¶ 1 | <ul style="list-style-type: none"> <li>• Voted ballots;</li> <li>• Signature rosters or poll lists;</li> </ul>                                                                                                       | <ul style="list-style-type: none"> <li>• Voted ballots <b>(sealed in a container with a number seal), A.R.S 16-608;</b></li> <li>• <b>Unvoted ballots (in a sealed container), A.R.S. § 16-566;</b></li> <li>• <b>Spoiled ballots, A.R.S. § 16-585;</b></li> <li>• Signature rosters or poll lists <b>(enclosed in a secure envelope which sealed and signed by the inspector and judges), A.R.S. § 16-615(A);</b></li> <li>• <b>Affidavits of challenged voters, decisions of election officials and challenge lists, A.R.S. § 16-594;</b></li> </ul> | Clarification                 | Procedures do not clearly outline statutory requirements. These additions delineate minimum statutory requirements not clearly provided for in the EPM. See also recommendations and 2014 EPM Pg 158-162.            |

**RECOMMEND**

| Location         | Current Language                                                                                                                                                                                                                                                                                                                 | Proposed Language                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Reason                                             | Comment                                                                                                                                                                                                                                                                                                                                       |
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| <b>Chapter 1</b> |                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                    |                                                                                                                                                                                                                                                                                                                                               |
| Pg 12 & Appendix | B. Age Requirement for Registration                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | Consistency                                        | RECOMMEND creating a corresponding Voter Correspondence Sample Form in order to achieve the maximum degree of uniformity and efficiency.                                                                                                                                                                                                      |
| <b>Chapter 2</b> |                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                    |                                                                                                                                                                                                                                                                                                                                               |
| Pg 59 ¶ 2        | A County Recorder may issue replacement ballots-by-mail to a voter upon request and may limit the total number of ballots-by-mail to three per voter per election. The County Recorder must ensure that only one ballot for a particular voter is verified and transmitted to the officer in charge of elections for tabulation. | A County Recorder may issue replacement ballots-by-mail to a voter upon request and may limit the total number of ballots-by-mail to three per voter per election. <b>The County Recorder should keep a record of each replacement ballot issued. The County Recorder may require a signed, sworn statement that the ballot was lost, spoiled, destroyed or not received, similar to that required for special district elections. A.R.S. § 16-558.02.</b> The County Recorder must ensure that only one ballot for a particular voter is verified and transmitted to the officer in charge of elections for tabulation. <b>Only the first verified ballot received shall be counted.</b> | Clarification<br>Consistency                       | RECOMMENDED change: While no statutory provisions discuss early ballot replacements, ARS 16-558.02 discusses replacement ballots for special district elections which provides helpful guidance in the absence of statutory guidelines. Using the same procedures for all elections provides the maximum degree of uniformity and efficiency. |
| Pg 69 ¶ 2        | After processing is complete, ballots shall be transported in a secure manner to a receiving site or a central counting place that is inside a secured building. Badge control shall be handled in the same manner as the central counting place.                                                                                | After processing is complete, ballots shall be transported in a secure manner <b>by at least two election officials (not of the same political party) with the ballots inside of a sealed ballot transfer container</b> to a receiving site or a central counting place that is inside a secured building. Badge control shall be handled in the same manner as the central counting place.                                                                                                                                                                                                                                                                                               | Omits security provisions outlined in the 2014 EPM | RECOMMENDED change: See 2014 EPM Pg 170. Recommend including as a common-sense election integrity protocol already utilized by the counties and previously required.                                                                                                                                                                          |
| <b>Chapter 3</b> |                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                    |                                                                                                                                                                                                                                                                                                                                               |
| Pg 71            |                                                                                                                                                                                                                                                                                                                                  | <b>A ballot-by-mail (with completed affidavit) must be delivered to the appropriate officer in charge of elections or an official ballot drop-off location no later than 7:00 p.m. on Election Day. A.R.S. § 16-411(D); 16-558(B); 16-551(C).</b>                                                                                                                                                                                                                                                                                                                                                                                                                                         | Clarification<br>Consistency                       | RECOMMEND adding for clarification and consistency as Chapter 3 does not refer to the deadline to return ballots-by-mail outlined in Chapter 2(I)(H).                                                                                                                                                                                         |
| <b>Chapter 4</b> |                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                    |                                                                                                                                                                                                                                                                                                                                               |

**RECOMMEND**

| Location         | Current Language                                                                                                                                                                                                                                                                                                                                                                                                                                         | Proposed Language                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Reason       | Comment                                                                                                                                                                                                                                                                             |
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| Pg 92 ¶ 3        | 3. On-Screen/Electronic Adjudication<br><br>If on-screen/electronic adjudication of ballots will be utilized as part of the election tabulation system, that functionality shall also be tested during the L&A test to ensure secure and proper functioning and attribution of Electronic Vote Adjudication Board determinations for the ballots electronically adjudicated. See Chapter 10, Section II(E) for requirements for electronic adjudication. | <del>3. On-Screen/Electronic Adjudication<br/><br/>If on-screen/electronic adjudication of ballots will be utilized as part of the election tabulation system, that functionality shall also be tested during the L&amp;A test to ensure secure and proper functioning and attribution of Electronic Vote Adjudication Board determinations for the ballots electronically adjudicated. See Chapter 10, Section II(E) for requirements for electronic adjudication.</del> |              | AS AN ALTERNATIVE TO DELETING, if specific procedures relating to electronic tallying of write-in votes is moved to Write-In Tally Board section as discussed in Chapter 10 recommendations, this section could be reworded to discuss L&A Testing for that specific functionality. |
| <b>Chapter 5</b> |                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |              |                                                                                                                                                                                                                                                                                     |
| <b>Chapter 6</b> |                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |              |                                                                                                                                                                                                                                                                                     |
| Pg 121 ¶ 3       | The challenger should provide this spreadsheet to the County Recorder as soon as practicable after the challenge is filed.                                                                                                                                                                                                                                                                                                                               | <del>The challenger should provide this spreadsheet to the County Recorder as soon as practicable after the challenge is filed.</del>                                                                                                                                                                                                                                                                                                                                     | Inconsistent | First sentence in paragraph states the challenge should provide the spreadsheet upon filing, this statement says as soon as practicable. One or the other is fine, but both are inconsistent.                                                                                       |
| <b>Chapter 7</b> |                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |              |                                                                                                                                                                                                                                                                                     |
| <b>Chapter 8</b> |                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |              |                                                                                                                                                                                                                                                                                     |
| Pg 136 ¶ 2       |                                                                                                                                                                                                                                                                                                                                                                                                                                                          | <del>4.5. Applicable election laws, in particular adhering to and enforcing Chapter 7 of Title 16;</del>                                                                                                                                                                                                                                                                                                                                                                  | ARS 16-532   | RECOMMEND adding requirements to cover relevant penal codes of Title 16 during training as poll workers must abide by the laws, and marshals must enforce. Pursuant to ARS 16-532, instruction must include training on election laws applicable to the election.                   |

**RECOMMEND**

| Location                                        | Current Language                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Proposed Language                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Reason                                                                             | Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
|-------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Pg 138 ¶ 4<br>not consistent with<br>Pg 139 ¶ 2 | The county chairperson (or other county political party officer designated by the chairperson) of each party that has a candidate on the ballot must appoint specific political party observers in writing on political party letterhead with the signature of the appointing authority, and provide the appointment to the County Recorder or officer in charge of elections in hard copy or electronically in advance of observation. The County Recorder or officer in charge of elections may require original signatures and compliance with reasonable deadlines for advance notice of appointments.                                                                             | The county chairperson (or <del>designee other county political party officer designated by the chairperson</del> ) of each party <del>that has a candidate represented</del> on the ballot <del>must appoints</del> must submit the names of political party observers <del>specific political party observers in writing on political party letterhead with the signature of the appointing authority, and provide the appointment</del> to the County Recorder or officer in charge of elections in hard copy or electronically in advance of observation. The County Recorder or officer in charge of elections may require <del>original signatures and compliance with</del> reasonable deadlines for advance notice of appointments. Where there is no county political party officer to make the appointment, the state political party chairperson may appoint political party observers for that county. | Inconsistency between multiple paragraphs<br><br>ARS 16-590<br>2014 EPM Pg 120-121 | RECOMMENDED changes to resolve apparent inconsistencies.<br>First paragraph requires an appointment letter to be provided in advance of the election and may require original signatures. Second paragraph requires appointment letters, with possible original signatures as well to be provided at the place of observation. Taken as written, every observer needs two original letters - one to be provided in advance and one to be used as election day credentials. |
| Pg 138 ¶ 4<br>not consistent with<br>Pg 139 ¶ 2 | The political party letter of appointment serves as the written credential necessary to conduct observation at a voting location or central counting place. Credentials must be issued by the recognized political party chairperson or designee; this authority may not be delegated to a candidate or candidate's agent. The political party observer must present the political party appointment letter (or copy thereof, if permitted by the County Recorder or officer in charge of elections) to the appropriate election official upon entering the voting location, County Recorder's office, or central counting place, and be prepared to show identification if requested. | The political party letter of appointment <b>on political party letterhead with the signature of the appointing authority</b> serves as the written credential necessary to conduct observation at a voting location or central counting place. Credentials must be issued by the recognized political party chairperson or designee; this authority may not be delegated to a candidate or candidate's agent. The political party observer must present the political party appointment letter (or copy thereof, if permitted by the County Recorder or officer in charge of elections) to the appropriate election official upon entering the voting location, County Recorder's office, or central counting place, and be prepared to show identification if requested.                                                                                                                                         | Inconsistency between multiple paragraphs<br><br>ARS 16-590<br>2014 EPM Pg 120-121 | <b>Continued from previous:</b><br>While advance notice is not statutorily required, advance notice may be more efficiently provided as a list, rather than hundreds of individual appointment letters possibly provided in hard copy with original signatures. Appointment letters with original or copied signatures would then be used for voting location/central counting credentials.                                                                                |
| Pg 144 ¶ 5                                      | • Reviewing ballots by the write-in board;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | • Reviewing ballots by the <del>write-in board</del> <b>Write-in Tally Board</b> ;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Consistency                                                                        | RECOMMENDED change. Inconsistent references. See Chapter 10(II) Establishing Boards                                                                                                                                                                                                                                                                                                                                                                                        |
| Pg 144 ¶ 5                                      | • Receiving electronic media or processing voting results by the Data Processing Board;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | • Receiving electronic media or processing voting results by the <del>Data Processing</del> <b>Accuracy Certification</b> Board;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Consistency                                                                        | RECOMMENDED change. Inconsistent references. See Chapter 10(II) Establishing Boards                                                                                                                                                                                                                                                                                                                                                                                        |

**RECOMMEND**

| Location   | Current Language                                                                                                                                                                                                                                                           | Proposed Language                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Reason                        | Comment                                                                                                                                               |
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| Pg 147 ¶ 4 | Put a mark according to the instructions next to the word “yes” (or for) for each proposition or question you wish to be adopted. Put a mark according to the instructions next to the word “no” (or against) for each proposition or question you wish not to be adopted. | 3. Put a mark according to the instructions next to the word “yes” (or "for") for each proposition or question you wish to be adopted. Put a mark according to the instructions next to the word “no” (or "against") for each proposition or question you wish not to be adopted.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Clarification                 | RECOMMENDED change. Inadvertantly missing the number "3" in list as detailed in A.R.S. 16-502(A). Also added quotation marks as indicated in statute. |
| Pg 169     |                                                                                                                                                                                                                                                                            | <p><b>F. Emergency Procedures</b></p> <p>The ballot box shall not be removed from the polling place or presence of bystanders until all ballots are counted, nor opened until after the polls are finally closed unless an emergency renders the polling place unusable to the point where it can no longer function as a polling place because law enforcement or other emergency personnel have ordered the polling place to be evacuated or as determined by the officer in charge of elections to allow voting to continue while awaiting an evacuation order. The following procedures shall be followed in the event of an emergency:</p> <ul style="list-style-type: none"> <li>• If the locked ballot box must be removed from the polling place due to an emergency, at least two members of the election board, not members of the same political party, shall accompany the box to a new polling place designated by the</li> </ul> | Missing procedures ARS 16-564 | RECOMMEND adding provisions set out in ARS 16-564(B)(C)(D)(E)(G) not otherwise provided for in the EPM. SAMPLE WORDING from the 2014 EPM Pg 142-143.  |

**RECOMMEND**

| Location         | Current Language                                                                                                                                                                                                                                                                                             | Proposed Language                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Reason           | Comment                                                                                                                       |
|------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|-------------------------------------------------------------------------------------------------------------------------------|
|                  |                                                                                                                                                                                                                                                                                                              | <p>officer in charge of elections.</p> <ul style="list-style-type: none"> <li>• If practical and available, a law enforcement officer shall aid in the transfer of the ballot box.</li> <li>• If two members of the election board are not available to transfer the ballot box, one member of the election board and one law enforcement officer may accompany the box to the new polling place.</li> <li>• Two additional board members shall verify whether the ballot box arrived at the new polling place and that it was not opened or damaged.</li> <li>• All election board members who accompanied the locked ballot box to the new location and the one or two board members who verified the box’s arrival shall file a report with the officer in charge of elections that describes the actions taken by the board members. This report shall be filed on the day of the emergency.</li> <li>• On the day of the emergency in which the ballot box was moved, all election board members who aided in the transfer and verification of the locked ballot box shall indicate on official documents containing their oath whether they witnessed the transfer of the box and whether the box remained locked.</li> </ul> <p>A.R.S. § 16-564(A)-(E), (G).</p> |                  |                                                                                                                               |
| Pg 169 ¶ 2       | At the close of an election, if the ballot box has been opened, a report detailing those events and other pertinent information shall be made by the officer in charge of elections to the chairpersons of all recognized political parties in that county at their request.                                 | At the close of an election, if the ballot box has been opened, a report detailing those events and other pertinent information shall be made by the officer in charge of elections to the chairpersons of all recognized political parties in that county at their request. A.R.S. § 16-564(F), (G)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Missing citation | RECOMMEND adding citation.                                                                                                    |
| <b>Chapter 9</b> |                                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                  |                                                                                                                               |
| Pg 188 ¶ 2       | 3. A person does not lose their residence by traveling to another county, state, or foreign country for temporary purposes, with the intention of returning. A person does not gain a residence in any county they travel to for temporary purposes, without the intention of making that county their home. | 3. A person does not lose their residence by traveling to another county, state, or foreign country for temporary purposes, with the intention of returning.<br><del>3-4.</del> 4. A person does not gain a residence in any county they travel to for temporary purposes, without the intention of making that county their home.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Clarification    | RECOMMENDED change. Statement combines ARS 16-593(A)(3) & (4). Separating them to match the statute provides greater clarity. |

**RECOMMEND**

| Location      | Current Language                                                                                                                                                                                                                                | Proposed Language                                                                                                                                                                                                                                                                                                                               | Reason               | Comment                                                                                                                                                                                                                                                              |
|---------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Pg 188 ¶ 2    | 7. If a person has a family residing in one place and the person does business in another, the family residence constitutes the person's place of residence.                                                                                    | <del>7</del> 8. If a person has a family residing in one place and the person does business in another, the family residence constitutes the person's place of residence. <b>Except a person who has taken up a residence apart from their family with the intention of remaining shall be regarded as a resident where the person resides.</b> | Clarification        | RECOMMEND adding. Missing the second half of the statutory provision which provides an exception to the rule. ARS 16-593(A)(8).                                                                                                                                      |
| Pg 189 ¶ 4    | If the person challenged refuses to take any oath, refuses to answer questions material to the challenge, or if a majority of the board finds that the challenge is valid, the challenged voter must be permitted to vote a provisional ballot. | If the person challenged refuses to take any oath, refuses to answer questions material to the challenge, or if a majority of the board finds that the challenge is valid, the challenged voter must be permitted to vote a provisional ballot. <b>A.R.S. § 16-592(C).</b>                                                                      | Consistency          | RECOMMEND adding citation. Previous statements reference relative statutory provision. The statutory reference for this provision is placed in the paragraph below, but does not apply to the paragraph below. Clarifying by placing with the appropriate provision. |
| Pg 190 & A205 | B. Election Board Close-Out Duties                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                                                                                 | Statutory compliance | RECOMMEND adding procedure to comply with ARS 16-161(B) to provide a count of federal-only ballots. Also add line item to "Sample Official Ballot Report" on page A205 for counting federal-only ballots.                                                            |



**RECOMMEND**

| Location          | Current Language                                                                                                                                                       | Proposed Language                                                                                                                                                                 | Reason                                | Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
|-------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Pg 190-191        | B. Election Board Close-Out Duties                                                                                                                                     |                                                                                                                                                                                   | Statutory compliance & Added Security | RECOMMEND AMENDING: Section on Election Board Close-out duties not as clear as in the 2014 EPM Pg 158-162. Missing key security protocols provided for in the previous EPM and statutorily mandated. RECOMMEND reviewing 2014 EPM to craft similar clarifying procedures. ARS 16-602(A) (comparing votes cast with poll list); ARS 16-607 (statement of tally); ARS 16-608 (reports, poll lists, ballots in secured sealed container); ARS 16-614 (ballots sealed in envelope, which has previously been interpreted to also relate to memory packs); ARS 16-615 (enclosed and sealed envelope containing returns); and ARS 16-616 (sealed packages of ballots and secured sealed envelope for unofficial returns). |
| <b>Chapter 10</b> |                                                                                                                                                                        |                                                                                                                                                                                   |                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| Pg 193 ¶ 5        | 7. Write-in Board                                                                                                                                                      | 7. Write-in Tally Board                                                                                                                                                           | Consistency                           | RECOMMEND changing. Write-in Board inconsistent with rest of EPM. Elsewhere referred to as "Write-in Tally Board".                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| Pg 195 ¶ 4        | If it appears that the ballot transfer container seal is broken, it shall be immediately referred to the officer in charge of elections or Snag Board for disposition. | If it appears that the ballot transfer container seal is broken, it shall be immediately referred to the <del>officer in charge of elections or</del> Snag Board for disposition. | Recommended security measure          | RECOMMEND changing. In the 2014 EPM Pg 174, broken seals were referred to the Snag Board. Boards provide greater election integrity as members of both major parties actively participate to resolve issues.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |

**RECOMMEND**

| Location          | Current Language                                                                                                                                                                                                                                               | Proposed Language                                                                                                                                                                                                                                                                                                                                                                                             | Reason                       | Comment                                                                                                                                                                                                                                                                                     |
|-------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Pg 197            |                                                                                                                                                                                                                                                                | <p><b>5. Write-In Ballots</b></p> <p>If there are write-in ballots:</p> <ol style="list-style-type: none"> <li>1. Count the total number of ballots containing write-ins, if not previously counted at the polling place,</li> <li>2. Record the number on the log, and</li> <li>3. Complete a transmittal envelope for delivery of ballots containing write-in votes to the Write-In Tally Board.</li> </ol> | Missing Procedure            | RECOMMEND adding procedure outlined in 2014 EPM Pg 176 for processing write-in ballots found by inspection board. SAMPLE WORDING.                                                                                                                                                           |
| Pg 198 ¶ 3        | If voter intent is not clear and Ballot Duplication Board members do not agree on the voter intent for a particular ballot, that ballot should be referred to the Snag Board or officer in charge of elections for resolution prior to duplicating the ballot. | If voter intent is not clear and Ballot Duplication Board members do not agree on the voter intent for a particular ballot, that ballot should be referred to the Snag Board <del>or officer in charge of elections</del> for resolution prior to duplicating the ballot.                                                                                                                                     | Recommended security measure | RECOMMEND changing. Boards provide greater election integrity as members of both major parties actively participate to resolve issues.                                                                                                                                                      |
| Pg 198 ¶ 5        | Over-voted ballots should be sent to the Ballot Duplication Board (and the Snag Board or officer in charge of elections for adjudication if needed), even if the voter correctly filled in the arrow or oval for other choices.                                | Over-voted ballots should be sent to the Ballot Duplication Board (and the Snag Board <del>or officer in charge of elections</del> for adjudication if needed), even if the voter correctly filled in the arrow or oval for other choices.                                                                                                                                                                    | Recommended security measure | RECOMMEND changing. Boards provide greater election integrity as members of both major parties actively participate to resolve issues.                                                                                                                                                      |
| Pg 210 ¶ 1        | The Write-In Tally Board may manually tally write-in votes or do so through an electronic adjudication program pursuant to Chapter 10, Section II(E) above.                                                                                                    | <del>The Write-In Tally Board may manually tally write-in votes or do so through an electronic adjudication program pursuant to Chapter 10, Section II(E) above.</del>                                                                                                                                                                                                                                        |                              | AS AN ALTERNATIVE TO DELETING, specific procedures in the Electronic Vote Adjudication Board section relating to electronic tallying of write-in votes may be moved to this section. ARS 16-531(E) could reasonably permit the Write-In Tally Board to electronically tally write-in votes. |
| <b>Chapter 11</b> |                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                                                                                               |                              |                                                                                                                                                                                                                                                                                             |
| <b>Chapter 12</b> |                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                                                                                               |                              |                                                                                                                                                                                                                                                                                             |
| <b>Chapter 13</b> |                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                                                                                               |                              |                                                                                                                                                                                                                                                                                             |
| Pg 243 ¶ 3        |                                                                                                                                                                                                                                                                | <p><b>f. "Federal-Only" Ballot Report</b></p> <p>Following each general election, the County Recorder or other officer in charge of elections shall post on the recorder's website the number of ballots cast by those persons who were eligible to vote a ballot containing federal offices only. A.R.S. § 16-161(B).</p>                                                                                    | ARS 16-161(B) compliance     | RECOMMEND adding. Adding the statutory requirements for the "Federal-Only" Ballot report to the Reports for the County Canvass will provide the maximum degree of uniformity and efficiency.                                                                                                |

**RECOMMEND**

| Location          | Current Language                                                                                                                                                         | Proposed Language                                                                                                                                                                   | Reason                 | Comment                                                                                                                                                |
|-------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Chapter 14</b> |                                                                                                                                                                          |                                                                                                                                                                                     |                        |                                                                                                                                                        |
| Pg 251 FN 56      | The “paid circulator” or “volunteer” status boxes may be pre-marked by the circulator or the committee or petition circulating organization on behalf of the circulator. | <del>The “paid circulator” or “volunteer” status boxes may be pre-marked by the circulator or the committee or petition circulating organization on behalf of the circulator.</del> | No Statutory Authority | RECOMMEND removing footnote as there is no statutory authority. May cause confusion as to the legal implications if the wrong checkbox is preselected. |

**RECOMMEND**

| Location          | Current Language                                                                                                                                                                                                         | Proposed Language                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Reason                                                                   | Comment                                                                                                                                                                                                                                                                                                                                                                    |
|-------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Chapter 15</b> |                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                          |                                                                                                                                                                                                                                                                                                                                                                            |
| Pg 261 ¶ 2        | Following receipt from the Secretary of State, a County Recorder must eliminate signatures using the same criteria applied to initiative, referendum, and recall petitions under A.R.S. § 19-121.02. A.R.S. § 16-803(E). | Following receipt from the Secretary of State, a County Recorder <b>shall determine which signatures of individuals whose names were transmitted shall be disqualified for any of the following reasons:</b><br><ol style="list-style-type: none"> <li>1. No residence address or description of residence location is provided.</li> <li>2. No date of signing is provided.</li> <li>3. The signature is illegible and the signer is otherwise unidentifiable.</li> <li>4. The address provided is illegible or nonexistent.</li> <li>5. The individual was not a qualified elector on the date of signing the petition.</li> <li>6. The individual was a registered voter but was not at least eighteen years of age on the date of signing the petition or affidavit.</li> <li>7. The signature was disqualified after comparison with the signature on the affidavit of registration.</li> <li>8. If a petitioner signed more than once, all but one otherwise valid signature shall be disqualified.</li> <li>9. For the same reasons any signatures could have been removed by the secretary of state pursuant to this section. <del>must eliminate signatures using the same criteria applied to initiative, referendum, and recall petitions under A.R.S. § 19-121.02.</del></li> </ol> A.R.S. § 16-803(E). | Unclear Statutory Authority Clarification<br>Conforming to ARS 16-803(E) | RECOMMEND conforming the processing requirements with ARS 16-803(E). Relevancy of ARS 19-121.02 is unclear. Further ARS 19-121.02 disqualifies entire petition sheets circulated by a justice of the peace or county recorder, which is not provided for in ARS 16-803(E).                                                                                                 |
| <b>Chapter 16</b> |                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                          |                                                                                                                                                                                                                                                                                                                                                                            |
| <b>Chapter 17</b> |                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                          |                                                                                                                                                                                                                                                                                                                                                                            |
| A126              | Political Committee Campaign Finance Report                                                                                                                                                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | ARS 16-926(B)(5) inadvertently missing                                   | RECOMMEND adding certification by the committee treasurer. May not be necessary if all campaign finance reports are filed electronically and digitally certified by the committee treasurer. However, if paper copies can be submitted, to conform with statutory requirements, add certification to report or add a certification page that can be filed with the report. |

**DISCUSS**

| Location         | Current Language                                                                                                                                                                                                       | Comment                                                                                                                                                                                                                                                                                                                                                                                  |
|------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Chapter 4</b> |                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                          |
| Pg 84 FN 22      | Though not required, counties may, in their discretion, conduct additional pre- and/or post-election L&A tests, including with participation from representatives of the recognized political parties.                 | Footnote is unclear when this additional testing is allowed. Once certified for use in an election, equipment is then “deployed” and further testing would invalidate certification. Prior to certification, general testing important preparation. Procedures outlined in 2014 EPM Pg 104 for “diagnostic testing”. Post-election L&A is discussed in Chapter 12, Section II.           |
| Pg 85 ¶ 1        | In-person voting, both during the early voting period and on Election Day, requires the deployment of accessible voting equipment for voters with disabilities (and ballot marking by all voters in certain counties). | Unclear what "ballot marking by all voters" means. Accessible voting equipment has only been statutorily authorized under ARS 16-442.01 for people with disabilities. County-wide deployment as primary means of voting has not been statutorily approved.                                                                                                                               |
| <b>Chapter 9</b> |                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                          |
| Pg 177 ¶ 6       | 6. U.S. Department of Justice or other federal government observers.                                                                                                                                                   | Post Shelby, there is no statutory exception for DOJ. Inclusion absent statutory authority requires further discussion. See <a href="https://www.justice.gov/crt/about-federal-observers-and-election-monitoring">https://www.justice.gov/crt/about-federal-observers-and-election-monitoring</a> . "Other federal government observers" is vague and doesn't comport with previous EPM. |

## ABOUT THIS PUBLICATION

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# CHAPTER 1: VOTER REGISTRATION

## VOTER REGISTRATION FORMS

Voter registration forms that are accepted in Arizona include:

- I. • The state voter registration form prescribed by the Secretary of State pursuant to [A.R.S. § 16-152\(C\)](#) (the “State Form”), including any low-vision/large-print version of the State Form prescribed by the Secretary of State and made available on the Secretary of State’s website.<sup>1</sup>
- The National Mail Voter Registration Form prescribed by the U.S. Election Assistance Commission pursuant to the National Voter Registration Act of 1993 (the “Federal Form”).<sup>2</sup>
- Registrations electronically received from the Arizona Department of Transportation, Motor Vehicle Department (AZMVD) pursuant to [A.R.S. § 16-112](#), whether through in-person registration at an AZMVD or AZMVD affiliate’s office or online through the MVD portal or voter registration website.
- The Federal Postcard Application prescribed by U.S. Secretary of Defense (the “FPCA”) pursuant to the Uniformed and Overseas Citizens Absentee Voting Act of 1986 (UOCAVA).<sup>3</sup>
- The Federal Write-In Absentee Ballot prescribed by the U.S. Secretary of Defense pursuant to UOCAVA (the “FWAB”).<sup>4</sup>

A.

### County/State Responsibility for Supplying Forms

The County Recorder is responsible for supplying (at no cost) State Forms to all federal, state, county, and local government agencies, political parties, and private organizations located within the County Recorder’s jurisdiction that conduct voter registration activities. [A.R.S. § 16-151\(A\)](#).<sup>5</sup>

<sup>1</sup> The State Form is available at <https://www.azsos.gov/elections/voting-election>.

<sup>2</sup> [52 U.S.C. § 20505\(a\)\(1\)](#); [52 U.S.C. § 20508\(a\)\(2\)](#). The Federal Form is available at [https://www.eac.gov/voter\\_resources/register\\_to\\_vote.aspx](https://www.eac.gov/voter_resources/register_to_vote.aspx).

<sup>3</sup> [A.R.S. § 16-103\(B\)](#); [52 U.S.C. § 20301\(b\)\(2\)](#); [52 U.S.C. § 20302\(a\)\(4\)](#); Executive Order 12642 (June 9, 1988). The FPCA is available at <https://www.fvap.gov/military-voter/overview>.

<sup>4</sup> [A.R.S. § 16-543.02\(D\)](#); [52 U.S.C. § 20302\(a\)\(4\)](#); Executive Order 12642 (June 9, 1988). The FWAB is available at <https://www.fvap.gov/military-voter/overview>.

<sup>5</sup> Any low-vision/large-print version of the State Form prescribed by the Secretary of State will be made available on the Secretary of State’s website for individuals and organizations to download as a fillable PDF. Neither County Recorders nor the Secretary of State are required to supply printed copies of any low-vision/large-print version of the State Form.

The Secretary of State is responsible for supplying (at no cost) Federal Forms to all federal, state, county, and local government agencies, political parties, and private organizations that conduct voter registration activities. [A.R.S. § 16-151\(B\)](#).

The Secretary of State and County Recorders may place reasonable restrictions on the number of forms to be provided to individuals or organizations depending on the type of voter registration activity to be conducted and reasonable estimates of the number of voters that the individual or group will seek to register. If the individual or group exhausts the forms provided, the Secretary of State and/or County Recorders must provide additional forms upon request, subject to the same reasonable restrictions as the initial request.

Any registration form in compliance with applicable state or federal laws may be used to register to vote for the first time or amend/update an existing registration record. In addition, other documents may be used to amend/update a registrant's address, including but not limited to a request for an early ballot, a permanent early voting list (PEVL) request form, or a provisional ballot envelope or affidavit. [A.R.S. § 16-135\(A\), \(E\)](#); [A.R.S. § 16-544\(D\)\(1\), \(2\)](#).

### Eligibility to Use FPCA and FWAB Forms

#### B.

The following registrants temporarily absent from the State are authorized to use the FPCA for registration and the FWAB for registration and voting:

- Uniformed service members;
- Eligible family members of uniformed service members;
- Overseas voters; and
- Non-resident U.S. Citizens with parents already registered to vote in Arizona.

[52 U.S.C. § 20310](#); [A.R.S. § 16-103](#); [A.R.S. § 16-543\(C\)](#). For more information on eligibility, visit [www.fvap.gov](http://www.fvap.gov) or the Secretary of State's website (<https://azsos.gov/elections/voting-election/military-and-overseas-voters>).

A UOCAVA registrant may designate the method for transmission of voting materials and information on the FPCA form, including electronic transmission, fax, or regular mail. A UOCAVA registrant may designate the length of time they wish to receive voting materials, not to exceed two federal election cycles. If no designation is made, the UOCAVA registrant's request for email, fax, or electronic transmission of voting materials will be valid until immediately after the next state general election. [A.R.S. § 16-542\(B\)](#).

## VOTER REGISTRATION REQUIREMENTS

A person is qualified to *register* to vote in Arizona if the person:

- Is a United States citizen;
- Will be 18 years old by the date of the next general election;

- Will have been an Arizona resident for at least 29 days prior to the next election;
- Can write their name (or make their mark), unless prevented from doing so by physical disability;
- Has not been convicted of treason or a felony, unless their civil rights have been restored; and
- Has not been found mentally incapacitated by a court.

[Ariz. Const. Art. VII, § 2](#); [A.R.S. §§ 9-822\(A\); 16-101; 16-126\(A\); 16-152](#). Each qualification is discussed in further detail below.

## Citizenship Requirement

A registrant must be a U.S. citizen to be qualified to register to vote. [Ariz. Const. Art. VII, § 2](#); [A.R.S. § 16-101\(A\)\(1\)](#); [18 U.S.C. § 611\(a\)](#).

U.S. citizenship must be sworn to when registering to vote. In addition, under Arizona's bifurcated or dual-track voter registration system, an acceptable form of documentary proof of citizenship (DPOC) is required to be registered as a "full-ballot" voter. A "full-ballot" voter is entitled to vote for all federal, state, county, and local races as well as state and local ballot measures for which the voter qualifies.

An otherwise eligible registrant who does not submit DPOC and whose U.S. citizenship cannot be verified via AZMVD records or other record in the statewide voter registration database is registered as a "federal-only" voter. A "federal-only" voter is eligible to vote solely in races for federal office in Arizona (including the Presidential Preference Election (PPE)).

### 1. Valid Forms of DPOC

The following section outlines what constitutes satisfactory DPOC under Arizona law.

#### *Driver Licenses and Identification Cards*

A registrant may submit certain state-issued driver license or non-driver identification card information as satisfactory DPOC. [A.R.S. § 16-166\(F\)\(1\)](#).

##### **i. Arizona Driver License or Non-Driver Identification Card Number**

An Arizona driver license or non-driver identification card number (AZDL/ID#) issued by AZMVD after October 1, 1996 constitutes valid DPOC. To be deemed satisfactory, (1) the AZDL/ID# must be verified against AZMVD records; and (2) the verification must not return a result that indicates non-citizenship (*i.e.*, an "F-type" license).

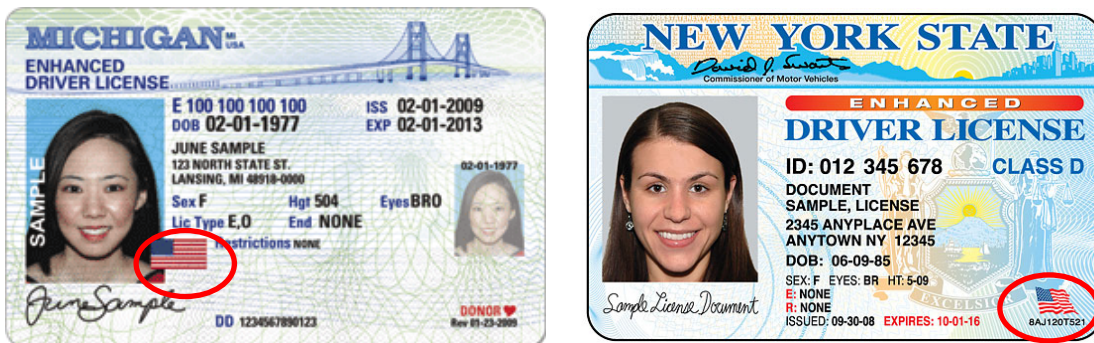
A County Recorder may accept a copy of the registrant's AZDL/ID# as DPOC, but must still enter the AZDL/ID# into the statewide voter registration database so it can be verified against

AZMVD records. AZMVD issues “F-type” licenses or ID cards to those who are non-citizens at the time of issuance. Because an F-type designation is not apparent on the face of the license or ID card, an AZDL/ID# alone is not sufficient to prove citizenship without verification against AZMVD records.

ii. Out-of-State Driver License or Identification Card

An out-of-state driver license or identification card may constitute satisfactory DPOC if it was issued by the state’s driver license-issuing agency and indicates *on the face of the license or card* that the person provided proof of U.S. citizenship in that state. A County Recorder may accept an approved out-of-state license or identification card at face value and need not electronically verify the license or card.

For example, enhanced driver licenses or enhanced identification cards from other states that are issued in compliance with the Departments of State and Homeland Security’s Western Hemisphere Travel Initiative satisfy Arizona’s DPOC requirement. These states display an American flag on the face of the license or card. Examples of an enhanced license from Michigan and New York appear below with the American flag circled.



While a County Recorder shall not accept an out-of-state driver license or identification card number alone (because the statewide voter registration database cannot electronically verify these numbers), a County Recorder may visually verify or accept a copy of these licenses or cards for DPOC purposes.

Birth Certificate

A registrant may submit a legible copy of the registrant’s birth certificate from any U.S. state or territory as satisfactory DPOC. [A.R.S. § 16-166\(F\)\(2\)](#). For U.S. citizens born abroad, a “Certification of Report of Birth” or “Consular Report of Birth Abroad” issued by a consular officer from the U.S. Department of State will suffice for a birth certificate. [22 U.S.C. § 2705\(2\)](#).

The registrant must supply supporting legal documentation (such as a marriage certificate or court-documented name change) if the name on the birth certificate or document is not the registrant’s current legal name. If the registrant cannot provide supporting legal documentation to account for a different last name, a County Recorder must accept the birth certificate or

document if at least the following information matches on both the birth certificate or document and the registration form:

- First name;
- Middle name;
- Place of birth;
- Date of birth; and
- Parents' name(s).

### *U.S. Passport*

A registrant may submit a legible copy of the pertinent pages of the registrant's U.S. passport or passport card, or present the registrant's U.S. passport or passport card to the County Recorder, as DPOC. [A.R.S. § 16-166\(F\)\(3\)](#).

The pertinent pages of a U.S. passport are those that contain the photo, passport number, name, nationality, date of birth, gender, place of birth, and signature (if applicable). A U.S. passport card also may be accepted, which does not contain a signature.

If the County Recorder visually inspects (and does not make a copy of) the pertinent passport pages or passport card, the County Recorder must note in the registrant's voter registration record that the passport was inspected.

### **d.** *Citizenship and Immigration Documents*

A registrant may present the registrant's original naturalization documents to the County Recorder for inspection or submit (1) a legible copy of the registrant's Certificate of Naturalization or Certificate of Citizenship, or (2) the registrant's Naturalization Certificate Number, Citizenship Certificate Number, or Alien Registration Number (also known as an "A-Number").

If a registrant does not present originals or provide a copy of documents but just provides a citizenship number, including a Citizenship Certificate Number, Naturalization Certificate Number, or Alien Registration Number, for proof of citizenship purposes, this number must be verified against U.S. Citizenship and Immigration Services (USCIS) Systematic Alien Verification for Entitlements (SAVE) database before the number can be deemed satisfactory. [A.R.S. § 16-166\(F\)\(4\)](#); see [Chapter 1, Section II\(A\)\(6\)](#) for more information on SAVE verification procedures.<sup>6</sup>

---

<sup>6</sup> While the SAVE database may be used to verify citizenship status for initial registration, it shall not be used for list maintenance purposes, *i.e.* to cancel an existing registration. See [A.R.S. § 16-165](#).

### ***Tribal Identification Numbers and Documents***

---

A registrant may submit a Tribal Enrollment Number, Indian Census Number, Bureau of Indian Affairs Card Number, or Tribal Treaty Card Number as satisfactory DPOC. These tribal identification numbers are presumed valid for voter registration purposes and need not be verified against any database. [A.R.S. § 16-166\(F\)\(6\)](#).

A registrant may also submit a legible copy of the registrant’s Tribal Certificate of Indian Blood or Tribal/Bureau of Indian Affairs Affidavit of Birth as satisfactory DPOC.

#### **2. DPOC Requirement for “Full-Ballot” Voter Designation**

Regardless of the type of voter registration form submitted, a County Recorder must make a registrant a “full-ballot” voter for the next election if:

- The registrant provides DPOC with or after submission of the registrant’s voter registration application; or
- The County Recorder acquires DPOC on the registrant’s behalf, including from AZMVD records or the statewide voter registration database.

[A.R.S. § 16-166\(F\)](#); see also *League of United American Citizens of Arizona (LULAC) v. Reagan*, 2:17-cv-04102-DGC, Doc. 37 (D. Ariz. June 18, 2018) (the “LULAC Consent Decree”).

##### **a. *Acquisition of DPOC from State Records***

---

The Secretary of State must program or enable the statewide voter registration database to attempt to acquire DPOC for new registrants from AZMVD records. This attempt to acquire DPOC must be completed in all cases where a new registrant fails to provide DPOC with the voter registration form. The Secretary shall promptly notify the applicable County Recorder of the results of the check against AZMVD records. If DPOC is acquired, the Secretary shall promptly notify the applicable County Recorder, via the automated process in the voter registration database, to make the applicant a “full-ballot” voter. However, in no event shall an acquired “F-Type” Arizona driver license number qualify as valid DPOC.

##### ***Registrant’s Submission of DPOC***

---

A registrant may provide DPOC at the time of submitting the registrant’s voter registration application or by 5:00 p.m. on the Thursday before the election. See LULAC Consent Decree at 5. The registrant is entitled to vote a “full-ballot” at the next election if:

- The registrant submitted a voter registration application by the registration deadline; and
- The registrant provided DPOC to the County Recorder with the registration application or separately by 5:00 p.m. on the Thursday before the election.

If a registrant does not provide DPOC with their registration application and valid DPOC otherwise cannot be electronically acquired via AZMVD records or the statewide voter registration database (and the registrant is not shown to have an F-Type license), a County Recorder must:

1. Designate the registrant as a “federal-only” voter; and
2. Send a letter to the registrant (including a DPOC Submission Form/“Federal-Only” Notice promulgated by the Secretary of State and County Recorders, *see* sample forms in [Chapter 17](#)) within ten business days, informing the registrant that:
  - The registrant has not satisfied the DPOC requirements;
  - The registrant must submit DPOC to become a “full-ballot” voter, and the registrant must provide DPOC by 5:00 p.m. on the Thursday before any given election in order to vote a “full-ballot” in that election; and
  - The registrant will remain a “federal-only” voter unless and until the registrant submits valid DPOC to become a “full-ballot” voter.

The registrant may provide separate DPOC using the DPOC Submission Form. A registrant who provides DPOC using a method other than the DPOC Submission Form sent by the County Recorder must be made a “full-ballot” voter if the County Recorder has sufficient information to link the registrant’s DPOC with the registrant’s form on file. If the County Recorder lacks sufficient information to link the DPOC to a registration form, the County Recorder must make a reasonable effort to follow up with the registrant to seek the necessary information. Registrants who subsequently provide the missing information necessary to link their submitted DPOC to their registration form shall be made “full-ballot” voters within ten business days.

If the registrant provides DPOC to the County Recorder *after* 5:00 p.m. on the Thursday before the next election, the County Recorder must make the registrant a “full-ballot” voter for *future* elections within five business days after the completion of processing of provisional ballots.

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### **3. Procedures for Registrants with F-Type License**

If a registrant has not provided DPOC other than an AZDL/ID# and AZMVD records show that the registrant has an F-Type license, a County Recorder must:

1. Enter the registrant’s information into the voter registration database with a status of “not eligible” (or functional equivalent) and a reason code of “invalid citizenship proof” (or functional equivalent);
2. Send a letter to the registrant (including a DPOC Submission Form/F-Type Notice, promulgated by the Secretary of State and County Recorders, *see* [Chapter 17](#) for sample forms) within ten business days, informing the registrant that:
  - According to AZMVD records, the registrant holds an F-Type license indicating non-citizenship and has not been registered to vote for that reason; and

- The registrant may be registered and become a “full-ballot” voter if the registrant submits valid DPOC to the County Recorder. The registrant must provide DPOC by 5:00 p.m. on the Thursday before the next regular general election in order to vote a “full-ballot” in that election.
3. Maintain the registrant’s information in the voter registration database with a status of “not eligible” (or functional equivalent) until the next regular general election if the registrant has not provided valid DPOC. If, after the next regular general election, the registrant still has not provided valid DPOC, the registrant’s record may be changed to “not registered” (or functional equivalent). The registrant would then be required to complete a new registration form in order to become eligible to vote in future elections.

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#### 4. “Federal-Only” Voter Designation

A registrant who submits an otherwise valid voter registration form to the County Recorder, but without accompanying DPOC, is entitled to be registered as a “federal-only” voter based on the registrant’s sworn statement on the registration form that the registrant is a U.S. citizen. A registrant may become a “federal-only” voter regardless of the type of voter registration form submitted. An otherwise valid voter registration form submitted to the County Recorder, but without accompanying DPOC, shall be accepted, entered into the database, and registered for federal elections (*i.e.*, made a “federal-only” voter unless and until proof of citizenship is received or acquired), so long as the registrant is not shown to have an F-Type license.

A “federal-only” voter shall be upgraded to a “full-ballot” voter if:

- The County Recorder acquires DPOC on the registrant’s behalf from AZMVD records or the statewide voter registration database; or
- The registrant provides DPOC to the County Recorder by 5:00 p.m. on the Thursday before an election.

If a “federal-only” voter has been issued a ballot-by-mail, but becomes a “full-ballot” voter prior to 5:00 p.m. on the Thursday before the election, the voter may:

- Vote the “federal-only” ballot-by-mail; *or*
- Vote a regular or provisional “full-ballot” in-person during early voting or on Election Day, depending on the procedures implemented by the officer in charge of elections.

If a voter is issued both an early “federal-only” ballot and an early “full-ballot,” the first ballot returned to the County Recorder’s office is the only ballot that will be counted.

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#### 5. DPOC When Moving Between Counties

A voter who registered to vote before December 13, 2004, and was therefore exempted from the requirement of providing DPOC, must submit valid DPOC if the voter is changing voter registration from one county to another in order to be registered as a “full-ballot” voter in the new county. [A.R.S. § 16-166\(G\)](#).



Registered voters who submitted valid DPOC to the County Recorder in their county of residence need not resubmit evidence of citizenship upon moving and registering to vote in a new county in Arizona so long as a record of their previously-submitted DPOC is accessible by the new County Recorder (*e.g.*, via AZMVD records or the statewide voter registration database) and can be made part of their voter registration file in the new county. While proof of voter *registration* from another state or county is not satisfactory evidence of citizenship, [A.R.S. § 16-166\(H\)](#), valid documentary proof of *citizenship* presented in one Arizona county and documented in the statewide voter registration database constitutes valid DPOC if the voter registers in another county in Arizona.

## 6. Verifying Citizenship/Naturalization/Alien Registration Numbers

### SAVE Usage

Each County<sup>a</sup> Recorder accesses SAVE pursuant to the Secretary of State’s Memorandum of Agreement with USCIS (the “USCIS MOA”). The Secretary of State will provide SAVE access to each County Recorder upon signing a separate agreement (the “SOS/County SAVE Agreement”) that will govern the terms of SAVE usage (and, in some cases, billing as well, though some counties have a separate Reimbursement Memorandum of Agreement with USCIS).

A registrant must remain in “suspense” status until the County Recorder verifies the Citizenship, Naturalization, or Alien Registration Number through SAVE. If SAVE returns “United States Citizenship,” the registrant’s status must be updated to “active” in the voter registration database and the voter must be registered as a “full-ballot” voter.

#### i. SAVE Returns Non-Citizen Status

If SAVE returns “Lawful Permanent Resident,” “Refugee,” “Non-Immigrant,” or “Asylee,” or other non-citizen status, the registrant must be processed like those with an F-Type license. *See Chapter 1, Section II(A)(3)* above. Specifically, a County Recorder must:

1. Enter the registrant’s information into the voter registration database with a status of “not eligible” (or functional equivalent);
2. Send a letter to the registrant (including a DPOC Submission Form/SAVE Non-Citizen Notice, *see Chapter 17* for sample forms) within ten business days, informing the registrant that:
  - According to DHS records, the registrant holds an immigration number indicating non-citizenship and has not been registered to vote for that reason; and
  - The registrant may be registered as a “full-ballot” voter if the registrant submits other valid DPOC to the County Recorder. The registrant must provide DPOC by 5:00 p.m. on the Thursday before the next regular general election in order to vote a “full-ballot” in that election.

3. Maintain the registrant's information in the voter registration database with a status of "not eligible" (or functional equivalent) until the next regular general election if the registrant has not provided valid DPOC. If, after the next regular general election, the registrant still has not provided valid DPOC, the registrant's record may be changed to "not registered" (or functional equivalent). The registrant would then be required to complete a new registration form in order to become eligible to vote in future elections.

**ii. SAVE Returns No Match**

If SAVE is unable to find a match, the registrant must be processed like any other registrant who has not provided satisfactory DPOC. *See* [Chapter 1, Section II\(A\)\(4\)](#). Specifically, if valid DPOC cannot be electronically acquired via AZMVD records or the statewide voter registration database (and the registrant is not shown to have an F-Type license), a County Recorder must:

1. Process the voter registration application and designate the registrant as a "federal-only" voter; and
2. Send a letter to the registrant (including a DPOC Submission Form/SAVE No-Match Notice, *see* [Chapter 17](#) for sample forms) within ten business days, informing the registrant that they have been registered as a "federal-only" voter and must submit other valid DPOC to become a "full-ballot" voter.

**b. Naturalization Ceremonies**

County Recorder representatives who conduct registration drives at naturalization ceremonies must take special precautions to ensure registration forms are properly processed.

- The County Recorder representative who receives the registrant's completed voter registration form must write the representative's name or initials on the form, along with the date and some indication that the form was completed at a naturalization ceremony (*e.g.*, "NC");
- The County Recorder representative who conducted the registration drive must ensure that the registrant's Citizenship, Naturalization, or Alien Registration Number is written on each registration form; and
- If any registrants reside outside that county, the County Recorder representative must bundle the voter registration forms by county and send them to the applicable County Recorders, along with a cover letter affirming that the registration forms were received through a naturalization ceremony.

The County Recorder who receives the bundle may rely on this cover letter (*see* Chapter 17 for a sample form) as verification of citizenship. The County Recorder need not re-check any citizenship or immigration numbers to verify citizenship and may register the newly naturalized registrants as "full-ballot" voters (assuming no other deficiencies).

### Verifying Citizenship Near Voter Registration Deadlines

Often there is a delay between when a registrant becomes a U.S. citizen and when that registrant's citizenship status has been updated in SAVE. Therefore, certain precautions must be taken if a County Recorder receives a voter registration form within two weeks of a registration deadline that contains a Citizenship, Naturalization or Alien Registration Number:

- If a County Recorder receives a registration form within 14 days of a voter registration deadline, the County Recorder must, as soon as practicable, notify the registrant by telephone and/or email (or by mail if the registrant's telephone number or email is not available) about the potential need (in case SAVE results are not ready by the deadline) to submit further DPOC to be a "full-ballot" voter for the next election. For example, the registrant may present their naturalization papers or submit a copy to the County Recorder to satisfy the DPOC requirement.
- Within two weeks of Election Day, a County Recorder must check SAVE for the results of any pending verifications to print or create precinct registers for Election Day. If any cases remain pending for additional verification at that time, the County Recorder should be prepared to supplement the precinct registers immediately preceding the election or be prepared to issue Recorder's Certificates to any newly registered voters whose citizenship was verified at the last minute. If the County Recorder cannot obtain verification of citizenship from SAVE by 5:00 p.m. on the Thursday before Election Day, the registrant must be registered as a "federal-only" voter and the County Recorder must notify the registrant that the registrant must submit other valid DPOC in order to become a "full-ballot" voter for future elections. See [Chapter 1, Section II\(A\)\(6\)](#).

#### **7. Preservation and Protection of Citizenship Documentation**

A County Recorder must maintain all DPOC received pursuant [A.R.S. § 16-166\(F\)](#) in a manner that the County Recorder reasonably believes will prevent access by unauthorized persons. Documents submitted for purposes of proving citizenship may be maintained outside the voter registration database, but the County Recorder must other document in the voter registration database that DPOC had been received.

A County Recorder may destroy citizenship documents two years after the date of receipt. The County Recorder must exercise reasonable diligence to ensure any citizenship documents are properly destroyed. [A.R.S. § 16-166\(F\), \(J\)](#).

## Age Requirement for Registration

A registrant must be at least 18 years old by the next “regular general election” that occurs following their registration. [A.R.S. § 16-101\(A\)\(2\)](#). For purposes of this requirement, the next “regular general election” is the next statewide general election held pursuant to [A.R.S. § 16-211<sup>B</sup>](#).

A minor who is qualified to register to vote is not necessarily a qualified elector for the next election. For example, a minor who will turn 18 years of age on November 1, 2020 is eligible to register to vote starting on November 7, 2018. However, although registered, that minor will not be eligible to vote in the August 4, 2020 Primary Election, or any earlier elections, because they will not yet be 18 years of age as required by [Ariz. Const. art. VII, § 2](#).

If a County Recorder receives a voter registration form from a registrant who will be at least 18 years old on or before the next statewide general election, but will not be 18 years old at the time of the next election, the registrant must be entered in the voter registration database and placed in a “suspense” status with a “registrant too young” reason code (or functional equivalent).

The County Recorder, after verifying citizenship as outlined in [Chapter 1\(II\)\(A\)](#), must notify the registrant by mail within ten business days of receipt of the registration form to: (1) inform the registrant that their registration will remain in “suspense” until the registrant turns 18; (2) specify the next election where the registrant will be eligible to vote; and (3) specify the registrant’s “full-ballot” or “federal-only ballot” designation (providing an opportunity to submit DPOC where applicable). [A.R.S. § 16-101\(A\)\(1\),\(2\),\(3\)](#); [A.R.S. § 16-134\(B\)](#); [A.R.S. § 16-152\(A\)\(15\)](#); see Chapter 17 for sample forms.

On or after the registrant’s 18th birthday, the registrant’s status must be changed to “active” to make the registrant a qualified elector for the next election.

A registered minor is not eligible to sign candidate, initiative, referendum, or recall petitions or petitions for political party recognition until they turn 18 years old. [A.R.S. § 16-121\(A\)](#); [A.R.S. § 16-321\(F\)](#); [A.R.S. § 19-121.02\(A\)](#); [A.R.S. § 19-208.02\(A\)](#); [A.R.S. § 16-803\(F\)](#).

In order to maintain eligibility to vote in the next general election, the registered minor must be a resident for the 29 days preceding the election, except as provided in [A.R.S. § 16-126](#). [A.R.S. § 16-101\(A\)\(4\)](#). See also [A.R.S. § 16-593](#).

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<sup>7</sup> [A.R.S. § 16-152\(A\)\(15\)](#) requires that the state voter registration form ask whether a registrant will be 18 years old “on or before *election day*” in order to register to vote. (Emphasis added). However, this provision must be interpreted consistently with [A.R.S. § 16-101\(A\)\(2\)](#), and therefore only forbids registration if the registrant will not be at least 18 years old by the next *general* election.

## Residency Requirements for Registration

A new registrant must be a resident of Arizona at least 29 days before the next election. [A.R.S. § 16-101\(A\)\(3\)](#). A County Recorder has no duty to verify a registrant’s residency status and may rely on the registrant’s affirmation of residency.

A registrant is a “resident” if they have physical presence in the county along with an intent to remain. A registrant may be temporarily absent from the jurisdiction without losing their residency status, as long as they have an intent to return. [A.R.S. § 16-103](#).

For example, although a UOCAVA registrant may register to vote any time prior to 7:00 p.m. on Election Day, a UOCAVA registrant must still be an Arizona “resident” in that they must: (i) have had physical presence (with an intent to remain) in the county of registration at least 29 days prior to the election; and (ii) have an intent to return to the county following the period of temporary absence. [A.R.S. § 16-103](#).

Although often interchangeable, the 29-day residency qualification ([A.R.S. § 16-101\(A\)\(3\)](#)) is distinct from the 29-day deadline to register to vote ([A.R.S. § 16-120](#)) in advance of an election. For example, the voter registration deadline may change if it falls on a state holiday, but this does not affect the requirement to be a resident at least 29 days before the next election. Voter registration deadlines are addressed in [Chapter 1, Section VII\(C\)](#).

Notwithstanding the 29-day residency requirement, a registrant who moved away from Arizona after the 30th day immediately preceding a presidential election may vote for presidential electors in Arizona (and for no other races or ballot questions) by early ballot in the Arizona precinct from which the registrant moved, in-person at the County Recorder’s office, or by mail. [A.R.S. § 16-126\(A\)](#). A registrant who votes pursuant to this provision shall have their registration promptly canceled after the election. [A.R.S. § 16-126\(B\)](#).

The only other exception to the requirement for residency prior to the election is for a UOCAVA registrant who has never resided in the United States but has at least one parent registered to vote in Arizona at the time of registration. [A.R.S. § 16-103\(E\)](#). See [Chapter 1, Section I\(B\)](#) for more information on registration and voting requirements for UOCAVA registrants.

## Effect of Felony Conviction on Qualification to Register to Vote

A registrant may not register to vote if they have been convicted of treason or a felony, unless their civil rights have been restored. [A.R.S. § 16-101\(A\)\(5\)](#). If a registrant has had only one felony conviction, civil rights are automatically restored upon: (i) completion of probation or receipt of an absolute discharge from imprisonment; and (ii) payment of any restitution imposed. Payment of any other legal financial obligations, such as fines or court fees, is no longer required before civil rights are automatically restored after a first felony conviction. [A.R.S. § 13-907](#). Those who have only misdemeanor convictions or are in pretrial detention remain eligible to register to vote assuming no other deficiencies.

A registrant must affirm under penalty of perjury that they are not barred from registering to vote due to a felony conviction. [A.R.S. § 16-152\(A\)\(16\)](#). A County Recorder has no duty to verify whether the civil rights of a registrant with felony conviction(s) have been restored and may rely on the registrant’s affirmation when registering to vote. For more information on when and how civil rights may be restored, see [A.R.S. § 13-604\(A\)](#); [A.R.S. § 13-905](#); [A.R.S. § 13-906](#); [A.R.S. § 13-907](#); [A.R.S. § 16-1011\(C\)](#).

**Effect of Incapacitation on Qualification to Register to Vote**

A registrant may not register to vote if they have been adjudicated mentally incapacitated by a court with their voting rights revoked. [A.R.S. § 16-101\(A\)\(6\)](#); [A.R.S. § 14-5101\(3\)](#). A registrant must affirm under penalty of perjury that they are not barred from registering to vote due to a court adjudication of mental incapacitation under [A.R.S. § 14-5101\(3\)](#). A County Recorder has no duty to verify whether a registrant has been adjudicated mentally incapacitated and may rely on the registrant’s affirmation when registering to vote. For more information on findings of incapacitation and retention of voting rights, see [A.R.S. § 14-5101\(3\)](#); [A.R.S. § 14-5304.02](#).

**VOTER REGISTRATION ASSISTANCE AGENCIES**

III.

**Designated Voter Registration Assistance Agencies**

A.

Various agencies, organizations, and offices in Arizona may be designated as “voter registration assistance” agencies. An officially-designated voter registration assistance agency:

- Provides assistance in registering to vote without regard to political party or affiliation;
- Develops written policies and conducts internal training to ensure compliance with federal and state voter registration laws;
- Meets with the Secretary of State and/or County Recorder, as applicable, on an as-needed basis to discuss voter registration policies and procedures;
- Receives State Forms (from the applicable County Recorder) and Federal Forms (from the Secretary of State) on a regular basis; and
- Accepts and agrees to return completed voter registration forms to the applicable County Recorder within five business days of receipt of the completed forms.<sup>8</sup>

All public assistance agencies and disabilities agencies are designated as voter registration assistance agencies under federal and state law and are subject to specified responsibilities to conduct voter registration. [52 U.S.C. § 20506\(a\)\(2\)](#); [A.R.S. § 16-140](#).

- A “public assistance agency” means a state agency, division, or office that provides cash or in-kind assistance (such as access to medical care or transportation) to low-income or underserved populations. [A.R.S. § 16-140\(F\)\(3\)](#). The following agencies or divisions constitute “public assistance agencies” in Arizona:

<sup>8</sup> [52 U.S.C. § 20506](#); [A.R.S. § 16-134\(A\)](#); [A.R.S. § 16-140](#); [A.R.S. § 16-141](#).

- Arizona Department of Economic Security (DES): Family Assistance Administration (FAA) within the Division of Benefits and Medical Eligibility (DBME)
- Arizona Health Care Cost Containment System (AHCCCS)
- Arizona Department of Health Services (DHS): Division of Health Prevention
- A “disabilities agency” means a state agency, division, or office that administers state-funded programs to provide services to persons with disabilities. [A.R.S. § 16-140\(F\)\(2\)](#). The following offices or divisions constitute “disabilities agencies” in Arizona:
  - Arizona Department of Economic Security (DES):
    - a. Developmental Disabilities Division (DDD)
    - b. Employment and Rehabilitation Services Division (DERS)

Armed Forces Recruiting Centers are also designated as voter registration assistance agencies. [52 U.S.C. § 20506\(c\)](#); [A.R.S. § 16-140](#); [A.R.S. § 16-141](#); *see also* Department of Justice guidance, *available at* <https://www.justice.gov/crt/national-voter-registration-act-1993-nvra>.

A County Recorder may also designate additional “voter registration volunteers” at their discretion, which could be any person, group, or entity, and may include governmental or nonprofit and other private organizations. [52 U.S.C. § 20506\(a\)\(3\)](#); [A.R.S. § 16-140\(E\), \(F\)\(1\)](#).

The Secretary of State’s Office will publish guidance for voter registration assistance agencies on complying with federal and state statutory requirements, which will be made available at <https://azsos.gov/elections>. Voter registration assistance agencies may also consult the Secretary of State’s Office directly for guidance and assistance relating to voter registration responsibilities and should submit written procedures and training materials to the Secretary of State’s Office.

**B.**

**Tracking and Reporting Source of Registration**

Registration forms provided to a designated voter registration assistance agency or voter registration volunteer should bear a registration source code, if practicable. The source code may not disclose the specific agency or office that issued the form, nor may the source code provide any indication that a form was issued by a public assistance or disabilities agency. The source code from a particular registrant’s form may not be publicly disclosed, and may only be used by election officials to monitor compliance with federal and state law. [A.R.S. § 16-140\(D\)](#).<sup>9</sup>

A voter registration assistance agency should make its best efforts to ensure that the agency distributes voter registration forms with pre-populated source codes to the appropriate divisions or offices within the agency. Completed registration forms returned to the County Recorder should be distinguished between those received from public assistance versus disabilities

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<sup>9</sup> If, under certain circumstances, pre-populated source codes are not practicable, a County Recorder should develop another reliable method to receive and track completed voter registration forms directly received from voter registration assistance and disabilities agencies.

assistance agencies, where applicable, for proper tracking. If the agency directs applicants to register to vote online (either through [www.servicearizona.com](http://www.servicearizona.com) (or subsequent voter registration website) or by downloading a registration form), the agency must utilize a reasonable method to track which applicants were directed to an online registration method, and offer to mail a paper registration form, at the applicant's request, if the applicant is unable to access online registration or unable to download and print a registration form.

A County Recorder should make best efforts to ensure, to the extent practicable, that State Forms provided to a public assistance or disabilities agency have the appropriate pre-populated source code to allow reliable tracking of the origin of a completed form. The source code should not be publicly decipherable, but should allow a County Recorder to internally distinguish between public assistance versus disabilities agencies. [A.R.S. § 16-140\(D\)](#); [A.R.S. § 16-152\(A\)\(22\)](#). A County Recorder must input the source of registration into each registrant's electronic registration record. See [Chapter 1, Section IV\(B\)\(2\)](#).

The Secretary of State must report the number of registrations received through voter registration assistance agencies to the U.S. Election Assistance Commission on a biennial basis. Accordingly, the County Recorders should ensure (through use of pre-populated source codes or other reliable method) that completed registration forms received from state agencies can be properly distinguished between a public assistance versus a disabilities assistance agency.

#### IV. VOTER REGISTRATION PROCESSING PROCEDURES

##### A. Statewide Voter Registration Database

Beginning November 2019, Arizona will operate a new voter registration and election management system called Arizona Voter Information Database (AVID). The statewide database is a matter of statewide concern and is not subject to modification or further regulation by a political subdivision. Maricopa and Pima County systems link to the state system through an interface. The 13 smaller counties directly use the state system. To the extent practicable, Maricopa and Pima County's systems will use the same terms, codes, and classifications as the state system. To the extent it is necessary for Maricopa and Pima to use different terms, codes, and classifications, they must correspond to the terms, codes, and classifications in the state system. Maricopa and Pima County must file a detailed and complete explanation of their voter registration system or program and any subsequent revisions with the Secretary of State. [A.R.S. § 16-173](#). If Maricopa or Pima County anticipates needing to make substantive changes to their voter registration system that may inhibit data integration or otherwise impact compatibility with the state system, the Secretary of State's Office must be timely notified to enable consideration of compatibility with, and any necessary modifications to, the state system. Prior to implementation, any substantive changes to the Maricopa or Pima County voter registration systems must be approved by the Secretary of State for compatibility with the statewide voter registration system. [A.R.S. § 16-168\(J\)](#).



**Registration Codes in the Statewide Voter Registration Database**

A County Recorder must assign the appropriate status, reason, source, and form code to each registrant’s record.

**B.**

**1. Registration Status and Reason Codes**

There are six recognized “status” codes that may be selected in the statewide voter registration database: active, inactive, suspense, canceled, not eligible, and not registered. Each status code has its own set of “reason” codes that provide further detail on the reason the particular status code was assigned. County Recorders must track the registration status and reason codes using statewide uniform codes as defined by the Secretary of State in consultation with County Recorders.

**2. Registration Source Codes**

A registration “source” code describes the source from which a voter registration form was received by the County Recorder or the source that circulated the registration form.

The following sources must be tracked in the voter registration database:

| Source                                                                                                                                                            |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Registration form was received from NVRA-mandated public assistance agencies                                                                                      |
| Registration form was completed in-person at the County Recorder’s office counter                                                                                 |
| Registration form was received from Armed Forces recruitment offices                                                                                              |
| Registration form was received from state-funded agencies primarily serving persons with disabilities                                                             |
| Registration form was received from a Naturalization ceremony                                                                                                     |
| Registration form was received by mail                                                                                                                            |
| Registration form was received from a political party or third-party organization’s voter registration drive                                                      |
| Registration form was received from other public agencies designated by the state or county but not mandated by NVRA (e.g., city clerks, libraries, post offices) |
| Registration form was received through an in-person MVD transaction                                                                                               |
| Registration form was received through an online MVD transaction                                                                                                  |
| Registration form was received through Arizona’s stand-alone online voter registration website                                                                    |

County Recorders must track the registration sources using statewide uniform source codes as defined by the Secretary of State in consultation with County Recorders. County Recorders and staff may obtain the exact source codes associated with specific sources from the Secretary of State’s Office and must keep that information confidential to avoid public disclosure of the source of a particular voter’s registration.

### 3. Registration Form Codes

A “form” code describes the type of voter registration form used to register to vote. County Recorders must track registration forms using statewide uniform codes as defined by the Secretary of State in consultation with County Recorders.

#### Minimum Required Information on Voter Registration Forms

A State, Federal, FPCA, and FWAB Form must contain the following minimum information to be considered complete:

- Registrant’s name;
- Registrant’s residence address or location;
- Registrant’s date of birth (DOB);
- Registrant’s signature (or in cases of physical disability, the signature of a person who helped complete the form on the registrant’s behalf); and
- An answer of “yes” to the question “Are you a citizen of the United States of America?” or other affirmation that the registrant is a U.S. citizen.

If the registrant possesses an AZDL/ID# or Social Security number (SSN), the registrant’s AZDL/ID# or last four digits of the SSN (SSN4) should be provided as well. If the registrant does not list an AZDL/ID# or SSN4 on the State Form, the registrant is nonetheless permitted to register to vote. The registrant will be assigned a unique identifying number by the statewide voter registration database that will serve as a voter identification number.

The state-specific instructions accompanying the Federal Form state “[i]f you do not have a current and valid driver license or non-operating identification license or a social security number, please write ‘NONE’ on the form.” However, a County Recorder may not reject a Federal Form for failure to write “NONE.” Similarly, for the FPCA and the FWAB, if the registrant does not list an AZDL/ID# or SSN4, the registrant is directed to write “I do not have a Social Security Number or State issued ID number.”<sup>10</sup> However, failure to write this statement does not affect the registrant’s ability to register to vote. A unique identifying number will be assigned to the registrant by the statewide voter registration database for identification purposes.

If the minimum requirements listed above have been met, the form should be processed and the registrant should be entered into the voter registration database in an “active” status if they otherwise meet the requirements for registration. If the minimum requirements have not been met, the County Recorder must: (i) follow-up with the registrant and seek the missing information (if the County Recorder has the registrant’s address, telephone number, or email address); or (ii) place the registrant in “not registered” status if the County Recorder has no reasonable means to contact the registrant.

<sup>10</sup> See <https://www.fvap.gov/uploads/FVAP/States/eVAG.pdf>.

[A.R.S. § 16-121.01\(A\)](#); [A.R.S. § 16-152\(A\)\(2\)-\(3\), \(8\), \(12\), \(14\), \(19\)-\(20\)](#); [A.R.S. § 16-166\(F\)](#); [52 U.S.C. § 21083\(a\)\(1\)\(A\)\(iii\)](#).

## 1. Failure to Provide Name, Address, DOB, or Signature

If the State Form, Federal Form, FPCA, or FWAB does not contain the registrant's name, residence address or location, DOB, or signature (or assisting person's signature), but the County Recorder has the address, telephone number, or email address to contact the registrant to request the incomplete information, the registrant should be entered into the voter registration database in a "suspense" status until the incomplete information or a new voter registration form is received. If contact information is missing, a County Recorder must, if practicable, use reasonable efforts to research and acquire contact information for the registrant through any appropriate means.

If the information on the form is incomplete or illegible, and the County Recorder has contact information for the registrant, the County Recorder shall notify the registrant within ten business days of receipt of the form, request the missing or illegible information, and inform the registrant that they will remain in "suspense" status, with the reason code "registrant-waiting verification" (or functional equivalent) until the information is received. If the County Recorder receives the requested information by 7:00 p.m. on the date of the next regular general election, the registrant is deemed to have been registered on the date the registration was first received. [A.R.S. § 16-134\(B\)](#); [A.R.S. § 16-121.01\(A\)](#).

If a County Recorder does not have the necessary information to contact the registrant by mail, telephone, or email, the registration form should be set aside and/or the record should be entered in the voter registration database using the status code "suspense" and the reason code "insufficient information on registration form" (or functional equivalent). If the registrant provides the missing or illegible information by 7:00 p.m. on the date of the next regular general election, that registrant is deemed to have been registered on the date the registration was first received. [A.R.S. § 16-134\(B\)](#).

If the registrant does not provide the missing, incomplete, or illegible information by 7:00 p.m. on the date of the next regular general election, the registration form is invalid and the registrant's status may be changed from "suspense" to "not registered," with the reason code "pending expired" (or functional equivalent). The registrant would need to submit a new voter registration application to be eligible to vote in future elections.

## 2. Failure to Provide Optional Information

Failure to provide information not listed as required in [Chapter 1, Section IV\(C\)](#) above does not invalidate the registration form. Specifically:

- Failure to provide state or country of birth, telephone number, occupation, former address from another state (if any), father's name or mother's maiden name, email address, political party preference, or date of signing does not invalidate the State Form;

- Failure to provide telephone number, former address (if any), race or ethnic group, or date of signing does not invalidate the Federal Form; and
- Failure to select UOCAVA status or provide political party, previous name, gender, race, telephone number, fax number, email address, ballot delivery preference, current mailing address, or date of signing does not invalidate the FPCA or FWAB.

When only optional information is missing, the registration form should be processed and the registrant should be entered into the voter registration database in an “active” status (assuming no other deficiencies).

### **3. Failure to Properly Answer Age Verification Question**

A registrant’s failure to answer the question “Will you be 18 years old on or before election day?” on the State or Federal Form, or a registrant’s “no” answer to the question, does not invalidate the registration form. [A.R.S. § 16-121.01\(A\)](#).

When this occurs, the County Recorder should review the registrant’s DOB to confirm whether the registrant in fact will be at least 18 years old by the next general election.

- If yes, *and* the registrant will be 18 years old by the next election (whether or not the next election is a general election), the registrant should be added to the voter registration database in “active” status (assuming no other deficiencies), notwithstanding a “no” answer or failure to answer the age question. If the registrant will be 18 years old by the next general election, but will not be 18 years old by the next election (that is not a general election), the registrant shall be placed in “suspense” status as outlined in [Chapter 1, Section II\(B\)](#).
- If no, the registrant should be added to the voter registration database with a “not eligible” status code and a “registrant too young” reason code (or functional equivalent). The County Recorder must notify the registrant by mail within ten business days and inform the registrant that their voter registration form was rejected for failure to meet minimum age requirements.

### **4. Failure to Properly Answer Citizenship Question**

A registrant’s failure to answer the citizenship question or “no” answer to the citizenship question on the State or Federal Form does not invalidate the form so long as there is some other appropriate indicator that the registrant is a U.S. citizen. [A.R.S. § 16-121.01\(A\)](#). For the purpose of answering the citizenship question, an affirmative answer includes making a check mark in the box, placing an X in the box, circling the box, shading the box, or any other method of marking the “yes” box that indicates the registrant is a citizen. Other appropriate indicators of U.S. citizenship include providing valid DPOC or a signature swearing/affirming that the registrant is a U.S. citizen (*e.g.*, Box 9 on the Federal Form) and/or valid DPOC acquired on the registrant’s behalf from AZMVD records or the statewide voter registration database.

If the registrant did not answer “yes” to the citizenship question or provide some other appropriate indicator that the registrant is a U.S. citizen (and DPOC cannot be acquired from

AZMVD records or the statewide voter registration database), the County Recorder must notify the registrant by mail, email, and/or telephone within ten business days of receipt, request the incomplete information, and inform the registrant that they will remain in “suspense” status (or functional equivalent) until the citizenship question on the submitted voter registration form is answered in the affirmative or the registrant provides some other appropriate indicator of U.S. citizenship, such as DPOC.

If the County Recorder receives the requested information by 7:00 p.m. on the date of the next regular general election, the County Recorder must change the registrant’s status from “suspense” to “active” in the voter registration database (assuming there are no other deficiencies) and the registrant is deemed registered on the date the registration was first received. [A.R.S. § 16-134\(B\)](#).

## 5. Failure to Provide Proof of Citizenship

No voter registration application shall be rejected based solely on the failure to provide DPOC. An otherwise eligible registrant who does not submit DPOC and whose DPOC cannot be acquired from AZMVD records or other record in the statewide voter registration database must be register as a “federal-only” voter (assuming no other deficiencies). [See Chapter 1, Section II\(A\)](#) above for procedures to be followed when a registrant does not provide DPOC.

### D. Political Party Preference

A registrant may select a political party preference by checking one of four boxes on the State Form or EZ Voter registration: (1) Republican; (2) Democratic; (3) Other \_\_\_\_\_; or (4) None or No Party.

If the “Other” box is checked and the registrant writes a political party preference, the registrant’s selection should be entered in the voter registration database as follows:

- **Republican:** “Republican,” “Rep,” “GOP,” or any substantially similar designation
- **Democratic:** “Democratic,” “Democrat,” “Dem,” or any substantially similar designation
- **Libertarian:** “Libertarian,” “LBT,” or any substantially similar designation<sup>11</sup>
- **Green:** “Green,” “GRN,” or any substantially similar designation
- **Independent:** “Independent,” “IND,” or any substantially similar designation
- **Other:** Any other non-recognized political party
  - For previously-recognized political parties that have since lost recognition (at the state or local level), the County Recorder may continue to use the party designation for registrants in the voter registration database if the registrant entered that party affiliation on their registration application. However, for the

<sup>11</sup> The designation “LIB” is not deemed substantially similar to “Libertarian” because of the similarity with the word “Liberal.” If “LIB” is written, the registrant’s party preference should be entered as “Other.”

purposes of reporting voter registration statistics, these registrants shall be reported as “Other.”

- **PND:** “Party Not Designated,” “PND,” “No Preference,” “Unaffiliated,” “No Party,” “None,” or any substantially similar designation

If a *new* registrant leaves the political party preference field blank, the registrant’s party preference will be “Party Not Designated” or “PND.” If an *existing* registrant leaves the political party preference field blank, however, the registrant’s existing political party preference will be retained and no changes should be made.

For purposes of reporting voter registration statistics, *see* [Chapter 1, Section IX](#), registrants whose political party affiliations are anything other than a recognized political party shall be reported as “Other.”

### Date of Registration

A failed paper registration form is deemed to be timely received for an election if: (1) the form is postmarked on or before the voter registration deadline and received by the County Recorder by 7:00 p.m. on Election Day; or (2) the form is dated on or before the voter registration deadline and received by the County Recorder within five calendar days after the voter registration deadline. [A.R.S. § 16-134\(C\)](#).

The registration effective date will be the date the original voter registration form was signed. If a registration form was submitted without a date, a County Recorder must use the postmark date as the date of registration, unless the postmark date is illegible or otherwise unavailable, in which case the date of receipt shall be used as the date of registration. [A.R.S. § 16-134\(C\), \(D\)](#).

If a paper registration form that was timely submitted before the next election is missing any required information or DPOC, or is otherwise placed in “suspense” status, and the registrant later provides that missing information or DPOC, the County Recorder must deem the date of registration to be the date the registration form was signed. If the registration form was not dated, the postmark date shall be the date of registration unless the postmark date is illegible or unavailable, in which case the date of receipt shall be used as the date of registration. DPOC must be provided by 5:00 p.m. on the Thursday before Election Day for the voter to be eligible to vote a “full-ballot” in that election. *See* [Chapter 1, Section II\(A\)](#). Any other required information on the form must be provided by 7:00 p.m. on Election Day for the voter to be eligible to vote in that election. [A.R.S. § 16-134\(C\)](#). If necessary supplemental information is timely provided, the registrant is deemed to be registered as of the form date and is therefore a qualified elector for that election, even if the supplemental information is provided after the voter registration deadline for that election.

However, in order for a petition signature to be deemed valid, any necessary missing information on the voter registration form, and DPOC for non-federal petitions, must be received by the County Recorder by the date the filing officer transmits the petition signature sheets to the County Recorder for verification.

### Initial Duplicate Checking Within the County

Before a new registration record is entered into the voter registration database, a County Recorder must first conduct a search of the voter records to determine whether there is already an existing record for the registrant *within the county*. A County Recorder may use any appropriate criteria to identify potential matches, including (but not limited to) any information in the voter's record.

If a County Recorder ultimately determines that the registration form was submitted by an existing registrant in the county, the County Recorder must update the registrant's existing record with the new registration information in lieu of creating a new record. In other words, the new registration form is treated as a request to update the registrant's existing/original record. If the initial duplicate search indicates that the registrant does not already have a record in that county, the County Recorder must create a new record.

If a County Recorder overlooks an existing/original record and inadvertently creates a new record for the registrant, the statewide voter registration system will flag the records for the County Recorder to resolve.

### G. Electronic Verification Procedures

Once a new or amended voter registration record is entered into the statewide voter registration database, the system automatically checks the registrant's information against AZMVD records and, if necessary, the Social Security Administration (SSA) database.

Verifying records against AZMVD and/or SSA data serves multiple functions:

1. If the registrant provided an AZDL/ID#, a match against AZMVD records validates proof of citizenship (unless the match is to a "Type F" AZDL/ID# or an AZDL/ID# issued before October 1, 1996).
2. If the registrant failed to provide either an AZDL/ID# or SSN4, but the registrant's provided information matches against AZMVD or SSA data, the system will "acquire" the missing AZDL/ID# or SSN4 from those sources and import that information into the registrant's record.
3. A match against AZMVD records or SSA database confirms the registrant's identity and helps ensure the integrity of registration rolls.

The registrant's new or amended record is also automatically verified against existing records in the statewide voter registration database for the purpose of identifying (and potentially canceling) any duplicate record. The details of the electronic verification procedures are defined in the statewide voter registration system.

## EZ Voter Registration

Voter registrations electronically transmitted from AZMVD to the statewide voter registration system are known as EZ Voter records. The EZ Voter program allows registrants to register through AZMVD, whether online at [www.servicearizona.com](http://www.servicearizona.com) or in-person at an AZMVD (or authorized third-party provider) office. [52 U.S.C. § 20504](#); [A.R.S. § 16-112](#).

All EZ Voter records for a particular county are populated to an interface, where each record is individually processed by the County Recorder. If there is no “true match” against an existing registrant’s record in the county, the County Recorder should create a new registration record and import the EZ Voter record into the new registration record. Once the new record is saved, the statewide voter registration system will conduct the same automatic AZMVD/SSA verification and statewide duplicate checking that occurs when a paper form has been entered.

If a County Recorder finds a match between an EZ Voter record and an existing registration record, the County Recorder should apply the EZ Voter updates to the existing record.

## Issuance of Voter Registration Cards

### I.

A County Recorder must issue a voter registration card to any new registrants or existing registrants who update their name, address, or political party preference. [A.R.S. § 16-163\(B\)](#). New voter registration cards should also be issued to any registrants affected by redistricting or reprecincting. A new voter registration card need not be issued if a registrant makes other changes to their registrant record, including opting into the electronic publicity pamphlet.

A voter registration card should be labeled “Voter Identification Card” or “Voter Registration Card” and contain the following information:

1. Registrant’s full name;
2. Registrant’s residence address;
3. Registrant’s political party preference;
4. Registrant’s date of registration (and/or effective date of change);
5. Registrant’s voter registration ID number;
6. Registrant’s precinct name and/or number;
7. Registrant’s district information:
  - a. Congressional district (all registrants);
  - b. Legislative district (only “full-ballot” voters); and
  - c. Any additional optional district information;
8. County name;
9. Contact information for the County Recorder; and



10. If the registrant is a “federal-only” voter, a clear indication of “federal-only” voter designation.

The mailer that accompanies the voter registration card should contain the same information on the card and the following additional information:

1. Information stating that a new voter registration card is enclosed and instructions to discard the old card;
2. Information on use of the voter registration card (*e.g.*, as one piece of non-photo identification at the voting location);
3. How to contact the County Recorder if information on the card is incorrect;
4. Instructions on how to find one’s voting location;
5. If the registrant is a “federal-only” voter, information about what “federal-only” means and what limitations apply (including voting, signing petitions, etc.);
6. Information about identification requirements at the voting location;
7. Information about how to request an early ballot or be placed on the PEVL; and
8. Outline of the reasons why a person would need to re-register.

The County Recorder should send a voter registration card within 30 days of when a new registrant’s information is entered into the voter registration database. [A.R.S. § 16-163\(B\)](#). Return of an undeliverable voter registration card may be grounds to initiate the “NVRA process.” [A.R.S. § 16-163\(C\)](#). See [Chapter 1, Section VIII\(C\)](#).

J. **Help America Vote Act Identification Requirements**

The Help America Vote Act (HAVA) requires a first-time voter to prove identity before the voter can receive a ballot or vote in a federal election if the voter registered to vote by mail or through a third-party registration drive (*i.e.*, the registration form was not completed in-person at the County Recorder’s office or other designated voter registration agency). [52 U.S.C. § 21083\(b\)\(1\)-\(3\)](#).

The identification requirement under HAVA for in-person voting is the same as the identification requirement under state law for in-person early, emergency, and Election Day voting. Therefore, all in-person voters are subject to the same identification requirements. [A.R.S. § 16-579\(A\)\(1\)](#); [52 U.S.C. 20205\(c\)\(1\)](#); [52 U.S.C. § 21083\(b\)\(2\)\(A\)\(i\)](#).

However, Arizona’s method of proving identity for mail-in early voters (signature comparison) is not expressly permitted under HAVA. HAVA instead requires identity to be proven in one of the following ways for a first-time voter to vote by mail:

- Verification of a registrant’s AZDL/ID# or SSN4;
- Presentation of a registrant’s current and valid photo identification; or

- Presentation of a copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the registrant.

[52 U.S.C. § 21083\(b\)](#). For purposes of HAVA compliance, verification of a registrant's AZDL/ID# will be deemed sufficient proof of identity. If a registrant has not satisfied HAVA's identification requirement for first-time voters who registered by mail, the registrant must be entered into the statewide voter registration database with a designation of "FED." After the registrant proves identity by presenting a photo identification or utility bill/bank statement/government document with voter's name and address, the designation must be changed to "FEDI."

## PROTECTION OF SECURED REGISTRANTS

The following eligible registrants are entitled to have their registration record generally shielded from public disclosure, beyond the standard confidentiality protections available to all registrants:

- Registrants with a government (principally law enforcement) background who demonstrate to a court that sealing their registration record will reduce a danger to the registrant's life or safety (collectively "protected government officials"), [A.R.S. § 16-153\(A\), \(B\)\(3\), \(K\)\(4\)](#);
- Registrants subject to an Order of Protection or Injunction against Harassment (collectively "protected victims"), [A.R.S. § 16-153\(A\), \(J\), \(K\)\(4\)](#);
- Registrants enrolled in the Secretary of State's Address Confidentiality Program (ACP). ACP participants typically include victims of domestic violence, sexual offenses, or stalking offenses. The Secretary of State provides ACP participants a substitute address for public disclosure purposes and redirects mail from the substitute address to the ACP's participant's actual address, [A.R.S. § 41-161\(2\)](#); [A.R.S. § 41-162](#).

Protected government officials, protected victims, and ACP participants are collectively referred to as "secured registrants" with "secured records." Other persons who reside with secured registrants are also entitled to have their registration record secured. A registrant seeking secured status may obtain an application from the Administrative Office of the Courts at <http://www.azcourts.gov/selfservicecenter/Self-Service-Forms/Personal-Information-Redaction>. A protected government official or protected victim who is not an existing registered voter, but seeks to have their record sealed upon registering for the first time, should contact the County Recorder to coordinate the appropriate procedure. See [A.R.S. § 16-153](#).

An ACP participant who seeks to register to vote must initiate the process through the Secretary of State's ACP Division. See [A.R.S. § 41-162](#). The ACP participant will be provided a Voter Registration Packet, which includes a State Form and a Participant Protected Voter Records Form (PVR Form). If the person was already registered to vote prior to becoming an ACP

participant, the person should re-register to vote through the Secretary of State’s ACP Division.<sup>12</sup> Upon receipt of the ACP participant’s completed voter registration packet from the Secretary of State’s ACP Division, the designated County Recorder official must process the registration form within five business days and complete the following steps: (i) mark the registrant’s record as secured, (ii) include the registrant on the PEVL;<sup>13</sup> and (iii) scan the State Form into the voter registration database so only the registrant’s name and signature will be visible, and ensure the original State Form is protected from unauthorized access.

### Marking Secured Records

A secured record in the voter registration database must be visually distinguishable from non-secured records. A County Recorder may implement additional security protocols to limit employee access to secured records.

### Responding to Public Records Requests

Protected government officials and protected victims (and any registered voter who resides at the same residence) are entitled to have their identifying information, including any of that person’s documents and voting precinct number, shielded from public disclosure. [A.R.S. § 16-153\(A\)](#).

ACP participants are entitled to have their “actual address” shielded from public disclosure, which includes the ACP participant’s actual residential address, work address, school address, telephone number, county of registration, and precinct number. [A.R.S. § 41-161\(1\)](#); [A.R.S. § 41-165\(E\)](#).

Neither the Secretary of State nor a County Recorder may disclose an ACP participant as a registered voter because doing so would reveal the ACP participant’s county of residence in violation of [A.R.S. § 41-161\(1\)](#) and [A.R.S. § 41-162\(A\)](#). The Secretary of State and/or County Recorder may also exclude protected government officials and protected victims from a response to a public records request for registrant records, if separating protected government officials/protected victims from ACP participants would present an undue burden.

However, nothing in this Section precludes the Secretary of State or County Recorder from: (1) providing non-sealed information about a protected government official or protected victim if otherwise required by law or a court order; or (2) including secured registrants in statistical reports.

### Creating Signature Rosters or Uploading E-Pollbook Data

County Recorders may not include secured registrants, whether an ACP participant or protected government official or protected victim, on a signature roster or in an e-pollbook. If a county

<sup>12</sup> More information on the process is available at <https://azsos.gov/services/acp>.

<sup>13</sup> The Secretary of State’s ACP Division requires that ACP participants be added to the PEVL to maintain the confidentiality of the ACP participant’s voting precinct, and will therefore ensure the “PEVL” box is selected on the State Form.

uses a tablet or computer terminal that has live access to the voter registration database via a secure virtual private network (VPN) connection, the system must be capable of shielding secured registrants' information from public view (or providing view access only to the secured registrant).

In the event a secured registrant attempts to vote provisionally at a polling place (and informs the poll worker of their secured status), the poll worker should undertake any additional or necessary precautions, including but not limited to:

- Confirming the correct ballot style;
- Ensuring that a protected government official or protected victim lists their actual residential address on the provisional ballot envelope;
- Making a notation about secured registrant status on the provisional ballot envelope; and/or
- Limiting the signature roster to the registrant's voter ID number and the notation "address protected."

#### **Issuance of Official Mail and Election Documents**

D.

A protected government official or protected victim should receive all official election mail and be issued any voter registration cards using the registrant's actual information.

An ACP participant should receive all official election mail and be issued any voter registration cards using the substitute address (and excluding the precinct name or number). [A.R.S. § 41-166\(E\)](#).

E.

#### **Signing Candidate, Initiative, Referendum, or Recall Petitions**

Secured registrants are encouraged not to sign petitions if they wish to maximize protection of the confidentiality of their identifying information and residential address.

The Secretary of State and County Recorders have no obligation to redact an address or other identifying information from a candidate, initiative, referendum, recall, or new party recognition petition signed by a secured registrant. Nor is the Secretary of State or a County Recorder required to research an ACP participant's actual address if a substitute address is placed on a petition. However, a secured registrant who signs a petition and indicates "protected address," "secured registrant," or other substantially similar designation in the address line shall not have the registrant's petition signature invalidated solely based on the failure to provide the registrant's actual address. See [A.R.S. § 16-321\(E\)](#). In such cases, the County Recorder may verify the petition signature based on the registrant's address in voter registration record. Verification of the petition signature, however, may necessarily disclose the secured registrant's district and/or county of residence. In addition, the registrant's identifying information, including residential address, may appear on other petition-related records, which may be disclosed through a public records request or court challenge relating to the petition. For these reasons,

secured registrants are encouraged not to sign petitions if they wish to maximize the confidentiality of their residential address.

### Terminating Secured Registrant Status

A protected government official's or protected victim's registration record remains sealed for a period of five years, to expire by January 5 of the following year unless judicially renewed. A County Recorder must mail a notice to the protected government official or protected victim within six months of the expiration and advise him or her of the expiration date. [A.R.S. § 16-153\(F\)](#). A County Recorder may extend the protected government official's or protected victim's secured status upon receipt of a new court order. Otherwise, a County Recorder will remove the secured status from the registrant's record after January 5 if the County Recorder does not timely receive a new court order.

An ACP participant's registration record remains sealed indefinitely unless a County Recorder is notified by the registrant or the Secretary of State's ACP Division that the registrant is no longer a participant in the ACP program. Upon receipt of such notice, a County Recorder should remove the secured status from the registrant's record and send all future correspondence to the registrant's actual residential address previously provided on the registration form (not the substitute address previously utilized for confidentiality purposes).

## VI. VOTER REGISTRATION PROCESSING DURING "BOOKS CLOSED"

The period between the last day to register to vote for an election and Election Day is known as the "books closed" period. Historically, unless the specific changes were requested by the registrant before the voter registration deadline, County Recorders refrained from making substantive changes to voter registration records during the "books closed" period in order to ensure that the creation of signature rosters, e-pollbook rosters, and the verification of provisional ballots are based on records of eligible voters as of the last day to register to vote. However, voter registration processing may continue during the "books closed" period if the County Recorder has other means of identifying records of eligible voters as of the last day to register (*e.g.*, the voter registration system is able to sort by effective eligibility date).

Even if a County Recorder chooses to suspend voter registration processing during the "books closed" period, the following updates should continue to be processed:

- **Address Updates:** If an existing registrant updates their residence address after the voter registration deadline but prior to the finalization of the signature or e-pollbook rosters, a County Recorder may update the registrant's record with the updated residence address. In this case, the existing registrant would be permitted to vote a regular ballot at their *new* voting precinct. (Voters who registered prior to the voter registration deadline but failed to notify the County Recorder of an address change prior to the date of the election are eligible to vote a provisional ballot and may update their address at their *new* voting precinct.)

- **Name Changes:** If an existing registrant updates their name after the voter registration deadline but prior to the finalization of signature rosters or e-pollbook rosters, a County Recorder may update the registrant’s record with the new name.
- **DPOC Changes:** If a “federal-only” voter provides satisfactory DPOC to the County Recorder by 5:00 p.m. on the Thursday before Election Day, the registrant’s designation must be updated to “full-ballot” voter. See [Chapter 1, Section II\(A\)\(2\)](#).

## ELIGIBILITY TO VOTE

To be eligible to vote, a registrant must be both: (1) timely registered for a particular election (*i.e.*, registered in the jurisdiction at least 29 days before the date of the election), and (2) a qualified elector in a particular jurisdiction.

In general, a “qualified elector” is a person who is:

- Qualified to register to vote and is properly registered to vote (*i.e.*, included on the voter registration rolls) in the jurisdiction in question; and
- Will be at least 18 years old on or before the date of the election.

A registrant remains a qualified elector unless the registrant moves to another jurisdiction or has their registration canceled. [A.R.S. § 16-121\(A\)](#).

“Qualified electors” may differ in property-based elections conducted pursuant to Title 48. For example, a qualified elector for the purpose of a domestic water improvement district or domestic waste water improvement district election is a natural person (not a company, corporation, LLC, trust, or other business entity) who owns property in the district and: (i) is registered to vote in the applicable county and resides within the district; (ii) is registered to vote in the applicable county but does not reside in the district; or (iii) is registered to vote in Arizona but does not reside in the applicable county or district. [A.R.S. § 48-1012\(G\)](#).

A.

### Age Requirements to Vote in the Next Election

To be eligible to vote in the next election held pursuant to [A.R.S. § 16-204](#), a registrant must be 18 years old on or before the date of that next election. [A.R.S. § 16-121\(A\)](#).

If a registrant will be at least 18 years old on or before the next statewide general election, but will not be at least 18 years old by the next election held in a particular jurisdiction, the registrant remains qualified to *register* to vote but is not a *qualified elector* for that next election. For example, if a registrant will turn 18 years old before the general election but will be 17 years old at the time of the primary election, the registrant may register but is not entitled to vote in the primary election.

## Residency Requirements to Vote in the Next Election

To be eligible to vote in the next election, a registrant generally must have residency within the boundaries (or proposed boundaries) of a particular jurisdiction for the 29-day period preceding that election. [A.R.S. § 16-120\(A\)](#). For example, to vote in a city or town election, a registrant must be a resident of that city or town at least 29 days before that election. [A.R.S. § 9-822\(A\)](#). A registrant may be temporarily absent from the jurisdiction without losing their residency status, as long as the registrant has an intent to return. [A.R.S. § 16-103](#).

### 1. Residency Requirements When Jurisdictional Boundaries Change

If jurisdictional boundaries change during the 29-day period preceding the next election, a registrant must have residency within the new boundaries in order to vote in the next election in that new jurisdiction. This applies to boundary changes brought about by annexation.

For example, a registrant who previously resided in a county island, but whose property was annexed into a city or town during the 29-day period preceding an election, is qualified to vote in the city or town's next election if the registrant resided in the city or town's new boundaries during the 29-day period before the election. [A.R.S. § 9-822\(B\)](#).

### 2. Eligibility to Vote When Registrant Moves Within 29-Day Period

If a registrant moves to a different precinct within the same county during the 29-day period preceding the next election, the registrant remains a qualified elector for the next election. If the registrant updates their residence address prior to the creation of the signature rosters or e-pollbook rosters, a County Recorder may update the registrant's record with the updated residence address in the voter registration database and the voter will be permitted to vote a regular ballot at their *new* voting precinct. The registrant is also entitled to update their address at the appropriate polling place for the voter's new address and then vote a provisional ballot on Election Day. [A.R.S. §§ 16-122, 16-135, 16-584](#).

If a registrant moves to a different county during the 29-day period preceding the next election, the registrant remains a qualified elector in the former county for that election and must vote in the *former* county. [A.R.S. § 16-125](#).

If a registrant moves to a different state during the 29-day period preceding the next election, the registrant is not a qualified elector (and is therefore ineligible to vote) in Arizona. However, a registrant retains the right to vote in Arizona for President of the United States (and no other races) at the general election during a Presidential election year. [A.R.S. § 16-126](#). Requesting a presidential-only ballot requires the County Recorder to cancel the registrant's record "promptly" following the general election. [A.R.S. § 16-165\(A\)\(6\)](#).

### 3. Exceptions to the 29-Day Residency Requirement

#### *Military and Overseas Voters*

Military and overseas registrants temporarily absent from the state are permitted to register and vote up until 7:00 p.m. on Election Day despite not physically residing in Arizona during the 29-day period preceding the election. [A.R.S. § 16-103](#); [A.R.S. § 16-543.02\(B\)](#). This exception also applies to a U.S. citizen who has never resided in the United States but whose parent is registered in Arizona and is a qualified elector for the next election. [A.R.S. § 16-103\(E\)](#).

#### *Public Officers Posted in Different County*

If a state employee or officer is posted to a duty station in a county other than the county from which they were appointed or elected, they (along with their spouse and dependents who reside in the household) remain qualified electors in the county of appointment or election, even if they physically reside in the county where the duty post is located. [A.R.S. § 16-124](#).

#### **Registration Deadline to Vote in Next Election**

C. A registrant who registers to vote at least 29 days before the next election (and is otherwise a qualified elector in that jurisdiction) is entitled to vote at the next election. [A.R.S. § 16-120\(A\)](#); [A.R.S. § 16-134\(C\)](#).

### 1. Date of Receipt of Voter Registrations

For online EZ Voter registrations, a registration is timely received if the registrant completes the online registration by 11:59 p.m. on the last day to register to vote. The time of registration is the time identified on the registrant's EZ Voter confirmation receipt.

For paper registrations conducted at a County Recorder's office, the Secretary of State's office, an AZMVD office or affiliate, a voter registration assistance agency, or an authorized voter registration volunteer's office, a registration is timely if the registrant completes or delivers the registration form before the office closes for business on the last day to register to vote.

For paper registration forms that are mailed to a County Recorder's office, a registration is timely if:

- The registration form is postmarked on or before the voter registration deadline and received by the County Recorder by 7:00 p.m. on Election Day; or
- The registration form is dated on or before the voter registration deadline and received by the County Recorder within five calendar days after the voter registration deadline.

[A.R.S. § 16-134\(C\)](#).



For UOCAVA registrants using an FPCA or FWAB, a registration form is timely if received by the County Recorder's or Secretary of State's Office via mail, email, or fax by 7:00 p.m. on Election Day. [A.R.S. § 16-103\(C\)](#).

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## 2. Voter Registration Form Received After Deadline

A registrant who registers to vote within 29 days of an election is eligible to vote at the election following the next election. [A.R.S. § 16-120\(A\)](#). For example, a person who registers ten days before the primary election is not eligible to vote in the primary election but is eligible to vote in the general election.

If the County Recorder receives a new voter registration form less than 29 days before an election, and the registrant is not a military or overseas voter using the FPCA or FWAB registration form, the County Recorder may either:

- Enter the registrant's information in the voter registration database; or
- Refrain from entering the registrant's information in the voter registration database until after the next election.

If a County Recorder receives a voter registration form less than 29 days before an election from an existing registrant, the County Recorder may update the record prior to Election Day if the registrant will be a qualified elector in the precinct where the registrant resides.

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## 3. When Registration Deadline Falls on a Weekend or Holiday

If the 29-day registration deadline falls on a weekend or state holiday (regardless of whether a particular county office is open for business), the registration deadline is extended to the next business day for state government. For example, if the registration deadline falls on Columbus Day (a Monday), a registrant is qualified to vote in the next election if they register on the following Tuesday. [A.R.S. § 16-120\(B\)](#); *see also* [A.R.S. § 1-303](#) (listing state holidays).

Notwithstanding any state deadline, the Secretary of State has the authority to move the voter registration deadline in order to maintain compliance with the federal National Voter Registration Act (NVRA). Thus, the voter registration deadline will be moved closer to Election Day if the closure of state or federal offices would cause a method of registration to be unavailable within the 30-day period preceding the next election. For purposes of NVRA compliance, the registration deadline shall be applied uniformly across Arizona and is not subject to modification based on local business hours. [52 U.S.C. § 20507\(a\)\(1\)\(A\)-\(D\)](#); *Arizona Democratic Party v. Reagan*, No. CV-16-03618-PHX-SPL, 2016 WL 6523427, at \*13 (D. Ariz. Nov. 3, 2016).

## VOTER REGISTRATION LIST MAINTENANCE

### Deceased, Felon, and Incapacitated Registrants

Though the Secretary of State does not directly cancel any registration records, the Secretary of State is responsible for importing certain information received from federal and state officials into the statewide voter registration database, pursuant to which the statewide voter registration system will automatically cancel “hard matches” on the following limited bases:

1. The registrant is deceased;
2. The registrant was convicted of a felony in court; or
3. The registrant was adjudicated mentally incapacitated by a court.

#### 1. Deceased Registrants

The Arizona Department of Health Services (DHS) provides the Secretary of State with a file each month (along with a combined file each year) that contains the name, DOB, SSN, date of death, father’s name (if available), mother’s maiden name, and last known address of deceased Arizona resident who passed away during the applicable period. [A.R.S. § 16-165\(D\)](#).

Upon receipt and confirmation of proper formatting, the Secretary of State uploads the deceased registrant file into the statewide voter registration system. The system then initiates a matching process against registrant records in the statewide voter registration database.

##### a. Hard Match Criteria for Deceased Registrant Verification

For the purpose of verifying deceased resident information against the statewide voter registration database, a “hard match” occurs if the first three letters of the first and last name, DOB, and SSN4 match in both records.

If the statewide voter registration system finds a “hard match,” the registrant’s record is automatically placed in “canceled” status with a reason code of “deceased-automatic resolution” (or functional equivalent). The County Recorder need not send any confirmation of the cancellation to the registrant.

##### Soft Match Criteria for Deceased Registrant Verification

For the purpose of verifying deceased resident records against the statewide voter registration database, a “soft match” occurs if the first three letters of the first and last name and DOB match in both records or there is a “hard match” against more than one existing registrant record.

If the system finds a “soft match” between the deceased record and a registrant record, it will flag the records and notify the appropriate County Recorder of the need to review and compare the records. The County Recorder must conduct an individualized inquiry and determine whether a “true match” exists between the records.

If a County Recorder determines that a “true match” exists, the County Recorder must select “match” in the system. The registrant’s record will be automatically updated to “canceled” status with a reason code of “deceased.” The County Recorder need not send any confirmation of the cancellation to the registrant.

If the County Recorder determines that a “true match” does not exist, the County Recorder must select “no match” in the system. The registrant’s record will remain in its existing status without being placed in “canceled” status in the statewide voter registration database.

A County Recorder should follow the same procedures if the county directly receives deceased registrant information directly from DHS instead of the Secretary of State.

### ***Other Sources of Information on Deceased Registrants***

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A County Recorder may also cancel a registrant’s record if the County Recorder determines that the registrant is deceased based on other reliable sources, *see* [A.R.S. § 16-165\(A\)\(2\)](#), including, but not limited to, death notices received by the County Recorder’s office and an affidavit of death from the registrant’s next of kin. A County Recorder should match as much information as possible (including first name, last name, maiden name (if applicable), year of birth, place of birth, and city or town of residence) and be reasonably certain that a “true match” exists before canceling a registrant. For example, newspaper or online obituaries alone may not suffice to cancel a registrant record without additional research and confirmation. In cases where the County Recorder cannot confirm a “soft match,” the County Recorder may send a letter to the registrant asking to confirm the information.

A registrant who passes away after casting a valid ballot is entitled to have their ballot tabulated and votes counted.

## **2. Registrants Convicted of a Felony or Found Mentally Incapacitated**

The Secretary of State is responsible for receiving felony conviction and mental incapacitation information from federal and state officials and processing the information through the statewide voter registration system.

### ***Sources of Felony Conviction and Incapacitation Information***

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The Secretary of State electronically receives periodic files from Arizona superior courts and from the Maricopa County Superior Court containing the name, DOB, and SSN4 of Arizona residents recently convicted of a felony or found mentally incapacitated in that jurisdiction. Upon receipt and confirmation of proper formatting, the Secretary of State imports the files into the statewide voter registration system.

The Secretary of State also receives in various non-electronic formats: (1) additional felony conviction information from Arizona superior courts and the U.S. Department of Justice; and (2) additional mental incapacitation information from Arizona superior courts. Upon receipt, the Secretary of State converts these records into the proper electronic format and imports these files into the statewide voter registration system.

### ***Processing Felony Conviction and Incapacitation Information***

The statewide voter registration system compares the felony and mental incapacitation records against the statewide voter registration database for potential matches.

A “hard match” occurs when the first three letters of the first and last name, DOB, and SSN4 match an existing registrant record. In this case, the registrant’s record is automatically placed in “canceled” status with the reason code of “felony – automatic resolution” or “declared incapacitated – automatic resolution” (or functional equivalent).

A “soft match” occurs when the first three letters of the first and last name and DOB match an existing registrant record (or there is a “hard match” against more than one existing record in the database). In this case, the system will flag the record for individual resolution by the applicable County Recorder. If the County Recorder finds a “true match,” the record may be placed in “canceled” status with the reason code “felony” or “declared incapacitated” (or functional equivalent). The County Recorder must send a letter to the registrant confirming any cancellation based on a felony conviction or finding of mental incapacitation.

A County Recorder should follow the same procedures if the county directly receives felony conviction or mental incapacitation information from a court instead of the Secretary of State.

A County Recorder may reinstate a registrant’s record if the registrant was erroneously canceled based on mental incapacitation, but the registrant retained the right to vote by court order. If the registrant was canceled based on a felony conviction but later had their civil rights restored, the registrant must submit a new voter registration in order to be re-registered.

## **Secretary of State Duties to Forward Registrant Information**

The Secretary of State also periodically receives registrant information that must be processed and forwarded to County Recorders for final resolution as described below.

### **1. Information Received from Out-of-State Jurisdictions**

The Secretary of State occasionally receives correspondence from out-of-state jurisdictions providing information about Arizona registrants. The Secretary of State will promptly forward the correspondence to the applicable County Recorder(s) by email. The Secretary of State may not cancel any registration records or otherwise initiate any process through the statewide voter registration system based on the out-of-state correspondence. A County Recorder should treat the

information as a “soft match” and conduct an individualized inquiry before canceling any registration record.

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## 2. Information Received Through Multi-State Compacts

Arizona is a member of the Electronic Registration Information Center (ERIC). The Secretary of State is responsible for acquiring, sorting, and distributing registrant information received from ERIC to the County Recorders.

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## 3. Juror Disclosure of Felony Conviction

Election officials periodically receive court records or information regarding prospective jurors who acknowledged a felony conviction on a juror questionnaire. If a County Recorder receives such information, the County Recorder must cancel any registrant record that is a “true match” against the juror information, using the reason code “juror questionnaire - felony” (or functional equivalent). [A.R.S. § 16-165\(A\)\(4\)](#). The County Recorder must also send a letter informing the registrant of the cancellation.

A County Recorder must ensure that a registration is not canceled twice for the same felony conviction. For example, the statewide voter registration system might have automatically canceled the registration upon being notified of the felony conviction through court records pursuant to [Chapter 1, Section VIII\(A\)\(2\)](#), and the registrant could have re-registered (following restoration of their civil rights) before the juror questionnaire information was provided to the County Recorder about the same felony conviction. Thus, before canceling a registration record based on a juror questionnaire, the County Recorder should confirm that the registrant did not have a prior registration record recently canceled on account of a felony conviction.

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## 4. Juror Disclosure of Non-Citizenship

Election officials also periodically receive court records or information regarding prospective jurors who stated on a juror questionnaire that they are not a U.S. citizen. If a County Recorder receives such information, the County Recorder may cancel any registrant record that is a “true match” only after completing the following steps:

1. Confirm that the registrant does not already have valid proof of citizenship documented in the statewide voter registration database (if the registrant has DPOC on file, the County Recorder may not cancel the registrant’s record based solely on the juror questionnaire);
2. If the registrant has no DPOC on file, send a letter to the registrant (including a DPOC Submission Form/Juror Questionnaire Non-Citizen Notice, *see* [Chapter 17](#) for sample forms) within ten business days, informing the registrant that:
  - The County Recorder has received information indicating that the registrant stated on a juror questionnaire that they are not a U.S. citizen;
  - The registrant has not previously provided valid DPOC;

- The registrant must submit DPOC within 35 days of the date of the notice to remain eligible to vote and the registrant will be made a “full-ballot” voter upon submission of DPOC; and
- The registrant’s record will be canceled if the registrant does not submit DPOC within 35 days.

If the registrant does not submit valid DPOC by the 35-day deadline, the County Recorder must change the registrant’s status to “canceled” with the reason code “juror questionnaire - citizenship.” The County Recorder must also send a letter notifying the registrant of the cancellation and providing instructions on how to re-register and provide valid DPOC if the registrant is otherwise eligible to register to vote.

### 5. Juror Disclosure of Out-of-County Residency

If a County Recorder receives court documents or other information regarding prospective jurors who stated on a juror questionnaire that they are not a resident of the county and the County Recorder confirms a “true match” with a registrant record, the County Recorder must send a letter to the registrant within ten business days. The letter must:

- Inform the registrant that the County Recorder was notified the registrant indicated on a juror questionnaire that the registrant is not a resident of the county; and
- Include a voter registration form or an appropriate internet address through which the registrant can update their address and/or register to vote in their new county in Arizona.

If the letter is returned undeliverable,<sup>14</sup> the County Recorder must send a follow-up notice within 21 days, which constitutes the “Final Notice” pursuant to the NVRA process; the registrant’s record may be canceled through the NVRA process only if the registrant does not timely respond to the Final Notice *and* fails to vote in any election in two federal/statewide general election cycles. See [Chapter 1, Section VIII\(C\)](#) for details on the NVRA process.

### Cancellation through NVRA Process Due to Address Changes

One of the principal ways to ensure the accuracy of registration records is to update records based on a registrant’s change of address. [52 U.S.C. § 20507\(a\)\(4\)\(B\)](#). A County Recorder receives address change information in various ways: directly from the registrant, from the U.S. Postal Service’s (USPS) National Change of Address (NCOA) service, through returned mail from USPS, or from ERIC reports. A County Recorder may update (and in some cases cancel) a registration record depending on the circumstances.

<sup>14</sup> If the initial notice letter is not returned undeliverable, the registrant’s record may not be canceled, even if the registrant does not respond to the initial notice letter.

One piece of returned official election mail alone is not sufficient to cancel a registrant's record. Rather, a County Recorder generally must send two official election mailings to the registrant (only one official election mailing is required if a registrant appears on an NCOA or ERIC report), and only if a registrant does not respond to the mailing(s) or vote during a specified period after the mailings were sent, is the County Recorder permitted to cancel the record. The requirements below are outlined in NVRA and the process is referred to here as the "NVRA process."

### **1. Initiating the NVRA Process Based on Returned Election Mail**

To invoke the NVRA process based on returned election mail, a County Recorder must complete the following steps:

1. Send an official election mailing by non-forwardable, first-class mail marked with a statement required by USPS to receive an address correction notification (the "First Notice"). Official election mail includes but is not limited to:
  - A voter registration card;
  - A 90-day notice to PEVL registrants issued pursuant to [A.R.S. § 16-544\(D\)](#);
  - A ballot-by-mail issued pursuant to [A.R.S. § 16-542](#) or [A.R.S. § 16-544](#);
  - Any other first-class, non-forwardable official election mail.
2. If the election mail is returned undeliverable, the County Recorder must send a follow-up notice to the registrant within 21 days after the mail is returned to the County Recorder (the "Final Notice"). If the returned mail contains a forwarding address for the registrant, the County Recorder must send the Final Notice to the new address. Otherwise, the County Recorder must send the Final Notice to the same address used for the initial mailing.
3. The Final Notice must contain a voter registration form or an appropriate internet address through which the registrant can update their address. The Final Notice also must warn that if the registrant does not submit a new voter registration form or update their address within 35 days, the registrant will be placed in "inactive" status.
4. If the registrant does not submit a new voter registration form or otherwise update their address by the 35-day deadline, the County Recorder must change the registrant's status to "inactive" with the reason code "NVRA inactive address" (or functional equivalent).

[A.R.S. § 16-166\(A\), \(C\), \(E\)](#); [A.R.S. § 16-544\(E\)](#); [52 U.S.C. § 20507\(b\)\(2\), \(d\)\(1\)\(B\), \(d\)\(2\)](#).

The registrant may be canceled through the NVRA process if the registrant:

- Does not timely respond to the Final Notice by submitting a new registration form or otherwise update their voter registration address with the County Recorder; and
- Fails to vote in any election in two federal/statewide general election cycles following the Final Notice.

[A.R.S. § 16-165\(A\)\(7\)](#); [A.R.S. § 16-166\(E\)](#); [52 U.S.C. § 20507\(b\)\(2\), \(d\)\(1\)\(B\), \(d\)\(2\)](#).

If the preceding conditions have been met, under NVRA, the registrant's record shall be canceled after four years from the date of the Final Notice or following the second general election after the Final Notice. [A.R.S. § 16-166\(C\), \(E\)](#); [A.R.S. § 16-165\(A\)\(7\)](#).

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## 2. Special Procedures Applicable to NCOA Notices

A County Recorder is permitted, but not required, to utilize USPS's NCOA service to preliminarily identify registrants who have moved. [52 U.S.C. § 20507\(c\)\(1\)\(A\)](#); [A.R.S. § 16-166\(E\)](#). Since NCOA data reflects actual change-of-address information the registrant has provided to USPS, the NVRA authorizes a special process to be utilized for list maintenance purposes. The NCOA data serves the same function as a First Notice that is returned undeliverable. Thus, a County Recorder need only send one additional notice, which serves as the Final Notice, to invoke the NVRA process.

If the County Recorder chooses to use NCOA data, any *initial* notice pursuant to this Section must be sent on or before May 1 of a general election year. The County Recorder may also send additional notices after May 1. [52 U.S.C. § 20507\(c\)\(2\)\(A\)](#); [A.R.S. § 16-166\(E\)](#). Sending this notice by May 1 also allows a County Recorder to simultaneously send a 90-day notice to PEVL voters for the primary election in the same mailing. [A.R.S. § 16-544\(D\)](#).

### a. When NCOA Data Indicates Out-of-County Move

If NCOA data indicates that the registrant moved outside the county, the County Recorder must send a notice to the new address by forwardable mail informing the registrant how to remain eligible to vote. The notice must:

- Enclose a postage prepaid and preaddressed return form by which the registrant may confirm the intent to cancel their registration;
- Notify the registrant to re-register if they moved to another county; and
- Notify the registrant to update the County Recorder within 29 days of the letter if the registrant's change-of-address was only temporary.

[52 U.S.C. § 20507\(c\)\(1\)\(B\)\(ii\), \(d\)\(2\)\(B\)](#); [A.R.S. § 16-166\(E\)](#). This letter serves as a Final Notice in the NVRA process.

### When NCOA Data Indicates In-County Move

If the NCOA data indicates that the registrant moved within the county, the County Recorder must supplement the registrant's record with the new address obtained through NCOA. The County Recorder also must send a notice to the new address by forwardable mail to provide the registrant an opportunity to confirm or correct the address change. The notice must:



- Notify the registrant that the County Recorder updated the registrant's record with the new address;
- Enclose a postage prepaid and pre-addressed return form by which the registrant may confirm or correct the address change;
- Notify the registrant that if they do not confirm the new address within 35 days, the registrant will be placed in "inactive" status.

[A.R.S. § 16-166\(E\)](#). This letter serves as a Final Notice in the NVRA process.

### 3. NVRA Recordkeeping Responsibilities

A County Recorder must track all Final Notices sent to a registrant, along with any communication from the registrant received in response to a Final Notice, with a registrant's record in the voter registration database. [52 U.S.C. § 20507\(i\)\(2\)](#).

#### Prohibition on Systematic Cancellations within 90 Days of Election

A County Recorder must complete any program to systematically cancel registration records at least 90 days before a primary or general election. [52 U.S.C. § 20507\(c\)\(2\)\(A\)](#). Systematic programs include the cancellation of records through the NVRA process described in [Chapter 1, Section VIII\(C\)](#). However, the 90-day prohibition does not preclude cancellation of records based on:

- Automatic cancellations through the statewide voter registration system of hard matches based on death, felony conviction, or mental incapacitation;
- Merging/cancellation of duplicate records (whether manual or automatic) when processing new voter registration forms;
- Cancellation at the request of the registrant; and
- Cancellation of records added to the voter registration database in error.

[52 U.S.C. § 20507\(c\)\(2\)\(B\)](#).

#### REPORTING VOTER REGISTRATION STATISTICS

Each County Recorder must report to the Secretary of State and the officer in charge of elections the number of active and inactive county registrants as of the following dates:

- **In even-numbered years:**
  - January 2;
  - The last day to register to vote for the March PPE;
  - April 1;
  - The last day to register to vote for the August primary election; and
  - The last day to register to vote for the November general election.

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- **In odd-numbered years:**
  - January 2;
  - April 1;
  - July 1; and
  - October 1.

In addition, registration reports must be provided to the Secretary of State as of the registration deadline for any special election. [A.R.S. § 16-168\(G\)](#).

The reports must be broken down by political party and according to precinct, legislative district, and congressional district. For reporting purposes, political parties are limited to the Republican Party, Democratic Party, Libertarian Party (assuming they remain qualified for statewide recognition), Green Party (assuming they remain qualified for statewide recognition), and any other statewide recognized political party that qualifies for representation on the ballot at the time of the report. The “Other” total reported to the Secretary of State should include all registrants registered as “other,” “independent,” “party not designated,” “PND”, “no party” (or any substantially similar designation) or any non-recognized political party.

These totals should be reported to the Secretary of State as soon as practicable following the applicable cutoff dates. [A.R.S. § 16-168\(H\)](#). The totals must include only registrations as of the reporting cutoff periods.

For reports prepared as of a registration cutoff date, the County Recorder should ensure that the same active and inactive registration numbers reported to the Secretary of State match any registration statistics reported to the officer in charge of elections for purposes of determining voter turnout.

As soon as practicable upon receipt of all 15 county reports, the Secretary of State must prepare, publish, and retain a statewide summary of the voter registration statistics. [A.R.S. § 16-168\(H\)](#).

## **“Federal-Only” Registration and Ballot Report**

The County Recorder or other officer in charge of elections must file a report with the Secretary of State, and post on the County Recorder’s website, the number of people who are registered to vote using the state or federal form who have not provided documentary proof of citizenship. In even-numbered years, the report must be made on January 2, April 1, and the last day on which a person may register to be eligible to vote in the next presidential preference, primary, and general election. In odd numbered years, the report must be made on January 2, April 1, July 1, and October 1. Additionally, after each general election, the County Recorder must post on the County Recorder’s website the number of ballots cast by those eligible to vote for federal offices only. [A.R.S. § 16-161\(B\)](#); [A.R.S. § 16-168](#).

## **PROVISION OF REGISTRATION DATA TO THIRD PARTIES**

### **X. Precinct Lists to Recognized Political Parties**

Each County Recorder must provide, at no cost, a list of active and inactive registered voters to the State and County Chairpersons of the recognized political parties that are entitled to continued representation on the ballot pursuant to [A.R.S. § 16-804](#). [A.R.S. § 16-168\(C\)-\(D\)](#).

#### **1. Content of Political Party Precinct Lists**

The precinct list must contain the following information about each registrant:

1. Registrant’s full name, which includes first name, middle name, last name, and suffix in different columns;
2. Party preference;
3. Date of registration;
4. Residence address;
5. Mailing address (if different from residence address);
6. Zip code;
7. Telephone number (if available);
8. Birth year;
9. Occupation (if available);
10. Voting history for the past four years, including which party ballot was issued and method of voting (polling place, early, or provisional);
11. Whether the registrant is on the PEVL;
12. Voter ID number; and
13. Registrant’s registration status and status reason, including “federal-only” designation if applicable.

[A.R.S. § 16-168\(C\)](#). Precinct lists should generally be provided in electronic format, and County Recorders are encouraged to make the lists available to the political parties through a secure website or Secure File Transfer Protocol (SFTP) portal. If the list is provided in printed format, the list must be created in alphabetical order (by registrant last name) and be organized by precinct, unless otherwise agreed upon by the County Recorder and the political party at issue. [A.R.S. § 16-168\(E\)](#).

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## 2. Timing of Political Party Precinct Lists

A County Recorder must provide precinct lists as of the following dates:

- **In even-numbered years:**
  - January 2;
  - The last day to register to vote for the March PPE;
  - April 1;
  - The last day to register to vote for the August primary election; and
  - The last day to register to vote for the November general election.
- **In odd-numbered years:**
  - January 2;
  - April 1;
  - July 1; and
  - October 1.

[A.R.S. § 16-168\(C\)-\(D\), \(G\)](#).

Precinct lists developed for the primary and general election must be provided within eight days after the close of registration. [A.R.S. § 16-168\(C\)](#). Otherwise, the remaining precinct lists must be provided within ten business days after the applicable reporting dates. [A.R.S. § 16-168\(D\)](#).

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## 3. Requests for Political Party Precinct Lists

To receive precinct lists at no cost, a recognized political party must seek precinct lists from the applicable County Recorder within eight days after the close of registration for precinct lists developed for the primary and general election or within ten business days after any other applicable reporting dates. [A.R.S. § 16-168\(C\), \(D\), \(L\)](#). Counties may establish a process for recognized political parties to opt to automatically receive precinct lists for each election.

A County Recorder need not provide this precinct list for the primary or general election to a recognized political party if that party will have less than four partisan candidates (other than presidential electors) on that county's ballot. [A.R.S. § 16-168\(C\)](#).

A recognized political party may seek precinct lists from the Secretary of State only if the applicable County Recorder fails or refuses to provide the list. In this case, the Secretary of State may charge the County Recorder a fee to produce the records as outlined in [Chapter 1, Section X\(C\)](#) below. [A.R.S. § 16-168\(L\)](#).

### Use of County Registration Rolls by Political Subdivision

Any political subdivision of the state, including a city or town, may use the county registration rolls to conduct an election. At least 60 days before any such election, the governing body of the political subdivision shall negotiate a contract with the County Recorder to reimburse the County Recorder for the *actual* expenses in preparing the necessary lists for use in the election. The County Recorder shall not charge more than the actual additional costs that such preparation entails. [A.R.S. § 16-172](#).

### Public Records Requests by Third Parties

Any person or organization may make a public records request for registrant information to a County Recorder or the Secretary of State. [52 U.S.C. § 20507\(I\)](#); [A.R.S. § 16-168\(E\), \(K\)](#); [A.R.S. § 39-121.01\(D\)](#). A County Recorder or the Secretary of State may request a properly-completed public records request form to be submitted before responding to the public records request. Records should be produced within 30 days of receipt of a proper request. [A.R.S. § 16-168\(E\)](#).

Copies of registrant records may be provided exclusively in electronic format, including via a password-protected Secure File Transfer Protocol (SFTP) site, Virtual Private Network (VPN), or other secure method of electronic transmission. In addition to the fees set forth in [A.R.S. § 16-168\(E\)](#), the County Recorder or the Secretary of State may charge for the cost of an electronic storage medium in which to deliver the records in a secure format.

If a person or organization requests to inspect registrant records in lieu of requesting copies, a County Recorder or the Secretary of State may establish how and under what conditions the records may be inspected. [A.R.S. § 16-168\(F\)](#).

#### 1. Scope of Registrant Records Not Subject to Disclosure

The following components of a registrant's record are confidential and may not be viewed, accessed, reproduced, or disclosed to a member of the public:

1. Month and day of birth;
2. SSN (or any portion thereof);
3. AZDL/ID#;
4. Indian census number;
5. Father's name;
6. Mother's maiden name;

7. State or country of birth;
8. Signature;
9. Email address;
10. Any registration source code or other indication of location of registration;
11. Any documents submitted as proof of citizenship; or
12. Any secured record.

The information listed above may be viewed, accessed, or reproduced by the registrant (if the information pertains to the registrant's own record), an authorized government official in the scope of the official's duties, designated voter registration assistance agencies, for signature verification on petition and candidate filings, for election purposes and for news gathering purposes by a person engaged in newspaper, radio, television or reportorial work, or connected with or employed by a newspaper, radio or television station, or pursuant to a court order. If requested for news gathering purposes by a person engaged in newspaper, radio, television, or reportorial work, a County Recorder may condition release of such confidential information (other than secured records) upon execution of a non-disclosure agreement. A registrant's e-mail address may not be released for any purpose. [A.R.S. § 16-168\(F\)](#).

A registrant's signature may be viewed or accessed by a member of the public only for purposes of verifying signatures on a candidate, initiative, referendum, recall, new party, or other petition or for purposes of verifying candidate filings. [A.R.S. § 16-168\(F\)](#). A County Recorder may establish the conditions under which the signature may be viewed or accessed, including prohibition of photography.

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## 2. Permissible Uses of Registrant Records

Registrant records may only be used for political or political party activity, a political campaign or election, nonpartisan voter registration or outreach, revising district boundaries, or any other purpose specifically authorized by law. [A.R.S. § 16-168\(E\), \(N\)](#).

A person or organization in possession of a precinct list or other registrant information may not allow the list or information to be used, sold, or otherwise transferred for any purpose except those authorized above, including posting to the internet. [A.R.S. § 16-168\(F\)](#).

The County Recorder or Secretary of State shall deny a public records request intended for a commercial purpose. The sale of precinct lists or registrant records to a candidate or political committee for a political or campaign use does not constitute a prohibited commercial purpose. [A.R.S. § 16-168\(E\)](#).

## CHAPTER 2: EARLY VOTING

Any election in Arizona, including special taxing district elections, must provide for early voting, which includes no-excuse ballot-by-mail<sup>15</sup> voting and in-person early voting. [A.R.S. § 16-541](#). An all ballot-by-mail election incorporates aspects of early voting but is subject to the specific requirements outlined in [Chapter 3](#).

### BALLOT-BY-MAIL

Without providing any reason or justification, a voter may request to be sent a ballot-by-mail on a one-time or permanent basis.

#### One-Time Requests to Receive a Ballot-by-Mail

A voter may request a ballot-by-mail for a specific election, which may include a simultaneous request for a ballot-by-mail for both the primary and general election. [A.R.S. § 16-542\(A\)](#). A voter may make a ballot-by-mail request to the County Recorder or other county officer in charge of elections, who must document the voter's request in the voter's registration record.

Candidates, political committees, or other organizations are permitted to distribute ballot-by-mail request forms to voters. Such request forms shall be submitted to the County Recorder within six business days after receipt by a candidate, political committee, or other organization or 11 days before Election Day, whichever is earlier. [A.R.S. § 16-542\(I\), \(J\)](#). The request forms must seek all the information required in [Chapter 2, Section I\(A\)\(4\)](#).

#### 1. Eligibility to Request a Ballot-by-Mail

Any qualified elector may request a ballot-by-mail containing the races for which they are eligible to vote. [A.R.S. § 16-542](#). However, for an election that includes a federal office, first-time voters who registered to vote by mail must prove identity before requesting a ballot-by-mail. [52 U.S.C. § 21083\(b\)](#); see [Chapter 1, Section IV\(J\)](#) for more details on the HAVA identification requirements.

#### 2. Time Period to Request a Ballot-by-Mail

A voter may request a ballot-by-mail between 93 and 11 days before the election. [A.R.S. § 16-542\(A\), \(E\)](#). A voter may simultaneously request a ballot-by-mail for both a primary and general

<sup>15</sup> This Manual uses the term “ballot-by-mail” to refer to: (1) early ballots mailed to voters based on a one-time request pursuant to [A.R.S. § 16-542](#) or based on the voter's request to be on the permanent early voting list (PEVL) pursuant to [A.R.S. § 16-544](#); (2) ballots transmitted to UOCAVA voters; and (3) ballots automatically mailed to all eligible voters for an all ballot-by-mail election (see [Chapter 3](#) for more information on ballot-by-mail elections).

election as long as the request is made between 93 and 11 days before the *primary* election. However, UOCAVA voters may make a request for a ballot-by-mail more than 93 days before an election. [A.R.S. § 16-542\(B\)](#).

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### **3. Methods to Request a Ballot-by-Mail**

A voter may request a ballot-by-mail orally or in writing, including in-person, online, or by telephone, email, fax, or mail. A voter may update their residence or mailing address in their voter registration record through a written (but not oral) ballot-by-mail request form. [A.R.S. § 16-542\(A\), \(F\)](#).

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### **4. Ballot-by-Mail Request Form**

For written or online requests, a ballot-by-mail request form created by County Recorders must contain the following:

1. The title “Ballot-by-Mail Request” or “Early Ballot Request;”
2. The county name;
3. Entry fields for:
  - a. The voter’s name;
  - b. The voter’s residential address or residence location;
  - c. The voter’s mailing address where the ballot-by-mail should be sent (if different from residential address);
  - d. The voter’s date of birth;
  - e. State or country of birth, or another piece of information that, if compared to the voter’s record, would confirm the voter’s identity (such as the AZDL/ID# or SSN4, father’s name, or mother’s maiden name);
  - f. The voter’s telephone number (paper forms only);
  - g. The voter’s signature (paper forms only);
  - h. The voter’s email address (optional);
  - i. The election or election date(s) for which a ballot-by-mail is being requested;
4. If the voter is not registered with a recognized political party and is requesting a primary election ballot, an entry field for the registrant to specify the political party ballot being requested;
5. A method to indicate whether the voter would like to update their registration record with the information provided in the ballot-by-mail request form; and
6. A notice that the completed ballot-by-mail request must be received by the County Recorder by 5:00 p.m. on the 11th day preceding the election.

In addition to the County Recorder’s official paper or online ballot-by-mail request form, a voter



may use any other substantially similar written document to make a one-time request to be sent a ballot-by-mail.

[A.R.S. § 16-542\(A\), \(E\)](#).

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## 5. Minimum Requirements for Requesting a Ballot-by-Mail

In order for the County Recorder to process a ballot-by-mail request, the request must contain at least the following information:

1. The voter's name;
2. The voter's residential address;
3. The voter's date of birth;
4. At least one of the following:
  - The voter's state or country of birth; or
  - Another piece of information that, if compared to the voter's record, would confirm the voter's identity, such as the AZDL/ID# or SSN4, father's name, or mother's maiden name.

In addition, for partisan primary elections, a voter who is not registered with a recognized political party must indicate which political party ballot the voter wishes to receive. [A.R.S. § 16-542\(A\), \(E\)](#).

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## 6. Requesting Political Party Ballot for a Primary Election

If a voter requests a one-time ballot-by-mail for a primary election, but the voter is not registered with a recognized political party, the voter must designate a recognized political party ballot in order to receive a ballot-by-mail for that primary election. [A.R.S. § 16-542\(A\)](#).

The voter may request only one political party ballot for each election. Requesting a political party ballot does not change the voter's political party preference in their registration record. In general, once a County Recorder mails the requested party ballot, a voter may not request or receive a different party ballot. If a voter re-registers to vote with a recognized political party between 45 and 29 days before the election, however, the voter must be sent a party ballot that corresponds to the new party. If the voter had requested a different party ballot prior to re-registering to vote, the prior ballot should not be mailed (or if already mailed, should be voided).

In lieu of requesting a party ballot for the partisan primary, a voter who is not registered with a recognized political party may request a non-partisan ballot if a non-partisan election is being conducted at the same time as the partisan primary and if the voter is eligible to vote a non-partisan ballot.

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## 7. Incomplete Ballot-by-Mail Requests

If a ballot-by-mail request does not contain the voter's name, residential address, date of birth, party ballot designation (for voters not registered with a recognized political party who are requesting a ballot-by-mail for a partisan primary election), or other verifying information, the County Recorder must notify the voter (by mail, telephone and/or email) within a reasonable period if the County Recorder has sufficient contact information to do so. If the ballot-by-mail request form does not contain contact information, the County Recorder must check the registrant's record for contact information. [A.R.S. § 16-542\(E\)](#).

If the voter provides the missing information by the 11th day before the election, the voter must be mailed a ballot-by-mail for that election. If the voter provides the missing information after the 11th day before the election, the County Recorder may send the voter a ballot-by-mail for that election if the County Recorder has sufficient time to do so.

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### Requests to Be Placed on the Permanent Early Voting List

A voter may request to be placed on the Permanent Early Voter List (PEVL) and receive a ballot-by-mail for each election the voter is eligible for. [A.R.S. § 16-544\(A\)](#).

Unless a PEVL voter notifies the County Recorder at least 45 days before an election that the voter does *not* wish to receive a ballot-by-mail, the County Recorder will automatically schedule the mailing of a ballot-by-mail to the voter. [A.R.S. § 16-544\(F\)](#). However, for an open partisan primary election, the County Recorder will not mail a ballot to a voter who is not registered with a recognized political party unless the voter timely selected a political party ballot. [A.R.S. § 16-544\(G\)](#).

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#### 1. PEVL Eligibility

Any qualified elector may request to be placed on the PEVL. [A.R.S. § 16-544\(A\)](#).

A first-time voter with "federal-only" designation who registered by mail (*i.e.*, has a "FED" designation) and requests to be placed on the PEVL must first prove their identity prior to receiving a ballot-by-mail. [52 U.S.C. § 21083\(b\)](#); see [Chapter 1, Section IV\(J\)](#) for more details on the HAVA identification requirements.

A UOCAVA voter also may request to be placed on the PEVL, however ballots are transmitted to these UOCAVA voters at least 45 days before the election. [A.R.S. § 16-544\(J\)](#). If a PEVL voter loses their UOCAVA status, the voter shall continue to receive a ballot-by-mail at their designated mailing address unless the address is outside of Arizona. However, even if the voter's mailing address is in Arizona, the voter, upon losing UOCAVA status, may not receive or return a ballot by fax or other electronic means and the ballot will not be sent until 27 days (rather than 45 days) before the election unless the voter submits a new FPCA form.

A voter enrolled in the PEVL may not request that ballots be automatically sent to an out-of-state

address for each election unless the voter is also a UOCAVA voter. However, a PEVL voter may make one-time requests to have their ballot mailed to an address outside of Arizona for specific elections. [A.R.S. § 16-544\(B\)](#).

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## 2. Time Period to Request Placement on the PEVL

A voter may request to be placed on the PEVL at any time. However, in order for a ballot to be mailed to the voter for a specific election, the PEVL request must be received no later than 5:00 p.m. on the 11th day before the election. [A.R.S. § 16-542\(A\), \(E\), \(F\)](#). If a voter requests to be placed on the PEVL less than 11 days before the election, no ballot will be mailed to the voter for that next election (unless the County Recorder has time to do so), but the voter's PEVL status will be activated for future elections.

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## 3. Methods to Request Placement on the PEVL

A voter may request to be placed on the PEVL by:

- Selecting the PEVL request box on the State Form;
- Selecting the PEVL request option on an online EZ Voter registration;
- Submitting a PEVL request form issued by a County Recorder; or
- Making any other written request that contains the minimum required information for a PEVL request.

If a registrant makes a request to be added to the PEVL other than through an initial voter registration, the County Recorder must compare the signature on the PEVL request form with the signature in the registrant's record to determine whether the same person signed both forms before adding the voter to the PEVL. [A.R.S. § 16-544\(C\)](#).

After a valid request, a County Recorder must update the voter's registration record to reflect PEVL status. [A.R.S. § 16-544\(C\)](#).

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## 4. PEVL Request Form

A PEVL request form created by County Recorders must contain substantially the following:

1. The title "Permanent Early Voter List Request";
2. The county name;
3. Entry fields for:
  - The voter's name;
  - The voter's residential address or location;
  - The voter's mailing address in the state;
  - The voter's date of birth; and

- The voter’s signature;
- 4. A method to indicate whether the voter would like to update their registration record with the information provided in the PEVL request form;
- 5. A statement that the voter is attesting that the voter is a registered voter who is eligible to vote in the county of residence; and
- 6. The statement “I authorize the County Recorder to add my name to the permanent early voting list and by doing so the County Recorder will automatically mail a ballot-by-mail to me for each election for which I am eligible.”

A County Recorder may add additional language to a PEVL request form.

In addition to the County Recorder’s official PEVL request form, a voter may use any other substantially similar written document to request PEVL status.

### **5. Minimum Requirements for Requesting Placement on the PEVL**

A valid written PEVL request must contain, at minimum, the voter’s:

- Name;
- Residence address or location within the county;
- Mailing address within the state (if different from residential address);
- Date of birth; and
- Signature.

The voter may not list an out-of-state mailing address unless the voter is a UOCAVA voter. [A.R.S. § 16-544\(B\)](#).

### **6. Incomplete Requests for Placement on the PEVL**

If the PEVL request does not contain the voter’s name, residence address, mailing address in the state, date of birth, or signature, or contains a signature that does not match the signature in the registrant’s record, the County Recorder must notify the voter (by mail, telephone, text, and/or email) within a reasonable period if the County Recorder has enough information to do so. If the PEVL request form does not contain contact information, the County Recorder must check the registrant’s record for contact information.

If the voter provides the missing information or confirms any mismatched signature by the 11th day before the election, the voter must be mailed a ballot-by-mail for that election and be added to the PEVL for future elections. If the voter provides the missing information after the 11th day before the election, the County Recorder may send the voter a ballot-by-mail for that election if the County Recorder has sufficient time to do so.

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## 7. Removal from the PEVL

A voter may be removed from the PEVL under the following circumstances:

- The voter makes a written request to be removed from the PEVL, which includes the voter's name, residence address, date of birth, and signature;
- The 90-day notice (discussed in [Chapter 2, Section I\(B\)\(9\)](#) below) is returned as undeliverable and the County Recorder is unable to contact the voter to confirm the voter's continued desire to remain on the PEVL; or
- The voter's registration record is placed in an "inactive" or "canceled" status.

Upon receipt of voter's request to be removed from the PEVL, the County Recorder must remove the voter as soon as practicable. A County Recorder may not remove a voter from the PEVL list for failure to vote or for voting in-person rather than using the ballot-by-mail. [A.R.S. § 16-544\(H\)-\(I\), \(K\)](#).

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## 8. Third-Party Distribution/Receipt of PEVL Request Forms

As for one-time ballot-by-mail request forms, candidates, political committees, or other organizations are permitted to distribute PEVL request forms to voters. [A.R.S. § 16-544\(L\)](#). The request forms must seek all the information required under [Chapter 2, Section I\(B\)\(4\)](#).

If a candidate, political committee, or other organization receives a completed request form, the candidate, political committee, or other organization must return the request form to the applicable County Recorder within six business days of receipt or 11 days before Election Day, whichever is sooner. Failure to timely return completed request forms may result in a civil penalty of \$25 per day for each form withheld. Any person who knowingly fails to return completed PEVL request forms by the submission deadline may be guilty of a class 6 felony. [A.R.S. § 16-544\(M\)](#).

If the request forms include a printed return address, the address must be the County Recorder's office in the political subdivision that will conduct the election. Failure to use the County Recorder's return address may result in a civil penalty up to three times the cost of the production and distribution of the PEVL request form. [A.R.S. § 16-544\(L\)](#).

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## 9. Notice to PEVL Voters in Advance of the Election

A County Recorder must mail a notice to all eligible PEVL voters at least 90 days before any polling place election (*i.e.*, any election not conducted as a ballot-by-mail election, *see* [Chapter 3](#)) scheduled in March or August, including the PPE. [A.R.S. § 16-544\(D\)](#). A County Recorder may not issue a combined 90-day notice for the March and August elections, but may issue a combined 90-day notice for a March/May election or an August/November election.

The notice must be sent by non-forwardable mail (with a request to receive an address correction notification) and include the following information:

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1. A statement that the County Recorder's records indicate that the voter is on the PEVL;
2. The dates of the elections that are the subject of the notice;
3. The expected mailing date(s) of the voter's ballot;
4. The voter's mailing address, and an indication that it is the address where the ballot(s) will be mailed;
5. An indicator of the voter's party affiliation;
6. A checkbox to allow the voter to remove the voter's name from the PEVL; and
7. A checkbox to request that the ballot-by-mail not be mailed for the elections listed on the notice.

The notice must include a postage-prepaid means for the voter to:

1. Designate a political party ballot or request a non-partisan ballot, if applicable, (only if the upcoming election includes an open partisan primary and the voter is not registered with a recognized political party);
2. Change the mailing address to another location within the state;
3. Update the voter's residence address in the county of residence; and
4. Request that the voter not be sent a ballot for the upcoming election or elections indicated in the notice.

If an election is not formally called within 120 days of the scheduled election, the County Recorder is not required to send a 90-day notice. [A.R.S. § 16-544\(D\)](#).

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***90-Day Notice to PEVL Voters Not Affiliated with a Recognized Political Party***

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If the upcoming election is an open partisan primary election and the PEVL voter is not registered with a recognized political party, the 90-day notice must include a means for the voter to designate a political party ballot. [A.R.S. § 16-544\(D\)](#). Requesting a party ballot does not change the voter's political party preference in their registration record.

If a PEVL voter does not designate a party ballot within 45 days of the election, the voter will not be automatically sent a ballot-by-mail for that primary election but the voter's name will remain on the PEVL for future elections. To vote early by mail in that election, the voter must make a one-time ballot-by-mail request and designate a party ballot. [A.R.S. § 16-542\(A\)](#); [A.R.S. § 16-544\(G\)](#).

In general, once a County Recorder mails the requested party ballot, a voter may not request or receive a different party ballot. If a voter re-registers to vote with a recognized political party between 29 and 45 days before the election, however, the voter must be sent a party ballot that corresponds to the new party. If the voter had requested a different party ballot prior to re-registering to vote, the prior ballot should not be mailed (or if already mailed, should be voided).

In lieu of requesting a party ballot for the partisan primary, an eligible PEVL voter may request a non-partisan ballot if a non-partisan election is being conducted at the same time and the voter is eligible to vote a non-partisan ballot.

### ***90-Day Notice Returned Undeliverable***

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If the 90-day notice is returned undeliverable to the County Recorder, the County Recorder must notify the PEVL voter (if the County Recorder has contact information for the voter) to attempt to update the voter's address.

An undeliverable 90-day notice serves as a First Notice under the "NVRA process." See [Chapter 1, Section VIII\(C\)](#). If the voter is moved to "inactive" status after failure to respond to "Final Notice" pursuant to the "NVRA process," a ballot-by-mail shall not be automatically sent to the voter. [A.R.S. § 16-544\(E\)](#). The voter may re-gain active PEVL status upon updating the voter's address and submitting a new PEVL request.

## **Creation and Preparation of Early Ballots**

C. The County Board of Supervisors is responsible for preparing early ballots, including ballots-by-mail, to be used in federal, statewide, legislative, and countywide elections. [A.R.S. § 16-405](#); [A.R.S. § 16-503\(A\)](#); [A.R.S. § 16-545\(B\)\(1\)](#). The Board of Supervisors may delegate this responsibility to the officer in charge of elections.

An early ballot must be identical to a polling place ballot in content and format, except an early ballot must have the word "early" printed or stamped on the ballot. [A.R.S. § 16-545\(A\)](#).

### **1. Components of the Ballot-by-Mail Mailing**

Only official election materials, as determined by the County Recorder, are permitted to be included in the ballot-by-mail mailing. Lists of official write-in candidates or withdrawn candidates may not be included in the mailing.

### **2. Required Return Envelope**

The postage prepaid return envelope must:

- Contain the County Recorder's name, official title, and the post office address of the County Recorder (or other officer in charge of elections) on the front side of the return envelope (as explained below, a secrecy mailing envelope separate from the ballot affidavit may be used);
- Contain a statutorily-prescribed voter affidavit on the back side of the return envelope (see below);
- Be tamper evident when properly sealed;
- Contain any required statement by the U.S. Post Office for election mail, including the

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election mail logo; and

- Be opaque so as not to reveal the voter's vote choices.

[A.R.S. § 16-547\(A\)](#); [A.R.S. § 16-545\(B\)\(2\)](#).

The voter affidavit must substantially contain at least the following language, followed by a place for the voter's signature:

I declare the following under penalty of perjury: I am a registered voter in \_\_\_\_\_ county Arizona, I have not voted and will not vote in this election in any other county or state, I understand that knowingly voting more than once in any election is a class 5 felony and I voted the enclosed ballot and signed this affidavit personally unless noted below.

If the voter was assisted by another person in marking the ballot, complete the following:

I declare the following under penalty of perjury: At the registered voter's request I assisted the voter identified in this affidavit with marking the voter's ballot, I marked the ballot as directly instructed by the voter, I provided the assistance because the voter was physically unable to mark the ballot solely due to illness, injury, or physical limitation and I understand that there is no power of attorney for voting and that the voter must be able to make their selection even if they cannot physically mark the ballot.

Name of voter assistant: \_\_\_\_\_

Address of voter assistant: \_\_\_\_\_

[A.R.S. § 16-547\(A\)](#). The affidavit must also request an optional telephone number or email address to enable the County Recorder to contact the voter in case there is a deficiency with the early ballot.<sup>16</sup>

For ballot-by-mail elections, the County Recorder or other officer in charge of elections may supplement the early ballot affidavit with additional language required for issuance of replacement ballots pursuant to [A.R.S. § 16-558.02\(A\)](#). See [Chapter 3, Section IV](#).

In lieu of printing the ballot affidavit on the exterior of the return envelope, a County Recorder may also include a postage prepaid secrecy mailing envelope. In this circumstance, the voter is directed to place their marked ballot in the standard return envelope that contains the early ballot affidavit; the voter must then place the standard return envelope inside the postage prepaid secrecy mailing envelope. This method ensures that the voter's signature (or other personally identifying information) will not be visible on the exterior envelope transmitted through the mail.

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<sup>16</sup> The prescribed early ballot affidavit is deemed to substantially comply with FVAP-suggested designs for a UOCAVA return envelope affidavit. [A.R.S. § 16-547\(B\)](#); see also [52 U.S.C. § 20301\(b\)\(4\)](#); <https://www.fvap.gov/eo/overview/sending-ballots/creating-envelopes>.



The envelope that contains the early ballot affidavit must otherwise comply with [A.R.S. § 16-547](#).

### 3. Required Instructions to Voters

A County Recorder must supply printed instructions that:

1. Direct voters to sign the voter affidavit, mark the ballot, and return the voted ballot in the enclosed return envelope;
2. Include a website address where the following information will be posted: (1) official locations where early ballots may be deposited; and (2) official write-in candidates and withdrawn candidates for all jurisdictions on the ballot, [A.R.S. § 16-343\(G\)](#); and (2);
3. Inform voters that no votes will be counted for a particular office if they overvote (vote for more candidates than permitted) and therefore the voter should contact the County Recorder to request a new ballot in the event of an overvote;
4. Recommend that voters mail a ballot-by-mail at least six calendar days before the election to best ensure the ballot will be timely received by 7:00 p.m. on Election Day;
5. Informs voters regarding the appropriate marking devices to be used when marking the ballot; and
6. Include the following language:
  - In order to be valid and counted, the ballot and affidavit must be delivered to the County Recorder or other officer in charge of elections or may be deposited at any polling place in the county no later than 7:00 p.m. on Election Day; and
  - WARNING - It is a felony to offer or receive any compensation for a ballot.

[A.R.S. § 16-547\(C\)](#). The County Recorder may substitute “vote center” for “polling place” if the county uses vote centers. If applicable, the County Recorder may add additional ballot drop-off locations to the statutorily-prescribed language. All ballot drop-off locations and drop-boxes shall be approved by the Board of Supervisors (or designee).

A County Recorder in a covered jurisdiction, as designated by the Census Bureau in the current Federal Register publication, must provide these instructions in English and any additional written language(s) required under the federal Voting Rights Act. See [Chapter 8, Section VI](#).

## Mailing Ballots-by-Mail

### 1. Methods of Transmitting Ballots-by-Mail

A ballot-by-mail must be mailed to voters by first-class, non-forwardable mail. The ballot-by-mail must be accompanied by an early ballot affidavit, instructions to voters, and a postage-prepaid return envelope.

UOCAVA ballots may be transmitted by mail, fax, email, or other secure method of online transmittal, in accordance with the delivery method selected by the voter on the FPCA. UOCAVA mailing requirements apply to all elections, not just federal elections. [A.R.S. § 16-543\(A\)](#).

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## 2. Time Period for Mailing Ballots-by-Mail

Voters who make a ballot-by-mail request at least 27 days before the election are entitled to be mailed a ballot-by-mail between 27 and 24 days before the election. [A.R.S. § 16-542\(C\)](#); [A.R.S. § 16-545\(B\)\(1\)](#); [A.R.S. § 16-544\(F\)](#).<sup>17</sup>

Voters who make a ballot-by-mail request between 26 and 11 days before the election are entitled to be sent a ballot-by-mail within two business days of the request. [A.R.S. § 16-542\(D\)-\(E\)](#).

Requests for a ballot-by-mail made ten days or less before the election are untimely. [A.R.S. § 16-542\(E\)](#) (requiring requests be made by 5:00 p.m. on the 11th day before the election).

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## 3. Special Time Period for Transmitting UOCAVA Ballots

If a UOCAVA voter registers to vote with an FPCA at least 48 days before an election, a County Recorder must transmit a ballot-by-mail to the voter at least 45 days before the election. [A.R.S. § 16-543\(A\)](#); [52 U.S.C. § 20302\(a\)\(8\)](#).

A UOCAVA voter who registers to vote using an FWAB pursuant to [A.R.S. § 16-543.02\(D\)](#) must simultaneously write-in their vote choices for federal candidates. However, if a County Recorder receives an FWAB sufficiently in advance of the election, the County Recorder should transmit a ballot-by-mail to the registrant and, if the FWAB received is not the version revised in 2017 or later that contains all the same information as the FPCA, should include an FPCA. If the voter returns the voted ballot-by-mail (and includes a completed FPCA if necessary), the County Recorder should void out the FWAB. FWABs from UOCAVA voters are held until 7:00 p.m. on Election Day if the voter was sent a ballot-by-mail and, if the ballot-by-mail was voted and returned, the FWAB is disqualified and the voted ballot-by-mail is transmitted to the officer in charge of elections for tabulation.

If a UOCAVA voter registers less than 48 days before the election, a County Recorder must transmit the ballot-by-mail within one business day of receipt of the registration. [A.R.S. § 16-543\(A\)](#); [A.R.S. § 16-542\(D\)](#). Requests made within 48 hours of Election Day should be further expedited to the extent possible.

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<sup>17</sup> [A.R.S. § 16-542\(C\)](#) allows early ballots to be mailed as late as 24 days before the election, but also requires ballots be mailed “within five days after receipt of the official early ballots from the officer charged by law with the duty of preparing ballots pursuant to section 16-545.” In the event a County Recorder cannot mail early ballots within five days of receipt, a County Recorder remains in compliance with [A.R.S. § 16-542\(C\)](#) if early ballots are mailed no later than the 24th day before the election.

### *Effect of Incomplete FPCA Registration*

If a UOCAVA voter submits an incomplete FPCA (or attempts to register to vote using a registration form other than an FPCA or FWAB containing all same information as an FPCA) within 48 days of the election, the County Recorder must transmit a blank FPCA along with a ballot-by-mail to the voter within one business day of receipt. [A.R.S. § 16-543\(A\)](#). If the voter does not return a new completed FPCA by 7:00 p.m. on Election Day, any voted ballot-by-mail from that voter will not count.

### *Waiver of UOCAVA 45-Day Transmittal Deadline*

In exceptional circumstances, the Secretary of State has authority to seek a waiver of the 45-day UOCAVA ballot transmission deadline from the U.S. Department of Defense as a result of undue hardship.<sup>18</sup> For example, an “undue hardship” may be found if:

- A county has suffered a delay in generating ballots due to a legal contest;
- Arizona’s primary election date prohibits counties from meeting the 45-day mailing requirement; or
- The Arizona Constitution prohibits counties from complying with the 45-day mailing requirement.

[52 U.S.C. § 20302\(g\)\(2\)\(B\)](#). If a county experiences (or believes it will experience) an undue hardship, the County Recorder or other officer in charge of elections must contact the Secretary of State as soon as possible and provide sufficient information to enable the Secretary of State to make a timely waiver request.

The Secretary of State’s waiver request must include:

- An explanation of the undue hardship;
- A recognition that the original purpose of the 45-day mailing requirement was to allow UOCAVA voters to have enough time to vote in a federal election;
- The number of days prior to the election that Arizona law requires ballots-by-mail to be transmitted to UOCAVA voters, [A.R.S. § 16-543\(A\)](#) (45 days);
- The State’s plan to ensure that UOCAVA voters are able to receive and return their ballot-by-mail in time to be counted for the election. This includes the specific steps the county or counties will take, why the plan will give UOCAVA voters enough time to vote, and factual information explaining how the plan gives sufficient time for this to

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<sup>18</sup> [52 U.S.C. § 20302\(g\)](#); <https://www.fvap.gov/eo/waivers>. The Under Secretary of Defense for Personnel & Readiness is the Presidential designee charged with evaluating such requests. See [Executive Order 12642](#), available at <https://www.archives.gov/federal-register/codification/executive-order/12642.html>; Department of Defense Instruction 1000.04, Federal Voting Assistance Program (FVAP), available at <https://www.fvap.gov/uploads/FVAP/Policies/dodi1000.04.pdf>.

occur.<sup>19</sup>

The Secretary of State is generally required to submit a waiver request at least 90 days before the election, which the Department of Defense must act upon within 25 days. [52 U.S.C. § 20302\(g\)\(3\)\(A\)](#). If the undue hardship results from a legal contest, however, the Secretary of State must submit the waiver request as soon as practicable, which the Department of Defense must act upon within five business days. [52 U.S.C. § 20302\(g\)\(3\)\(B\)](#).

### Issuing Replacement Ballots-by-Mail

A County Recorder may issue replacement ballots-by-mail to a voter upon request and may limit the total number of ballots-by-mail to three per voter per election. The County Recorder should keep a record of each replacement ballot issued. See [A.R.S. § 16-558.02](#). The County Recorder must ensure that only one ballot for a particular voter is verified and transmitted to the officer in charge of elections for tabulation. Only the first ballot received and verified shall be counted.

### Emergency UOCAVA Early Balloting Procedures

F. In the event of a national or local emergency that makes substantial compliance with the UOCAVA statute impracticable, including occurrences of natural disasters, armed conflict, or mobilization of the National Guard or military reserve units of this State, the following procedures for the early balloting process shall apply for UOCAVA voters:

- The Secretary of State will issue a press statement for immediate release, posted on the Secretary of State's website and official social media accounts, and distributed as broadly and immediately as practicable to national and local wire services, to radio and television broadcast stations within the state, and to daily newspapers of general circulation in the state, outlining applicable measures that will be taken to continue or lengthen the early voting process for UOCAVA voters.
- The Secretary of State will prepare and distribute written public service announcements describing these early voting procedures for broadcast on radio and television networks, including but not limited to the U.S. Armed Forces Network and Federal Voting Assistance Program, and announcements describing these procedures on internet sites of interest to military and non-military U.S. citizens living abroad.
- The Secretary of State will direct the County Recorders and officers in charge of elections to make all reasonable efforts to locate each eligible UOCAVA voter in their jurisdiction and to notify such voter individually, by email, telephone, and/or fax, of the modified early voting process including the alternatives for issuing or returning early ballots faster than traditional mail service.

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<sup>19</sup> [52 U.S.C. § 20302\(g\)\(1\)](#); see also [https://www.fvap.gov/uploads/FVAP/EO/2012\\_waiver\\_guidance.pdf](https://www.fvap.gov/uploads/FVAP/EO/2012_waiver_guidance.pdf).

Should such an event cause insufficient time to receive, execute, and return a ballot, the deadline for the receipt of the early ballots mailed, emailed, or faxed back to the County Recorder will be 5:00 p.m. on the third business day after the election.

[A.R.S. § 16-543\(C\)](#).

### Reporting UOCAVA Transmission Statistics

Each County Recorder must timely confirm UOCAVA compliance to the Secretary of State, which must include information about:

- How many UOCAVA ballots were validly requested;
- How many UOCAVA ballots were transmitted in accordance with the 45-day deadline based on valid requests received before that date; and
- How many UOCAVA ballots were transmitted after the 45-day deadline based on valid requests received before that date.

UOCAVA reports must be emailed or electronically submitted to the Secretary of State within one business day of the UOCAVA ballot transmission deadline. The reports shall not include any protected information for voters who have their records sealed pursuant to A.R.S. § 16-153 or who are enrolled in the Address Confidentiality Program.

The Secretary of State must consolidate the county reports and report Arizona's aggregated statistics to the U.S. Department of Justice following each primary and general election for federal office. See <https://www.justice.gov/crt/statutes-enforced-voting-section#uocava>.

H.

### Deadline to Return Ballots-by-Mail

A ballot-by-mail (with completed affidavit) must be delivered to the County Recorder, the officer in charge of elections, an official ballot drop-off site, or any voting location in the county no later than 7:00 p.m. on Election Day. [A.R.S. § 16-547\(C\)](#); [A.R.S. § 16-551\(C\)](#).

The ballot-by-mail return deadline also applies to UOCAVA ballots, regardless of the method of transmission to the election official, unless the UOCAVA return deadline is extended pursuant to emergency procedures as outlines in [Chapter 2, Section I\(F\)](#).

### Ballot Drop-Off Locations and Drop-Boxes

Counties or municipalities that establish one or more ballot drop-off locations or drop-boxes shall develop and implement procedures to ensure the security of the drop-off location and/or drop-boxes and shall comply with the following requirements.

1. A ballot drop-off location or drop-box shall be located in a secure location, such as inside or in front of a federal, state, local, or tribal government building. All ballot drop-off locations and drop-boxes shall be approved by the Board of Supervisors (or designee).

- a. An unstaffed drop box (i.e., not within the view and monitoring of an employee or designee of the County Recorder or officer in charge of elections) placed outdoors shall be securely fastened in a manner to prevent moving or tampering (for example, securing the drop-box to concrete or an immovable object).
  - b. An unstaffed drop box placed inside a building shall be secured in a manner that will prevent unauthorized removal.
  - c. While a staffed drop-off location or drop-box (i.e., within the view and monitoring of an employee or designee of the County Recorder or officer in charge of elections) need not be securely fastened or locked to a permanent fixture, it must be securely located inside a government building and monitored by a properly trained employee or designee of the County Recorder or officer in charge of elections at all times that the location or drop-box is accessible by the public.
2. The County Recorder or officer in charge of elections shall publicly post a listing of designated drop-off locations and drop-boxes on the website of the County Recorder or officer in charge of elections. Where practicable, the County Recorder or officer in charge of elections shall also post a listing of drop-off locations and drop-boxes anywhere that polling places and vote centers are posted.
  3. All drop-boxes shall be clearly and visibly marked as an official ballot drop box and secured by a lock and/or sealable with a tamper-evident seal. Only an election official or designated ballot retriever shall have access to the keys and/or combination of the lock to remove the deposited ballots.
  4. All drop-boxes (both staffed and unstaffed) shall have an opening slot that is not large enough to allow deposited ballots to be removed through the opening slot.
  5. Ballot drop-off locations and drop-boxes shall be locked and covered or otherwise made unavailable to the public until the 27th day prior to an election to ensure that no ballots or any other materials may be deposited before the early voting period begins. Prior to use on the 27th day before the election, all drop-boxes shall be inspected for damage and to ensure they are empty.
  6. All drop-boxes shall be locked and covered or otherwise made unavailable after the polls have closed on Election Day to ensure that no ballots may be dropped off after the close of the polls.
  7. The County Recorder or officer in charge of elections shall develop and implement secure ballot retrieval and chain of custody procedures, which shall include the following:
    - a. Voted ballots shall be retrieved from ballot drop-off locations and/or drop-boxes on a pre-established schedule. Ballot retrieval shall be more frequent as Election Day approaches.
    - b. For any election that includes a partisan race, at least two designated ballot retrievers of at least two differing party preferences shall be assigned to retrieve voted ballots from a ballot drop-off location or drop-box. For a nonpartisan

- election, at least two designated ballot retrievers shall be assigned to retrieve voted ballots from a ballot drop-off location or drop-box.
- c. Each designated ballot retriever shall wear a badge or similar identification that readily identifies them as a designated ballot retriever and/or employee of the County Recorder or officer in charge of elections.
  - d. Upon arrival at a drop-off location or drop-box, the two designated ballot retrievers shall note, on a retrieval form prescribed by the County Recorder or officer in charge of elections, the location and/or unique identification number of the location or drop-box and the date and time of arrival.
  - e. The designated ballot retrievers shall retrieve the voted ballots by either placing the voted ballots in a secure ballot transfer container, retrieving the secure ballot container from inside the drop-box, or retrieving the staffed drop-box which also serves as a secure ballot container. If the drop-box includes a secure ballot container, the designated ballot retrievers shall place an empty secure ballot container inside the drop-box. The time of departure from the drop-off location or drop-box shall be noted on the retrieval form.
  - f. Upon arrival at the office of the County Recorder or officer in charge of elections, central counting place, or other receiving site, the designated ballot retrievers shall note the time of arrival on the retrieval form. The County Recorder or officer in charge of elections (or designee) shall inspect the secure ballot container for evidence of tampering and shall confirm receipt of the retrieved ballots by signing the retrieval form and indicating the date and time of receipt. If there is any evidence of tampering, that fact shall be noted on the retrieval form.
  - g. The completed retrieval form shall be attached to the outside of the secure ballot container or otherwise maintained in a matter prescribed by the County Recorder or officer in charge of elections that ensures the form is traceable to its respective secure ballot container.
  - h. When the secure ballot container is opened by the County Recorder or officer in charge elections (or designee), the number of ballots inside the container shall be counted and noted on the retrieval form.

Ballots retrieved from a ballot drop-off location or drop-box shall be processed in the same manner as ballots-by-mail personally delivered to the County Recorder or officer in charge of elections, dropped off at a voting location, or received via the United States Postal Service or any other mail delivery service, *see* [Chapter 2, Section VI](#).

### Reporting Ballot-by-Mail Requests and Returns

At the request of a state or county political party chairperson before an election, a County Recorder must provide the following information at no cost to the political party:

- A listing of registrants who have requested a ballot-by-mail. This information must be provided daily Monday through Friday, beginning 33 days before the election and

through the Friday before the election;

- A listing of registrants who have returned their ballot-by-mail, which must be provided daily in Maricopa and Pima Counties and weekly in all other counties.
  - Daily information in Maricopa and Pima Counties must be provided Monday through Friday, beginning the first Monday after early voting commences and ending the Monday before the election;
  - Weekly information in all other counties must be provided beginning on the Friday after early voting commences and ending on the Friday before the election.

[A.R.S. § 16-168\(D\)](#).

Ballot-by-mail request and return reports should conform to the format established for precinct lists as nearly as practicable (see [Chapter 1, Section X\(A\)\(1\)](#)) and should contain the following minimum information:

1. Registrant's name;
2. Voter registration/ID number;
3. Residential address;
4. Mailing address (if different from residential address);
5. Political party;
6. Whether PEVL or one-time request (ballot-by-mail request reports only); and
7. Date of request, for one-time requests (ballot-by-mail request reports only).

The first ballot-by-mail request report should contain all PEVL registrants and registrants who made a one-time ballot-by-mail request up to the time of the report. Subsequent ballot-by-mail request reports should include new one-time ballot-by-mail requests that have been made since the last report.

## ON-SITE EARLY VOTING

A County Recorder shall establish on-site early voting at the County Recorder's office during the early voting period. A County Recorder may also establish additional in-person early voting locations throughout the county as practicable to ensure that all voters may reasonably access at least one early voting location. [A.R.S. § 16-246\(C\)](#); [A.R.S. § 16-542\(A\)](#).

A voter must cast a ballot issued at the on-site early voting location at that location, and may not remove that ballot from the location. An early ballot must be issued even if the voter previously requested or received a ballot-by-mail, but only the first ballot received and verified by the County Recorder shall be counted.

An elector who appears at an on-site early voting location by 5:00 p.m. on the Friday preceding the election and presents valid identification must be given a ballot and permitted to vote at the



on-site early voting location. [A.R.S. § 16-542\(E\)](#).

### Posting Notice of Write-In and Withdrawn Candidates

A County Recorder must post a Notice of Write-In and Withdrawn Candidates at each on-site early voting location. [A.R.S. § 16-312\(E\)](#); [A.R.S. § 16-343\(G\)](#).

A.

Information about write-in and withdrawn candidates also must be posted to the website of the County Recorder or officer in charge of elections. [A.R.S. § 16-343\(G\)](#).

### Applicability of Voter ID Requirements

Before receiving a ballot or being permitted to cast a vote on an accessible voting device at any on-site early voting location, a qualified elector must provide identification as prescribed by [A.R.S. § 16-579](#) (see [Chapter 9, Section IV](#) for more details on the identification requirement; identification is also required to receive an early ballot at an emergency voting center or from a special election board, see [Chapter 2, Section III\(B\)](#) and [IV\(B\)](#)). If needed, a voter may update their voter registration record at the on-site early or emergency voting location prior to receiving a ballot by completing a new voter registration form. Such updates shall be deemed effective starting in that election. [A.R.S. § 16-411\(B\)\(5\)\(b\)](#); [A.R.S. § 16-542\(A\), \(H\)-\(I\)](#).

### C. Requirements and Security Procedures for Accessible Voting Devices

An on-site early voting location must have at least one certified accessible voting device available for voters with disabilities, unless the election is for a city or town with a population under 20,000. [A.R.S. § 16-442.01\(A\)](#).

An accessible voting device must be approved by the Secretary of State, based on review and recommendation by the Election Equipment Certification Committee, and successfully pass logic and accuracy testing prior to deployment for on-site early voting. See [Chapter 4, Sections I and II](#).

All accessible voting devices used for early voting shall be physically secured at all times and if the media containing the election for the accessible voting device is removable, the media itself shall be physically secured at all times.

The chain of custody of the accessible voting device must be tracked and logged by a team of at least two board workers or staff of the County Recorder or other officer in charge of elections.

- The log shall include: (1) the seal numbers on the device; (2) for devices that mark and tabulate, the number of votes cast at the time the device was turned on and the number of votes cast at the time the device was turned off; and (3) a place for the two board workers or county staff to initial or sign verifying the information.
- For devices that mark and tabulate, at the close of the early voting location each day, the board workers or county staff shall log the number of votes cast on the device and then either turn the device off or otherwise secure the device. Each morning, when the device

is turned on, the number of votes cast on the machine shall be compared to the log from the previous day. Any discrepancy shall be immediately reported to the officer in charge of elections.

- At 5:00 p.m. or as soon as practicable after the last voter has left the site on the last day of on-site early voting or emergency voting, the device shall be closed out according to procedures provided by the officer in charge of elections.

All other security procedures set forth in this manual shall be followed for accessible voting devices used for early voting. See [Chapter 4, Section III](#).

## EMERGENCY VOTING

### III. Establishing Emergency Voting Centers

Upon a specific resolution of the County Board of Supervisors before each election, the Board may authorize the County Recorder or other officer in charge of elections to establish and operate emergency voting centers. The Board shall specify in the resolution the location of the emergency voting centers and the hours of operation. [A.R.S. § 16-411\(B\)\(5\)](#).

“Emergency” means any unforeseen circumstance that would prevent the voter from voting at the polls. Qualified electors who experience an emergency between 5:00 p.m. on the Friday preceding the election and 5:00 p.m. on the Monday preceding the election may request to vote at an emergency voting center in the manner prescribed by the Board of Supervisors of their respective county. [A.R.S. § 16-542\(H\)](#).

If an emergency voting center established pursuant to this section becomes unavailable and there is not sufficient time for the County Board of Supervisors to convene to approve an alternate location for that emergency voting center, the County Recorder or other officer in charge of elections may make changes to the approved emergency voting center location and shall notify the public and the board of supervisors regarding that change as soon as practicable. The alternate emergency voting center shall be as close in proximity to the approved emergency voting center location as possible. [A.R.S. § 16-411\(B\)\(5\)\(c\)](#).

### Identification and Signed Statement Requirements

Before receiving a ballot at an emergency voting center, a voter must provide identification as prescribed by [A.R.S. § 16-579](#) (see [Chapter 9, Section IV](#) for more details on the identification requirement). If needed, a voter may update their voter registration record at an emergency voting center prior to receiving a ballot by completing a new voter registration form. Such updates shall be deemed effective starting in that election. [A.R.S. § 16-411\(B\)\(5\)](#); [A.R.S. § 16-542\(E\), \(H\), \(I\)](#).

The voter must also sign a statement under penalty of perjury containing substantially the following language: “I declare under penalty of perjury that I am experiencing or have experienced an emergency after 5:00 p.m. on the Friday immediately preceding the election and

before 5:00 p.m. on the Monday immediately preceding the election that will prevent me from voting at a polling place on Election Day.”

- Such signed statements are not subject to public inspection pursuant to Title 39, Chapter 1, Article 2. [A.R.S. § 16-542\(H\)](#); [A.R.S. § 16-246\(F\)\(2\)](#). Election workers should not ask for any additional information regarding the voter’s specific emergency.
- The signed statement for emergency voting may be incorporated into the early ballot envelope and affidavit, with a line for the voter to initial or sign next to the statement, or may be provided to the voter on a separate form to be signed by the voter.

## SPECIAL ELECTION BOARDS

**IV.** A County Recorder or officer in charge of elections may appoint any number of special election boards to facilitate and enable voting by qualified electors who are ill or have a disability.

- For partisan elections, the board must be comprised of two members, one from each of the two political parties who cast the highest number of votes in the state in the last preceding general election. Under no circumstances shall both members of the board consist of voters who are registered with the same party affiliation. The county chairperson of each such party shall furnish, within 60 days before Election Day, the county recorder or other officer in charge of elections with a list of names of qualified electors within the chairperson's political party, and such additional lists as may be required, from which the county recorder or other officer in charge of elections shall appoint members to such special election boards. The county recorder or other officer in charge of elections may refuse for cause to appoint or may for cause remove a member of this board. A person who is a candidate for an office in that election (other than the office of precinct committeeman) is not eligible to serve on a special election board for that election.
- For nonpartisan elections, the board should consist of two members with different political affiliations. On request, a county may allow any bipartisan panel of certified election officials to act as a special election board. A person who is a candidate for an office in that election (other than the office of precinct committeeman) is not eligible to serve on a special election board for that election.

<sup>A</sup>[A.R.S. § 16-549\(A\)](#); [A.R.S. § 16-246\(F\)](#).

### Time Periods for Requesting a Special Election Board

A qualified elector who is confined because of a continuing illness or disability may vote using a ballot-by-mail or by making a verbal or written request to have a special election board personally deliver a ballot to the elector’s residence or other place of confinement. Such requests must be made by 5:00 p.m. on the second Friday before the election. [A.R.S. § 16-549\(C\)](#).

Qualified electors who become ill or disabled *after* the second Friday before the election may nonetheless request personal ballot delivery by a special election board up to, and including, the

Monday before the election. The County Recorder or other officer in charge of elections shall honor these requests when possible. [A.R.S. § 16-549\(D\)](#).

Electors who are hospitalized after 5:00 p.m. on the second Friday before the election and before 5:00 p.m. on Election Day may request a special election board deliver their ballot to the hospital or other place of confinement. This ballot shall be processed as a provisional ballot to ensure the voter does not vote more than once. [A.R.S. § 16-549\(D\)](#).

### Identification and Signed Statement Requirements

Before receiving a ballot from a special election board, a voter who requests a special election board after the second Friday before the election must:

- Provide identification as prescribed by [A.R.S. § 16-579](#) (see [Chapter 4, Section IV](#) for more details on the identification requirement).
- Sign a statement under penalty of perjury containing substantially the following language: “I declare under penalty of perjury that I am experiencing or have experienced an emergency after 5:00 p.m. on the second Friday preceding the election and before 5:00 p.m. on the Monday immediately preceding the election that will prevent me from voting at a polling place on Election Day.”
  - Such signed statements are not subject to public inspection pursuant to Title 39, Chapter 1, Article 2.

[A.R.S. § 16-549\(D\)](#).

## V. CHALLENGES TO EARLY BALLOTS

Challenges to early ballots must be submitted prior to the opening of the early ballot affidavit envelope. Challenges received after the affidavit envelope containing the ballot has been opened may be summarily denied as untimely.

Written challenges to voted early ballots shall be given immediately to an early voting election board or other officer in charge of elections. If the written challenge contains at least one of the grounds listed in [A.R.S. § 16-591](#), the board or officer shall, within 24 hours, send the following by first class mail to the challenged voter:

- Notice of the challenge;
- A copy of the written challenge; and
- The time and place at which the voter may appear to defend the challenge.

The notice must be sent to the mailing address shown on the voter’s request for the ballot-by-mail. If no address is provided, the notice may be sent to the mailing address on the registration rolls.

Notice must also be sent to:

- The challenger at the address provided on the challenge; and
- The county chairperson of each political party represented on the ballot.

The early voting election board shall meet to hear the challenge at the time specified, but:

- Not earlier than **96 hours** after the notice is mailed, or not earlier than **48 hours** after delivery if the notice is delivered by overnight or hand delivery; and
- Not later than 5:00 p.m. on the Monday following the election.

The early election board or other officer in charge of early ballot processing is not required to provide a notice if the written challenge is untimely or fails to set forth at least one of the grounds listed in [A.R.S. § 16-591](#) as a basis for the challenge.

[A.R.S. § 16-552](#); [A.R.S. § 16-594](#).

## PROCESSING AND TABULATING EARLY BALLOTS

### VI.

The following procedures for processing early ballots shall be followed, unless the Secretary of State has granted a jurisdiction permission to use another method otherwise consistent with applicable law. A jurisdiction wishing to deviate from these instructions must make a request in writing no later than 90 days prior to the election for which the exception is requested.

#### A. **County Recorder Responsibilities**

##### **1. Signature Verification**

Upon receipt of the return envelope with an early ballot and completed affidavit, a County Recorder or other officer in charge of elections shall compare the signature on the affidavit with the voter's signature in the voter's registration record. In addition to the voter registration form, the County Recorder should also consult additional known signatures from other official election documents in the voter's registration record, such as signature rosters or early ballot/PEVL request forms, in determining whether the signature on the early ballot affidavit was made by the same person who is registered to vote.

- If **satisfied** that the signatures were made by the same person, the County Recorder shall place a distinguishing mark on the unopened affidavit envelope to indicate that the signature is sufficient and safely keep the early ballot and affidavit (unopened in the return envelope) until they are transferred to the officer in charge of elections for further processing and tabulation.
- If **not satisfied** that the signatures were made by the same person the County Recorder shall make a reasonable and meaningful attempt to contact the voter via mail, phone, text message, and/or email, notify the voter of the inconsistent signature, and allow the voter to correct or confirm the signature. The County Recorder shall attempt to contact the voter as soon as practicable using any contact information available in the voter's record

and any other source reasonably available to the County Recorder.

Voters must be permitted to correct or confirm an inconsistent signature until 5:00 p.m. on the fifth business day after a primary, general, or special election that includes a federal office or the third business day after any other election. For the purposes of determining the applicable signature cure deadline: (i) the PPE is considered a federal election; and (ii) for counties that operate under a four-day workweek, only days on which the applicable county office is open for business are considered “business days.”

If the early ballot affidavit is not signed, the County Recorder shall not count the ballot. The County Recorder shall then make a reasonable and meaningful attempt to contact the voter via mail, phone, text message, and/or email, to notify the voter the affidavit was not signed and explain to the voter how they may cure the missing signature or cast a replacement ballot before 7:00pm on Election Day. The County Recorder shall attempt to contact the voter as soon as practicable using any contact information available in the voter’s record and any other source reasonably available to the County Recorder. Neither replacement ballots nor provisional ballots can be issued after 7:00pm on Election Day.

All early ballots, including ballots-by-mail and those cast in-person at an on-site early voting location, emergency voting center, or through a special election board must be signature-verified by the County Recorder. However, because voters who cast an early ballot in-person at an on-site early voting location, emergency voting center, or through a special election board must show identification prior to receiving a ballot, early ballots cast in-person should generally not be invalidated based solely on an allegedly inconsistent signature absent other evidence that the signatures were not made by the same person. After verifying an in-person early ballot, a County Recorder may update the signature in a voter’s record by scanning the voter’s affidavit signature and uploading the signature image to the voter’s record.

[A.R.S. § 16-550\(A\)](#); [A.R.S. § 16-552\(B\)](#).

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## **2. Rejected Early Ballots**

If the County Recorder or other officer in charge of elections determines the ballot should be rejected, they shall:

- Indicate for each ballot that the ballot has been rejected;
- Note on the early ballot report or audit report the voter’s ID number (or other unique ID number) and the reason for rejection; and
- Set aside the unopened affidavit envelope in the designated stack.

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## **3. Incorrect Ballots**

If it is determined that the voter was sent an incorrect ballot and there is sufficient time to mail a new ballot and receive the correct voted ballot back from the voter, the County Recorder or other

office in charge of elections shall make reasonable efforts to contact the voter and issue a corrected ballot.

If it is too late to mail the correct ballot when the error is discovered but it is still possible to link the ballot to the specific voter, the incorrect ballot shall be sent to the Duplication Board, and any offices or issues the voter could have lawfully voted for shall be duplicated onto the correct ballot.

## Early Ballot Board Responsibilities

The Board of Supervisors or officer in charge of elections shall appoint one or more early ballot boards consisting of an inspector and two judges (the two judges must be from different political party preferences). If the early ballot boards retire and reconvene, all materials shall be secured under the control of the Board of Supervisors or officer in charge of elections until the time for the boards to reconvene.

### 1. Early Ballot Report Log

The early ballot board shall maintain an early ballot report log that includes the following information for each batch of early ballots:

1. Batch ID;
2. Number of ballots to process/processed;
3. Number of ballots rejected and the reason(s) for the rejection (as applicable);
4. Number of ballots sent to duplication;
5. Number of ballots sent to tabulation;
6. Board members' initials; and
7. Board ID.

### 2. Affidavit Verification

Upon receipt of early ballots that have been batched and signature-verified by the County Recorder or other officer in charge of elections, the early ballot board shall:

- Verify that the affidavit envelope reflects the current election code; and
- Verify that the voter on the affidavit envelope appears on the batch report list received from the County Recorder.

The vote shall be counted if the County Recorder determined that the affidavit is sufficient and the registrant is a qualified elector of the voting precinct. The vote shall not be counted if the County Recorder determined that the affidavit is insufficient, or the registrant is not a qualified elector of the voting precinct.

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### 3. Accepted Early Ballots

If the early ballot was accepted, the early ballot board shall:

1. Verify that all affidavit envelopes are of the batch being processed (and set aside any ballots from a different batch to be joined/processed with the proper batch);
2. Enter the total on the early ballot report;
3. Open each accepted affidavit envelope, being careful not to damage the ballot or the affidavit printed on the envelope;
4. Remove the ballot and check to ensure that the ballot is for the current election as shown on the affidavit envelope;
5. Place the voted ballot in the designated stack and count the ballots;
6. Place the empty affidavit envelope in the designated stack;
7. Repeat the process until all valid ballots are opened and placed in their appropriate stacks; and
8. Fill out the ballot transmittal slip and send ballots to tabulation.

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### 4. Damaged Early Ballots

If damaged ballots are found, they should be segregated from the batch and placed with any other ballots to be duplicated from the batch. The early ballot board must include each damaged ballot on a transmittal slip.

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### 5. Transmittal Slips for Tabulation or Duplication

Each batch of ballots sent to the central counting place and Ballot Duplication Boards shall be accompanied by a completed transmittal slip with the following information:

1. Date item is originally processed;
2. Where ballots are sent **To:** (central counting place, Ballot Duplication Board, etc.);
3. Where ballots are sent **From:** (early voting, Ballot Duplication Board, etc.);
4. Ballot color and party (if applicable);
5. Total number of ballots sent;
6. Board ID;
7. Initials of board members; and
8. Batch/sub-batch numbers.

If a ballot was transmitted by facsimile to a UOCAVA voter and the voted ballot was returned by facsimile, the ballot should be sent to the Ballot Duplication Board to be duplicated in the method prescribed under Ballot Duplication Board instructions. See [Chapter 10, Section II\(D\)](#).



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## 6. Close Out

The early ballot board will close out each batch as follows:

1. Calculate a cumulative total of the number of:
  - a. Affidavit envelopes received;
  - b. Ballots sent to the Ballot Duplication Boards;
  - c. Ballots rejected; and
  - d. Ballots sent to the central counting place;
2. Verify and audit these numbers against each applicable item (*i.e.*, the total number of affidavit envelopes collected should match the cumulative total on the early voting ballot report, etc.);
3. Place paperwork in the official envelope (official envelopes are marked to specify the items to be placed in each) or official envelope container (to accommodate large volumes);
4. Retain a duplicate copy of the early ballot report/log for office records; and
5. Seal the official envelope or official envelope container.

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## 7. Ballot Transportation

After processing is complete, if ballots need to be transferred to another building for tabulation, ballots shall be transported in a secure manner by at least two election officials (not of the same political party preference) with the ballots inside of a sealed ballot transfer container to a receiving site or a central counting place that is inside a secured building. Badge control shall be handled in the same manner as the central counting place.

C.

### Timing for Tabulation of Early Ballots and Reporting of Results

The officer in charge of elections may begin tabulating early ballots after confirmation from the Secretary of State that all equipment passes any required logic and accuracy test. [A.R.S. § 16-552\(A\)](#). Tabulation of early ballots shall not begin any earlier than 14 days before the election. [A.R.S. § 16-550\(B\)](#).

Early ballot tabulation results may not be reported until Election Day, at the earlier of:

- The time when all ballots cast on Election Day at voting locations have been tabulated; or
- One hour after all polls under the jurisdiction of the officer in charge of elections have closed on Election Day.

Polls presumptively close at 7:00 p.m. on Election Day unless extended by court order. [A.R.S. § 16-551\(C\)](#); [A.R.S. § 16-552\(A\)](#); [A.R.S. § 16-565\(A\)](#).

## ELIGIBLE VOTERS IN JAIL OR DETENTION FACILITIES

Individuals held in pretrial detention or serving a sentence for a misdemeanor conviction remain eligible to register and vote (assuming no other deficiencies in eligibility). To the extent practicable, County Recorders shall coordinate with the county sheriff's office, jail or detention facilities, the county public defender's office, and other appropriate stakeholders to develop and implement reasonable procedures to facilitate the receipt and return of a ballot-by-mail by eligible voters held in jail or detention facilities. Such procedures may include coordinating a means for secure and effective delivery and return of ballots-by-mail for those in custody and/or the use of special election boards as permitted by law.

## CHAPTER 3: BALLOT-BY-MAIL ELECTIONS

“Ballot-by-mail” elections are elections in which a ballot is automatically mailed to every qualified elector in a jurisdiction, regardless of whether the voter is on the PEVL. These elections also include establishment of ballot replacement sites, where voters may receive and cast a replacement ballot.

Ballot-by-mail elections must be conducted according to most of the same requirements applicable to early voting. [A.R.S. § 16-191](#); [A.R.S. § 16-409\(A\)](#); [A.R.S. § 16-558\(B\)](#).

### ELIGIBILITY TO HOLD A BALLOT-BY-MAIL ELECTION

**I.** Cities, towns, school districts, and special taxing districts are the only jurisdictions permitted to conduct ballot-by-mail elections. [A.R.S. § 16-409\(A\)](#); [A.R.S. § 16-558\(A\)](#).

In addition, a County Recorder or other officer in charge of elections may send a Presidential Preference Election ballot to all qualified electors in precincts with 300 or less registered voters. [A.R.S. § 16-248\(H\)](#).

### II. APPROVAL TO HOLD A BALLOT-BY-MAIL ELECTION

A city, town, school district, or special taxing district may conduct its own ballot-by-mail election after obtaining approval of their governing board. [A.R.S. § 16-409\(A\)](#); [A.R.S. § 16-558\(A\)](#).

Special taxing districts must obtain approval of the applicable County Board of Supervisors, even if the special taxing district will conduct its own election. The special taxing district must obtain approval from the Board of Supervisors before it publishes a call of election. If a special taxing district comprises more than one county, the governing board of the special taxing district must seek approval of the County Board of Supervisors in the county that contains the greater number of registered voters in the district. [A.R.S. § 16-558\(A\)](#).

If a city, town, school district, or special taxing district requests a county conduct the election on the jurisdiction’s behalf, the conduct of that election is generally subject to an agreement between the county and the jurisdiction. [A.R.S. § 16-205](#). Among other things, the agreement may require that all local jurisdictions holding elections on a particular consolidated election date conduct a ballot-by-mail election in lieu of establishing voting locations on Election Day.

The governing body of a special taxing district must provide various public notifications before conducting any election that is not held concurrently with a general election, which includes

ballot-by-mail elections. [A.R.S. § 16-226\(B\)](#); [A.R.S. § 16-227\(A\)](#). See [Chapter 8, Section IV\(C\)](#).

## PREPARING AND MAILING BALLOTS

A County Recorder or other officer in charge of elections may use a unified ballot format that combines all candidates and issues on the same ballot in a ballot-by-mail election. [A.R.S. § 16-204\(G\)](#).

Ballots utilized in a ballot-by-mail election must be prepared and transmitted in accordance with the requirements applicable to early ballots (see [Chapter 2, Sections I\(C\)](#) and [I\(D\)](#)), except:

- The County Recorder must mail ballots to all eligible voters not more than 27 and not fewer than 15 days before the election. [A.R.S. § 16-558.01](#).
- Return envelopes in ballot-by-mail elections for Title 48 special district elections need not be postage pre-paid. The district governing board must determine whether the cost of return postage will be borne by the local jurisdiction or the voter. [A.R.S. § 16-558.01](#).

If a jurisdiction conducts its own election without using the services of the County Recorder, the duties listed above for the County Recorder shall be performed by the officer in charge of elections for the jurisdiction.

## IV. METHODS TO RETURN OR REPLACE BALLOTS

A completed ballot-by-mail must be delivered to the appropriate officer in charge of elections or an official ballot drop-off location no later than 7:00 p.m. on Election Day. [A.R.S. § 16-411\(D\)](#); [16-558\(B\)](#); [16-551\(C\)](#).

A city, town, school district, or special taxing district that conducts a ballot-by-mail election on its own behalf, and a county that conducts a ballot-by-mail election on behalf of a jurisdiction, may establish voting locations/ballot replacement sites on Election Day as well as ballot drop-off sites for voters to deposit voted ballots until 7:00 p.m. on Election Day. [A.R.S. § 16-411\(D\)](#); see also [Chapter 8, Section I\(B\)](#).

A County Recorder or other officer in charge of elections must establish at least one central location in each district to issue replacement ballots in cases where the voter's mailed ballot was lost, spoiled, destroyed, or not received. These ballot replacement sites shall be open until 7:00pm on Election Day. [A.R.S. § 16-558.02\(A\)](#); [A.R.S. § 16-409\(A\)](#). The County Recorder or other officer in charge of elections may establish as many additional ballot replacement sites as deemed necessary. If there is no appropriate location for a ballot replacement site in the district (for example, if the district contains only residential buildings), the County Recorder or officer in charge of elections should establish a ballot replacement site as close to the district as practicable.

In order for the replacement ballot to be counted, the voter must sign a sworn statement that the

original ballot was lost, spoiled, destroyed, or not received. [A.R.S. § 16-409\(A\)](#); [A.R.S. § 16-558.02\(A\)](#). This language may be incorporated into the early ballot affidavit prescribed by [A.R.S. § 16-547\(A\)](#). See [Chapter 2, Section I\(C\)\(2\)](#). The County Recorder or other officer in charge of elections shall keep a record of each replacement ballot provided. [A.R.S. § 16-558.02\(B\)](#). In any case, the County Recorder must ensure that only one early ballot for a particular voter is verified and transmitted to the officer in charge of elections for tabulation. See [Chapter 2, Section VI\(A\)](#).

## PROCESSING VOTED BALLOTS IN A BALLOT-BY-MAIL ELECTION

Voted ballots returned to the County Recorder or other officer in charge of elections must be processed and tabulated in a manner similar to early ballots. [A.R.S. § 16-409\(B\)](#); [A.R.S. § 16-558\(B\)](#); [A.R.S. § 16-552](#); see [Chapter 2, Section VI](#).

Even if a city, town, school district, or special taxing district conducts its own election, the jurisdiction must usually enter into an agreement with the applicable county (or counties) in order to conduct signature verification. See [A.R.S. § 16-205\(C\)](#). Absent an agreement with the County Recorder, a local jurisdiction could conduct its own signature verification at a public terminal provided by the County Recorder during normal business hours.

If a special taxing district crosses county lines, the district must enter into an agreement with both counties in order to conduct signature verification. For example, the county with the larger number of registered voters may conduct the election on the special taxing district's behalf, and seek voter registration records from the smaller county in order to conduct signature verification for all voters in the special taxing district.

### VI.

## POST-ELECTION REPORTING REQUIREMENTS

A city, town, or school district that conducts a ballot-by-mail election must report the following information to the Senate President and Speaker of the House of Representatives by January 1 of the year immediately following any ballot-by-mail election:

1. Changes in voter turnout from the previous election (regardless of whether the previous election was a ballot-by-mail or traditional election);
2. The cost of the ballot-by-mail election compared to traditional elections;
3. Suggestions for improvements to the ballot-by-mail election system;
4. The frequency and severity of irregularities in the ballot-by-mail process, if any;
5. Voter satisfaction with the ballot-by-mail election process; and
6. The number of nondeliverable ballots in the ballot-by-mail election.

[A.R.S. § 16-409\(B\)](#).

## CHAPTER 4: VOTING EQUIPMENT

### VOTING EQUIPMENT CERTIFICATION

All components of a voting system must be properly certified prior to use in any election for a federal, state, or county office. [A.R.S. § 16-442\(B\)](#). In addition, a city, town, or agricultural improvement district may adopt for use in its elections any electronic voting system or vote tabulating device approved by the Secretary of State, and thereupon, the voting system or device may be used at any or all elections for voting, recording, and counting votes cast in an election. [A.R.S. § 16-442\(E\)](#).

A voting system is defined as the total combination of mechanical, electromechanical, or electronic equipment (including the software, firmware, and documentation required to program, control, and support the equipment) that is used to define ballots, cast and count votes, report or display election results, and maintain and produce any audit trail information. [52 U.S.C. § 21081\(b\)\(1\)](#). Thus, a voting system consists of the electronic voting equipment (including central count equipment, precinct voting equipment, and accessible voting equipment) and election management system (EMS) used to tabulate ballots.

This section outlines the procedures under which voting systems are certified, recertified, or decertified for use in Arizona. A new voting system must be certified by:

1. A Voting System Test Laboratory (VSTL) accredited in accordance with the Help America Vote Act;
2. The federal Election Assistance Commission (EAC); and
3. The Secretary of State, based on a recommendation from the state Election Equipment Certification Committee.

[A.R.S. § 16-442\(A\)-\(B\)](#).

Certification includes a review of system documentation and/or conducting a demonstration and functionality test. Upgrades or modifications to an existing voting system require recertification, but if the upgrade or modification is *de minimis*, a demonstration and functionality test is optional and not necessarily required. See [Chapter 4, Section I\(A\)\(2\)](#). A request for emergency conditional certification is subject to different standards. See [Chapter 4, Section I\(C\)](#).

The Secretary of State shall consult with and obtain recommendations regarding voting systems from nonprofit organizations that represent persons who are blind or visually impaired, persons with expertise in accessible software, hardware, and other technology, county and local election officials, and other persons deemed appropriate by the Secretary of State. The Secretary of State shall submit these recommendations to the state Election Equipment Certification Committee to

be considered for possible certification if the election equipment vendor submits an application for certification. [A.R.S. § 16-442.01\(C\)](#).

## State Certification Process

A manufacturer's voting system must be tested and certified as a comprehensive suite, not as individual components. Therefore, a manufacturer's proposed combination of hardware, software, and firmware must be tested as an integrated whole to ensure the particular system accurately tabulates votes. As a result, a jurisdiction may not mix-and-match components from different manufacturers' certified voting systems. The officer in charge of elections may mix components from different manufacturers' voting systems only if those systems are not interconnected and under exceptional circumstances after notifying and receiving written approval from the Secretary of State.

### 1. Submitting an Application for Certification

To initiate state certification, a voting system manufacturer must submit an application to the Secretary of State. The application form is prescribed by the Secretary of State. A complete application packet consists of:

1. A completed application form, including a description of all voting system components and, if seeking recertification, a description of modifications to the prior certified voting system;
2. Product descriptions and/or sales brochures of the voting system components;
3. VSTL Test Report; and
4. EAC Certificate of Conformance, including EAC Certification Number and Scope of Certification.

A manufacturer may submit an application packet to the Secretary of State electronically or by mail. The Secretary of State must conduct a preliminary review of the application packet within 21 days of receipt of a completed packet or sooner if practicable. If the application packet is incomplete, the Secretary of State should inform the manufacturer and need not take further action until the application packet is complete.

### 2. Review by the Election Equipment Certification Committee

Once the application packet is deemed complete, the Secretary of State must notify and provide all relevant documentation to the Election Equipment Certification Committee and schedule a public meeting. If a demonstration and functionality test will be required, the Secretary of State must (1) coordinate with the manufacturer to receive test ballots; (2) develop a test script to vote the test ballots on all electronic voting equipment; (3) tabulate the test ballots (using alternative equipment provided by the vendor that is not the equipment to be tested in the demonstration and functionality test) in advance of the public meeting to ensure conformity with the test script; and (4) coordinate delivery and storage of the voting system as the test date nears.

Upon notification by the Secretary of State, to the extent practicable, the Equipment Certification Committee must conduct a public meeting within 90 days to consider an application for certification or recertification.

The Secretary of State coordinates the logistical details for holding the public meeting, including complying with notice requirements in accordance with Arizona open meeting laws, taking meeting minutes, and ensuring the presence of legal counsel. [A.R.S. § 38-431.01](#).

### *Composition of the Election Equipment Certification Committee*

The state Election Equipment Certification Committee consists of three persons appointed by the Secretary of State with the following qualifications:

1. A faculty member of the engineering college at an Arizona university;
2. A lawyer member of the Arizona Bar Association; and
3. A person who is familiar with voting procedures in the state, such as a trained election official.

Committee members serve without compensation. No more than two of the Committee members may be registered with the same political party. At least one member must have at least five years of experience with, and be able to render an opinion based on knowledge of or training/education in, electronic voting systems, procedures, and security. [A.R.S. § 16-442\(A\)](#).

#### **b. *New Application for Certification***

For a new application for certification, the Election Equipment Certification Committee must conduct the following activities in a public meeting:

1. Review the manufacturer's application packet for completeness;
2. Confirm VSTL approval and EAC certification;
3. Confirm the voting system under review is the same voting system certified by the EAC;
4. Review the voting system and test ballots for compliance with the legal standards for certification;
5. Conduct a demonstration and functionality test;
6. Ask questions to the manufacturer's representatives as necessary;
7. Seek legal advice in executive session as necessary; and
8. Vote on whether to recommend to the Secretary of State approval, conditional approval, or denial of the manufacturer's application.

The Election Equipment Certification Committee may issue a recommendation to the Secretary of State to approve or deny the application, including partial or conditional approval. The Committee may also recommend specific conditions under which the voting system may be used by a county, city, town, or special taxing district.



The Election Equipment Certification Committee must issue a written recommendation to the Secretary of State based on the majority vote from the public meeting.

i. Legal Standards for Certification

A voting system must comply with all federal and state laws, including the following:

1. The voting system must be tested and certified under federal law:
  - a. The voting system must be reviewed and/or tested by an accredited VSTL;
  - b. The voting system must be certified by the EAC; and
  - c. The voting system must otherwise comply with the then-applicable federal Voluntary Voting System Guidelines (VVSG) in effect;
2. The voting system must have the following functional capability and/or characteristics required under federal and state law:
  - a. The voting system must be suitably designed and be of durable construction;
  - b. The voting system must provide for secure, efficient, and accurate voting;
  - c. The voting system must record votes correctly and accurately, including aggregation of the voter's choices made on a single device;
  - d. The voting system must provide a durable paper document that visually indicates the voter's selections and can be (1) used to verify the voter's choices; (2) spoiled by the voter if they fail to reflect the voter's choices, in which case the voter would be permitted to cast a new ballot; and (3) used in recounts and manual audits;
  - e. The voting system must function for all types of elections;
  - f. The voting system must be capable of rotating candidate names within a race and accurately tabulating the results;
  - g. The voting system must aggregate the votes in the EMS in a way that prevents votes from being changed or deleted after voting has concluded; and
  - h. The voting system must contain security features that prevent unauthorized access or hacking;
3. Ballot marking devices and direct-recording electronic (DRE) voting machines must:
  - a. Permit the voter to verify (in a private, secret, and independent manner) the votes selected by the voter on the ballot before the ballot is cast and counted;
  - b. Allow the voter to vote for the candidate or ballot measure of choice, allow the voter to vote for or against as many candidates or ballot measures for which they are entitled to vote, and inform the voter if the number of vote choices exceeds the permitted amount or prevent the voter from selecting more than the permitted number of vote choices;

- c. Prevent the voter from voting for the same person more than once for the same office;
  - d. Have the capability to be sealed and prevent further voting after the close of the polls and/or after the last voter has voted;
  - e. DRE voting machines must produce a paper ballot or voter verifiable paper audit trail (VVPAT) for audit purposes, including the ability to change the ballot or correct any error and noting a spoiled or voided ballot when the voter changes the ballot or corrects an error; and
  - f. Provide the voter with an opportunity (in a private, secret, and independent manner) to correct any error before the ballot is cast and counted or cast a replacement ballot if the previous ballot is spoiled or unable to be changed or corrected;
4. Accessible voting equipment must be capable of:
- a. Allowing the voter to cast and verify (both visually and with audio or synthesized speech) the voter's selections, including a synthesized (or actual) speech recording and braille keyboard or other input method that is ADA compliant;
  - b. Displaying the on-screen ballot in a format substantially similar to that of paper ballots (*see* [Chapter 4, Section II\(E\)\(1\)](#) and [Chapter 8, Section V\(A\)](#));
  - c. Displaying, providing audio or synthesized speech (and if applicable, printing) the ballot in English and in any minority language required under federal or state law,<sup>20</sup> and
  - d. Otherwise providing voters with visual impairments equivalent access to the voting experience compared to that provided for voters without visual impairments.
5. The voting system may not be subject to a recent decertification proceeding or otherwise have been utilized in violation of federal or state law.<sup>21</sup>

[A.R.S. § 16-442\(B\)](#); [A.R.S. § 16-442.01\(A\)-\(B\)](#); [A.R.S. § 16-446\(A\)-\(B\)](#); [A.R.S. § 16-502\(H\)](#); [52 U.S.C. § 20971\(a\)-\(b\)](#); [52 U.S.C. § 21081\(a\)](#).

## ii. Demonstration and Functionality Test

A demonstration and functionality test consists of:

1. Explaining the testing process (of both primary and general election test ballots) during the public meeting;

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<sup>20</sup> *See* [Chapter 8, Section VI](#). If the applicable minority language is not a written language, the accessible voting machine must be capable of providing audio or synthesized reading of the ballot to the voter.

<sup>21</sup> For example, under [A.R.S. § 16-1004\(B\)](#), it is a class 5 felony to knowingly modify the software, hardware, or source code for voting equipment without receiving certification from the Election Equipment Certification Committee.

2. Casting ballots on all electronic voting equipment in accordance with the test script prepared for the meeting;
3. Casting ballots on the accessible voting equipment in English and any minority language required under federal or state law, including testing the audio equipment;
4. If the system captures digital ballot images, determining whether the system:
  - a. Produces digital images of readable quality, including clearly displaying write-in votes;
  - b. Produces digital images that are capable of being sorted by criteria such as race, district, ballot type, or precinct;
  - c. Encrypts the digital images; and
  - d. Is capable of transferring or downloading the digital images at a reasonably fast rate;
5. Ensuring the aggregate vote totals for each race in the EMS match the pre-determined test results prepared by the Secretary of State; and
6. Demonstrating the voting system's ability to function in compliance with applicable state and federal law.

c. *Application for Recertification of Updated/Modified Systems*

Upgrades or modifications to an existing certified voting system require recertification as a precondition for the upgraded/modified system to be used in Arizona elections. Like new applications, an application for recertification requires VSTL approval, EAC certification, and certification by the Secretary of State, based on review and recommendation by the Election Equipment Certification Committee. However, depending on the nature of the upgrade/modification, a demonstration and functionality test may not be necessary.

An upgrade or modification is documented through an engineering change order (ECO) prepared by the manufacturer and submitted to the appropriate VSTL. If the VSTL concludes, and the EAC agrees, that the ECO represents a *de minimis* change to the existing certified voting system, the Secretary of State may:

1. Notify the Election Equipment Certification Committee that the upgrade or modification has been deemed *de minimis* by the EAC;
2. Recommend the Committee conduct its review without a demonstration and functionality test; and
3. If the Committee agrees to forego a demonstration and functionality test, schedule a public meeting to review the manufacturer's application for recertification.

If the Election Equipment Certification Committee foregoes a demonstration and functionality test, the Committee must:

1. Review the manufacturer's application for recertification for completeness in a public meeting, whether in-person, telephonically, or by video teleconference;
2. Confirm VSTL approval and EAC certification;
3. Ask questions to the manufacturer's representatives as necessary;
4. Seek legal advice in executive session as necessary;
5. Make an independent finding that the upgrade or modification is *de minimis* in nature; and
6. Vote on the manufacturer's application for recertification.

The Election Equipment Certification Committee must issue a written recommendation to the Secretary of State based on the majority vote from the public meeting. The Election Equipment Certification Committee may recommend approval or denial of the application, including partial or conditional approval.

If the Committee determines that the upgrade or modification is not *de minimis*, or the application for recertification otherwise requires additional review or testing, the Committee may vote to schedule a subsequent meeting to conduct a demonstration and functionality test. In that case, the Committee must evaluate the upgraded or modified voting system under the standards applicable to a new application for certification.

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### 3. Secretary of State Final Decision

Within a reasonable period after receiving the Election Equipment Certification Committee's recommendation, the Secretary of State must issue a final decision on an application for certification or recertification. The Secretary of State may accept, deny, or modify the Election Equipment Certification Committee's recommendation, including issuance of a partial or conditional certification.

The Secretary of State must issue the final decision in writing and notify the manufacturer by mail or email.

A final decision denying certification must include notice that the decision constitutes an appealable agency action. The notice must:

1. Identify the statute, rule, or provision upon which the decision was based;
2. Identify with reasonable particularity the reason why certification was denied or conditioned;
3. Include a description of the manufacturer's right to request a hearing on the decision; and
4. Include a description of the manufacturer's right to request an informal settlement conference pursuant to [A.R.S. § 41-1092.06](#).

[A.R.S. § 41-1092\(3\)](#); [A.R.S. § 41-1092.03\(A\)](#).

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#### **4. Appeal Process**

A manufacturer may appeal the Secretary of State’s final decision denying an application for certification or recertification.

##### ***Filing Notice of Appeal***

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A manufacturer must file the notice of appeal with the Secretary of State within 30 days after receiving the final decision. The notice of appeal must:

1. Identify the manufacturer;
2. Provide the manufacturer’s address;
3. Identify the agency and action being appealed; and
4. Contain a concise statement of the reasons for the appeal.

The notice of appeal must be served by personal delivery or certified mail, return receipt requested.

Within five business days of receiving an appeal, the Secretary of State must:

1. Notify any local jurisdictions who use the manufacturer’s voting system or are otherwise potentially affected by the appeal; and
2. Request a hearing from the Office of Administrative Hearings.

[A.R.S. § 41-1092.03\(A\)-\(B\)](#); [A.R.S. § 41-1092.04](#).

b.

##### ***Hearing on Appeal***

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If an informal settlement conference pursuant to [A.R.S. § 41-1092.06](#) is not requested, a hearing before the Office of Administrative Hearings:

1. Must be conducted no later than 60 days after the appeal was filed with the Secretary of State;
2. Must include a complete and accurate record;
3. Must be conducted in accordance with [A.R.S. § 41-1092.07](#); and
4. Must be presided over by an administrative law judge, who must issue a recommended decision pursuant to [A.R.S. § 41-1092.08\(A\)](#).

The manufacturer bears the burden of persuasion to establish that the voting system should have been certified or recertified. The administrative law judge must issue a recommended decision within 20 days after the hearing is concluded. [A.R.S. § 41-1092.08\(A\)](#).

The only remedy available is recommended reversal or modification of the Secretary of State’s final decision. Damages of any kind may not be awarded.

[A.R.S. § 41-1092.05.](#)

### ***Action on Recommended Decision***

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Within 30 days following issuance of the administrative law judge's recommendation, the Secretary of State may accept, reject, or modify the decision. [A.R.S. § 41-1092.08\(B\).](#)

The Secretary of State's decision constitutes the final determination of the application for certification or recertification. The Secretary of State must provide notice of the final determination to the manufacturer and any other interested parties.

### **Requirements for Equipment Decertification**

If the Secretary of State has reason to believe that a certified voting system is not performing or being utilized in accordance with federal or state law, the Secretary of State may issue an Intent to Decertify the voting system or any component of the system. [A.R.S. § 16-442\(C\)-\(D\).](#)

In reaching the preliminary decision to decertify, the Secretary of State may take into account any of the following:

1. Material breach of contract with any Arizona jurisdiction;
2. Submission of a fraudulent, misleading, or otherwise ineligible application for certification or recertification;
3. Installation or use of an unauthorized voting system;
4. Failure to properly function or perform, including perceived security vulnerabilities;
5. Federal decertification by the EAC;
6. Failure to place election equipment source code in escrow and/or failure to authorize the State of Arizona to access or receive the source code; or
7. Failure to continue to meet any requirements for certification.

Upon issuance of an Intent to Decertify, the Secretary of State must promptly notify the manufacturer and any affected parties. Within 30 days of issuance, the manufacturer and any affected parties may submit written comments to the Secretary of State in support of or opposition to decertification.

Within 120 days of issuance, the Secretary of State must convene the Election Equipment Certification Committee. At a public meeting the Committee must:

1. Review the evidence for and against decertification;
2. Ask questions to the manufacturer's representatives (as necessary);
3. Seek legal advice in executive session (as necessary); and
4. Vote on whether to recommend decertification.

The Election Equipment Certification Committee may recommend full or partial decertification. The Committee may also specify the conditions under which the voting system may continue to be used by a county, city, town, or special taxing district. The Election Equipment Certification Committee must issue a written recommendation to the Secretary of State based on the majority vote from the public meeting.

Within a reasonable period after receiving the Election Equipment Certification Committee's recommendation, the Secretary of State must issue a final decision on the Intent to Decertify. The Secretary of State may accept, deny, or modify the Election Equipment Certification Committee's recommendation, including issuance of a conditional recertification. The Secretary must follow the remaining procedures applicable to issuance of a final decision for an application for certification or recertification. See [Chapter 4, Section I\(A\)\(3\)](#) above.

The manufacturer or affected party may appeal a decertification in accordance with the appeal procedures for denials of certification and recertification. See [Chapter 4, Section I\(A\)\(4\)](#) above.

In addition to decertification, the Secretary of State may prohibit the purchase, lease, or use of any voting system (or component thereof) if a manufacturer or jurisdiction: (1) installs, uses, or permits the use of a voting system that is not certified for use or approved for experimental use; or (2) uses or includes hardware, firmware, or software in a voting system version that is not certified for use or approved for experimental use. [A.R.S. § 16-442\(D\)](#).

### C. **Emergency Conditional Certification of Upgrade/Modification**

If a local jurisdiction requires an emergency upgrade or modification to its existing certified voting system, the jurisdiction may apply to the Secretary of State for emergency conditional certification of the upgrade or modification. Emergency conditional certification allows the voting system to be upgraded or modified without seeking VSTL testing or EAC certification. [A.R.S. § 16-442\(G\)](#).

To apply for emergency conditional certification, the local jurisdiction must:

1. Convene its governing board to pass a resolution outlining why the forthcoming election cannot be conducted without the requested emergency conditional certification;
2. Make a written request to the Secretary of State that outlines the need for conditional emergency certification, including:
  - a. A description of the proposed upgrade/modification;
  - b. A description of what aspects of the voting system will be affected;
  - c. An explanation why the upgrade/modification is necessary in order to conduct the next election, including a copy of the governing board's resolution;
  - d. An explanation why the upgrade/modification could not have been sought earlier through the standard recertification process; and

- e. A description of what safeguards or contingency plans will be implemented if the proposed upgrade/modification does not function as intended during the election; and
- f. Any other information deemed relevant by the local jurisdiction.

Upon receipt of a request for emergency conditional certification, the Election Equipment Certification Committee must convene as soon as practicable (but no later than 30 days from the date of the request) and follow the same procedures applicable to an application for recertification, except:

- VSTL approval and EAC certification are not required; and
- Both the local jurisdiction and manufacturer are expected to participate in the public meeting and answer the Election Equipment Certification Committee's questions.

Upon receipt of the Election Equipment Certification Committee's recommendation, the Secretary of State must issue a final decision within 15 days or sooner if practicable.

Any grant of conditional emergency certification is limited to six months from the date of the Secretary's final decision. If the manufacturer has not applied for (and been granted) recertification before expiration of the 6-month period, the conditionally-certified voting system is automatically decertified and ineligible for continued use. [A.R.S. § 16-442\(G\)](#).

The local jurisdiction may appeal a denial of emergency certification in accordance with the appeal procedures for denials of certification and recertification described above. See [Chapter 4, Section I\(A\)\(4\)](#).

## II. LOGIC AND ACCURACY (L&A) TESTING

A logic and accuracy (L&A) test is intended to confirm that votes are attributed to the correct candidates and ballot measures in the election management system (EMS) and that each candidate and ballot measure receives the accurate number of votes.

The Board of Supervisors or officer in charge of elections is responsible for performing an L&A test on all voting equipment prior to each election. The conduct of the test must be overseen by at least two elections staff or inspectors (of different political parties), and shall be open to observation by representatives of the political parties, candidates, the press, and the public.

For any election that includes a federal, statewide, or legislative office, the Secretary of State is responsible for conducting an additional L&A test on selected voting equipment. [A.R.S. § 16-449](#).<sup>22</sup>

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<sup>22</sup> Though not required, counties may, in their discretion, conduct additional pre-election L&A tests prior to the county's and Secretary of State's pre-election L&A test and/or additional post-election L&A tests after the county's post-election L&A test, including with participation from representatives of the recognized political parties.



## Timeframe to Conduct L&A Testing

### 1. Accessible Voting Equipment L&A Test

In-person voting, both during the early voting period and on Election Day, requires the deployment of accessible voting equipment for voters with disabilities (and ballot marking by all voters in certain counties).

The officer in charge of elections must test all accessible voting equipment prior to an election.

- For an all ballot-by-mail election, equipment must be tested at least 15 days before the election.
- For a city, town, school district, special taxing district, or county election, equipment must be tested at least 27 days before the election (prior to the commencement of early voting).
- For a federal, statewide, or legislative election, equipment must be tested prior to the Secretary of State's L&A test, where practicable, or promptly thereafter.

In the case of federal, statewide, or legislative elections, the Secretary of State tests selected accessible voting equipment within seven days before the start of early voting (*i.e.*, between 34 and 27 days before the election). [A.R.S. § 16-449\(B\)](#).

L&A tests for accessible voting equipment are a prerequisite for the County Recorder to open on-site early voting locations.

### 2. Optical and Digital Equipment L&A Test

The officer in charge of elections must test precinct voting equipment and central count equipment within 30 days of an election. In the case of federal, statewide or legislative elections, the Secretary of State must also test selected equipment within 17 days before the election. [A.R.S. § 16-449\(A\)](#).

However, if a county's accessible voting equipment does not independently tabulate votes (*i.e.*, the equipment marks and/or produces a paper ballot that will be tabulated using different voting equipment), the officer in charge of elections and Secretary of State may test all voting equipment (including precinct voting equipment and central count equipment) during the time period applicable to accessible device testing. [A.R.S. § 16-449\(C\)](#). If the officer in charge of elections wishes to have all voting equipment testing completed together, the officer in charge of elections must make that request to the Secretary of State at least 90 days prior to the election. In order to prepare for this consolidated testing, the officer in charge of elections must provide to the Secretary of State all testing materials as referenced in [Chapter 4, Section II\(D\)\(2\)](#) below, including printed ballots, at least three weeks before the start of early voting. The Secretary of State has discretion to grant or deny a request for consolidated testing based on the circumstances. For example, if test ballots are not timely received, the tests will need to be conducted separately and the officer in charge of elections will be notified of the determination.

### 3. Rescheduling L&A Tests

The Secretary of State's Office must conduct its L&A tests after the officer in charge of elections has conducted county-level tests whenever practicable. In the event the officer in charge of elections has not successfully conducted an L&A test prior to the Secretary of State's scheduled test, the officer in charge of elections should contact the Secretary of State to consider whether to postpone the Secretary's L&A test pending further local testing.

If the electronic voting system has not successfully passed the Secretary of State's L&A test, the Secretary of State may schedule a re-test for a later date. Re-testing may continue during the early voting period and through the day prior to the election. However, the officer in charge of elections may not deploy any electronic voting equipment in a federal, statewide, or legislative election that has not successfully passed the Secretary of State's L&A test.

#### Public Notice of L&A Test

The Board of Supervisors or other officer in charge of elections must publish notice of the time and place of each L&A test at least 48 hours in advance of the test. [A.R.S. § 16-449\(A\)](#). The notice must be published at least once in a daily or weekly newspaper circulated in the county. If no newspaper is published in the jurisdiction, notice must be published in any newspaper of general circulation. [A.R.S. § 16-449\(A\)](#).

If the Secretary of State must reschedule an L&A test or schedule a re-test, and the Board of Supervisors or other officer in charge of elections cannot reasonably comply with the 48-hour public notice requirement, the Board of Supervisors or other officer in charge of elections must:

- Publish notice of the rescheduled L&A test in a daily or weekly newspaper within the county as soon as possible if the notice is capable of being published before the test date;
- Post the notice on the county's website and distribute the notice through any other public communication or social media channel(s) regularly utilized by the county; and
- Provide notice of the place and time of the reschedule L&A test or re-test by phone or email to all L&A test observers from the immediately preceding L&A test.

#### Observers for L&A Test

An L&A test must be observed by the officer in charge of elections. An L&A test must also be open to:

- Designated political party representatives;
- Candidates or candidate representatives;
- Government officials; and
- Members of the public and the media.

[A.R.S. § 16-449\(A\)](#). For security reasons and to prevent disruption of election operations, the officer in charge of elections may specify a designated area where observers are permitted to view the L&A test.

### Process for Conducting L&A Tests by the Secretary of State

The Secretary of State must conduct an L&A test on accessible voting equipment and optical/digital scan equipment before each federal, statewide, and legislative election.

D.

#### 1. Acquisition of Precinct Information and Voting Equipment

At least eight weeks before a primary election or PPE, the officer in charge of elections must provide the Secretary of State a complete list of precincts and legislative and congressional districts and ensure the Secretary of State possesses the necessary precinct voting equipment to preliminarily verify the county's L&A test results at the Secretary of State's Office. To conduct the pre-test, the Secretary of State may acquire the necessary voting equipment from the county or directly from equipment vendors, if practicable. If multiple counties use the same type of voting equipment, the Secretary of State may preliminarily test multiple counties' ballots on the same piece of voting equipment without acquiring voting equipment from each county.

#### 2. Selection of Precincts and Test Ballots

The Secretary of State must randomly select precincts that will be included in each type of L&A test conducted by the Secretary of State.

The Secretary of State generally selects five to ten precincts for a small or medium-sized county and 10-20 precincts for a large county. In doing so, the Secretary of State must ensure:

- At least one precinct is selected in each congressional and legislative district; and
- Each federal, statewide, and legislative candidate and each ballot question will receive at least one test vote in the selected precincts.

The Secretary of State must also acquire test ballots from each county. If a county will use preprinted ballots and ballots through a ballot-on-demand printer, the officer in charge of elections must provide ballots generated through both printing methods.

For a primary election or PPE, the officer in charge of elections must provide the Secretary of State the following test ballots from each pre-determined test precinct:

- 50 ballots from each of the two largest political parties entitled to continued representation on the ballot;
- 25 ballots from every other recognized or new political party; and
- Five "federal-only" ballots.

The Secretary of State may request additional test ballots if necessary. The Secretary of State also may account for new political parties or the possibility that not all recognized political parties will participate in a PPE.

For a general election, the officer in charge of elections must provide the Secretary of State the following test ballots from each pre-determined test precinct:

- 50 ballots; and
- 10 “federal-only” ballots.

If a precinct contains a precinct split, the officer in charge of elections should ensure the above-referenced test ballots are distributed among each precinct split. In addition, if minority-language ballots are required in the county, the officer in charge of elections must also include minority-language ballots among the requested quantities of test ballots.

The Secretary of State may vary the number of test ballots if necessary.

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### **3. Notification of Completion of Programming**

Before each federal, statewide or legislative election, the officer in charge of elections must promptly notify the Secretary of State when the county has completed programming its election.

Within one business day of receiving this notification, the Secretary of State must confirm with the officer in charge of elections the date/time of the accessible and optical/digital scan tests and the conditions for each test, including precinct selections, ballot requirements, and the number of machines selected at random for testing. The Secretary of State must inform the officer in charge of elections of the date/time of the L&A test as soon as practicable.

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### **4. Secretary of State Preparation for L&A Testing**

For an accessible voting equipment L&A test, the Secretary of State must:

1. Request that all accessible voting equipment to be used during on-site early voting be made available for the L&A test and be pre-programmed with all precinct ballot styles;
2. Identify the precincts randomly selected by the Secretary of State and request the accessible voting equipment to be utilized at those precincts be made available for the L&A test;
3. Ensure the attendance of any necessary minority language interpreters at the L&A test;
4. Inform the officer in charge of elections that they must:
  - a. Utilize the actual election program for Election Day (not a copy);
  - b. Reset any vote totals from prior L&A tests and ensure equipment zero tapes are accessible for examination;

- c. Print a zero report from the county's EMS and ensure the report is accessible for examination;
- d. Ensure that equipment operators are available to assist with the L&A test;
- e. Ensure the equipment is set up, set to run in "election mode," and ready to vote upon the Secretary of State's arrival;
- f. Ensure that voter card encoders and bar code printers will be available for testing (if applicable);
- g. Ensure political party observers have been contacted for the L&A test;
- h. Ensure that headphones and touchpads will be available for all equipment; and
- i. Ensure all equipment is capable of processing and outputting the testing results.

For an optical/digital scan equipment L&A test, the Secretary of State must:

1. Request the requisite number of test ballots;
2. Request the applicable memory cards or sticks in order to preliminarily verify L&A test results at the Secretary of State's Office;
3. Request that all central count equipment be made available for the L&A test;
4. Identify the precincts randomly selected by the Secretary of State and request the precinct voting equipment to be utilized at those precincts be made available for the L&A test;
5. Inform the officer in charge of elections that they must:
  - a. Utilize the actual election program for Election Day (not a copy);
  - b. Reset any vote totals from prior L&A tests and ensure equipment zero tapes are accessible for examination;
  - c. Print a zero report from the county's EMS and ensure the report is accessible for examination;
  - d. Ensure political party observers have been contacted for the L&A test;
  - e. Ensure that equipment operators are available to assist with the L&A test; and
  - f. Ensure the equipment is set up, set to run in "election mode," and ready to vote upon the Secretary of State's arrival.

The officer in charge of elections must provide any requested materials or information to the Secretary of State in accordance with the deadline set forth in the Secretary of State's letter, but no later than five weeks before each election and/or three weeks before the start of early voting.

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## **5. Marking Test Ballots and Creation of Test Script**

The Secretary of State must create a script that outlines how each test ballot will be marked.

Votes must be randomly distributed in each of the selected precincts, ensuring that each federal, statewide, and legislative candidate and ballot measure receives at least one vote. In addition, various races and issues must be over-voted to test the optical/digital scan equipment's ability to notify the voter of, or out-stack, an over-vote, physically or digitally.

Upon receipt of test ballots from the officer in charge of elections, the Secretary of State must mark the test ballots in accordance with the predetermined script.

The Secretary of State also must create a script for each accessible voting machine that specifies how many ballots will be cast on the machine and how the votes will be distributed during the accessible equipment L&A test.

The Secretary of State must run the test ballots through the optical/digital scan equipment provided to the Secretary of State for preliminary verification purposes.

Finally, the Secretary of State creates a summary report that aggregates the vote totals for each candidate and ballot measure. The Secretary of State must ensure these test ballot results match the summary report.

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## 6. Conducting the L&A Test

The Secretary of State must bring a sufficient number of personnel to conduct the L&A test.

Upon arrival, the Secretary of State must ensure that the selected voting equipment has zero recorded votes prior to commencing the L&A test. The Secretary of State then must test the selected voting equipment to ensure each machine reports the correct vote totals (and that the EMS reports the correct aggregate totals) in accordance with the prepared scripts.

The Secretary of State must review ballots, and each ballot display on the accessible voting equipment, to confirm formatting, language, and audio requirements in the testing standards have been met (see testing standards in [Section II\(E\)](#) below).

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### L&A Testing Standards

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#### 1. Accessible Voting Equipment

Accessible voting equipment must:

1. Display candidate races, ballot measures, and voter instructions in English and any other language required in the county under the federal Voting Rights Act, at the voter's option;
2. Display candidate races, ballot measures, and voter instructions in large print and contrasting colors, at the voter's option;
3. Produce an accurate audio recording in English and any other language required in the county under the Voting Rights Act;

4. Display the correct voting precinct and state, county, and election type;
5. Display instructions how to use the equipment and mark the ballot;
6. Display the ballot as nearly as practicable in accordance with the formatting requirements for paper ballots, including color marking for partisan primary elections;
7. Display candidate names accurately, in accordance with the candidate's nomination paper;
8. Display ballot measures accurately, in accordance with any certification from the Secretary of State;
9. Sequentially advance from screen-to-screen;
10. Perform the functions selected by the voter;
11. Provide a warning to the voter if the voter attempts to under-vote or over-vote a particular race or issue, or, in the case of an over-vote, prevent a voter from doing so;
12. Increase or decrease the headphone audio volume in accordance with the voter's preferences;
13. Contain a functioning keypad (whether stand-alone or incorporated into the accessible voting equipment screen);
14. Allow the voter to write in a candidate using a keypad in the voter's selected language;
15. Provide a means for the voter to verify all of the voter's selections prior to committing the selections and a means for the voter to change a selection if desired before committing the selections;
16. Display a summary screen at the conclusion of voting that matches the voter's selections; and
17. If the accessible voting equipment independently tabulates votes, tabulate the voter's selections accurately, including:
  - Accurately tabulating in the EMS; and
  - Printing an accurate ballot in English and any other written language required in the county under the Voting Rights Act and/or printing an accurate voter verifiable paper audit trail (VVPAT).

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## **2. Optical and Digital Scan Voting Equipment**

Optical and digital scan voting equipment must:

1. Attribute votes to the correct candidates and ballot measures in the EMS;
2. Attribute the correct number of votes to each candidate and ballot measure;
3. Warn the operator of an over-vote or out-stack, physically or digitally, a ballot in the event of an over-vote;

4. Record no vote in an over-voted race and out-stack for further adjudication if applicable (precinct voting equipment and central count equipment);
5. Accept ballot styles for that specific precinct and reject ballot styles from other precincts (precinct voting equipment only); and
6. Accept ballot styles from the current election and reject ballot styles from a different election.

In advance of the Secretary of State's L&A test, the officer in charge of elections should conduct a preliminary test of ballots as soon as they are available from the printing vendor to ensure the ballots are correct and meet the requirements for the voting equipment utilized. This may include testing a blank ballot and a fully-voted ballot on every ballot style used in the election.

### **3. On-Screen/Electronic Tallying of Write-In Votes**

If electronic tallying of write-in votes will be utilized as part of the election tabulation system, that functionality shall also be tested during the L&A test to ensure secure and proper functioning and attribution of Write-In Tally Board determinations for the write-in votes tallied. See [Chapter 10, Section II\(G\)\(2\)](#) for requirements for electronic tallying of write-in votes.

### **4. Errors Discovered During Testing**

If any error is detected during L&A testing:

- The cause shall be ascertained and corrected;
- An errorless count shall be made before the voting equipment and programs are approved for use in the election;
- If the election program is found to be the source of the error, a copy of a revised election program shall be filed with the Secretary of State within 48 hours after the revision; and
- If the error was created by voting equipment malfunction, a report shall be filed with the Secretary of State within 48 hours after the correction is made, stating the cause and the corrective action taken.

[A.R.S. § 16-449\(A\)](#).

### **5. Certification of Voting Equipment**

The Secretary of State must certify the voting equipment if the equipment meets the requirements in the L&A testing standards. Voting equipment may not be deployed or used until the Secretary of State has certified that the equipment passed L&A testing.

If the voting equipment does not meet the mandatory requirements from the testing standards, the Secretary of State should work with the officer in charge of elections to determine the cause of the deficiency and whether it can be corrected in a timely manner. If the error can be readily



corrected, the voting equipment may be retested until the mandatory requirements have been met; otherwise, the L&A test must be rescheduled for a later time and date.

### County L&A Testing

The officer in charge of elections must substantially follow the L&A testing procedures applicable to the Secretary of State, except that all of the county's deployable voting equipment must be tested. The officer in charge of elections also must conduct a post-election L&A test of tabulation equipment. See [Chapter 12, Section II](#).

### Retention of L&A Programs, Test Ballots, and Database

The tests ballots and database used in L&A testing shall be:

- Secured immediately after the L&A test is run; and
- Retained until the post-election L&A test is ready to be conducted after ballot tabulation for the election.

Programs and test ballots used in L&A testing shall be under the control of the officer in charge of elections. After completion of the post-election L&A test, the databases and test ballots shall be retained with the official returns according to the retention period applicable for that election.

## III. SECURITY MEASURES FOR ELECTRONIC VOTING SYSTEMS

All components of the electronic voting system, including any e-pollbooks uploaded with voter registration information, must be secured in accordance with this section. Counties should also conduct periodic election security and cybersecurity assessments and develop and implement appropriate security procedures and best practices in consultation with county (and, where appropriate, federal and state) information technology and security professionals. Counties may establish more stringent and robust security protocols so long as the following minimum requirements are met.

The officer in charge of elections must develop and implement a training plan to ensure that elections staff (and any temporary workers) understand and comply with all security procedures applicable to the electronic voting system.

A person who knowingly modifies the software, hardware, or source code for voting equipment without receiving approval or certification pursuant to [A.R.S. § 16-442](#) is guilty of a class 5 felony. [A.R.S. § 16-1004\(B\)](#).

### Physical Security of the Electronic Voting System

Hardware components of the electronic voting system:

1. Must be permanently labeled with a unique serial number for tracking and auditing purposes;
2. Must be inventoried before and after an election;
3. Must be stored in a locked, secured location that prevents unauthorized access;
  - Access to the electronic voting system (including voting equipment and the EMS) must be authorized by the officer in charge of elections. Access must be documented with a written log or with electronic key card access that indicates the date, time, and identity of the person accessing the system.
4. Must be sealed with tamper-resistant or tamper-evident seals once programmed;
  - The seal number must be logged as corresponding with particular voting equipment and the election media that has been sealed in the voting equipment. The log should be preserved with the returns of the election. In the event of a recount or re-tally of votes, the officer in charge of elections should be prepared to submit an affidavit confirming that the election program and any election media used in the election have not been altered. [A.R.S. § 16-445\(C\)](#).
5. Must be safeguarded from unauthorized access when being moved, transferred, serviced, programmed, or temporarily stored;
6. May be accessed by elections staff only to the extent necessary to perform their authorized task; and
7. Must be witnessed by two or more election staff members (of different political parties if possible) when being moved or transferred, which includes an inventory of the equipment and chain of custody before and after the move or transfer.

**B.**

**Data Security of the Electronic Voting System**

Components of the electronic voting system:

1. Must be password-protected (for voting system software);
  - In addition to complying with any system requirements, passwords must: (1) contain mixed-cased and non-alphabetic characters, if possible; (2) be changed on a regular basis and may not be a vendor-supplied password; and (3) may be known only by authorized users.
2. May not be connected to the internet, any wireless communications device, or any external network (except for e-pollbooks);
  - An EMS must be a stand-alone system, attached only to components inside an isolated network. An EMS may only be installed on a computer that contains only an operating system, the EMS software, data/audio extractor software, and any necessary security software.
3. May not be used to modem election results, whether through analog, cellular, or any similar transmission;

4. May not contain remote access software or any capability to remotely-access the system;
5. Must match the software or firmware hash code on file with the officer in charge of elections prior to programming the election and the hash code on file with either (1) the National Institute of Standards and Technology (NIST); or (2) the Secretary of State at the time of certification of the electronic voting system; and
  - If the EMS software hash code is on file with NIST or the Secretary of State, the officer in charge of elections must certify that the officer compared the hash code on file with NIST or Secretary of State for the EMS software with the hash code of the EMS software to be used in the election and certify that the numbers are identical.
6. Must be observed by the officer in charge of elections or a designee if the election program (or any software or firmware) is updated or modified.

In addition, the following security protocols apply to any memory stick or removable electronic storage device used with the electronic voting system:

1. A stick or device must be purchased or received from a reliable source.
2. A stick or device shall be permanently identified with a unique serial number or identifier when in use, and an inventory of all electronic media shall be created and maintained.
3. Electronic storage media shall be physically secured at all times. No physical access should be given to any person unless the election officer in charge of the electronic storage media specifically grants that person access. Secured locations must be provided for storing electronic media when not in use, coding an election, creating the election media, and transferring and installing the election media into the voting device.
4. No electronic storage media shall be left unattended or in an unsecured location once it has been coded for an election. Where applicable, coded election media shall be immediately loaded into the relevant voting device, sealed, logged, and made secure or must be placed in a secured and controlled environment and inventoried.
5. A stick or device should generally not be used to transfer data between an internet-connected system and a non-connected electronic voting system. Only when necessary to import ballot language to the electronic voting system should such transfer occur, and in those circumstances, the internet-connected system and stick or device shall be scanned with updated antivirus software prior to transfer. In addition, the officer in charge of elections shall consider and implement other appropriate security protocols for such data transfers.
6. A stick or device used to transfer data to or from the electronic voting system should only be used one time – to transfer data from one system to a second system and then securely disposed of. When feasible, write-once memory cards or write-once disks should be used instead of USB devices to transfer data to or from an electronic voting system to ensure a “one-way, one-use policy” is self-enforced by the technology.
7. If the individual file to be transferred between systems was electronically received (whether through download, by email, or any other electronic means), the individual file must be scanned with antivirus software prior to being placed on the stick or device. If

any files were downloaded from an internet portal, the portal must be a secure portal for data transmission purposes. Regardless of the method of receipt, however, individual files should only be downloaded, transferred, or otherwise utilized if they were received by a trusted third-party source.

8. If a stick or device was received by mail:
  - The stick or device should only be accepted from a trusted, third-party source;
  - The stick or device must be encrypted by the third-party source, and the password to decrypt the stick or device may not be included with the mailing itself; and
  - Upon receipt, the stick or device must be scanned with antivirus software prior to opening or otherwise executing any file contained on the stick or device.

Finally, the following security protocols apply to the use of e-pollbooks and ballot-on-demand printers:

1. E-pollbooks and ballot-on-demand printers shall only be connected to authorized and secured networks and resources;
2. E-pollbooks and ballot-on-demand printers should transmit and receive data utilizing industry standard best practices for information and network security, including encryption;
3. E-pollbooks and ballot-on-demand printers shall be patched and updated to current versions as designated by the vendor;
4. Only software, applications, or drivers necessary for e-pollbook operation shall be installed on e-pollbooks;
5. E-pollbooks and ballot-on-demand printers shall be tested before each election to ensure proper operation;
6. To the extent practicable, voter data files on e-pollbooks should be compared to the original files by checking a hash code or, at a minimum, comparing file size prior to testing or use at a voting location; and
7. Only power or charging cables supplied by the vendor or purchased from a verified source shall be used to power e-pollbooks.

## CONTINGENCY PLANNING

The officer in charge of elections must develop a written contingency plan in case election operations, including the use of voting systems and any component thereof, are significantly disrupted. A contingency plan should consider all potential sources of disruption, including but not limited to:

- Systemic equipment failures or malfunctions;
- Power outages;
- Natural disasters or infrastructure failure;

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- Terror threats or other civil disturbances; and
- Unauthorized access, intrusion, or hacking into election facilities or equipment.

Among other things, a contingency plan must outline how the officer in charge of elections would ensure continuity in voting in case one or more voting locations becomes temporarily or permanently unusable on Election Day, which may include:

- Sending voters to an alternative voting location (whether new or existing);
- Seeking a court order to extend voting hours; and/or
- Requesting voters return to the voting location after the problem has been resolved.

The officer in charge of elections must implement any additional procedures necessary to ensure that voters are properly notified and receive the correct ballot style.

In advance of each election, the officer in charge of elections must review/update the contingency plan and ensure that key staff members have been briefed on the plan. As necessary, the officer in charge of elections should also be prepared to review and/or execute the contingency plan in coordination with:

- The County Recorder;
- The Board of Supervisors;
- The County Attorney's office;
- The County Sheriff's office;
- The Presiding Judge of the Superior Court;
- The Secretary of State's Office;
- The Arizona Counter Terrorism Information Center (ACTIC);
- The Arizona Department of Public Safety;
- The Attorney General's office;
- The Federal Bureau of Investigation;
- The U.S. Department of Homeland Security; and
- The U.S. Attorney's office.

The officer in charge of elections must file certain contingency information with the Secretary of State at least 10 days in advance of the election, including:

- A description of the officer's contingency plan to tabulate ballots in case of central count equipment failure (see specific requirements below); and
- A copy of the county's election program (see specific requirements below).

### Tabulation Contingency Plan

The officer in charge of elections must file with the Secretary of State a tabulation contingency plan that identifies alternative voting equipment or facilities in case the county experiences a complete loss of its central count equipment or use of its central counting place. The tabulation contingency plan shall be completed no later than the second Monday before the election.

The plan may include the transport of ballots across county lines. In that case, the ballots must be inventoried and safeguarded by the originating county's employees in the same manner as if the ballots had not been transported. See [Chapter 9, Section VIII\(B\)](#). A county must exhaust all possible options (including the acquisition of additional voting equipment from the vendor) before invoking a contingency plan that involves transportation of ballots across state lines.

The officer in charge of elections must notify the Secretary of State (and the chairpersons of the recognized political parties) if a tabulation contingency plan is invoked.

### Election Program Contingency Plan

**B.** Any jurisdiction that conducts an election must file a copy of the election program with the Secretary of State at least 17 days prior to each election. [A.R.S. § 16-445\(A\)](#). This copy may serve as a backup in case the original program is destroyed or rendered unusable.

The election program must be in a machine-readable format and may be transmitted to the Secretary of State via a password-protected CD, DVD, USB memory stick, or SFTP site.

If any subsequent changes are made to the election program, the officer in charge of elections must file the new copy with the Secretary of State within 48 hours of the change. [A.R.S. § 16-445\(B\)](#).

The Secretary of State must preserve election programs in escrow for three years. The Secretary of State must securely destroy any election program after this retention period has expired. [A.R.S. § 16-445\(A\)](#).

## CHAPTER 5: ACCOMMODATING VOTERS WITH DISABILITIES

### VOTER REGISTRATION INFORMATION

Before an election, each county shall prepare and disseminate information by public notice, including about voter registration deadlines, availability of registration and voting aids, how to vote early, availability of sample ballots, and types of assistance (including reasonable accommodations) available at voting locations, in a manner calculated to reach all voters and, in particular:

- Persons with disabilities;
- Seniors, age 65 or more;
- Self-identified voters; and
- Others who request information.

Upon a ten-day notice, the County Recorder or officer in charge of elections shall provide voting and registration information in alternative formats for the purpose of ensuring effective communication with people with disabilities. These available alternative formats may vary by County and shall include two or more alternative formats, which may include: large print, braille, electronic material for use with a screen reader, and/or computer disk in a format available on the jurisdiction's computer equipment. A voter may make an on-going or permanent request to receive information in a particular format in their county for each election. If a voter makes a request for information in an alternative format after any applicable deadlines, the County Recorder or officer in charge of elections shall make best efforts to accommodate the request if practicable.

Voters with a hearing or speech disability may dial 7-1-1 to be connected to a Telecommunications Relay Service (TRS), which permits persons with a hearing or speech disability to call persons with or without such disability. Each County Recorder and/or officer in charge of elections shall publish information on how voters may use TRS to initiate a call to the office of the County Recorder or officer in charge of elections.

Signs explaining assistance available for voters with disabilities must be posted at all permanent registration facilities, polling places, and vote centers. Temporary or permanent signs shall be:

- Posted on stakes or taped to corridor walls to provide reasonable guidance to reach the voting area;

- In large, clear lettering that meets the [ADA Accessibility Guidelines](#)<sup>23</sup> requirements as to character proportion<sup>24</sup> and height<sup>25</sup>;
- On a contrasting background color; and
- At a recommended height of 60 inches.

## VOTING AND VOTING LOCATION INFORMATION

Voters with disabilities are entitled to receive voting materials (and access to the voting experience in general) that is equivalent to that provided to voters without disabilities. [A.R.S. § 16-442.01\(B\)](#).

Thus, with few exceptions, ballots displayed in accessible voting equipment must follow the same content, format, and rotational requirements as those applicable to printed ballots. [A.R.S. § 16-442.01\(A\)](#). For example:

- Voting screens must be in the same order of arrangement as provided for paper ballots as far as practicable, except that information can be printed in vertical or horizontal rows or on separate screens. [A.R.S. § 16-468\(1\)](#).
- If there are more candidates for a particular race than can be displayed on one voting screen, the screen must indicate that the race is continued on the following screen, and the same number of candidates must be displayed on each screen as far as practicable. [A.R.S. § 16-468\(3\)](#).

In addition, the officer in charge of elections must be prepared to print ballots in braille or large print format to reasonably accommodate voters who request alternative formats. [A.R.S. § 16-442.01\(B\)\(2\)](#). Requests must be made to the officer in charge of elections by the second Friday before the election. *See, e.g.,* [A.R.S. § 16-549\(C\)](#). If a voter makes a request after the applicable deadline, the officer in charge of elections shall make best efforts to accommodate the request if practicable.

Information on how individuals may identify themselves as needing accommodations for voting and for requesting reasonable accommodations at their polling place or vote center shall be attached to or distributed with the voter registration form. Printed materials shall be provided at the time of registration, at the time of notification of registration status pursuant to [ARS § 16-163\(B\)](#), and on all sample ballots. These materials shall advise voters where they may call to ensure accessible voting, report instances of inaccessibility, and obtain voting materials in available alternative formats.

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<sup>23</sup> Available at: <https://www.access-board.gov/guidelines-and-standards/buildings-and-sites/about-the-ada-standards/background/adaag#4.30>.

<sup>24</sup> ADA Accessibility Guidelines 4.30.2 requires that: “[l]etters and numbers on signs shall have a width-to-height ratio between 3:5 and 1:1 and a stroke-width-to-height ratio between 1:5 and 1:10.”

<sup>25</sup> ADA Accessibility Guidelines 4.30.3 requires that: “[c]haracters and numbers on signs shall be sized according to the viewing distance from which they are to be read. The minimum height is measured using an upper case X. Lower case characters are permitted.”



The County Recorder and/or officer in charge of elections, as applicable, shall also include the following information on their websites:

- How voters with disabilities may obtain more information about voting assistance and reasonable accommodations in the voting process;
- How to request and obtain voting material in alternative formats;
- How to request voting through a special election board; and
- Instructions on how to use accessible voting devices used by the County.

## ENSURING ACCESSIBILITY AT THE VOTING LOCATION

Voting locations must comply with the current Americans with Disabilities Act (ADA) Standards for Accessible Design. See 2016 ADA Standards for Accessible Design, [36 C.F.R. § 1191](#), Appendices B & D (2016 Standards). The voting location must be in existing compliance with the Standards or the officer in charge of elections must bring the voting location into compliance with the Standards prior to the start of voting at the location. The officer in charge of elections should consult the ADA Checklist for Polling Places, available at <https://www.ada.gov/votingchecklist.htm>, when confirming that voting locations comply with federal accessibility requirements.

In addition to complying with all federal accessibility requirements, the officer in charge of elections must ensure that all voting locations also meet the following state requirements:

1. **Seating:** Each polling place shall include seating to allow voters to wait to enter the voting booth. A minimum of two seats is required and additional seats should be provided as practicable to reasonably accommodate voters with disabilities.
2. **Stairs:**
  - Stair treads shall be no less than 11 inches wide, measured from riser to riser.
  - Undersides of nosings shall not be abrupt. The radius of curvature at the leading edge of the tread shall be no greater than ½ inch. Risers shall be sloped or the underside of the nosing shall have an angle not less than 60 degrees from the horizontal.
  - Nosings shall project no more than 1 ½ inch.
  - Handrails shall be continuous along both sides of stairs. If not continuous, they shall extend at least 12 inches beyond the top riser and at least 12 inches plus the width of one tread beyond the bottom riser.
  - The clear space between handrails and wall shall be 1 ½ inch.
  - The ends of handrails shall be rounded or returned smoothly to floor or wall.
  - Handrails shall not rotate within their fittings.

**3. Booths and Equipment:**

- At least one voting booth in each voting location and early voting site shall be accessible. This requires that the clear area in the voting booth be no less than 30 inches by 48 inches. The preferred arrangement provides a knee space 27 inches high below the counter or ballot machine to allow front wheelchair approach. An alternative arrangement provides a clear area parallel to the ballot or counter and sufficient room to maneuver a wheelchair to this position.
- Each voting location and early voting site shall have an accessible voting device for use by voters with disabilities. Each accessible voting device shall be prominently marked with a permanent sign that is located in a conspicuous place on the device that is of a color and design approved by the Secretary of State and that bears the internationally accepted symbol of access “Accessible Voting Device.” [ARS § 16-447\(A\)](#).
- The County Recorder, officer in charge of elections, or designee shall ensure that accessible voting devices are operational and remain turned on as long as the voting location or early voting site is open, and shall ensure that board workers are trained on the proper operation of accessible voting devices.

**4. Resources for Voters with Sight and Hearing Disabilities:**

- Each voting location and early voting site shall have at least one magnifying instrument.
- For a statewide election, the Secretary of State shall provide each county with at least one large print version of the publicity pamphlet for each polling place, vote center, and early voting site. The officer in charge of elections shall provide at least one large print version of county publicity pamphlets to each polling place, vote center, and early voting site.
- For those with hearing disabilities, paper and pen/pencil shall be made available.

**5. Rest Stops:** For voters with limited strength/stamina or restricted mobility, periodic rest stops with seats or benches should be available at each polling location, at intervals of approximately 200 feet along the route from the vehicular access location to the voting room. Every effort should be made to provide an accessible route to the polling place that is less than 200 feet from the accessible parking spaces or passenger loading areas.

**6. Lighting:** Adequate lighting shall be provided for voting locations.

Voting locations and early voting sites must be accessible if such a site is available in the precinct. If no site is accessible, temporary measures, as described in Section IV below, shall be taken to make the location accessible.

Each county shall conduct a uniform inspection of all voting locations and early voting sites to ensure compliance with the criteria set out in this Section. Counties shall have procedures for inspection of each location before each election or provisions in contracts with voting locations and early voting sites requiring a contact person to inform the county if the accessibility of a location has been altered prior to an election.

Counties shall submit the results of their inspections in the accessibility report provided to the Secretary of State with the general election canvass. See [Chapter 13, Section II\(A\)\(1\)](#); see also Sample Accessibility Report sample form in [Chapter 17](#).

## ALTERNATIVE VOTING OPTIONS

Alternative means of voting shall be used at polling places and vote centers determined by the officer in charge of elections to be inaccessible only when:

- No accessible sites are available; and
- No temporary measures can make them accessible.

When the officer in charge of elections determines that no accessible voting location is available or no alternative means are available, all voters in the precinct shall be notified as soon as practicable, and prior to the deadline to request an early ballot-by-mail, that the voting location selected for their precinct is inaccessible and provided the reason(s) for inaccessibility.

The following alternative means of voting shall be offered to voters with disabilities or seniors:

- Where practicable, reassignment to an accessible voting location in a precinct with the same ballot as the voter's precinct and that is as close to the voter's home precinct as practicable;
- Assistance provided by a person of the voter's choice or two election officials of different political parties;
- Early voting; or
- Curbside voting, if available at the voting location.

Curbside voting may be made available as a reasonable accommodation as necessary to provide voters with disabilities equal access to the voting process. If curbside voting is offered, the following guidelines must be met:

- A sign shall be posted at or near the entrance to the voting location or the accessible parking spaces: (1) stating that curbside voting is available at that location; (2) notifying voters that they can relay a message through a companion or other nearby person to the election board that the voter wishes to vote; and (3) providing a telephone number or other means to call to request curbside voting assistance or for additional information.
- The election official, using the precinct register or e-pollbook, shall: (1) verify the registration status of the senior or voter with a disability; (2) verify the voter's identification; and (3) notify the inspector.

- The inspector shall direct the two election board workers (with different political party affiliations) to: (i) proceed to the curbside with an appropriate ballot (and if needed, a provisional ballot affidavit); (ii) permit the voter to privately vote their ballot after having signed the signature roster, electronic signature pad, or curbside voter affidavit form; and (iii) place the voted ballot in a secrecy sleeve.
- The election board workers shall then return to the voting area and present the ballot to the inspector, who shall deposit the ballot in the tabulation unit or ballot box.

## SPECIAL ELECTION BOARDS

<sup>V</sup>Personal ballot delivery through a special election board shall be provided to any qualified elector who is confined as a result of a continuing illness or physical disability and is, therefore, not able to go to the polls on Election Day. See [Chapter 2, Section IV](#) for more details.

## CHAPTER 6: CANDIDATE NOMINATION

### NOMINATION PROCEDURES

A candidate may run for office by obtaining a nomination or running as a write-in candidate.

- I.
  - There are two methods for obtaining a nomination: one reserved for candidates running under recognized party labels, and one reserved for “independent” candidates (*i.e.*, those not affiliated with a recognized political party).
  - In lieu of seeking a nomination, a person may run as a write-in candidate if the person files the required documentation in advance of the election and, for primary write-in candidates, meets applicable minimum vote requirements.

Under the “resign-to-run” law, except during the final year of the term being served, an incumbent holding a salaried elective office (whether through election or by appointment) must resign their current office before filing a nomination paper and seeking nomination or election to any other salaried federal, state, or local public office. [Ariz. Const. Art. XXII, § 18](#); [A.R.S. § 38-296\(A\)](#). Violation of the resign-to-run law results in the incumbent’s present office being “declared vacant.” [A.R.S. § 38-296\(E\)](#). To enforce this provision, the Attorney General, applicable County Attorney, or a person entitled to rightfully hold the office must file a *quo warranto* action in court. [A.R.S. § 12-2041](#); [A.R.S. § 12-2042](#); [A.R.S. § 12-2043](#); *Jennings v. Woods*, 194 Ariz. 314 (1999).

A. **Candidates for Partisan Federal, State, and Local Office**

This section outlines the requirements to run for public offices in Arizona, with the exception of President of the United States.

#### 1. Nomination for Public Office

For partisan elections, a candidate (other than a presidential or precinct committeeman candidate) must be nominated by one of two methods in order to appear on a general election ballot.

- A candidate may be nominated by winning a recognized political party’s primary election. [A.R.S. § 16-311](#).
- An independent candidate may be nominated by obtaining nomination petition signatures from qualified electors, known as “nomination other than by primary.” [A.R.S. § 16-341](#).

### Nomination by Primary Election

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Except for a candidate for U.S. Senator or Representative in Congress, a candidate seeking nomination for the general election ballot through a recognized political party's primary election must be a qualified elector in the electoral district for the office sought at the time of filing and a member of the political party for which the candidate is seeking a nomination beginning no later than the date of the first signature on the candidate's nomination petition through the date of the general election at which the person is a candidate. [A.R.S. § 16-311\(A\)](#).

To qualify for a primary election ballot, a candidate must timely file the following documents with the appropriate filing officer:

- A statement of interest;<sup>26</sup>
- A nomination paper for the office sought;
- A requisite number of nomination petition signatures; and
- A financial disclosure statement.<sup>27</sup>

[A.R.S. § 16-311](#).

#### **i. Statement of Interest**

Effective August 27, 2019, certain candidates seeking a primary election nomination or nomination other than by primary must file a statement of interest with the appropriate filing officer no later than the date of their first petition signature. Signatures collected before the filing of the statement of interest are subject to challenge. [A.R.S. § 16-311\(H\)](#); [A.R.S. § 16-341\(I\)](#). Petition signatures collected by candidates who started collecting signatures before August 27, 2019 may not be challenged on the basis of their collection before the filing of a statement of interest so long as the candidate files a statement of interest by January 2, 2020. [S.B. 1451 § 6\(A\), 54th Leg., 1st Sess. \(Az. 2019\)](#).

#### **ii. Nomination Petition Signatures**

A candidate seeking a primary election nomination must file a minimum number of nomination petition signatures with their nomination paper. [A.R.S. § 16-314\(A\)-\(B\)](#); [A.R.S. § 16-322](#).

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<sup>26</sup> A statement of interest is not required for candidates for special taxing districts that are established pursuant to Title 48, chapters 2, 3, 11, 12, 15, 17, 18, 19, 20, 22, 27 and 32, candidates for precinct committeeman, or candidates for President or Vice President of the United States. [A.R.S. § 16-311\(H\)](#); [A.R.S. § 16-341\(I\)](#).

<sup>27</sup> [A.R.S. § 16-311\(H\)\(1\)](#); [A.R.S. § 18-444\(A\), \(F\)](#); [A.R.S. § 38-543](#). Title 48 special district candidates, school district governing board candidates, and precinct committeeman candidates are not required to file a financial disclosure statement. See [A.R.S. § 38-543](#); [A.R.S. § 38-541\(8\)](#). A federal candidate is also not required to file a financial disclosure statement but has the option to file a statement on recall with the Secretary of State. [A.R.S. § 19-221](#).

Nomination signatures may be gathered on a paper nomination petition form prescribed by the Secretary of State or, for federal, statewide, and legislative candidates, through the Secretary of State's online signature portal known as E-Qual. [A.R.S. § 16-315\(A\)](#); [A.R.S. § 16-316](#); [A.R.S. § 16-317](#); [A.R.S. § 16-318](#).

A nomination petition signer must be a qualified elector who is registered to vote in the electoral jurisdiction or district in which the candidate seeks office. [A.R.S. § 16-321\(B\)](#). In partisan elections, the petition signer also must be registered to vote with the same recognized political party from which the candidate is seeking a nomination, with a political party not recognized for continued representation on the ballot, or as an independent or unaffiliated voter (*i.e.*, the voter must not be registered with another recognized political party). [A.R.S. § 16-321\(F\)](#). "Federal-only" voters are only eligible to sign nomination petitions for federal candidates and may not sign nomination petitions for state or local candidates. [AG Opinion I13-011\(R13-016\) 2013](#).

An elector may only sign one nomination petition for the same office unless more than one candidate is to be elected for that office. For example, an elector may only sign one candidate's petition for state senate but may sign two candidates' petitions for state house. If an elector signed more nomination petitions than permitted, only the earlier signatures are deemed valid. If the duplicate signatures were signed on the same date, all signatures signed by the elector on that date are deemed invalid. [A.R.S. § 16-321\(A\), \(C\)](#).

Depending on the type of candidacy, the minimum number of nomination petition signatures may be based on the number of persons qualified to sign a candidate's petition, the number of registered voters in a jurisdiction, the number of votes cast in a jurisdiction, or a static number of signatures. See [A.R.S. § 16-322\(A\)-\(C\)](#).

The Secretary of State must prepare sample nomination petition forms for use in federal, statewide, legislative, county, city, and town elections. [A.R.S. § 16-315\(C\)](#). The Secretary of State may prescribe the method of filing nomination petitions for federal, state and legislative offices, including but not limited to the electronic creation and filing of petitions. [A.R.S. § 16-315\(E\)](#).

### iii. Filing Officer Processing of Nomination Petition Signatures

A filing officer may reject nomination petitions for failure to file by the applicable deadline or failure to file the minimum number of required petition signatures. See [Chapter 6, Section I\(F\)](#) for a more detailed discussion of the limited bases for a filing officer to reject candidate filings.

If there is no basis to reject a candidate filing, the filing officer must count the nomination petition signatures to ensure the minimum number of signatures has been filed. A nomination petition signature line should be counted by the filing officer if it contains at least:

- An address, description of place of residence, or P.O. Box; and
- A signature in either the signature or printed name column *or* a printed name in the signature column.

Although nomination petition signature lines that are missing a signature but contain a printed name, or use a P.O. Box as a residence address, are presumed valid and counted in the filing officer's determination of the number of signatures submitted, such signatures may be subject to challenge.

The filing officer must issue a receipt to the candidate or candidate's committee. If the candidate meets the minimum signature threshold for the office sought, the candidate is qualified for the ballot, subject to any subsequent court challenges or candidate withdrawals.

**iv. Deadline to File Nomination Documents**

A candidate seeking a primary nomination must file a nomination paper, nomination petitions and, if applicable, financial disclosure statement between 150 and 120 days before the primary election. [A.R.S. § 16-311\(A\)-\(B\), \(E\)-\(F\), \(H\)](#); [A.R.S. § 16-314\(A\)](#). However, a statewide or legislative candidate seeking public funding under the Citizens Clean Elections Act may file these nomination documents with the Secretary of State as early as January 2 of an election year. [A.R.S. § 16-951\(B\)](#).

A candidate seeking a primary nomination in a special election to fill a congressional vacancy must file a nomination paper and nomination petitions no more than 30 days after the date of the Governor's proclamation calling the special election. [A.R.S. § 16-222\(B\)\(2\)](#).

A candidate who does not file the requisite nomination documents by 5:00 p.m. on the last day for filing is not eligible to have their name printed on the primary election ballot. [A.R.S. § 16-311\(E\)-\(F\)](#).

**b. Independent Nomination (Other than by Primary)**

In lieu of seeking a nomination through a political party primary, a candidate who is not registered with a recognized political party (*i.e.*, an "independent" or "unaffiliated" candidate) may be nominated for partisan office by filing the requisite number of nomination petition signatures with the filing officer. Such an "independent" or "unaffiliated" candidate who meets this threshold will be placed directly on the general election ballot, along with a three-letter "party" designation. However, a candidate may not seek a nomination in this manner if the candidate filed nomination petitions for the primary election and failed to qualify due to insufficient valid signatures. [A.R.S. § 16-341\(A\)-\(B\), \(D\)](#); [A.R.S. § 16-502\(E\)](#).

Similar to candidates seeking nomination by political party primary, candidates seeking independent nomination must timely file a statement of interest, nomination paper, and a requisite number of nomination petition signatures with the appropriate filing officer. Non-federal candidates must also file a financial disclosure statement if applicable.<sup>28</sup> [A.R.S. § 16-341\(E\), \(J\)\(1\)-\(2\)](#); [A.R.S. § 16-314\(A\)](#); [A.R.S. § 16-311\(D\)](#). A federal candidate is not required

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<sup>28</sup> [A.R.S. § 16-311\(H\)\(1\)](#); [A.R.S. § 18-444\(A\), \(F\)](#); [A.R.S. § 38-543](#). Title 48 special district candidates, school district governing board candidates, and precinct committeemen candidates are not required to file a financial disclosure statement. *See* [A.R.S. § 38-543](#); [A.R.S. § 38-541\(8\)](#).



to file a financial disclosure statement, but has the option to file a statement on recall with the Secretary of State. [A.R.S. § 19-221](#).

**i. Nomination Petition Signatures**

An independent candidate must collect nomination petition signatures equal to at least 3% of the registered voters in the jurisdiction in which the candidate is running who are not registered with a recognized political party, based on voter registration totals reported by the Secretary of State or County Recorder, as applicable, as of January 2nd in the general election year. Although the minimum number of signatures required is based on the number of voters not registered with a recognized political party, any person who is registered to vote in the state, county, subdivision, or district for which the candidate is nominated is eligible to sign the nomination petition without regard to the signer's party affiliation.

Nomination signatures may be gathered on a hard-copy independent nomination petition form prescribed by the Secretary of State or, for federal, statewide, and legislative candidates, through the Secretary of State's online signature portal known as E-Qual.

A filing officer must process (and in appropriate cases reject) independent nomination petition signatures in the same manner as partisan and nonpartisan nomination petitions. Likewise, if an independent candidate's nomination petitions are challenged in court, the applicable County Recorder must review the challenged signatures in the same manner as partisan or nonpartisan nomination petitions.

[A.R.S. § 16-316](#); [A.R.S. § 16-317](#); [A.R.S. § 16-318](#).

**ii. Deadline to File Independent Nomination Documents**

Like candidates seeking nomination through a political party primary:

- A candidate seeking a nomination other than by primary (to be placed on the general election ballot) must file an independent nomination paper, independent nomination petitions, and a financial disclosure statement between 150 and 120 days before the primary election, [A.R.S. § 16-341\(C\)](#); and
- An independent statewide or legislative candidate seeking public funding under the Citizens Clean Elections Act may file these nomination documents with the Secretary of State as early as January 2 of an election year. [A.R.S. § 16-951\(B\)](#)

An independent candidate seeking a nomination in a special election to fill a congressional vacancy must file a nomination paper and nomination petitions no more than 30 days after the date of the Governor's proclamation calling the special election. [A.R.S. § 16-222\(B\)\(2\)](#).

A candidate who does not file the requisite nomination documents by 5:00 p.m. on the last day for filing is not eligible to have their name printed on the general election ballot. [A.R.S. § 16-311\(H\)](#).

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## 2. Write-In Candidacy

In lieu of collecting nomination petition signatures to qualify for a primary or general election ballot, a person may run as a write-in candidate. Becoming an official write-in candidate requires the officer in charge of elections to tabulate any write-in votes for the candidate and include those results in the official canvass of the election. [A.R.S. § 16-312](#).

To qualify as an official write-in candidate, a candidate must timely file a write-in nomination paper and, if applicable, a financial disclosure statement with the appropriate filing officer. [A.R.S. § 16-312\(A\), \(C\)](#); [A.R.S. § 18-444\(A\)](#); [A.R.S. § 38-543](#); [A.R.S. § 18-444\(F\)](#). A federal write-in candidate is not required to file a financial disclosure statement but has the option to file a statement on recall with the Secretary of State.

A person may not seek a write-in candidacy in the primary election if the candidate filed a nomination petition for that primary and failed to submit a sufficient number of valid signatures, withdrew from the primary election after a petition challenge in court, or was removed from the primary election ballot or otherwise found to be ineligible by a court of law. A person may not seek a write-in candidacy in the general election for the same reasons listed above as to primary elections. In addition, if the candidate ran and lost in the preceding primary election or did not receive the requisite number of votes required to proceed to the general election, that candidate may not seek a write-in candidacy in the general election for the same office. [A.R.S. § 16-312\(F\)\(1\)-\(4\)](#); [A.R.S. § 9-821.01](#); [A.R.S. § 16-645](#).

The required documents must be filed no later than 5:00 p.m. on the 40th day before the election, except: (i) a write-in candidate to fill a vacancy that occurs after the official ballots have been printed must file the required nomination documents no later than five days before the election; and (ii) a write-in candidate who intends to run in a school district, special taxing district, or precinct committeeman election that may be canceled due to an insufficient number of candidates seeking election must file the required nomination documents no later than 76 days before the election in question. [A.R.S. § 16-312\(B\)](#); [A.R.S. § 16-343\(D\)](#). A statewide or legislative candidate seeking public funding under the Citizens Clean Elections Act may not run as a write-in candidate in the primary or general election. [A.R.S. § 16-950\(E\)](#).

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### Candidates for Nonpartisan Office

A candidate seeking nomination for a nonpartisan office must be a qualified elector in the electoral district for the office sought at the time of filing. [A.R.S. § 16-311\(B\)](#). There are specific requirements for eligibility to serve in city and town offices, on school district governing boards, and on special district boards pursuant to Title 9, Title 15, and Title 48, respectively. In addition, the “resign-to-run” law provisions apply to nonpartisan candidates. See [Chapter 6, Section I](#) above.

Similar to candidates for partisan office, candidates for nonpartisan office may run by filing nomination documents or by filing documents to run as an official write-in candidate.

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## 1. Nonpartisan Nomination

To qualify to appear on the ballot, a candidate for nonpartisan office must timely file the following nomination documents with the appropriate filing officer:

- A statement of interest;<sup>29</sup>
- A nomination paper for the office sought; and
- A requisite number of nomination petition signatures.

[A.R.S. § 16-311](#). Candidates for nonpartisan office are generally not required to file a financial disclosure statement.<sup>30</sup> However, cities and towns must require candidates to file a financial disclosure statement consistent with state law. [A.R.S. § 38-545](#).

These nomination documents must be filed between 150 and 120 days before the election. [A.R.S. § 16-311\(B\)-\(C\)](#). A candidate who does not file the requisite nomination documents by 5:00 p.m. on the last day for filing is not eligible to have their name printed on the ballot. [A.R.S. § 16-311\(F\)](#).

For nonpartisan elections in cities and towns, a candidate may be elected at the primary election and a general (run-off) election is not required if the candidate received a majority of votes. [A.R.S. § 9-821.01](#). Additionally, charter cities may differ in their scheduling of candidate elections based on the number of candidates running for office.

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## 2. Write-In Candidacy

In lieu of collecting nomination petition signatures to qualify to appear on the ballot, a person may run as an official write-in candidate for a nonpartisan office. Becoming an official write-in candidate requires the officer in charge of elections to tabulate any write-in votes for the candidate and include those results in the official canvass of the election. [A.R.S. § 16-312](#).

To qualify as an official write-in candidate, a candidate must timely file a write-in nomination paper and, if applicable, a financial disclosure statement with the appropriate filing officer. [A.R.S. § 16-312\(A\), \(C\)](#); [A.R.S. § 38-541\(6\)](#); [A.R.S. § 38-545](#).

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<sup>29</sup> A statement of interest is not required for candidates for special taxing districts that are established pursuant to Title 48, chapters 2, 3, 11, 12, 15, 17, 18, 19, 20, 22, 27 and 32, candidates for precinct committeeman, or candidates for President or Vice President of the United States. [A.R.S. § 16-311\(H\)](#); [A.R.S. 16-341\(I\)](#). See [Chapter 6, Section I\(A\)\(1\)\(a\)\(i\)](#) above for more details on the statement of interest requirement.

<sup>30</sup> Title 48 special district candidates, school district governing board candidates, and precinct committeemen candidates are not required to file a financial disclosure statement. See [A.R.S. § 38-543](#); [A.R.S. § 38-541\(8\)](#).

A person may not seek a write-in candidacy if the candidate filed a nomination petition for that election and failed to submit a sufficient number of valid signatures, withdrew from the election after a petition challenge in court, was removed from the election ballot, or was otherwise found to be ineligible by a court of law. [A.R.S. § 16-312\(F\)\(1\)-\(4\)](#); [A.R.S. § 9-821.01](#); [A.R.S. § 16-645](#).

The required documents must be filed no more than 40 days before the election, except: (i) a write-in candidate to fill a vacancy that occurs after the official ballots have been printed must file the required nomination documents no later than five days before the election; and (ii) a write-in candidate who intends to run in a school district, special taxing district, or precinct committeemen election that may be canceled due to an insufficient number of candidates seeking election must file the required nomination documents no later than 76 days before the election in question. [A.R.S. § 16-312\(B\)](#); [A.R.S. § 16-343\(D\)](#).

For nonpartisan special district elections, the candidate(s) who receive the highest number of votes is elected. [Ariz. Const. Art. VII § 7](#). For elections in cities and towns, a candidate may be elected at the primary election and a general (run-off) election is not required if the candidate received a majority of votes. [A.R.S. § 9-821.01](#). Additionally, charter cities may differ in their scheduling of candidate elections based on the number of candidates running for office.

## C. **Presidential Candidates**

A candidate may run for U.S. President in Arizona by one of two methods: obtaining a nomination or running as a write-in candidate.

Absent a successful challenge, a nomination means the presidential candidate's name will appear on the general election ballot in a presidential election year. There are two methods for obtaining a nomination: one reserved for candidates running under recognized party labels, and one reserved for "independent" or party-unaffiliated candidates.

- A candidate seeking the nomination of a recognized political party usually runs in the Presidential Preference Election (PPE). However, the presidential and vice-presidential candidates that ultimately appear on the general election ballot will be formally nominated by party delegates at national conventions held during the summer preceding the election. As a prerequisite to placement of their nominees on the general election ballot, each recognized political party must timely submit the names of presidential electors who will cast votes for the winning candidate in the Electoral College.
- Alternatively, a candidate may qualify as an independent presidential candidate by collecting nomination petition signatures. If the candidate meets the requisite signature threshold, the candidate and their vice-presidential running mate (along with a "party" designation of the candidates' choice) will appear on the general election ballot.

In lieu of seeking a nomination, a person may run as a write-in presidential candidate if the person files required documentation by the applicable deadline in advance of the general election.

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## 1. Presidential Preference Elections

A PPE is only open to candidates seeking the nomination of a recognized political party. Write-in candidates are prohibited from participating in the PPE. [A.R.S. § 16-243\(B\)](#); [A.R.S. § 16-244](#); [A.R.S. § 16-247](#).

Candidates seeking to appear on their political party's PPE ballot must meet the constitutional qualifications for President of the United States and submit valid nomination documents before the filing deadline. The candidates who receive the most votes at the PPE will be entitled to have their party's delegates from the State of Arizona vote for them at their political party's national convention. [A.R.S. § 16-243\(B\)](#); [U.S. Const. Art. II, § 1, cl. 5](#).

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### *Required Documents for Running in the PPE*

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a.

A candidate may qualify for the PPE ballot by filing with the Secretary of State: (i) a PPE nomination paper; and (ii) PPE nomination petition with the requisite number of signatures, or certificates of presidential preference ballot qualification from at least two other states. [A.R.S. § 16-242\(A\)](#); [A.R.S. § 16-311\(A\)-\(B\), \(D\), \(G\)](#).

i. PPE Nomination Petition Signatures

A presidential candidate may qualify for the PPE ballot by filing a minimum number of nomination petition signatures with the nomination paper. A PPE candidate must collect at least 500 nomination petition signatures from qualified electors. For a recognized political party that has at least 50,000 registered voters in Arizona, only qualified electors registered with that political party may sign the nomination petition. For a recognized political party with less than 50,000 registered Arizona voters, any registered voter may sign the nomination petition. [A.R.S. § 16-242\(C\)](#).

ii. Alternative to Submitting Nomination Petition Signatures

In lieu of filing nomination petition signatures, a presidential candidate may submit official documentation from at least two other states proving that the candidate previously qualified for the partisan party ballot in that state. Such documentation may be from the chief election office, commission, or board. A signed letter on official government letterhead will suffice. Only states with primary-style (not caucus) presidential preference elections are eligible for this reciprocity. [A.R.S. § 16-242\(E\)](#).

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### *Deadline to File Nomination Documents*

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A presidential candidate must file a PPE nomination paper and PPE nomination petitions or certificates of ballot qualification between 130 and 100 days before the PPE. If the deadline for filing falls on a weekend or legal holiday, the nomination documents must be filed by the next business day. A presidential candidate who does not file the requisite nomination documents by

5:00 p.m. on the last day for filing is not eligible to have their name printed on the PPE ballot. [A.R.S. § 16-242\(B\)](#).

### ***Opting Out of the PPE***

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Participation in the PPE by an eligible party is not mandatory. *See Arizona State Democratic Committee v. Hull*, No. CV 96-00909 (Ariz. Super. 1996). If an eligible party chooses not to participate in the PPE, the state party's chairperson must notify the Secretary of State in writing by September 16, 2019 for the 2020 PPE, and by September 1 (or the next business day if that date falls on a weekend or state holiday) of the year preceding the PPE for every PPE thereafter. The Secretary of State will promptly notify county officials and provide further instructions as needed.

The presidential nominee of eligible parties who opt out of the PPE may appear on the general election ballot so long as their party chairpersons nominate presidential electors as prescribed by statute and by the statutory deadline. [A.R.S. § 16-344](#); *see* [Chapter 6, Section I\(C\)](#).

## **2. Presidential Nomination Through Party Convention**

Presidential and vice-presidential candidates who were nominated by recognized political parties at national party conventions will appear on the general election ballot, contingent on the state political party's timely submission of presidential electors' nomination documents to the Secretary of State.

### **a. *Required Documents for Nomination of Presidential Electors***

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The state chairperson of a recognized political party must file nomination papers for its presidential electors, equal to the number of U.S. Senators and members of the U.S. House of Representatives from Arizona. [A.R.S. § 16-344](#).

b.

### ***Deadline to File Nomination Documents***

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The state chairperson of a recognized political party must file presidential elector nomination papers no later than ten days after the primary election. A recognized political party that does not file the requisite presidential elector nomination papers by 5:00 p.m. on the last day for filing is not eligible to have its presidential, vice-presidential, or presidential elector names printed on the general election ballot. [A.R.S. § 16-344\(A\)](#).

## **3. Independent Presidential Candidates**

A candidate who is not affiliated with a recognized political party label may seek nomination as an "independent" candidate. If the candidate meets the requisite signature threshold, the candidate and their vice-presidential running mate (along with a "party" label of the candidates' choice) will appear on the general election ballot.

To qualify as an independent presidential candidate on the general election ballot, a candidate must file the following documents with the Secretary of State:

- A letter of consent;
  - An independent presidential candidate must file a letter with the Secretary of State designating the candidate's vice-presidential running mate and the names of their presidential electors, including each person's signed consent to be designated as such. The letter of consent is separate from the nomination papers that must be filed. The wording of the letter is left to the candidate's discretion, as long as the letter is signed by the vice-presidential running mate and each presidential elector. [A.R.S. § 16-341\(I\)](#).
- Independent nomination papers for the presidential, vice-presidential, and presidential elector candidates; and
- Independent nomination petitions.

An independent presidential candidate must submit nomination petition signatures equal to at least 3% of registered voters in the state who are not registered with a recognized political party. The number of unaffiliated registered voters is determined on the basis of voter registration totals reported by the Secretary of State as of January 2nd in the general election year. [A.R.S. § 16-341\(E\)-\(G\)](#).

Any registered voter may sign the petition as long as the voter has not signed another presidential elector nomination petition for the same presidential election. A "federal-only" voter is qualified to sign. [A.R.S. § 16-341\(G\)](#). Otherwise, the same rules for signing and circulating a nomination petition apply to independent presidential nomination petitions. See [Chapter 6, Sections I\(A\)](#) and [I\(D\)](#).

An independent presidential candidate must file a letter of consent, nomination papers, and nomination petitions between 90 and 60 days before the general election. [A.R.S. § 16-341\(G\), \(I\)](#).

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#### **4. Write-In Candidate for President**

In lieu of securing a nomination to qualify for the general election ballot, a person may run as a write-in presidential candidate. Becoming an official write-in candidate causes the officer in charge of elections to tabulate any write-in votes for the candidate and include those results in the official canvass of the election. [A.R.S. § 16-312\(C\)](#).

A person may not seek a write-in candidacy in the general election if the candidate filed independent presidential nomination petitions for the current election. [A.R.S. § 16-312\(F\)\(4\)](#).

A person may qualify as an official write-in presidential candidate by filing with the Secretary of State: (i) a letter of consent signed by the vice-presidential running mate and each presidential elector; and (ii) write-in nomination papers for the presidential, vice-presidential, and presidential elector candidates. [A.R.S. § 16-312\(G\)](#).

A write-in presidential candidate must file a write-in letter of consent and requisite nomination papers no later than 5:00 p.m. on the 40th day before the general election. A write-in presidential candidate who does not file the requisite nomination documents by 5:00 p.m. on the last day for filing is not eligible to have votes tallied or included in the official canvass. Promptly after the close of the filing deadline, the filing officer must notify the Board of Supervisors of any write-in candidates certified for the election. [A.R.S. § 16-312\(B\), \(E\)](#).

### Candidate Nomination Petition Circulators

Circulators of candidate nomination petitions are not required to be Arizona residents, but must otherwise be qualified to register to vote in this state pursuant to [A.R.S. § 16-101](#). If the circulator is not a resident of this state, they must register as a circulator with the Secretary of State through the [Circulator Portal](https://azsos.gov/elections/requirements-paid-non-resident-circulators) (<https://azsos.gov/elections/requirements-paid-non-resident-circulators>). [A.R.S. § 16-315\(D\)](#).

A circulator must complete the affidavit on the back of the nomination petition attesting that each of the names on the petition was signed in the circulator's presence on the date indicated and that, in the circulator's belief, each signer was a qualified elector who resides at the address given as the signer's residence on the date indicated. If the nomination petition is for a partisan election, the circulator must additionally attest that each signer is a qualified signer. [A.R.S. § 16-321\(D\)](#).

### E. Filing Officer for Candidate Documents

Candidate documents, including statements of interest, nomination papers, nomination petitions, and financial disclosure statements, must be filed with the proper filing officer.

The Secretary of State is the filing officer for:

- Presidential elector candidates;
- PPE candidates;
- U.S. Senate and U.S. House of Representatives candidates;
- Statewide candidates;
- Legislative candidates;
- Supreme Court justices (seeking retention); and
- Court of Appeals judges (seeking retention).

[A.R.S. § 16-242\(A\)](#); [A.R.S. § 16-311\(E\)](#); [Ariz. Const. Art. VI, § 38\(A\)](#).

The county officer in charge of elections is the filing officer for:

- County candidates, including County Sheriff, County Attorney, County Recorder, County Treasurer, County Assessor, County Superintendent of Schools, and County Supervisors;



- Candidates for precinct office, which include:<sup>31</sup>
  - Justice of the Peace candidates;
  - Constable candidates; and
  - Precinct committeemen candidates;
- Community college district governing board candidates;<sup>32</sup>
- Special taxing district candidates;
- Superior Court judges (seeking election or retention); and
- Clerk of the Superior Court candidates.<sup>33</sup>

[A.R.S. § 16-311\(F\)](#); [A.R.S. § 15-1442\(A\)](#).

The county school superintendent is the filing officer for:

- School district governing board candidates; and
- Joint technical education district governing board candidates.

[A.R.S. § 15-422\(A\)](#); [A.R.S. § 15-431\(B\)\(6\)](#); [A.R.S. § 16-311\(F\)](#); [A.R.S. § 15-393\(A\)\(4\), \(C\)\(5\)](#).

The city or town clerk is the filing officer for candidates for city or town council or mayor.  
[A.R.S. § 16-928\(A\)\(3\)](#).

#### F. **Bases to Reject a Candidate Filing**

A filing officer may reject a candidate filing on any of the following bases:

- Failure to file a sufficient number of nomination petition signatures. A filing officer may reject nomination petitions without conducting a full count if the candidate or campaign acknowledges that an insufficient number of signatures are being presented for filing;
- Failure to file nomination documents by the statutory deadline;
- Failure to file all the required documents to run for office (except that failure to file a statement of interest is not a basis to reject a filing, although it renders signatures collected prior to filing a statement of interest subject to challenge);
- Failure to fully or properly complete any required document to run for office, including:

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<sup>31</sup> *Nicol v. Superior Court, Maricopa County*, 106 Ariz. 208, 209 (1970) (Justices of the Peace and Constables are “precinct officers” pursuant to [A.R.S. § 22-102](#)).

<sup>32</sup> Community college district governing board candidates file nomination papers with the “appropriate county officer,” which may be the county officer in charge of elections in some counties or the county school superintendent in others. See [A.R.S. § 15-1442\(A\)](#).

<sup>33</sup> [Ariz. Op. Atty. Gen. No. I85-086 \(R85-071\) \(1985\)](#) (holding that candidates for Clerk of the Superior Court are treated as county candidates for the purpose of filing nomination petitions).

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- Failure to sign a document that requires a signature (an electronic or type-written signature may be permitted for candidates using the Secretary of State’s electronic Candidate Portal);
  - Failure to select a required checkbox or answer a required question;
  - Use of an honorific or other unauthorized title on a nomination paper. However, when possible, a filing officer should simply reject the unauthorized or honorific title in lieu of rejecting the nomination paper altogether.
- Failure to use the correct form or correct version of any required document, as prescribed by the filing officer, to run for office;
  - Seeking more than one office at the same time if the candidate would be prohibited from serving in the offices simultaneously; or
    - However, a candidate for legislative office may simultaneously run for community college district, school district, or joint technical education district governing board member, and a candidate for U.S. Senate or U.S. House of Representatives may also run for U.S. President or U.S. Vice President during the same election cycle. [Ariz. Const. Art. IV, Pt. 2, § 5](#); [A.R.S. § 38-296.01\(B\)](#).
  - If a candidate for state or local office is liable for an aggregate of \$1,000 or more in fines, penalties, late fees, or administrative or civil judgments, including any interest or costs, that have not been fully paid at the time of the attempted filing of the nomination paper and the liability arose from campaign finance violations under Title 16, Chapter 6, unless the liability is being appealed.

[A.R.S. § 16-322](#); [A.R.S. § 16-311\(D\), \(H\), \(I\), \(J\)](#).

Any other alleged deficiencies in a candidate’s nomination documents should be addressed in court. For example, the filing officer is not authorized to reject a nomination paper or nomination petitions “that have been submitted by a candidate who is found guilty of petition forgery,” nor may a filing officer reject nomination papers of a candidate for failure to meet residency requirements if the papers “on their face substantially comply with the terms of the statute.” [Ariz. Atty. Gen. Op. No. I84-096](#). Any such disqualification must be ordered by a court in response to a candidate challenge filed pursuant to [A.R.S. § 16-351\(F\)](#).

II.

## NOMINATION PETITION CHALLENGES

Any qualified elector may challenge a candidate for any reason relating to the qualifications for the office sought as prescribed by law, or based on insufficiency of the nomination paper or petition and/or the signatures thereon. [A.R.S. § 16-314](#); [A.R.S. § 16-321](#); [A.R.S. § 16-351](#).

## Initiating a Candidate Petition Challenge

Challenge procedures are specified in [A.R.S. § 16-351](#). The challenge petition must be filed in superior court no later than 5:00 p.m. on the tenth day, excluding Saturday, Sunday, and legal holidays, after the deadline for filing nomination papers and petitions.

- A.
- The challenger must state specifically the grounds for the challenge. If nomination petition signatures are being challenged, the challenge petition must specify the petition page and line number for each signature being challenged as well as the grounds for challenging each signature.
  - The challenge petition must name as defendants: (i) the Board of Supervisors of any county involved in the challenge, (ii) the County Recorder for any county involved, (iii) the appropriate filing officer, and (iv) the candidate who is subject to the challenge. If the candidate is seeking nomination for office for a jurisdiction or district that crosses county lines, the challenge petition must name the appropriate Board of Supervisors and County Recorder for each county included in the jurisdiction or district.
  - The challenge petition must be served immediately after the challenge is filed and, in any case, no later than 24 hours after it is filed, excluding Saturday, Sunday, and legal holidays.

## Service of Process and Notification Requirements

B.

The officer with whom the challenged candidate filed their nomination paper and petitions is the designated agent for service of process in all candidate challenges. *See* [Chapter 6, Section I\(E\)](#).

Once the correct filing officer has been served with the challenge, the filing officer must immediately mail a copy of the challenge to the candidate and notify the candidate by phone and/or email of the challenge. The filing officer shall also immediately notify the County Recorder(s) named in the challenge and provide the County Recorder(s) with a copy of the challenge and a copy of the front sides of the nomination petitions (if applicable) filed by the challenged candidate. [A.R.S. § 16-351\(D\)](#).

## County Recorder Signature Verification

The filing officer should provide the pertinent nomination petition pages to the County Recorder(s) promptly upon receipt of the complaint and reasonable certainty of a challenge, regardless of whether the challenger has formally served process on the filing officer. Upon receipt of the challenge and the nomination petitions from the filing officer, the County Recorder(s) must perform signature verification on the nomination petition signatures that are being challenged, if any.

The following procedures apply to the County Recorder's signature verification:

- The County Recorder need only perform signature verification for the challenged signatures of qualified electors in the County Recorder's county. For a nomination petition challenge for an office where the applicable boundaries include multiple

counties, the County Recorder need only verify the petition signatures of the County that is designated at the top of the nomination petition form.

- The County Recorder need only perform one check of the signatures that are challenged.
- For a challenge that alleges that specific petition signers are not registered to vote, the County Recorder will search the County's voter registration database, as of the time of the filing of the court action, for the signer's name and address and confirm whether the signer was registered to vote as of the date of signing.
- If the County Recorder is the candidate being challenged, the County Recorder will be screened from the signature verification process and will have staff conduct the signature verification and prepare the report. The County Recorder shall not personally work on the verification.
- The County Recorder must ensure that staff performing the signature verification are properly trained. Temporary employees may be trained by full time staff with at least two election cycles of signature verification experience.
- The County Recorder need not retain or employ a handwriting expert to perform signature verification.

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### **1. Criteria for Disqualifying Signatures**

The County Recorders shall apply the criteria spelled out in the County Recorder Petition Signature Verification Guide (see [Chapter 17, Appendix 4](#)) when performing signature verification.

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### **2. County Recorder's Signature Verification Report**

Upon completion of verification of challenged signatures, the County Recorder must prepare a report of the results of the verification.

- The report shall include: (i) the list of challenged signatures determined to be invalid by the County Recorder; and (ii) the basis or bases for the County Recorder's determination that the signature is invalid.
- The County Recorder may limit the reasons for disqualifying a signature to the reason(s) identified by the challenger. Nonetheless, the County Recorder may identify, and the County Recorder's report may reflect, a reason for disqualifying a signature other than the reason(s) specified in the challenge.
- The County Recorder shall produce the signature verification report as soon as practicable after receiving, or having access to, the pertinent nomination petition pages from the filing officer or as required by the court.

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### **3. Testimony and Evidence by County Recorder**

In addition to the County Recorder's signature verification report, the County Recorder(s) and the filing officer, or their designee(s), must also provide testimony and other evidence for the challenge hearing on the request of any of the parties to the court action. [A.R.S. § 16-351\(E\)](#).

If a party to a nomination petition challenge requests certified copies of voter registration forms, the County Recorder must make best efforts to provide the certified copies as soon as practicable and prior to the court hearing. Due to the very condensed timeframe for challenges, the requestor should cooperate with the County Recorder to facilitate timely fulfillment of the requests, including by providing the voter registration number for each individually identified voter at the County Recorder's request. If the County Recorder is unable to apply statutorily-required redactions within the necessary timeframe (*see* [Chapter 1, Section X\(C\)\(1\)](#)), the County Recorder should seek to produce the records pursuant to an appropriate protective order or under seal in accordance with the Arizona Rules of Civil Procedure and other applicable law.

### Duties of the Challenger and Candidate

**D.** Upon filing the challenge, the challenger shall provide the applicable County Recorder(s) an electronic, sortable version of any spreadsheet filed with the complaint, which identifies the page number, line number, and reason for the challenge for each petition signature being challenged. To the extent practicable, this spreadsheet should also provide the full name, address, and voter registration identification number for each signer whose signature is being challenged.

To facilitate the County Recorder's signature verification, the candidate being challenged may provide the County Recorder with a spreadsheet listing the petition page number and line number in the same order as provided in the challenger's spreadsheet and indicating the candidate's response as to each challenged signature.

**E.**

### Court Hearing

The hearing on the challenge and the court's ruling must occur within ten days after the challenge is filed, excluding Saturdays, Sundays and holidays. [A.R.S. § 16-351\(A\)](#); *but see Brousseau v. Fitzgerald*, 138 Ariz. 453 (1984) (holding that the ten day requirement for action by the **E** court on nomination petition challenges is directory, not mandatory).

### Costs and Expenses

The filing officer has no statutory duty to reimburse County Recorders for signature verification or other expenses incurred in connection with nomination petition challenges. Accordingly, County Recorders should seek sufficient funding from their Board of Supervisors to ensure the ability to comply with the signature verification and reporting requirements of [A.R.S. § 16-351](#).

The County Recorder may seek reasonable expenses from the challenger or candidate under specified circumstances. If the court finds that the challenge was without substantial justification or primarily for the purpose of delay or harassment, the court may enter judgment in favor of the

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County Recorder or officer in charge of elections and against the challenger for the reasonable expenses incurred in the signature verification process. Similarly, if the court finds that the candidate knowingly or recklessly submitted a substantial number of invalid signatures, the court may enter judgment in favor of the County Recorder or officer in charge of elections for the reasonable costs incurred in the signature verification process. [A.R.S. § 16-351.01](#).

## CHAPTER 7: PRESIDENTIAL PREFERENCE ELECTION

### TIMING

A Presidential Preference Election (PPE) shall be held on the Tuesday immediately following March 15 in a presidential election year or on a later date pursuant to a proclamation issued by the Governor at least 180 days before the date set forth in the proclamation. No other election may appear on the same ballot as the PPE. [A.R.S. § 16-241\(A\)-\(B\)](#).

### ELIGIBILITY TO PARTICIPATE IN THE PPE

#### II. Party Eligibility to Participate in the PPE

<sup>A.</sup> Only political parties eligible for continued representation on the ballot pursuant to [A.R.S. § 16-804](#) and new political parties eligible to appear on the ballot pursuant to [A.R.S. § 16-801](#) may participate in the PPE. [A.R.S. § 16-244\(A\)](#). New parties must have filed their petition for recognition as a new party with the Secretary of State between 180 and 150 days before the PPE in order to be eligible to participate in the PPE. [A.R.S. § 16-244\(A\)\(2\)](#).

Eligible political parties are not required to participate in the PPE, and may opt to conduct their own election or caucus instead. *See Arizona State Democratic Committee v. Hull*, No. CV96-00909 (Maricopa County Super. Ct., Feb. 1, 1999) (holding that the PPE is different from a primary election and political parties can choose whether or not to participate). If an eligible party chooses not to participate in the PPE, the state party's chairperson must notify the Secretary of State in writing by September 16, 2019 for the 2020 PPE, and by September 1 (or the next business day if that date falls on a weekend or state holiday) of the year preceding the PPE for every PPE thereafter. *See H.B. 2751 § 19, 54th Leg., 1st Sess. (Az. 2019)*. The Secretary of State will promptly notify county officials and provide further instructions as needed.

#### Eligibility to Vote in the PPE

The “open primary” laws, [AZ. Const. Art. 7 § 10](#), do not apply to the PPE. Only qualified electors registered with the political parties participating in the PPE may vote in the PPE. Independent voters or voters with no party preference and voters affiliated with a political party that is not participating in the PPE may not participate unless they change their party registration or affiliation to that of a participating political party by the deadline to register to vote in the PPE. [A.R.S. § 16-241\(A\)](#); *see also Attorney General Opinion No. I99-025 (R99-049)*.

Voters not on the PEVL may request a ballot-by-mail for the PPE within 93 and 11 days before the election. [A.R.S. § 16-246\(A\)](#).

## Candidate Participation in the PPE

Candidates seeking to appear on the PPE ballot must meet the requirements set forth in [A.R.S. § 16-242](#). Candidates may file with the Secretary of State either:

- A nomination paper and nominating petitions signed by at least 500 qualified electors who are eligible to vote for the candidate in the PPE; or
- A notice of candidacy affirming that they are on the PPE ballot of at least two other states.

[A.R.S. § 16-242\(C\)-\(E\)](#).

Write-in candidates are prohibited. [A.R.S. § 16-247](#).

The Secretary of State will certify to counties the names of candidates who qualify for the PPE ballot within 72 hours of the close of the filing period. [A.R.S. § 16-242\(F\)](#). The filing period for the PPE is 130 to 100 days before the PPE. [A.R.S. § 16-242\(B\)](#). See [Chapter 6, Section I\(C\)\(1\)](#) for more information regarding PPE candidacy.

### PPE BALLOTS

#### III.

#### A. Official Ballot

Official ballots for the PPE must meet the following requirements:

1. They must be printed on different colored paper for each party if more than one party is participating, or white paper with a different colored stripe at the top;
2. Only one party may be represented on each ballot;
3. The top of each ballot must contain the words, “Official Ballot of the \_\_\_\_\_ Party, Presidential Preference Election (date), County of \_\_\_\_\_, State of Arizona.”
4. Candidate names must be printed in a random order determined by the Secretary of State through the drawing of lots. Rotation of candidate names is prohibited. Above the list of candidate names, the title “\_\_\_\_\_ party candidates for President of the United States” should be printed, along with “vote for not more than one” immediately below the title. The ballot may also contain other printed instructions to voters as prescribed for other elections.
5. The ballot should be configured so that it may be tabulated by congressional districts.

[A.R.S. § 16-245](#); [A.R.S. § 16-249\(C\)](#).



## Sample Ballots

Sample ballots for the PPE must be mailed to each household containing a registered voter eligible to participate, unless each qualified voter is on the PEVL. No elected or appointed public officer's name should appear on the sample ballot, and each ballot must contain a conspicuous disclaimer that the ballot is not official. The sample ballot must also contain a list of acceptable forms of voter identification pursuant to [A.R.S. § 16-579\(A\)\(1\)](#); [A.R.S. § 16-245 \(D\)-\(E\)](#).

The mailing face of each sample ballot must be imprinted with the Great Seal of the State of Arizona, and the words, "Official Voting Materials – Presidential Preference Election." [A.R.S. § 16-245 \(D\)-\(E\)](#).

The officer in charge of elections must provide a ballot proof to the chairperson of each participating party within five days of receiving the list of certified candidates from the Secretary of State. [A.R.S. § 16-245\(C\)](#).

## CONDUCT OF THE PPE

### IV.

The PPE should be conducted in the same manner as any other primary election held pursuant to [A.R.S. § 16-201](#). All provisions of other laws governing elections apply to the PPE, except as otherwise provided in Title 16, Chapter 2, Article 4, including laws relating to registration and qualification of electors. [A.R.S. § 16-241\(C\)-\(D\)](#). The PPE is also subject to the hand count procedure detailed in [Chapter 11, Section VIII](#).

### A. Voting Locations

Not less than 20 days before a PPE, the Board of Supervisors must designate a reasonable and adequate number of voting locations for the PPE, based on the number of active registered voters as of January 2 of the year of the PPE.<sup>34</sup> County Boards of Supervisors must follow the formulas set out in [A.R.S. § 16-248\(C\)-\(E\)](#) to determine the maximum allowable number of polling places. The Secretary of State may release a county from these limits if complying with them would jeopardize compliance with federal or state law. [A.R.S. § 16-248\(F\)](#). In addition, the limits and consolidation requirements do not apply to Native American reservations. [A.R.S. § 16-248\(G\)](#).

The officer in charge of elections may conduct the PPE entirely by mail in precincts with fewer than 300 active, registered voters (except for on Native American reservations). [A.R.S. § 16-248\(H\)](#).

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<sup>34</sup> Although [A.R.S. § 16-248\(B\)-\(E\)](#) specifies that the designation of polling places should be based on the number of active registered voters as of "January 1" of the year of the PPE, the 54th Legislature, First Regular Session, via Senate Bill 1154, amended [A.R.S. § 16-168\(G\)](#) to require County Recorders to report voter registration statistics as of January 2 each year, rather than January 1. Accordingly, January 2 is used in lieu of January 1 here.

In addition to Election Day voting locations, County Recorders may establish on-site early voting locations and provide for special election boards within the time limits and procedures applicable to other elections. [A.R.S. § 16-246\(C\)](#); *see also* [A.R.S. § 16-542](#). With authorization from the Board of Supervisors, a County Recorder may also establish emergency voting centers between 5:00 p.m. on the Friday preceding the PPE and 5:00 p.m. on the Monday preceding the PPE. [A.R.S. § 16-246\(F\)](#).

## Certification of Results

### 1. The Board of Supervisors

#### B.

The results of the PPE must be canvassed by congressional district. [A.R.S. § 16-249\(C\)](#). Each county Board of Supervisors should meet to canvass the returns within ten days after the PPE, and provide a certified permanent copy of the official canvass to the Secretary of State on paper and electronically.

### 2. Secretary of State

The Secretary of State must canvass the returns and certify the results of the PPE to the chairpersons of participating political parties on or before the second Monday after the PPE. [A.R.S. § 16-661](#), relating to automatic recounts, does not apply. [A.R.S. § 16-249\(A\)-\(B\)](#).

## V. COUNTY REIMBURSEMENT FOR THE PPE

The Secretary of State, in consultation with County Recorders and other officers in charge of elections, must include in the budget request for the Secretary of State's Office sufficient funding from the state general fund to conduct the PPE. Counties are generally entitled to reimbursement for PPE costs at a rate of \$1.25 for each active registered voter in the county as of January 2 of the year of the PPE.<sup>35</sup> The Secretary of State may release a county from this reimbursement rate upon determining that being bound by it would jeopardize the county's compliance with federal or state laws and regulations. [A.R.S. § 16-250](#).

<sup>35</sup> Although [A.R.S. § 16-250](#) specifies that reimbursement should be based on the number of active registered voters in the county on "January 1" of the year of the PPE, the 54th Legislature, First Regular Session, via Senate Bill 1154, amended [A.R.S. § 16-168\(G\)](#) to require County Recorders to report voter registration statistics as of January 2 each year, rather than January 1. Accordingly, January 2 is used in lieu of January 1 here.

## CHAPTER 8: PRE-ELECTION PROCEDURES

### ESTABLISHING PRECINCTS AND VOTING LOCATIONS

#### Establishing Precincts

I.

The Board of Supervisors must establish a convenient number of election precincts within the county and define those precincts' boundaries. If the Board of Supervisors seeks to change existing precinct boundaries, for example, to address population shifts or excessive wait times, the Board must finalize those changes by October 1 in the year preceding a general election and deliver a complete description of the updated precinct boundaries to the County Recorder or other officer in charge of elections. [A.R.S. § 16-411\(A\)](#). The new precinct boundaries become effective on January 2 of the year of the general election. [A.R.S. § 16-412](#).

#### Establishing Voting Locations

B.

Counties may conduct Election Day voting using one of two types of voting locations (or any combination thereof, as approved by the Board of Supervisors):

- **Polling places:** voters in a particular precinct are required to vote at a polling place specifically designated for that precinct; or
- **Vote centers:** voters are permitted to vote at any vote center within the county, regardless of which precinct the voter lives in.

Collectively, polling places and vote centers are referred to as “voting locations” in this Manual.

Upon approval of the Board of Supervisors, the officer in charge of elections may establish precinct-based assigned polling places and/or vote centers, or any combination thereof, including co-location of precinct polling places or vote centers that also serve as assigned polling places for certain precincts. See [A.R.S. § 16-411\(B\)\(4\)](#). In any case, the Board of Supervisors (in consultation with the officer in charge of elections) has a duty to establish a reasonable and adequate number of voting locations for an election. [A.R.S. § 16-411\(B\)\(3\)](#).

Except for the designation of an emergency voting location pursuant to [A.R.S. § 16-411\(I\)](#), the Board of Supervisors must finalize all voting locations at least 20 days before a statewide primary or general election or ten days before a special election. [A.R.S. § 16-411\(B\)](#). Thereafter, the Board of Supervisors or officer in charge of elections must publicly post the names and/or locations of each voting location on the county's website. [A.R.S. § 16-411\(G\)](#).

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## 1. Assigned Polling Places

If a county decides to conduct elections using precinct-based assigned polling places, the Board of Supervisors must designate at least one polling place in each precinct. [A.R.S. § 16-411\(B\)](#).<sup>36</sup>

If no suitable polling place is available within a precinct, the Board of Supervisors may designate a polling place in an adjacent precinct. The Board of Supervisors must make a specific finding that there is no suitable polling place within the precinct and include that finding in a separate section of the order or resolution designating polling places for the election. [A.R.S. § 16-411\(B\)\(1\)](#).

Based on projected high voter demand, precincts may be split for administrative purposes to allow a polling place to be established in each precinct split. Arizona statute requires these polling places to “be listed in separate sections of the [Board’s] order or resolution” designating polling places for the election. [A.R.S. § 16-411\(B\)\(2\)](#).

Based on projected low voter demand (specifically, a high number of PEVL voters), adjacent precincts may be combined for administrative purposes to allow multiple precincts to be serviced by the same polling place and same election board. The Board of Supervisors must make a specific finding that a high number of PEVL voters is likely to substantially reduce the number of voters appearing at one or more specific polling places on Election Day and include that finding in a separate section of the order or resolution designating polling places for the election. [A.R.S. § 16-411\(B\)\(3\)](#).

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## 2. Vote Centers

The Board of Supervisors may establish vote centers in lieu of precinct-based polling places. A vote center allows voters from any precinct within the county to cast a ballot with the correct ballot style on Election Day. Vote centers must be established by a vote of the Board of Supervisors and in consultation with the County Recorder and officer in charge of elections. [A.R.S. § 16-411\(B\)\(4\)](#).

Vote centers typically entail ballot tabulation exclusively at the central counting place, without use of precinct voting equipment that will warn voters of an over-vote. In that case, the officer in charge of elections must: (1) establish a voter education program that notifies voters of the effect of casting multiple votes for an office; and (2) provides the voter with instructions on how to correct the ballot before it is cast (including instructions how to spoil the ballot and correct the error through issuance of a replacement ballot). [52 U.S.C. § 21081\(a\)\(1\)\(B\)](#).

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<sup>36</sup> The Board of Supervisors is not required to designate a polling place for special district or all ballot-by-mail elections, but may designate one or more sites in each district for voters to deposit voted ballots through 7:00 p.m. on Election Day. [A.R.S. § 16-411\(D\)](#). See also [Chapter 3, Section IV](#).

### Failure to Timely Establish Polling Places

In counties that utilize assigned polling places, if a Board of Supervisors fails to designate a polling place in a particular precinct before a primary or general election (or if the election cannot be held at the polling place originally designated by the Board of Supervisors and the County Recorder or other officer in charge of elections has not designated an emergency polling place for that precinct for Election Day), the Justice of the Peace of the precinct shall designate the polling place and post public notice two days before the election in at least three locations in the precinct. [A.R.S. § 16-411\(C\)](#).

If the Justice of the Peace fails to do so (or there is no Justice of the Peace for the precinct), the election board of the precinct must designate and give notice of the place for holding the election. [A.R.S. § 16-411\(C\)](#).

### Consolidation of Polling Places Based on Lack of Candidates

In counties that conduct assigned polling place elections, if there are no candidates for elected office appearing on the ballot in a particular precinct, the Board of Supervisors may consolidate polling places (and consolidate the tabulation of results in combined precincts) if the following conditions apply:

- All affected voters are notified by mail of the change at least 33 days before the election;
- Notice of the change in polling place includes notice of the new polling place, notice of the hours polls are open on Election Day, and notice of the telephone number to call for voter assistance; and
- All affected voters receive information on early voting, which includes information on how to make a one-time early ballot request.

[A.R.S. § 16-411\(C\)\(1\)-\(3\)](#).

E.

### Factors to Consider When Selecting Voting Locations

The following factors should be considered when selecting voting locations:

1. The location should be capable of being used in both the primary and general election;
2. Buildings must be appropriately-sized based on projected voter turnout, among other predictive factors (*see* [Chapter 8, Section IX\(A\)](#));
3. Property owners must be willing to grant permission to use the building for voting purposes on Election Day, including making the building available the day before Election Day, early morning on Election Day, and until a reasonable time after the polls close on Election Day;
  - Insurance considerations and payment of fees (if any) should be discussed with the property owner;

4. Buildings should have easy ingress and egress to the parking lot, including a parking lot in close proximity to the building;
5. Buildings must meet accessibility requirements or be adapted to meet accessibility requirements for Election Day (*see* [Chapter 5, Section III](#));
6. Buildings must have a room or hallway of sufficient size to meet the needs for setting up equipment and voter check-in stations, including adequate space for voters to wait in line;
7. Buildings should have an adequate power source;
8. The property should be located near major traffic arteries, including within walking distance of public transit where possible;
9. The decision of where to locate a polling place or vote center should have public support, especially through outreach to rural and underserved communities;
10. In counties that conduct assigned polling place elections, the polling place must be located within the applicable precinct, unless applicable exceptions apply (*see* [Chapter 8, Section \(D\)\(B\)\(1\)](#));
11. Voters should not have to travel unreasonable distances to vote;
12. The property must have sufficient parking for voters' use on Election Day; and
13. If re-used, the voting location must have been successfully used in the past.

The elections staff should conduct a site visit to confirm the location's suitability for voting. The officer in charge of elections should also solicit community feedback on all proposed voting locations if practicable.

F. **Use of School Facilities for Voting Locations**

Upon request of the officer in charge of elections, a public school must provide sufficient space for use as a voting location in any statewide, county, city, or town election. [A.R.S. § 16-411\(E\)](#).

The principal of a public school may deny the request to host a voting location if, within two weeks of receiving the request, the principal provides a written statement confirming: (1) the school lacks sufficient space to host a voting location; or (2) the safety or welfare of students would be jeopardized by hosting a voting location. [A.R.S. § 16-411\(F\)](#).

**Polling Place/Vote Center Emergency Designation**

A County Recorder or other officer in charge of elections may grant an emergency designation to a polling place/vote center if either of the following occurs:

- An act of God renders a previously-established Election Day voting location unusable; or
- The County Recorder or other officer in charge of elections has exhausted all options and there are no suitable facilities that are willing to host an Election Day voting location unless the facility receives an emergency designation.

[A.R.S. § 16-411\(I\).](#)

At least two weeks before Election Day, the County Recorder or other officer in charge of elections must post on its website a list of polling places/vote centers with emergency designations and must specify:

- The reason the emergency designation was granted; and
- The number of attempts made to find another voting location before granting an emergency designation.

[A.R.S. § 16-411\(H\).](#)

Electioneering and other political activity is not permitted on the property of the hosting facility of any polling place/vote center with an emergency designation, even outside the 75-foot limit. [A.R.S. § 16-411\(I\)](#). However, if the voting location is not listed on the jurisdiction's elections website as having an emergency designation, electioneering and other political activity must be permitted on the premises outside the 75-foot limit. [A.R.S. § 16-411\(H\)](#).

If an emergency arises after the initial website posting, the County Recorder or other officer in charge of elections must:

- Update the website as soon as is practicable to include any new emergency designations of polling places/vote centers;
- Highlight the new voting location(s) with an emergency designation on the website; and
- Like other locations with an emergency designation, specify the reason the emergency designation was necessary and the number of attempts that were made to find a standard voting location before granting an emergency designation. [A.R.S. § 16-411\(H\)](#).

H.

**Requirement to Allow Electioneering Outside 75-Foot Limit**

Except in cases of an emergency designation (*see* Section I(G) above), any voting location or ballot replacement site used on Election Day or during on-site early voting must permit persons to engage in electioneering and other political activity in public areas and parking lots used by voters outside the 75-foot limit. [A.R.S. § 16-411\(H\)](#).

Electioneering or political activity may not result in voter intimidation. Further, no temporary or permanent structure may be erected and access to parking spaces may not be blocked or impaired. [A.R.S. § 16-411\(H\)](#).

**Ensuring Accessibility at the Voting Location**

Voting locations must comply with the current ADA Checklist for Polling Places and any additional state accessibility requirements. *See* [Chapter 5, Section III](#) for more details.

## APPOINTMENT AND TRAINING OF POLL WORKERS

At least 20 days before a primary or general election, the Board of Supervisors must appoint at least the following poll workers for each polling place with more than 300 qualified electors and each vote center:

- One inspector;
- Two judges;
- One marshal; and
- As many clerks as deemed necessary.

[A.R.S. § 16-531\(A\)](#).

For polling places with less than 300 qualified electors, the Board of Supervisors must appoint at least an inspector and two judges. The Board of Supervisors shall give notice of election precincts consisting of fewer than 300 qualified electors to the county chairperson of the two largest political parties not later than 30 days before the election. [A.R.S. § 16-531\(B\)](#).

The inspector, judges, marshal (and clerks, if applicable) are collectively known as the “election board”<sup>37</sup> for a particular voting location and are referred to in this Manual as poll workers or board workers.

The officer in charge of elections must provide a report containing each poll worker’s name, position, precinct, and political party to the Board of Supervisors.

Poll workers must be registered voters, except for student poll workers. In assigned polling place elections, each poll worker must be a registered voter in the precinct of assignment unless there are not enough poll workers that meet this residential requirement. [A.R.S. § 16-531\(A\)](#).

Other than candidates for precinct committeeman, no candidate (nor the spouse, child, or parent of a candidate) for any office on the ballot may serve as a poll worker during that election.

The officer in charge of elections shall ensure that the election board is comprised of individuals registered with different political parties. At minimum, for partisan elections, if the inspector is a member of one of the two largest political parties, the marshal must be a member of the other of the two largest political parties and each of the two judges must be registered with different political parties. An inspector, marshal, or judge may not serve in that position if they have changed their political party registration since the last general election

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<sup>37</sup> Notwithstanding [A.R.S. § 16-531\(A\)](#)’s reference to judges and the inspector, Arizona statutes generally provide that the election board is comprised of all poll workers at a particular voting location. *See, e.g.,* [A.R.S. § 16-531\(G\)](#) (allowing students to be appointed to an election board as clerks). This Manual accordingly adopts the interpretation of “election boards” to include inspectors, judges, marshals, and clerks.



At least 90 days before an election, the county chairperson of the two largest political parties may designate qualified electors to serve on election boards. When the list is timely submitted, it shall be used to appoint judges. Whenever possible, any person appointed as an inspector shall have had previous experience as an inspector, judge, marshal, or clerk of elections. If there is no qualified person in a given precinct, the appointment of an inspector may be made from names designated by the county party chairperson. Any registered voter in the precinct, or alternatively, in another precinct, may be appointed as a clerk. [A.R.S. § 16-531\(A\)](#).<sup>38</sup>

### **Election Board Duties**

The following duties must be performed by the members comprising the election board. The officer in charge of elections may allocate these duties among different board members as deemed appropriate:

1. Prepare and monitor the voting location, including taking appropriate measures to preserve order and manage voter lines, [A.R.S. § 16-562](#), [A.R.S. § 16-512](#);
2. Open, exhibit, and lock the ballot box before receiving any ballots, [A.R.S. § 16-564\(A\)](#);
3. Maintain the signature roster or e-pollbook;
4. Check for proper identification;
5. Direct voters in the wrong polling place to the correct polling place, including the specific address (for assigned polling place elections only);
6. Mark spoiled ballots (inspector and only one judge required), [A.R.S. § 16-585](#);
7. Ensure that voted ballots are deposited in the correct ballot box, and deposit ballots in the ballot box at the voter's request, [A.R.S. § 16-580\(C\)](#);
8. Assist voters in using accessible voting equipment and assist voters in marking the ballot (two board members of different political parties required), [A.R.S. § 16-580\(E\)](#);
9. Close the polls (inspector and two judges required); [A.R.S. § 16-565\(C\)](#);
10. Prepare a report of the number of voters who have voted and seal the box containing the voted ballots, [A.R.S. § 16-608\(A\)](#), [A.R.S. § 16-616](#); and
11. Return the signature roster, copies of the precinct registers, and other election supplies to the Board of Supervisors or officer in charge of elections. [A.R.S. § 16-617](#).

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<sup>38</sup> If it is impossible to sufficiently staff the boards with members of differing political parties, the officer in charge of elections shall, at minimum, exercise best efforts to utilize board members with no party affiliation or from differing unrecognized parties to ensure that there is a diversity of political party affiliation (including no affiliation) on the election boards and that no election board is comprised of members of only one party. Further, the officer in charge of elections shall document when and how the political parties in the county were contacted about the need for board workers affiliated with those parties and all other actions taken in a best effort to obtain board workers from two different political parties. However, nothing in this Manual shall be interpreted to supersede otherwise applicable statutory requirements, including the requirement that board workers be of differing political party affiliation.

In addition, the inspector, marshal, and judges of the election board are specifically tasked with the responsibilities described below.

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### 1. Inspector

The inspector serves as the chair of the election board and exercises authority over all election-related activities at the voting location (under the direction of the county officer in charge of elections, who maintains overall authority over the voting location). The inspector usually acts as the single point-of-contact with the officer in charge of elections, poll worker hotline, troubleshooters, or other entity designated by the officer in charge of elections to provide assistance on Election Day.

The inspector's specific duties include the following:

1. As chair of the election board, maintain sufficient knowledge about election procedures and voting equipment;
2. Lead and assign duties to other poll workers, including appointing a substitute judge, marshal, or clerk (while maintaining political party balance) if a poll worker fails to show up or fails to perform their duty on Election Day and no alternative poll worker is available, [A.R.S. § 16-534\(A\)](#), [A.R.S. § 16-533](#); and
3. Ensure the polling place is setup and functions properly, including publicly opening the sealed package of official ballots, ensuring the required ballot styles/types are present, certifying the voting roster, posting appropriate lists and notices, arranging the voting booths, and assisting electors, [A.R.S. § 16-563](#), [A.R.S. § 16-312\(E\)](#), [A.R.S. § 16-343\(F\)-\(G\)](#), [A.R.S. § 16-169\(B\)](#), [A.R.S. § 16-579\(D\)-\(E\)](#), [A.R.S. § 16-572\(A\)](#).

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### 2. Marshal

The marshal is responsible for preserving order at the voting location, which includes:

1. Announcing the opening and closing of the polls, [A.R.S. § 16-565\(C\)](#);
2. Preserving order and preventing any violation of election law, including voter intimidation or electioneering within the 75-foot limit, from the opening of the polls until the count of the ballots is completed, [A.R.S. § 16-535\(B\)](#); and
3. Periodically measuring the length of wait times, notifying the inspector if wait times have the potential to equal or exceed the 30-minute maximum, and implementing measures to reduce voter wait time, including having the authority to request additional voting equipment or supplies and board workers or to appoint additional board workers upon approval of the officer in charge of elections, [A.R.S. § 16-535\(B\)](#).

The marshal may also perform the duties of any other election board worker on a relief basis. [A.R.S. § 16-535\(B\)](#).

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### 3. Judges

Judges oversee the voting process itself, which may generally include:

1. Issuing ballots to qualified voters, [A.R.S. § 16-579\(C\)](#), [A.R.S. § 16-467\(B\)](#), [A.R.S. § 16-572\(B\)](#);
2. Signing the roster for an elector who is unable to sign because of physical disability, [A.R.S. § 16-579\(D\)-\(E\)](#); and
3. Examining electronic voting equipment and comparing the number of votes cast as indicated on the machine with the number indicated on the poll list (or e-pollbook) and the number of provisional ballots cast, [A.R.S. § 16-602\(A\)](#).

### **Bilingual Poll Workers**

Jurisdictions covered under the language minority provisions under Section 203 of the Voting Rights Act should appoint bilingual poll workers and/or ensure access to on-site or remote interpretation services in the covered language(s) to provide language assistance to voters who need it. Additionally, an Election Terminology Glossary in the covered languages should be provided among the polling place supplies.

### **Student Poll Workers**

C.

The Board of Supervisors may appoint a student to serve as a clerk on the election board if the student:

- Will be at least 16 years old at the time of the election;
- Will be a United States citizen at the time of the election; and
- Provides written permission from a parent or guardian.

A student poll worker must receive poll worker training and must be supervised by a trained adult poll worker at the voting location. [A.R.S. § 16-531\(F\)](#).

A student's absence from school due to service as a student poll worker does not affect the school's average daily membership or count against any mandatory attendance requirements for the student. [A.R.S. § 15-901\(A\)\(1\)](#); [A.R.S. § 16-531\(G\)](#).

### **Poll Worker Training**

Within 45 days before an election, the officer in charge of elections must commence poll worker training for inspectors, judges, and any other election board members deemed necessary by the officer in charge of elections. [A.R.S. § 16-532\(A\)](#). At least one poll worker training session should be conducted in-person during each election cycle, but additional training may be conducted online as deemed necessary. Additionally, the officer in charge of elections should develop a mechanism to assess individual poll workers' performance following the election.

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Persons who conduct poll worker training must be qualified in election law and have practical experience in the election process. [A.R.S. § 16-532\(A\)-\(B\)](#). Persons who conduct poll worker training must also be certified by the Secretary of State as an election officer in accordance with [A.R.S. § 16-407](#) or under the management of a certified election officer.

Poll worker training must cover the following pre-Election Day topics, as applicable:

1. Delivery of ballots and supplies to the voting location;
2. Duties of each election board member;
3. Ensuring proper political party representation among election board members;
4. Conducting a pre-election meeting;
5. Gaining building access;
6. Inventorying supplies;
7. Equipment setup and furniture arrangement;
8. Voting equipment checks, including ensuring that equipment seals have not been tampered with and match the seal log;
9. Conducting an official ballot count;
10. Customer service responsibilities, including voter assistance, assistance to voters with a disability, and ensuring language accessibility; and

Poll worker training must also cover the following Election Day topics, as applicable:

1. Opening the voting location;
2. Hours the voting location will be open;
3. Poll workers' hours;
4. Establishing the 75-foot limit and enforcing non-electioneering and non-intimidation rules;
5. Sharing voting locations with tribal elections;
6. Procedures for checking identification;
7. Provisional ballot processing;
8. Operation of voting equipment;
9. Operation of accessible voting equipment;
10. Operation of e-pollbooks or procedures for managing the signature rosters and poll lists;
11. Troubleshooting, including when and how to implement wait-time reduction and other contingency plans;
12. Any voter registration information deemed necessary;

13. Who may vote in the election;
14. Use of precinct registers and/or the issuance of ballot types/styles (political party, FED only, ballot splits, etc.);
15. Standard voting procedures;
16. Recorder's Certificates;
17. Spoiled ballot procedures;
18. Procedure for early ballot drop-off;
19. Political party observers;
20. Procedures for challenges;
21. Kids Voting;
22. Closing the polls;
23. Transmitting results and/or delivery of voted ballots;
24. Completing a Certificate of Performance, verifying that various election duties were properly performed; and
25. Preparing the official and unofficial envelope contents (*see* [Chapter 8, Section V](#)).

The officer in charge of elections may require additional training for poll workers at any time. Regardless of whether additional training is provided, however, poll workers must be notified in writing prior to Election Day of any changes in election law or procedure that became effective since the last poll worker training. [A.R.S. § 16-532\(E\)](#).

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### **1. Premium Training**

The officer in charge of elections may institute an advanced method of instruction and testing for certain election board members known as premium training. The premium training must include at least eight hours of training and a written examination on election law and procedures. [A.R.S. § 16-532\(D\)](#).

Those who complete this training and pass the test are certified as a “premium board worker.” Premium board workers are certified for a period of 30 months and, if approved by the Board of Supervisors, are entitled to additional compensation. [A.R.S. § 16-532\(D\)](#).

The officer in charge of elections may require additional training for poll workers at any time. Regardless of whether additional training is provided, however, poll workers must be notified in writing prior to Election Day of any changes in election law or procedure that became effective since the last poll worker training. [A.R.S. § 16-532\(E\)](#).

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### **2. Certificate of Qualification**

Upon successful completion of poll worker training, each election board member will receive a certificate of qualification from the Board of Supervisors or officer in charge of elections stating the worker's name and the course of instruction completed. No inspector or judge (except those appointed to fill a vacancy and as provided in [A.R.S. § 16-533](#) and [A.R.S. § 16-534](#)) may serve on Election Day unless the person has been issued a certificate of qualification. [A.R.S. § 16-532\(A\)](#).

### Poll Worker Compensation

The Board of Supervisors must set the compensation of poll workers, which constitutes a county charge. [A.R.S. § 16-536](#). The Board of Supervisors may approve poll worker pay by virtue of approving the election director's budget for the forthcoming election.

Poll workers must be paid at least \$30 per day. [A.R.S. § 16-536](#). The Board of Supervisors may approve additional compensation for premium board workers. [A.R.S. § 16-532\(D\)](#).

## III. DESIGNATION OF POLITICAL PARTY AND OTHER OBSERVERS

Political party representatives are permitted to observe at voting locations and central counting places for partisan elections. The proceedings at the central counting place may also be observed by up to three additional people representing a candidate for nonpartisan office, or representing a political committee in support of or in opposition to a ballot measure, proposition or question. Such observation (and observation at early voting locations, emergency voting centers, and County Recorder processing procedures, where permitted by the County Recorder or other officer in charge of elections) are subject to the procedures described below. Observation at nonpartisan elections may be permitted at the discretion of the officer in charge of elections. [A.R.S. § 16-590\(A\)-\(B\)](#); [A.R.S. § 16-621\(A\)](#).

The County Recorder or other officer in charge of elections may develop additional local procedures governing political party observation. Additional procedures shall allow political party observers to effectively observe the election process, and no changes to the procedures shall be made after the Tuesday prior to the election in order to facilitate compliance by the county political parties and designees.

### Appointment Process

The county chairperson (or designee) of each party represented on the ballot must submit the names of specific political party observers to the County Recorder or officer in charge of elections in writing (in hard copy or electronically in advance of observation, as required by the County Recorder or officer in charge of elections). The County Recorder or officer in charge of elections may require reasonable deadlines for advance notice of appointments. Where there is no county political party officer to make the appointment, the state political party chairperson may appoint political party observers for that county.

Political party observers may be appointed to specific voting locations (for Election Day observation), to a central counting place, or to multiple voting locations as authorized by the political party chairperson and the officer in charge of elections. Observers appointed to observe in multiple locations need only one appointment in writing designating the various locations where the observer is appointed. An appointment is not transferable to another individual.

Unless agreed upon by the political parties, not more than one party representative for each party represented on the ballot shall be at a voting location at one time. [A.R.S. § 16-590\(C\)](#). Further, only one representative at any one time of each political party represented on the ballot who has been appointed by the political party chairperson shall remain within the 75-foot limit while the polls are open. [A.R.S. § 16-515\(A\), \(B\), \(H\)](#).

Appointed political party observers need not be qualified electors in the precinct or county of observation. Except for precinct committeeman candidates, candidates appearing on the ballot or official write-in candidates shall not serve as political party observers.

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### Observer Credentials

**B.** The political party letter of appointment with the signature of the appointing authority (and, if required by the County Recorder or officer in charge of elections, on political party letterhead) serves as the written credential necessary to conduct observation at a voting location or central counting place. Credentials must be issued by the recognized political party chairperson or designee; this authority may not be delegated to a candidate or candidate's agent. The political party observer must present the political party appointment letter (or copy thereof, if permitted by the County Recorder or officer in charge of elections) to the appropriate election official upon entering the voting location, County Recorder's office, or central counting place, and be prepared to show identification if requested.

**C.**

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### Observation at Voting Locations

Political party observers may observe the following activities at a voting location:

- Opening the voting location;
- Voting at the voting location (but may not observe in the voting booth or otherwise impede voters' ability to maintain a secret ballot);
- Closing the voting location;
- Transport of ballots from the voting location to a receiving site (using a separate vehicle); and/or
- Any other significant voting or processing activities at the voting location provided that it does not interfere with or impede the election procedures or staff.

Each recognized political party is presumptively entitled to have no more than one political party observer at a time at each voting location. [A.R.S. § 16-590\(C\)](#).

All political party observers are subject to removal by the County Recorder or other officer in charge of elections for failure to comply with a request to cease an activity that interferes with the election process or violates state or federal law.

### Observation at Central Counting Places

Political party representatives may observe at a central counting place and at each point where ballots are handled or transferred from one election official to another, including areas where the following activities take place:

- Receiving the ballots at the County Recorder's office or central counting place;
- Inspecting the ballots;
- Reviewing ballots by the Write-in Tally Board;
- Duplicating ballots by the Ballot Duplication Board;
- Adjudicating ballots by the Electronic Vote Adjudication Board;
- Receiving electronic media or processing voting results by the Accuracy Certification Board;
- Tabulation of ballots; and/or
- Any other significant tabulation or processing activities at a central counting place provided that it does not interfere with or impede the election procedures or staff.

### E. Observer Guidelines

The following observation guidelines govern all observers:

1. An observer may not mark any ballot, place any type of material on a ballot, or otherwise touch a voted ballot during observation. Further, an observer shall not offer to assist any voter in the process of voting at a voting location. If a voter specifically requests an observer's assistance in voting, the observer may only assist the voter after relinquishing the observer's formal status as an observer (for example, by returning any observer badge or identification, exiting the voting location, and then accompanying the voter into the voting location as an assistant rather than an observer). The observer may resume their role as an observer after assisting the voter.
2. Observers shall not touch or handle election materials, rosters, early ballot envelopes, provisional ballot envelopes, ballot transfer containers, voting machines, or voting machine components except as expressly permitted by the officer in charge of elections during demonstrations.
3. Observers may not interfere with or impede the election procedures or staff.
  - If an observer has a question about the proceedings or seeks to raise an objection, the observer should speak solely to the designated point of contact (*e.g.*, inspector, County Recorder, or other officer in charge of elections) and not to other poll workers or staff.



- The officer in charge of elections or inspector may prohibit observers from using electronic devices in the voting location or central counting place if doing so would interfere with or impede the election procedures or staff. No photos may be taken within the 75 foot limit of a voting location. [A.R.S. § 16-515\(G\)](#).
  - Observers may not wear, carry, or display any materials that identify or express support or opposition for a political party, political organization, or a candidate or ballot measure appearing on the ballot. [A.R.S. § 16-515\(F\)](#).
  - In cases where multiple ballots are dropped off at a voting location, as observer may not, within the 75-foot limit: (1) inspect, copy, or photograph the early ballot envelopes in an effort to discern voters' identities; or (2) confront, question, or photograph the individual who dropped off the early ballots.
  - Observers can enter and leave a voting location or central counting place so long as their entering and leaving does not interfere with or impede the election procedures or staff.
4. Observers may take handwritten notes during observation, but must use a writing instrument of a color designated by the officer in charge of the election or procedure.
  5. If an observer is asked by the inspector or other officer in charge to cease an activity that interferes with the election process, the observer must comply or face possible ejection.
  6. Observers must be prepared to show their appointment credential immediately upon entering any voting location or central counting place or upon request by any election official.
  7. At a central counting place, all observers must check in with the County Recorder or other officer in charge of elections prior to being admitted and may be required to log in and out of the facility each time they enter or leave.
  8. At a central counting place, the County Recorder or other officer in charge of elections may ensure that observers are given identifying badges to ensure that observers are clearly identifiable.
- IV.

A. **ISSUING PRE-ELECTION NOTICES**

**Secretary of State: 120-Day Notice of Offices to be Elected**

At least 120 days before a primary election, the Secretary of State must notify in writing each Board of Supervisors and officer in charge of elections of the federal, statewide, and legislative offices for which candidates will be nominated at the primary election. [A.R.S. § 16-202](#).

**County: 180-Day Notice of Election to Local Jurisdictions**

At least 180 days before each consolidated election date, the Board of Supervisors or officer in charge of elections must give written notice to each school district, community college district, city and town within the county's geographical boundaries. The Board of Supervisors or officer

in charge of elections also must give written notice to all special taxing districts within the county. [A.R.S. § 16-205\(A\)](#).

The notice must include:

- The specific election date;
- The deadline by which the local jurisdiction must inform the Board of Supervisors or officer in charge of elections whether an election will be held; and
  - The deadline to inform the Board of Supervisors or officer in charge of elections should be set at or just after special taxing districts' 150-day deadline to call an election pursuant to [A.R.S. § 16-226\(A\)](#).
- Any additional information deemed necessary by the Board of Supervisors or officer in charge of elections.

The notice may be mailed, emailed, or otherwise electronically transmitted.

### Special Taxing District/Nonpartisan Election Notices

C.

The governing body of a special taxing district must provide various public notifications before conducting an election that is not held concurrently with a general election. [A.R. S. § 16-226\(B\)](#); [A.R.S. § 16-227\(A\)](#).<sup>39</sup>

- A special taxing district must call an election at least 150 days in advance of an election, except for elections called pursuant to [A.R.S. § 19-209](#). [A.R.S. § 16-226\(A\)](#). “Calling” an election means the governing board of the special taxing district must officially inform the applicable Board of Supervisors or officer in charge of elections that the district intends to conduct an election.
- In addition, the special taxing district must also issue a “call of election” to the public by publishing the “call of election”, at least two times and at least one week apart, in a newspaper of general circulation covering the jurisdiction between 132 and 90 days before the election. [A.R.S. § 16-227\(A\)](#). Alternatively, the special taxing district may mail the “call of election” to each household containing a qualified elector at least 90 days before the election. [A.R.S. § 16-227\(B\)](#).
- Finally, a special taxing district must issue a “notice of election,” which is like the call of election but intended as the final public notice in advance of a special taxing district election. [A.R.S. § 16-228\(A\)-\(B\)](#). A special taxing district that conducts a ballot by mail election need only issue the notice specified in [A.R.S. § 16-228\(C\)-\(D\)](#). Notice requirements specific to fire district or irrigation and water conservation district bond elections can be found at [A.R.S. § 48-806\(A\)](#) and [A.R.S. § 48-3190\(A\)](#), respectively.

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<sup>39</sup> A.R.S. §§ 16-225 to 16-229 outline various requirements for holding “nonpartisan” elections. [A.R.S. § 16-226\(B\)](#) defines nonpartisan elections (for purposes of those statutes) as elections of special taxing districts not held concurrent with the general election.

A special taxing district must file an affidavit certifying compliance with federal and state law with the applicable Board of Supervisors at least five days before holding a nonpartisan election. [A.R.S. § 16-229](#).

## PREPARATION OF BALLOTS

The County Board of Supervisors is responsible for preparing the official ballot to be used in federal, statewide, legislative, and countywide elections. [A.R.S. § 16-405](#); [A.R.S. § 16-503\(A\)](#). The Board of Supervisors may delegate this responsibility to the officer in charge of elections.

### Official Ballot Format

#### 1. Form and Content of the Ballot

A.

#### *Requirements for All Ballots*

a. i. Paper Type

All official ballots must be printed with black ink on white paper of sufficient thickness to prevent the printing from being discernible on the reverse side the ballot. [A.R.S. § 16-468\(2\)](#); [A.R.S. § 16-502\(A\)](#).

ii. Font

The ballot must use the same font and color template throughout the ballot. [A.R.S. § 16-502\(A\)](#), [\(C\)](#). The only color exception is for a political party indicator or stripe to be printed on official ballots used for a partisan primary election or PPE. See [Chapter 7, Section III\(A\)](#) and [Chapter 8, Section V\(A\)\(1\)\(b\)](#).

The ballot must use the same font size within each category on the ballot (for example, all candidate names for a particular race must be printed in the same font size), which must be printed in no less than 8-point font if practicable. However, ballot measure numbers must be printed in at least 12-point font. The officer in charge of elections may adjust spacing between the letters on a ballot to accommodate space limitations.

iii. Early Ballot Designation

Early ballots, including ballots-by-mail and in-person early ballots, shall be identical to regular ballots, except that early ballots shall have the word “early” printed or stamped on them. [A.R.S. § 16-545\(A\)](#).

iv. Spacing and Heading

The ballot must contain sufficient spacing between races and sections to enable the voter to clearly understand the ballot.

On the front side, the ballot must be headed with the phrase “Official Ballot” in bold-faced plain letters, with a heavy rule above and below the heading. The ballot may not contain any other statement or matter printed above the “Official Ballot” header. [A.R.S. § 16-502\(A\)](#).

Immediately below the “Official Ballot” heading, the following components must be printed in the following order:

- A subheading that specifies the type of election (general, primary, or special), the election date, and the name of the county and state holding the election;
- Instructions to the voter how to properly mark the ballot; and
- The various candidate names and/or ballot measures. [A.R.S. § 16-502\(A\), \(C\)](#).

v. Candidate Races

For candidate races, the official ballot must:

- Arrange the candidate names according to [A.R.S. § 16-502\(C\)](#) in column format, starting with the left-hand column;
- List the name of the office to be filled at the head of each portion of the column;
- List the district number, division number, or other jurisdictional name/number to the right of the office name to be filled, if applicable;
- Include the designation “Vote for not more than \_\_\_\_\_” below the name of each office to be filled to indicate the appropriate number of candidates to select;
- List candidate names according to last name, followed by first name and any nickname;
  - The officer in charge of elections may: (1) shorten or truncate a candidate’s name (with the candidate’s consent) in order to fit the candidate’s name on the ballot; and/or (2) decline to print the candidate’s requested nickname if it suggests reference to professional, fraternal, religious, or military titles.
- Contain a location for the voter to place a mark to vote for their candidate of choice to the right or left (and on the same line) of each candidate’s name;
- Contain the candidate’s political party designation in bold-faced letters next to the candidate’s name (for partisan races only); and
- Contain blank lines that correspond to the number to elect placed below the last candidate name for a particular office, along with a location for the voter to place a mark next to their write-in candidate(s) of choice.

[A.R.S. § 16-502\(C\)-\(G\)](#); [A.R.S. § 16-311\(G\)](#); [A.R.S. § 16-341\(C\)](#).

Additionally, the ballot must contain the name or number of the precinct in which the ballot will be utilized, and may include the precinct part or ballot style code. [A.R.S. § 16-502\(A\)](#).

*Additional Requirements for Primary Election Ballots*

In addition to the specifications outlined in [Section V\(A\)\(1\)\(a\)](#) above, primary election ballots must comply with the following additional requirements.

b.

Primary election ballots must be printed with a particular color to indicate the political party ballot. [A.R.S. § 16-461\(B\)](#). The ballot may be printed on colored stock or on white stock with a distinctive color indicator such as a stripe. The following colors represent the recognized political parties:

- Blue: Democratic Party
- Green: Green Party
- Yellow: Libertarian Party
- Red or Salmon: Republican Party

The officer in charge of elections may use varying hues of the requisite colors, but may not select entirely different colors as substitutes for the requisite colors. The primary election ballot displayed in accessible voting equipment must also utilize a color designation for each political party. [A.R.S. § 16-446\(B\)\(9\)](#).

If the number of recognized party candidates in a particular race exceeds the number to elect, the officer in charge of elections must rotate candidate names in that particular race by precinct so that each candidate will appear substantially an equal number of times in each possible location for the particular race across all primary election ballots. If the number of candidates in a particular race is less than or equal to the number to elect, the candidates' names must be listed in alphabetical order by last name and no rotation is required. [A.R.S. § 16-464\(A\)](#).

If more persons file nomination petitions for the office of precinct committeeman than the number to elect in a particular precinct, the county officer in charge of elections must prepare a separate ballot style that includes the office of precinct committeeman for the voters registered with that political party in that precinct. [A.R.S. § 16-822\(C\)](#). The position of the precinct committeemen candidate names must be drawn by lot at a public meeting called by the Board of Supervisors for that purpose. [A.R.S. § 16-464\(B\)](#). This ballot style, which includes all the races in the precinct and the precinct committeeman race, must be provided only to voters registered with that political party in the precinct. [A.R.S. § 16-822\(C\)](#).

*Additional Requirements for General Election Ballots*

In addition to the specifications outlined in [Section V\(A\)\(1\)\(a\)](#) above, general election ballots must comply with the following additional requirements.

c.  
For partisan candidate races, the official ballot must list candidates in a particular race in the following descending order:

- Candidates who are registered with a recognized political party that appeared on the gubernatorial ballot in the most recent general election for the office of governor, listed in the order that corresponds to the number of votes for each party’s gubernatorial candidate in that county;
- Candidates who are registered with a recognized political party that did not appear on the gubernatorial ballot in the most recent general election for the office of governor, listed in alphabetical order by last name; and
- Independent candidates who were nominated pursuant to [A.R.S. § 16-341](#) (along with a three-letter designation determined by the filing officer), listed in alphabetical order by last name. [A.R.S. § 16-502\(E\)](#).

If there are two or more candidates of the same political party for the same office, or more than one candidate for a judicial office, the names of all such candidates in the particular race must be rotated so that each candidate will substantially appear an equal number of times in each possible location. However, if the number of candidates in a particular race is less than or equal to the number to elect, the candidates’ names must be listed in alphabetical order by last name and no rotation is required. [A.R.S. § 16-502\(E\), \(H\)](#).

In general elections with a presidential candidate on the ballot, presidential electors’ first and last names must be listed in alphabetical order (according to last name). The presidential and vice-presidential candidates’ last names must be printed in bold and placed adjacent to the elector names, with the presidential candidate’s name printed above the vice-presidential candidate’s name. [A.R.S. § 16-502\(C\)\(1\)](#).

For ballot measures, the officer in charge of elections must use one of the following methods to describe the measure:

1. Print the full text of the measure on the ballot;
2. Print a summary of the measure that contains a statutorily-prescribed heading, an official title, a descriptive title, and a summary that describes the measure’s effect; or
3. Print a summary of the measure that contains an alternative heading and a summary that describes the measure’s effect, but omits the official title and descriptive title (see below for specific requirements).

The ballot must contain the words “Yes” and “No” or “For \_\_\_” and “Against \_\_\_”, along with a space for the voter to mark their choice, below the description of the ballot measure. [A.R.S. § 19-125\(B\)-\(F\)](#); [A.R.S. § 16-502\(L\)-\(N\)](#).

**Additional Requirements for PPE Ballots**

Similar to a partisan primary election ballot, a PPE ballot must distinguish political party ballots by color and contain candidate names for only that political party. [A.R.S. § 16-245\(A\)](#). Otherwise, PPE ballots must comply with the following specific requirements.

A PPE ballot must contain the following information in descending order:

- The following header at the top of the ballot:  
“Official Ballot of the \_\_\_\_\_ Party,  
Presidential Preference Election (date),  
County of \_\_\_\_\_,  
State of Arizona”
- The title “\_\_\_\_\_ Party Candidates for President of the United States;”
- The text “Vote for not more than one;” and
- The political party candidates certified to appear on the ballot. [A.R.S. § 16-245\(A\)-\(B\)](#).

The ballot also may contain printed instructions to voters as prescribed for other elections (see below for specific instructions). [A.R.S. § 16-245\(B\)](#).

Unlike all other ballots, candidate order is determined by lot drawn at a public meeting conducted by the Secretary of State. The officer in charge of elections must print candidate names in the order and format specified by the Secretary of State, without rotation of candidate names. [A.R.S. § 16-245\(B\)](#). Write-in votes are not permitted, and no other elections may be combined with a PPE ballot. [A.R.S. § 16-241\(A\)](#); [A.R.S. § 16-247](#).

A PPE ballot must comply with any other ballot format requirements in [Section V\(A\)\(1\)\(a\)](#) that are not inconsistent with this Section.

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**2. Ballot Marking Instructions**

Immediately below the subheading that specifies the type of election, the election date, and the name of the county and state holding the election, an official ballot may contain the following voter instructions:

1. Put a mark according to the instructions next to the name of each candidate for each office for whom you wish to vote.
2. If you wish to vote for a person whose name is not printed on the ballot, write such name in the blank space provided on the ballot or write-in envelope and put a mark according to the instructions next to the name so written.
3. Put a mark according to the instructions next to the word “yes” (or “for”) for each proposition or question you wish to be adopted. Put a mark according to

the instructions next to the word “no” (or “against”) for each proposition or question you wish not to be adopted.

[A.R.S. § 16-502\(A\)](#). The officer in charge of elections may add additional instructions to the ballot as needed.

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### 3. Order of Candidate Races

#### Partisan Candidate Offices

Partisan candidate races must be listed in the following order in the partisan section of the ballot:

1. Presidential electors;
2. U.S. Senator;
3. U.S. Representative;
4. Governor;
5. State Senator;
6. State Representative;
  - [A.R.S. § 16-502\(D\)](#) requires state legislative candidates’ names to appear directly below the gubernatorial candidates’ names. In election years where there are no gubernatorial candidates on the ballot, legislative candidates’ names must still appear before statewide offices.
7. Secretary of State;
8. Attorney General;
9. State Treasurer;
10. Superintendent of Public Instruction;
11. State Mine Inspector;
12. Corporation Commissioner;
13. County Offices;
  - The officer in charge of elections may determine the ballot order for County Supervisor, County Assessor, County Attorney, Clerk of the Superior Court, County Recorder, County School Superintendent, County Sheriff, and County Treasurer.
14. Justice of the Peace; and
15. Constable.

[A.R.S. § 16-502\(C\)](#). Candidate races not up for election must be omitted from the ballot. Precinct Committeemen must be included on a separate ballot style only for voters registered with the particular political party. See [Chapter 8, Section V\(A\)\(1\)\(b\)](#). PPE ballots are subject to different requirements. See [Chapter 8, Section V\(A\)\(1\)\(d\)](#).



Nonpartisan Candidate Offices

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Subject to the exceptions outlined below, the following nonpartisan candidate races must be listed in order in the nonpartisan section of the ballot:

1. Justice of the Supreme Court;
2. Judge of the Court of Appeals (Division 1);
3. Judge of the Court of Appeals (Division 2);
4. Judge of the Superior Court (retention in Maricopa, Pima, and Pinal Counties);
5. Judge of the Superior Court (election in Apache, Cochise, Coconino, Gila, Graham, Greenlee, La Paz, Mohave, Navajo, Santa Cruz, Yavapai, and Yuma Counties).
6. Governing Board Member of a School District;
7. Governing Board Member of a Community College District;
8. Governing Board of a Joint Technical Education District;
9. Governing Board Member of a Special Taxing District;
10. City or Town Mayor;
11. City or Town Council Member.

[A.R.S. § 16-502\(J\)](#). The following exceptions apply to candidate order in the nonpartisan candidate section:

- The officer in charge of elections may reasonably adjust the nonpartisan candidate order in order to avoid printing on the reverse side of the ballot, to achieve uniformity with the reverse side of the ballot, or to eliminate blank space;
- A recall election involving a candidate who was originally elected in a partisan race should be listed in the partisan section of the ballot, and (if applicable) in the section of the partisan ballot where candidate's race was originally positioned, [A.R.S. § 19-213](#); and
- An election to fill the vacant unexpired term of a nonpartisan office must appear under separate heading immediately below the nonpartisan candidates and shall include the expiration date of the term of the vacated office. [A.R.S. § 16-502\(K\)](#); [A.R.S. § 15-424\(F\)](#).

Candidate races not up for election (or judicial offices not up for retention) should be omitted from the ballot.

**i. Determining Judicial Offices Subject to Retention**

Following appointment, a justice or judge (including superior court judges in counties with a population that exceeds 250,000) serves an initial 2-year term before seeking retention in office. [Ariz. Const. Art. VI, § 37\(C\)](#). Thereafter, justices and judges serve 6-year terms between

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retention elections. [Ariz. Const. Art. VI, § 4](#); [Ariz. Const. Art. VI, § 37\(C\)](#); [A.R.S. § 12-101](#); [A.R.S. § 12-120.01\(B\)](#).

Supreme Court justices appear on the ballot for retention in all Arizona counties.

For the 16 judges in Division 1 of the Court of Appeals, which covers Maricopa, Yuma, La Paz, Mohave, Coconino, Yavapai, Navajo, and Apache Counties:

- The ten judges appointed from Maricopa County in Division 1 of the Court of Appeals must appear on the Maricopa County ballot for retention;
- The five judges appointed from Yuma County, La Paz County, Mohave County, Coconino County, Yavapai County, Navajo County or Apache County in Division 1 of the Court of Appeals must appear on these 7 counties' ballots for retention;
- Retention of the 16th judge in Division 1 of the Court of Appeals depends on the county of residence:
  - If the judge was appointed from Maricopa County, that judge must appear on the Maricopa County ballot for retention;
  - If the judge was appointed from Yuma County, La Paz County, Mohave County, Coconino County, Yavapai County, Navajo County or Apache County, that judge must appear on these 7 counties' ballots for retention.

[A.R.S. § 12-120.02\(A\)](#).

For the six judges in Division 2 of the Court of Appeals, which covers Pima, Pinal, Cochise, Santa Cruz, Greenlee, Graham, and Gila Counties:

- The four judges appointed from Pima County in Division 2 of the Court of Appeals must appear on the Pima County ballot for retention; and
- The two judges appointed from Pinal County, Cochise County, Santa Cruz County, Greenlee County, Graham County, or Gila County in Division 2 of the Court of Appeals must appear on these six counties' ballots for retention.

[A.R.S. § 12-120.02\(A\)-\(B\)](#).

Superior court judges appear on the ballot for retention in the county in which they were elected or appointed. [Ariz. Const. Art. 6, § 37\(B\)](#).

The Arizona Commission on Judicial Performance must notify the Secretary of State which justices and judges are up for retention in a particular general election. [A.R.S. § 19-123\(A\)\(5\)](#); [A.R.S. § 19-124.01](#).

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#### 4. Political Party Designations

In a partisan race where a candidate sought a political party nomination by primary, the officer in charge of elections must place a three-letter designation to the right of the candidate's name that corresponds to the party designated in the candidate's nomination paper. [A.R.S. § 16-502\(E\)](#).

The following three-letter designations correspond to the current or recently recognized political parties:

- DEM: Democratic Party
- GRN: Green Party
- LBT: Libertarian Party
- REP: Republican Party

In a partisan race where an independent candidate sought a nomination other than by primary, the officer in charge of elections must determine a three-letter designation based on the three-word designation in the candidate's nomination paper. [A.R.S. § 16-341\(D\)](#); [A.R.S. § 16-502\(E\)](#).

A political party selection of "independent" must be designated as "IND" on the general election ballot. Otherwise, the officer in charge of elections has sole discretion how to translate other non-recognized political party selections into three-letter designations (except that independent candidates may not be designated as "DEM," "GRN," "LBT," or "REP" on the general election ballot).

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#### 5. Special Provisions for Ballot Measures

a.

##### Numbering Ballot Measures

For any measure that has qualified for the ballot, the officer in charge of elections must assign a three-digit proposition or question number based on the ballot measure type:

- Constitutional Initiative: 100 series
  - A "constitutional initiative" is brought about by petition and represents the citizens' effort to amend the Arizona Constitution.
- Constitutional Referral: 100 series
  - A "constitutional referral" is a proposed constitutional amendment referred to the general election ballot by the Arizona Legislature.
- Statutory Initiative: 200 series
  - A "statutory initiative" is brought about by petition and represents the citizens' effort to amend, add, or strike a statute.
- Statutory Referral: 300 series

- A “statutory referral” is a statutory measure referred to the general election ballot by the Arizona Legislature.
- Citizen Referendum: 300 series
  - A “citizen referendum” is brought about by petition and represents the citizens’ effort to veto a bill recently passed by the Arizona Legislature or other local government body.
- Local charter amendment, initiative, referendum, bond measure, or budget override: 400 series

Propositions or questions within a jurisdiction must be numbered consecutively based on the order filed with the officer in charge of elections. Individual numbers continue from the last number used in the previous election and do not repeat until all 100 numbers in that series have been used. [A.R.S. § 19-125\(B\)](#). For non-statewide ballot measures appearing on the ballot in multiple counties, unless otherwise agreed upon by the applicable counties, the county with the highest population of voters shall assign the number for the ballot measure and, where practicable, other counties shall use that same number for the same ballot measure in order to minimize voter confusion.

The proposition or question number must be printed in reverse type (white type on black background) in at least 12-point font. [A.R.S. § 19-125\(C\)](#). For example, a statutory initiative designated as Proposition 205 must be printed on the ballot as follows:

**PROPOSITION 205**

**PROPOSICIÓN 205**

b.

### *Order of Ballot Measures*

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Ballot measures must appear on the ballot in the following order, below any nonpartisan candidate races in the nonpartisan section of the ballot:

- State constitutional amendments;
- Statewide statutory initiatives;
- Statewide referenda;
- County ballot measures, including school district, joint technical education district, and community college district ballot measures;
  - The officer in charge of elections may determine the ballot order for county initiatives, county referenda, county school district bond measures, county school district budget overrides, community college district bond measures, community college district budget overrides, special taxing district bond measures, and special taxing district budget overrides.
- City or town ballot measures; and

- The city or town clerk may determine the ballot order for city charter amendments, city or town initiatives, and city or town referenda.
- Special taxing district ballot measures.

[A.R.S. § 16-502\(L\)](#); [A.R.S. § 19-125\(B\)](#). Ballot measures types that will not be voted on in the election should be omitted from the ballot.

### *Printing Initiatives and Referenda on the Ballot*

The officer in charge of elections may use one of the three methods to print initiatives and referenda (including legislative referrals) on the official ballot:

1. Print the full text of the measure on the ballot, followed by the words “**yes**” and “**no**” or “**for** \_\_\_\_\_” and “**against** \_\_\_\_\_” for the voter to mark their choice;
2. Print a standard summary of the measure that contains a statutorily-prescribed heading, an official title, a descriptive title, and a summary that describes the measure’s effect (see below for specific requirements); or
3. Print a condensed summary of the measure that contains an alternative heading and a summary that describes the measure’s effect, but omits the official title and descriptive title (see below for specific requirements).

#### **i. Standard Summary of the Measure**

If the officer in charge of elections chooses the standard summary option (printing a statutorily-prescribed heading, an official title, a descriptive title, and an analysis of the measure’s potential effect), the following requirements apply.

Below the proposition number, the officer in charge of elections must print one of the following **headings**, as applicable:

- Constitutional Initiative: “Proposed Amendment to the Constitution by the Initiative;”
- Constitutional Referral: “Proposed Amendment to the Constitution by the Legislature;”
- Statutory Initiative: “Proposed by Initiative Petition;”
- Statutory Referral: “Referred to the People by the Legislature;” or
- Citizen Referendum: “Referendum Ordered by Petition of the People.”

An **official title** must be printed below the prescribed heading. The official title comprises a description of the constitutional or statutory provisions being amended, added, or deleted by the measure. This information is drawn from the introductory portion of the initiative or referendum itself.

A **descriptive title** must be printed below the official title. The descriptive title constitutes a summary of the principal provisions of the measure, not to exceed 50 words.

Finally, an **analysis of the potential effect** of a “yes” or “no” vote on the measure must be printed below the descriptive title. Each analysis must begin with following introductory phrases:

A “yes” vote shall have the effect of \_\_\_\_\_.

A “no” vote shall have the effect of \_\_\_\_\_.

The “yes” line must be filled with a “brief phrase” that describes the essential change to existing law should an initiative or referral receive a majority of votes cast in the election. The “no” must be filled with a “brief phrase” that describes how the status quo will be maintained should the measure not receive a majority of votes. For a citizen referendum, a “yes” vote has the effect of approving the enactment passed by the Legislature and allowing the bill to go into effect, whereas a “no” vote essentially constitutes a citizens’ veto and prevents the bill from going into effect.

Below the ballot measure analysis, the officer in charge of elections must print the words “yes” and “no” for the voter to mark their selection on the ballot.

For statewide ballot measures, the heading, official title, descriptive title, and “yes/no” analysis are drafted by the Secretary of State and approved by the Attorney General before being provided to the officer in charge of elections for printing on the ballot. For local ballot measures, the local jurisdiction is responsible for drafting the heading, official title, descriptive title, and “yes/no” analysis.

[A.R.S. § 19-125\(C\)-\(D\)](#); [A.R.S. § 19-141](#).

## ii. Condensed Summary of the Measure

In lieu of printing the full standard summary of a measure that includes the official title and descriptive title, the officer in charge of elections may print an alternative summary on the ballot that contains the following information below the proposition number:

1. One of the following methods of designating the measure in the ballot header:
  - The standard header, as prescribed for the standard summary above:
    - Constitutional Initiative: “Proposed Amendment to the Constitution by the Initiative”
    - Constitutional Referral: “Proposed Amendment to the Constitution by the Legislature”
    - Statutory Initiative: “Proposed by Initiative Petition”
    - Statutory Referral: “Referred to the People by the Legislature”
    - Citizen Referendum: “Referendum Ordered by Petition of the People”; **or**
  - The word “Proposition,” “Question,” or “Charter Amendment” (as applicable), followed by the phrase “relating to \_\_\_\_\_” and inserting the subject matter of the measure;

2. One of the following methods of explaining the effect of the measure:
  - An analysis of the potential effect of a “yes” or “no” vote on the measure as prescribed for the standard summary above; or
  - The full text of the measure;<sup>40</sup>
3. The words “yes” and “no” for the voter to mark their selection on the ballot; and
4. Instructions that direct the voter to the official title, descriptive title, and full text of the measure as printed on the sample ballot and posted in the voting location.

[A.R.S. § 16-502\(M\)](#); [A.R.S. § 19-125\(E\)](#); [A.R.S. § 16-502\(N\)](#); [A.R.S. § 19-125\(F\)](#).

In other words, this alternative summary allows the officer in charge of elections flexibility to omit the official title, descriptive title, and full text of the measure from the official ballot due to space limitations.

The alternative heading and “yes/no” analysis are drafted by the Secretary of State and approved by the Attorney General before being provided to the officer in charge of elections for printing on the ballot. [A.R.S. § 19-125\(D\)](#).

**B. Proofing Ballots**

The officer in charge of elections must proof the official ballot (in all languages and in all formats, including ballots displayed and spoken in accessible voting equipment) prior to distributing the ballots for voting purposes.

**C. Sending Ballot Proofs to Candidates and Political Parties**

At least 45 days before a primary or general election (unless a shorter time is available due to the pendency of a lawsuit), the officer in charge of elections should send a proof of the official ballot to:

- Each candidate (or candidate’s agent) who will appear on the ballot; and
- The county chairperson of each recognized political party that will have at least one candidate on the ballot.

By statute, the officer in charge of elections must send a proof of the official ballot at least 45 days before a primary or general election. [A.R.S. § 16-461\(A\)\(2\)-\(3\)](#); [A.R.S. § 16-510\(A\)](#). Despite the 45-day statutory requirement, however, officers in charge of elections are encouraged to send ballot proofs at least 60-days before a primary or general election to allow sufficient time to make changes to the ballot before the UOCAVA mailing deadline. See [Chapter 2, Section I\(D\)](#).

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<sup>40</sup> The full text of the measure need not be printed on the ballot itself, but may be printed on a separate insert (a “tablecloth”) that accompanies the sample ballot. The full text must be made available at each voting location as well. [A.R.S. § 16-502\(N\)](#); [A.R.S. § 19-125\(F\)](#).

The officer in charge of elections may send the ballot proof by mail, email, or any other method of delivery. The candidate/candidate's agent and/or county chairperson must inform the officer in charge of elections of any errors or omissions in the ballot proof within five calendar days after receipt. [A.R.S. § 16-461\(B\)](#).

### Financial Responsibility for Printing Ballots

Official ballots used in federal, statewide, legislative, and county elections must be printed at county expense. Expenses for ballots used in city, town, or special taxing district elections must be borne by the applicable city, town, or special taxing district. [A.R.S. § 16-503\(B\)-\(C\)](#).

For ballots that contain races from multiple jurisdictions, the officer in charge of elections may contract with a city, town, or special taxing district to reimburse the county for the proportional amount of printing expenses.

### Storage and Security of Ballots

**E.** The officer in charge of elections must implement security procedures to ensure that official ballots are properly secured prior to distribution to voting locations.

For security reasons, official ballots:

1. Must be inventoried upon receipt and prior to distribution to voting locations;
2. May be accessed by elections staff only to the extent necessary to perform their authorized task;
3. Must be stored in a locked, secured location that prevents unauthorized access;
  - Access to ballots must be authorized by the officer in charge of elections. Access to the ballot storage location (the outer access area, not each individual cage or storage unit) must be documented with a written log or with electronic keycard access that indicates the date, time, and identity of the person accessing the ballots. The electronic log for key card access must be accessible but need not be printed out.
4. Must be witnessed by two or more election staff members (of different political parties if possible) when being moved or transferred, which includes an inventory of the ballots before and after the move or transfer.

**F.** The officer in charge of elections shall also implement reasonable security procedures for auditing and accountability of blank ballot stock for use with on-demand printers.

### Sample Ballots

The officer in charge of elections must prepare sample ballots for each primary and general election. [A.R.S. § 16-461\(A\)](#); [A.R.S. § 16-510](#). A sample ballot provides voters who intend to



vote in-person on Election Day advanced notice of the candidates and issues that will appear on their ballot.

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## 1. Preparing Sample Ballots

Sample ballots:

- May be printed on a single page or multiple pages;
- May not indicate the name or identity of any public official who prepared the sample ballot or to whom the sample ballot must be returned; [A.R.S. § 16-461\(F\)](#);<sup>41</sup>
- Must be imprinted with the Great Seal of the State of Arizona for elections involving a federal, statewide, or legislative candidate or statewide ballot measure; alternatively, the seal of the appropriate county, city or town (whichever corresponds to the highest-level jurisdiction with a candidate or measure on the ballot) may be imprinted in lieu of the state seal; [A.R.S. § 16-461\(G\)](#); and
- Must include the following warning in a conspicuous location on the ballot: “This is a sample ballot and cannot be used as an official ballot under any circumstances.” [A.R.S. § 16-461\(D\)](#).

Primary election sample ballots are subject to additional requirements, as they must be printed with a different color (or contain a distinctive color indicator) that corresponds to the recognized political party appearing on that ballot. [A.R.S. § 16-468\(2\)](#). Sample ballots to be mailed to voters who are not registered with a recognized political party:

- May contain all political party candidates on the same sample ballot; and
- May be printed in alternative paper formats that do not conform to the same size as an official ballot, including a reduced size ballot. [A.R.S. § 16-461\(B\)](#).

For a general election involving a ballot measure, the officer in charge of elections must print the official title and descriptive title on the ballot and include the full text of the measure with any mailing. The full text of the measure need not be printed on the ballot itself, but may be printed on a separate insert (a “tablecloth”) that accompanies the sample ballot. [A.R.S. § 16-502\(N\)](#); [A.R.S. § 19-125\(F\)](#).

Ballots should be prepared in sufficient time for proofs to be transmitted to candidates at least 45 days before the election. For primary elections, the officer in charge of elections must transmit the ballot proofs to political parties as well. [A.R.S. § 16-461\(A\)](#). If a county conducts an election on behalf of a local jurisdiction, the officer in charge of elections may transmit the ballot proofs to the local filing officer, who in turn must forward the proofs to the applicable candidates for approval.

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## 2. Printing and Mailing Official Sample Ballots to Households

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<sup>41</sup> The public official’s name may only appear in the candidate section of the ballot, if applicable.

At least 11 days before a primary or general election (except for all ballot-by-mail elections), the County Board of Supervisors is responsible for printing and mailing a sample ballot to each household containing at least one active registered voter who is not on PEVL. [A.R.S. § 16-461\(D\)](#); [A.R.S. § 16-510\(C\)](#); see also [A.R.S. § 16-193\(2\)](#). The Board of Supervisors may delegate this responsibility to the County Recorder or other officer in charge of elections.

The sample ballot mailing:

- Must contain the appropriate sample ballot or ballots that correspond to the political party preference of the eligible voters in the household (for primary elections only);
- Must contain the words “Official Voting Materials” on the outgoing envelope or mailer face mailed to voters, [A.R.S. § 16-461\(G\)](#);
- Must include the list of acceptable forms of identification to vote at a voting location pursuant to [A.R.S. § 16-579\(A\)\(1\)](#); and
- Must contain the statement (for assigned polling place elections only): “Have you moved? You MUST go to the polling place designated for your CURRENT RESIDENCE ADDRESS. If you go to the WRONG polling place, your (provisional) ballot will NOT COUNT.”

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### 3. Sample Ballots at Voting Locations

The Board of Supervisors is responsible for printing and distributing at least two official sample ballots of each ballot style for use at polling places during the primary and general election. [A.R.S. § 16-510\(B\)](#). The sample ballots must correspond to the appropriate official ballots for the polling place and be contained in the precinct supplies for that location. The Board of Supervisors may delegate this responsibility to the officer in charge of elections.

Sample ballots need not be provided to vote centers if the vote center is able to print sample ballots upon request.

The officer in charge of elections must make the sample ballots available in plain view or post a notice at voting locations that sample ballots are available upon request. [A.R.S. § 16-461\(B\)](#).

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### 4. Financial Responsibility for Preparing and Mailing Sample Ballots

The Board of Supervisors shall seek reimbursement from the Secretary of State for each sample ballot mailed to a county household. [A.R.S. § 16-510\(C\)](#). See [Chapter 12, Section IV\(C\)](#).

## LANGUAGE MINORITY VOTING MATERIALS

After the U.S. Supreme Court’s decision in *Shelby County v. Holder*, 570 U.S. 529 (2013), the State of Arizona is no longer a covered jurisdiction required to provide all voting materials in Spanish under the federal Voting Rights Act, Sections 4(b), 4(f)(3), and 4(f)(4). Nonetheless,

counties and other political subdivisions are strongly encouraged to continue to provide voting materials in Spanish, as well as other languages previously required in the county.

The following counties are currently independently covered under Section 203 of the Voting Rights Act and therefore have an obligation to print (in the case of written languages) and/or provide (in the case of oral languages) voting materials in additional languages for the following language minority groups:

- Apache County: Navajo
- Coconino County: Navajo
- Gila County: Apache
- Graham County: Apache
- Maricopa County: Spanish
- Navajo County: Navajo
- Pima County: Spanish
- Pinal County: Apache
- Santa Cruz County: Spanish
- Yuma County: Spanish

Voting Rights Act Amendments of 2006, Determinations Under Section 203, 81 FR 87532-01 (Dec. 5, 2016), available at <https://www.gpo.gov/fdsys/pkg/FR-2016-12-05/pdf/2016-28969.pdf>.

A covered jurisdiction must determine which language, forms of languages, or dialects will be effective in meeting the requirements of the Voting Rights Act. [28 C.F.R. § 55.11](#).

The following sections describe the minority language requirements in greater detail.

A.

#### **Voting Materials Required To Be in Minority Language(s)**

If a covered jurisdiction is required to provide language assistance, all materials distributed to (or provided for the benefit of) voters must be printed in the required language(s), [28 C.F.R. § 55.19\(a\)](#), including:

- Registration and voting notices;
- Forms;
- Instructions;
- In-person assistance;
- Ballots (including accessible ballots and the accompanying audio translation); and
- Any other materials or information relating to the electoral process. [28 C.F.R. § 55.15](#).

A covered jurisdiction may attempt to use cost effective methods of compliance if they are equivalent in their effectiveness to more costly methods. [28 C.F.R. § 55.16](#). This may include implementing a system that provides translated voting materials to fewer than all registered voters, as long as the system is designed and implemented in a way that ensures language minority group members who need translated materials and assistance can receive them. [28 C.F.R. § 55.17](#).

Where the language of the applicable minority group is oral or unwritten, the covered jurisdiction is only required to provide oral instructions, assistance, or other information relating to registration and voting in the covered language. [52 U.S.C. § 10503\(c\)](#).

### Types of Elections Requiring Minority Language Voting Materials

A covered jurisdiction must provide voting materials in the required language(s) for all elections within the covered jurisdiction, including the elections of each municipality, school district, or special taxing district within the covered jurisdiction. [28 C.F.R. § 55.10\(a\)-\(b\)](#); [28 C.F.R. § 55.9](#).

For offices that cross county lines, language minority voting material requirements are to be applied on a county-by-county basis. Accordingly, if an individual county is not a covered jurisdiction, that county does not need to provide bilingual voting materials. [28 C.F.R. § 55.10\(c\)](#).

## VII PREPARATION OF SIGNATURE ROSTERS AND E-POLLBOOKS

Prior to a statewide primary or general election, the County Recorder must prepare paper signature rosters and precinct registers or e-pollbook data and distribute the rosters/data to the officer in charge of elections for use at each voting location on Election Day. [A.R.S. § 16-168\(A\)-\(B\)](#); [A.R.S. § 16-169\(A\)](#); [A.R.S. § 16-583\(A\)](#). A signature roster or e-pollbook serves as the official list of eligible voters (other than secured voters) for a particular voting location or election.<sup>42</sup>

If a County Recorder uses paper signature rosters, the rosters must be bound with a suitable cover and bear the title “signature roster \_\_\_\_\_ precinct, \_\_\_\_\_ county, Arizona” (if used in assigned polling place-assigned). The cover must contain the following affidavit for the inspector to sign:

“I, \_\_\_\_\_, inspector of the board of election of \_\_\_\_\_ precinct, \_\_\_\_\_ county, Arizona hereby certify that the foregoing (excepting signatures in red) are true and correct signatures of all electors who voted in precinct on \_\_\_\_\_.

(date)

<sup>42</sup> For purposes of this Section, an e-pollbook includes a system whereby electronic tablets or computers are uploaded with voter registration data or are connected to a live voter registration database via a secure virtual private network (VPN) connection.

(inspector)”

[A.R.S. § 16-169\(B\)](#). An e-pollbook must be accompanied by an affidavit (equivalent to that specified for paper rosters) to be signed by the inspector on Election Day. [A.R.S. § 16-169\(C\)](#).

The County Recorder or other officer in charge of elections must have a back-up solution, such as a printed roster or other contingency plan, in case the e-pollbooks do not properly function on Election Day. [A.R.S. § 16-571\(C\)](#). The County Recorder or other officer in charge of elections must also implement cybersecurity protocols to ensure the integrity of e-pollbook data when e-pollbooks are electronically connected to county systems. See [Chapter 4, Section III\(B\)](#).

A County Recorder should ensure the signature roster or e-pollbook contains the most up-to-date information prior to printing or distribution. In particular, a County Recorder should check the DHS SAVE database to confirm eligibility for any registrant who submitted an Alien Registration Number, Naturalization Certificate Number, or Citizenship Certificate Number as proof of citizenship. See [Chapter 1, Section II\(A\)\(6\)](#). If time permits, the County Recorder should be prepared to print a supplement to the signature roster or conduct a last-minute upload to the e-pollbooks. In cases where the roster or e-pollbook cannot be timely updated, the County Recorder may issue a Recorder’s Certificate to any affected registrants. See [Chapter 1, Section II](#).

A signature roster or e-pollbook must contain the following information:

1. Name;
2. Residence address;
3. Registration date and status (active/inactive); and
4. Party preference or registered party.
5. Roster number, numbered consecutively (paper signature roster only);
6. Mailing address (if different than residence address);
7. Signature block (an early ballot affidavit may serve as the signature block when conducting on-site early voting or a ballot-by-mail election);
8. “Federal-only” voter designation (if applicable);
9. Indicator if voter requested, received, or returned an early ballot, as applicable;

A signature roster or e-pollbook must also contain the following information, if practicable:<sup>43</sup>

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<sup>43</sup> Additional data, such as full dates of birth, may be transmitted to e-pollbook vendors to facilitate e-pollbook functionality provided the following requirements are met: (i) only data required for e-pollbook functionality shall be transmitted to e-pollbook vendors; (ii) the data shall be transmitted using secure methods, such as encryption or secure website or SFTP; (iii) the County Recorder or officer in charge of elections shall exercise best efforts to protect the confidentiality of registrant data transferred to vendors,

1. Birth year;
2. Ballot type/style, including political party ballot selected in a partisan primary;
3. Voter ID number;
4. Barcode (paper signature rosters only);
5. A standardized oath that poll workers obtained valid proof of identity from every voter, or if identification was not presented, the provisional ballot envelope was marked appropriately.

A signature roster or e-pollbook may not contain secured registrants' information. If a county uses a tablet or computer terminal that has live access to the voter registration database via a secure virtual private network (VPN) connection, the system must be capable of shielding secured registrants' information from public view (or providing view access only to the secured registrant). See [Chapter 4, Section III](#).

For paper rosters, additional pages for inactive voters and voters who voted a provisional ballot must be included in any signature roster (either attached to the back of the roster, in a separate roster, or identified within the roster). If inactive voters are comingled with active voters on the signature roster, the inactive voters must be clearly identified and the officer in charge of elections must have the ability to identify and/or extract the inactive voter information after the election to update the voter registration record. For provisional ballot voters, the roster must be numbered consecutively starting with "V-1," "V-2," etc. [A.R.S. § 16-584\(E\)](#). E-pollbooks must also contain inactive voters and have a means of indicating which voters voted a provisional ballot.

## VII.

### PREPARATION OF VOTING SUPPLIES

#### A.

#### Materials to Be Distributed to Voting Locations

The following items should be included among supplies distributed to voting locations, as applicable:

1. Election board worker supplies:
  - Board workers' checklists;
  - Signature rosters, poll lists, and precinct registers (if paper signature rosters are utilized);
  - Challenge lists or forms;
  - Sample ballots (for assigned polling place elections), see [Chapter 8, Section V\(F\)](#);
  - Relevant election laws and training guides;

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including requiring the vendor to agree to reasonable confidentiality terms; and (iv) the vendor shall securely dispose of the transmitted data after it is no longer needed for the election at issue.

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- Provisional ballot envelopes or affidavits (*see* [Section VIII\(B\)](#) below);
  - Provisional ballot roster;
  - Ballot box keys; and
  - Demonstration ballots (ballots that contain marking instructions)
2. Signs:
    - Arrows;
    - “Vote Here” signs;
    - “Instructions to Voters” notice, *see* [Chapter 9, Section I\(A\)](#);
    - “Right to Vote a Provisional Ballot” notice, *see* [Chapter 9, Section I\(A\)](#);
    - “Handicap Parking” signs (if no permanent signs are available);
    - “Curbside Voting Available” signs (as needed); and
    - Write-in candidate notice, *see* [Chapter 9, Section I\(A\)](#);
  3. Supply Bag:
    - Voting equipment manuals (if applicable);
    - Pens and/or pencils;
    - A method for measuring the 75-foot limit;
    - Masking tape; and
    - “I Voted” stickers (if available);
  4. Official returns envelope;
    - Upon completion of the election, the official returns envelope must contain any spoiled ballots, a copy of the signature roster (paper jurisdictions only), and the challenge list/forms (if applicable). The envelope must be sealed with a pressure-sensitive label, and the inspector and judges are required to sign across the seal and onto the envelope. [A.R.S. § 16-615](#). If the voting location has a tabulation machine, the official returns envelope should also contain a copy of the results tape from the tabulation machine, printed immediately after the close of the polls.
  5. Unofficial returns envelope (if necessary);
    - By statute, upon completion of the election, the unofficial returns envelope must contain completed payroll vouchers and any other items directed by the officer in charge of elections. The unofficial returns must be made available for inspection for six months after the election. [A.R.S. § 16-616](#); [A.R.S. § 16-551\(D\)](#). However, the use of e-pollbooks or other technology may render an unofficial returns envelope unnecessary if the technology electronically captures all the required information.
  6. Payroll supplies:
    - Payroll voucher

7. Miscellaneous supplies:

- ADA temporary equipment, including ramps, door props, door handles, etc. (as needed);
- Magnifying sheets that may be used to magnify the text on a ballot;
- Precinct map (assigned polling place elections only);
  - In assigned polling place elections, a poll worker may use the map to assist the voter in locating the correct polling place, but may also use an e-pollbook to identify the correct precinct or provide contact information (phone number or website) for the voter to contact the elections department or County Recorder's office. Alternatively, the poll worker may offer the option to vote a provisional ballot using the accessible voting equipment if the equipment is capable of displaying all ballot styles.
- U.S. flag & stand;
- Badges / name tags;
- Secrecy sleeves that may be used to protect the secrecy of the voter's choices when carrying the ballot in the voting location;
- Ballot boxes with seals;
- Voting equipment, including e-pollbooks with seals, accessible voting equipment with seals, and tabulation equipment with seals (if applicable); and
- Voting booths, including voting booths that are accessible for voters with a disability;

8. Ballots of each required ballot style or blank ballot stock.

B.

**Provisional Ballot Envelope and Affidavit**

A voted provisional ballot must be placed and sealed in a provisional ballot envelope. A provisional ballot envelope must have affixed to it an affidavit for the voter to complete and provide the following information:

1. First and last name;
2. Current residence address;
3. Current mailing address;
4. Former name, if any;
5. Former residence address, if any;
6. Date of birth;
7. Telephone number;
8. AZDL/ID# or SSN4;
9. Date (if necessary); and



10. A signature attesting to the following statement:

“I swear or affirm under penalty of perjury that the above information is correct, that I have resided in the precinct and/or district at least 29 days before the election, that I am eligible to vote in this election and that I have not previously voted in this election.

I know that my provisional ballot will only be counted if I have voted in the correct precinct, which is based on where I currently live. **I understand that voting in the wrong precinct or county means that my ballot will not be counted.**”

Counties may exhaust existing provisional ballot envelopes or affidavits before printing envelopes or affidavits with the updated language. Elections conducted through vote centers are exempt from utilizing the statement applicable to out-of-precinct voting. Counties may also capture this information and statements electronically, but the voter must sign the affidavit envelope.

The provisional ballot envelope or affidavit also must contain the following information for the poll worker to complete:

1. The reason why the voter was issued a provisional ballot;
2. An indication of whether the voter presented proper or insufficient identification;
3. Provisional ballot affidavit number;
  - The provisional ballot envelope should contain a tear-off stub for the voter to retain or the voter should be provided a provisional ballot receipt. Both the envelope affidavit and the receipt or tear-off stub should have matching provisional ballot affidavit numbers.
4. Precinct number or voting location;
5. Type of party ballot issued, if applicable;
6. An indication of whether the ballot is a “federal-only” ballot; and
7. The poll worker’s signature.

The provisional ballot envelope may contain an “Official Use Only” section for County Recorder use, which may include (but is not limited to) the following information:

1. Voter ID number;
2. Type of ID provided;
3. Recorder staff member who processed provisional ballot;
4. Whether ballot was counted or not counted; and
5. Reason for rejection, if applicable.

## IMPLEMENTING A WAIT TIME REDUCTION PLAN

“Wait time” is defined as the duration of time from when the voter arrives in line to the time the voter is provided a ballot or access to an accessible voting equipment to vote a regular ballot.

### IX.

The officer in charge of elections must establish and approve a specific wait time reduction plan for each election to ensure that voters do not have to wait in lines at the voting location for more than 30 minutes. The factors outlined in the following sections are not exclusive. See [A.R.S. § 16-411\(J\)](#).

### Projecting Voter Turnout

The officer in charge of elections must project voter turnout at each voting location prior to the election to assure the location is adequately staffed and equipped to meet voter demand.

The officer in charge of elections should take into account the following information to project voter turnout:

1. The percentage of voter turnout from the prior two elections of a similar type;
2. The number of ballots (including regular, early, and provisional) cast in the prior two elections of a similar type, [A.R.S. § 16-411\(J\)\(1\)](#);
3. The number of registered voters, both active and inactive, [A.R.S. § 16-411\(J\)\(3\)](#);
4. The number of registered voters who requested an early ballot or are on the permanent early voting list, [A.R.S. § 16-411\(J\)\(2\)](#); and
5. The potential number of ineligible voters that could attempt to vote, especially during a PPE.

### B.

### Re-Precincting

If excessive wait times are likely to occur at a particular polling place, whether based on population growth or any other reason, the officer in charge of elections must consider redrawing precinct boundaries to reduce the likelihood of this possibility. [A.R.S. § 16-411\(J\)](#). This decision should be made well in advance of the election.

To determine whether recent or projected population growth warrants re-precincting, the officer in charge of elections should consider:

- The year-over-year growth in registered voters in the precinct; and/or
- The potential for future construction or land development in the precinct (based on information obtained from the county assessor, city clerk, or town clerk).

If the officer in charge of election concludes that precinct size would have an adverse impact on Election Day wait times, the officer should recommend redrawing the precinct in order to better

allocate voters. In that case, the County Recorder must also transfer the affected voters into their newly-designated precinct.

The County Recorder must mail a new voter registration card to each affected voter, which satisfies the requirement to mail a notice of the precinct change. [A.R.S. § 16-412](#).<sup>44</sup>

The Board of Supervisors must approve all precinct lines by October 1 of an odd-numbered year. [A.R.S. § 16-411\(A\)](#). The new precinct boundaries become effective on January 2 of the year of the general election. [A.R.S. § 16-412](#). By January 2 of the following year, the officer in charge of elections must ensure all relevant maps and legal descriptions have been updated with the new precinct lines, voter registration records are updated, and new voter registration cards (with updated precincts) are issued to all affected voters. [A.R.S. § 16-412](#).

### Staffing and Supplying Voting Locations

The officer in charge of elections should deploy additional resources at voting locations where projected turnout (including both eligible and ineligible voters) is expected to exceed normal levels.

The officer in charge of elections should:

1. Determine the optimal number of poll workers, based on:
  - The projected time to check-in a voter and seek proof of identity;
  - The projected time involved in use of accessible voting devices;
  - The number of voters likely to cast provisional ballots;
  - The number of independent voters who may seek to vote (if conducting a PPE); and
  - Any increased or unusual level of interest in the election.
2. Determine the proper number of signature rosters/e-pollbooks and voting equipment in order to keep up with demand;
3. Recruit additional poll workers who will be assigned or remain in reserve on Election Day, including recruitment of students and other county workers;
4. Conduct additional training for poll workers (including premium poll workers) assigned to high volume precincts;
5. Ensure proper signage at all polling locations, including signs that will educate voters in line about how to proceed through the voting process efficiently;
6. Determine the number of bilingual poll workers needed for each voting location;

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<sup>44</sup> The statute provides an exception if a sample ballot containing voters' newly-designated precinct name or number is mailed prior to the next primary election. See [A.R.S. § 16-412](#).

7. Empower the inspector to request additional poll workers and, in exceptional cases, recruit poll workers from the line with permission of the officer in charge of elections;
8. Ensure the inspector is prepared to shift personnel, redistribute responsibilities, reorganize the voting location, or make any other changes that will facilitate efficiency and reduce wait times;
9. Assign troubleshooters or equivalent staff who are capable of reaching any voting location within 30 minutes of being dispatched (if geographically feasible); and
10. Ensure troubleshooters or equivalent staff have made prior contact with each inspector they oversee on Election Day, including a discussion about voting location layout and contingency plans.

### Conducting Voter Education

The officer in charge of elections must educate voters by disseminating information that may help reduce wait times on Election Day, including, but not limited to, information on the following topics:

1. Voters must present a valid identification;
2. Voters' registration must be up-to-date;
3. Voters may only vote at their designated polling place based on their current address (assigned polling place elections only);
4. Peak voting times compared to times when wait times are likely shorter;
5. Information about any websites, phone apps, or other technology that facilitate the voting process or provide voter education;
6. Encourage voters to bring their sample ballots to the polls with selections already marked to help accelerate their voting process; and
7. Early voting and permanent early voting options.

Much of this information must be reported in the county's voter education report. See [Chapter 13, Section II](#).

E.

### Developing Contingency Plans

The officer in charge of elections must have a contingency plan ready to implement if wait times consistently or significantly exceed 30 minutes. The contingency plan must include, but need not be limited to, the following:

1. A transfer plan for poll workers to move from a less busy location or from a reserve staging area;
2. A plan to open alternate voting locations (including a plan to educate voters about the new location);

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3. A plan to add additional e-pollbooks (if used in the county);
4. A plan to add voting/secretcy booths; and
5. A plan to add accessible voting equipment.

To the extent practicable, a plan for implementing back-up paper systems should be available in case of electronic equipment failure or loss of power.

The marshal will monitor the voter wait time at a polling place, and must inform the inspector (who must, in turn, contact the officer in charge of elections) when the wait time reaches 20 minutes or more.

## Emergency Procedures

The ballot box shall not be removed from the voting location or presence of bystanders until all ballots are counted, nor opened until after the polls are finally closed unless an emergency renders the polling place unusable to the point where it can no longer function as a polling place because law enforcement or other emergency personnel have ordered the polling place to be evacuated or as determined by the officer in charge of elections to allow voting to continue while awaiting an evacuation order. The following procedures shall be followed in the event of an emergency:

- If the locked ballot box must be removed from the polling place due to an emergency, at least two members of the election board, not members of the same political party, shall accompany the box to a new polling place designated by the officer in charge of elections.
- If practical and available, a law enforcement officer shall aid in the transfer of the ballot box.
- If two members of the election board are not available to transfer the ballot box, one member of the election board and one law enforcement officer may accompany the box to the new polling place.
- Two additional board members shall verify whether the ballot box arrived at the new polling place and that it was not opened or damaged.
- All election board members who accompanied the locked ballot box to the new location and the one or two board members who verified the box's arrival shall file a report with the officer in charge of elections that describes the actions taken by the board members. This report shall be filed on the day of the emergency.
- On the day of the emergency in which the ballot box was moved, all election board members who aided in the transfer and verification of the locked ballot box shall indicate on official documents containing their oath whether they witnessed the transfer of the box and whether the box remained locked.

[A.R.S. § 16-564\(A\)-\(E\), \(G\).](#)

## Ballot Box Overflow Procedures

If during the course of an election the ballot box can no longer accommodate additional ballots, the officer in charge of elections shall dispatch an additional ballot box to the appropriate voting location. The full ballot box shall remain locked until closing of the polls. If a tabulation unit is used, it shall be removed and placed on the additional ballot box or another tabulation unit and ballot box should be dispatched so voting may continue. If another unit is deployed, poll workers must first run zero tapes and confirm transfer, including checking security seals.

In the event there is no spare ballot box available, the board workers shall remove a sufficient number of ballots from the ballot box and shall place the removed ballots into the case that will

be used for the transfer of the ballots to the officer in charge of elections. The inspector and both judges shall oversee the transfer and the following shall apply:

1. The number of removed ballots shall be hand counted immediately by the election board.
2. A written document shall be produced and signed by the board members supervising the count. The written document shall indicate the count and the reason for the removal of ballots.
3. The removed ballots and corresponding documentation shall be placed in the transfer case and shall be kept sealed until the polls are closed.
4. Once the removed ballots are sealed in the transfer case, the original ballot box shall be relocked or sealed and voting may continue.
5. At the close of the polls, the ballots in the locked or sealed ballot box shall be: (i) removed from the ballot box and immediately tabulated; or (ii) maintained in the locked and sealed box and securely transferred to the officer in charge of elections for tabulation. If tabulation occurs after of closing of the polls, the count shall be documented.
6. Ballots should be sealed in ballot boxes or transfer cases with any corresponding documentation while ensuring tabulated ballots are kept separate from un-tabulated ballots.
7. The sealed ballot boxes and/or transfer cases will be transported to the central counting place designated by the officer in charge of elections.

At the close of an election, if the ballot box has been opened, a report detailing those events and other pertinent information shall be made by the officer in charge of elections to the chairpersons of all recognized political parties in that county at their request. [A.R.S. § 16-564\(F\), \(G\)](#).

H.

#### **Complete Power or Unit Failure/Ballot Emergency Bin**

In counties that use polling place tabulation units, any ballots that have been deposited in the emergency bin during a complete power failure or unit failure must be fed through the tabulation unit when polls close and prior to generating the results tape at the end of the day.<sup>45</sup> In addition, the following steps must be completed:

- Using the key provided, at least two board workers not from the same political party shall open the ballot box emergency bin and remove the unprocessed ballots, if any, that were placed in the emergency bin due to a complete power failure or tabulation unit failure.
- The board workers shall feed the unprocessed ballots, one by one, into the tabulation unit, making sure that the digital readout increases by one each time.
- If any ballot that is over-voted or blank is returned, the inspector will use the override procedure to allow the ballot to be scanned.

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<sup>45</sup> There is no “complete power failure” or “unit failure” if the battery backup remained operative.

- After all of the unprocessed ballots have been fed into the tabulation unit, the board workers may proceed with the regular procedures for closing the polls.
- After the polls have closed, any ballot the machine is unable to process or that has been marked but is returned as “unreadable” shall be set aside and sent to the central counting place for duplication.

### Determining Optimal Layout

The officer in charge of elections must determine the optimal layout for each voting location based on voter turnout projections. High volume voting locations should process provisional voters separately from other voters to maintain a continuous flow of voters.

### Wait-Time Reduction Survey

In order to test the efficacy of wait time reduction efforts over time, the officer in charge of elections should participate in occasional wait time reduction surveys at the request of (and in collaboration with) the Secretary of State.

### Public Input

K.

The officer in charge of elections is encouraged to solicit public feedback on the wait time reduction plan, for example, by posting the proposed plan on the officer’s website and soliciting feedback.

X.

### CANCELING AN ELECTION

Certain candidate elections may be canceled if there are equal to or fewer candidates seeking office, including write-in candidates, than the number to elect for a given race.

The following races are eligible for cancellation:

1. Precinct committeeman, [A.R.S. § 16-410\(A\)](#); [A.R.S. § 16-822\(B\)](#);
2. School district governing board member, [A.R.S. § 16-410\(A\)](#); [A.R.S. § 15-424\(D\)](#);
3. Community college district governing board member, [A.R.S. § 16-410\(A\)](#); and
4. Any special taxing district board member, [A.R.S. § 16-410\(A\)](#); [A.R.S. § 48-5503\(C\)](#).

If a candidate race qualifies for cancellation, the applicable Board of Supervisors may cancel the election no earlier than 75 days before Election Day, appoint to the office those candidates who had timely filed a nomination paper for the office, and issue a certificate of election to the candidate. [A.R.S. § 16-410\(A\)-\(B\)](#).



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After approval of the Board of Supervisors to cancel the election, the officer in charge of elections must omit the race in question from the ballot. If the cancellation occurs after the ballots have been printed, the canceled race must not be canvassed. [A.R.S. § 16-410\(D\)](#).

If no candidates filed nomination papers for the office in question, the Board of Supervisors may cancel the election no earlier than 75 days before Election Day, declare the office vacant, and initiate procedures to fill the vacancy. [A.R.S. § 16-410\(C\)](#).

## CHAPTER 9: CONDUCT OF ELECTIONS/ELECTION DAY OPERATIONS

### SETTING UP THE VOTING LOCATION

Upon arriving at the voting location (either on Election Day or the day prior to the election), the election board (at the direction of the officer in charge of the election) must:

1. Ensure that any accessible voting device is set up, including any key pad and headset;
2. Post the following documents or notices (1) in plain view in the room where ballots will be cast and (2) in at least one other conspicuous place in and around the polling place:
  - Sample ballots that correspond to the candidates/measures that will appear on the ballot (for precinct-assigned polling places), [A.R.S. § 16-510\(B\)](#); [A.R.S. § 16-563\(1\)](#);
  - “Instructions to Voters and Election Officers” (*see* [Chapter 9, Section I\(A\)\(1\)](#) below);
  - A notice of voters’ “Right to Vote a Provisional Ballot” (*see* [Chapter 9, Section I\(A\)\(2\)](#) below);
3. Unless the same information is printed on the sample ballot, place a card or poster in each voting booth that contains a “Notice to Voters” in large plain type (*see* [Chapter 9, Section I\(A\)\(3\)](#) below);
4. Post a list of official write-in candidates in a conspicuous location within the voting location, if applicable, [A.R.S. § 16-312\(E\)](#);
5. Post a list of candidate withdrawals or vacancies in a conspicuous location within the voting location (if applicable), including a notice stating that any votes cast for the candidate will not be tabulated unless the withdrawal or vacancy was due to death or incapacity, [A.R.S. § 16-343\(F\)-\(G\)](#);<sup>46</sup>
6. Display the United States flag, [A.R.S. § 16-512](#);
7. Arrange voting booths in view of the election board, [A.R.S. § 16-562\(A\)](#);
8. Arrange the signature roster, e-pollbook(s), or other check-in devices for convenient access;
9. Prepare ballot boxes:
  - Open and examine the ballot boxes to ensure the boxes are empty prior to voting, secure the ballot boxes; and arrange the ballot boxes in view of the election board. [A.R.S. § 16-564\(A\)](#).

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<sup>46</sup> The notice must also be posted at all on-site early voting locations. *See* [Chapter 2, Section II\(A\)](#).

- Confirm placement of the early ballot drop-off container (if separate boxes/containers are used);
10. Inventory the ballots received from the elections department, including ballot stock;
- If the officer in charge of elections determines it is not feasible to inventory ballot stock at the voting location, the officer in charge of elections must implement a reasonable alternative method to ensure accountability of ballot stock.
11. Set up tabulation equipment (if applicable) and accessible voting equipment near an electrical outlet in plain view of the election board and the voters.
- Ensure that electrical cords do not present a hazard to the board workers or voters;
  - For the tabulation equipment, plug in the voting equipment and obtain a zero count following procedures in [Chapter 4, Section II\(D\)\(4\)](#); and
  - Ensure that all tamper resistant or tamper evident seals are intact, contain the correct assigned number, and have not been tampered with.
12. Establish the 75-foot limit by posting at least three “75-foot limit” signs:
- The signs must have the heading “75-foot limit” printed in letters at least 2 inches high; and
  - Have the following statement printed below the heading:

“No person shall be allowed to remain inside these limits while the polls are open, except for the purpose of voting, and except the election officials, one representative at any one time of each political party represented on the ballot who has been appointed by the county chairperson of such political party, and the challengers allowed by law. Voters having cast their ballots shall at once retire without the seventy-five foot limit. A person violating any provision of this notice is guilty of a class 2 misdemeanor.”

[A.R.S. § 16-515\(B\)](#).

All signs and notices required under this Section must be printed in English and any other language required in the county under the Voting Rights Act.

## Notices to Be Posted at the Voting Location

### 1. Instructions to Voters and Election Officers

The “Instructions to Voters and Election Officers” notice must be displayed at the voting location, containing substantially the following information:

### Instructions to Voters and Election Officers

1. The polls are open from 6:00 a.m. until 7:00 p.m.
2. Please give your full name, place of residence, and identification documents to the election officer. The election officer will determine which type of ballot you will use to cast your vote.
3. Once you have received your ballot, go to the next available voting booth to cast your vote. Mark your ballot in the appropriate place next to the name of each candidate for whom you want to vote.
4. If you want to vote for a person who is an official write-in candidate, write that person's name on the lines provided and mark the ballot in the appropriate place next to the name you have written.
5. Ask for assistance if you need assistance marking your ballot or wish to utilize the accessible voting equipment. If you request assistance marking your paper ballot, two election officers from opposing political parties will accompany you to the voting booth. They will:
  - Read you the names of all candidates for each office on the ballot;
  - Read you the political parties by which the candidates were nominated for each office;
  - Ask the name of the candidates for whom you want to cast your vote; and
  - Mark your ballot correctly.

Neither of the election officers who assist you with your vote is allowed to influence your vote by recommending, explaining, or suggesting any candidate or political party for any office or issue.

6. If you accidentally spoil your ballot, present it to the election judge. Make sure to conceal any votes you have made on the ballot. Either you or the judge will need to mark the ballot as spoiled, and the judge will give you another ballot on which to cast your vote. You are allowed to use no more than three ballots.

If you believe that a violation of the Help America Vote Act of 2002 has occurred, you may contact:

Secretary of State's Division of Election Services  
1700 West Washington Street 7th Floor  
Phoenix, AZ 85007  
1-877-THE VOTE

[A.R.S. § 16-513](#); [A.R.S. § 16-563\(1\)](#).

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## 2. Right to Vote a Provisional Ballot

The “Right to Vote a Provisional Ballot” notice must be displayed at the voting location, containing substantially the following information:

### Right to Vote a Provisional Ballot

1. If you did not receive a regular ballot, you have a right to vote a provisional ballot if one of the following situations applies to you:
  - Your name does not appear on the signature roster or e-pollbook, and you are in the correct polling place based on your current residence;
  - You have moved to a new address within the county and have not updated your voter registration (if applicable);
  - You have legally changed your name and have not updated your voter registration (if applicable);
  - You requested an early ballot but did not vote an early ballot (if applicable);
  - You have not produced sufficient identification; or
  - You were challenged as a qualified voter.
2. To vote using a provisional ballot:
  - Present identification to the poll worker and state your first and last name;
  - Provide your complete residence address to the poll worker;
  - Provide your signature next to your name after the election official enters your name on the signature roster; and
  - Sign an affirmation on the provisional ballot envelope stating that the information filled out on the provisional ballot envelope is correct, that you have resided in the precinct at least 29 days before the election, that you are eligible to vote in this election, that you have not previously voted in this election, that your provisional ballot will only be counted if you voted in the correct precinct (which is based on where you currently live), and that you understand that voting in the wrong precinct means that your ballot will not be counted.

Once you have voted using a provisional ballot, your ballot will be placed in a provisional ballot envelope, which you can seal. The poll worker will ensure that the envelope is sealed. You will then be given a provisional ballot receipt with information on how to present sufficient identification to the County Recorder (if necessary) and how to verify the status of your provisional ballot. Your vote will be counted upon verification of your eligibility to vote in the election.

[A.R.S. § 16-513.01](#); [A.R.S. § 16-563\(1\)](#).

### 3. Notice to Voters

Unless the same information is printed on the sample ballot, a “Notice to Voters” card or poster must be placed in each voting booth (in large, plain type), containing substantially the following information:

#### Notice to Voters

Section one of this ballot is comprised of partisan candidates. To vote for the candidates for the partisan offices, mark the ballot next to the name of the candidate for each partisan office for whom you wish to vote. If you wish to vote for a person whose name is not printed on the ballot, write such name in the blank space provided AND put a mark next to the name according to the instructions.

Section two of this ballot is comprised of nonpartisan candidates, potentially including judicial candidates, school district candidates, and initiative or referendum propositions. To vote for the candidates for the nonpartisan offices, mark the ballot opposite the name of the candidate for each nonpartisan office for which you wish to vote. If you wish to vote for a person whose name is not printed on the ballot, write such name in the blank space provided AND put a mark next to the name according to the instructions. Mark the ballot by the word ‘yes’ (or for) for each proposition or question which you wish to be adopted. Mark the ballot by the word ‘no’ (or against) for each proposition or question which you wish not to be adopted.

When marking a paper ballot the voter shall do so by placing a mark next to the printed name in the designated location or in the square following the name written in.

[A.R.S. § 16-514](#). Minor alterations have been made to the statutory language to account for modern ballot design.

## OPENING THE VOTING LOCATION

The election board should arrive at the voting location no later than 5:30 a.m. on Election Day to promptly open the polls at 6:00 a.m.

Upon arrival at the polling place, members of the election board must take their oath of office, to be administered by a board member or another qualified elector of the precinct. [A.R.S. § 16-534\(C\)](#); [A.R.S. § 38-231\(E\)](#). If the county utilizes vote centers, the individual administering the oath need only be a qualified elector in the county.

If the voting location contains precinct voting equipment or accessible voting equipment that independently tabulates votes, the election board must generate a “zero report” from the voting

equipment prior to opening the polls. The zero report is intended to confirm that the equipment contains no votes prior to commencement of voting.

To verify a zero report, the election board must:

- Print a zero report from the equipment (the report must remain attached to the voting equipment and not removed until final results have been printed at the close of the polls);
- Verify the correct precinct number on the report (only in counties that conduct assigned polling place elections);
- Compare the zero report to the ballot and sample ballot to ensure the same names appear (only in counties that conduct assigned polling place elections);
- Confirm that no votes have been cast for any candidates or ballot measures;
- Have at least two board members of different political parties sign the zero report prior to opening the polls; and
- Make sure the digital readout on the front of the unit registers zero after the zero report is complete.

The election board may be required to perform other necessary tasks prior to opening the voting location.

At 6:00 a.m., the marshal must announce that the polls are open, and voters will be allowed to enter the voting location. [A.R.S. § 16-565](#).

### III. PRESERVING ORDER AND SECURITY AT THE VOTING LOCATION

#### A. Enforcing Electioneering Ban

No electioneering may take place within the 75-foot limit of a voting location. [A.R.S. § 16-515\(A\)](#). Additionally, no electioneering may take place outside the 75-foot limit if it is audible from a location inside the door to the voting location. The 75-foot limit is measured from the main outside entrance of the voting location.

“Electioneering” occurs when a person knowingly, intentionally, and verbally expresses support for, or opposition to, a candidate or ballot measure on the ballot in that election, or a political party with one or more candidates who appear on the ballot in that election, in order to induce or compel another person to vote in a particular manner or to refrain from voting. [A.R.S. § 16-515\(I\)](#).

The electioneering ban applies to the election board, other election officials, political party observers, and any voter within the 75-foot limit.

Though voters or voters' assistants are permitted to wear clothing with political messages, election board members, other election officials, or political party observers may not wear, carry, or display any materials that identify or express support or opposition for a political party, political organization, or a candidate or ballot measure appearing on the ballot. [A.R.S. § 16-515\(F\)](#).

The marshal, under the direction of the officer in charge of elections, enforces the electioneering ban on Election Day, while the County Recorder enforces the ban during in-person early voting and at ballot replacement sites. Law enforcement officials may be contacted to help enforce the ban in exceptional circumstances.

A County Recorder or other officer in charge of elections may grant emergency designations to polling places/vote centers, pursuant to which electioneering is not permitted on the property of the hosting facility, even outside the 75-foot limit. [A.R.S. § 16-411\(I\)](#); see [Chapter 8, Section I\(G\)](#).

### **Enforcing Photography Ban**

**B.** No photography or video recording is permitted within the 75-foot limit at a voting location. [A.R.S. § 16-515\(G\)](#). There is no exception for members of the media.

A voter, however, may display an image, that was not taken in a voting location, of their own ballot that was received by mail on the internet. [A.R.S. § 16-1018\(4\)](#).

### **C. Enforcing Access Restrictions**

A key component of preserving order at the voting location is ensuring that only authorized persons are present within the 75-foot limit. Only the following persons are authorized to be present within the 75-foot limit:

1. Members of the election board;
2. Election officials;
3. Voters (including minor children accompanying the voter, [A.R.S. § 16-515\(E\)](#));
  - Once in a voting booth, voters must vote promptly and move outside the 75-foot limit after voting. [A.R.S. § 16-515\(A\)](#); [A.R.S. § 16-580\(B\)-\(C\)](#).
4. A person selected by the voter to assist him or her voting (see [Chapter 9, Section V](#));
5. Authorized political party observers (see [Chapter 8, Section III](#)); and
6. U.S. Department of Justice or other authorized federal government observers.

Unauthorized persons may not be present within the 75-foot limit, including but not limited to the following persons:

1. Members of the media;



2. Researchers;
3. Persons who conduct exit polls; or
4. Political party or campaign representatives without authorized political party observer status seeking “tear sheets.”
  - Tear sheets are copies of the poll list where voters are entered in the order of voting, which are utilized by political parties to identify which persons have and have not voted at a particular voting location. If a county utilizes tear sheets, only authorized political party observers are authorized to acquire the tear sheets. *See [Chapter 8, Section III](#).*

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### 1. Simultaneous Activities Permitted at Voting Location

Regular business activity that normally occurs at the voting location may continue on Election Day, as long as the activity does not interfere with the voting process or result in electioneering. For example, a city clerk’s office used as a voting location may require persons to cross or temporarily remain within the 75-foot limit in order to conduct city business. Additionally, Native American tribal election boards may be co-located with traditional election boards at the same voting location if a tribal election is held on the same day and time. [A.R.S. § 16-515\(D\)](#).

#### D. Preventing Voter Intimidation

Any activity by a person with the intent or effect of threatening, harassing, intimidating, or coercing voters (or conspiring with others to do so) inside or outside the 75-foot limit at a voting location is prohibited. [A.R.S. § 16-1013](#). The officer in charge of elections has a responsibility to train poll workers and establish policies to prevent and promptly remedy any instances of voter intimidation.

The officer in charge of elections should publicize and/or implement the following guidelines as applicable:

- The inspector must utilize the marshal to preserve order and remove disruptive persons from the voting location. The inspector and/or marshal must use sound judgment to decide whether to contact law enforcement, and any higher-level decisions should be raised through the officer in charge of elections.
- Persons who witness problems at a voting location should not speak to or accost a voter in an attempt to “enforce” the law, but rather inform the inspector or marshal to allow them to resolve the issue.
- Private citizens are prohibited from bringing weapons into a polling place (including the 75-foot limit), even if the voter is properly licensed to carry such weapons. In order to keep voting locations safe and free of potential intimidation, therefore, observers at voting locations should leave weapons at home or in their vehicles. [A.R.S. § 13-3102\(A\)\(11\)](#) (exceptions apply for military and peace officers in the performance of official duties, *see* A.R.S. § 13-3102(C)).

In addition to the potentially intimidating conduct outlined above, the following may also be considered intimidating conduct inside or outside the polling place:

- Aggressive behavior, such as raising one’s voice or taunting a voter or poll worker;
- Using threatening, insulting, or offensive language to a voter or poll worker;
- Blocking the entrance to a voting location;
- Disrupting voting lines;
- Intentionally disseminating false or misleading information at a voting location, such as flyers or communications that misstate the date of the election, hours of operation for voting locations, addresses for voting locations, or similar efforts intended to disenfranchise voters;
- Directly confronting or questioning voters in a harassing or intimidating manner;
- Asking voters for “documentation” or other questions that only poll workers should perform;
- Raising repeated frivolous voter challenges to poll workers without any good faith basis, or raising voter challenges solely based on race, ethnicity, national origin, language, religion or disability; or
- Posting signs or communicating messages about penalties for “voter fraud” in a harassing or intimidating manner.

See [A.R.S. § 16-1013\(A\)](#); [A.R.S. § 16-1017](#).

IV.

**CHECKING VOTER IDENTIFICATION**

Voters are required to prove identity at the voting location before receiving a ballot on Election Day. [A.R.S. § 16-579\(A\)](#). The same requirements for proving identity now also apply during in-person early voting, including at an on-site early voting location, emergency vote center, or through personal early ballot delivery by a special election board. See [Chapter 2, Sections II\(B\)](#).

Acceptable forms of identification fall into one of three categories:

- A valid form of photo identification with the voter’s photograph, and name and address that reasonably match the name and address in the signature roster or e-pollbook (List 1);
- Two separate valid forms of non-photo identification with the voter’s name and address that reasonably match the name and address in the signature roster or e-pollbook (List 2); or
- One valid form of identification with the voter’s photograph, name, and address not reasonably matching the address in the signature roster or e-pollbook or a valid U.S. passport or military identification with the voter’s name and photograph, *and* one valid form of non-photo identification from List 2 (List 3).

[A.R.S. § 16-579\(A\)\(1\)\(a\)-\(c\)](#). Each list is described in greater detail in the sections below.

The address on the identification must reasonably match the voter’s residence or mailing address in the signature roster or e-pollbook in order to vote a regular ballot. If an address does not reasonably match, the voter is deemed to have shown identification, but must vote a provisional ballot. Identification is deemed valid unless it can be determined on its face that it has expired. [A.R.S. § 16-579\(A\)\(1\)](#).

If the voter provides identification, but the name or address does not reasonably match the signature roster or e-pollbook, the voter should be issued a provisional ballot, not a conditional provisional ballot. See [Chapter 9, Section VI\(B\)\(1\)](#).

A voter who provides no proof of identity (or invalid proof of identity) must be issued a conditional provisional ballot. [A.R.S. § 16-579\(A\)\(2\)](#). In order for a conditional provisional ballot to count, the voter must present an acceptable form of identification to the County Recorder by 5:00 p.m. on the 5th business day following a primary, general, or special election that includes an election for a federal office, or by 5:00 p.m. on the 3rd business day following any other election. [A.R.S. § 16-579\(A\)\(2\)](#). For the purposes of determining the applicable deadline to provide identification: (i) the PPE is considered a federal election; and (ii) for counties that operate under a four-day workweek, only days on which the applicable county office is open for business are considered “business days.”

If the voter identifies himself or herself as a member of a recognized Native American tribe, the voter may present alternative proof of identity as outlined in [Chapter 9, Section IV\(B\)](#) below. [A.R.S. § 16-579\(A\)\(1\)](#).

The officer in charge of elections must post a list of acceptable forms of identification in a conspicuous place (and make it available to voters upon request) at each voting location on Election Day (see sample forms in [Chapter 17](#)).

A.

## Acceptable Forms of Identification

### 1. List 1 – Photo ID with the Voter’s Name and Address

Acceptable forms of identification with the voter’s photograph, and name and address that reasonably match the voter’s name and address in the signature roster or e-pollbook, include (only one required):

- A valid Arizona driver license;
- A valid Arizona non-operating identification license;
- A tribal enrollment card or other form of tribal identification; or

- Any other valid United States federal, state, or local government-issued identification.<sup>47</sup>

[A.R.S. § 16-579\(A\)\(1\)\(a\).](#)

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### **2. List 2 – Non-Photo ID with the Voter’s Name and Address**

A voter may present two separate documents that contain the voter’s name and address. Acceptable forms of identification with the voter’s name and address include the following:

- A utility bill for electric, gas, water, solid waste, sewer, telephone, cell phone, or cable/satellite television service dated within 90 days of the election;
- A bank or credit union statement dated within 90 days of the election;
- A valid Arizona vehicle registration;
- A valid Indian or Native American census card;
- A property tax statement for the voter’s residence;
- A valid tribal enrollment card or other valid form of tribal identification;
- A valid Arizona vehicle insurance card;
- A valid Recorder’s Certificate;
- Any mailing marked “Official Election Material,” including a valid Arizona voter registration card; or
- Any valid United States federal, state, or local government-issued identification.

[A.R.S. § 16-579\(A\)\(1\)\(b\).](#) Any List 2 document may be presented to a poll worker in electronic format, including on a smart phone or tablet.

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### **3. List 3 – Acceptable Hybrid Forms of ID**

The voter may present certain combinations of documents from Lists 1 and 2. Acceptable combinations include:

- A valid photo identification from List 1 with an address that does not reasonably match the voter’s address in the signature roster or e-pollbook, accompanied by a document from List 2 with an address that does reasonably match the voter’s address in the signature roster or e-pollbook;
- A valid U.S. Passport or passport card, accompanied by a document from List 2; or
- A valid U.S. Military identification, accompanied by a document from List 2.

[A.R.S. § 16-579 \(A\)\(1\)\(c\).](#)

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<sup>47</sup> While identification issued by a public college or university or other public educational institution qualifies as a state or local government-issued identification, it is not sufficient for voting purposes unless it includes the voter’s photograph, name, and address as required by [A.R.S. § 16-579\(A\)\(1\)\(a\)](#).

## ID Requirements for Native American Voters

A voter who identifies himself or herself as a member of a federally-recognized Native American tribe and presents one item of tribal identification (that does not meet the requirements of List 1) must be issued a provisional ballot (in lieu of a conditional provisional ballot) and does not need to return to confirm their identity. [A.R.S. § 16-579\(A\)\(1\)](#). A “tribe” includes a Native American nation, community, band, or tribal subdivision.

Acceptable forms of tribal identification include, but are not limited to, the following:

- A tribal identification card issued under the authority of the Bureau of Indian Affairs or a federally-recognized Native American tribe;
- A tribal enrollment card issued under the authority of the Bureau of Indian Affairs or a federally-recognized Native American tribe;
- A Certificate of Indian Blood issued under the authority of the Bureau of Indian Affairs or a federally-recognized Native American tribe;
- A voter identification card issued under the authority of a federally-recognized Native American tribe;
- A home site assignment lease, permit or allotment issued under the authority of the Bureau of Indian Affairs or a federally-recognized Native American tribe; or
- A grazing permit or allotment issued under the authority of the Bureau of Indian Affairs or a federally-recognized Native American tribe.

If the voter does not present an acceptable form of tribal identification and otherwise does not satisfy the identification requirements in [A.R.S. § 16-579\(A\)\(1\)](#) (see [Chapter 9, Section IV\(A\)](#) above), the voter must be issued a conditional provisional ballot. [A.R.S. § 16-579\(A\)\(2\)](#).

V.

## ASSISTING VOTERS ON ELECTION DAY

Voters may be accompanied within the 75-foot limit and assisted by a person of the voter’s choice during any part of the voting process.

A voter may request assistance from a third-party (other than the voter’s employer or union representative or a candidate appearing on the ballot<sup>48</sup>) or from members of the election board.

If a voter requests assistance from the election board, two members of the board (of different political parties) should perform the following steps, as applicable:

- Jointly accompany the voter into the voting booth or to the accessible voting equipment;
- Audibly read the candidate’s names for each office, including party designations and the number to elect;

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<sup>48</sup> Candidates for precinct committeeman are permitted to provide voter assistance.

- Audibly read the relevant information pertaining to any ballot measures;
- Ask the voter what candidates and issues the voter desires to vote for;
- If requested, instruct the voter how to operate any accessible voting equipment, including what to expect for the recorded instructions and what keys to use to move forward or go back on the screen.

Those assisting a voter upon the voter's request may not attempt to influence a voter in the choice of candidates or issues, nor in any manner suggest or recommend a vote for any particular candidate or issue. See [Chapter 9, Section I\(A\)\(1\)](#) above. When assisting voters, poll workers should also remember to speak only as loudly as needed to assist the voter and protect their privacy as much as possible.

Curbside voting may also be provided to senior citizens or voters with disabilities as a reasonable accommodation or when the county officer in charge of elections determines that a voting location is inaccessible, that no accessible sites are available, and that no temporary measures can make it accessible. See [Chapter 5, Section III](#).

## ISSUING BALLOTS

### VI.

#### A. Issuing a Regular Ballot

Upon checking in at a voting location, a voter must announce his/her name and address or provide their name and residence or mailing address in writing (by presenting proof of identity). [A.R.S. § 16-579\(A\)](#).

In jurisdictions that conduct assigned polling place elections, the residence address must be within the precinct in which the voter is attempting to vote. By signing the signature roster or the e-pollbook signature pad, the voter is deemed to affirm that they are registered in that jurisdiction and is eligible to vote in that jurisdiction. [A.R.S. § 16-584\(C\)](#). If the voter is found in the signature roster or e-pollbook, has presented acceptable proof of identity, and does not fall into an exception listed in [Chapter 9, Section VI\(B\)\(1\)](#) below, the voter must be issued a regular ballot. See [A.R.S. § 16-579\(C\)](#).

Each voter must sign their name in the signature roster or e-pollbook signature pad prior to receiving a ballot. Alternatively, an inspector or judge may sign the roster or e-pollbook for a voter who is personally unable to sign due to physical disability. In jurisdictions that use a paper signature roster, the inspector or judge must write the voter's name with red ink. [A.R.S. § 16-579\(D\)](#). In jurisdictions that use an e-pollbook, the inspector or judge must write the voter's name and the inspector's/judge's initials (on the e-pollbook signature pad) as an attestation. [A.R.S. § 16-579\(E\)](#).

A voter at a special district election for which no signature roster has been supplied may vote a regular ballot, but must provide the voter's name and address in an affidavit and affirm therein that the voter:

- Resides within the district boundaries or proposed district boundaries;
- Is a qualified elector for the election; and
- Has not already voted at the election.

[A.R.S. § 16-579\(F\)](#).

## Issuing a Provisional Ballot

### 1. Circumstances Requiring Issuance of a Provisional Ballot

B.

#### Voter Received an Early Ballot

A voter must be allowed to vote a provisional ballot if the voter appears on the signature roster or e-pollbook as having *received* an early ballot-by-mail, but either: (1) affirms that they have not voted and will not vote the ballot-by-mail; or (2) surrenders the ballot-by-mail to the inspector on Election Day. [A.R.S. § 16-579\(B\)](#).

Voters who appear at a voting location with a ballot-by-mail that has not been voted, along with the affidavit envelope, may use a privacy booth at the voting location to mark the ballot-by-mail. In this circumstance, the voter does not sign in and the voter must place the voted ballot-by-mail in its affidavit envelope, sign the affidavit envelope, and place the envelope in the early ballot drop-off container at the voting location.

#### b. Name Does Not Appear on Signature Roster

A voter whose name does not appear on the signature roster must be issued a provisional ballot if the voter:

- Presents identification that includes their name and a residential address that the clerk verifies to be within the precinct (in counties that conduct assigned polling place elections); or
- Signs an affirmation that states the voter is registered and eligible to vote in that jurisdiction.

[A.R.S. § 16-584\(B\)](#).

#### i. Recorder's Certificate

A voter whose name does not appear on the signature roster, but who presents a certificate from the County Recorder showing that the voter is entitled to vote at the voting location, is entitled to vote a regular ballot. In a jurisdiction that uses a paper signature roster, the voter must sign on the first available blank line on the signature roster. [A.R.S. § 16-584\(A\)](#).

### ***Voter Has an Inactive Status***

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If a voter whose registration record is in inactive status and the voter has a new residential address in a different precinct, the voter must be directed to the correct voting location (in counties that conduct assigned polling place elections). In this case, the voter must also be informed that although the voter has a right to vote a provisional ballot at that location, the voter must vote in the correct polling place that corresponds to the voter's current address for the vote to count.

If a voter affirms they continue to reside at the address on the signature roster or in the e-pollbook, the voter must be issued a regular ballot and the County Recorder must place the voter's registration record in active status following the election. [A.R.S. § 16-583\(A\)-\(B\)](#).

### ***Voter Changed Their Name***

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If a voter's current name does not appear in the signature roster or e-pollbook because the voter changed their name, the voter must be issued a provisional ballot or conditional provisional ballot. In that case, the clerk must write the voter's new name and former name on the provisional ballot envelope. The provisional ballot envelope will be used by the County Recorder after the election to change the voter's name in the voter registration database.

However, if the election board has real-time access to voter registration records, the voter's information may be updated at the voting location upon completion of a new voter registration or address update form.

e. ***Voter Moved Within the County***

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If a voter moved to a new address within the county but did not update their address with the County Recorder before the election, the voter must vote a provisional ballot and (in counties that conduct assigned polling place elections) must vote at the polling place that corresponds to their new address. [A.R.S. § 16-584\(C\)](#). A clerk must inform the voter that although the voter has a right to vote a provisional ballot at that location, the voter must vote in the correct polling place that corresponds to the voter's current address in order for the vote to count.<sup>49</sup>

At the new polling place, the voter will be permitted (via the provisional ballot envelope) to update their voter registration record with the new address. [A.R.S. § 16-584\(C\)](#). In a jurisdiction that utilizes vote centers, the voter may update their address in the same manner but may vote at any vote center within the jurisdiction.

If the election board has real-time access to voter registration records, the voter's information may be updated at the voting location upon completion of a new voter registration form or address update form.

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<sup>49</sup> See Stipulation for Dismissal, *Jones v. Reagan*, No. CV2016-014708 (Ariz. Super. Ct. Aug. 2, 2017); Order of Dismissal, *Jones v. Reagan*, No. CV2016-014708 (Ariz. Super. Ct. Aug. 4, 2017).



### ***Out-of-Precinct Voter***

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If the voter's name does not appear on that precinct's signature roster because the voter resides in another precinct (in counties that conduct assigned polling place elections), an election official shall direct the voter to the correct polling location or, if applicable, to a vote center. The election official must also inform the voter that although the voter has a right to vote a provisional ballot at that location, the voter must vote in the correct polling place in order for the vote to count. If the voter insists on voting at that incorrect location, a provisional ballot must be issued, but the voter should again be informed that ballots cast in an incorrect precinct will not count.

Alternatively, upon a specific resolution of the Board of Supervisors issued pursuant to A.R.S. § 16-411(B)(4) authorizing the use of accessible voting equipment within an assigned polling place to be used as a vote center, a voter shall be entitled to vote a regular ballot using the accessible voting equipment if:

- The election board has access to real time information and can confirm the qualified voter has not cast a ballot at another voting location;
- The accessible voting equipment is pre-programmed and certified to allow voters to mark or vote any ballot style for that county; and
- The accessible voting equipment enables the voter to vote/mark a ballot for the correct precinct in which the voter is entitled to vote.

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## **2. Procedures for Issuing Provisional Ballots**

A voter who is issued a provisional ballot must sign their name on a separate signature roster page beginning with the number V-1 and numbered consecutively (for paper signature rosters only). [A.R.S. § 16-584\(E\)](#). E-pollbooks must be able to produce a report of provisional voters, including the voter's signature, after the polls close.

The voter and election board member must complete the information required on the provisional ballot envelope. The voter then must:

- Take the completed envelope and provisional ballot to the voting booth;
- Vote the provisional ballot;
- Place the voted ballot inside the provisional ballot envelope and seal the envelope; and
- Provide the sealed provisional ballot envelope to the election board member.

Upon receipt of the provisional ballot envelope, the election board member or voter must deposit the provisional ballot envelope in the provisional ballot box (and ensure the ballot is not inserted into any precinct tabulation equipment). [A.R.S. § 16-584\(D\)](#). The voter will be provided with a receipt or number with which to electronically verify the status of their provisional ballot.

All voters shall have the option of voting a provisional ballot on an accessible voting device.

### ***Issuing Provisional Ballots to Secured Registrants***

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In the event a secured registrant attempts to vote provisionally at a polling place (and informs the poll worker of his/her secured status), the poll worker undertake additional precautions, including but not limited to:

- Confirming the correct ballot style;
- Ensuring that a protected government official or protected victim lists their actual residential address on the provisional ballot envelope;
- Making a notation about secured registrant status on the provisional ballot envelope; and/or
- Limiting the signature roster to the registrant's voter ID number and the notation "address protected."

### **3. Procedures for Issuing Conditional Provisional Ballots**

If the voter does not provide acceptable proof of identity, *see* [Chapter 9, Section IV](#) above, the voter must be issued a conditional provisional ballot. [A.R.S. § 16-579\(A\)\(2\)](#).

The process for voting the ballot, completing the ballot envelope, and sealing the voted ballot in an envelope is the same procedure applicable to provisional ballots. *See* [Chapter 9, Section VI\(B\)\(2\)](#) above. However, for a conditional provisional ballot, the election board member must:

1. Indicate on the ballot envelope that the voter did not provide acceptable identification;
2. Deposit the sealed envelope in the conditional provisional ballot box or other appropriate ballot box (or allow the voter to do so);
3. Provide a receipt that:
  - Informs the voter how and where the voter may provide the required identification; and
  - Informs the voter that they must provide proof of identity to the County Recorder by 5:00 p.m. on:
    - The 5th business day following a general election that includes an election for a federal office, or
    - The 3rd business day following any election other than a general election.

[A.R.S. § 16-579\(A\)\(2\)](#).

## CHALLENGES TO A VOTER ELIGIBILITY TO VOTE

A qualified elector in the county may, at the voting location, orally challenge a voter's eligibility. The elector challenging a voter's eligibility must show, by clear and convincing evidence, that:

- VII.1. The voter has voted before at that election, [A.R.S. § 16-591](#);
2. The voter is not the person whose name appears in the signature roster or e-pollbook, [A.R.S. § 16-121.01\(B\)\(1\)](#);
3. The voter has not resided in Arizona (or the relevant local jurisdiction) for at least 29 days before the election, [A.R.S. § 16-121.01\(B\)\(2\)](#);
4. The voter is registered at an address that is not permitted for registration purposes, [A.R.S. § 16-121.01\(B\)\(3\)](#); or
5. The voter is not otherwise a qualified elector, for example, the voter does not live within the proper electoral district or is not at least 18 years old. [A.R.S. § 16-121.01\(B\)\(4\)](#); [A.R.S. § 16-101\(A\)](#).

### [A.R.S. § 16-121.01\(B\)](#).

A voter may not be challenged on the basis that they:

- Registered to vote using the State or Federal Form and did not provide proof of citizenship; or
- Moved from one address within the county to another within the county.

Challenges must be decided at the voting location by the inspector and two judges. The inspector should have the challenged voter step aside and permit the other voters in line to continue to vote while the challenge is being determined.

If requested by the challenged voter, and before administering any oath, the inspector must read to the voter the rules for determining residency, including the following information:

1. The residence of a person is that place in which their habitation is fixed and to which they have the intention of returning.
2. A person does not gain or lose their residence by reason of their presence at, or absence from, a place while employed in the service of the United States or of this state, or while engaged in overseas navigation, or while a student at an institution of learning, or while kept in prison or mental institution.
3. A person does not lose their residence by traveling to another county, state, or foreign country for temporary purposes, with the intention of returning.
4. A person does not gain a residence in any county they travel to for temporary purposes, without the intention of making that county their home.

5. If a person moves to another state with the intention of making it their residence, they lose residency in this state.
6. If a person moves to another state with the intention of making it their current residence and remaining there for an indefinite time, the person loses residency in this state even though they have an intention of returning at some future period.
7. The place where a person's family permanently resides is their residence (unless separated from their family), but is not their residence if it serves as a temporary location or is used for transient purposes.
8. If a person has a family residing in one place and the person does business in another, the family residence constitutes the person's place of residence. However, a person who has taken up a residence apart from their family with the intention of remaining in that separate residence shall be regarded as a resident where the person resides.
9. A United States citizen who has never resided in the United States is eligible to vote in this state by using a federal write-in early ballot if both of the following apply:
  - A parent is a United States citizen.
  - The parent is registered to vote in this state.
10. The mere intention of acquiring a new residence without leaving the state, or leaving the state without the intent to permanently do so, does not cause a loss of residency.

[A.R.S. § 16-593\(A\)](#); [A.R.S. § 16-593\(C\)](#). Board members should consult above residency requirements when determining registration validity.

If the challenged voter appears to be registered, the challenged voter must orally take the oath prescribed in the State Form: "I swear or affirm that the information in my voter registration is true, that I am a resident of Arizona, I have not been convicted of a felony or my civil rights have been restored, and I have not been adjudicated incapacitated with my voting rights revoked." [A.R.S. § 16-592\(A\)](#).

The challenged voter also may choose to answer questions material to the challenge, under oath. Only the inspector may address questions to the challenged voter. [A.R.S. § 16-592\(A\)](#).

If a majority of the board finds the challenge to be invalid, the voter must be permitted to vote a regular ballot, so long as the voter is otherwise eligible to do so. [A.R.S. § 16-592\(B\)](#).

If the person challenged refuses to take any oath, refuses to answer questions material to the challenge, or if a majority of the board finds that the challenge is valid, the challenged voter must be permitted to vote a provisional ballot. [A.R.S. § 16-592\(C\)](#).

In the case of any challenge, the election board must complete the Official Challenge List (*see* [Chapter 17](#) for sample forms) and may seek guidance from the officer in charge of the election.

## CLOSING THE VOTING LOCATION

### Announcing the Closing of the Polls

The polls close at 7:00 p.m. on Election Day. [A.R.S. § 16-565\(A\)](#). The marshal must announce the closing of the polls and make the following additional public announcements (inside the voting location and to any voters waiting in line) at the specified time intervals:

- 1 hour before the closing of the polls;
- 30 minutes before the closing of the polls;
- 15 minutes before the closing of the polls;
- 1 minute before the closing of the polls; and
- At the moment of closing at 7:00 p.m.

[A.R.S. § 16-565\(C\)](#). The marshal must allow everyone to vote who is physically in line at the moment of closing the polls. The marshal may use any reasonable system to document or keep track of which voters were in line as of 7:00 p.m., for example, by standing in line behind the last person to arrive as of the closing of the polls and telling those who arrive later that the polls are closed. Voters who arrive in line after 7:00 p.m. on Election Day are not permitted to vote. [A.R.S. § 16-565\(D\)](#).

### B. Election Board Close-Out Duties

Upon closing the voting location after the last voter has voted on Election Day, the election board should perform close-out duties as assigned by the officer in charge elections, including the following duties as applicable:

1. Using the procedures specified by the officer in charge of elections, the election board must conduct an audit to ensure that the number of voters who signed in on the signature roster or e-pollbook matches the number of ballots cast, including regular and provisional ballots and, if the accessible voting equipment independently tabulates votes, any votes cast on the accessible voting equipment, [A.R.S. § 16-602\(A\)](#).
  - a. If ballots are tabulated at the voting location: a printed statement of tally or summary of all vote totals shall be printed from every tabulation machine, and the number of ballots cast shall be compared to the signature roster and/or e-pollbook list and provided with the Official Ballot Report, [A.R.S. § 16-607](#).
2. The information from this audit must be recorded on an Official Ballot Report form, as provided by the officer in charge of elections, which must include:
  - a. The total number of printed ballots or estimated number of ballot stock received from the officer in charge of elections;
  - b. The number of voters who signed in on the signature roster, poll list, or e-pollbook and are indicated as having been issued regular ballots;

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- c. The number of voters who signed in on the signature roster, poll list, or e-pollbook and are indicated as having been issued provisional and conditional provisional ballots;
  - d. The number of regular ballots cast as determined by the election board's manual count if tabulation is not done at the voting location, or as reflected on the printed summary tape from the tabulation machine if tabulation is done at the voting location;
  - e. The number of provisional and conditional provisional ballots cast;
  - f. The number of unused ballots, spoiled ballots, misread ballots that still need to be tabulated (if tabulation is done at the voting location), and write-in ballots (if applicable);
  - g. The number of early ballots received by the voting location (unless ballots are transported in a secure and sealed transport container to the central counting place to be counted there);
  - h. In counties that use accessible voting units that independently tabulate, the number of regular and provisional ballots cast on the unit, and the unit's beginning and ending counts (if applicable);
  - i. The Official Ballot Report must be signed by the inspector and both judges, and if there are any discrepancies in the report, an explanation for the discrepancy should be attached or otherwise provided with the Official Ballot Report. The Audit Board will use this information to conduct their post-election audit (*see* [Chapter 9, Section II\(H\)](#)).
3. Secure the ballot boxes with a numbered seal, [A.R.S. § 16-608\(A\)](#);
  4. Remove all memory cards or electronic media from voting equipment and e-pollbooks (if applicable);
    - a. Lock and/or seal any ports or compartments where memory cards or electronic media had been inserted.
  5. Power down any voting equipment and prepare the equipment for transport/pick-up;
  6. Collect all supplies required to be returned to the elections department;
  7. Sign the Certificate of Performance for the signature roster or e-pollbook;
  8. Prepare the official returns envelopes/containers and, if applicable, unofficial returns envelopes/containers, including the following items, for transport to the central counting place or other receiving site:
    - a. Official and unofficial returns envelopes/containers shall be plainly marked to identify items to be placed within each envelope/container:
      - The official returns envelope/container shall be securely sealed with a tamper-evident, secure label signed by the inspector and both judges and should include, as applicable:
        - Spoiled ballots, including any spoiled early ballots, [A.R.S. § 16-585](#);

- One copy of the poll list (if the county uses paper signature rosters); and
  - Affidavits of challenged voters, decisions of election officials, and challenge lists, [A.R.S. § 16-594](#);
  - The unofficial returns envelope/container shall be returned with the official returns envelope/container and shall be made available for inspection by electors for a period of six months following the election. The unofficial returns envelope/container shall include the following, as applicable:
    - A copy of the paper signature roster and poll list (if e-pollbooks are used, the e-pollbook list must be captured (e.g. on memory sticks or electronic media, or exported from the e-pollbooks) and retained);
    - Payroll voucher envelope, if applicable, with the Official Ballot Report or duplicate thereof; and
    - Any other items as directed by the officer in charge of elections;
  - b. Voted ballots (with a report of the number of voters who have voted, sealed in a container with a numbered seal, [A.R.S. § 16-608\(A\)](#));
  - c. Unvoted ballots (in a sealed container, [A.R.S. § 16-566\(B\)](#));
  - d. The original Official Ballot Report (if not included in the unofficial returns envelope/container);
  - e. Tally lists, if ballots are tabulated at the voting location (enclosed in a secure envelope which is sealed and signed by the members of the board (inspector and both judges) and attested by the clerks), [A.R.S. § 16-614](#);
  - f. The original signature rosters/poll lists, if applicable (enclosed in a secure envelope, sealed and signed by the inspector and judges), [A.R.S. 16-615\(A\)](#));
  - g. E-pollbooks (if the signature roster information remains in the e-pollbook and has not been extracted by removing memory cards or electronic media or otherwise securely synced with the central server);
  - h. Memory sticks or electronic media (securely sealed in a transport container for that purpose); and
  - i. Any voting equipment that independently tabulates (if memory sticks or electronic media have not been removed).
9. All election night returns must be delivered to designated receiving site and a receiving board log of the transmissions should be kept by the receiving board which will later be provided to the officer in charge of elections; and
- C. provided to the officer in charge of elections; and
10. Exit and lock the voting location.

### **Transport of Ballots, Voting Equipment, and Precinct Supplies**

Following the close of voting on Election Day, the transport of any ballots, voting equipment, and necessary precinct supplies to the central counting place or other authorized receiving site

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must be done by: (1) two authorized election workers, who must be members of different political parties; or (2) if extenuating circumstances exist, a sworn official election messenger, such as a sheriff's deputy, appointed in accordance with [A.R.S. § 16-615\(B\)](#).



## CHAPTER 10: CENTRAL COUNTING PLACE PROCEDURES

### I. CENTRAL COUNTING PLACE OPERATIONS

All early ballots and provisional ballots are initially processed by the County Recorder and then transferred to the officer in charge of elections for tabulation at the central counting place. Regular ballots cast on Election Day that are not processed and tabulated at the voting location are also transmitted to the central counting place for processing and tabulation. Central counting place operations are conducted under the direction of the Board of Supervisors or the officer in charge of elections. The operations must be in accordance with the procedures outlined in this manual, and open to observation by representatives of each political party and the public.

The central counting place and the computer center, where the computer containing the election management system (EMS) is securely kept, may be separate or joined as determined by the Board of Supervisors or designee. Maximum efficiency and control results when all board functions are performed in the same facility. However, when physical restrictions result in inadequate working spaces, it is permissible to separate board functions as long as prescribed board functions and sequence are maintained and the public can observe.

When the computer center, central counting place, or receiving sites are not at the same location, the officer in charge of elections or designee transfer the ballots to the computer center or observe the transmission of voted results, even if they are initially received and processed at another location.

A security officer or an election official may conduct tours through the central counting place for the public. At no time shall any public observance of the election process interfere with or interrupt the normal ballot flow, nor shall members of the public touch a ballot, computer, or tabulation device (except as permitted by the officer in charge of elections during demonstrations). [A.R.S. § 16-621\(A\)](#).

#### A. Deputies/Oath of Office

All persons taking part in the actual processing and counting of ballots, including the employees of a jurisdiction conducting an election, must be appointed in writing and take an oath provided by the Board of Supervisors (or designee) that they will faithfully and impartially perform their duties. Any person who has not been appointed in writing or taken the oath shall, under no circumstances, be permitted to touch any ballot, computer, or counting device used in processing ballots.

## **B. Providing Live Video Recording at Central Counting Place**

For any statewide, legislative, or county election, and subject to local appropriation, the county officer in charge of elections must provide a live video recording of the custody of all ballots when ballots are present in the tabulation room in the central counting place.<sup>50</sup>

The live video recording must include date and time indicators. If the live coverage is interrupted, the officer in charge of elections must attempt to reinstate coverage as soon as practicable. Any disruption in live video recording does not prevent the officer in charge of elections from continuing to tabulate ballots. The officer in charge of elections must record the video coverage and retain the recording as a public record at least through the challenge period for the election. At minimum, the challenge period is through the date to file or conclude any post-election recount or election contest.

The county officer in charge of elections must timely provide the website hyperlink to the Secretary of State, who must publish those hyperlinks on the Secretary of State's website. [A.R.S. § 16-621\(C\)](#).

## **C. Manual Ballot Counting**

If it becomes impracticable to count all or some of the ballots with tabulating equipment, the officer in charge of elections may direct that ballots be counted manually, following the provisions governing the counting of paper ballots. No valid ballot shall be left uncounted.

# **II. ESTABLISHING CENTRAL COUNTING PLACE BOARDS**

The Central Counting Place may have 11 or more types of boards as needed, which may be combined, if practicable, at the discretion of the officer in charge of elections. The Board of Supervisors or officer in charge of elections shall appoint boards for the tallying of results after the polls have closed. More than one board may be appointed for each type of board:

1. Receiving Board
2. Inspection Board
3. Central Counting Place Board
4. Ballot Duplication Board
5. Electronic Vote Adjudication Board
6. Accuracy Certification Board
7. Write-in Tally Board
8. Provisional Ballot Board

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<sup>50</sup> Live video recording is not required for L&A testing or the post-election hand count audit. [A.R.S. § 16-602\(B\)](#).

- 9. Special Election Board
- 10. Audit Board
- 11. Snag Board

Board members are appointed by the Board of Supervisors or other county officer in charge of elections at least 14 days prior to the board beginning its duties. All board members should be trained on their duties before assuming their positions. Some boards may have their duties combined at the discretion of the County Recorder or officer in charge of elections.

Unless otherwise noted below, each board is comprised of two members of different political parties. County party chairpersons may nominate persons to fill board positions. Without a nomination from a party chairperson, the Board of Supervisors (or designee) may fill the position with a member of the appropriate party.<sup>51</sup>

Separate boards consisting of two judges and an inspector will be appointed to process early ballots and write-in votes. At least one of the judges should not be a member of the same political party as the inspector.

The following procedures for processing ballots shall be followed, unless the Secretary of State has granted a jurisdiction permission to use another method. A jurisdiction wishing to deviate from these instructions must make a request in writing no later than 90 days prior to the election for which the exception is requested.

#### **A. Receiving Board**

The Receiving Board consists of two members who are not registered in the same political party. The officer in charge of elections or designee serves as the chair of the Receiving Board.

The Receiving Board is responsible for receiving the following items from the elections boards at the polling places and voting locations after the polls have closed, as applicable:

1. Memory devices;
2. Ballot transport containers containing ballots;
3. Early ballots that have been dropped off at a polling place;

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<sup>51</sup> If it is impossible to sufficiently staff the boards with members of different political parties, the officer in charge of elections shall, at minimum, exercise best efforts to utilize board members with no party affiliation or affiliated with unrecognized political parties to ensure that there is a diversity of political party affiliation (including no affiliation) on the boards and that no board is comprised of members of only one party. Further, the County Recorder or officer in charge of elections shall document when and how the political parties in the county were contacted about the need for board workers affiliated with those parties and all other actions taken in a best effort to obtain board workers from two different political parties. However, nothing in this Manual shall be interpreted to supersede otherwise applicable statutory requirements, including requirements as to differing political party affiliation of board workers.

4. Provisional ballots;
5. Official returns container;
6. Unofficial returns container;
7. Precinct payroll envelope containing vouchers and a copy of the Official Ballot Report;
8. Duplicate poll list; and
9. Signature roster or e-pollbook.

When a ballot transfer container is delivered to a Receiving Board, the following entries shall be made in the Receiving Board Log, as applicable:

1. Precinct/polling place or vote center name or other identifier;
2. Signatures of the persons delivering the container;
3. Seal number of the Ballot Transfer Container;
4. Seal number on the carrying case of the tabulation unit;
5. Seal number on the carrying case of the Accessible Voting System unit and memory packs; and
6. Initials of the person receiving the ballot transfer container.

The Receiving Board shall ensure proper chain of custody documentation for all items received. The Receiving Board shall give a numbered receipt acknowledging receipt of such ballots to the person in charge who delivers such ballots. [A.R.S. § 16-608\(A\)](#).

If it appears that the ballot transfer container seal is broken, it shall be immediately referred to the officer in charge of elections or Snag Board for disposition. All other ballot transfer containers should be delivered unopened to the Inspection Board.

## **B. Inspection Board**

The Inspection Board is responsible for:

- Opening and verifying information on the precinct ballot report if the ballot transfer container contains any voting materials other than voted ballots; and
- Inspecting returns as necessary.

Receiving Boards and Inspection Boards should normally be combined, unless circumstances would render this inefficient. The officer in charge of elections shall provide each board with a log to enter pertinent data for each precinct/polling place or vote center.

### **1. Preliminary Procedures**

When the ballot transfer container or alternate ballot box arrives at the central counting place, the Inspection Board shall:

1. Break the seal and open the ballot transfer container;
2. Break the seal on the alternate ballot box, if used;
3. Remove the Ballot Report Form and check to see that the seal number is the same as shown on the log—if the Ballot Report Form is absent, incomplete, or the seal number does not agree with the number on your inspection board log, call for the supervisor or officer in charge of elections;
4. Enter on the inspection board log:
  - Precinct name and/or number or voting location
  - Number of write-in ballots,
  - Number of provisional ballots, and
  - Number of early ballots dropped off at the polling place;
5. Separate the types of ballots to be processed into:
  - Provisional ballots,
  - Write-in ballots,
  - Voted ballots, and
  - Early ballots.

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## **2. Provisional Ballots**

If there are provisional ballots:

1. The provisional ballot envelopes should be visually distinguishable from other ballot envelopes issued at a voting location or early voting site. Provisional and conditional provisional ballot envelopes may be printed on colored paper, may bear bar codes that do not identify the voter, or may use other methods to visually distinguish those types of ballot envelopes;
2. Keep provisional ballots separate from conditional provisional ballots;
3. Complete the provisional ballot transmittal slip by entering:
  - The number of provisional ballots stated on the ballot report, and
  - The actual number of provisional ballots received; and
4. Record the number of provisional ballots on the inspection board log.

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## **3. Voted Early Ballots**

Early ballots dropped off at the polling place must be delivered to the County Recorder for signature verification, and may be verified prior to or along with the provisional ballots. For more information about processing early ballots, see [Chapter 2, Section VI](#).

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#### 4. Regular Voted Ballots

Regular ballots that were tabulated at the voting location remain in the ballot transfer container received from the precinct or are packaged for storage and retention in the Treasurer's vault.

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#### 5. Write-In Ballots

If there are write-in ballots:

1. Count the total number of ballots containing write-ins, if not previously counted at the polling place;
2. Record the number on the log; and
3. Complete a transmittal envelope for delivery of ballots containing write-in votes to the Write-In Tally Board.

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### C. Central Counting Place Board

The Central Counting Place Board is responsible for the processing and tabulation of voted ballots on the central count tabulation equipment and the EMS and shall maintain the security of the ballots throughout the process. The Central Counting Place Board shall be under the direction of the Central Counting Place Board inspector; and consist of as many trained personnel selected by the Board of Supervisors (or designee) as required to process all ballots delivered to the computer room.

Members of the Central Counting Place Board should be familiar with the L&A test requirements, data processing procedures, and ballot tabulation equipment. There shall be no preferential counting of ballots for the purpose of projecting the election. [A.R.S. § 16-621](#).

The Central Counting Place Board shall:

1. Secure all processed ballots until successful completion of the last accuracy certification test;
2. Seal the ballot containers and secure the room where the ballots are located;
3. Keep the containers in a secure area until:
  - The end of the challenge period, or
  - If a challenge is filed, until the challenge has been resolved, and
  - The ballots have been released to the custody of the officer in charge of elections;
4. Transfer the sealed containers to the officer in charge of elections who shall transfer the ballots to the County Treasurer for retention.

The computer operating area, where the computer containing the EMS is located, shall be in a separate room or in an area of a larger room which is clearly marked as the computer operating area. Only members of the Central Counting Place Board and Accuracy Certification Board may

be permitted in the immediate computer operating area. Other observers may be permitted to observe the operations of these boards and the computer from a designated location, but must not interfere with the conduct of the operations. The Snag Board may enter the computer operating area to resolve any discrepancy.

Except for a County Recorder whose name is not on the ballot and who is carrying out official duties, no public officer serving in an elected position, or any candidate for an elective public office at the election shall be permitted to enter the central counting place unaccompanied by the officer in charge of elections or designee, any area where a central count board has been convened, any area where decisions about ballots are being made, or any other operational area where ballots are being processed or tallied.

## **D. Ballot Duplication Board**

When any ballot, including an early ballot, is damaged or defective so that it cannot be read by the tabulation machine, it must be duplicated by a Ballot Duplication Board and the duplicated ballot must be tabulated in place of the damaged ballot. [A.R.S. § 16-621\(A\)](#).

### **1. Establishing a Ballot Duplication Board**

Each Ballot Duplication Board shall be comprised of at least two members who are registered voters not of the same political party and who are appointed by the officer in charge of elections. An Inspection Board may serve as a Ballot Duplication Board.

The Ballot Duplication Board duplicates ballots that cannot be read by the tabulation machine but on which the voter has nonetheless clearly indicated their intent to vote on a particular race or ballot measure. This may include crumpled or otherwise damaged ballots, ballots with smudged ink, or ballots which are marked in the wrong color of ink or with a device that cannot be read by the tabulation machine. If voter intent is not clear and Ballot Duplication Board members do not agree on the voter intent for a particular ballot, that ballot should be referred to the Snag Board or officer in charge of elections for resolution prior to duplicating the ballot.

### **2. General Duplication Guidelines**

Generally, only UOCAVA ballots, early ballots, and ballots cast at voting locations without a tabulation machine on-site should be duplicated at central counting facilities. Voters who vote at a voting location with a tabulation machine on-site feed their voted ballots directly into the tabulation machine and have the opportunity to correct an unreadable ballot or ballot read as over-voted or blank on the spot.

If a voter selects more than the maximum number of seats for a race, the tabulation machine will read the race as over-voted. Similarly, if a voter voted for a candidate whose name is printed on the ballot by marking the appropriate arrow or oval and also wrote the candidate's name in the write-in area, the tabulation machine will read that race as over-voted. Over-voted ballots shall be sent to the Ballot Duplication Board (and the Snag Board or officer in charge of elections for

adjudication if needed), even if the voter correctly filled in the arrow or oval for other races on the ballot. If voter intent can be determined, the ballot **shall** be duplicated and counted.

If a voter has consistently marked their ballot by circling the name of the candidates, or circling yes or no for issues, or placing an x, check mark, punched hole, or other similar mark next to the voter's choices, the tabulation machine will read the ballot as blank or invalid. These blank ballots **shall** be sent to the Ballot Duplication Board.

If the early ballot board finds ballots that are torn, corrected with white-out or labels, erased, or marked with ink or crayon that cannot be read by the equipment, the ballot must be sent to the Ballot Duplication Board.

Ballots received via fax, email, or secure web portal from UOCAVA voters shall be forwarded to the Ballot Duplication Board for processing.

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### **3. Procedures for Duplicating a Ballot**

A damaged or unreadable ballot must be duplicated according to the following procedures:

- Ensure the correct ballot style for the voter's precinct will be used to create the duplicated ballot;
- Mark the proper precinct identification code, if applicable;
- Record an identical serial number on both the original and duplicate ballot (including spoiled duplicates) – this ties the ballots together and creates a paper trail as required by statute, [A.R.S. § 16-621\(A\)](#);
- Conspicuously mark the original ballot as “DUPLICATED;”
- Conspicuously mark the duplicate ballot as “DUPLICATE,” [A.R.S. § 16-621\(A\)](#);
- Using the damaged or unreadable ballot as a guide, mark a blank ballot with votes identical to those on the original ballot;
- Do not duplicate write-in names that are not on the authorized write-in list (“blank” or “unofficial” may be typed in if using a ballot marking device to duplicate and the name/line cannot be left blank). However, mark the arrow or fill in the oval to indicate the vote cast;
- After marking the duplicate ballot, check to make sure it is identical to the original, including over-votes if voter intent cannot be determined and any under-votes;
- If the Ballot Duplication Board makes any errors, mark the duplicate ballot “SPOILED” in a conspicuous manner, and repeat the above steps on a new ballot;
- Place all original ballots in an envelope or container labeled “ballots that have been duplicated.”

It is never permitted to enhance or alter a voter's original ballot markings to render the ballot readable. Instead, the ballot should be duplicated.



## **E. Accuracy Certification Board**

The Accuracy Certification Board consists of two elections officials registered with two different political parties and shall be appointed by the Board of Supervisors (or designee). The Accuracy Certification Board is responsible for verifying the accuracy of computer programs, through the L&A test materials, and attesting to the procedures during computer processing of ballots. [A.R.S. § 16-449](#).

All L&A tests shall be observed by the Accuracy Certification Board, and open to representatives of political parties, candidates, the press, and the general public. Political party observers are distinguished from members of the general public, who may view the central counting place activities from the public viewing area. Properly credentialed political party observers may observe the proceedings from inside the room where they happen. However, under no circumstances should a political party observer touch or operate the election server computer or any scanning device. See [Chapter 10, Section I\(A\)](#).

If an error is detected in the L&A test, it shall be corrected. An errorless test must occur and be completed before the program and computer are certified.

Immediately after completion of the tabulation of ballots, the Accuracy Certification Board shall certify that:

- The number of ballots processed for each precinct or voting location was checked against the number of ballots received from the precinct or voting location by the Ballot Inspection Board (part of the Central County Place Board), as reflected on the Ballot Report Form; and
- Any discrepancies in the number of ballots received and the number processed by the vote tally system are properly resolved.

## **F. Provisional Ballot Processing**

Provisional ballots are processed initially by the County Recorder and then by a Provisional Ballot Board at the central counting place.

The provisional ballot affidavit, whether part of the provisional ballot envelope or a separate form, shall be deemed sufficient if it is signed by the voter and, if the voter did not provide adequate identification at the voting location, the signature matches the signature on the voter's registration record. A provisional ballot shall not be rejected solely for lack of a signature on the affidavit by polling place election officials.

A conditional provisional ballot cast by a voter must be clearly distinguishable and kept separate from other provisional ballots. A conditional provisional ballot must not be processed and forwarded for tabulation until the voter has produced sufficient identification to the County Recorder, in accordance with the provisions of this manual governing proof of identity. See

[Chapter 9, Section IV](#). The County Recorder must disqualify the ballot if the voter does not provide sufficient identification by the deadline.

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## 1. County Recorder Responsibilities

### *Verification of Provisional Ballots*

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All provisional ballots must be verified for proper registration within ten calendar days after a general election that includes an election for federal office, and within five business days for all other elections. [A.R.S. § 16-135\(D\)](#). The provisional ballot shall be counted if:

1. The voter's registration is verified and the voter is eligible to vote in the precinct, *and*
2. The voter's signature does not appear on any other signature roster for that election, *and*
3. There is no record that the voter voted early in that election.

For a provisional ballot to be counted, the County Recorder shall confirm that all of the following requirements are met:

1. Confirm that the provisional ballot affidavit is signed;
2. Confirm that the voter was registered to vote and was eligible to vote in the election;
3. Confirm that the voter voted in the correct polling place or voting location or cast the ballot for the correct precinct;
4. Confirm that there is no record that the voter voted early for that election;
5. If the voter moved without updating their address and voted in the precinct for the new address, confirm that the voter did not vote in the prior precinct by confirming that the voter did not sign the signature roster for the prior precinct;
6. For a partisan primary election, confirm that the voter received and voted the correct party ballot based on the voter's party affiliation;
7. If the voter is registered as a "federal-only" voter, confirm that the voter received a "federal-only" ballot or clearly mark or stamp the outside of the provisional ballot envelope to indicate that the voter is a "federal-only" voter and only races for federal candidates should be duplicated and tabulated.

The County Recorder shall deliver only provisional ballot envelopes and/or affidavits of qualified voters who meet the above requirements to the Board of Supervisors or officer in charge of elections for counting. Rejected provisional ballot envelopes and/or affidavits should be separately retained and delivered to the officer in charge of elections for retention in accordance with [A.R.S. § 16-624](#).

### *Rejection Reason Code*

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The rejection code reason is determined by the County Recorder. The rejection reasons include:

1. Not registered;

2. No ballot in envelope;
3. Registered after 29-day cut-off;
4. No signature;
5. Insufficient/illegible information;
6. Voter did not provide adequate identification and signature does not match;
7. Wrong party;
8. Outside jurisdiction ballot;
9. Voter challenge upheld;
10. Voted in wrong precinct;
11. Voted and returned an early ballot;
12. Proper identification not provided by deadline;
13. Not eligible; and
14. Other (please specify).

**Updating Voter Registration Records**

c.

The County Recorder shall update the appropriate county register or registration database with the names of all provisional voters whose registration was verified to indicate that those voters are qualified to vote in future elections.

The County Recorder may also use the information from a provisional ballot envelope or affidavit to update a voter's name and address. A provisional ballot envelope or affidavit may also be used to register a voter for the first time for future elections (not the current election the provisional ballot was used for) if the form substantially complies with [A.R.S. § 16-152](#). Additionally, a "federal-only" voter may use the provisional ballot process to provide a driver license number as DPOC for future elections (although not for the current election the provisional ballot was used in).

**Voter Verification of Provisional Ballot Status**

The County Recorder shall create a provisional ballot record for the voter that contains the following information:

1. Provisional ballot receipt number;
2. Name of the voter;
3. Precinct/polling location where the provisional ballot was cast;
4. Provisional ballot status;
5. Provisional ballot status reason;
6. Address (optional)

7. Date of Birth (optional)
8. Political Party (optional).

[A.R.S. § 16-584\(E\)](#).

This information will be used for online verification of a voter's provisional ballot. The information shall be available online for one month after posting.

As soon as possible after verification of the provisional ballots is complete, a notice informing the voter whether their vote was counted or not counted, and the reason for not counting if applicable, shall be provided to the voter. This may be in the form of a notice mailed to the voter, or the voter may access the information pursuant to the instructions on the receipt that was issued to the voter at the time they voted the provisional ballot. The receipt will provide the voter with clear instructions on how to determine the status of their vote.

The County Recorder or other officer in charge of elections shall provide to provisional voters a toll-free number or other method of verifying the status of their votes. Reasonable restrictions will be employed to limit transmittal of the information only to the voter, such as verifying the date of birth, state or country of birth, or other information that could confirm the voter's identity if compared with the voter registration information on file. The officer in charge of elections will request verification of identity with information from the voter's registration record or provisional ballot envelope. [A.R.S. § 16-584\(F\)](#).

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## **2. Provisional Ballot Board Responsibilities**

The Board of Supervisors shall appoint one or more Provisional Ballot Boards, consisting of two elections officials not of the same political party, for the processing of provisional ballots. They must also appoint additional clerks as needed, designate the supervisory authority, designate the location for processing, and provide all necessary supplies.

Provisional ballot boards may convene and begin ballot processing any time after provisional ballots are delivered to the officer in charge of elections. The provisional ballot processing board shall place official and unofficial returns in containers marked "official returns" and "unofficial returns." The container may be an envelope or any other container that keeps the official and unofficial returns physically separated by precinct.

The inspector on the Provisional Ballot Board shall be in charge of processing. The inspector shall receive the provisional ballot envelopes from the verification staff and record the precinct identification data on the transmittal form.

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## **3. Verification Staff Procedures for Specific Scenarios**

Verification staff at the central counting place must follow the following procedures in the specified scenarios below.

***Provisional Ballots Cast by Federal-Only Voters***

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The verification staff must examine the outside of the provisional ballot envelope to determine if the Recorder's Office has identified the voter as a "federal-only" voter. If that indicator is present and the Recorder's Office has indicated that the ballot is otherwise verified, the verification staff will open the provisional ballot envelope and confirm whether the ballot inside is a "full-ballot" or "federal-only" ballot.

- If the ballot in the provisional ballot envelope is a "federal-only" ballot, the ballot shall be removed and processed for tabulation.
- If the ballot in the provisional ballot envelope is a "full-ballot," the verification staff will remove the ballot from the envelope and send the ballot to the Ballot Duplication Board for duplication of the races for President of the United States (Presidential Electors), United States Senator, and United States House of Representatives only. No other race or ballot measure will be duplicated from that ballot.

***Provisional Ballots Voted on an Accessible Voting Device that Independently Tabulates Votes***

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b.

The verification staff must examine the provisional ballot affidavit to determine if the Recorder's Office has identified the voter as a "federal-only" voter. If that indicator is present and the Recorder's Office has indicated that the ballot is otherwise verified, the verification staff will print a copy of the voted ballot or pull the voter-verifiable paper audit trail to confirm whether the ballot is a "full-ballot" or a "federal-only" ballot.

- If the ballot is a "federal-only" ballot, the ballot shall be marked "accepted" on the EMS and processed for tabulation.
- If the ballot is a "full-ballot," the verification staff will mark the ballot "Fed-Only" and send the ballot to the Ballot Duplication Board for duplication of the offices of President of the United States (Presidential Elector), United States Senate, and United States House of Representatives only. No other race or ballot measure will be duplicated from that ballot. The provisional ballot shall be marked "rejected" on the EMS and the duplicated ballot shall be counted with the rest of the provisional paper ballots.

***Damaged Ballots***

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If there are damaged provisional ballots, the verification staff must:

1. Count the number of damaged ballots in each precinct;
2. Initiate a transmittal slip to accompany the ballot to the Ballot Duplication Board;
3. Record the number on the slip; and
4. Forward the ballots, with the transmittal slip, to the Ballot Duplication Board.

### ***Ballots Ready for Counting***

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The number of ballots ready to be counted must be recorded on a transmittal slip. The ballots and transmittal slip are forwarded to the Central Counting Place Board.

d.

### ***Ballots to Be Duplicated***

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If any provisional ballots require duplication, the verification staff must forward those ballots to the Ballot Duplication Board in a proper transmittal envelope.

### ***Write-In Votes***

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After the provisional ballots have been counted on a tabulation unit, any ballots containing write-in votes shall be separated from the other ballots and forwarded to the Write-in Tally Board.

## **4. Challenges**

Challenges of provisional ballots will be determined by the Provisional Ballot Board using the procedure outlined for counting early ballots in [Chapter 2, Section V](#). If the voter is found to be not registered, the ballot shall remain unopened and be retained in the same manner as voted ballots. Party representatives and alternates may be appointed to be present during provisional ballot processing and to challenge the disposition of provisional ballots.

## **G. Write-In Tally Board**

### **1. Write-In Tally Board Procedures**

The Write-In Tally Board is comprised of one inspector and two judges, who are members of the two political parties which cast the highest number of votes in the state at the last general election. At least one of the judges must be of a different political party than the inspector. At least 90-days before an election, the county chairperson of the two largest political parties may designate qualified electors to serve on Write-In Tally Board. When the list is timely submitted, it shall be used to appoint board members. Without a nomination from a party chairperson, the Board of Supervisors (or designee) may fill the position with a member of the appropriate party. [A.R.S. § 16-531\(A\), \(E\)](#). The Write-In Tally Board may manually tally write-in votes or do so through an electronic voting system pursuant to [Chapter 10, Section II\(G\)\(2\)](#) below. [A.R.S. § 16-531\(E\)](#).

If the voter writes the name of a candidate on the ballot, the vote shall be counted for that candidate. If a voter writes the name of a political party on an FWAB, the vote shall be counted as a vote for the candidate of that party. Any abbreviation, misspelling, common nickname, or other minor variation in the name of a candidate or political party shall be disregarded in determining the validity of the vote if the intent of the voter can be ascertained. [A.R.S. § 16-543.02\(C\)](#).

Write-in votes are tallied only if the ballot is properly marked by the voter. This is done by writing in the name of a qualified write-in candidate *and* by filling in the oval or connecting the arrow (or other method of properly marking the vote as indicated in the instructions for the particular optical scan or digital scan ballot). [A.R.S. § 16-448](#).

If a write-in vote is declared to be invalid, the Write-In Tally Board manually tallying write-in votes must disqualify the vote. The Write-In Tally Board must not count any write-in vote that an election official has identified as disqualified.

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## 2. Electronic Tallying of Write-In Votes

As an alternative to manual tallying of write-in votes, the Write-In Tally Board may utilize an electronic program to tally write-in votes for qualified write-in candidates. Any electronic tallying of write-in votes shall be done pursuant to the requirements in this Section unless the Secretary of State has granted a jurisdiction written approval to use alternate procedures. A jurisdiction wishing to deviate from the procedures in this Section must make a request in writing no later than 90 days prior to the election for which the exception is requested.

### *EMS Requirements*

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a.

To utilize an electronic program to tally write-in votes, the following minimum system and application requirements must be met:

1. The application must be part of an EMS that has received federal and state certification and is authorized for use in elections in Arizona.
  - The application must be installed with the EMS on a secure, isolated, closed network and shall not be connected to the internet or an external network.
2. The application shall provide distinct security roles, with separate usernames and secure passwords for each user or station. These security roles must have different functions. Each election worker shall be given access to only the components of the application necessary to perform their duties. If a secured username and password are used for each station rather than each user, a detailed log of who utilized each station and at what time(s) shall be maintained.
3. Users (and, if applicable, stations) shall have unique usernames and secure passwords. Vendor-supplied generic passwords may not be used.
4. Log-in must be required each time the application is started. The application and/or tabulation system shall be capable of identifying ballots that contain write-in votes.
5. The application shall provide comprehensive logging of any changes to the ballot record for audit purposes, as well as validation of all changes through the use of multiple electronic “signatures” before committing any changes to the EMS results.
6. The application shall include electronic review, attribution of eligible write-in votes, and tallying of official write-in votes within the application.

7. The application shall allow for each transaction to be reviewed and approved by at least two election officials of different political party affiliation.
8. There must be an efficient and reliable means of identifying and locating the physical ballots that have been electronically tallied if needed for auditing. For example, the tabulation machine may be programmed to out-stack and/or print identification numbers on the ballots with write-in votes to be electronically tallied.

The tabulation equipment may be programmed to stop on, sort, or flag write-in votes for races with official write-in candidates. Official write-in candidates may be entered into the EMS after the write-in filing deadline to facilitate this process as long as doing so does not modify the election programming if L&A testing has been completed.

### ***L&A Testing Requirements***

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If write-in votes will be electronically tallied, that functionality of the tabulation system will also be tested during the L&A test for that election to ensure proper and secure functioning. In addition, a paper audit log must be produced, verified, and signed off on by the Write-In Tally Board members *before* committing their selections to the EMS (see [Chapter 10, Section II\(G\)\(2\)\(c\)](#) below).

#### **c. *Electronic Tallying Procedures***

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Prior to electronically tallying any ballots with write-in votes, the Write-In Tally Board must be trained in their duties and application functionality.

1. The electronic tallying of write-in votes must be performed in a secure location, preferably in the same location as the EMS system, but open to public viewing.
2. An Write-In Tally Board that electronically tallies write-in votes must use the EMS and electronic adjudication/tallying application to: (i) electronically filter and review ballots with write-in votes; and (ii) determine voter intent and attribute votes to official write-in candidates according to the procedures specified in [Chapter 10, Section II\(G\)\(1\)](#). Write-in votes for unofficial write-in candidates are invalid and shall not be tallied electronically.
3. If the Write-In Tally Board cannot agree on the resolution of a vote, that vote shall be flagged and referred to the officer in charge of elections or designee for final determination.
4. The EMS and/or electronic adjudication/tallying application shall provide a report on the official write-in votes tallied, the names of the members of the Write-In Tally Board that processed the votes on the report, and the date of processing.
5. The electronic write-in tally process shall include production of a paper audit log of the Write-In Tally Board's decisions as to each ballot/vote electronically tallied. The paper audit log must be verified and signed off on by the board members, who shall verify that the paper audit log accurately reflects the board's selections and that those selections are accurately reflected in the electronic adjudication/tallying application *prior to* committing the selections to the EMS.



6. To meet the requirement of a board-verified paper audit log, the Write-In Tally Board shall either:
  - a. Maintain a manual, hard-copy log of its selections for the official write-in votes tallied by batch; or
  - b. Print a log of its selections by batch from the application, verify that the printed log accurately reflects the board's selections, and confirm that those selections are accurately reflected in the electronic adjudication/tallying application *prior to* committing the selections for that batch to the EMS.

## **H. Audit Board**

The officer in charge of elections is responsible for overseeing a post-election audit of each voting location using an Audit Board.

All election board logs, the Official Ballot Report, tabulation units, accessible voting device tapes/printouts, and a copy of the downloaded precinct results shall be delivered to an Audit Board upon the completion of each election board's function.

The Audit Board:

1. Receives the Official Ballot Reports for each voting location and any supplemental information from the election boards that could explain any discrepancies;
2. Receives the signature rosters, poll lists (or scanned copies), or reports from e-pollbooks that show voter check-ins and signatures;
3. Receives the tabulation unit and accessible voting device precinct paper tape;
4. Receives a copy of the transmitted precinct results from the election management system;
5. Verifies the counts on the Official Ballot Report;
6. Verifies that the count from the tabulation unit and accessible voting device precinct paper tapes is the same as the count from the transmitted precinct results on the election management system;
7. Produces a written record that the correct vote totals for each candidate and issue were transmitted from the polling place to the election management system;
8. Has access to all voting locations' ballot statements contained in the unofficial return envelope;
9. Identifies discrepancies in the reports following final tabulation of duplicated ballots and provisional ballots;
10. Resolves problems that appear to be of major significance in the presence of political party observers; and
11. Resolves and documents all discrepancies.

The functions of the Audit Board must be completed prior to the acceptance of the canvassing results in order to ensure the integrity of the canvass results.

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## **I. Snag Board**

The Snag Board is comprised of at least three members who are knowledgeable about the entire elections process. Where possible, its members should have experience working as board members in several previous elections cycles. It is appointed by the Board of Supervisors or officer in charge of elections, and should have members of at least two political parties.

The function of the Snag Board is to resolve any problem brought to its attention by any of the other election boards.

## CHAPTER 11: HAND COUNT AUDIT

A limited precinct hand count and early ballot hand count audit must be conducted after each countywide primary, special, general, and PPE election and compared against the results from the electronic tabulation system, unless applicable exceptions apply. The purpose of the hand count audit is to compare the results of the machine count to the hand count to assure that the machines are working properly and accurately counting votes. Those conducting the hand count shall not be provided the machine count results of the batches of ballots they are hand counting prior to completion of the hand count of that batch. If the results from the hand count audit are within the “designated margin” of the electronic results for selected ballots, the hand count is deemed to have confirmed the accuracy of the electronic tabulation equipment, the hand count may cease, and the countywide electronic results are deemed the official results of the election. If the results from the hand count audit are outside of the designated margin, a second hand count of the same ballots is required, potentially followed by an expanded hand count and one or more jurisdiction-wide hand counts depending on the results. [A.R.S. § 16-602\(C\)-\(F\)](#).

### DESIGNATION OF HAND COUNT BOARD MEMBERS

#### I.

At least 14 days prior to a countywide primary, special, general, or PPE election, the officer in charge of elections must notify the county chairpersons of each recognized political party of the requirement to designate Hand Count Board members, who will perform the hand count audits under the supervision of the officer in charge of elections. The officer in charge of elections should forecast the requisite number of board members (including alternate board members) based on the number of precincts/vote centers included in the hand count and/or the total number of ballots to be hand counted.

The political party county chairpersons must designate Hand Count Board members and alternates at least seven days before the election (*i.e.*, by 5:00 p.m. on the Tuesday before the election). If the political party is not represented by a county chairperson, the chairperson of the applicable state political party (or designee) may appoint the Hand Count Board members.

The proposed board members and alternates must be registered to vote in Arizona but need not be registered members of the political party that designated them. Candidates appearing on the ballot, except for the office of precinct committeeman, may not serve as Hand Count Board members. Board members are entitled to receive compensation, but not for lodging, meals, or travel.

The officer in charge of elections must notify a political party county chairperson by 9:00 a.m. on the Wednesday before the election if there is a shortage of required board members (*i.e.*, the total number of proposed board members provided by all parties is less than four times the number of precincts to be audited). The chairperson must provide additional board member names by the next business day (5:00 p.m. on the Thursday before the election).

The hand count shall not proceed unless a sufficient number of Hand Count Board members has been designated by 5:00 p.m. on the Thursday preceding the election and appear at the designated time and location to perform the hand count. The hand count may also be canceled (and the electronic tabulation of ballots will constitute the official count) if the officer in charge of elections removes enough board members (due to disruption or members being unable to perform their duty) such that there is an insufficient number of board members and the shortage cannot be remedied with substitutions.

The officer in charge of elections must notify the Secretary of State if the hand count will be canceled. Among other information, the notification to the Secretary of State must outline the steps taken by the officer in charge of elections to secure sufficient participation in the hand count.

If a sufficient number of members are present for the hand count, the officer in charge of elections must create boards by selecting at least two judges and one inspector per board. Each Hand Count Board must be comprised of designees from at least two recognized political parties and no more than 75% of the members may be from the same political party. Typically, for a three-member Hand Count Board, no more than two board members shall be members of the same political party entitled to continued representation on the ballot. All board members must take the oath specified in [A.R.S. § 38-231\(E\)](#).

Board members may not bring any electronic devices, black pens, blue pens, or cell phones into the designated location of the hand count. [A.R.S. § 16-602\(B\)\(7\)](#).

## II. OBSERVATION OF THE HAND COUNT AUDIT

The hand count is not subject to the live video requirements of [A.R.S. § 16-621\(C\)](#). However, political party representatives who are observing the hand count may bring their own video cameras to record the hand count. The sole act of recording the hand count does not constitute sufficient grounds to for the officer in charge of elections to prohibit observers from recording or to remove them from the facility. However, the observation or recording may not interfere with the hand count. In addition, to preserve the right to a secret ballot, no recording of ballot content shall be allowed. If either situation occurs, the officer in charge of elections may remove the observers or board members from the facility or further restrict video recording. [A.R.S. § 16-602\(B\)](#).

## TYPES AND QUANTITIES OF BALLOTS TO HAND COUNT

A post-election hand count audit includes a precinct hand count, which involves a manual count of regular ballots from selected precincts, and an early ballot hand count, which involves a manual count of a percentage of early ballots cast in the election.

### Ballots Included in the Precinct Hand Count

For the precinct hand count, the officer in charge of elections must conduct a hand count of regular ballots from at least 2% of the precincts, or 2 precincts, whichever is greater. Provisional and conditional provisional ballots are not included in the hand count. [A.R.S. § 16-602\(B\)\(1\)](#).

In counties that utilize vote centers, each vote center is considered to be a precinct/polling location and the officer in charge of elections must conduct a hand count of regular ballots from at least 2% of the vote centers, or 2 vote centers, whichever is greater.

In a PPE, the officer in charge of elections must conduct a hand count of regular ballots from 2% of the polling places or vote centers established pursuant to [A.R.S. § 16-248](#). [A.R.S. § 16-602\(B\)\(3\)](#).

### Ballots Included in the Early Ballot Hand Count

The officer in charge of elections is required to conduct a hand count of 1% of the total number of early ballots cast, or 5,000 early ballots, whichever is less. [A.R.S. § 16-602\(F\)](#). Counties may elect to audit a higher number of ballots at their discretion.

At least one batch of up to 400 early ballots from each central count machine used to tabulate early ballots and at least one accessible voting machine (if those machines independently tabulate votes) used during on-site early voting shall be selected for the early ballot hand count process. The officer in charge of elections must securely sequester those selected ballots along with their unofficial electronically-tabulated results for use in the early ballot hand count.

#### IV.

### SELECTING PRECINCTS/POLLING PLACES TO BE HAND COUNTED

The county political party chairpersons (or designees) shall take turns randomly drawing the precincts, vote centers, or consolidated polling places for the hand count. If a chairperson appoints a designee, the appointment must be in writing with the signature of the chairperson. The precincts/polling places shall be selected by lot without the use of a computer and the order of selection by the county political party chairpersons (or designees) shall also be by lot.

The selection of the precincts/polling locations shall not begin until all ballots voted in the precinct polling places have been delivered to the central counting facility. The unofficial vote totals from all precincts/polling locations shall be made public before selecting the precincts/polling locations to be hand counted. The selection of precincts/polling locations shall occur prior to the selection of the races to be counted.

At least 2% of the precincts/polling locations in the county (rounded to the nearest whole number) or two precincts/polling locations, whichever is greater, shall be selected at random from a lot consisting of every precinct/polling location in that county. For any election where

there are consolidated polling locations, the number of precincts to hand count should be calculated based on the number of active polling locations for that election.

For counties utilizing vote centers, each vote center shall be considered to be a precinct/polling location during the selection process and the officer in charge of elections must conduct a hand count of regular ballots from at least 2% of the vote centers, or two vote centers, whichever is greater.

The process for selecting the precincts for Primary and General Elections is:

1. **Determine Selection Order:** Select by lot the order in which the county political party chairpersons (or designees) shall draw precincts/polling locations. The selection order will apply for the entire hand count process.
2. **Create Lot:** Create a lot containing all precincts/polling locations in the county.
3. **Select Precincts:** Draw the required 2% or two precincts/polling locations to be counted from a lot containing every precinct/polling location in the county. Precincts/polling locations without any registered voters shall be excluded from the pool of available precincts/polling locations in the county. The county political party chairpersons (or designees) shall alternate selecting precincts/polling locations based on the order defined in Step 1 from the lot until the required number of precincts/polling locations is selected.
  - a. If a tabulation unit from a vote center was selected as a precinct/polling location to be hand counted, a subsequential selection shall be conducted to select a touchscreen voting machine (if they independently tabulate votes, and if there are more than one) utilized at that vote center:
    - **Create Lot:** Create a lot containing all touchscreen voting machines used at the same vote center in which a tabulation unit was previously selected.
    - **Select Touchscreen Voting Machines:** Draw a corresponding number of touchscreen voting machines to be hand counted for each tabulation unit from a vote center that was previously selected, from a lot containing every touchscreen voting machine utilized at a vote center from which a tabulation unit was selected during the selection of the precincts/polling locations.
4. **Record Precincts.** The officer in charge of elections shall record the precincts/polling locations to be hand counted in the Master Precinct and Race Selection Worksheet. The precincts/polling locations shall be listed in the order selected. The order of the precincts/polling locations shall be used when selecting the contested races in [Section V](#) of this Chapter.

[A.R.S. § 16-602\(B\)\(1\), \(B\)\(2\), \(B\)\(2\)\(e\), \(C\).](#)

## RACES ELIGIBLE TO BE HAND COUNTED

### Eligible Races Generally

The races to be counted in the hand count audit generally includes up to five contested races, which shall include:

- A. One statewide candidate race;
  - One statewide ballot measure (if the election has a statewide ballot measure on the general election ballot);
  - One legislative candidate race (Arizona House of Representatives or Arizona Senate); and
  - One federal candidate race (United States House of Representatives or United States Senate);
  - One presidential elector race (only in general elections with a race for President of the United States).

[A.R.S. § 16-602\(B\)\(2\), \(5\)](#).

A candidate race within one of the above-referenced categories is eligible for inclusion in the hand count only if the race is “contested,” meaning there are more candidates seeking election or nomination than the number of seats available. [A.R.S. § 16-602\(B\)\(2\)\(f\)](#). Write-in candidacies do not create contested races if the race is not otherwise contested. [A.R.S. § 16-602\(B\)\(4\)](#).

If there are no contested races within one of the above-referenced categories, one or more additional contested races from one of the other categories must be selected by lot until the required number of contested races are selected for the hand count. [A.R.S. § 16-602\(B\)\(2\)\(e\)](#). For example, because a statewide ballot measure will not appear on the ballot during a primary election, an additional contested race from one of the other categories of eligible races must be drawn to make up the required four races.

For a primary election, each political party primary is considered a separate race. For example, the requirement to select one contested legislative race is satisfied by selecting either the Democratic or Republican primary election race. [A.R.S. § 16-602\(B\)](#).

For federal and legislative candidate races, only the type of office (House or Senate) must be selected, not any particular district. [A.R.S. § 16-602\(B\)\(2\)\(c\)-\(d\)](#). Therefore, if, for example, the race for U.S. House of Representatives has been selected to satisfy the federal candidate race category, and the county encompasses parts of three Congressional districts, ballots cast in any of the Congressional districts are eligible for the hand count audit as long as those races are contested.

### Eligible Races in Special Elections

For a special election to vote on a statewide ballot measure, all statewide ballot measures should be selected for the hand count audit (assuming there are four or fewer statewide ballot measures on the special election ballot).

For a special election to fill a Congressional vacancy:

- If a Congressional primary is contested, all contested political party races should be selected for the hand count audit for that special primary election (assuming there are four or fewer contested primaries);
- Regardless of whether a Congressional primary was contested, a contested special general election must be selected for the hand count.

### Eligible Races in PPEs

A hand count must be conducted following a PPE. [A.R.S. § 16-602\(B\)\(3\)](#). Since no other races may appear on a PPE ballot, all contested political party preference races should be selected for the hand count audit (assuming there are four or fewer contested preference races). [A.R.S. § 16-241\(A\)](#).

## VI. SELECTING RACES TO BE HAND COUNTED

The county political party chairpersons (or designees) must randomly select the particular contested races to be hand counted, in the same order determined at the beginning of the hand count process and used to select precincts/polling locations.

If there are fewer than four contested races on the ballot, only the contested races on the ballot that fall within one of the four categories shall be included in the hand count audit. If there are no contested races in any of the designated categories in an election, no hand count will take place. [A.R.S. § 16-602\(B\)\(2\)\(e\)-\(f\)](#).

### Selecting Races for Primary and General Elections

The following process shall be used to select the races to be counted for both the precinct hand count and early ballot hand count for primary and general elections:

1. **Determine the race categories available for this election.** The possible race categories shall be statewide candidate, federal candidate, state legislative candidate, and ballot measure, and, in a presidential election year, presidential elector. Some categories may not appear on the ballot for a particular election. [A.R.S. § 16-602\(B\)\(2\)](#).
2. **Create a master list of all contested races.** Create a list by race category of all possible contested races. This list will be referenced when creating the lots of possible races to count. The entries on this list shall be specific. Examples for the Primary would include Governor/Democrat or State House/Republican. Examples for the General would include State Treasurer or State Senate.



**3. Determine the required number of races that will be counted from each category.**  
There should be one race for each required category unless a category does not have an eligible race.

**a. Determine if there is a contested presidential elector race.**

- If there is no contested presidential elector race on the ballot, place a zero in the “Presidential Elector” line of Section B of the Master Precinct and Race Selection Worksheet, *see* sample form in [Chapter 17](#).
- If there is a contested presidential elector race, place a tick mark in the “Presidential Elector” line.

**b. Determine if there is a contested statewide candidate race.**

- If there is no contested statewide candidate race on the ballot, place a zero in the “Statewide Candidate” line of Section B of the Master Precinct and Race Selection Worksheet and place a tick mark in the “Additional Races Needed” line.
- If there is a contested statewide candidate race, place a tick mark in the “Statewide Candidate” line.

**c. Determine if there is a statewide ballot measure race.**

- If there is no statewide ballot measure on the ballot, place a zero in the “Statewide Ballot Measure” line of Section B of the Master Precinct and Race Selection Worksheet and place a tick mark in the “Additional Races Needed” line.
- If there is a statewide ballot measure race, place a tick mark in the “Statewide Ballot Measure” line.

**d. Determine if there is a contested federal candidate race on any of the ballots in the precincts/polling locations selected.**

- If there is no contested federal candidate race in any of the selected precincts/polling locations, place a zero in the “Federal Candidate” line of Section B of the Master Precinct and Race Selection Worksheet and place a tick mark in the “Additional Races Needed” line.
- If there is a contested federal candidate race, place a tick mark in the “Federal Candidate” line.

**e. Determine if there is a contested state legislative race on any of the ballots in the precincts/polling locations selected.**

- If there is no contested state legislative race in any of the selected precincts/polling locations, place a zero in the “State Legislative” line of Section B of the Master Precinct and Race Selection Worksheet and place a tick mark in the “Additional Races Needed” line.
- If there is a contested state legislative race, place a tick mark in the “State Legislative” line.

- f. **If additional races are needed, determine if the number of races can be satisfied by an additional race(s) in another category.**
  - The priority for selecting other categories, if needed, is as follows: statewide candidate, statewide ballot measure, federal candidate and then state legislative. All additional races shall be fulfilled with the highest priority race category possible. The categories of races to be hand counted and the number per category shall be recorded on the Master Precinct and Race Selection Worksheet.
4. **Separate out the contested races by category and create selection lots for each category from which a race or races will be selected.**
  - a. For the statewide candidate lot in a primary election, each contested party race shall be placed in the lot (*e.g.*, Governor/Republican, State Mine/Democrat).
  - b. For the federal candidate lot, the officer in charge of elections shall evaluate each of the precincts/polling locations selected to determine the possible federal candidate race types for the lot. If one or more precincts/polling locations have a contested federal candidate race, that race type shall be placed in the lot. In a primary election, each contested party race type shall be placed in the lot. The selections for U.S. House of Representative shall not contain the specific district since the names of the candidates may vary among the sampled precincts/polling places (*e.g.*, U.S. House/Republican and U.S. House/Democrat).
  - c. For the state legislative lot, the officer in charge of elections shall evaluate each of the precincts/polling locations selected to determine the possible contested state legislative race types for the lot. If one or more precincts/polling locations have a contested state legislative race, that race type shall be placed in the lot. In a primary election, each contested party race type shall be placed in the lot. The selections for state legislative race shall not contain the specific district since the names of the candidates may vary among the sampled precincts/polling locations (*e.g.*, State House/Democrat, State House/Republican, State House/Libertarian).
    - If any candidate race is for a vacancy, the vacancy race shall be treated as a separate race for creating lots. For example, if an AZ Corporation Commission seat is vacant and the term ends in 2010 and there is also a race for the seat with a term that ends in 2012, the Corporation Commission Term Ending 2010 and Corporation Commission Term Ending 2012 will be two separate races when creating the Statewide Candidate lot.
5. **Select the contested races to be hand counted.** The county political party chairpersons (or designees) shall alternate selecting races continuing with the order defined when selecting precincts/polling locations. The races will be selected by lot until the required number of races is selected. Categories of contested races shall be drawn in the following order until the required number of contested races is reached: presidential elector, statewide candidate, statewide ballot measure, federal candidate, and state legislative

candidate. Document any selected race(s) in Section C of the Master Precinct and Race Selection Worksheet.

- If a selected candidate race does not have a contested race in each of the selected precincts/polling locations, only the precincts/polling locations where there is a contested candidate race shall be hand counted for that race. The machine counts of the races in this category shall be added together and measured against the hand counts of the races in this category to determine if the total difference falls within the designated margin.
6. **The races selected for the precinct hand count shall be the same used for the early ballot hand count.** Because the batches used for the early ballot hand count do not correspond to the precincts/polling locations selected for the precinct hand count, the names of candidates for the selected races may differ among the various early ballot batches selected for the audit. The machine counts of the races in such categories shall be added together and measured against the hand counts of the races in those categories to determine if the total difference falls within the designated margin.
  7. **Create Hand Count Board Worksheets.** The officer in charge of elections shall create a Hand Count Board Worksheet for each Hand Count Board. The worksheet documents the members of the Hand Count Board and what races they will be hand counting.

B. **Selecting Races for a PPE**

The following process shall be used to select the races to be hand counted for a PPE:

1. **Determine Selection Order.** Select by lot the order in which the county political party chairpersons (or designees) shall choose from the pool of available precincts.
2. **Create Lot of Polling Locations.** Create a lot of available polling locations. A county may consolidate precincts in a PPE. Only actual polling locations will be placed in the lot of available polling locations.
3. **Select Precincts.** Draw the required 2% or two polling locations to be counted among a lot containing every actual polling location for the PPE.
4. **Record Precincts.** The officer in charge of elections shall record the polling locations to be hand counted in Section A of the Master Precinct and Race Selection Worksheet.
5. **Create Lot of Contested Races.** Create a lot of the contested races available for the PPE. Each political party that is participating in the PPE will count as a contested race.
6. **Select Race(s).** If there are four contested races or less, all possible races will be hand counted. If there are more than four contested races, the county political party chairperson (or designee) who is next (from Step 1), shall choose a contested PPE race to be hand counted. The political party chairpersons (or designees) will alternate until four contested races are selected.
7. **Record Race.** The officer in charge of elections shall record the PPE race(s) to be hand counted in Section B of the Master Precinct and Race Selection Worksheet.

[A.R.S. § 16-602\(B\)\(3\)](#).

## HAND COUNT TABULATING METHODS

There are two approved methods of hand counting votes:

- vii. Stacking method: used for hand counting optical/digital scan ballots; and
  - Three-person call-out method: used for hand counting votes from the VVPAT of an accessible voting machine.

For either method, each judge shall be given a tally sheet that shall be marked with the precinct/polling location, the race, and the names of the candidates for that particular race. *See* Sample Hand Count Tally Sheet in [Chapter 17](#).

### Stacking Method for Optical/Digital Scan Ballots

The stacking method is used for hand counting optical/digital scan ballots, and may also be used to hand count paper ballots printed by accessible ballot marking devices. For the stacking method, the inspector picks up each ballot and sorts the ballots into piles with the assistance of the other two board members (the judges) and tallies the number of votes for each candidate in the particular race using the process below.

#### 1. Processing Ballots with Write-In Votes

1. Since write-in votes may not have been tabulated yet, it is very important to keep ballots with write-in votes segregated from ballots without write-in votes. To do so, the first judge counts the total number of ballots with write-in votes. The second judge shall recount the total number of ballots with write-in votes. If the totals from both judges match, the result shall be documented in the Hand Count Tally Sheet.
  - Ballots with write-in votes may be marked with yellow highlighter to enable them to be readily segregated from other ballots after the hand count of the batch is complete.
2. The inspector shall announce the specific race to be counted, identify that race on the ballot, and separate out ballots with over-votes or no selection for that race. The two judges shall confirm that the inspector performs this step correctly.
3. The inspector shall announce the first candidate/selection listed in the race and begin the **stacking process** for that candidate/selection:
  - The inspector shall hold up the ballots one at a time and declare the voter's choice for the specific candidate/selection in the race. All ballots with a vote for that candidate/selection shall be placed in one stack (the "yes" stack) and all ballots with a vote for any other candidate/selection in the race shall be placed in a separate stack (the "no" or "other" stack). The judges shall view each ballot and ensure that the inspector is placing the ballot in the right stack.

- After the sorting process is complete, one judge shall count each pile in stacks of ten or 25 (or another agreed-upon pre-determined number) and then the other judge shall recount each stack. The inspector shall enter the number of ballots in each stack onto the Hand Count Tally Sheet.
  - The inspector shall move the “yes” stack aside, perform the stacking process for the next candidate/selection in the race using the ballots in the “no” or “other” stack, and repeat until done recording totals for all candidates/selections on the Hand Count Tally Sheet.
    - If the race being counted is for multiple seats (*e.g.*, vote for two), it will be necessary to go through entire set of ballots for each candidate, without the option of setting aside the “yes” stack as described in the prior step.
  - If there is any question about the intent of the voter, the determination of voter intent must be made by unanimous consent of all three Hand Count Board members using the standards established in [Chapter 11, Section IX](#). If a unanimous decision cannot be reached by the Hand Count Board, the officer in charge of elections shall make the final decision regarding the voter’s intent. A notation of the final decision shall be logged on the tally sheet and the inspector shall place the ballot into the proper stack for counting.
4. After completing the stacking process, the inspector shall place the ballots with write-in votes back in the write-in envelope and keep those ballots separated from the regular ballots.

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## 2. Processing Regular Ballots

1. The first judge shall count the total number of regular ballots. The second judge shall recount the total number of regular ballots. If the totals from both judges match, the result shall be documented in the Hand Count Tally Sheet.
2. The inspector announces the specific race to be counted, identifies that race on the ballot, and separates out ballots with over-votes or no selection for that race. The two judges shall confirm that the inspector performs this step correctly.
3. The inspector announces the first candidate/selection listed in the race and begins the **stacking process** for that candidate/selection, using the same procedure described above for ballots with write-in votes.
4. After completing the stacking process, the inspector shall place the regular ballots back in the regular ballot envelope and keep those ballots separated from the ballots with write-in votes.

### **Three-Person Call-Out Method for Ballots Cast on Accessible Voting Devices that Independently Tabulate Votes**

The three-person call method may be used when hand counting votes from an accessible voting machine that independently tabulates votes, including the VVPAT (*see* Section VII(C) below).

- B.
  1. The inspector shall take the ballots one at a time. On each ballot, the inspector shall find the races that were selected to be hand counted and announce the races one at a time. The judges will find the race on the proper “DRE Hand Count Tally Sheet.” The inspector shall then announce the name of the candidate that the voter marked on the ballot for that race or, if a ballot measure, the voter’s selection for the measure.
    - The determination of voter intent must be made by unanimous consent of all three Hand Count Board members, using the standards established in [Chapter 11, Section IX](#). If a unanimous decision cannot be reached by the Hand Count Board, the officer in charge of elections shall make the final decision regarding the voter’s intent. A notation of the final decision shall be logged on the tally sheet.
  2. The judges shall place a tick mark by the voted candidate’s name on the tally sheet. After processing each batch of 25 ballots, the judges shall compare the number of tick marks with each other. If the results from both judges match, the judges shall cross through the remaining numbers in the row. If the results do not match, the Hand Count Board shall recount the batch of 25 ballots until the results from both judges match.
  3. Upon completion of the hand count, the judges shall sign the final “Hand Count Cumulative Sheet.”

C.

### **Process for Hand Counting Accessible Voting Audit Tapes**

The Hand Count Board, under the direction of the officer in charge of elections, shall:

1. Unroll the VVPAT generated by the accessible voting device and verify the precinct.
2. Mark through all the voided or spoiled votes cast with a red pen/pencil in a manner that is visually distinguishable but does not interfere with the ability to read the paper.
3. Mark through all provisional votes with a red pen/pencil in a manner that is visually distinguishable but does not interfere with the ability to read the paper.
4. Ensure that the voided or spoiled and provisional votes are not counted.
5. If the paper roll is unable to be read for any reason, a new precinct shall be selected for the precinct hand count in accordance with [Section VIII](#) of this Chapter. If no other precinct/polling location is available for selection, the unreadable ballots shall be read using the printed version of the electronic ballots as generated by the accessible voting device. The officer in charge of elections shall make the determination of whether a paper roll is readable.
6. Utilize the Three-Person Call Tabulating Method.

7. If multiple accessible voting devices were used in the precinct or for early voting, repeat the process above for each paper roll generated by the Accessible Voting Devices.
8. Record results on the Accessible Voting Device Hand Count Tally Sheet.

## PROCEDURES FOR CONDUCTING THE HAND COUNT

The officer in charge of elections must commence the hand count with a public announcement and explanation of the procedure. The hand count must begin within 24 hours after the polls close on Election Day and must be completed before the county canvass. [A.R.S. § 16-602\(I\)](#). The start of the hand count can be defined as the official training of the Hand Count Board members, selection of the precincts and races, coordinating the hand count with the party leaders, or any other activity that furthers the progress of the hand count for that election.

Hand count board members shall not bring cellular phones, other electronic devices, or pens with black or blue ink into the official hand counting area.

Throughout the hand count, the officer in charge of elections must retain custody and control of all hand counted ballots. [A.R.S. § 16-602\(H\)](#).

### A. Precinct Hand Count

#### 1. Precinct Hand Count Process

The initial precinct hand count must be conducted according to the following procedure for each race selected for the hand count.

1. The officer in charge of elections: (i) ensures each board is properly assembled and has been provided all necessary forms and supplies; (ii) apportions ballots to the Hand Count Boards; and (iii) announces which specific race will be hand counted. The boards are not provided with the electronically-tabulated results for any race at this time.
2. The inspector or one of the judges fills out a **Hand Audit Tally Sheet** (*see* sample forms in [Chapter 17](#)) for each race to be hand counted.<sup>52</sup> The inspector signs each Hand Audit Tally Sheet. All Hand Audit Tally Sheets from the precinct hand count shall be provided to the officer in charge of elections after completion.
  - a. Each judge shall fill out the top of the Hand Audit Tally Sheet, listing the precinct/polling location name, precinct/polling location number, inspector name and their name as the judge. Each judge shall also check the box for the proper election type.
  - b. For a candidate race, list each candidate's name on a separate counting line of the Hand Audit Tally Sheet. For ballot measures, list "Yes" on the first counting line and "No" on the second counting line.

<sup>52</sup> See Sample Count Tally Sheet – Stacking Method, and Hand Count Tally Sheet – Three-Person Call Out Method, in [Chapter 17](#).

3. For optical/digital scan ballots, the Hand Count Board shall separate ballots with write-in votes from the other precinct/polling location ballots and hand count each group of ballots using the stacking method described in Section VII(A) above. For ballots cast on accessible voting devices that independently tabulates votes and VVPATs, the Hand Count Board shall conduct the hand count using the three-person call-out method, *see* Sections VII(B)-(C) above.
4. The Hand Count Board shall list the totals for each candidate on the appropriate Hand Audit Tally Sheet. Each precinct/polling location shall have one Hand Audit Tally Sheet for the optical/digital scan ballots and one for the accessible voting devices, unless the accessible voting device produces a paper ballot read by a tabulation unit and those paper ballots were hand counted using the stacking method. At this point, the hand count results for the batch is compared to the machine count results and the Auditor initials the Hand Count Tally Sheet to indicate that there are no discrepancies in the batch totals.
5. The officer in charge of elections shall create a Precinct Hand Count Margin Worksheet (*see* sample form in [Chapter 17](#)) for each race that was hand counted and calculate the hand count margin using the Precinct Hand Count Margin Worksheet and following the steps below in the presence of the county political party chairpersons (or designees):
  - a. **Fill out Top of Form.** Fill out the date of the election. Circle the proper election (general, special, primary, or PPE). State the race category that the worksheet is for (presidential elector, statewide candidate, statewide ballot, federal candidate, or state legislative candidate). List the specific race (*e.g.*, State Senator, Corporation Commission/Democrat). List the hand count round (1st hand count, 2nd hand count, expanded hand count or final hand count).
  - b. **Enter Hand Count Totals.** For each precinct/polling location that was hand counted, enter separately the hand count totals for the optical/digital scan ballots and the hand count totals for the accessible voting devices. These totals will come directly from the Hand Count Tally Sheets. Each candidate's counts or yes/no counts for ballot measures from the Hand Count Tally Sheet must be listed in the table. The total number of hand counted votes shall be calculated and noted in the worksheet.
  - c. **Enter Machine Count Totals.** For each precinct/polling location that was hand counted, enter separately the machine totals for the optical/digital scan ballots and the machine totals for the accessible voting devices. These totals will come directly from Election Management Systems. Each candidate's counts or yes/no counts for ballot measures from the Hand Count Tally Sheet must be listed in the table. The total number of machine counted votes shall be calculated and noted in the worksheet.
  - d. **Calculate Absolute Difference.** For each candidate's total or ballot measure yes/no total, calculate the absolute difference between the hand count and the machine count. The absolute difference is the difference between the two numbers listed as a positive value (*e.g.*, [100 – 99] or [99 – 100] will both have an absolute value of one). The total absolute value for each precinct/machine type shall be calculated and noted in the worksheet.



- e. **Calculate Grand Totals.** Add up all the machine count totals for a particular race category to calculate the “Grand Total Machine Count.” Add up all the absolute differences for a particular race category to calculate the “Grand Total Absolute Difference.”
  - f. **Calculate Hand Count Margin.** Divide the “Grand Total Absolute Difference” by the “Grand Total Machine Count” and multiply the result by 100 to calculate the margin in a percentage form.
6. Compare the hand count margin for each race to the designated margin established by the Vote Count Verification Committee (established by the Secretary of State pursuant to [A.R.S. § 16-602\(K\)](#)) to determine if it is in the acceptable range or if a second or expanded precinct hand count is required. The applicable designated margin is available on the Secretary of State’s website at <https://www.azsos.gov/elections/voting-election/voting-equipment>.
  7. If the calculated margin for the specific race from the Precinct Hand Count Margin Worksheet is less than the designated margin for the precinct hand count established by the Vote Count Verification Committee, the precinct hand count will be deemed concluded and the results of the electronic tabulation will constitute the official count for that race. The officer in charge of elections shall indicate on the Hand Count Cumulative Sheet that the count is complete and two members, one of each political party from each Hand Count Board present, shall sign the sheet.

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## 2. Second Precinct Hand Count

If any hand counted race results in a calculated margin that is equal to or greater than the designated margin for the precinct hand count, a second precinct hand count of that race and of those same ballots shall be performed. A new Precinct Hand Count Margin Worksheet shall be created for the second precinct hand count for the race in question.

If the second precinct hand count results in a calculated margin that is less than the designated margin, the precinct hand count will be concluded and the results of the electronic tabulation will constitute the official count for that race. The officer in charge of elections shall indicate on the Hand Count Cumulative Sheet that the count is complete and a representative from each political party present shall sign the sheet. [A.R.S. § 16-602\(C\)](#).

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## 3. Expanded Precinct Hand Count

If the second precinct hand count results in a margin that is equal to or greater than the designated margin, the precinct hand count shall be expanded to include a total of twice the original number of randomly selected precincts/polling locations. Those additional precincts/polling locations (equal to the original number of randomly selected precincts/polling locations, so that the total number of ballots hand counted is twice the original number) shall be selected in accordance with the process set forth in Section IV. If the remaining number of precincts/polling locations for a race is less than the original number of precincts/polling locations selected for the first hand count, then the total remaining precincts/polling locations

shall be included in the expanded hand count. [A.R.S. § 16-602\(C\)](#). A new Precinct Hand Count Margin Worksheet shall be created for the expanded Precinct Hand Count race in question.

If the calculated margin for the expanded precinct hand count (as calculated based on the results of the original hand count plus the expanded hand count) is less than the designated precinct hand count margin, the precinct hand count will be concluded and the results of the electronic tabulation will constitute the official count for that race. The officer in charge of elections shall indicate on the Hand Count Cumulative Sheet that the count is complete and a representative from each political party present shall sign the sheet. [ARS § 16-602\(E\)](#).

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#### **4. Full Precinct Hand Count**

If the expanded precinct hand count results in a calculated margin that is equal to or greater than the designated precinct hand count margin, the precinct hand count shall be extended to include the entire jurisdiction for that race. If the jurisdictional boundary for that race includes any portion of more than one county, the full precinct hand count shall not be extended into the precincts/polling locations that are outside of the county that is conducting the full precinct hand count. A new Precinct Hand Count Margin Worksheet shall be created for the full precinct hand count race.

If necessary, the officer in charge of elections may work with the county political party chairpersons (or designees) to select additional Hand Count Board members using the same selection procedure for the initial Hand Count Board members.

The full hand count must be repeated for a particular race until the results of a full hand count are identical to the results of another full hand count for that race. When an identical hand count result is achieved, the hand count (not the electronic tabulation) constitutes the official result for the race in that county. The precinct hand count totals shall be added to the total count of early ballots, provisional ballots, conditional provisional ballots, and write-in votes to determine the final count and the officer in charge of elections shall report that final count to the Secretary of State. [A.R.S. § 16-602\(D\)](#).

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#### **Early Ballot Hand Count**

The early ballot hand count is a hand count of a percentage of early ballots actually voted. The number of early ballots to be counted is 1% of the total number of early ballots cast or 5,000 early ballots, whichever is less. Each machine used for early ballot tabulation shall have at least one batch included in the early ballot hand count, and batch sizes may not exceed 400 ballots. [A.R.S. § 16-602\(F\)](#).

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##### **1. Early Ballot Hand Count Process**

The selected early ballots shall be hand counted according to the following procedure for each race selected for the early ballot hand count.

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1. Prior to beginning the tabulation of early ballots, the officer in charge of elections shall determine the total number of early ballots sent for the election. From this number the officer in charge of elections shall calculate a number that equals 1% of the number or 5,000, whichever is less. Because the number of early ballots voted (including in-person early voting) will generally be lower than the number of early ballots sent, this calculation should yield a number of ballots that meets or exceeds the number of early ballots required to be hand counted.
2. The officer in charge of elections shall then determine the number and size of the batches. The number of batches must be enough to include at least one batch per machine used for early ballot tabulation. That number must then be doubled to account for the possibility of an expansion from 1% to 2% of early ballots required to be hand counted. The batch size can be any amount up to 400 ballots. The size of the batch should start with the 1% number divided by the number of machines used for early ballot tabulation. The table below provides some examples.

|                                                                                                | County A      | County B          | County C            |
|------------------------------------------------------------------------------------------------|---------------|-------------------|---------------------|
| Number of early ballots sent to voters                                                         | 4,000         | 60,000            | 800,000             |
| Number of machines used for early ballot tabulation                                            | 2             | 4                 | 3                   |
| 1% of early ballots sent to voters, or 5,000, whichever is less                                | 40            | 600               | 5,000               |
| 2% of early ballots sent to voters, or 10,000, whichever is less (in case expansion is needed) | 80            | 1,200             | 10,000              |
| Size of Batches                                                                                | 20            | 150               | 400 (max)           |
| Number of Batches Required to Meet 1%                                                          | $(40/20) = 2$ | $(600/150) = 4$   | $(5,000/400) = 13$  |
| Number of Batches Required to Meet 2%                                                          | $(80/20) = 4$ | $(1,200/150) = 8$ | $(10,000/400) = 25$ |

3. The county political party chairpersons (or designees) will work with the officer in charge of elections to randomly select one or more batches of early ballots included in the initial tabulation. This includes at least one batch from each machine used to tabulate early ballots, and shall securely sequester those ballots, along with their unofficial tally reports, for use in the early ballot hand count.
  - a. Every precaution should be taken to ensure that no partial or complete tallies of the early election board be released or divulged before all precincts have reported or one hour after the closing of the polls on Election Day, whichever occurs first.
4. From the sequestered early ballots, the officer in charge of elections will randomly select the required number of early ballots with which to conduct a hand count of the same races that are being hand counted in the precinct hand count and create batches consisting

of up to 400 ballots per batch. The total number of ballots divided into batches shall satisfy the total number of early ballots required to be hand counted. At least one batch shall be created from early ballots tabulated on each machine used for tabulating early ballots. The batches may be selected from any presorted early ballot returns from Step 3 above. The batches used for the early ballot hand count need not correspond to the precincts/polling locations selected for the precinct hand count. The names of the candidates may vary among the batches if necessary. The machine counts of the races in this category shall be added together and measured against the hand counts of the races in this category to determine if the total margin of difference falls within the designated margin.

5. If a county has an EMS that can produce sub-reports of results, then the officer in charge of elections will complete the steps necessary to create a batch report for each batch and print out the sub-report.
6. The ballots included in a batch, as well as the baseline and batch tally reports, will be clearly labeled and sequestered separate from any other ballots or batches. The machine that the batches of early ballots were counted on shall be identified and listed with the batch. Each batch may include a stack of regular ballots and a stack of ballots with write-in votes.
7. This process shall continue until a sufficient number of batches have been created.
8. On Election Day, the officer in charge of elections shall calculate the exact number of early ballots tallied up to that point in time. From this number, the officer in charge of elections shall calculate a number equaling 1% of the total early ballots. This shall serve as the number of ballots to audit.
9. The political party chairpersons shall randomly select one or more batches until enough ballots have been selected to equal the number of ballots to audit.
10. If needed, for each race selected for audit, the officer in charge of elections shall calculate the electronic total for the race by subtracting the batch tally total for that race from the baseline tally total for that race. This shall be done for all selected batches. All races selected for the precinct hand count shall also be hand counted in the early ballot hand count. For the early ballot hand count, the races shall be listed in Section C of the Master Precinct and Race Selection Worksheet.
11. A Hand Count Tally Sheet shall be created for each possible contested race listed on the Master List of All Contested Races.
12. The Hand Count Board members shall then perform a hand count of the optical/digital scan ballots using the stacking method. If accessible voting devices that independently tabulate votes are used for early voting, then at least one batch from each accessible voting device shall be included in the early ballot hand count and hand counted using the three-person call-out method.
13. The officer in charge of elections shall add all hand count results together for each race, including any accessible voting device results, add all electronic results together for each

race, including any accessible voting device, and calculate the margin of difference using the Early Ballot Hand Count Margin Worksheet as follows:

- a. **Fill out Top of Form.** Fill out the date of the election. Circle the proper election (general, special, primary, or PPE). State the race category that the worksheet is for (presidential elector, statewide candidate, statewide ballot, federal candidate, or state legislative candidate). List the specific race (*e.g.*, State Senator, Corporation Commission/Democrat). List the hand count round (1st hand count, 2nd hand count, expanded hand count or final hand count).
- b. **Enter Hand Count Totals.** Enter separately the hand count totals for the optical/digital scan ballots and the hand count totals for the accessible voting devices. These totals will come directly from the Hand Count Tally Sheets. Each candidate's counts or yes/no counts for ballot measures from the Hand Count Tally Sheet must be listed in the table. The total number of hand counted votes shall be calculated and noted in the worksheet.
- c. **Enter Machine Count Totals.** Enter separately the machine totals for the optical/digital scan ballots and the machine totals for the accessible voting devices. These totals will come directly from Election Management Systems. Each candidate's counts or yes/no counts for ballot measures from the Hand Count Tally Sheet must be listed in the table. The total number of machine counted votes shall be calculated and noted in the worksheet.
- d. **Calculate Absolute Difference.** For each candidate's total or ballot measure yes/no total, calculate the absolute difference between the hand count and the machine count. The absolute difference is the difference between the two numbers listed as a positive value (*e.g.*, [100 – 99] or [99 – 100] will both have an absolute value of one).
- e. **Calculate Grand Totals.** Add up all the machine count totals for a particular race category to calculate the “Grand Total Machine Count.” Add up all the absolute differences for a particular race category to calculate the “Grand Total Absolute Difference.”
- f. **Calculate Hand Count Margin.** Divide the “Grand Total Absolute Difference” by the “Grand Total Machine Count” and multiply the result by 100 to calculate the margin in a percentage form.

If the margin of difference between the manual count of early ballots compared to the electronic tabulation of those ballots is less than the designated early ballot hand count margin, the electronic tabulation shall be the official count of the race and included in the canvass. No further hand count of the early ballots shall be conducted. The officer in charge of elections or Hand Count Board shall mark off and sign the Early Ballot Hand Count Margin Worksheet as completed. [A.R.S. § 16-602\(F\)](#).

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## 2. Second Early Ballot Hand Count

If the margin of difference is equal to or greater than the designated early ballot hand count margin for any race, the Hand Count Board shall repeat the hand count of the same early ballots for that race.

If the second early ballot hand count results in a margin that is less than the designated margin, the early ballot hand count will be concluded and the results of the electronic tabulation will constitute the official count for that race. No further hand count of the early ballots shall be conducted. The Hand Count Board shall mark off the chart as completed and two members, one of each political party, from each Hand Count Board present shall sign the chart. [A.R.S. § 16-602\(F\)](#).

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## 3. Expanded Early Ballot Hand Count

If the margin is equal to or greater than the designated early ballot hand count margin for any race, the Hand Count Board shall conduct an expanded early ballot hand count for that race, to include a number of additional early ballots equal to 1% of the total early ballots cast or an additional 5,000 ballots, whichever is less, to be randomly selected from the batch or batches of sequestered early ballots. The Hand Count Board shall hand count the additional early ballots using the steps spelled out in [Section VIII\(B\)\(1\)](#) above. [A.R.S. § 16-602\(F\)](#).

To calculate the hand count margin for the expanded early ballot hand count, add the first and expanded electronic count and add the first and expanded hand count together and then calculate the margin using the equation in Step 13 in [Section VIII\(B\)\(1\)](#) above.

If the expanded early ballot audit results in a difference for that race that is equal to or greater than the designated early ballot hand count margin, the manual counts shall be repeated for that race until a manual count results in a margin that is less than the designated margin.

All results shall be documented in writing and signed by the officer in charge of elections and all county political party chairpersons (or designees) present. The officer in charge of elections shall label the ballots used for the early ballot hand count and preserve them separately. [A.R.S. § 16-602\(F\)](#).

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## Review of Election Program by a Special Master

If a full jurisdiction-wide hand count was necessary, the Secretary of State must make available the escrowed election program source code for that county's election equipment to the superior court for that county. The superior court for that county must then appoint a special master to review the election program.

The special master must:

1. Have expertise in software engineering;

2. Not be affiliated with an election equipment or software vendor;
3. Not be affiliated with a candidate who appeared on the ballot in that county;
4. Be bound by a signed nondisclosure agreement with respect to the contents of the election program.

The special master must prepare a public report to the superior court and to the Secretary of State with their findings on any discrepancies found in the election program.

The Secretary of State's Election Equipment Certification Committee must review this report when considering the continued certification of that election equipment and software. [A.R.S. § 16-602\(J\)](#).

## STANDARD FOR DETERMINING VOTER INTENT IN HAND COUNT

### IX.

Ballots with vote choices that were marked improperly, corrected or erased, or otherwise read as blank or unclear by the electronic tabulation machine have likely been duplicated using the procedures in [Chapter 10, Section II](#) prior to being tabulated and/or committed to the EMS. Where necessary, the Hand Count Board members must also determine the voter's intent on such ballots, using the following standards:

1. If the voter selected more than the allowed number of selections for a particular race and the voter's intended choice(s) cannot be positively determined, then no vote is counted for any candidate for that race or for or against that ballot measure.
2. If the voter did not select any choice for a particular race or ballot question, then no vote is counted for any candidate for that race or for or against that ballot measure.
3. If the voter clearly and unambiguously indicated their intended vote choice on the face of the ballot in a manner consistently used throughout the rest of the ballot but the vote choice was nonetheless unreadable by the electronic tabulation equipment, either due to the voter marking the ballot using an improper method or for other reasons, the Hand Count Board must count the voter's intended choice in the hand count.
  - If the voter properly marked the ballot (for example, filled in the oval or connected the arrow) but the ballot face includes other extraneous marks, the extraneous marks should be disregarded and the Hand Count Board must consider the properly marked vote choice as the voter's intended selection.
4. If the voter attempted to erase or undo their original vote choice, the Hand Count Board must determine which mark is clearest and count it as the proper vote choice.
5. If the voter marked the ballot using an improper method (for example, circling a vote choice rather than filling an oval) such that the selections were unreadable by the electronic tabulation equipment, but the markings indicate the clear and unambiguous intent of the voter and the improper method is consistently used throughout the rest of the ballot, the Hand Count Board must count the voter's selections in the hand count, even if a ballot is slightly defaced or soiled.

The Hand Count Board members must reach a unanimous decision as to voter intent. If the Hand Count Board members are unable to reach a unanimous decision in a particular race, the officer in charge of elections shall make the final determination of voter intent. [A.R.S. § 16-602\(G\)](#).

## HAND COUNT OF RECOUNTED ELECTIONS

A precinct hand count audit must also be conducted following a court-ordered recount pursuant to ~~x~~ [A.R.S. § 16-661](#) through [A.R.S. § 16-663\(B\)](#). This means any ballots that have been electronically re-tabulated for purposes of a recount are treated as if a new election took place and therefore are again subject to hand count audit requirements.

The same procedures for a precinct hand count shall be followed except that the officer in charge of elections and the political parties must conduct a hand count of at least 5% of precincts for the recounted race. [A.R.S. § 16-663\(B\)](#). In counties that conduct vote center-based elections, the officer in charge of elections and the political parties must conduct a hand count of at least 2% of the total number of ballots that were subject to the recount.

## REPORTING RESULTS OF THE HAND COUNT

### XI.

Within two business days of the completion of the precinct hand count and early voting hand count, and prior to the county canvass, the officer in charge of elections must electronically submit a report to the Secretary of State that includes the following information:

- Dates of the precinct and early ballot hand counts;
- Precincts or vote centers selected for the precinct hand count;
- Races selected;
- Summary of the results by precinct/voting location and race for both the electronically tabulated vote totals and the hand counted totals; and
- The margins from the hand count when compared to the electronically tabulated results.

The Secretary of State must post the results on the Secretary of State's website. [A.R.S. § 16-602\(I\)](#).



## CHAPTER 12: OTHER POST-ELECTION DAY PROCEDURES

### REPORTING ELECTION RESULTS

The officer in charge of elections may publicly release election results at the earlier of:

- I.
  - The time when all ballots cast on Election Day at voting locations have been tabulated and publicly reported; or
  - One hour after all polls under the jurisdiction of the officer in charge of elections have closed on Election Day.

Polls presumptively close at 7:00 p.m. on Election Day unless extended by court order. [A.R.S. § 16-551\(C\)](#); [A.R.S. § 16-565\(A\)](#).

For elections involving a federal, statewide, or legislative candidate race or a statewide ballot measure, the officer in charge of elections must promptly transmit those election results to the Secretary of State, prior to or immediately after making those results public. For the initial transmission of election results on Election Day, and as additional results are tabulated prior to the county canvass, the officer in charge of elections must transmit election results to the Secretary of State in the required electronic format using an application specified by the Secretary of State. [A.R.S. § 16-622\(B\)](#).

### II. CONDUCTING POST-ELECTION LOGIC & ACCURACY TEST

A post-election logic and accuracy (L&A) test of tabulation equipment must be performed by the officer in charge of elections after the official count has been completed but before the county canvass.

The post-election L&A test must be performed using the same election program and tabulation equipment used for the pre-election L&A test and the election. The same test ballots and test script from the pre-election L&A test must be utilized.

The post-election L&A test should generate the same results as the pre-election L&A test. If the post-election L&A test does not yield the same results, the officer in charge of elections should visually assess the test ballots and/or voting equipment for errors or malfunctions. If the problem still cannot be resolved, the officer in charge of elections should contact the Secretary of State and/or the County Attorney for further assistance.

## FILING FEDERAL POST-ELECTION REPORTS

### Election Assistance Commission Reporting

Within 90 days after a federal general election (or any later date established by the federal Election Assistance Commission (EAC)), the Secretary of State must submit a comprehensive post-election report to the EAC in accordance with the format prescribed by the EAC. The report must be prepared in conjunction with, and based on data from, County Recorders and/or the other officers in charge of elections. [A.R.S. § 16-142\(B\)](#).

### Department of Justice UOCAVA Reporting

At the request of the United States Department of Justice, the Secretary of State must report the following information following a federal election:

- The number of UOCAVA ballots requested for the election;
- The number of UOCAVA ballots timely transmitted; and
- The number of UOCAVA ballots that were not timely transmitted.

If the County Recorder believes that UOCAVA ballots will be transmitted late, the County Recorder should notify the Secretary of State as soon as practicable.

County Recorders must provide the required data to the Secretary of State in order to meet the federal reporting requirements. [52 U.S.C. § 20308](#).

## IV.

### POST-ELECTION REIMBURSEMENT REQUESTS

#### A.

#### Reimbursement for Conducting Local Election

Within 90 days after conducting an election on behalf of a local jurisdiction, the County Recorder or other officer in charge of elections must prepare an accounting report which itemizes all expenditures incurred by the county in administering the election. The report must include the specific charges for each local jurisdiction which participated in the election. Local jurisdictions that participated in the election may request and receive a copy of the report. [A.R.S. § 16-205\(D\)](#).

#### Reimbursement for PPE Expenses

Within 90 days after a PPE, the County Recorder or other officer in charge of elections should submit a proper claim to the Secretary of State for reimbursement of expenses incurred in conducting the election. The claim must include the number of registered voters in the county as of January 2 of the PPE year.

The Secretary of State must reimburse each county that submitted a claim at the specified statutory rate per active registered voter in the county as of January 2. [A.R.S. § 16-250\(B\)](#).<sup>53</sup>

The Secretary of State may reimburse a county at a rate greater than \$1.25 per active registered voter, in the Secretary of State's discretion, if the County Recorder or other officer in charge of elections: (1) submitted a proper claim that outlined the county's actual expenses to conduct the PPE; and (2) demonstrates that reimbursement at the statutory rate would significantly jeopardize the county's ability to comply with federal and state law. [A.R.S. § 16-250\(B\)](#).

### Reimbursement for Sample Ballots

The Board of Supervisors or officer in charge of elections shall seek reimbursement from the Secretary of State for each sample ballot mailed to a county household. The Board of Supervisors or officer must present a certified claim that specifies the actual cost for printing, labeling and postage, along with supporting documentation. The Secretary of State shall direct payment of such authenticated claims from funds of the Secretary of State's Office. [A.R.S. § 16-510\(C\)](#).

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<sup>53</sup> Although [A.R.S. § 16-250\(B\)](#) specifies that reimbursement for the PPE must be based on the number of active registered voters as of "January 1" of the year of the PPE, the 54th Legislature, First Regular Session, via Senate Bill 1154, amended [A.R.S. § 16-168\(G\)](#) to require County Recorders to report voter registration statistics as of January 2 each year, rather than January 1. Accordingly, January 2 is used in lieu of January 1 here.

## CHAPTER 13: CERTIFYING ELECTION RESULTS

### DETERMINING ELECTION RESULTS

In a partisan primary election:

- I. • The candidate who receives the largest number of votes must be declared the party nominee for that office and issued a certificate of nomination by the Board of Supervisors (or designee).
    - If more than one candidate may be nominated, the candidates who receive the largest number of votes will be declared nominees and issued certificates of nomination in accordance with the number to be nominated. Nomination entitles the candidate to be placed on the general election ballot.
- [A.R.S. § 16-645\(A\), \(F\).](#)
- In order for a write-in candidate to become the nominee of a party with continued representation on the ballot, the candidate:
    - Must receive the largest number of votes; and
    - Must receive at least as many votes as the number of nomination petition signatures required to appear on the primary election ballot for that office.

At the general election:

- Unless otherwise specified in law, the candidate who receives the largest number of votes must be declared elected to that office and issued a certificate of election by the Board of Supervisors (or designee), [A.R.S. § 16-647](#); [A.R.S. § 16-650](#); and
- A ballot measure that is approved by a majority of votes cast for the measure will be declared to be law, [Ariz. Const. Art. IV, Pt. 1, § 1\(13\)](#).
  - If two or more conflicting measures (in whole or in part) are approved by voters at the same election, the measure with the most votes will prevail with respect to any provisions that are in conflict. [Ariz. Const. Art. IV, Pt. 1, § 1\(12\)](#).
  - Upon completion of the canvass by the Secretary of State, the Governor will issue a proclamation of the votes cast for and against any constitutional amendments, initiatives, and referenda, and declare those approved by a majority to be law. [A.R.S. § 16-651](#).

[A.R.S. § 16-649](#) specifies the result of the election in the event of a tie.

## CANVASSING THE ELECTION

The governing body conducting an election must meet and canvass the election results of each precinct or election district. The purpose of the canvass is to officially certify the election. The canvass includes vote totals for all races tabulated by voting equipment (including early ballots, regular ballots, and provisional ballots) and write-in votes.

A canvass must be conducted by the statutory deadline, but should not be conducted until all necessary audits have been completed to verify the accuracy and integrity of the election results.

### County Board of Supervisors Canvassing Duties

A Board of Supervisors must canvass the official election results in a public meeting. The official election results must include the following information:

1. A Statement of Votes Cast, which includes:
  - a. The number of ballots cast in each precinct and in the county;
  - b. The number of ballots rejected in each precinct and in the county;
  - c. The titles of the offices up for election and the names of the persons (along with the party designation, if any, of each person) running to fill those offices;
  - d. The number of votes for each candidate by precinct and in the county;
  - e. The number and a brief title of each ballot measure; and
  - f. The number of votes for and against each ballot measure by precinct and in the county.
- [A.R.S. § 16-646.](#)
2. A cumulative Official Final Report, which includes:
  - a. The total number of precincts;
  - b. The total number of ballots cast;
  - c. The total number of registered voters eligible for the election;
  - d. The number of votes for each candidate by district or division, including a designation showing which candidate received the highest number of votes;
    - In a PPE, the number of votes for each candidate by congressional district;
    - In a primary election, the report must contain the party designation for each office; whereas in a general election, the report must contain the party designation for each candidate;
  - e. The number of votes for and against each ballot measure by district, including a designation of which choice received the highest number of votes;
  - f. The total number of votes in each district or division.

3. A Write-Ins Vote Report, which includes the name and number of votes for each authorized write-in candidate by precinct.

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### 1. Deadline to Canvass Results

The Board of Supervisors should canvass the election results only after all necessary audits have been performed and any discrepancies have been addressed by the County Recorder or other officer in charge of elections.

Assuming all prerequisites have been met, the Board of Supervisors must canvass the election by the required deadline, which varies by type of election.

- For primary elections and PPEs, the Board of Supervisors must canvass the results within ten days after the election. [A.R.S. § 16-241\(C\)](#); [A.R.S. § 16-645\(B\)](#).
- For all other elections held on a consolidated election date (including general elections), the Board of Supervisors must canvass between six and 20 days after the election. [A.R.S. § 16-642\(A\)](#).
- For special elections, the Board of Supervisors must canvass the election according to the deadline established in the order calling the election.

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### 2. Scope of Duty to Canvass

The Board of Supervisors may postpone the canvass on a day-to-day basis if the results from any precinct are missing. If precinct results are still missing after six postponements, the Board of Supervisors must canvass the remaining election results. [A.R.S. § 16-642\(C\)](#).

The Board of Supervisors has a non-discretionary duty to canvass the returns as provided by the County Recorder or other officer in charge of elections and has no authority to change vote totals or reject the election results.

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### 3. Preserving and Transmitting Canvass Results

Once the Board of Supervisors has certified the election results, the Official Final Report and Statement of Votes Cast from the canvass must be published on the website of the officer in charge of elections. An original signed canvass should be preserved as a permanent record by the Board of Supervisors.

For any elections that include a federal, statewide, or legislative office, or a statewide ballot measure, the Board of Supervisors or officer in charge of elections must transmit the official canvass to the Secretary of State (in an electronic format determined by the Secretary of State) within the applicable statutory deadline. [A.R.S. § 16-645\(B\)](#). In addition, a certified copy must be promptly mailed to the Secretary of State to be preserved as a permanent record.

If the county conducted an election on behalf of a local jurisdiction, the Board of Supervisors or officer in charge of elections should promptly transmit a copy of the official canvass to those jurisdictions as well.

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#### **4. Reports Included with County Canvass**

##### ***Provisional Ballot Report***

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The County Recorder or other officer in charge of elections must submit a provisional ballot report to the Secretary of State with the primary and general election canvasses. The report must contain the following information about provisional ballots cast at that election:

1. The number of voters in each precinct;
2. The number of provisional ballots cast in each precinct;
3. The number of provisional ballots verified/counted in each precinct;
4. The number of provisional ballots not verified/counted in each precinct, along with the reason for not doing so;
5. The number of conditional provisional ballots cast in each precinct;
6. The number of conditional provisional ballots verified/counted in each precinct; and
7. Whether the uniform procedures were followed for determining whether a provisional ballot is counted or not counted.

**b.** ***Accessibility Report***

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The County Recorder or other officer in charge of elections must submit an accessibility report to the Secretary of State with the general election canvass (which includes information from both the primary and general election). The report must contain the following information about the recently conducted elections:

1. The number of voting locations in the county;
2. The number of voting locations that were fully handicap-accessible under the Americans With Disabilities Act (ADA);
3. The number of voting locations that were not fully handicap-accessible under the ADA. If some locations were not fully handicap-accessible, the report must identify:
  - The address or description of the voting location;
  - The number of voters registered in the precinct(s) in question (if the county conducts polling place-assigned elections); and
  - The number of ballots cast at the voting location;
4. If some locations were not fully handicap-accessible prior to use on Election Day, the efforts undertaken prior to the election to either make the voting location fully accessible or identify an alternative location that was fully accessible; and

5. The measures being undertaken to bring inaccessible voting locations into compliance or to replace inaccessible voting locations with accessible locations.

### ***Voter Education Report***

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The County Recorder or other officer in charge of elections must submit a voter education report to the Secretary of State with the general election canvass (which includes information from both the primary and general election). The report must contain the following information about the recently conducted elections:

1. The percentage of voter turnout;
2. The number of early ballots requested;
3. The number of early ballots cast;
4. The number of early ballots that were verified and tabulated;
5. The number of provisional ballots voted;
6. The number of public service announcements about the election prior to the election, including during the 90-day period prior to election day, including a summary of media outreach (such as paid advertising, social media posts, public events, interviews, etc.);
7. The number of voter education and outreach events, including seminars or community meetings that provided voter education;
8. The number of locations where the County Recorder or officer in charge of elections provided voter information for public display and the length of time such information was on public display; and
9. A comparison of all of the statistics referenced above with the same statistics from the previous equivalent federal election.

d.

### ***Poll Worker Training Report***

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The County Recorder or other officer in charge of elections must submit a poll worker report to the Secretary of State with the general election canvass (which includes information from both the primary and general election). The report must contain the following information about the recently conducted elections:

1. The number of poll workers trained;
2. A description of the types of election board workers trained for each voting location, including:
  - The number of inspectors, marshals, judges, and clerks trained and assigned to each voting location;
  - The number of “premium” poll workers (if any) trained and assigned to each voting location or other area; and



- The number of “troubleshooters” (if any) trained and assigned to each voting location or other area;
3. The number of provisional ballots cast at each voting location; and
  4. The number of signature rosters or e-pollbooks used at each voting location.

### ***Political Party Ballot Report***

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Concurrently with submitting its primary election canvass, the County Recorder or other officer in charge of elections must file a report with the Secretary of State that identifies the total number of partisan ballots, by party, selected by voters registered as no party preference, independent, or any political party not recognized for continued representation on the ballot. [A.R.S. § 16-645\(B\)](#).

### **Secretary of State’s Canvassing Duties**

The Secretary of State must canvass the results for any elections that include a federal, statewide, or legislative office, state appellate court judges, and statewide ballot measures.

#### **1. Deadline to Canvass Results**

For primary elections and PPEs, the Secretary of State must canvass the results on or before the second Monday after the election. [A.R.S. § 16-241\(C\)](#); [A.R.S. § 16-645\(B\)](#). In the case of a PPE, the Secretary of State must promptly transmit the results to the state chairpersons of any political party that had candidates on the ballot.

For a general election, the Secretary of State must canvass the results on the fourth Monday following the election. [A.R.S. § 16-648\(A\)](#). The Secretary of State must conduct the general election canvass at a public meeting and in the presence of the Governor and Attorney General. [A.R.S. § 16-648\(A\)](#). If any statewide ballot measures appeared on the ballot, the Secretary of State must canvass the results in the presence of the Governor and Chief Justice of the Arizona Supreme Court. [A.R.S. § 16-648\(B\)](#).

#### **2. Scope of Duty to Canvass**

The Secretary of State may postpone the canvass on a day-to-day basis if the results from any county are missing. [A.R.S. § 16-648\(C\)](#). All counties must transmit their canvasses to the Secretary of State, and the Secretary of State must conduct the statewide canvass, no later than 30 days after the election. [A.R.S. § 16-648\(C\)](#).

The Secretary of State has a non-discretionary duty to canvass the returns as provided by the counties and has no authority to change vote totals or reject the election results.

### 3. Preserving and Transmitting Canvass Results

Once the Secretary of State has certified the election results, the official canvass (along with the official final precinct level results files from each county) must be published on the Secretary of State's website. An original signed canvass must be preserved as a permanent record.

Following a general election with at least one statewide ballot measure, the Secretary of State must promptly transmit the results of each ballot measure to the Governor. [A.R.S. § 16-648\(B\)](#).

Following an electoral college to select the President of the United States, the Secretary of State must transmit Certificates of Ascertainment and Certificates of Vote to the Archivist of the United States, President of the United States Senate, and the Chief Judge of the United States District Court for the District of Arizona by the deadline provided under federal law. *See* <https://www.archives.gov/federal-register/electoral-college/officials.html>.

#### City and Town Canvassing Duties

A city or town council must canvass the official election results of city or town elections in a public meeting. [A.R.S. § 16-403](#).

A certified copy of the official canvass must be filed with the city or town clerk, which must be preserved as a permanent record. [A.R.S. § 16-646\(D\)](#).

#### D. Special Taxing District Canvassing Duties

A special taxing district must canvass the official results for its elections in a public meeting and present the canvass results to the applicable Board of Supervisors at the Board's next regularly scheduled meeting. [A.R.S. § 16-642\(B\)](#).

For the purposes of an election contest pursuant to [A.R.S. § 16-673](#), the canvass is not complete until the special taxing district results have been presented to the Board of Supervisors. [A.R.S. § 16-642\(B\)](#). The clerk of the Board of Supervisors is responsible for maintaining and preserving the certified permanent copy of the official canvass. [A.R.S. § 16-646\(D\)](#).

#### County School Superintendent Canvassing Duties

Within 30 days following the date of any school election, the County School Superintendent must meet with the Chairperson of the Board of Supervisors or designee to canvass the returns in accordance with procedures for the canvass of returns in a general election. [A.R.S. 15-426\(B\)](#); [A.R.S. § 15-302\(A\)\(8\)](#).

## CONDUCTING AN AUTOMATIC RECOUNT

### Vote Margins that Trigger Recount

A recount must be performed following a general, primary, or special election if the margin of votes, based on the official canvass, between the two candidates receiving the highest number of votes for a particular office, or the votes cast for and against a ballot measure, are equal to the lesser of:

1. 1/10 of 1% or less of the total number of votes cast for the top two candidates or the ballot measure in question; or
2. One of the following margins:
  - 200 votes for statewide or federal office where the total number of votes cast exceeded 25,000;
  - 200 votes for a ballot measure;
  - 50 votes for statewide or federal office where the total number of votes cast was 25,000 or less;
  - 50 votes for legislative office; or
  - 10 votes for county, city, or town office.

[A.R.S. § 16-661\(A\)](#).

The automatic recount requirements do not apply for the following offices:

- Precinct committeemen;
- School district or joint technical education district board member;
- Community college district board member;
- Special taxing district board member; or
- Presidential candidate in a PPE.

[A.R.S. § 16-249\(B\)](#); [A.R.S. § 16-661\(B\)](#).

### Method of Initiating a Recount

If the official canvass demonstrates that a recount is required, the recount is automatically triggered but must be initiated by court order. [A.R.S. § 16-662](#).

Promptly following the canvass, the applicable filing officer must:

- File a lawsuit in the appropriate superior court, citing to the applicable vote margin that triggered the automatic recount and including the canvass;

- Consult with the applicable officer(s) in charge of elections and estimate the time period it will take to recount the affected ballots; and
- Obtain a signed court order that initiates the recount and sets a court hearing to announce the results, and then distribute the order to the applicable officer(s) in charge of elections.

[A.R.S. § 16-662](#); [A.R.S. § 16-663\(A\)](#). A third-party may not request a recount as a matter of right.

### **Method of Conducting the Recount**

For any race other than the Secretary of State’s race, the Secretary of State is responsible for ensuring that the electronic voting equipment to be used for the recount is available and properly programmed. Unless the Board of Supervisors race is subject to an automatic recount, the Secretary of State may delegate this duty to the Board of Supervisors, who in turn may delegate this duty to the officer in charge of elections. If a Board of Supervisors race is subject to an automatic recount, the Secretary of State may directly delegate this responsibility to the officer(s) in charge of elections. [A.R.S. § 16-664\(A\)](#).

If the Secretary of State’s race is the race to be recounted, the Governor is responsible for performing the oversight duties normally performed by the Secretary of State in a recount. [A.R.S. § 16-664\(B\)](#).

If the Secretary of State delegates oversight to the Board of Supervisors, ballots from the race to be recounted will be tabulated using the same electronic voting equipment that was used during the election, except the equipment must be reconfigured to only tabulate the race to be recounted. This reconfiguration constitutes a different “program” from the program used to initially tabulate votes. [A.R.S. § 16-664\(C\)](#).

Regardless of which electronic voting equipment is used for the recount, the equipment must be L&A tested by the officer in charge of elections (and, in the case of a legislative, statewide, or federal office or statewide ballot measure, by the Secretary of State as well).

The recount must be conducted by running paper ballots from the applicable race through the designated electronic voting equipment. For votes that were cast on an accessible voting device that independently tabulates votes, the votes (as indicated by the voter verifiable paper audit trail) must be duplicated onto paper ballots, which thereafter must be tabulated by the electronic voting equipment reprogrammed for the recount.<sup>54</sup>

While the recount is in progress, the officer(s) in charge of elections may not publicly release vote totals from the recount.

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<sup>54</sup> A recount conducted in accordance with this section is deemed to be “conducted in the accordance with the laws pertaining to contests of elections.” [A.R.S. § 16-663\(A\)](#).

At the conclusion of the recount, the officer(s) in charge of elections must provide the official results to the filing officer who initiated the recount. Once the filing officer has collected all the recount results, the filing officer must appear at the scheduled court hearing and provide the sealed results to the court. The court must declare the winner in open court. The court announcement and/or order constitute the official result for the recounted race, making it unnecessary to re-canvass the race.

Where there are discrepancies between the initial result and the result from the automatic recount, the officer in charge of elections shall undertake reasonable efforts to reconcile the discrepancy and provide a report to the Secretary of State explaining the reasons for any discrepancy.

In a candidate race, the prevailing candidate must be issued a Certificate of Nomination or Certificate of Election at the conclusion of the court proceedings by the Clerk of Board of Supervisors. [A.R.S. § 16-647](#).

## ISSUING CERTIFICATES OF NOMINATION AND ELECTION

### IV.

Upon completion of the applicable canvass, a city or town council (or designee) must promptly issue a Certificate of Nomination (following a primary or first election) or Certificate of Election (following a general or second election) to each candidate who received the highest number of votes for each office at the election.

Likewise, upon completion of the county's canvass, the Clerk of the Board of Supervisors must promptly issue a Certificate of Nomination (following a primary election) or Certificate of Election (following a general election) to each candidate who received the highest number of votes for the following offices:

- All county offices;
- Precinct committeemen;
- Community college district board member; and
- Special taxing district board member. [A.R.S. § 16-645\(A\)](#).

Certificates of election for school district board members must be issued by the county school superintendent following the applicable canvass. [A.R.S. § 15-426](#).

However, a certificate may not be issued under the following conditions:

- A Certificate of Nomination may not be issued to a write-in candidate for a city or town office, and that candidate may not advance to the general or run-off election if the write-in candidate did not receive a number of votes equivalent to at least the number of signatures required by [A.R.S. § 16-322](#) for nominating petitions for the same office, [A.R.S. § 9-821.01\(F\)](#);

- A Certificate of Nomination may not be issued to a write-in candidate from a political party recognized for continued representation who did not receive at least as many votes as the number of signatures required to appear on the primary election ballot, [A.R.S. § 16-645\(E\)](#);
- A Certificate of Nomination may not be issued to a write-in candidate of a political party not recognized for continued representation who did not receive a plurality of the votes of the party for the office for which the candidate is a candidate, [A.R.S. § 16-645\(D\)](#); and
- A Certificate of Election may not be issued to a write-in candidate for precinct committeemen or nonpartisan office who did not receive at least as many votes as the number of signatures required to appear on the ballot, [A.R.S. § 16-322\(A\)\(6\), \(8\)-\(10\)](#), [A.R.S. § 16-645\(C\)](#).

Following completion of the statewide canvass (and subject to the same exception for write-in candidates from a political party not recognized for continued representation), the Secretary of State must promptly issue a Certificate of Nomination or Certificate of Election to each legislative, statewide, and federal candidate who received the highest number of votes for each office at the election. The Certificate of Election must be signed by the Secretary of State and authenticated with the Great Seal of the State of Arizona. [A.R.S. § 16-645\(B\)](#); [A.R.S. § 16-650](#).

## V. ISSUING BALLOT MEASURE PROCLAMATIONS

v.

At the conclusion of a statewide canvass that contains a ballot measure, the Governor must issue a proclamation that:

- Proclaims the number votes cast for and against each proposed constitutional amendment;
- Proclaims the number of votes cast for and against each proposed initiative or referendum; and
- Declares which measures were approved by a majority of those voting on the measures.

[A.R.S. § 16-651](#); [A.R.S. § 19-126\(A\)](#). If there are two or more conflicting measures approved at the same election, the Governor must proclaim which measure received the greatest number of affirmative votes. [A.R.S. § 19-126\(B\)](#).

For any approved measure, the Secretary of State must cause the measure to be printed with the general laws enacted by the next ensuing session of the Arizona Legislature, along with the date of the Governor's proclamation declaring the measure to be approved. [A.R.S. § 19-127\(B\)](#).

## STORAGE OF BALLOTS AND RETURNS OF THE ELECTION

After the county canvass is complete, the officer in charge of elections must seal the voted ballots and deliver these ballots and official returns to the County Treasurer (or a secure facility contracted by the County Treasurer) for secure storage. [A.R.S. § 16-624\(A\)](#). If voting equipment

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produces digital ballot images, the digital ballot images must be retained and preserved in the same manner. [A.R.S. § 16-625](#). Unused ballots are not subject to retention.

The County Treasurer must keep the ballots and official returns unopened and unaltered for a period of 24 months following an election for federal office and six months for all other elections. During these retention periods, ballots and official returns may only be opened pursuant to a court order (including for the purpose of a recount or election contest). In the absence of any recount or election contest, the County Treasurer must dispose of the ballots and official returns after the applicable retention period without opening or examining the contents. [A.R.S. § 16-624\(A\), \(D\)](#).

If a county conducts an election on behalf of a local jurisdiction, the county officer in charge of elections may transfer the official returns to the local jurisdiction (which thereafter must be preserved by the local jurisdiction in lieu of the County Treasurer).

## CHAPTER 14: REGULATION OF PETITION CIRCULATORS

Arizona law prescribes certain requirements for circulators and signers regarding the gathering of petition signatures. Failure to adhere to these requirements may result in petition signatures being invalidated. More information regarding the regulation and registration of circulators, including the Secretary of State's recommended best practices for circulating petition sheets, is available on the Secretary of State's website at [www.azsos.gov/elections](http://www.azsos.gov/elections).

### QUALIFICATIONS FOR PETITION CIRCULATORS

Any person who is qualified to register to vote in Arizona, or who would be qualified to register to vote in Arizona if they were an Arizona resident, may circulate petitions for a candidate, ballot measure, or political party recognition. [A.R.S. § 16-321\(D\)](#); [A.R.S. § 16-801\(A\)\(2\)](#); [A.R.S. § 19-114\(A\)](#).

Certain individuals are prohibited from circulating initiative, referendum, or recall petitions due to perceived conflict of interest. No County Recorder or Justice of the Peace may circulate petitions for an initiative, referendum, or recall. Any signatures gathered on petitions circulated by prohibited individuals are void. [A.R.S. § 19-114\(A\)](#); [A.R.S. § 19-205.02](#).

In addition, the following individuals may not circulate statewide initiative or referendum petitions:

- Those who have had a civil or criminal penalty imposed for a violation of Title 16 or Title 19 within the last five years;
- Those who have been convicted of treason or a felony and have not had their civil rights restored; and
- Those who have been convicted of any crime involving fraud, forgery, or identity theft.

[A.R.S. § 19-118\(D\)](#).

### CIRCULATOR REGISTRATION AND DISCLOSURE REQUIREMENTS

A petition circulator must register with the Secretary of State's Office if the circulator:

- is *paid* to circulate statewide initiative or referendum petitions (whether or not the circulator is a resident of this state); or
- is *not a resident* of this state (whether or not the circulator is paid) and will circulate: (i) a *statewide* initiative or referendum petition, or (ii) a candidate petition in any Arizona jurisdiction (statewide, county, city, or town).



[A.R.S. § 19-118\(A\)](#); [A.R.S. § 16-321\(D\)](#).

### Paid Circulators

A circulator may be paid or act as a volunteer.

- A. A volunteer circulator is an individual who does not receive any compensation for circulating petitions.
- A “paid circulator” is defined as an individual who receives compensation for circulating a statewide initiative or referendum petition, but does not include a paid employee of a political committee unless that employee has or will obtain 200 or more signatures on a statewide initiative, referendum, or recall petition in an election cycle. [A.R.S. § 19-118\(I\)\(1\)-\(2\)](#).
  - Statewide initiative and referendum petition circulators may not be paid based on the number of signatures collected. Signatures collected by circulators who are paid per-signature are void. [A.R.S. § 19-118.01](#).

Any paid circulator, whether a resident or non-resident of Arizona, is required to register with the Secretary of State prior to circulating a *statewide initiative or referendum* petition. Failure to do so invalidates any initiative or referendum petition signatures collected by the circulator prior to registration. [A.R.S. § 19-118\(A\)](#); [A.R.S. § 19-102\(E\)](#); [A.R.S. § 19-204\(D\)](#).

All initiative, referendum, and recall petition circulators, whether or not they are required to register with the Secretary of State, must indicate their paid or volunteer status by checking the appropriate box on each petition sheet prior to circulation. Failure to indicate on an initiative or referendum petition sheet whether the circulator is paid or acting as a volunteer invalidates any signatures collected on that petition sheet. [A.R.S. § 19-101\(C\)-\(D\)](#); [A.R.S. § 19-102\(C\)-\(E\)](#); [A.R.S. § 19-204\(C\)-\(D\)](#).<sup>55</sup>

B.

### Non-Resident Circulators

Circulators who are not residents of Arizona must register with the Secretary of State prior to circulating: (i) a *statewide* initiative or referendum petition; or (ii) a *candidate* petition in any Arizona jurisdiction (statewide, county, city, or town). Failure to do so invalidates the signatures collected by the circulator prior to registration. [A.R.S. § 19-118\(A\)](#); [A.R.S. § 16-321\(D\)](#).

A circulator who lists an out-of-state address on the back side of a petition sheet is deemed to be a non-resident circulator.

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<sup>55</sup> The “paid circulator” or “volunteer” status boxes may be pre-marked by the circulator or, with the consent and knowledge of the circulator, the committee or petition circulating organization may pre-mark the correct box on behalf of the circulator.

## Circulator Registration Procedures

Circulator registration must be conducted as prescribed by the Secretary of State through the electronic Circulator Portal (<https://apps.azsos.gov/apps/election/circulatorportal/>). A circulator registration is not complete until the Secretary of State confirms the registration in writing. [A.R.S. § 19-118\(A\)](#); [A.R.S. § 16-452\(A\)](#). Once a circulator is properly registered, the circulator must select in Circulator Portal the petition(s) they will circulate (by serial number and/or candidate name).

Circulators must satisfy the following requirements when registering with the Secretary of State through the Circulator Portal:

- Provide his/her name, residential address, telephone number, and email address;
- Consent to the jurisdiction of Arizona courts in resolving any disputes concerning the circulation of petitions by that circulator;
- Indicate the committee's address in Arizona (for statewide initiative or referendum petitions) or a designated address in Arizona (for candidate petitions) at which the circulator will accept service of process related to disputes concerning circulation of that circulator's petitions;
- Indicate the circulating organization at which the circulator is employed (if applicable); and
- For circulators of statewide initiative or referendum petitions, provide a notarized circulator affidavit declaring that the circulator is eligible to register, that all information contained in the registration is true and correct, and that the circulator has read and understands Arizona election laws applicable to the collection of signatures for a statewide initiative or referendum. Exact language to be included in the affidavit can be found at [A.R.S. § 19-118\(B\)\(5\)](#).
  - Circulators registering through Circulator Portal will be prompted to upload an electronic copy of the notarized circulator affidavit, which must be accepted by the Secretary of State's Office, before the circulator is permitted to register to circulate a statewide initiative or referendum petition. The Secretary of State may also require circulators to submit the original notarized circulator affidavit to the Secretary of State's Office within a specified time period after completion of electronic registration.

### [A.R.S. § 19-118\(B\)](#).

The applicable committee and/or the circulating organization that employs petition circulators, at the direction of the applicable committee, may coordinate with their circulators to gather the necessary information, including, if applicable, notarized circulator affidavits, and facilitate submission of registration applications through Circulator Portal.

The Secretary of State's Office has no obligation to review the substance of circulator registrations to ensure that accurate or proper information has been provided. The circulator remains solely responsible for compliance with all legal provisions.

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### **1. Issuance of Circulator ID Number**

Within five business days after submission of a circulator registration application, the Secretary of State will assign a random circulator ID number to each such circulator. [A.R.S. § 19-118\(C\)](#). The circulator ID number is permanently assigned to the circulator and must be used for all petitions being circulated by that particular individual (regardless of the election cycle or which petition is being circulated).

The circulator ID number of registered circulators must be printed on the front and back of each statewide initiative or referendum petition sheet. [A.R.S. § 19-121\(A\)\(2\)](#); [A.R.S. § 19-121.01\(A\)\(1\)\(c\)](#). In contrast to the petition serial number, the circulator ID number may be placed on the petition sheet at any time prior to submitting the petition sheets to the Secretary of State. The circulator ID number may be pre-printed on petition sheets and need not be written on the petition sheet by the circulator personally.

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### **2. Updating or Canceling Circulator Registrations**

An individual circulator may update or cancel their circulator registration for any or all measures directly through the Secretary of State's Circulator Portal.

In addition, an authorized representative of the committee serving as an initiative or referendum proponent (*i.e.*, the committee designated on the initiative or referendum serial number application) may cancel the registration of circulators for its measure by providing to the Secretary of State's Office, in writing, a list of circulator names and identification numbers and a request that those circulators' registration for the specific measure be canceled. The committee must also provide notice of the cancellation request to each affected circulator.

Such cancellation does not affect the validity of signatures collected by those circulators before the cancellation, but any signatures collected by canceled circulators thereafter are invalid if circulator registration was otherwise required.

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### **Service of Process on Registered Circulators**

Circulators who are required to register must provide an address in Arizona at which the circulator will accept service of process related to disputes concerning circulation of that circulator's petitions. For circulators of statewide initiative and referenda petitions, this address must be the address of the committee in this state for which the circulator is gathering signatures. In the event of litigation regarding the petition circulated, service of process on the circulator is effected by delivering a copy of the subpoena to that person individually, by leaving a copy of

the subpoena with a person of suitable age, or by mailing a copy of the subpoena to the committee or circulator by certified mail to the address provided on the circulator's registration application. [A.R.S. § 19-118\(B\)\(4\)](#); [A.R.S. § 16-315\(D\)](#).

## SIGNATURE GATHERING AND VERIFICATION REQUIREMENTS

Every person who signs a paper petition must do so in the presence of a circulator, therefore a circulator must personally witness each collected signature.

- For an initiative, referendum, or recall petition, the circulator must execute the circulator affidavit of verification on the back of the petition before a notary after collecting signatures on a paper petition sheet. [A.R.S. § 19-112\(A\), \(C\)-\(D\)](#); [A.R.S. § 19-205](#).
- For a candidate petition or petition for new party recognition, the circulator must sign the circulator verification statement on the back of the petition sheet, but notarization is not required. [A.R.S. § 16-321\(D\)](#).

Additionally, an initiative, referendum, or recall petition must have a copy of the official and correct title and text attached to the petition sheet before any signatures are obtained on that sheet. [A.R.S. § 19-112\(C\)](#); [A.R.S. § 19-202.01\(D\)](#); [A.R.S. § 19-203\(D\)](#). For statewide measures, the political committee or circulator must ensure that the staple is placed within the designated area in the upper-left corner of the petition sheet.

Qualified electors who require assistance in completing and/or signing a petition due to a physical disability or medical condition shall not be prevented from signing a petition on that basis. Petition circulators should utilize a separate petition sheet for signatures from voters who require assistance to complete or sign the petition due to a physical disability or medical condition. As a best practice, circulators should also execute a supplemental affidavit (in addition to the circulator affidavit on the petition sheet) specifying that the voters who signed that petition sheet required assistance. In addition, the person who assisted the voter may sign a declaration: (i) stating that the person assisted the voter in the voter's presence and at the voter's specific request; and (ii) providing the name and residence address of the voter who was assisted, the name and residence address of the person who assisted the voter, the title and serial number of the petition signed, and the date. Any such supplemental affidavits and/or voter assistance declarations should be retained by the committee in the event of a challenge and will not be accepted or approved by the filing officer.

More information regarding signature collection requirements and circulator verification, including the Secretary of State's recommended best practices, will be available on the Secretary of State's website at [www.azsos.gov/elections](http://www.azsos.gov/elections).

## CHAPTER 15: POLITICAL PARTY RECOGNITION

A recognized political party is entitled to representation on a partisan primary election ballot and subsequent placement of the prevailing candidate on the general election ballot. This chapter describes the process by which a political party achieves or maintains official recognition.

A political party may obtain first-time or new-party recognition by submitting a sufficient number of valid petition signatures to the appropriate filing officer. [A.R.S. § 16-801\(A\)](#); [A.R.S. § 16-802](#). Alternatively, an existing political party maintains its recognition by either receiving a sufficient number of votes in the last general election or by achieving a sufficient number of registered voters. [A.R.S. § 16-801\(B\)](#); [A.R.S. § 16-804\(A\)-\(B\)](#).

### I. NEW PARTY RECOGNITION

A group of qualified electors seeking to form a new political party is not required to establish a political committee unless the group raises or spends at least the current adjusted registration threshold pursuant to [A.R.S. § 16-931\(A\)\(1\)](#) in connection with the effort to seek new party recognition. [A.R.S. § 16-905](#). If the group is required to register as a committee (or decides to voluntarily register), the group must register as a political action committee. [A.R.S. § 16-905\(B\)](#). A group may only register as a political party committee after the filing officer has granted new party recognition pursuant to [A.R.S. § 16-803](#). [A.R.S. § 16-905\(E\)](#).

Qualified electors seeking to form a new political party must comply with the following requirements, depending on the jurisdiction.

A.

#### Requirements for Seeking New Party Recognition

##### 1. Statewide Recognition

To qualify for statewide recognition, qualified electors must timely submit the following documents to the Secretary of State:

- An affidavit signed by ten qualified electors, requesting that a new political party be formed; and
- Petition signatures equal to at least 1⅓ percent of the total votes cast for Governor at the last preceding general election at which a Governor was elected. The number of votes cast for Governor are determined based upon the applicable statewide canvass, calculated by the Secretary of State and published on the Secretary of State's website.

[A.R.S. § 16-801\(A\)](#).

The new party affidavit must be completed on a form prescribed by the Secretary of State. Within seven business days of filing, the Secretary of State must send the affidavit to the applicable County Recorders to verify that each signer is a qualified elector. [A.R.S. § 16-801\(A\)\(1\)](#). The Secretary of State must transmit the affidavit to the County Recorders, and the County Recorders must verify that the affidavit signers are qualified electors, in accordance with the deadlines outlined in [A.R.S. § 16-803\(B\)](#) and [A.R.S. § 16-803\(E\)](#). The Secretary of State may deny party recognition if the County Recorders determine there are less than ten qualified electors who signed the new party affidavit.

The new party petitions must be substantially in the form of candidate petitions but must be captioned “Petition for Political Party Recognition.” [A.R.S. § 16-801\(A\)\(2\)-\(3\)](#). Petitions for statewide recognition must be printed on a form prescribed by the Secretary of State. Petition signatures must be gathered from registered voters in at least five different counties, and at least 10% of the required total of qualified signers must be registered in counties with populations of less than 500,000 persons. [A.R.S. § 16-801\(A\)\(1\)](#). Petition signatures may not be dated more than 24 months from the date of filing.

Both the new party affidavit and new party petitions must be filed with the Secretary of State at least 250 days before the primary election for which the party seeks recognition. [A.R.S. § 16-803\(A\)](#). The Secretary of State may require electronic filing for the affidavit and new party petitions.

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## 2. County Recognition

To qualify for county recognition, qualified electors must timely submit petition signatures equal to at least 2% percent of the total votes cast for County Attorney at the last preceding general election at which the County Attorney was elected. The number of votes cast for County Attorney is determined based upon the applicable county canvass. The petitions must be filed with the officer in charge of elections. [A.R.S. § 16-802](#).

The new party petitions must be substantially in the form of candidate petitions but must be captioned a “Petition for Political Party Recognition.” [A.R.S. § 16-801\(A\)\(2\)-\(3\)](#). Petitions for county recognition must be printed on a form prescribed by the officer in charge of elections. Petition signatures must be gathered from registered voters in at least ¼ of the election precincts of the county. [A.R.S. § 16-802](#). Petition signatures may not be dated more than 24 months from the date of filing.

New party petitions must be filed with the officer in charge of elections at least 250 days before the primary election for which the party seeks recognition. [A.R.S. § 16-803\(A\)](#).

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## 3. Simultaneous Statewide and County Recognition

Qualified electors may simultaneously seek statewide and county recognition by filing the original petitions with the county officer in charge of elections, and filing a certified copy with

the Secretary of State. Petitions must be in the form prescribed by the Secretary of State. [A.R.S. § 16-803\(A\)](#).

Both filing officers must process the petitions in accordance with the procedures applicable to their jurisdiction. Accordingly:

- The electors must file the required affidavit with the Secretary of State; and
- The electors must submit petition signatures equal to at least:
  - 1½ percent of the total votes cast for Governor at the last preceding general election; and
  - 2% of the total votes cast for applicable County Attorney at the last preceding general election.

[A.R.S. § 16-801\(A\)](#); [A.R.S. § 16-802](#).

If the petitions do not meet the requirements for certification at the statewide or county level, the political party will not be recognized in that jurisdiction.

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#### **4. City or Town Recognition**

To qualify for city or town recognition, qualified electors must timely submit petition signatures equal to at least 2% of the total votes cast for Mayor at the last preceding election at which the Mayor was elected.

If a Mayor is not elected by voters (for example, the Mayor is appointed or elected by other councilmembers, not the city's or town's electorate), qualified electors must timely submit petition signatures equal to at least 2% of the highest total votes cast for any councilmember at the last preceding election at which a councilmember was elected. [A.R.S. § 16-802](#). The number of votes cast for Mayor or councilmember are determined based upon the applicable city or town canvass.

New party petitions must be filed with the applicable city or town clerk. [A.R.S. § 16-802](#).

The new party petitions must be substantially in the form of candidate petitions, but must be captioned "Petition for Political Party Recognition." [A.R.S. § 16-801\(A\)\(2\)-\(3\)](#). Petitions for municipal recognition must be printed on a form prescribed by the city or town clerk. Petition signatures must be gathered from registered voters in at least ¼ of the election precincts of the city or town. [A.R.S. § 16-802](#). Petition signatures may not be dated more than 24 months from the date of filing.

New party petitions must be filed with the city or town at least 250 days before the primary (or first) election for which the party seeks recognition. [A.R.S. § 16-803\(A\)](#).

## Processing Statewide New Party Petitions

### 1. Secretary of State Processing

#### B. Out-of-County Signature Eliminations

Signatures must be grouped by county on the petition sheets. Signatures collected outside the county of the majority of signers must be eliminated from a petition sheet. [A.R.S. § 16-803\(B\)\(1\)](#).<sup>a.</sup>

The Secretary of State must initially assume that the signers of a petition sheet reside in the county listed in the caption of the petition sheet. The Secretary of State prints a three-letter code in the upper right-corner of each petition image that corresponds to this county. [A.R.S. § 16-803\(B\)\(1\)\(a\)](#).

The Secretary of State must then review each signature line to verify the signer resides in the county designated at the top of the petition sheet. Any signature line printed by a signer who appears to reside in a different county will be eliminated. [A.R.S. § 16-803\(B\)\(1\)\(b\)](#).

The Secretary of State does not have a duty to verify that each individual address falls within the designated county's boundary but must verify that the signer's city or town falls within the designated county. If the city or town is missing, the Secretary of State must verify that the signer's zip code falls within the county. For cities or towns that cross county lines, the Secretary of State may assume the signer resides in the county designated at the top of the petition sheet.

If a majority of signers on the petition sheet reside (based on the city or town listed) in a different county than what was designated at the top of the petition sheet, the Secretary of State must change the county code for that petition sheet to the majority county and eliminate signature lines printed by signers who do not reside in the majority county. [A.R.S. § 16-803\(B\)\(1\)](#).

Petition sheets must be organized by county prior to transmitting any petition sheets to a County Recorder. [A.R.S. § 16-803\(B\)\(1\)\(c\)](#).

#### Individual Signature Eliminations

In addition to striking signatures outside the county of the majority of signers, the Secretary of State must eliminate petition signatures for any of the following reasons:

1. The signature of the petition signer is missing, [A.R.S. § 16-803\(B\)\(2\)\(a\)](#):
  - However, the Secretary of State should not eliminate a signature line if the signature is illegible, if the first and last names are switched and printed in the wrong columns or if the printed name and signature are switched and printed in the wrong columns.



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2. The signer did not provide a residence address or description of the signer’s residence location, or provided a P.O. Box without a town, city, or zip code, [A.R.S. § 16-803\(B\)\(2\)\(b\)](#):
  - If the signer provided any information that could be reasonably construed as a street name or street number, the Secretary of State should not eliminate the signature line.
  - The Secretary of State should not eliminate a signature line if the street type (such as “lane,” “boulevard,” or “circle”) is missing. *See Jenkins v. Hale*, 218 Ariz. 561, 564 (2008).
  - The Secretary of State may not eliminate a signature line that uses quotation marks or “ditto” marks to incorporate the address from the signature line immediately above.
3. The petition signature date is missing, [A.R.S. § 16-803\(B\)\(2\)\(c\)](#):
  - The Secretary of State should eliminate a signature line if it is missing the day or month of signing. *See Meyers v. Bayless*, 192 Ariz. 376, 378 (1998);
  - The Secretary of State may not eliminate a signature line that is only missing the year of signing. *See Energy Fuels Nuclear, Inc. v. Coconino County*, 159 Ariz. 210, 213 (1988);
  - The Secretary of State may not eliminate a signature line that uses quotation marks or “ditto” marks to incorporate the date from the signature line immediately above.

The Secretary of State does not have authority to reject petition sheets or signatures based on the following legal deficiencies:

1. A missing petition caption, modified petition caption, or a caption that contains inaccurate information;
2. A missing county in the petition caption; or
3. Signatures obtained more than 24 months from the filing date.

[A.R.S. § 19-101\(A\)](#); [A.R.S. § 19-102\(A\)](#). The foregoing legal deficiencies are not explicitly or implicitly referenced in [A.R.S. § 16-803\(B\)\(2\)](#), therefore these legal deficiencies must be reviewed by a court.

***Preparing Signatures for County Recorder Verification***

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Within seven business days after receipt of a petition for statewide recognition, the Secretary of State must perform the following steps to determine whether signatures may be transmitted for County Recorder verification:

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1. Count the number of signature lines on each valid petition sheet that have not been stricken, and place the total number on the upper right-hand corner on the front side of each petition sheet;
2. Count the total number of petition sheets and signatures eligible for County Recorder verification. Each petition sheet has been labeled upon being scanned, therefore the petition sheets are not re-numbered after the Secretary of State has completed the sheet and signature count;
3. Determine whether the signatures eligible for verification exceed the required minimum:
  - If the minimum has been met, the Secretary of State must conduct a 20% random sample and should issue a receipt to the applicant that includes the following information:
    - The total number of signatures eliminated by the Secretary of State;
    - The total number of signatures that remain eligible for County Recorder verification (this number must exceed the required minimum);
    - The total number of signatures that have been randomly sampled and transmitted to one or more County Recorders; and
    - The deadline for County Recorder review.
  - If the minimum has not been met, the Secretary of State must issue a receipt to the applicant, stating that the political party is not eligible for recognition, and cease further processing of the petition.

[A.R.S. § 16-803\(B\)\(3\)](#); [A.R.S. § 16-803\(B\)\(4\)](#); [A.R.S. § 16-803\(B\)\(5\), \(C\)](#).

The Secretary of State's selection of a random sample to transmit to County Recorders must also be conducted within seven business days after receipt of a petition for statewide recognition:

1. The Secretary of State must randomly select (whether manually or electronically) 20% of eligible signatures across all petition sheets that have not been eliminated;
2. The Secretary of State must mark the petition signature lines that have been randomly selected in a clear manner; and
3. The Secretary of State must transmit the front sides of any petition sheet containing a randomly sampled signature to the applicable County Recorder(s). This may be done electronically.

[A.R.S. § 16-803\(C\)](#). Although there is no deadline for transmitting the random sample to the applicable County Recorders, the Secretary of State should do so within a reasonable timeframe.

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## 2. County Recorder Processing

Following receipt from the Secretary of State, a County Recorder shall determine which signatures of individuals whose names were transmitted shall be disqualified for any of the following reasons:

1. No residence address or description of residence location is provided.
2. No date of signing is provided.
3. The signature is illegible and the signer is otherwise unidentifiable.
4. The address provided is illegible or nonexistent.
5. The individual was not a qualified elector on the date of signing the petition.
6. The individual was a registered voter but was not at least eighteen years of age on the date of signing the petition or affidavit.
7. The signature was disqualified after comparison with the signature on the affidavit of registration.
8. If a petitioner signed more than once, all but one otherwise valid signature shall be disqualified.
9. For the same reasons any signatures could have been removed by the secretary of state pursuant to this section.

[A.R.S. § 16-803\(E\)](#).

The County Recorder must issue a certification and transmit this certification to the Secretary of State and the electors within ten business days of receiving the signatures. [A.R.S. § 16-803\(E\)](#). The County Recorder's certification must include:

- The total number of signatures that were transmitted to the County Recorder for verification;
- The total number of random signatures that were disqualified by the County Recorder; and
- The name of any signer whose petition signature was eliminated, including the petition page number and signature line number where the signature was eliminated.

[A.R.S. § 16-803\(F\)](#). The County Recorder must transmit this certification to the Secretary of State in the manner specified by the Secretary. If the Secretary of State electronically transmitted petition sheets to the County Recorder, it is unnecessary for the County Recorder to return the petition sheet images to the filing officer. [A.R.S. § 16-803\(G\)\(1\)](#).

The Secretary of State should also transmit the County Recorder certifications to the chairperson or other representative of the party seeking new party recognition.

### 3. Final Certification by Secretary of State

Within three calendar days of receiving the last County Recorder's certification, the Secretary of State must determine whether there are sufficient valid signatures for the party to qualify for the ballot:

- The Secretary of State calculates the total number of petition signatures verified by County Recorders, including the percentage of verification.
- The Secretary of State then multiplies the total number of eligible signatures by the verification percentage.

[A.R.S. § 16-803\(H\)](#). The Secretary of State must also review the certification(s) regarding the affidavit of electors. See [A.R.S. § 16-801\(A\)\(1\)](#).

The new party qualifies for recognition if the number of presumed valid signatures exceeds the required minimum and all ten electors were found to be qualified electors by the County Recorder(s). If the new party petition qualifies, the Secretary of State issues a certification and receipt to the electors and notifies the Boards of Supervisors, County Recorders, and officers in charge of elections. [A.R.S. § 16-803\(I\)](#).

If the new party petition does not qualify for recognition, the Secretary of State issues a certification and receipt to the electors explaining why the petition did not qualify for recognition and returns the original petition sheets to the electors. [A.R.S. § 16-803\(I\)](#).

#### C. **Duration of New Party Recognition**

A new political party that receives statewide recognition is entitled to recognition through the next two general elections for federal office immediately following recognition of the party. [A.R.S. § 16-801\(B\)](#). For example, if a new political party achieves statewide recognition in March 2020, the party is entitled to recognition through the 2022 general election.

#### **Recognition Following Expiration of New Party Status**

Following the expiration of new party status, the party may maintain recognition by:

- Qualifying for continued representation based upon votes cast at the election preceding the expiration of new party status or a requisite number of active registered voters; or
- Timely filing a new petition for new party recognition.

[A.R.S. § 16-801\(B\)](#); [A.R.S. § 16-804](#).

A political party that qualifies for continued representation is treated differently from a political party that files a new petition for new party recognition. For example, a member of a political party with continued representation may not sign a nomination petition for a candidate seeking a nomination from a different party with continued recognition. [A.R.S. § 16-321\(F\)](#). Thus, a voter registered with the Democratic Party—a party with continued representation—may sign a

nomination petition for Democratic candidates, new party candidates, or independent candidates, but not for Republican candidates—another party with continued representation. Whereas a voter registered with a new party may sign any candidate’s petition.

As a corollary, members of a political party with continued representation are not included when calculating other continuously-represented parties’ signature totals to run for office. For example, the number of signatures needed to run for the U.S. Senate as a Republican—a party with continued representation—are determined by calculating  $\frac{1}{4}$  of one percent of all Republicans, new party registrants, independents, and registrants with no party designation. In contrast, the number of signatures needed to run for the U.S. Senate as a new party candidate excludes Republicans, Democrats, and any other recognized parties with continued representation. [A.R.S. § 16-322\(A\)\(1\)](#); [A.R.S. § 16-321\(F\)](#).

### Expiration of New Party Status

If a new political party does not re-qualify for recognition as a new party, new party status expires when the Secretary of State, County Recorder, or city or town clerk (as applicable) issues their announcement regarding continued representation. [A.R.S. § 16-804\(C\)-\(E\)](#).

## II. QUALIFYING FOR CONTINUED RECOGNITION

To qualify for continued representation, a political party must meet one of two baseline levels of support: number of votes cast for the party’s candidate or the number of active registered voters in the jurisdiction. [A.R.S. § 16-804\(A\)-\(B\)](#); *see also* [A.R.S. § 16-193\(5\)](#).

### A. Statewide Continued Representation

To qualify for statewide continued representation:

- The new party’s candidate for Governor or President must receive at least 5% of the votes cast at the federal general election immediately preceding the expiration of new party status; or
- The new party must have at least  $\frac{2}{3}$  of 1% of active registered voters statewide as of October 1st of the year preceding expiration of new party status.

The Secretary of State must determine the political parties qualified for continued representation by December 1st of the appropriate year. [A.R.S. § 16-804\(C\)](#).

Promptly thereafter, the Secretary of State must notify the political party, county election officials, and the public about whether the party qualified for continued representation.

### County Continued Representation

To achieve continued representation at the county level:

- The new party's candidate for County Attorney must receive at least 5% of the votes cast at the federal general election immediately preceding the expiration of new party status; or
- The new party must have at least  $\frac{2}{3}$  of 1% of active registered voters in the county as of October 1st of the year preceding expiration of new party status.

[A.R.S. § 16-804\(A\)](#). The County Recorder must determine the political parties qualified for continued representation by December 1st of the appropriate year. [A.R.S. § 16-804\(D\)](#). Promptly thereafter, the County Recorder must notify the political party, county election officials, and the public about whether the party qualified for continued representation.

### City or Town Continued Representation

To achieve continued representation in a city or town that conducts partisan elections:

- The new party's candidate for Mayor must receive at least 5% of the votes cast at the general election (or second or runoff election) immediately preceding the expiration of new party status; or
- The new party must have at least  $\frac{2}{3}$  of 1% of active registered voters in the city or town (as determined by the applicable County Recorder) as of 155 days prior to the primary election (or first election) that will be conducted in the year new party status expires.

[A.R.S. § 16-804\(A\)](#).

The city or town clerk must determine the political parties that qualify for continued representation 140 days prior to the primary election (or first election) that will be conducted in the year new party status expires. [A.R.S. § 16-804\(E\)](#).

Promptly thereafter, the city or town clerk must notify the political party, county election officials, and the public about whether the party qualified for continued representation.

## CHAPTER 16: CAMPAIGN FINANCE

### CAMPAIGN FINANCE REPORTING

The Secretary of State is required to prescribe the format for all campaign finance reports and statements. [A.R.S. § 16-926\(A\)](#). Sample forms are included in [Chapter 17](#) for reference by local jurisdictions. Candidates who file their campaign finance reports and statements with the Secretary of State’s Office must use the Secretary of State’s online campaign finance reporting system.

Additional campaign finance guidance is available on the Secretary of State’s website at [www.azsos.gov/elections](http://www.azsos.gov/elections). All candidates and political committees are encouraged to read the Secretary of State’s campaign finance guides for additional information. In addition, candidates running with Clean Elections funding have additional rules they must follow. They should contact the Citizens Clean Elections Commission (CCEC) for further information, or visit their website at [www.azcleaselections.gov](http://www.azcleaselections.gov).

### II. CAMPAIGN FINANCE ENFORCEMENT

Campaign finance enforcement may be initiated through the filing officer. In addition, any person may file a complaint with CCEC if they believe a violation of the Clean Elections Act or CCEC rules has occurred. CCEC staff may also initiate an internally generated complaint against a person for violation of the Clean Elections Act. *See* [A.R.S. § 16-957](#). More details about CCEC enforcement procedures are available at <https://www.azcleaselections.gov/campaign-finance-enforcement>.<sup>56</sup>

Adjudication of third-party campaign finance complaints filed with the filing officer follows a bifurcated structure, relying on an initial determination by a filing officer followed by the final decision of an enforcement officer. The overall process is summarized as follows and is covered in more detail in this Section:

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<sup>56</sup> [A.R.S. § 16-938\(A\)](#) states “. . . a filing officer is the sole public officer who is authorized to initiate an investigation into alleged violations of . . . [Articles 1, 1.1, 1.2, 1.3, 1.4, 1.5, 1.6 and 1.7 of Title 16, Chapter 6 of the Arizona Revised Statutes], including the alleged failure to register as a committee.” However, the phrase “is the sole public officer” has been invalidated by court judgment. An appeal is pending as of August 9, 2019, but the lower court judgment remains in effect absent any stay or reversal by a higher court. *See Arizona Advocacy Network et al., v. State of Arizona*, No. CV2017-096705, (Ariz. Super. June 5, 2019).

- The filing officer will make a preliminary determination whether a campaign finance violation has occurred, known as a “reasonable cause” finding. [A.R.S. § 16-938\(C\)](#).
- If the filing officer makes a reasonable cause finding, the filing officer generally will refer the matter to the appropriate enforcement officer. [A.R.S. § 16-938\(C\)](#).
- The enforcement officer makes the final determination whether a legal violation occurred, which may require an additional investigation beyond the information provided by the filing officer. [A.R.S. § 16-938\(C\), \(E\)](#).
- If the enforcement officer concludes that a campaign finance violation occurred, the enforcement officer may issue a notice of violation to the alleged violator. If the violation has not been timely remedied, the enforcement officer may initiate legal action to secure compliance with campaign finance law. [A.R.S. § 16-938 \(E\)-\(G\)](#).

## Initiation of Campaign Finance Complaints

### A. 1. Third Party Complaints

Any person may file a complaint with the appropriate filing officer if they believe a violation of Arizona campaign finance laws has occurred, including but not limited to:

- Failure to register as a political committee when required;
- Unlawful commingling of money;
- Violation of campaign contribution limits;
- Making or accepting unlawful contributions;
- Failure to include proper advertising disclaimers;
- Failure to file campaign finance reports (if the filing officer has not already initiated an enforcement action);
- Improper or unreported expenditures; or
- Filing incomplete or inaccurate campaign finance reports.

[A.R.S. § 16-938](#).

The complaint must be made in writing and submitted to the applicable filing officer for campaign finance reports. Email submissions are acceptable. [A.R.S. § 16-938\(B\)](#).

Regardless of whether a complainant is represented by counsel, a complaint must contain the full name and mailing address of the complainant. A complaint should also:

- Clearly recite the facts that describe a violation of Arizona campaign finance law under the filing officer’s jurisdiction as specifically as possible (citations to the law are highly encouraged);
- Clearly identify each person, committee, organization or group that is alleged to have committed a violation;



- Include any supporting documentation (such as sworn affidavits from persons with first-hand knowledge, media reports, advertisements, website links, etc.) supporting the alleged violation, if available; and
- Differentiate between statements based on a complainant’s personal knowledge and those based on information and belief. Statements not based on personal knowledge should identify the source of the information.

Complaints should be filed as soon as possible after the alleged violation becomes known to the complainant in order to preserve available evidence and initiate the enforcement process within the four-year statute of limitations period. See [A.R.S. § 12-550](#). A filing officer should retain candidate filings for at least four years after committee termination notwithstanding the three-year retention period for “candidate records” in Schedule Number GS-1058 of the Arizona State Library, Archives and Public Records general records retention schedule.

The filing officer must review the complaint for compliance with the required criteria outlined above, including confirmation that the complaint falls within the filing officer’s jurisdiction. If the complaint does not meet the criteria, the filing officer should notify the complainant of the deficiencies and that no action will be taken on the complaint. If the complaint is deemed sufficient, the filing officer will:

- Assign the complaint a complaint number (in a format determined by the filing officer);
- Confirm in writing that the complaint has been received;
- Inform the complainant that the respondent will be provided an opportunity to submit a response and the complainant may submit a reply within specified time periods; and
- Inform the complainant that the filing officer will notify him or her once a preliminary decision has been made.

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## 2. Mitigating Conflicts of Interest

A filing officer and enforcement officer should avoid actual or perceived conflicts of interest when adjudicating campaign finance complaints. A conflict analysis should be undertaken promptly after a complaint is filed and before the respondent is directed to submit a response. [A.R.S. § 38-503\(B\)](#).

If a filing officer determines that a conflict of interest exists, the filing officer should refer a campaign finance complaint to another filing officer in the state who accepts the referral.<sup>57</sup> The

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<sup>57</sup> If the original filing officer cannot promptly identify another filing officer who will accept the referral, the original filing officer should promptly notify the complainant and respondent after the complaint was filed that: (i) the filing officer has a conflict of interest; and (ii) the new filing officer (once identified) will contact the parties and formally initiate the enforcement proceedings.

receiving officer has the same jurisdiction to make a reasonable cause determination as the original officer. [A.R.S. § 16-938\(A\)](#). If the receiving officer ultimately does find reasonable cause, they may: (i) refer the matter directly to an appropriate enforcement officer, if permitted by the enforcement officer, or; (ii) refer the matter back to the original filing officer, and the original filing officer must refer the matter to the enforcement officer for that jurisdiction.

If a filing officer makes a reasonable cause finding but believes the corresponding enforcement officer will have a conflict of interest, the filing officer nonetheless must make the referral to that enforcement officer. *Winn v. Maricopa County Attorney's Office*, No. CV2013-003007, Minute Entry pg. 5 (Ariz Super. Ct. May 2, 2013); *see also Comm. for Justice & Fairness v. Arizona Sec'y of State's Office*, 235 Ariz. 347, 350 (Ct. App. 2014). The enforcement officer must then determine whether a conflict of interest exists and, if so, refer the matter to another enforcement officer.

## Notice of Complaint and Opportunity for Response and Reply

### B. 1. Notice to Respondents

A “respondent” is the person who is the subject of the campaign finance complaint or referral.

Within five business days after receiving a properly filed complaint, the filing officer will send the respondent a copy of the complaint and a letter describing the filing officer’s campaign finance processing procedures. The notification letter reflects no judgment about the accuracy of the allegations, but simply: (i) informs the respondent that the filing officer has received allegations as to possible violations of campaign laws by the respondent; (ii) provides a copy of the complaint or referral document, or in limited circumstances, a summary of the complaint; and (iii) gives the respondent an opportunity to respond in writing in a timely manner.

### 2. Submitting a Response

The response is the respondent’s opportunity to demonstrate to the filing officer why the filing officer should not pursue an enforcement action, or to clarify, correct, or supplement the information in the complaint or referral. Respondents are not required to respond to the allegations. Respondents must be provided an opportunity to respond to both a third-party complaint and an internally-initiated investigation.

Respondents, if they choose, may be represented by counsel. Once the filing officer receives a notification that the respondent is represented by counsel, the filing officer will communicate only with the counsel unless otherwise authorized by the respondent.

There is no prescribed format for responses. While not required, providing documentation, including sworn affidavits or declarations under penalty of perjury from persons with first-hand knowledge of the facts, is helpful. It is also helpful for a respondent to specifically address each allegation in the complaint. The response may be submitted by email, and the respondent need not copy the complainant on the response.

The filing officer may set a response deadline not to exceed 30 calendar days. Upon request by the respondent and for good cause shown, the filing officer may grant a reasonable extension of the response deadline. The respondent must make the request to the filing officer in writing, and the filing officer must copy the complainant on the filing officer's decision on the extension request.

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### 3. Submitting a Reply

Within five business days after receiving a response, the filing officer will send the complainant a copy of the response and a letter that explains the opportunity for the complainant to submit a reply.

There is no prescribed format for replies and complainants are not required to file a reply. However, the reply is the complainant's opportunity to address issues raised in the response and/or buttress the complaint's original allegations. The reply may not raise new issues that were not addressed in the original complaint.

The filing officer may set a reply deadline not to exceed 14 calendar days. The filing officer may not take any action on the complaint or referral (other than dismiss the matter) until this time period has passed. Upon request by the complainant and for good cause shown, the filing officer may grant a reasonable extension of the reply deadline.

## C. **Decision by Filing Officer**

After the reply period (and any extension, if granted) has passed, the filing officer will evaluate the complaint, response and reply (if any) to determine whether there is reasonable cause to believe a violation occurred. The filing officer should also consider any relevant campaign finance reports or documents on file with the filing officer and any other information available in the public record. The filing officer does not possess subpoena powers to compel production of evidence or attendance of witnesses concerning a potential campaign finance violation (nor may any party to the proceeding conduct discovery). However, the filing officer may request voluntary production of information to assist in evaluating the complaint or response. [A.R.S. § 16-938\(D\)](#).

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### 1. Determining Whether a Violation Occurred

A filing officer may take one of three courses of action: find reasonable cause, dismiss the matter, or find no reasonable cause.

#### *Finding Reasonable Cause*

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To refer a matter to an enforcement officer, a filing officer must find "reasonable cause to believe a person violated" campaign finance law. [A.R.S. § 16-938\(C\)](#). A reasonable cause

finding is not a definitive finding that the respondent violated campaign finance law but simply means that the filing officer believes a violation may have occurred.

In determining whether there is reasonable cause, the standard of review is akin to “probable cause” to support the complainant’s allegations, which generally means there is reasonably trustworthy information and circumstances that would lead a reasonable person to conclude there is substantial likelihood that the respondent committed a violation. *See In re Shaheen Tr.*, 236 Ariz. 498, 501 (Ct. App. 2015); *State v. Keener*, 206 Ariz. 29, 32 (Ct. App. 2003).

### ***Dismissal of Complaint***

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In their discretion, a filing officer may dismiss a matter that does not merit further use of government resources. The filing officer may take into account the following factors when deciding whether to dismiss a complaint:

- Whether there is a small dollar amount at issue;
- The insignificance of the alleged violation;
- The vagueness or weakness of the evidence;
- Whether the alleged violation has been remedied and not likely to be repeated; and
- Whether the alleged violation was unintentional.

If dismissal is warranted, the filing officer may send a letter cautioning or reminding the respondent regarding the relevant legal obligations going forward.

### ***c. Finding No Reasonable Cause***

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A filing officer should find “no reasonable cause” if a violation occurred when the complaint, response and reply (if any), along with any publicly available information, taken together, fail to give rise to a reasonable inference that a violation has occurred (or even if the allegations were true, would not constitute a violation of the law).

## **2. Issuance and Notification of Decision**

A filing officer should issue a reasoned decision explaining the basis for the filing officer’s determination. Absent extenuating circumstances, a filing office shall render a decision within 120 days after the deadline for submitting a reply if a response was submitted, or within 120 days after the deadline for a response if no response was submitted. However, if the filing officer’s deadline to issue a decision falls within 30 days of an election in the filing officer’s jurisdiction, the decision shall be issued within 30 days after the election. The filing officer should keep the parties reasonably apprised of the projected decision timetable and shall notify all parties in writing of the decision.

If the filing officer dismisses the complaint or finds no reasonable cause, the matter is closed and no notification is given to the enforcement officer. A dismissal or finding of no reasonable cause are not considered appealable actions.

If the filing officer finds reasonable cause, the filing officer must notify the enforcement officer and provide all relevant documentation from the case:

- For matters investigated by the Secretary of State as filing officer, the Secretary must notify the Attorney General;
- For matters investigated by a county filing officer, the county filing officer must notify the county attorney; or
- For matters investigated by a city or town filing officer, the city or town filing officer must notify the city or town attorney.

[A.R.S. § 16-938\(C\)\(1\)-\(3\)](#).

If the filing officer determines there is reasonable cause to believe that knowing and intentional misrepresentations were made, the filing officer may refer the matter to the enforcement officer for possible criminal prosecution as well. [A.R.S. § 16-1021](#).

#### D. **Decision by Enforcement Officer**

Upon receipt of a reasonable cause finding from a filing officer, an enforcement officer must:

- Review the matter for potential conflicts of interest;
- If necessary, conduct an investigation and/or compel discovery through the enforcement officer's subpoena powers; and
- Reach a final decision whether a campaign finance violation occurred.

Nonpublic information independently gathered during the investigation (other than the complaint, response, reply and accompanying exhibits, which may be disclosed) must be kept confidential until after the final disposition of any appeal of the enforcement order. [A.R.S. § 16-938\(E\)\(3\)](#).

If the enforcement officer determines a violation occurred, the enforcement officer may serve a notice of violation on the respondent. The notice must:

- State with reasonable particularity the nature of the violation;
- Specify the fine or penalty imposed, and any other corrective action required to be undertaken; and
- Require compliance within 20 calendar days after the date of issuance of the notice.

[A.R.S. § 16-938\(E\)\(2\)](#).

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## 1. Late Campaign Finance Reports

In the case of a registered committee's failure to file campaign finance reports, no further investigation or discovery is generally necessary and the enforcement officer may proceed to issue a notice of violation. The notice should include a calculation of the penalties that have accrued between the filing deadline and the date of the notice of violation, and state that penalties will continue to accrue until paid in full or corrective action is taken. [A.R.S. § 16-938\(E\)\(2\)](#); *see also* [A.R.S. § 16-937\(B\)](#).

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## 2. Other Campaign Finance Violations

In the case of any other campaign finance violation, the notice of violation should include a presumptive financial penalty equal to the amount of money improperly received, spent or promised in violation of the law. In special circumstances, based on the severity, extent, or willful nature of the violation, the enforcement officer may issue a financial penalty up to three times the amount of money improperly received, spent or promised. The enforcement officer should outline the special circumstances in the notice of violation.

A notice of violation also may require the respondent to form a political committee and thereafter file campaign finance reports for past and future political activity. However, if the respondent timely appeals this ruling, the respondent need not file the campaign finance reports unless and until the enforcement officer's notice of violation has been upheld. [A.R.S. § 16-938\(E\)\(2\)](#).

### E. **Response to Notice of Violation**

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#### 1. Respondent Takes Corrective Action

If a notice of violation requires corrective action and payment of a fine or financial penalty, but the respondent takes the specified corrective action within 20 days of being served with the notice, the respondent is not subject to any fine or financial penalty. [A.R.S. § 16-938\(G\)\(1\)](#). The enforcement officer should close the matter and issue a confirmation in writing.

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#### 2. Respondent Takes No Corrective Action

If the respondent fails to timely comply with a notice of violation, the enforcement officer may impose the fine or financial penalty (if any) and provide the respondent a final notice stating that the fine or penalty may be appealed to the Superior Court. [A.R.S. § 16-938\(G\)\(2\)](#).

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#### 3. Respondent Appeals to Superior Court

If the respondent fails to comply with a final notice but timely files an appeal, the final notice is stayed until the appeal is resolved. A respondent must file an appeal in superior court within 30 days after receiving the final decision and provide a copy of the appeal to the enforcement officer. [A.R.S. § 16-938\(H\)](#).

At the hearing, the Superior Court must conduct a trial de novo and the enforcement officer has the burden of proving any alleged violations by a preponderance of the evidence. [A.R.S. § 16-938\(I\)](#).

## **CHAPTER 17: APPENDICES AND SAMPLE FORMS**

The sample forms contained in this manual are subject to revisions. Please contact the Secretary of State's Office, Election Services Division, for the most current version.



## ABOUT THIS PUBLICATION

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## CHAPTER 1: VOTER REGISTRATION

### I. VOTER REGISTRATION FORMS

Voter registration forms that are accepted in Arizona include:

- The state voter registration form prescribed by the Secretary of State pursuant to [A.R.S. § 16-152\(C\)](#) (the “State Form”), including any low-vision/large-print version of the State Form prescribed by the Secretary of State and made available on the Secretary of State’s website.<sup>1</sup>
- The National Mail Voter Registration Form prescribed by the U.S. Election Assistance Commission pursuant to the National Voter Registration Act of 1993 (the “Federal Form”).<sup>2</sup>
- Registrations electronically received from the Arizona Department of Transportation, Motor Vehicle Department (AZMVD) pursuant to [A.R.S. § 16-112](#), whether through in-person registration at an AZMVD or AZMVD affiliate’s office or online through the MVD portal or voter registration website.
- The Federal Postcard Application prescribed by U.S. Secretary of Defense (the “FPCA”) pursuant to the Uniformed and Overseas Citizens Absentee Voting Act of 1986 (UOCAVA).<sup>3</sup>
- The Federal Write-In Absentee Ballot prescribed by the U.S. Secretary of Defense pursuant to UOCAVA (the “FWAB”).<sup>4</sup>

#### A. County/State Responsibility for Supplying Forms

The County Recorder is responsible for supplying (at no cost) State Forms to all federal, state, county, and local government agencies, political parties, and private organizations located within the County Recorder’s jurisdiction that conduct voter registration activities. [A.R.S. § 16-151\(A\)](#).<sup>5</sup>

<sup>1</sup> The State Form is available at <https://www.azsos.gov/elections/voting-election>.

<sup>2</sup> [52 U.S.C. § 20505\(a\)\(1\)](#); [52 U.S.C. § 20508\(a\)\(2\)](#). The Federal Form is available at [https://www.eac.gov/voter\\_resources/register\\_to\\_vote.aspx](https://www.eac.gov/voter_resources/register_to_vote.aspx).

<sup>3</sup> [A.R.S. § 16-103\(B\)](#); [52 U.S.C. § 20301\(b\)\(2\)](#); [52 U.S.C. § 20302\(a\)\(4\)](#); Executive Order 12642 (June 9, 1988). The FPCA is available at <https://www.fvap.gov/military-voter/overview>.

<sup>4</sup> [A.R.S. § 16-543.02\(D\)](#); [52 U.S.C. § 20302\(a\)\(4\)](#); Executive Order 12642 (June 9, 1988). The FWAB is available at <https://www.fvap.gov/military-voter/overview>.

<sup>5</sup> Any low-vision/large-print version of the State Form prescribed by the Secretary of State will be made available on the Secretary of State’s website for individuals and organizations to download as a fillable PDF. Neither County Recorders nor the Secretary of State are required to supply printed copies of any low-vision/large-print version of the State Form.

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The Secretary of State is responsible for supplying (at no cost) Federal Forms to all federal, state, county, and local government agencies, political parties, and private organizations that conduct voter registration activities. [A.R.S. § 16-151\(B\)](#).

The Secretary of State and County Recorders may place reasonable restrictions on the number of forms to be provided to individuals or organizations depending on the type of voter registration activity to be conducted and reasonable estimates of the number of voters that the individual or group will seek to register. If the individual or group exhausts the forms provided, the Secretary of State and/or County Recorders must provide additional forms upon request, subject to the same reasonable restrictions as the initial request.

Any registration form [in compliance with applicable state or federal laws](#) may be used to register to vote for the first time or amend/update an existing registration record. In addition, other documents may be used to amend/update a registrant's address, including but not limited to a request for an early ballot, a permanent early voting list (PEVL) request form, or a provisional ballot envelope or affidavit. [A.R.S. § 16-135\(A\), \(E\)](#); [A.R.S. § 16-544\(D\)\(1\), \(2\)](#).

### **B. Eligibility to Use FPCA and FWAB Forms**

The following registrants temporarily absent from the State are authorized to use the FPCA for registration and the FWAB for registration and voting:

- Uniformed service members;
- Eligible family members of uniformed service members;
- Overseas voters; and
- Non-resident U.S. Citizens with parents already registered to vote in Arizona.

[52 U.S.C. § 20310](#); [A.R.S. § 16-103](#); [A.R.S. § 16-543\(C\)](#). For more information on eligibility, visit [www.fvap.gov](http://www.fvap.gov) or the Secretary of State's website (<https://azsos.gov/elections/voting-election/military-and-overseas-voters>).

A UOCAVA registrant may designate the method for transmission of voting materials and information on the FPCA form, including electronic transmission, fax, or regular mail. A UOCAVA registrant may designate the length of time they wish to receive voting materials, not to exceed two federal election cycles. If no designation is made, the UOCAVA registrant's request for email, fax, or electronic transmission of voting materials will be valid until immediately after the next state general election. [A.R.S. § 16-542\(B\)](#).

## **II. VOTER REGISTRATION REQUIREMENTS**

A person is qualified to *register* to vote in Arizona if the person:

- Is a United States citizen;
- Will be 18 years old by the date of the next general election;

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Voter Registration — II. Voter Registration Requirements

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- Will have been an Arizona resident for at least 29 days prior to the next election;
- Can write their name (or make their mark), unless prevented from doing so by physical disability;
- Has not been convicted of treason or a felony, unless their civil rights have been restored; and
- Has not been found mentally incapacitated by a court.

[Ariz. Const. Art. VII, § 2](#); [A.R.S. §§ 9-822\(A\); 16-101; 16-126\(A\); 16-152](#). Each qualification is discussed in further detail below.

### A. Citizenship Requirement

A registrant must be a U.S. citizen to be qualified to register to vote. [Ariz. Const. Art. VII, § 2](#); [A.R.S. § 16-101\(A\)\(1\)](#); [18 U.S.C. § 611\(a\)](#).

U.S. citizenship must be sworn to when registering to vote. In addition, under Arizona’s bifurcated or dual-track voter registration system, an acceptable form of documentary proof of citizenship (DPOC) is required to be registered as a “full-ballot” voter. A “full-ballot” voter is entitled to vote for all federal, state, county, and local races as well as state and local ballot measures for which the voter qualifies.

An otherwise eligible registrant who does not submit DPOC and whose U.S. citizenship cannot be verified via AZMVD records or other record in the statewide voter registration database is registered as a “federal-only” voter. A “federal-only” voter is eligible to vote solely in races for federal office in Arizona (including the Presidential Preference Election (PPE)).

#### 1. Valid Forms of DPOC

The following section outlines what constitutes satisfactory DPOC under Arizona law.

##### a. Driver Licenses and Identification Cards

A registrant may submit certain state-issued driver license or non-driver identification card information as satisfactory DPOC. [A.R.S. § 16-166\(F\)\(1\)](#).

##### i. Arizona Driver License or Non-Driver Identification Card Number

An Arizona driver license or non-driver identification card number (AZDL/ID#) issued by AZMVD after October 1, 1996 constitutes valid DPOC. To be deemed satisfactory, (1) the AZDL/ID# must be verified against AZMVD records; and (2) the verification must not return a result that indicates non-citizenship (*i.e.*, an “F-type” license).

A County Recorder may accept a copy of the registrant’s AZDL/ID# as DPOC, but must still enter the AZDL/ID# into the statewide voter registration database so it can be verified against

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AZMVD records. AZMVD issues “F-type” licenses or ID cards to those who are non-citizens at the time of issuance. Because an F-type designation is not apparent on the face of the license or ID card, an AZDL/ID# alone is not sufficient to prove citizenship without verification against AZMVD records.

ii. Out-of-State Driver License or Identification Card

An out-of-state driver license or identification card may constitute satisfactory DPOC if it was issued by the state’s driver license-issuing agency and indicates on the face of the license or card that the person provided proof of U.S. citizenship in that state. A County Recorder may accept an approved out-of-state license or identification card at face value and need not electronically verify the license or card.

For example, enhanced driver licenses or enhanced identification cards from other states that are issued in compliance with the Departments of State and Homeland Security’s Western Hemisphere Travel Initiative satisfy Arizona’s DPOC requirement. These states display an American flag on the face of the license or card. Examples of an enhanced license from Michigan and New York appear below with the American flag circled.



While a County Recorder shall not accept an out-of-state driver license or identification card number alone (because the statewide voter registration database cannot electronically verify these numbers), a County Recorder may visually verify or accept a copy of these licenses or cards for DPOC purposes.

b. Birth Certificate

A registrant may submit a legible copy of the registrant’s birth certificate from any U.S. state or territory as satisfactory DPOC. [A.R.S. § 16-166\(F\)\(2\)](#). For U.S. citizens born abroad, a “Certification of Report of Birth” or “Consular Report of Birth Abroad” issued by a consular officer from the U.S. Department of State will suffice for a birth certificate. [22 U.S.C. § 2705\(2\)](#).

The registrant must supply supporting legal documentation (such as a marriage certificate or court-documented name change) if the name on the birth certificate or document is not the registrant’s current legal name. If the registrant cannot provide supporting legal documentation to account for a different last name, a County Recorder must accept the birth certificate or

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document if at least the following information matches on both the birth certificate or document and the registration form:

- First name;
- Middle name;
- Place of birth;
- Date of birth; and
- Parents' name(s).

***c. U.S. Passport***

---

A registrant may submit a legible copy of the pertinent pages of the registrant's U.S. passport or passport card, or present the registrant's U.S. passport or passport card to the County Recorder, as DPOC. [A.R.S. § 16-166\(F\)\(3\)](#).

The pertinent pages of a U.S. passport are those that contain the photo, passport number, name, nationality, date of birth, gender, place of birth, and signature (if applicable). A U.S. passport card also may be accepted, which does not contain a signature.

If the County Recorder visually inspects (and does not make a copy of) the pertinent passport pages or passport card, the County Recorder must note in the registrant's voter registration record that the passport was inspected.

***d. Citizenship and Immigration Documents***

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A registrant may present the registrant's original naturalization documents to the County Recorder for inspection or submit (1) a legible copy of the registrant's Certificate of Naturalization or Certificate of Citizenship, or (2) the registrant's Naturalization Certificate Number, Citizenship Certificate Number, or Alien Registration Number (also known as an "A-Number").

If a registrant does not present originals or provide a copy of documents but just provides a citizenship number, including a Citizenship Certificate Number, Naturalization Certificate Number, or Alien Registration Number, for proof of citizenship purposes, this number must be verified against U.S. Citizenship and Immigration Services (USCIS) Systematic Alien Verification for Entitlements (SAVE) database before the number can be deemed satisfactory. [A.R.S. § 16-166\(F\)\(4\)](#); see [Chapter 1, Section II\(A\)\(6\)](#) for more information on SAVE verification procedures.<sup>6</sup>

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<sup>6</sup> While the SAVE database may be used to verify citizenship status for initial registration, it shall not be used for list maintenance purposes—, *i.e.* to cancel an existing registration. See [A.R.S. § 16-165](#).



**e. Tribal Identification Numbers and Documents**

A registrant may submit a Tribal Enrollment Number, Indian Census Number, Bureau of Indian Affairs Card Number, or Tribal Treaty Card Number as satisfactory DPOC. These tribal identification numbers are presumed valid for voter registration purposes and need not be verified against any database. [A.R.S. § 16-166\(F\)\(6\)](#).

A registrant may also submit a legible copy of the registrant’s Tribal Certificate of Indian Blood or Tribal/Bureau of Indian Affairs Affidavit of Birth as satisfactory DPOC.

**2. DPOC Requirement for “Full-Ballot” Voter Designation**

Regardless of the type of voter registration form submitted, a County Recorder must make a registrant a “full-ballot” voter for the next election if:

- The registrant provides DPOC with or after submission of the registrant’s voter registration application; or
- The County Recorder acquires DPOC on the registrant’s behalf, including from AZMVD records or the statewide voter registration database.

[A.R.S. § 16-166\(F\)](#); see also *League of United American Citizens of Arizona (LULAC) v. Reagan*, 2:17-cv-04102-DGC, Doc. 37 (D. Ariz. June 18, 2018) (the “LULAC Consent Decree”).

**a. Acquisition of DPOC from State Records**

The Secretary of State must program or enable the statewide voter registration database to attempt to acquire DPOC for new registrants from AZMVD records. This attempt to acquire DPOC must be completed in all cases where a new registrant fails to provide DPOC with the voter registration form. The Secretary shall promptly notify the applicable County Recorder of the results of the check against AZMVD records. If DPOC is acquired, the Secretary shall promptly notify the applicable County Recorder, via the automated process in the voter registration database, to make the applicant a “full-ballot” voter. However, in no event shall an acquired “F-Type” Arizona driver license number qualify as valid DPOC.

**b. Registrant’s Submission of DPOC**

A registrant may provide DPOC at the time of submitting the registrant’s voter registration application or by 5:00 p.m. on the Thursday before the election. See LULAC Consent Decree at 5. The registrant is entitled to vote a “full-ballot” at the next election if:

- The registrant submitted a voter registration application by the registration deadline; and
- The registrant provided DPOC to the County Recorder with the registration application or separately by 5:00 p.m. on the Thursday before the election.

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If a registrant does not provide DPOC with their registration application and valid DPOC otherwise cannot be electronically acquired via AZMVD records or the statewide voter registration database (and the registrant is not shown to have an F-Type license), a County Recorder must:

1. Designate the registrant as a “federal-only” voter; and
2. Send a letter to the registrant (including a DPOC Submission Form/“Federal-Only” Notice promulgated by the Secretary of State and County Recorders, *see* sample forms in [Chapter 17](#)) within ten business days, informing the registrant that:
  - The registrant has not satisfied the DPOC requirements;
  - The registrant must submit DPOC to become a “full-ballot” voter, and the registrant must provide DPOC by 5:00 p.m. on the Thursday before any given election in order to vote a “full-ballot” in that election; and
  - The registrant will remain a “federal-only” voter unless and until the registrant submits valid DPOC to become a “full-ballot” voter.

The registrant may provide separate DPOC using the DPOC Submission Form. A registrant who provides DPOC using a method other than the DPOC Submission Form sent by the County Recorder must be made a “full-ballot” voter if the County Recorder has sufficient information to link the registrant’s DPOC with the registrant’s form on file. If the County Recorder lacks sufficient information to link the DPOC to a registration form, the County Recorder must make a reasonable effort to follow up with the registrant to seek the necessary information. Registrants who subsequently provide the missing information necessary to link their submitted DPOC to their registration form shall be made “full-ballot” voters within ten business days.

If the registrant provides DPOC to the County Recorder *after* 5:00 p.m. on the Thursday before the next election, the County Recorder must make the registrant a “full-ballot” voter for *future* elections within five business days after the completion of processing of provisional ballots.

---

**3. Procedures for Registrants with F-Type License**

If a registrant has not provided DPOC other than an AZDL/ID# and AZMVD records show that the registrant has an F-Type license, a County Recorder must:

1. Enter the registrant’s information into the voter registration database with a status of “not eligible” (or functional equivalent) and a reason code of “invalid citizenship proof” (or functional equivalent);
2. Send a letter to the registrant (including a DPOC Submission Form/F-Type Notice, promulgated by the Secretary of State and County Recorders, *see* [Chapter 17](#) for sample forms) within ten business days, informing the registrant that:
  - According to AZMVD records, the registrant holds an F-Type license indicating non-citizenship and has not been registered to vote for that reason; and

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- The registrant may be registered and become a “full-ballot” voter if the registrant submits valid DPOC to the County Recorder. The registrant must provide DPOC by 5:00 p.m. on the Thursday before the next regular general election in order to vote a “full-ballot” in that election.
3. Maintain the registrant’s information in the voter registration database with a status of “not eligible” (or functional equivalent) until the next regular general election if the registrant has not provided valid DPOC. If, after the next regular general election, the registrant still has not provided valid DPOC, the registrant’s record may be changed to “not registered” (or functional equivalent). The registrant would then be required to complete a new registration form in order to become eligible to vote in future elections.

---

**4. “Federal-Only” Voter Designation**

A registrant who submits an otherwise valid voter registration form to the County Recorder, but without accompanying DPOC, is entitled to be registered as a “federal-only” voter based on the registrant’s sworn statement on the registration form that the registrant is a U.S. citizen. A registrant may become a “federal-only” voter regardless of the type of voter registration form submitted. An otherwise valid voter registration form submitted to the County Recorder, but without accompanying DPOC, shall be accepted, entered into the database, and registered for federal elections (*i.e.*, made a “federal-only” voter unless and until proof of citizenship is received or acquired), so long as the registrant is not shown to have an F-Type license.

A “federal-only” voter shall be upgraded to a “full-ballot” voter if:

- The County Recorder acquires DPOC on the registrant’s behalf from AZMVD records or the statewide voter registration database; or
- The registrant provides DPOC to the County Recorder by 5:00 p.m. on the Thursday before an election.

If a “federal-only” voter has been issued a ballot-by-mail, but becomes a “full-ballot” voter prior to 5:00 p.m. on the Thursday before the election, the voter may:

- Vote the “federal-only” ballot-by-mail; *or*
- Vote a regular or provisional “full-ballot” in-person during early voting or on Election Day, depending on the procedures implemented by the officer in charge of elections.

If a voter is issued both an early “federal-only” ballot and an early “full-ballot,” the first ballot returned to the County Recorder’s office is the only ballot that will be counted.

---

**5. DPOC When Moving Between Counties**

A voter who registered to vote before December 13, 2004, and was therefore exempted from the requirement of providing DPOC, must submit valid DPOC if the voter is changing voter registration from one county to another in order to be registered as a “full-ballot” voter in the new county. [A.R.S. § 16-166\(G\)](#).

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Registered voters who submitted valid DPOC to the County Recorder in their county of residence need not resubmit evidence of citizenship upon moving and registering to vote in a new county in Arizona so long as a record of their previously-submitted DPOC is accessible by the new County Recorder (*e.g.*, via AZMVD records or the statewide voter registration database) and can be made part of their voter registration file in the new county. While proof of voter *registration* from another state or county is not satisfactory evidence of citizenship, [A.R.S. § 16-166\(H\)](#), valid documentary proof of *citizenship* presented in one Arizona county and documented in the statewide voter registration database constitutes valid DPOC if the voter registers in another county in Arizona.

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**6. Verifying Citizenship/Naturalization/Alien Registration Numbers**

**a. SAVE Usage**

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Each County Recorder accesses SAVE pursuant to the Secretary of State’s Memorandum of Agreement with USCIS (the “USCIS MOA”). The Secretary of State will provide SAVE access to each County Recorder upon signing a separate agreement (the “SOS/County SAVE Agreement”) that will govern the terms of SAVE usage (and, in some cases, billing as well, though some counties have a separate Reimbursement Memorandum of Agreement with USCIS).

A registrant must remain in “suspense” status until the County Recorder verifies the Citizenship, Naturalization, or Alien Registration Number through SAVE. If SAVE returns “United States Citizenship,” the registrant’s status must be updated to “active” in the voter registration database and the voter must be registered as a “full-ballot” voter.

**i. SAVE Returns Non-Citizen Status**

If SAVE returns “Lawful Permanent Resident,” “Refugee,” “Non-Immigrant,” or “Asylee,” or other non-citizen status, the registrant must be processed like those with an F-Type license. *See* [Chapter 1, Section II\(A\)\(3\)](#) above. Specifically, a County Recorder must:

1. Enter the registrant’s information into the voter registration database with a status of “not eligible” (or functional equivalent);
2. Send a letter to the registrant (including a DPOC Submission Form/SAVE Non-Citizen Notice, *see* [Chapter 17](#) for sample forms) within ten business days, informing the registrant that:
  - According to DHS records, the registrant holds an immigration number indicating non-citizenship and has not been registered to vote for that reason; and
  - The registrant may be registered as a “full-ballot” voter if the registrant submits other valid DPOC to the County Recorder. The registrant must provide DPOC by 5:00 p.m. on the Thursday before the next regular general election in order to vote a “full-ballot” in that election.

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3. Maintain the registrant’s information in the voter registration database with a status of “not eligible” (or functional equivalent) until the next regular general election if the registrant has not provided valid DPOC. If, after the next regular general election, the registrant still has not provided valid DPOC, the registrant’s record may be changed to “not registered” (or functional equivalent). The registrant would then be required to complete a new registration form in order to become eligible to vote in future elections.

**ii. SAVE Returns No Match**

If SAVE is unable to find a match, the registrant must be processed like any other registrant who has not provided satisfactory DPOC. See [Chapter 1, Section II\(A\)\(4\)](#). Specifically, if valid DPOC cannot be electronically acquired via AZMVD records or the statewide voter registration database (and the registrant is not shown to have an F-Type license), a County Recorder must:

1. Process the voter registration application and designate the registrant as a “federal-only” voter; and
2. Send a letter to the registrant (including a DPOC Submission Form/SAVE No-Match Notice, see [Chapter 17](#) for sample forms) within ten business days, informing the registrant that they have been registered as a “federal-only” voter and must submit other valid DPOC to become a “full-ballot” voter.

**b. Naturalization Ceremonies**

County Recorder representatives who conduct registration drives at naturalization ceremonies must take special precautions to ensure registration forms are properly processed.

- The County Recorder representative who receives the registrant’s completed voter registration form must write the representative’s name or initials on the form, along with the date and some indication that the form was completed at a naturalization ceremony (e.g., “NC”);
- The County Recorder representative who conducted the registration drive must ensure that the registrant’s Citizenship, Naturalization, or Alien Registration Number is written on each registration form; and
- If any registrants reside outside that county, the County Recorder representative must bundle the voter registration forms by county and send them to the applicable County Recorders, along with a cover letter affirming that the registration forms were received through a naturalization ceremony.

| The County Recorder who receives the bundle ~~shall~~may rely on this cover letter (see Chapter 17 for a sample form) as verification of citizenship. The County Recorder need not re-check any citizenship or immigration numbers to verify citizenship and ~~must~~may register the newly naturalized registrants as “full-ballot” voters (assuming no other deficiencies).

**c. Verifying Citizenship Near Voter Registration Deadlines**

Often there is a delay between when a registrant becomes a U.S. citizen and when that registrant's citizenship status has been updated in SAVE. Therefore, certain precautions must be taken if a County Recorder receives a voter registration form within two weeks of a registration deadline that contains a Citizenship, Naturalization or Alien Registration Number:

- If a County Recorder receives a registration form within 14 days of a voter registration deadline, the County Recorder must, as soon as practicable, notify the registrant by telephone and/or email (or by mail if the registrant's telephone number or email is not available) about the potential need (in case SAVE results are not ready by the deadline) to submit further DPOC to be a "full-ballot" voter for the next election. For example, the registrant may present their naturalization papers or submit a copy to the County Recorder to satisfy the DPOC requirement.
- Within two weeks of Election Day, a County Recorder must check SAVE for the results of any pending verifications to print or create precinct registers for Election Day. If any cases remain pending for additional verification at that time, the County Recorder should be prepared to supplement the precinct registers immediately preceding the election or be prepared to issue Recorder's Certificates to any newly registered voters whose citizenship was verified at the last minute. If the County Recorder cannot obtain verification of citizenship from SAVE by 5:00 p.m. on the Thursday before Election Day, the registrant must be registered as a "federal-only" voter and the County Recorder must notify the registrant that the registrant must submit other valid DPOC in order to become a "full-ballot" voter for future elections. See [Chapter 1, Section II\(A\)\(6\)](#).

**7. Preservation and Protection of Citizenship Documentation**

A County Recorder must maintain all DPOC received pursuant [A.R.S. § 16-166\(F\)](#) in a manner that the County Recorder reasonably believes will prevent access by unauthorized persons. Documents submitted for purposes of proving citizenship may be maintained outside the voter registration database, but the County Recorder must other document in the voter registration database that DPOC had been received.

A County Recorder may destroy citizenship documents two years after the date of receipt. The County Recorder must exercise reasonable diligence to ensure any citizenship documents are properly destroyed. [A.R.S. § 16-166\(F\), \(J\)](#).

## B. Age Requirement for Registration

A registrant must be at least 18 years old by the next “regular general election” that occurs following their registration. [A.R.S. § 16-101\(A\)\(2\)](#). For purposes of this requirement, the next “regular general election” is the next statewide general election held pursuant to [A.R.S. § 16-211](#).<sup>7</sup>

A minor who is qualified to register to vote is not necessarily a qualified elector for the next election. For example, a minor who will turn 18 years of age on November 1, 2020 is eligible to register to vote starting on November 7, 2018. However, although registered, that minor will not be eligible to vote in the August 4, 2020 Primary Election, or any earlier elections, because they will not yet be 18 years of age as required by [Ariz. Const. art. VII, § 2](#).

If a County Recorder receives a voter registration form from a registrant who will be at least 18 years old on or before the next statewide general election, but will not be 18 years old at the time of the next election, the registrant must be entered in the voter registration database and placed in a “suspense” status with a “registrant too young” reason code (or functional equivalent).

The County Recorder, [after verifying citizenship as outlined in Chapter 1\(II\)\(A\)](#), must notify the registrant by mail within ten business days of receipt of the registration form to: (1) inform the registrant that their registration will remain in “suspense” until the registrant turns 18; ~~and~~ (2) specify the next election where the registrant will be eligible to vote; ~~and~~ (3) [specify the registrant’s “full-ballot” or “federal-only ballot” designation \(providing an opportunity to submit DPOC where applicable\), A.R.S. § 16-101\(A\)\(1\),\(2\),\(3\); A.R.S. § 16-134\(B\); A.R.S. § 16-152\(A\)\(15\); see Chapter 17 for sample forms.](#)

On or after the registrant’s 18th birthday, the registrant’s status must be changed to “active” to make the registrant a qualified elector for the next election.

A registered minor is not eligible to sign candidate, initiative, referendum, or recall petitions or petitions for political party recognition until they turn 18 years old. [A.R.S. § 16-121\(A\)](#); [A.R.S. § 16-321\(F\)](#); [A.R.S. § 19-121.02\(A\)](#); [A.R.S. § 19-208.02\(A\)](#); [A.R.S. § 16-803\(F\)](#).

[In order to maintain eligibility to vote in the next general election, the registered minor must be a resident for the 29 days preceding the election, except as provided in A.R.S. § 16-126. A.R.S. § 16-101\(A\)\(4\). See also A.R.S. § 16-593.](#)

<sup>7</sup> [A.R.S. § 16-152\(A\)\(15\)](#) requires that the state voter registration form ask whether a registrant will be 18 years old “on or before *election day*” in order to register to vote. (Emphasis added). However, this provision must be interpreted consistently with [A.R.S. § 16-101\(A\)\(2\)](#), and therefore only forbids registration if the registrant will not be at least 18 years old by the next *general* election.

### C. Residency Requirements for Registration

A new registrant must be a resident of Arizona at least 29 days before the next election. [A.R.S. § 16-101\(A\)\(3\)](#). A County Recorder has no duty to verify a registrant's residency status and ~~shall~~ may rely on the registrant's affirmation of residency.

A registrant is a "resident" if they have physical presence in the county along with an intent to remain. A registrant may be temporarily absent from the jurisdiction without losing their residency status, as long as they have an intent to return. [A.R.S. § 16-103](#).

For example, although a UOCAVA registrant may register to vote any time prior to 7:00 p.m. on Election Day, a UOCAVA registrant must still be an Arizona "resident" in that they must: (i) have had physical presence (with an intent to remain) in the county of registration at least 29 days prior to the election; and (ii) have an intent to return to the county following the period of temporary absence. [A.R.S. § 16-103](#).

Although often interchangeable, the 29-day residency qualification ([A.R.S. § 16-101\(A\)\(3\)](#)) is distinct from the 29-day deadline to register to vote ([A.R.S. § 16-120](#)) in advance of an election. For example, the voter registration deadline may change if it falls on a state holiday, but this does not affect the requirement to be a resident at least 29 days before the next election. Voter registration deadlines are addressed in [Chapter 1, Section VII\(C\)](#).

Notwithstanding the 29-day residency requirement, a registrant who moved away from Arizona after the 30th day immediately preceding a presidential election may vote for presidential electors in Arizona (and for no other races or ballot questions) by early ballot in the Arizona precinct from which the registrant moved, in-person at the County Recorder's office, or by mail. [A.R.S. § 16-126\(A\)](#). A registrant who votes pursuant to this provision shall have their registration promptly canceled after the election. [A.R.S. § 16-126\(B\)](#).

The only other exception to the requirement for residency prior to the election is for a UOCAVA registrant who has never resided in the United States but has at least one parent registered to vote in Arizona at the time of registration. [A.R.S. § 16-103\(E\)](#). See [Chapter 1, Section I\(B\)](#) for more information on registration and voting requirements for UOCAVA registrants.

### D. Effect of Felony Conviction on Qualification to Register to Vote

A registrant may not register to vote if they have been convicted of treason or a felony, unless their civil rights have been restored. [A.R.S. § 16-101\(A\)\(5\)](#). If a registrant has had only one felony conviction, civil rights are automatically restored upon: (i) completion of probation or receipt of an absolute discharge from imprisonment; and (ii) payment of any restitution imposed. Payment of any other legal financial obligations, such as fines or court fees, is no longer required before civil rights are automatically restored after a first felony conviction. [A.R.S. § 13-907](#). Those who have only misdemeanor convictions or are in pretrial detention remain eligible to register to vote assuming no other deficiencies.



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A registrant must affirm under penalty of perjury that they are not barred from registering to vote due to a felony conviction. [A.R.S. § 16-152\(A\)\(16\)](#). A County Recorder has no duty to verify whether the civil rights of a registrant with felony conviction(s) have been restored and ~~shall~~ may rely on the registrant’s affirmation when registering to vote. For more information on when and how civil rights may be restored, see [A.R.S. § 13-604\(A\)](#); [A.R.S. § 13-905](#); [A.R.S. § 13-906](#); [A.R.S. § 13-907](#); [A.R.S. § 16-1011\(C\)](#).

**E. Effect of Incapacitation on Qualification to Register to Vote**

A registrant may not register to vote if they have been adjudicated mentally incapacitated by a court with their voting rights revoked. [A.R.S. § 16-101\(A\)\(6\)](#); [A.R.S. § 14-5101\(3\)](#). A registrant must affirm under penalty of perjury that they are not barred from registering to vote due to a court adjudication of mental incapacitation under [A.R.S. § 14-5101\(3\)](#). A County Recorder has no duty to verify whether a registrant has been adjudicated mentally incapacitated and ~~shall~~ may rely on the registrant’s affirmation when registering to vote. For more information on findings of incapacitation and retention of voting rights, see [A.R.S. § 14-5101\(3\)](#); [A.R.S. § 14-5304.02](#).

**III. VOTER REGISTRATION ASSISTANCE AGENCIES**

**A. Designated Voter Registration Assistance Agencies**

Various agencies, organizations, and offices in Arizona may be designated as “voter registration assistance” agencies. An officially-designated voter registration assistance agency:

- Provides assistance in registering to vote without regard to political party or affiliation;
- Develops written policies and conducts internal training to ensure compliance with federal and state voter registration laws;
- Meets with the Secretary of State and/or County Recorder, as applicable, on an as-needed basis to discuss voter registration policies and procedures;
- Receives State Forms (from the applicable County Recorder) and Federal Forms (from the Secretary of State) on a regular basis; and
- Accepts and agrees to return completed voter registration forms to the applicable County Recorder within five business days of receipt of the completed forms.<sup>8</sup>

All public assistance agencies and disabilities agencies are designated as voter registration assistance agencies under federal and state law and are subject to specified responsibilities to conduct voter registration. [52 U.S.C. § 20506\(a\)\(2\)](#); [A.R.S. § 16-140](#).

- A “public assistance agency” means a state agency, division, or office that provides cash or in-kind assistance (such as access to medical care or transportation) to low-income or underserved populations. [A.R.S. § 16-140\(F\)\(3\)](#). The following agencies or divisions constitute “public assistance agencies” in Arizona:

<sup>8</sup> [52 U.S.C. § 20506](#); [A.R.S. § 16-134\(A\)](#); [A.R.S. § 16-140](#); [A.R.S. § 16-141](#).

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- Arizona Department of Economic Security (DES): Family Assistance Administration (FAA) within the Division of Benefits and Medical Eligibility (DBME)
- Arizona Health Care Cost Containment System (AHCCCS)
- Arizona Department of Health Services (DHS): Division of Health Prevention
- A “disabilities agency” means a state agency, division, or office that administers state-funded programs to provide services to persons with disabilities. [A.R.S. § 16-140\(F\)\(2\)](#). The following offices or divisions constitute “disabilities agencies” in Arizona:
  - Arizona Department of Economic Security (DES):
    - a. Developmental Disabilities Division (DDD)
    - b. Employment and Rehabilitation Services Division (DERS)

Armed Forces Recruiting Centers are also designated as voter registration assistance agencies. [52 U.S.C. § 20506\(c\)](#); [A.R.S. § 16-140](#); [A.R.S. § 16-141](#); *see also* Department of Justice guidance, available at <https://www.justice.gov/crt/national-voter-registration-act-1993-nvra>.

A County Recorder may also designate additional “voter registration volunteers” at their discretion, which could be any person, group, or entity, and may include governmental or nonprofit and other private organizations. [52 U.S.C. § 20506\(a\)\(3\)](#); [A.R.S. § 16-140\(E\)](#), [\(F\)\(1\)](#).

The Secretary of State’s Office will publish guidance for voter registration assistance agencies on complying with federal and state statutory requirements, which will be made available at <https://azsos.gov/elections>. Voter registration assistance agencies may also consult the Secretary of State’s Office directly for guidance and assistance relating to voter registration responsibilities and should submit written procedures and training materials to the Secretary of State’s Office.

## **B. Tracking and Reporting Source of Registration**

Registration forms provided to a designated voter registration assistance agency or voter registration volunteer should bear a registration source code, if practicable. The source code may not disclose the specific agency or office that issued the form, nor may the source code provide any indication that a form was issued by a public assistance or disabilities agency. The source code from a particular registrant’s form may not be publicly disclosed, and may only be used by election officials to monitor compliance with federal and state law. [A.R.S. § 16-140\(D\)](#).<sup>9</sup>

A voter registration assistance agency should make its best efforts to ensure that the agency distributes voter registration forms with pre-populated source codes to the appropriate divisions or offices within the agency. Completed registration forms returned to the County Recorder

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<sup>9</sup> If, under certain circumstances, pre-populated source codes are not practicable, a County Recorder should develop another reliable method to receive and track completed voter registration forms directly received from voter registration assistance and disabilities agencies.

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should be distinguished between those received from public assistance versus disabilities assistance agencies, where applicable, for proper tracking. If the agency directs applicants to register to vote online (either through [www.servicearizona.com](http://www.servicearizona.com) (or subsequent voter registration website) or by downloading a registration form), the agency must utilize a reasonable method to track which applicants were directed to an online registration method, and offer to mail a paper registration form, at the applicant's request, if the applicant is unable to access online registration or unable to download and print a registration form.

A County Recorder should make best efforts to ensure, to the extent practicable, that State Forms provided to a public assistance or disabilities agency have the appropriate pre-populated source code to allow reliable tracking of the origin of a completed form. The source code should not be publicly decipherable, but should allow a County Recorder to internally distinguish between public assistance versus disabilities agencies. [A.R.S. § 16-140\(D\)](#); [A.R.S. § 16-152\(A\)\(22\)](#). A County Recorder must input the source of registration into each registrant's electronic registration record. See [Chapter 1, Section IV\(B\)\(2\)](#).

The Secretary of State must report the number of registrations received through voter registration assistance agencies to the U.S. Election Assistance Commission on a biennial basis. Accordingly, the County Recorders should ensure (through use of pre-populated source codes or other reliable method) that completed registration forms received from state agencies can be properly distinguished between a public assistance versus a disabilities assistance agency.

## IV. VOTER REGISTRATION PROCESSING PROCEDURES

### A. Statewide Voter Registration Database

Beginning November 2019, Arizona will operate a new voter registration and election management system called Arizona Voter Information Database (AVID). The statewide database is a matter of statewide concern and is not subject to modification or further regulation by a political subdivision. Maricopa and Pima County systems link to the state system through an interface. The 13 smaller counties directly use the state system. To the extent practicable, Maricopa and Pima County's systems will use the same terms, codes, and classifications as the state system. To the extent it is necessary for Maricopa and Pima to use different terms, codes, and classifications, they must correspond to the terms, codes, and classifications in the state system. Maricopa and Pima County must file a detailed and complete explanation of their voter registration system or program and any subsequent revisions with the Secretary of State. [A.R.S. § 16-173](#). If Maricopa or Pima County anticipates needing to make substantive changes to their voter registration system that may inhibit data integration or otherwise impact compatibility with the state system, the Secretary of State's Office must be timely notified to enable consideration of compatibility with, and any necessary modifications to, the state system. Prior to implementation, any substantive changes to the Maricopa or Pima County voter registration systems must be approved by the Secretary of State for compatibility with the statewide voter registration system. [A.R.S. § 16-168\(J\)](#).

## B. Registration Codes in the Statewide Voter Registration Database

A County Recorder must assign the appropriate status, reason, source, and form code to each registrant's record.

### 1. Registration Status and Reason Codes

There are six recognized "status" codes that may be selected in the statewide voter registration database: active, inactive, suspense, canceled, not eligible, and not registered. Each status code has its own set of "reason" codes that provide further detail on the reason the particular status code was assigned. County Recorders must track the registration status and reason codes using statewide uniform codes as defined by the Secretary of State in consultation with County Recorders.

### 2. Registration Source Codes

A registration "source" code describes the source from which a voter registration form was received by the County Recorder or the source that circulated the registration form.

The following sources must be tracked in the voter registration database:

| Source                                                                                                                                                            |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Registration form was received from NVRA-mandated public assistance agencies                                                                                      |
| Registration form was completed in-person at the County Recorder's office counter                                                                                 |
| Registration form was received from Armed Forces recruitment offices                                                                                              |
| Registration form was received from state-funded agencies primarily serving persons with disabilities                                                             |
| Registration form was received from a Naturalization ceremony                                                                                                     |
| Registration form was received by mail                                                                                                                            |
| Registration form was received from a political party or third-party organization's voter registration drive                                                      |
| Registration form was received from other public agencies designated by the state or county but not mandated by NVRA (e.g., city clerks, libraries, post offices) |
| Registration form was received through an in-person MVD transaction                                                                                               |
| Registration form was received through an online MVD transaction                                                                                                  |
| Registration form was received through Arizona's stand-alone online voter registration website                                                                    |

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County Recorders must track the registration sources using statewide uniform source codes as defined by the Secretary of State in consultation with County Recorders. County Recorders and staff may obtain the exact source codes associated with specific sources from the Secretary of State's Office and must keep that information confidential to avoid public disclosure of the source of a particular voter's registration.

### 3. Registration Form Codes

A “form” code describes the type of voter registration form used to register to vote. County Recorders must track registration forms using statewide uniform codes as defined by the Secretary of State in consultation with County Recorders.

#### C. Minimum Required Information on Voter Registration Forms

A State, Federal, FPCA, and FWAB Form must contain the following minimum information to be considered complete:

- Registrant’s name;
- Registrant’s residence address or location;
- Registrant’s date of birth (DOB);
- Registrant’s signature (or in cases of physical disability, the signature of a person who helped complete the form on the registrant’s behalf); and
- An answer of “yes” to the question “Are you a citizen of the United States of America?” or other affirmation that the registrant is a U.S. citizen.

If the registrant possesses an AZDL/ID# or Social Security number (SSN), the registrant’s AZDL/ID# or last four digits of the SSN (SSN4) should be provided as well. If the registrant does not list an AZDL/ID# or SSN4 on the State Form, the registrant is nonetheless permitted to register to vote. The registrant will be assigned a unique identifying number by the statewide voter registration database that will serve as a voter identification number.

The state-specific instructions accompanying the Federal Form state “[i]f you do not have a current and valid driver license or non-operating identification license or a social security number, please write ‘NONE’ on the form.” However, a County Recorder may not reject a Federal Form for failure to write “NONE.” Similarly, for the FPCA and the FWAB, if the registrant does not list an AZDL/ID# or SSN4, the registrant is directed to write “I do not have a Social Security Number or State issued ID number.”<sup>10</sup> However, failure to write this statement does not affect the registrant’s ability to register to vote. A unique identifying number will be assigned to the registrant by the statewide voter registration database for identification purposes.

If the minimum requirements listed above have been met, the form should be processed and the registrant should be entered into the voter registration database in an “active” status if they otherwise meet the requirements for registration. If the minimum requirements have not been met, the County Recorder must: (i) follow-up with the registrant and seek the missing information (if the County Recorder has the registrant’s address, telephone number, or email address); or (ii) place the registrant in “not registered” status if the County Recorder has no reasonable means to contact the registrant.

<sup>10</sup> See <https://www.fvap.gov/uploads/FVAP/States/eVAG.pdf>.

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[A.R.S. § 16-121.01\(A\)](#); [A.R.S. § 16-152\(A\)\(2\)-\(3\), \(8\), \(12\), \(14\), \(19\)-\(20\)](#); [A.R.S. § 16-166\(F\)](#); [52 U.S.C. § 21083\(a\)\(1\)\(A\)\(iii\)](#).

**1. Failure to Provide Name, Address, DOB, or Signature**

If the State Form, Federal Form, FPCA, or FWAB does not contain the registrant’s name, residence address or location, DOB, or signature (or assisting person’s signature), but the County Recorder has the address, telephone number, or email address to contact the registrant to request the incomplete information, the registrant should be entered into the voter registration database in a “suspense” status until the incomplete information or a new voter registration form is received. If contact information is missing, a County Recorder must, if practicable, use reasonable efforts to research and acquire contact information for the registrant through any appropriate means.

If the information on the form is incomplete or illegible, and the County Recorder has contact information for the registrant, the County Recorder shall notify the registrant within ten business days of receipt of the form, request the missing or illegible information, and inform the registrant that they will remain in “suspense” status, with the reason code “registrant-waiting verification” (or functional equivalent) until the information is received. If the County Recorder receives the requested information by 7:00 p.m. on the date of the next regular general election, the registrant is deemed to have been registered on the date the registration was first received. [A.R.S. § 16-134\(B\)](#); [A.R.S. § 16-121.01\(A\)](#).

If a County Recorder does not have the necessary information to contact the registrant by mail, telephone, or email, the registration form should be set aside and/or the record should be entered in the voter registration database using the status code “suspense” and the reason code “insufficient information on registration form” (or functional equivalent). If the registrant provides the missing or illegible information by 7:00 p.m. on the date of the next regular general election, that registrant is deemed to have been registered on the date the registration was first received. [A.R.S. § 16-134\(B\)](#).

If the registrant does not provide the missing, incomplete, or illegible information by 7:00 p.m. on the date of the next regular general election, the registration form is invalid and the registrant’s status may be changed from “suspense” to “not registered,” with the reason code “pending expired” (or functional equivalent). The registrant would need to submit a new voter registration application to be eligible to vote in future elections.

**2. Failure to Provide Optional Information**

Failure to provide information not listed as required in [Chapter 1, Section IV\(C\)](#) above does not invalidate the registration form. Specifically:

- Failure to provide state or country of birth, telephone number, occupation, former address from another state (if any), father’s name or mother’s maiden name, email address, political party preference, or date of signing does not invalidate the State Form;

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- Failure to provide telephone number, former address (if any), race or ethnic group, or date of signing does not invalidate the Federal Form; and
- Failure to select UOCAVA status or provide political party, previous name, gender, race, telephone number, fax number, email address, ballot delivery preference, current mailing address, or date of signing does not invalidate the FPCA or FWAB.

When only optional information is missing, the registration form should be processed and the registrant should be entered into the voter registration database in an “active” status (assuming no other deficiencies).

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### 3. Failure to Properly Answer Age Verification Question

A registrant’s failure to answer the question “Will you be 18 years old on or before election day?” on the State or Federal Form, or a registrant’s “no” answer to the question, does not invalidate the registration form. [A.R.S. § 16-121.01\(A\)](#).

When this occurs, the County Recorder should review the registrant’s DOB to confirm whether the registrant in fact will be at least 18 years old by the next general election.

- If yes, If yes, and the registrant will be 18 years old by the next election (whether or not the next election is a general election), the registrant should be added to the voter registration database in “active” status (assuming no other deficiencies), notwithstanding a “no” answer or failure to answer the age question. If the registrant will be 18 years old by the next general election, but will not be 18 years old by the next election (that is not a general election), the registrant shall be placed in “suspense” status as outlined in Chapter 1, Section II(B).
- If no, the registrant should be added to the voter registration database with a “not eligible” status code and a “registrant too young” reason code (or functional equivalent). The County Recorder must notify the registrant by mail within ten business days and inform the registrant that their voter registration form was rejected for failure to meet minimum age requirements.

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### 4. Failure to Properly Answer Citizenship Question

A registrant’s failure to answer the citizenship question or “no” answer to the citizenship question on the State or Federal Form does not invalidate the form so long as there is some other appropriate indicator that the registrant is a U.S. citizen. [A.R.S. § 16-121.01\(A\)](#). For the purpose of answering the citizenship question, an affirmative answer includes making a check mark in the box, placing an X in the box, circling the box, shading the box, or any other method of marking the “yes” box that indicates the registrant is a citizen. Other appropriate indicators of U.S. citizenship include providing valid DPOC or a signature swearing/affirming that the registrant is a U.S. citizen (e.g., Box 9 on the Federal Form) and/or valid DPOC acquired on the registrant’s behalf from AZMVD records or the statewide voter registration database.

If the registrant did not answer “yes” to the citizenship question or provide some other appropriate indicator that the registrant is a U.S. citizen (and DPOC cannot be acquired from

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AZMVD records or the statewide voter registration database), the County Recorder must notify the registrant by mail, email, and/or telephone within ten business days of receipt, request the incomplete information, and inform the registrant that they will remain in “suspense” status (or functional equivalent) until the citizenship question [on the submitted voter registration form](#) is answered in the affirmative or the registrant provides some other appropriate indicator of U.S. citizenship, [such as DPOC](#).

If the County Recorder receives the requested information by 7:00 p.m. on the date of the next regular general election, the County Recorder must change the registrant’s status from “suspense” to “active” in the voter registration database (assuming there are no other deficiencies) and the registrant is deemed registered on the date the registration was first received. [A.R.S. § 16-134\(B\)](#).

### 5. Failure to Provide Proof of Citizenship

No voter registration application shall be rejected based solely on the failure to provide DPOC. An otherwise eligible registrant who does not submit DPOC and whose DPOC cannot be acquired from AZMVD records or other record in the statewide voter registration database must be register as a “federal-only” voter (assuming no other deficiencies). [See Chapter 1, Section II\(A\)](#) above for procedures to be followed when a registrant does not provide DPOC.

### D. Political Party Preference

A registrant may select a political party preference by checking one of four boxes on the State Form or EZ Voter registration: (1) Republican; (2) Democratic; (3) Other \_\_\_\_\_; or (4) None or No Party.

If the “Other” box is checked and the registrant writes a political party preference, the registrant’s selection should be entered in the voter registration database as follows:

- **Republican:** “Republican,” “Rep,” “GOP,” or any substantially similar designation
- **Democratic:** “Democratic,” “Democrat,” “Dem,” or any substantially similar designation
- **Libertarian:** “Libertarian,” “LBT,” or any substantially similar designation<sup>11</sup>
- **Green:** “Green,” “GRN,” or any substantially similar designation
- **Independent:** “Independent,” “IND,” or any substantially similar designation
- **Other:** Any other non-recognized political party
  - For previously-recognized political parties that have since lost recognition (at the state or local level), the County Recorder may continue to use the party designation for registrants in the voter registration database if the registrant

<sup>11</sup> The designation “LIB” is not deemed substantially similar to “Libertarian” because of the similarity with the word “Liberal.” If “LIB” is written, the registrant’s party preference should be entered as “Other.”



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entered that party affiliation on their registration application. However, for the purposes of reporting voter registration statistics, these registrants shall be reported as “Other.”

- **PND:** “Party Not Designated,” “PND,” “No Preference,” “Unaffiliated,” “No Party,” “None,” or any substantially similar designation

If a *new* registrant leaves the political party preference field blank, the registrant’s party preference will be “Party Not Designated” or “PND.” If an *existing* registrant leaves the political party preference field blank, however, the registrant’s existing political party preference will be retained and no changes should be made.

For purposes of reporting voter registration statistics, *see* [Chapter 1, Section IX](#), registrants whose political party affiliations are anything other than a recognized political party shall be reported as “Other.”

### **E. Date of Registration**

A mailed paper registration form is deemed to be timely received for an election if: (1) the form is postmarked on or before the voter registration deadline and received by the County Recorder by 7:00 p.m. on Election Day; or (2) the form is dated on or before the voter registration deadline and received by the County Recorder within five calendar days after the voter registration deadline. [A.R.S. § 16-134\(C\)](#).

The registration effective date will be the date the original voter registration form was signed. If a registration form was submitted without a date, a County Recorder must use the postmark date as the date of registration, unless the postmark date is illegible or otherwise unavailable, in which case the date of receipt shall be used as the date of registration. [A.R.S. § 16-134\(C\), \(D\)](#).

If a paper registration form that was timely submitted before the next election is missing any required information or DPOC, or is otherwise placed in “suspense” status, and the registrant later provides that missing information or DPOC, the County Recorder must deem the date of registration to be the date the registration form was signed. If the registration form was not dated, the postmark date shall be the date of registration unless the postmark date is illegible or unavailable, in which case the date of receipt shall be used as the date of registration. DPOC must be provided by 5:00 p.m. on the Thursday before Election Day for the voter to be eligible to vote a “full-ballot” in that election. *See* [Chapter 1, Section II\(A\)](#). Any other required information on the form must be provided by 7:00 p.m. on Election Day for the voter to be eligible to vote in that election. [A.R.S. § 16-134\(C\)](#). If necessary supplemental information is timely provided, the registrant is deemed to be registered as of the form date and is therefore a qualified elector for that election, even if the supplemental information is provided after the voter registration deadline for that election.

However, in order for a petition signature to be deemed valid, any necessary missing information on the voter registration form, and DPOC for non-federal petitions, must be received by the

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County Recorder by the date the filing officer transmits the petition signature sheets to the County Recorder for verification.

#### **F. Initial Duplicate Checking Within the County**

Before a new registration record is entered into the voter registration database, a County Recorder must first conduct a search of the voter records to determine whether there is already an existing record for the registrant *within the county*. A County Recorder may use any appropriate criteria to identify potential matches, including (but not limited to) any information in the voter's record.

If a County Recorder ultimately determines that the registration form was submitted by an existing registrant in the county, the County Recorder must update the registrant's existing record with the new registration information in lieu of creating a new record. In other words, the new registration form is treated as a request to update the registrant's existing/original record. If the initial duplicate search indicates that the registrant does not already have a record in that county, the County Recorder must create a new record.

If a County Recorder overlooks an existing/original record and inadvertently creates a new record for the registrant, the statewide voter registration system will flag the records for the County Recorder to resolve.

#### **G. Electronic Verification Procedures**

Once a new or amended voter registration record is entered into the statewide voter registration database, the system automatically checks the registrant's information against AZMVD records and, if necessary, the Social Security Administration (SSA) database.

Verifying records against AZMVD and/or SSA data serves multiple functions:

1. If the registrant provided an AZDL/ID#, a match against AZMVD records validates proof of citizenship (unless the match is to a "Type F" AZDL/ID# or an AZDL/ID# issued before October 1, 1996).
2. If the registrant failed to provide either an AZDL/ID# or SSN4, but the registrant's provided information matches against AZMVD or SSA data, the system will "acquire" the missing AZDL/ID# or SSN4 from those sources and import that information into the registrant's record.
3. A match against AZMVD records or SSA database confirms the registrant's identity and helps ensure the integrity of registration rolls.

The registrant's new or amended record is also automatically verified against existing records in the statewide voter registration database for the purpose of identifying (and potentially canceling) any duplicate record. The details of the electronic verification procedures are defined in the statewide voter registration system.

## H. EZ Voter Registration

Voter registrations electronically transmitted from AZMVD to the statewide voter registration system are known as EZ Voter records. The EZ Voter program allows registrants to register through AZMVD, whether online at [www.servicearizona.com](http://www.servicearizona.com) or in-person at an AZMVD (or authorized third-party provider) office. [52 U.S.C. § 20504](#); [A.R.S. § 16-112](#).

All EZ Voter records for a particular county are populated to an interface, where each record is individually processed by the County Recorder. If there is no “true match” against an existing registrant’s record in the county, the County Recorder should create a new registration record and import the EZ Voter record into the new registration record. Once the new record is saved, the statewide voter registration system will conduct the same automatic AZMVD/SSA verification and statewide duplicate checking that occurs when a paper form has been entered.

If a County Recorder finds a match between an EZ Voter record and an existing registration record, the County Recorder should apply the EZ Voter updates to the existing record.

## I. Issuance of Voter Registration Cards

A County Recorder must issue a voter registration card to any new registrants or existing registrants who update their name, address, or political party preference. [A.R.S. § 16-163\(B\)](#). New voter registration cards should also be issued to any registrants affected by redistricting or reprecincting. A new voter registration card need not be issued if a registrant makes other changes to their registrant record, including opting into the electronic publicity pamphlet.

A voter registration card should be labeled “Voter Identification Card” or “Voter Registration Card” and contain the following information:

1. Registrant’s full name;
2. Registrant’s residence address;
3. Registrant’s political party preference;
4. Registrant’s date of registration (and/or effective date of change);
5. Registrant’s voter registration ID number;
6. Registrant’s precinct name and/or number;
7. Registrant’s district information:
  - a. Congressional district (all registrants);
  - b. Legislative district (only “full-ballot” voters); and
  - c. Any additional optional district information;
8. County name;
9. Contact information for the County Recorder; and

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10. If the registrant is a “federal-only” voter, a clear indication of “federal-only” voter designation.

The mailer that accompanies the voter registration card should contain the same information on the card and the following additional information:

1. Information stating that a new voter registration card is enclosed and instructions to discard the old card;
2. Information on use of the voter registration card (*e.g.*, as one piece of non-photo identification at the voting location);
3. How to contact the County Recorder if information on the card is incorrect;
4. Instructions on how to find one’s voting location;
5. If the registrant is a “federal-only” voter, information about what “federal-only” means and what limitations apply (including voting, signing petitions, etc.);
6. Information about identification requirements at the voting location;
7. Information about how to request an early ballot or be placed on the PEVL; and
8. Outline of the reasons why a person would need to re-register.

The County Recorder should send a voter registration card within 30 days of when a new registrant’s information is entered into the voter registration database. [A.R.S. § 16-163\(B\)](#). Return of an undeliverable voter registration card may be grounds to initiate the “NVRA process.” [A.R.S. § 16-163\(C\)](#). See [Chapter 1, Section VIII\(C\)](#).

#### **J. Help America Vote Act Identification Requirements**

The Help America Vote Act (HAVA) requires a first-time voter to prove identity before the voter can receive a ballot or vote in a federal election if the voter registered to vote by mail or through a third-party registration drive (*i.e.*, the registration form was not completed in-person at the County Recorder’s office or other designated voter registration agency). [52 U.S.C. § 21083\(b\)\(1\)-\(3\)](#).

The identification requirement under HAVA for in-person voting is the same as the identification requirement under state law for in-person early, emergency, and Election Day voting. Therefore, all in-person voters are subject to the same identification requirements. [A.R.S. § 16-579\(A\)\(1\)](#); [52 U.S.C. 20205\(c\)\(1\)](#); [52 U.S.C. § 21083\(b\)\(2\)\(A\)\(i\)](#).

However, Arizona’s method of proving identity for mail-in early voters (signature comparison) is not expressly permitted under HAVA. HAVA instead requires identity to be proven in one of the following ways for a first-time voter to vote by mail:

- Verification of a registrant’s AZDL/ID# or SSN4;
- Presentation of a registrant’s current and valid photo identification; or

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- Presentation of a copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the registrant.

[52 U.S.C. § 21083\(b\)](#). For purposes of HAVA compliance, verification of a registrant’s AZDL/ID# will be deemed sufficient proof of identity. If a registrant has not satisfied HAVA’s identification requirement for first-time voters who registered by mail, the registrant must be entered into the statewide voter registration database with a designation of “FED.” After the registrant proves identity by presenting a photo identification or utility bill/bank statement/government document with voter’s name and address, the designation must be changed to “FEDI.”

## V. PROTECTION OF SECURED REGISTRANTS

The following eligible registrants are entitled to have their registration record generally shielded from public disclosure, beyond the standard confidentiality protections available to all registrants:

- Registrants with a government (principally law enforcement) background who demonstrate to a court that sealing their registration record will reduce a danger to the registrant’s life or safety (collectively “protected government officials”), [A.R.S. § 16-153\(A\), \(B\)\(3\), \(K\)\(4\)](#);
- Registrants subject to an Order of Protection or Injunction against Harassment (collectively “protected victims”), [A.R.S. § 16-153\(A\), \(J\), \(K\)\(4\)](#);
- Registrants enrolled in the Secretary of State’s Address Confidentiality Program (ACP). ACP participants typically include victims of domestic violence, sexual offenses, or stalking offenses. The Secretary of State provides ACP participants a substitute address for public disclosure purposes and redirects mail from the substitute address to the ACP’s participant’s actual address, [A.R.S. § 41-161\(2\)](#); [A.R.S § 41-162](#).

Protected government officials, protected victims, and ACP participants are collectively referred to as “secured registrants” with “secured records.” Other persons who reside with secured registrants are also entitled to have their registration record secured. A registrant seeking secured status may obtain an application from the Administrative Office of the Courts at <http://www.azcourts.gov/selfservicecenter/Self-Service-Forms/Personal-Information-Redaction>. A protected government official or protected victim who is not an existing registered voter, but seeks to have their record sealed upon registering for the first time, should contact the County Recorder to coordinate the appropriate procedure. See [A.R.S. § 16-153](#).

An ACP participant who seeks to register to vote must initiate the process through the Secretary of State’s ACP Division. See [A.R.S § 41-162](#). The ACP participant will be provided a Voter Registration Packet, which includes a State Form and a Participant Protected Voter Records Form (PVR Form). If the person was already registered to vote prior to becoming an ACP

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participant, the person should re-register to vote through the Secretary of State’s ACP Division.<sup>12</sup> Upon receipt of the ACP participant’s completed voter registration packet from the Secretary of State’s ACP Division, the designated County Recorder official must process the registration form within five business days and complete the following steps: (i) mark the registrant’s record as secured, (ii) include the registrant on the PEVL;<sup>13</sup> and (iii) scan the State Form into the voter registration database so only the registrant’s name and signature will be visible, and ensure the original State Form is protected from unauthorized access.

### A. Marking Secured Records

A secured record in the voter registration database must be visually distinguishable from non-secured records. A County Recorder may implement additional security protocols to limit employee access to secured records.

### B. Responding to Public Records Requests

Protected government officials and protected victims (and any registered voter who resides at the same residence) are entitled to have their identifying information, including any of that person’s documents and voting precinct number, shielded from public disclosure. [A.R.S. § 16-153\(A\)](#).

ACP participants are entitled to have their “actual address” shielded from public disclosure, which includes the ACP participant’s actual residential address, work address, school address, telephone number, county of registration, and precinct number. [A.R.S. § 41-161\(1\)](#); [A.R.S. § 41-165\(E\)](#).

Neither the Secretary of State nor a County Recorder may disclose an ACP participant as a registered voter because doing so would reveal the ACP participant’s county of residence in violation of [A.R.S. § 41-161\(1\)](#) and [A.R.S. § 41-162\(A\)](#). The Secretary of State and/or County Recorder may also exclude protected government officials and protected victims from a response to a public records request for registrant records, if separating protected government officials/protected victims from ACP participants would present an undue burden.

However, nothing in this Section precludes the Secretary of State or County Recorder from: (1) providing non-sealed information about a protected government official or protected victim if otherwise required by law or a court order; or (2) including secured registrants in statistical reports.

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<sup>12</sup> More information on the process is available at <https://azsos.gov/services/acp>.

<sup>13</sup> The Secretary of State’s ACP Division requires that ACP participants be added to the PEVL to maintain the confidentiality of the ACP participant’s voting precinct, and will therefore ensure the “PEVL” box is selected on the State Form.

### C. Creating Signature Rosters or Uploading E-Pollbook Data

County Recorders may not include secured registrants, whether an ACP participant or protected government official or protected victim, on a signature roster or in an e-pollbook. If a county uses a tablet or computer terminal that has live access to the voter registration database via a secure virtual private network (VPN) connection, the system must be capable of shielding secured registrants' information from public view (or providing view access only to the secured registrant).

In the event a secured registrant attempts to vote provisionally at a polling place (and informs the poll worker of their secured status), the poll worker should undertake any additional or necessary precautions, including but not limited to:

- Confirming the correct ballot style;
- Ensuring that a protected government official or protected victim lists their actual residential address on the provisional ballot envelope;
- Making a notation about secured registrant status on the provisional ballot envelope; and/or
- Limiting the signature roster to the registrant's voter ID number and the notation "address protected."

### D. Issuance of Official Mail and Election Documents

A protected government official or protected victim should receive all official election mail and be issued any voter registration cards using the registrant's actual information.

An ACP participant should receive all official election mail and be issued any voter registration cards using the substitute address (and excluding the precinct name or number). [A.R.S. § 41-166\(E\)](#).

### E. Signing Candidate, Initiative, Referendum, or Recall Petitions

Secured registrants are encouraged not to sign petitions if they wish to maximize protection of the confidentiality of their identifying information and residential address.

The Secretary of State and County Recorders have no obligation to redact an address or other identifying information from a candidate, initiative, referendum, recall, or new party recognition petition signed by a secured registrant. Nor is the Secretary of State or a County Recorder required to research an ACP participant's actual address if a substitute address is placed on a petition. However, a secured registrant who signs a petition and indicates "protected address," "secured registrant," or other substantially similar designation in the address line shall not have the registrant's petition signature invalidated solely based on the failure to provide the registrant's actual address. See [A.R.S. § 16-321\(E\)](#). In such cases, the County Recorder may verify the petition signature based on the registrant's address in voter registration record. Verification of the petition signature, however, may necessarily disclose the secured registrant's

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district and/or county of residence. In addition, the registrant’s identifying information, including residential address, may appear on other petition-related records, which may be disclosed through a public records request or court challenge relating to the petition. For these reasons, secured registrants are encouraged not to sign petitions if they wish to maximize the confidentiality of their residential address.

**F. Terminating Secured Registrant Status**

A protected government official’s or protected victim’s registration record remains sealed for a period of five years, to expire by January 5 of the following year unless judicially renewed. A County Recorder must mail a notice to the protected government official or protected victim within six months of the expiration and advise him or her of the expiration date. [A.R.S. § 16-153\(F\)](#). A County Recorder may extend the protected government official’s or protected victim’s secured status upon receipt of a new court order. Otherwise, a County Recorder will remove the secured status from the registrant’s record after January 5 if the County Recorder does not timely receive a new court order.

An ACP participant’s registration record remains sealed indefinitely unless a County Recorder is notified by the registrant or the Secretary of State’s ACP Division that the registrant is no longer a participant in the ACP program. Upon receipt of such notice, a County Recorder should remove the secured status from the registrant’s record and send all future correspondence to the registrant’s actual residential address previously provided on the registration form (not the substitute address previously utilized for confidentiality purposes).

**VI. VOTER REGISTRATION PROCESSING DURING “BOOKS CLOSED”**

The period between the last day to register to vote for an election and Election Day is known as the “books closed” period. Historically, unless the specific changes were requested by the registrant before the voter registration deadline, County Recorders refrained from making substantive changes to voter registration records during the “books closed” period in order to ensure that the creation of signature rosters, e-pollbook rosters, and the verification of provisional ballots are based on records of eligible voters as of the last day to register to vote. However, voter registration processing may continue during the “books closed” period if the County Recorder has other means of identifying records of eligible voters as of the last day to register (*e.g.*, the voter registration system is able to sort by effective eligibility date).

Even if a County Recorder chooses to suspend voter registration processing during the “books closed” period, the following updates should continue to be processed:

- **Address Updates:** If an existing registrant updates their residence address after the voter registration deadline but prior to the finalization of the signature or e-pollbook rosters, a County Recorder may update the registrant’s record with the updated residence address. In this case, the existing registrant would be permitted to vote a regular ballot at their *new* voting precinct. (Voters who registered prior to the voter registration deadline but failed to notify the County Recorder of an address change prior to the date of the election are



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eligible to vote a provisional ballot and may update their address at their *new* voting precinct.)

- **Name Changes:** If an existing registrant updates their name after the voter registration deadline but prior to the finalization of signature rosters or e-pollbook rosters, a County Recorder may update the registrant’s record with the new name.
- **DPOC Changes:** If a “federal-only” voter provides satisfactory DPOC to the County Recorder by 5:00 p.m. on the Thursday before Election Day, the registrant’s designation must be updated to “full-ballot” voter. See [Chapter 1, Section II\(A\)\(2\)](#).

## VII. ELIGIBILITY TO VOTE

To be eligible to vote, a registrant must be both: (1) timely registered for a particular election (*i.e.*, registered in the jurisdiction at least 29 days before the date of the election), and (2) a qualified elector in a particular jurisdiction.

In general, a “qualified elector” is a person who is:

- Qualified to register to vote and is properly registered to vote (*i.e.*, included on the voter registration rolls) in the jurisdiction in question; and
- Will be at least 18 years old on or before the date of the election.

A registrant remains a qualified elector unless the registrant moves to another jurisdiction or has their registration canceled. [A.R.S. § 16-121\(A\)](#).

“Qualified electors” may differ in property-based elections conducted pursuant to Title 48. For example, a qualified elector for the purpose of a domestic water improvement district or domestic waste water improvement district election is a natural person (not a company, corporation, LLC, trust, or other business entity) who owns property in the district and: (i) is registered to vote in the applicable county and resides within the district; (ii) is registered to vote in the applicable county but does not reside in the district; or (iii) is registered to vote in Arizona but does not reside in the applicable county or district. [A.R.S. § 48-1012\(G\)](#).

### A. Age Requirements to Vote in the Next Election

To be eligible to vote in the next election held pursuant to [A.R.S. § 16-204](#), a registrant must be 18 years old on or before the date of that next election. [A.R.S. § 16-121\(A\)](#).

If a registrant will be at least 18 years old on or before the next statewide general election, but will not be at least 18 years old by the next election held in a particular jurisdiction, the registrant remains qualified to *register* to vote but is not a *qualified elector* for that next election. For example, if a registrant will turn 18 years old before the general election but will be 17 years old at the time of the primary election, the registrant may register but is not entitled to vote in the primary election.

## **B. Residency Requirements to Vote in the Next Election**

To be eligible to vote in the next election, a registrant generally must have residency within the boundaries (or proposed boundaries) of a particular jurisdiction for the 29-day period preceding that election. [A.R.S. § 16-120\(A\)](#). For example, to vote in a city or town election, a registrant must be a resident of that city or town at least 29 days before that election. [A.R.S. § 9-822\(A\)](#). A registrant may be temporarily absent from the jurisdiction without losing their residency status, as long as the registrant has an intent to return. [A.R.S. § 16-103](#).

### **1. Residency Requirements When Jurisdictional Boundaries Change**

If jurisdictional boundaries change during the 29-day period preceding the next election, a registrant must have residency within the new boundaries in order to vote in the next election in that new jurisdiction. This applies to boundary changes brought about by annexation.

For example, a registrant who previously resided in a county island, but whose property was annexed into a city or town during the 29-day period preceding an election, is qualified to vote in the city or town's next election if the registrant resided in the city or town's new boundaries during the 29-day period before the election. [A.R.S. § 9-822\(B\)](#).

### **2. Eligibility to Vote When Registrant Moves Within 29-Day Period**

If a registrant moves to a different precinct within the same county during the 29-day period preceding the next election, the registrant remains a qualified elector for the next election. If the registrant updates their residence address prior to the creation of the signature rosters or e-pollbook rosters, a County Recorder may update the registrant's record with the updated residence address in the voter registration database and the voter will be permitted to vote a regular ballot at their *new* voting precinct. The registrant is also entitled to update their address at the appropriate polling place for the voter's new address and then vote a provisional ballot on Election Day. [A.R.S. §§ 16-122, 16-135, 16-584](#).

If a registrant moves to a different county during the 29-day period preceding the next election, the registrant remains a qualified elector in the former county for that election and must vote in the *former* county. [A.R.S. § 16-125](#).

If a registrant moves to a different state during the 29-day period preceding the next election, the registrant is not a qualified elector (and is therefore ineligible to vote) in Arizona. However, a registrant retains the right to vote in Arizona for President of the United States (and no other races) at the general election during a Presidential election year. [A.R.S. § 16-126](#). Requesting a presidential-only ballot requires the County Recorder to cancel the registrant's record "promptly" following the general election. [A.R.S. § 16-165\(A\)\(6\)](#).

### 3. Exceptions to the 29-Day Residency Requirement

#### a. *Military and Overseas Voters*

Military and overseas registrants temporarily absent from the state are permitted to register and vote up until 7:00 p.m. on Election Day despite not physically residing in Arizona during the 29-day period preceding the election. [A.R.S. § 16-103](#); [A.R.S. § 16-543.02\(B\)](#). This exception also applies to a U.S. citizen who has never resided in the United States but whose parent is registered in Arizona and is a qualified elector for the next election. [A.R.S. § 16-103\(E\)](#).

#### b. *Public Officers Posted in Different County*

If a state employee or officer is posted to a duty station in a county other than the county from which they were appointed or elected, they (along with their spouse and dependents who reside in the household) remain qualified electors in the county of appointment or election, even if they physically reside in the county where the duty post is located. [A.R.S. § 16-124](#).

### C. Registration Deadline to Vote in Next Election

A registrant who registers to vote at least 29 days before the next election (and is otherwise a qualified elector in that jurisdiction) is entitled to vote at the next election. [A.R.S. § 16-120\(A\)](#); [A.R.S. § 16-134\(C\)](#).

#### 1. Date of Receipt of Voter Registrations

For online EZ Voter registrations, a registration is timely received if the registrant completes the online registration by 11:59 p.m. on the last day to register to vote. The time of registration is the time identified on the registrant's EZ Voter confirmation receipt.

For paper registrations conducted at a County Recorder's office, the Secretary of State's office, an AZMVD office or affiliate, a voter registration assistance agency, or an authorized voter registration volunteer's office, a registration is timely if the registrant completes or delivers the registration form before the office closes for business on the last day to register to vote.

For paper registration forms that are mailed to a County Recorder's office, a registration is timely if:

- The registration form is postmarked on or before the voter registration deadline and received by the County Recorder by 7:00 p.m. on Election Day; or
- The registration form is dated on or before the voter registration deadline and received by the County Recorder within five calendar days after the voter registration deadline.

[A.R.S. § 16-134\(C\)](#).

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For UOCAVA registrants using an FPCA or FWAB, a registration form is timely if received by the County Recorder's or Secretary of State's Office via mail, email, or fax by 7:00 p.m. on Election Day. [A.R.S. § 16-103\(C\)](#).

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**2. Voter Registration Form Received After Deadline**

A registrant who registers to vote within 29 days of an election is eligible to vote at the election following the next election. [A.R.S. § 16-120\(A\)](#). For example, a person who registers ten days before the primary election is not eligible to vote in the primary election but is eligible to vote in the general election.

If the County Recorder receives a new voter registration form less than 29 days before an election, and the registrant is not a military or overseas voter using the FPCA or FWAB registration form, the County Recorder may either:

- Enter the registrant's information in the voter registration database; or
- Refrain from entering the registrant's information in the voter registration database until after the next election.

If a County Recorder receives a voter registration form less than 29 days before an election from an existing registrant, the County Recorder may update the record prior to Election Day if the registrant will be a qualified elector in the precinct where the registrant resides.

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**3. When Registration Deadline Falls on a Weekend or Holiday**

If the 29-day registration deadline falls on a weekend or state holiday (regardless of whether a particular county office is open for business), the registration deadline is extended to the next business day for state government. For example, if the registration deadline falls on Columbus Day (a Monday), a registrant is qualified to vote in the next election if they register on the following Tuesday. [A.R.S. § 16-120\(B\)](#); *see also* [A.R.S. § 1-303](#) (listing state holidays).

Notwithstanding any state deadline, the Secretary of State has the authority to move the voter registration deadline in order to maintain compliance with the federal National Voter Registration Act (NVRA). Thus, the voter registration deadline will be moved closer to Election Day if the closure of state or federal offices would cause a method of registration to be unavailable within the 30-day period preceding the next election. For purposes of NVRA compliance, the registration deadline shall be applied uniformly across Arizona and is not subject to modification based on local business hours. [52 U.S.C. § 20507\(a\)\(1\)\(A\)-\(D\)](#); *Arizona Democratic Party v. Reagan*, No. CV-16-03618-PHX-SPL, 2016 WL 6523427, at \*13 (D. Ariz. Nov. 3, 2016).

## VIII. VOTER REGISTRATION LIST MAINTENANCE

### A. Deceased, Felon, and Incapacitated Registrants

Though the Secretary of State does not directly cancel any registration records, the Secretary of State is responsible for importing certain information received from federal and state officials into the statewide voter registration database, pursuant to which the statewide voter registration system will automatically cancel “hard matches” on the following limited bases:

1. The registrant is deceased;
2. The registrant was convicted of a felony in court; or
3. The registrant was adjudicated mentally incapacitated by a court.

#### 1. Deceased Registrants

The Arizona Department of Health Services (DHS) provides the Secretary of State with a file each month (along with a combined file each year) that contains the name, DOB, SSN, date of death, father’s name (if available), mother’s maiden name, and last known address of deceased Arizona resident who passed away during the applicable period. [A.R.S. § 16-165\(D\)](#).

Upon receipt and confirmation of proper formatting, the Secretary of State uploads the deceased registrant file into the statewide voter registration system. The system then initiates a matching process against registrant records in the statewide voter registration database.

#### a. Hard Match Criteria for Deceased Registrant Verification

For the purpose of verifying deceased resident information against the statewide voter registration database, a “hard match” occurs if the first three letters of the first and last name, DOB, and SSN4 match in both records.

If the statewide voter registration system finds a “hard match,” the registrant’s record is automatically placed in “canceled” status with a reason code of “deceased-automatic resolution” (or functional equivalent). The County Recorder need not send any confirmation of the cancellation to the registrant.

#### b. Soft Match Criteria for Deceased Registrant Verification

For the purpose of verifying deceased resident records against the statewide voter registration database, a “soft match” occurs if the first three letters of the first and last name and DOB match in both records or there is a “hard match” against more than one existing registrant record.

If the system finds a “soft match” between the deceased record and a registrant record, it will flag the records and notify the appropriate County Recorder of the need to review and compare the records. The County Recorder must conduct an individualized inquiry and determine whether a “true match” exists between the records.

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If a County Recorder determines that a “true match” exists, the County Recorder must select “match” in the system. The registrant’s record will be automatically updated to “canceled” status with a reason code of “deceased.” The County Recorder need not send any confirmation of the cancellation to the registrant.

If the County Recorder determines that a “true match” does not exist, the County Recorder must select “no match” in the system. The registrant’s record will remain in its existing status without being placed in “canceled” status in the statewide voter registration database.

A County Recorder should follow the same procedures if the county directly receives deceased registrant information directly from DHS instead of the Secretary of State.

**c. Other Sources of Information on Deceased Registrants**

A County Recorder may also cancel a registrant’s record if the County Recorder determines that the registrant is deceased based on other reliable sources, *see* [A.R.S. § 16-165\(A\)\(2\)](#), including, but not limited to, death notices received by the County Recorder’s office and an affidavit of death from the registrant’s next of kin. A County Recorder should match as much information as possible (including first name, last name, maiden name (if applicable), year of birth, place of birth, and city or town of residence) and be reasonably certain that a “true match” exists before canceling a registrant. For example, newspaper or online obituaries alone may not suffice to cancel a registrant record without additional research and confirmation. In cases where the County Recorder cannot confirm a “soft match,” the County Recorder may send a letter to the registrant asking to confirm the information.

A registrant who passes away after casting a valid ballot is entitled to have their ballot tabulated and votes counted.

**2. Registrants Convicted of a Felony or Found Mentally Incapacitated**

The Secretary of State is responsible for receiving felony conviction and mental incapacitation information from federal and state officials and processing the information through the statewide voter registration system.

**a. Sources of Felony Conviction and Incapacitation Information**

The Secretary of State electronically receives periodic files from Arizona superior courts and from the Maricopa County Superior Court containing the name, DOB, and SSN4 of Arizona residents recently convicted of a felony or found mentally incapacitated in that jurisdiction. Upon receipt and confirmation of proper formatting, the Secretary of State imports the files into the statewide voter registration system.

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The Secretary of State also receives in various non-electronic formats: (1) additional felony conviction information from Arizona superior courts and the U.S. Department of Justice; and (2) additional mental incapacitation information from Arizona superior courts. Upon receipt, the Secretary of State converts these records into the proper electronic format and imports these files into the statewide voter registration system.

**b. Processing Felony Conviction and Incapacitation Information**

The statewide voter registration system compares the felony and mental incapacitation records against the statewide voter registration database for potential matches.

A “hard match” occurs when the first three letters of the first and last name, DOB, and SSN4 match an existing registrant record. In this case, the registrant’s record is automatically placed in “canceled” status with the reason code of “felony – automatic resolution” or “declared incapacitated – automatic resolution” (or functional equivalent).

A “soft match” occurs when the first three letters of the first and last name and DOB match an existing registrant record (or there is a “hard match” against more than one existing record in the database). In this case, the system will flag the record for individual resolution by the applicable County Recorder. If the County Recorder finds a “true match,” the record may be placed in “canceled” status with the reason code “felony” or “declared incapacitated” (or functional equivalent). The County Recorder must send a letter to the registrant confirming any cancellation based on a felony conviction or finding of mental incapacitation.

A County Recorder should follow the same procedures if the county directly receives felony conviction or mental incapacitation information from a court instead of the Secretary of State.

A County Recorder may reinstate a registrant’s record if the registrant was erroneously canceled based on mental incapacitation, but the registrant retained the right to vote by court order. If the registrant was canceled based on a felony conviction but later had their civil rights restored, the registrant must submit a new voter registration in order to be re-registered.

**B. Secretary of State Duties to Forward Registrant Information**

The Secretary of State also periodically receives registrant information that must be processed and forwarded to County Recorders for final resolution as described below.

**1. Information Received from Out-of-State Jurisdictions**

The Secretary of State occasionally receives correspondence from out-of-state jurisdictions providing information about Arizona registrants. The Secretary of State will promptly forward the correspondence to the applicable County Recorder(s) by email. The Secretary of State may not cancel any registration records or otherwise initiate any process through the statewide voter registration system based on the out-of-state correspondence. A County Recorder should treat the

information as a “soft match” and conduct an individualized inquiry before canceling any registration record.

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## 2. Information Received Through Multi-State Compacts

Arizona is a member of the Electronic Registration Information Center (ERIC). The Secretary of State is responsible for acquiring, sorting, and distributing registrant information received from ERIC to the County Recorders.

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## 3. Juror Disclosure of Felony Conviction

Election officials periodically receive court records or information regarding prospective jurors who acknowledged a felony conviction on a juror questionnaire. If a County Recorder receives such information, the County Recorder must cancel any registrant record that is a “true match” against the juror information, using the reason code “juror questionnaire - felony” (or functional equivalent). [A.R.S. § 16-165\(A\)\(4\)](#). The County Recorder must also send a letter informing the registrant of the cancellation.

A County Recorder must ensure that a registration is not canceled twice for the same felony conviction. For example, the statewide voter registration system might have automatically canceled the registration upon being notified of the felony conviction through court records pursuant to [Chapter 1, Section VIII\(A\)\(2\)](#), and the registrant could have re-registered (following restoration of their civil rights) before the juror questionnaire information was provided to the County Recorder about the same felony conviction. Thus, before canceling a registration record based on a juror questionnaire, the County Recorder should confirm that the registrant did not have a prior registration record recently canceled on account of a felony conviction.

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## 4. Juror Disclosure of Non-Citizenship

Election officials also periodically receive court records or information regarding prospective jurors who stated on a juror questionnaire that they are not a U.S. citizen. If a County Recorder receives such information, the County Recorder may cancel any registrant record that is a “true match” only after completing the following steps:

1. Confirm that the registrant does not already have valid proof of citizenship documented in the statewide voter registration database (if the registrant has DPOC on file, the County Recorder may not cancel the registrant’s record based solely on the juror questionnaire);
2. If the registrant has no DPOC on file, send a letter to the registrant (including a DPOC Submission Form/Juror Questionnaire Non-Citizen Notice, *see* [Chapter 17](#) for sample forms) within ten business days, informing the registrant that:
  - The County Recorder has received information indicating that the registrant stated on a juror questionnaire that they are not a U.S. citizen;
  - The registrant has not previously provided valid DPOC;



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- The registrant must submit DPOC within 35 days of the date of the notice to remain eligible to vote and the registrant will be made a “full-ballot” voter upon submission of DPOC; and
- The registrant’s record will be canceled if the registrant does not submit DPOC within 35 days.

If the registrant does not submit valid DPOC by the 35-day deadline, the County Recorder must change the registrant’s status to “canceled” with the reason code “juror questionnaire - citizenship.” The County Recorder must also send a letter notifying the registrant of the cancellation and providing instructions on how to re-register and provide valid DPOC if the registrant is otherwise eligible to register to vote.

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### **5. Juror Disclosure of Out-of-County Residency**

If a County Recorder receives court documents or other information regarding prospective jurors who stated on a juror questionnaire that they are not a resident of the county and the County Recorder confirms a “true match” with a registrant record, the County Recorder must send a letter to the registrant within ten business days. The letter must:

- Inform the registrant that the County Recorder was notified the registrant indicated on a juror questionnaire that the registrant is not a resident of the county; and
- Include a voter registration form or an appropriate internet address through which the registrant can update their address and/or register to vote in their new county in Arizona.

If the letter is returned undeliverable,<sup>14</sup> the County Recorder must send a follow-up notice within 21 days, which constitutes the “Final Notice” pursuant to the NVRA process; the registrant’s record may be canceled through the NVRA process only if the registrant does not timely respond to the Final Notice *and* fails to vote in any election in two federal/statewide general election cycles. See [Chapter 1, Section VIII\(C\)](#) for details on the NVRA process.

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### **C. Cancellation through NVRA Process Due to Address Changes**

One of the principal ways to ensure the accuracy of registration records is to update records based on a registrant’s change of address. [52 U.S.C. § 20507\(a\)\(4\)\(B\)](#). A County Recorder receives address change information in various ways: directly from the registrant, from the U.S. Postal Service’s (USPS) National Change of Address (NCOA) service, through returned mail from USPS, or from ERIC reports. A County Recorder may update (and in some cases cancel) a registration record depending on the circumstances.

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<sup>14</sup> If the initial notice letter is not returned undeliverable, the registrant’s record may not be canceled, even if the registrant does not respond to the initial notice letter.

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One piece of returned official election mail alone is not sufficient to cancel a registrant's record. Rather, a County Recorder generally must send two official election mailings to the registrant (only one official election mailing is required if a registrant appears on an NCOA or ERIC report), and only if a registrant does not respond to the mailing(s) or vote during a specified period after the mailings were sent, is the County Recorder permitted to cancel the record. The requirements below are outlined in NVRA and the process is referred to here as the "NVRA process."

**1. Initiating the NVRA Process Based on Returned Election Mail**

To invoke the NVRA process based on returned election mail, a County Recorder must complete the following steps:

1. Send an official election mailing by non-forwardable, first-class mail marked with a statement required by USPS to receive an address correction notification (the "First Notice"). Official election mail includes but is not limited to:
  - A voter registration card;
  - A 90-day notice to PEVL registrants issued pursuant to [A.R.S. § 16-544\(D\)](#);
  - A ballot-by-mail issued pursuant to [A.R.S. § 16-542](#) or [A.R.S. § 16-544](#);
  - Any other first-class, non-forwardable official election mail.
2. If the election mail is returned undeliverable, the County Recorder must send a follow-up notice to the registrant within 21 days after the mail is returned to the County Recorder (the "Final Notice"). If the returned mail contains a forwarding address for the registrant, the County Recorder must send the Final Notice to the new address. Otherwise, the County Recorder must send the Final Notice to the same address used for the initial mailing.
3. The Final Notice must contain a voter registration form or an appropriate internet address through which the registrant can update their address. The Final Notice also must warn that if the registrant does not submit a new voter registration form or update their address within 35 days, the registrant will be placed in "inactive" status.
4. If the registrant does not submit a new voter registration form or otherwise update their address by the 35-day deadline, the County Recorder must change the registrant's status to "inactive" with the reason code "NVRA inactive address" (or functional equivalent).

[A.R.S. § 16-166\(A\), \(C\), \(E\)](#); [A.R.S. § 16-544\(E\)](#); [52 U.S.C. § 20507\(b\)\(2\), \(d\)\(1\)\(B\), \(d\)\(2\)](#).

The registrant may be canceled through the NVRA process if the registrant:

- Does not timely respond to the Final Notice by submitting a new registration form or otherwise update their voter registration address with the County Recorder; and
- Fails to vote in any election in two federal/statewide general election cycles following the Final Notice.

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[A.R.S. § 16-165\(A\)\(7\)](#); [A.R.S. § 16-166\(E\)](#); [52 U.S.C. § 20507\(b\)\(2\), \(d\)\(1\)\(B\), \(d\)\(2\)](#).

If the preceding conditions have been met, under NVRA, the registrant's record may shall be canceled after four years from the date of the Final Notice or following the second general election after the Final Notice. [A.R.S. § 16-166\(C\), \(E\)](#); [A.R.S. § 16-165\(A\)\(7\)](#).

## 2. Special Procedures Applicable to NCOA Notices

A County Recorder is permitted, but not required, to utilize USPS's NCOA service to preliminarily identify registrants who have moved. [52 U.S.C. § 20507\(c\)\(1\)\(A\)](#); [A.R.S. § 16-166\(E\)](#). Since NCOA data reflects actual change-of-address information the registrant has provided to USPS, the NVRA authorizes a special process to be utilized for list maintenance purposes. The NCOA data serves the same function as a First Notice that is returned undeliverable. Thus, a County Recorder need only send one additional notice, which serves as the Final Notice, to invoke the NVRA process.

If the County Recorder chooses to use NCOA data, any *initial* notice pursuant to this Section must be sent on or before May 1 of a general election year. The County Recorder may also send additional notices after May 1. [52 U.S.C. § 20507\(c\)\(2\)\(A\)](#); [A.R.S. § 16-166\(E\)](#). Sending this notice by May 1 also allows a County Recorder to simultaneously send a 90-day notice to PEVL voters for the primary election in the same mailing. [A.R.S. § 16-544\(D\)](#).

### a. When NCOA Data Indicates Out-of-County Move

If NCOA data indicates that the registrant moved outside the county, the County Recorder must send a notice to the new address by forwardable mail informing the registrant how to remain eligible to vote. The notice must:

- Enclose a postage prepaid and preaddressed return form by which the registrant may confirm the intent to cancel their registration;
- Notify the registrant to re-register if they moved to another county; and
- Notify the registrant to update the County Recorder within 29 days of the letter if the registrant's change-of-address was only temporary.

[52 U.S.C. § 20507\(c\)\(1\)\(B\)\(ii\), \(d\)\(2\)\(B\)](#); [A.R.S. § 16-166\(E\)](#). This letter serves as a Final Notice in the NVRA process.

### b. When NCOA Data Indicates In-County Move

If the NCOA data indicates that the registrant moved within the county, the County Recorder must supplement the registrant's record with the new address obtained through NCOA. The County Recorder also must send a notice to the new address by forwardable mail to provide the registrant an opportunity to confirm or correct the address change. The notice must:

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- Notify the registrant that the County Recorder updated the registrant’s record with the new address;
- Enclose a postage prepaid and pre-addressed return form by which the registrant may confirm or correct the address change;
- Notify the registrant that if they do not confirm the new address within 35 days, the registrant will be placed in “inactive” status.

[A.R.S. § 16-166\(E\)](#). This letter serves as a Final Notice in the NVRA process.

### 3. NVRA Recordkeeping Responsibilities

A County Recorder must track all Final Notices sent to a registrant, along with any communication from the registrant received in response to a Final Notice, with a registrant’s record in the voter registration database. [52 U.S.C. § 20507\(i\)\(2\)](#).

#### D. Prohibition on Systematic Cancellations within 90 Days of Election

A County Recorder must complete any program to systematically cancel registration records at least 90 days before a primary or general election. [52 U.S.C. § 20507\(c\)\(2\)\(A\)](#). Systematic programs include the cancellation of records through the NVRA process described in [Chapter 1, Section VIII\(C\)](#). However, the 90-day prohibition does not preclude cancellation of records based on:

- Automatic cancellations through the statewide voter registration system of hard matches based on death, felony conviction, or mental incapacitation;
- Merging/cancellation of duplicate records (whether manual or automatic) when processing new voter registration forms;
- Cancellation at the request of the registrant; and
- Cancellation of records added to the voter registration database in error.

[52 U.S.C. § 20507\(c\)\(2\)\(B\)](#).

## IX. REPORTING VOTER REGISTRATION STATISTICS

Each County Recorder must report to the Secretary of State and the officer in charge of elections the number of active and inactive county registrants as of the following dates:

- **In even-numbered years:**
  - January 2;
  - The last day to register to vote for the March PPE;
  - April 1;
  - The last day to register to vote for the August primary election; and
  - The last day to register to vote for the November general election.

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- **In odd-numbered years:**

- January 2;
- April 1;
- July 1; and
- October 1.

In addition, registration reports must be provided to the Secretary of State as of the registration deadline for any special election. [A.R.S. § 16-168\(G\)](#).

The reports must be broken down by political party and according to precinct, legislative district, and congressional district. For reporting purposes, political parties are limited to the Republican Party, Democratic Party, Libertarian Party (assuming they remain qualified for statewide recognition), Green Party (assuming they remain qualified for statewide recognition), and any other statewide recognized political party that qualifies for representation on the ballot at the time of the report. The “Other” total reported to the Secretary of State should include all registrants registered as “other,” “independent,” “party not designated,” “PND”, “no party” (or any substantially similar designation) or any non-recognized political party.

These totals should be reported to the Secretary of State as soon as practicable following the applicable cutoff dates. [A.R.S. § 16-168\(H\)](#). The totals must include only registrations as of the reporting cutoff periods.

For reports prepared as of a registration cutoff date, the County Recorder should ensure that the same active and inactive registration numbers reported to the Secretary of State match any registration statistics reported to the officer in charge of elections for purposes of determining voter turnout.

As soon as practicable upon receipt of all 15 county reports, the Secretary of State must prepare, publish, and retain a statewide summary of the voter registration statistics. [A.R.S. § 16-168\(H\)](#).

### **A. “Federal-Only” Registration and Ballot Report**

The County Recorder or other officer in charge of elections must file a report with the Secretary of State, and post on the County Recorder’s website, the number of people who are registered to vote using the state or federal form who have not provided documentary proof of citizenship. In even-numbered years, the report must be made on January 2, April 1, and the last day on which a person may register to be eligible to vote in the next presidential preference, primary, and general election. In odd numbered years, the report must be made on January 2, April 1, July 1, and October 1. Additionally, after each general election, the County Recorder must post on the County Recorder’s website the number of ballots cast by those eligible to vote for federal offices only. [A.R.S. § 16-161\(B\)](#); [A.R.S. § 16-168](#).

## **X. PROVISION OF REGISTRATION DATA TO THIRD PARTIES**

### **A. Precinct Lists to Recognized Political Parties**

Each County Recorder must provide, at no cost, a list of active and inactive registered voters to the State and County Chairpersons of the recognized political parties that are entitled to continued representation on the ballot pursuant to [A.R.S. § 16-804](#), [A.R.S. § 16-168\(C\)-\(D\)](#).

#### **1. Content of Political Party Precinct Lists**

The precinct list must contain the following information about each registrant:

1. Registrant’s full name, which includes first name, middle name, last name, and suffix in different columns;
2. Party preference;
3. Date of registration;
4. Residence address;
5. Mailing address (if different from residence address);
6. Zip code;
7. Telephone number (if available);
8. Birth year;
9. Occupation (if available);
10. Voting history for the past four years, including which party ballot was issued and method of voting (polling place, early, or provisional);
11. Whether the registrant is on the PEVL;
12. Voter ID number; and
13. Registrant’s registration status and status reason, including “federal-only” designation if applicable.

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[A.R.S. § 16-168\(C\)](#). Precinct lists should generally be provided in electronic format, and County Recorders are encouraged to make the lists available to the political parties through a secure website or Secure File Transfer Protocol (SFTP) portal. If the list is provided in printed format, the list must be created in alphabetical order (by registrant last name) and be organized by precinct, unless otherwise agreed upon by the County Recorder and the political party at issue. [A.R.S. § 16-168\(E\)](#).

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## 2. Timing of Political Party Precinct Lists

A County Recorder must provide precinct lists as of the following dates:

- **In even-numbered years:**
  - January 2;
  - The last day to register to vote for the March PPE;
  - April 1;
  - The last day to register to vote for the August primary election; and
  - The last day to register to vote for the November general election.
- **In odd-numbered years:**
  - January 2;
  - April 1;
  - July 1; and
  - October 1.

[A.R.S. § 16-168\(C\)-\(D\), \(G\)](#).

Precinct lists developed for the primary and general election must be provided within eight days after the close of registration. [A.R.S. § 16-168\(C\)](#). Otherwise, the remaining precinct lists must be provided within ten business days after the applicable reporting dates. [A.R.S. § 16-168\(D\)](#).

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## 3. Requests for Political Party Precinct Lists

To receive precinct lists at no cost, a recognized political party must seek precinct lists from the applicable County Recorder within eight days after the close of registration for precinct lists developed for the primary and general election or within ten business days after any other applicable reporting dates. [A.R.S. § 16-168\(C\), \(D\), \(L\)](#). Counties may establish a process for recognized political parties to opt to automatically receive precinct lists for each election.

A County Recorder need not provide this precinct list for the primary or general election to a recognized political party if that party will have less than four partisan candidates (other than presidential electors) on that county's ballot. [A.R.S. § 16-168\(C\)](#).

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A recognized political party may seek precinct lists from the Secretary of State only if the applicable County Recorder fails or refuses to provide the list. In this case, the Secretary of State may charge the County Recorder a fee to produce the records as outlined in [Chapter 1, Section X\(C\)](#) below. [A.R.S. § 16-168\(L\)](#).

### **B. Use of County Registration Rolls by Political Subdivision**

Any political subdivision of the state, including a city or town, may use the county registration rolls to conduct an election. At least 60 days before any such election, the governing body of the political subdivision shall negotiate a contract with the County Recorder to reimburse the County Recorder for the *actual* expenses in preparing the necessary lists for use in the election. The County Recorder shall not charge more than the actual additional costs that such preparation entails. [A.R.S. § 16-172](#).

### **C. Public Records Requests by Third Parties**

Any person or organization may make a public records request for registrant information to a County Recorder or the Secretary of State. [52 U.S.C. § 20507\(D\)](#); [A.R.S. § 16-168\(E\), \(K\)](#); [A.R.S. § 39-121.01\(D\)](#). A County Recorder or the Secretary of State may request a properly-completed public records request form to be submitted before responding to the public records request. Records should be produced within 30 days of receipt of a proper request. [A.R.S. § 16-168\(E\)](#).

Copies of registrant records may be provided exclusively in electronic format, including via a password-protected Secure File Transfer Protocol (SFTP) site, Virtual Private Network (VPN), or other secure method of electronic transmission. In addition to the fees set forth in [A.R.S. § 16-168\(E\)](#), the County Recorder or the Secretary of State may charge for the cost of an electronic storage medium in which to deliver the records in a secure format.

If a person or organization requests to inspect registrant records in lieu of requesting copies, a County Recorder or the Secretary of State may establish how and under what conditions the records may be inspected. [A.R.S. § 16-168\(F\)](#).

#### **1. Scope of Registrant Records Not Subject to Disclosure**

The following components of a registrant's record are confidential and may not be viewed, accessed, reproduced, or disclosed to a member of the public:

1. Month and day of birth;
2. SSN (or any portion thereof);
3. AZDL/ID#;
4. Indian census number;
5. Father's name;
6. Mother's maiden name;



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7. State or country of birth;
8. Signature;
9. Email address;
10. Any registration source code or other indication of location of registration;
11. Any documents submitted as proof of citizenship; or
12. Any secured record.

The information listed above may be viewed, accessed, or reproduced by the registrant (if the information pertains to the registrant's own record), an authorized government official in the scope of the official's duties, ~~a voter registration assistance agency~~ designated voter registration assistance agencies, for signature verification on petition and candidate filings, for election purposes and for news gathering purposes by a person engaged in newspaper, radio, television or reportorial work, or connected with or employed by a newspaper, radio or television station, or pursuant to a court order. If requested for news gathering purposes by a person engaged in newspaper, radio, television, or reportorial work, a County Recorder may condition release of such confidential information (other than secured records) upon execution of a non-disclosure agreement. A registrant's e-mail address may not be released for any purpose. A.R.S. § 16-168(F).

A registrant's signature may be viewed or accessed by a member of the public only for purposes of verifying signatures on a candidate, initiative, referendum, recall, new party, or other petition or for purposes of verifying candidate filings. A.R.S. § 16-168(F). A County Recorder may establish the conditions under which the signature may be viewed or accessed, including prohibition of photography.

## 2. Permissible Uses of Registrant Records

Registrant records may only be used for political or political party activity, a political campaign or election, nonpartisan voter registration or outreach, revising district boundaries, or any other purpose specifically authorized by law. A.R.S. § 16-168(E), (N).

A person or organization in possession of a precinct list or other registrant information may not allow the list or information to be used, sold, or otherwise transferred for any purpose except those authorized above, including posting to the internet. A.R.S. § 16-168(F).

The County Recorder or Secretary of State shall deny a public records request intended for a commercial purpose. The sale of precinct lists or registrant records to a candidate or political committee for a political or campaign use does not constitute a prohibited commercial purpose. A.R.S. § 16-168(E).

## CHAPTER 2: EARLY VOTING

Any election in Arizona, including special taxing district elections, must provide for early voting, which includes no-excuse ballot-by-mail<sup>15</sup> voting and in-person early voting. [A.R.S. § 16-541](#). An all ballot-by-mail election incorporates aspects of early voting but is subject to the specific requirements outlined in [Chapter 3](#).

### I. BALLOT-BY-MAIL

Without providing any reason or justification, a voter may request to be sent a ballot-by-mail on a one-time or permanent basis.

#### A. One-Time Requests to Receive a Ballot-by-Mail

A voter may request a ballot-by-mail for a specific election, which may include a simultaneous request for a ballot-by-mail for both the primary and general election. [A.R.S. § 16-542\(A\)](#). A voter may make a ballot-by-mail request to the County Recorder or other county officer in charge of elections, who must document the voter's request in the voter's registration record.

Candidates, political committees, or other organizations are permitted to distribute ballot-by-mail request forms to voters. Such request forms shall be submitted to the County Recorder within six business days after receipt by a candidate, political committee, or other organization or 11 days before Election Day, whichever is earlier. [A.R.S. § 16-542\(I\), \(J\)](#). The request forms must seek all the information required in [Chapter 2, Section I\(A\)\(4\)](#).

##### 1. Eligibility to Request a Ballot-by-Mail

Any qualified elector may request a ballot-by-mail containing the races for which they are eligible to vote. [A.R.S. § 16-542](#). However, for an election that includes a federal office, first-time voters who registered to vote by mail must prove identity before requesting a ballot-by-mail. [52 U.S.C. § 21083\(b\)](#); see [Chapter 1, Section IV\(J\)](#) for more details on the HAVA identification requirements.

##### 2. Time Period to Request a Ballot-by-Mail

A voter may request a ballot-by-mail between 93 and 11 days before the election. [A.R.S. § 16-](#)

<sup>15</sup> This Manual uses the term “ballot-by-mail” to refer to: (1) early ballots mailed to voters based on a one-time request pursuant to [A.R.S. § 16-542](#) or based on the voter's request to be on the permanent early voting list (PEVL) pursuant to [A.R.S. § 16-544](#); (2) ballots transmitted to UOCAVA voters; and (3) ballots automatically mailed to all eligible voters for an all ballot-by-mail election (see [Chapter 3](#) for more information on ballot-by-mail elections).

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[542\(A\), \(E\)](#). A voter may simultaneously request a ballot-by-mail for both a primary and general election as long as the request is made between 93 and 11 days before the *primary* election. However, UOCAVA voters may make a request for a ballot-by-mail more than 93 days before an election. [A.R.S. § 16-542\(B\)](#).

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**3. Methods to Request a Ballot-by-Mail**

A voter may request a ballot-by-mail orally or in writing, including in-person, online, or by telephone, email, fax, or mail. A voter may update their residence or mailing address in their voter registration record through a written (but not oral) ballot-by-mail request form. [A.R.S. § 16-542\(A\), \(F\)](#).

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**4. Ballot-by-Mail Request Form**

For written or online requests, a ballot-by-mail request form created by County Recorders must contain the following:

1. The title “Ballot-by-Mail Request” or “Early Ballot Request;”
2. The county name;
3. Entry fields for:
  - a. The voter’s name;
  - b. The voter’s residential address or residence location;
  - c. The voter’s mailing address where the ballot-by-mail should be sent (if different from residential address);
  - d. The voter’s date of birth;
  - e. State or country of birth, or another piece of information that, if compared to the voter’s record, would confirm the voter’s identity (such as the AZDL/ID# or SSN4, father’s name, or mother’s maiden name);
  - f. The voter’s telephone number (paper forms only);
  - g. The voter’s signature (paper forms only);
  - h. The voter’s email address (optional);
  - i. The election or election date(s) for which a ballot-by-mail is being requested;
4. If the voter is not registered with a recognized political party and is requesting a primary election ballot, an entry field for the registrant to specify the political party ballot being requested;
5. A method to indicate whether the voter would like to update their registration record with the information provided in the ballot-by-mail request form; and
6. A notice that the completed ballot-by-mail request must be received by the County Recorder by 5:00 p.m. on the 11th day preceding the election.

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In addition to the County Recorder's official paper or online ballot-by-mail request form, a voter may use any other substantially similar written document to make a one-time request to be sent a ballot-by-mail.

[A.R.S. § 16-542\(A\), \(E\).](#)

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**5. Minimum Requirements for Requesting a Ballot-by-Mail**

In order for the County Recorder to process a ballot-by-mail request, the request must contain at least the following information:

1. The voter's name;
2. The voter's residential address;
3. The voter's date of birth;
4. At least one of the following:
  - The voter's state or country of birth; or
  - Another piece of information that, if compared to the voter's record, would confirm the voter's identity, such as the AZDL/ID# or SSN4, father's name, or mother's maiden name.

In addition, for partisan primary elections, a voter who is not registered with a recognized political party must indicate which political party ballot the voter wishes to receive. [A.R.S. § 16-542\(A\), \(E\).](#)

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**6. Requesting Political Party Ballot for a Primary Election**

If a voter requests a one-time ballot-by-mail for a primary election, but the voter is not registered with a recognized political party, the voter must designate a recognized political party ballot in order to receive a ballot-by-mail for that primary election. [A.R.S. § 16-542\(A\).](#)

The voter may request only one political party ballot for each election. Requesting a political party ballot does not change the voter's political party preference in their registration record. In general, once a County Recorder mails the requested party ballot, a voter may not request or receive a different party ballot. If a voter re-registers to vote with a recognized political party between 45 and 29 days before the election, however, the voter must be sent a party ballot that corresponds to the new party. If the voter had requested a different party ballot prior to re-registering to vote, the prior ballot should not be mailed (or if already mailed, should be voided).

In lieu of requesting a party ballot for the partisan primary, a voter who is not registered with a recognized political party may request a non-partisan ballot if a non-partisan election is being conducted at the same time as the partisan primary and if the voter is eligible to vote a non-partisan ballot.

## 7. Incomplete Ballot-by-Mail Requests

If a ballot-by-mail request does not contain the voter's name, residential address, date of birth, party ballot designation (for voters not registered with a recognized political party who are requesting a ballot-by-mail for a partisan primary election), or other verifying information, the County Recorder must notify the voter (by mail, telephone and/or email) within a reasonable period if the County Recorder has sufficient contact information to do so. If the ballot-by-mail request form does not contain contact information, the County Recorder must check the registrant's record for contact information. [A.R.S. § 16-542\(E\)](#).

If the voter provides the missing information by the 11th day before the election, the voter must be mailed a ballot-by-mail for that election. If the voter provides the missing information after the 11th day before the election, the County Recorder may send the voter a ballot-by-mail for that election if the County Recorder has sufficient time to do so.

### B. Requests to Be Placed on the Permanent Early Voting List

A voter may request to be placed on the Permanent Early Voter List (PEVL) and receive a ballot-by-mail for each election the voter is eligible for. [A.R.S. § 16-544\(A\)](#).

Unless a PEVL voter notifies the County Recorder at least 45 days before an election that the voter does *not* wish to receive a ballot-by-mail, the County Recorder will automatically schedule the mailing of a ballot-by-mail to the voter. [A.R.S. § 16-544\(F\)](#). However, for an open partisan primary election, the County Recorder will not mail a ballot to a voter who is not registered with a recognized political party unless the voter timely selected a political party ballot. [A.R.S. § 16-544\(G\)](#).

#### 1. PEVL Eligibility

Any qualified elector may request to be placed on the PEVL. [A.R.S. § 16-544\(A\)](#).

A first-time voter with "federal-only" designation who registered by mail (*i.e.*, has a "FED" designation) and requests to be placed on the PEVL must first prove their identity prior to receiving a ballot-by-mail. [52 U.S.C. § 21083\(b\)](#); see [Chapter 1, Section IV\(J\)](#) for more details on the HAVA identification requirements.

A UOCAVA voter also may request to be placed on the PEVL, however ballots are transmitted to these UOCAVA voters at least 45 days before the election. [A.R.S. § 16-544\(J\)](#). If a PEVL voter loses their UOCAVA status, the voter shall continue to receive a ballot-by-mail at their designated mailing address unless the address is outside of Arizona. However, even if the voter's mailing address is in Arizona, the voter, upon losing UOCAVA status, may not receive or return a ballot by fax or other electronic means and the ballot will not be sent until 27 days (rather than 45 days) before the election unless the voter submits a new FPCA form.

A voter enrolled in the PEVL may not request that ballots be automatically sent to an out-of-state

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address for each election unless the voter is also a UOCAVA voter. However, a PEVL voter may make one-time requests to have their ballot mailed to an address outside of Arizona for specific elections. [A.R.S. § 16-544\(B\)](#).

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**2. Time Period to Request Placement on the PEVL**

A voter may request to be placed on the PEVL at any time. However, in order for a ballot to be mailed to the voter for a specific election, the PEVL request must be received no later than 5:00 p.m. on the 11th day before the election. [A.R.S. § 16-542\(A\), \(E\), \(F\)](#). If a voter requests to be placed on the PEVL less than 11 days before the election, no ballot will be mailed to the voter for that next election (unless the County Recorder has time to do so), but the voter's PEVL status will be activated for future elections.

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**3. Methods to Request Placement on the PEVL**

A voter may request to be placed on the PEVL by:

- Selecting the PEVL request box on the State Form;
- Selecting the PEVL request option on an online EZ Voter registration;
- Submitting a PEVL request form issued by a County Recorder; or
- Making any other written request that contains the minimum required information for a PEVL request.

If a registrant makes a request to be added to the PEVL other than through an initial voter registration, the County Recorder must compare the signature on the PEVL request form with the signature in the registrant's record to determine whether the same person signed both forms before adding the voter to the PEVL. [A.R.S. § 16-544\(C\)](#).

After a valid request, a County Recorder must update the voter's registration record to reflect PEVL status. [A.R.S. § 16-544\(C\)](#).

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**4. PEVL Request Form**

A PEVL request form created by County Recorders must contain substantially the following:

1. The title "Permanent Early Voter List Request";
2. The county name;
3. Entry fields for:
  - The voter's name;
  - The voter's residential address or location;
  - The voter's mailing address in the state;
  - The voter's date of birth; and

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- The voter’s signature;
- 4. A method to indicate whether the voter would like to update their registration record with the information provided in the PEVL request form;
- 5. A statement that the voter is attesting that the voter is a registered voter who is eligible to vote in the county of residence; and
- 6. The statement “I authorize the County Recorder to add my name to the permanent early voting list and by doing so the County Recorder will automatically mail a ballot-by-mail to me for each election for which I am eligible.”

A County Recorder may add additional language to a PEVL request form.

In addition to the County Recorder’s official PEVL request form, a voter may use any other substantially similar written document to request PEVL status.

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**5. Minimum Requirements for Requesting Placement on the PEVL**

A valid written PEVL request must contain, at minimum, the voter’s:

- Name;
- Residence address or location within the county;
- Mailing address within the state (if different from residential address);
- Date of birth; and
- Signature.

The voter may not list an out-of-state mailing address unless the voter is a UOCAVA voter. [A.R.S. § 16-544\(B\)](#).

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**6. Incomplete Requests for Placement on the PEVL**

If the PEVL request does not contain the voter’s name, residence address, mailing address in the state, date of birth, or signature, or contains a signature that does not match the signature in the registrant’s record, the County Recorder must notify the voter (by mail, telephone, text, and/or email) within a reasonable period if the County Recorder has enough information to do so. If the PEVL request form does not contain contact information, the County Recorder must check the registrant’s record for contact information.

If the voter provides the missing information or confirms any mismatched signature by the 11th day before the election, the voter must be mailed a ballot-by-mail for that election and be added to the PEVL for future elections. If the voter provides the missing information after the 11th day before the election, the County Recorder may send the voter a ballot-by-mail for that election if the County Recorder has sufficient time to do so.

## 7. Removal from the PEVL

A voter may be removed from the PEVL under the following circumstances:

- The voter makes a written request to be removed from the PEVL, which includes the voter's name, residence address, date of birth, and signature;
- The 90-day notice (discussed in [Chapter 2, Section I\(B\)\(9\)](#) below) is returned as undeliverable and the County Recorder is unable to contact the voter to confirm the voter's continued desire to remain on the PEVL; or
- The voter's registration record is placed in an "inactive" or "canceled" status.

Upon receipt of voter's request to be removed from the PEVL, the County Recorder must remove the voter as soon as practicable. A County Recorder may not remove a voter from the PEVL list for failure to vote or for voting in-person rather than using the ballot-by-mail. [A.R.S. § 16-544\(H\)-\(I\), \(K\)](#).

## 8. Third-Party Distribution/Receipt of PEVL Request Forms

As for one-time ballot-by-mail request forms, candidates, political committees, or other organizations are permitted to distribute PEVL request forms to voters. [A.R.S. § 16-544\(L\)](#). The request forms must seek all the information required under [Chapter 2, Section I\(B\)\(4\)](#).

If a candidate, political committee, or other organization receives a completed request form, the candidate, political committee, or other organization must return the request form to the applicable County Recorder within six business days of receipt or 11 days before Election Day, whichever is sooner. Failure to timely return completed request forms may result in a civil penalty of \$25 per day for each form withheld. Any person who knowingly fails to return completed PEVL request forms by the submission deadline may be guilty of a class 6 felony. [A.R.S. § 16-544\(M\)](#).

If the request forms include a printed return address, the address must be the County Recorder's office in the political subdivision that will conduct the election. Failure to use the County Recorder's return address may result in a civil penalty up to three times the cost of the production and distribution of the PEVL request form. [A.R.S. § 16-544\(L\)](#).

## 9. Notice to PEVL Voters in Advance of the Election

A County Recorder must mail a notice to all eligible PEVL voters at least 90 days before any polling place election (*i.e.*, any election not conducted as a ballot-by-mail election, *see* [Chapter 3](#)) scheduled in March or August, including the PPE. [A.R.S. § 16-544\(D\)](#). A County Recorder may not issue a combined 90-day notice for the March and August elections, but may issue a combined 90-day notice for a March/May election or an August/November election.

The notice must be sent by non-forwardable mail (with a request to receive an address correction notification) and include the following information:



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1. A statement that the County Recorder's records indicate that the voter is on the PEVL;
2. The dates of the elections that are the subject of the notice;
3. The expected mailing date(s) of the voter's ballot;
4. The voter's mailing address, and an indication that it is the address where the ballot(s) will be mailed;
5. An indicator of the voter's party affiliation;
6. A checkbox to allow the voter to remove the voter's name from the PEVL; and
7. A checkbox to request that the ballot-by-mail not be mailed for the elections listed on the notice.

The notice must include a postage-prepaid means for the voter to:

1. Designate a political party ballot or request a non-partisan ballot, if applicable, (only if the upcoming election isn't includes an open partisan primary and the voter is not registered with a recognized political party);
2. Change the mailing address to another location within the state;
3. Update the voter's residence address in the county of residence; and
4. Request that the voter not be sent a ballot for the upcoming election or elections indicated in the notice.

If an election is not formally called within 120 days of the scheduled election, the County Recorder is not required to send a 90-day notice. [A.R.S. § 16-544\(D\)](#).

***a. 90-Day Notice to PEVL Voters Not Affiliated with a Recognized Political Party***

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If the upcoming election is an open partisan primary election and the PEVL voter is not registered with a recognized political party, the 90-day notice must include a means for the voter to designate a political party ballot. [A.R.S. § 16-544\(D\)](#). Requesting a party ballot does not change the voter's political party preference in their registration record.

If a PEVL voter does not designate a party ballot within 45 days of the election, the voter will not be automatically sent a ballot-by-mail for that primary election but the voter's name will remain on the PEVL for future elections. To vote early by mail in that election, the voter must make a one-time ballot-by-mail request and designate a party ballot. [A.R.S. § 16-542\(A\)](#); [A.R.S. § 16-544\(G\)](#).

In general, once a County Recorder mails the requested party ballot, a voter may not request or receive a different party ballot. If a voter re-registers to vote with a recognized political party between 29 and 45 days before the election, however, the voter must be sent a party ballot that corresponds to the new party. If the voter had requested a different party ballot prior to re-registering to vote, the prior ballot should not be mailed (or if already mailed, should be voided).

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In lieu of requesting a party ballot for the partisan primary, an eligible PEVL voter may request a non-partisan ballot if a non-partisan election is being conducted at the same time and the voter is eligible to vote a non-partisan ballot.

**b. 90-Day Notice Returned Undeliverable**

If the 90-day notice is returned undeliverable to the County Recorder, the County Recorder must notify the PEVL voter (if the County Recorder has contact information for the voter) to attempt to update the voter's address.

An undeliverable 90-day notice serves as a First Notice under the "NVRA process." See [Chapter 1, Section VIII\(C\)](#). If the voter is moved to "inactive" status after failure to respond to "Final Notice" pursuant to the "NVRA process," a ballot-by-mail shall not be automatically sent to the voter. [A.R.S. § 16-544\(E\)](#). The voter may re-gain active PEVL status upon updating the voter's address and submitting a new PEVL request.

**C. Creation and Preparation of Early Ballots**

The County Board of Supervisors is responsible for preparing early ballots, including ballots-by-mail, to be used in federal, statewide, legislative, and countywide elections. [A.R.S. § 16-405](#); [A.R.S. § 16-503\(A\)](#); [A.R.S. § 16-545\(B\)\(1\)](#). The Board of Supervisors may delegate this responsibility to the officer in charge of elections.

An early ballot must be identical to a polling place ballot in content and format, except an early ballot must have the word "early" printed or stamped on the ballot. [A.R.S. § 16-545\(A\)](#).

**1. Components of the Ballot-by-Mail Mailing**

Only official election materials, as determined by the County Recorder, are permitted to be included in the ballot-by-mail mailing. Lists of official write-in candidates or withdrawn candidates may not be included in the mailing.

**2. Required Return Envelope**

The postage prepaid return envelope must:

- Contain the County Recorder's name, official title, and the post office address of the County Recorder (or other officer in charge of elections) on the front side of the return envelope (as explained below, a [secrecy](#) mailing envelope separate from the ballot affidavit may be used);
- Contain a statutorily-prescribed voter affidavit on the back side of the return envelope (see below);
- Be tamper evident when properly sealed;
- Contain any required statement by the U.S. Post Office for election mail, including the

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election mail logo; and

- Be opaque so as not to reveal the voter's vote choices.

[A.R.S. § 16-547\(A\)](#); [A.R.S. § 16-545\(B\)\(2\)](#).

The voter affidavit must substantially contain at least the following language, followed by a place for the voter's signature:

I declare the following under penalty of perjury: I am a registered voter in \_\_\_\_\_ county Arizona, I have not voted and will not vote in this election in any other county or state, I understand that knowingly voting more than once in any election is a class 5 felony and I voted the enclosed ballot and signed this affidavit personally unless noted below.

If the voter was assisted by another person in marking the ballot, complete the following:

I declare the following under penalty of perjury: At the registered voter's request I assisted the voter identified in this affidavit with marking the voter's ballot, I marked the ballot as directly instructed by the voter, I provided the assistance because the voter was physically unable to mark the ballot solely due to illness, injury, or physical limitation and I understand that there is no power of attorney for voting and that the voter must be able to make their selection even if they cannot physically mark the ballot.

Name of voter assistant: \_\_\_\_\_

Address of voter assistant: \_\_\_\_\_

[A.R.S. § 16-547\(A\)](#). The affidavit must also request an optional telephone number or email address to enable the County Recorder to contact the voter in case there is a deficiency with the early ballot.<sup>16</sup>

For ballot-by-mail elections, the County Recorder or other officer in charge of elections may supplement the early ballot affidavit with additional language required for issuance of replacement ballots pursuant to [A.R.S. § 16-558.02\(A\)](#). See [Chapter 3, Section IV](#).

In lieu of printing the ballot affidavit on the exterior of the return envelope, a County Recorder may also include a postage prepaid secrecy [mailing](#) envelope. In this circumstance, the voter is directed to place their marked ballot in the standard return envelope that contains the early ballot affidavit; the voter must then place the standard return envelope inside the postage prepaid secrecy [mailing](#) envelope. This method ensures that the voter's signature (or other personally

<sup>16</sup> The prescribed early ballot affidavit is deemed to substantially comply with FVAP-suggested designs for a UOCAVA return envelope affidavit. [A.R.S. § 16-547\(B\)](#); see also [52 U.S.C. § 20301\(b\)\(4\)](#); <https://www.fvap.gov/eo/overview/sending-ballots/creating-envelopes>.

identifying information) will not be visible on the exterior envelope transmitted through the mail. The envelope that contains the early ballot affidavit must otherwise comply with A.R.S. § 16-547.

### 3. Required Instructions to Voters

A County Recorder must supply printed instructions that:

1. Direct voters to sign the voter affidavit, mark the ballot, and return the voted ballot in the enclosed return envelope;
2. Include a website address where the following information will be posted: (1) official locations where early ballots may be deposited; and (2) official write-in candidates and withdrawn candidates for all jurisdictions on the ballot, [A.R.S. § 16-343\(G\)](#); and (2);
3. Inform voters that no votes will be counted for a particular office if they overvote (vote for more candidates than permitted) and therefore the voter should contact the County Recorder to request a new ballot in the event of an overvote;
4. Recommend that voters mail a ballot-by-mail at least six calendar days before the election to best ensure the ballot will be timely received by 7:00 p.m. on Election Day;
5. Informs voters regarding the appropriate marking devices to be used when marking the ballot; and
6. Include the following language:
  - In order to be valid and counted, the ballot and affidavit must be delivered to the County Recorder or other officer in charge of elections or may be deposited at any polling place in the county no later than 7:00 p.m. on Election Day; and
  - WARNING - It is a felony to offer or receive any compensation for a ballot.

[A.R.S. § 16-547\(C\)](#). The County Recorder may substitute “vote center” for “polling place” if the county uses vote centers. If applicable, the County Recorder may add additional ballot drop-off locations to the statutorily-prescribed language. All ballot drop-off locations and drop-boxes shall be approved by the Board of Supervisors (or designee).

A County Recorder in a covered jurisdiction, as designated by the Census Bureau in the current Federal Register publication, must provide these instructions in English and any additional written language(s) required under the federal Voting Rights Act. See [Chapter 8, Section VI](#).

## D. Mailing Ballots-by-Mail

### 1. Methods of Transmitting Ballots-by-Mail

A ballot-by-mail must be mailed to voters by first-class, non-forwardable mail. The ballot-by-mail must be accompanied by an early ballot affidavit, instructions to voters, and a postage-prepaid return envelope.

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UOCAVA ballots may be transmitted by mail, fax, email, or other secure method of online transmittal, in accordance with the delivery method selected by the voter on the FPCA. UOCAVA mailing requirements apply to all elections, not just federal elections. [A.R.S. § 16-543\(A\)](#).

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**2. Time Period for Mailing Ballots-by-Mail**

Voters who make a ballot-by-mail request at least 27 days before the election are entitled to be mailed a ballot-by-mail between 27 and 24 days before the election. [A.R.S. § 16-542\(C\)](#); [A.R.S. § 16-545\(B\)\(1\)](#); [A.R.S. § 16-544\(F\)](#).<sup>17</sup>

Voters who make a ballot-by-mail request between 26 and 11 days before the election are entitled to be sent a ballot-by-mail within two business days of the request. [A.R.S. § 16-542\(D\)-\(E\)](#).

Requests for a ballot-by-mail made ten days or less before the election are untimely. [A.R.S. § 16-542\(E\)](#) (requiring requests be made by 5:00 p.m. on the 11th day before the election).

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**3. Special Time Period for Transmitting UOCAVA Ballots**

If a UOCAVA voter registers to vote with an FPCA at least 48 days before an election, a County Recorder must transmit a ballot-by-mail to the voter at least 45 days before the election. [A.R.S. § 16-543\(A\)](#); [52 U.S.C. § 20302\(a\)\(8\)](#).

A UOCAVA voter who registers to vote using an FWAB pursuant to [A.R.S. § 16-543.02\(D\)](#) must simultaneously write-in their vote choices for federal candidates. However, if a County Recorder receives an FWAB sufficiently in advance of the election, the County Recorder should transmit a ballot-by-mail to the registrant and, if the FWAB received is not the version revised in 2017 or later that contains all the same information as the FPCA, should include an FPCA. If the voter returns the voted ballot-by-mail (and includes a completed FPCA if necessary), the County Recorder should void out the FWAB. FWABs from UOCAVA voters are held until 7:00 p.m. on Election Day if the voter was sent a ballot-by-mail and, if the ballot-by-mail was voted and returned, the FWAB is disqualified and the voted ballot-by-mail is transmitted to the officer in charge of elections for tabulation.

If a UOCAVA voter registers less than 48 days before the election, a County Recorder must transmit the ballot-by-mail within one business day of receipt of the registration. [A.R.S. § 16-543\(A\)](#); [A.R.S. § 16-542\(D\)](#). Requests made within 48 hours of Election Day should be further

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<sup>17</sup> [A.R.S. § 16-542\(C\)](#) allows early ballots to be mailed as late as 24 days before the election, but also requires ballots be mailed “within five days after receipt of the official early ballots from the officer charged by law with the duty of preparing ballots pursuant to section 16-545.” In the event a County Recorder cannot mail early ballots within five days of receipt, a County Recorder remains in compliance with [A.R.S. § 16-542\(C\)](#) if early ballots are mailed no later than the 24th day before the election.

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expedited to the extent possible.

**a. Effect of Incomplete FPCA Registration**

If a UOCAVA voter submits an incomplete FPCA (or attempts to register to vote using a registration form other than an FPCA or FWAB containing all same information as an FPCA) within 48 days of the election, the County Recorder must transmit a blank FPCA along with a ballot-by-mail to the voter within one business day of receipt. [A.R.S. § 16-543\(A\)](#). If the voter does not return a new completed FPCA by 7:00 p.m. on Election Day, any voted ballot-by-mail from that voter will not count.

**b. Waiver of UOCAVA 45-Day Transmittal Deadline**

In exceptional circumstances, the Secretary of State has authority to seek a waiver of the 45-day UOCAVA ballot transmission deadline from the U.S. Department of Defense as a result of undue hardship.<sup>18</sup> For example, an “undue hardship” may be found if:

- A county has suffered a delay in generating ballots due to a legal contest;
- Arizona’s primary election date prohibits counties from meeting the 45-day mailing requirement; or
- The Arizona Constitution prohibits counties from complying with the 45-day mailing requirement.

[52 U.S.C. § 20302\(g\)\(2\)\(B\)](#). If a county experiences (or believes it will experience) an undue hardship, the County Recorder or other officer in charge of elections must contact the Secretary of State as soon as possible and provide sufficient information to enable the Secretary of State to make a timely waiver request.

The Secretary of State’s waiver request must include:

- An explanation of the undue hardship;
- A recognition that the original purpose of the 45-day mailing requirement was to allow UOCAVA voters to have enough time to vote in a federal election;
- The number of days prior to the election that Arizona law requires ballots-by-mail to be transmitted to UOCAVA voters, [A.R.S. § 16-543\(A\)](#) (45 days);
- The State’s plan to ensure that UOCAVA voters are able to receive and return their ballot-by-mail in time to be counted for the election. This includes the specific steps the county or counties will take, why the plan will give UOCAVA voters enough time to

<sup>18</sup> [52 U.S.C. § 20302\(g\)](#); <https://www.fvap.gov/eo/waivers>. The Under Secretary of Defense for Personnel & Readiness is the Presidential designee charged with evaluating such requests. See [Executive Order 12642](#), available at <https://www.archives.gov/federal-register/codification/executive-order/12642.html>; Department of Defense Instruction 1000.04, Federal Voting Assistance Program (FVAP), available at <https://www.fvap.gov/uploads/FVAP/Policies/dodi1000.04.pdf>.

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vote, and factual information explaining how the plan gives sufficient time for this to occur.<sup>19</sup>

The Secretary of State is generally required to submit a waiver request at least 90 days before the election, which the Department of Defense must act upon within 25 days. [52 U.S.C. § 20302\(g\)\(3\)\(A\)](#). If the undue hardship results from a legal contest, however, the Secretary of State must submit the waiver request as soon as practicable, which the Department of Defense must act upon within five business days. [52 U.S.C. § 20302\(g\)\(3\)\(B\)](#).

#### **E. Issuing Replacement Ballots-by-Mail**

A County Recorder may issue replacement ballots-by-mail to a voter upon request and may limit the total number of ballots-by-mail to three per voter per election. [The County Recorder should keep a record of each replacement ballot issued. See A.R.S. § 16-558.02.](#) The County Recorder must ensure that only one ballot for a particular voter is verified and transmitted to the officer in charge of elections for tabulation. [Only the first ballot received and verified shall be counted.](#)

#### **F. Emergency UOCAVA Early Balloting Procedures**

In the event of a national or local emergency that makes substantial compliance with the UOCAVA statute impracticable, including occurrences of natural disasters, armed conflict, or mobilization of the National Guard or military reserve units of this State, the following procedures for the early balloting process shall apply for UOCAVA voters:

- The Secretary of State will issue a press statement for immediate release, posted on the Secretary of State’s website and official social media accounts, and distributed as broadly and immediately as practicable to national and local wire services, to radio and television broadcast stations within the state, and to daily newspapers of general circulation in the state, outlining applicable measures that will be taken to continue or lengthen the early voting process for UOCAVA voters.
- The Secretary of State will prepare and distribute written public service announcements describing these early voting procedures for broadcast on radio and television networks, including but not limited to the U.S. Armed Forces Network and Federal Voting Assistance Program, and announcements describing these procedures on internet sites of interest to military and non-military U.S. citizens living abroad.
- The Secretary of State will direct the County Recorders and officers in charge of elections to make all reasonable efforts to locate each eligible UOCAVA voter in their jurisdiction and to notify such voter individually, by email, telephone, and/or fax, of the

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<sup>19</sup> [52 U.S.C. § 20302\(g\)\(1\)](#); see also [https://www.fvap.gov/uploads/FVAP/EO/2012\\_waiver\\_guidance.pdf](https://www.fvap.gov/uploads/FVAP/EO/2012_waiver_guidance.pdf).

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modified early voting process including the alternatives for issuing or returning early ballots faster than traditional mail service.

Should such an event cause insufficient time to receive, execute, and return a ballot, the deadline for the receipt of the early ballots mailed, emailed, or faxed back to the County Recorder will be 5:00 p.m. on the third business day after the election.

[A.R.S. § 16-543\(C\)](#).

### **G. Reporting UOCAVA Transmission Statistics**

Each County Recorder must timely confirm UOCAVA compliance to the Secretary of State, which must include information about:

- How many UOCAVA ballots were validly requested;
- How many UOCAVA ballots were transmitted in accordance with the 45-day deadline based on valid requests received before that date; and
- How many UOCAVA ballots were transmitted after the 45-day deadline based on valid requests received before that date.

UOCAVA reports must be emailed or electronically submitted to the Secretary of State within one business day of the UOCAVA ballot transmission deadline. The reports shall not include any protected information for voters who have their records sealed pursuant to A.R.S. § 16-153 or who are enrolled in the Address Confidentiality Program.

The Secretary of State must consolidate the county reports and report Arizona's aggregated statistics to the U.S. Department of Justice following each primary and general election for federal office. See <https://www.justice.gov/crt/statutes-enforced-voting-section#uocava>.

### **H. Deadline to Return Ballots-by-Mail**

A ballot-by-mail (with completed affidavit) must be delivered to the County Recorder, the officer in charge of elections, an official ballot drop-off site, or any voting location in the county no later than 7:00 p.m. on Election Day. [A.R.S. § 16-547\(C\)](#); [A.R.S. § 16-551\(C\)](#).

The ballot-by-mail return deadline also applies to UOCAVA ballots, regardless of the method of transmission to the election official, unless the UOCAVA return deadline is extended pursuant to emergency procedures as outlines in [Chapter 2, Section I\(F\)](#).

### **I. Ballot Drop-Off Locations and Drop-Boxes**

Counties or municipalities that establish one or more ballot drop-off locations or drop-boxes shall develop and implement procedures to ensure the security of the drop-off location and/or drop-boxes and shall comply with the following requirements.



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1. A ballot drop-off location or drop-box shall be located in a secure location, such as inside or in front of a federal, state, local, or tribal government building. All ballot drop-off locations and drop-boxes shall be approved by the Board of Supervisors (or designee).
  - a. An unstaffed drop box (i.e., not within the view and monitoring of an employee or designee of the County Recorder or officer in charge of elections) placed outdoors shall be securely fastened in a manner to prevent moving or tampering (for example, securing the drop-box to concrete or an immovable object).
  - b. An unstaffed drop box placed inside a building shall be secured in a manner that will prevent unauthorized removal.
  - c. While a staffed drop-off location or drop-box (i.e., within the view and monitoring of an employee or designee of the County Recorder or officer in charge of elections) need not be securely fastened or locked to a permanent fixture, it must be securely located inside a government building and monitored by a properly trained employee or designee of the County Recorder or officer in charge of elections at all times that the location or drop-box is accessible by the public.
2. The County Recorder or officer in charge of elections shall publicly post a listing of designated drop-off locations and drop-boxes on the website of the County Recorder or officer in charge of elections. Where practicable, the County Recorder or officer in charge of elections shall also post a listing of drop-off locations and drop-boxes anywhere that polling places and vote centers are posted.
3. All drop-boxes shall be clearly and visibly marked as an official ballot drop box and secured by a lock and/or sealable with a tamper-evident seal. Only an election official or designated ballot retriever shall have access to the keys and/or combination of the lock to remove the deposited ballots.
4. All drop-boxes (both staffed and unstaffed) shall have an opening slot that is not large enough to allow deposited ballots to be removed through the opening slot.
5. Ballot drop-off locations and drop-boxes shall be locked and covered or otherwise made unavailable to the public until the 27th day prior to an election to ensure that no ballots or any other materials may be deposited before the early voting period begins. Prior to use on the 27th day before the election, all drop-boxes shall be inspected for damage and to ensure they are empty.
6. All drop-boxes shall be locked and covered or otherwise made unavailable after the polls have closed on Election Day to ensure that no ballots may be dropped off after the close of the polls.
7. The County Recorder or officer in charge of elections shall develop and implement secure ballot retrieval and chain of custody procedures, which shall include the following:
  - a. Voted ballots shall be retrieved from ballot drop-off locations and/or drop-boxes on a pre-established schedule. Ballot retrieval shall be more frequent as Election Day approaches.

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- b. For any election that includes a partisan race, at least two designated ballot retrievers of at least two differing party preferences shall be assigned to retrieve voted ballots from a ballot drop-off location or drop-box. For a nonpartisan election, at least two designated ballot retrievers shall be assigned to retrieve voted ballots from a ballot drop-off location or drop-box.
- c. Each designated ballot retriever shall wear a badge or similar identification that readily identifies them as a designated ballot retriever and/or employee of the County Recorder or officer in charge of elections.
- d. Upon arrival at a drop-off location or drop-box, the two designated ballot retrievers shall note, on a retrieval form prescribed by the County Recorder or officer in charge of elections, the location and/or unique identification number of the location or drop-box and the date and time of arrival.
- e. The designated ballot retrievers shall retrieve the voted ballots by either placing the voted ballots in a secure ballot transfer container, retrieving the secure ballot container from inside the drop-box, or retrieving the staffed drop-box which also serves as a secure ballot container. If the drop-box includes a secure ballot container, the designated ballot retrievers shall place an empty secure ballot container inside the drop-box. The time of departure from the drop-off location or drop-box shall be noted on the retrieval form.
- f. Upon arrival at the office of the County Recorder or officer in charge of elections, central counting place, or other receiving site, the designated ballot retrievers shall note the time of arrival on the retrieval form. The County Recorder or officer in charge of elections (or designee) shall inspect the secure ballot container for evidence of tampering and shall confirm receipt of the retrieved ballots by signing the retrieval form and indicating the date and time of receipt. If there is any evidence of tampering, that fact shall be noted on the retrieval form.
- g. The completed retrieval form shall be attached to the outside of the secure ballot container or otherwise maintained in a matter prescribed by the County Recorder or officer in charge of elections that ensures the form is traceable to its respective secure ballot container.
- h. When the secure ballot container is opened by the County Recorder or officer in charge elections (or designee), the number of ballots inside the container shall be counted and noted on the retrieval form.

Ballots retrieved from a ballot drop-off location or drop-box shall be processed in the same manner as ballots-by-mail personally delivered to the County Recorder or officer in charge of elections, dropped off at a voting location, or received via the United States Postal Service or any other mail delivery service, see Chapter 2, Section VI.

## **I.J. Reporting Ballot-by-Mail Requests and Returns**

At the request of a state or county political party chairperson before an election, a County Recorder must provide the following information at no cost to the political party:

- A listing of registrants who have requested a ballot-by-mail. This information must be provided daily Monday through Friday, beginning 33 days before the election and through the Friday before the election;
- A listing of registrants who have returned their ballot-by-mail, which must be provided daily in Maricopa and Pima Counties and weekly in all other counties.
  - Daily information in Maricopa and Pima Counties must be provided Monday through Friday, beginning the first Monday after early voting commences and ending the Monday before the election;
  - Weekly information in all other counties must be provided beginning on the Friday after early voting commences and ending on the Friday before the election.

[A.R.S. § 16-168\(D\)](#).

Ballot-by-mail request and return reports should conform to the format established for precinct lists as nearly as practicable (see [Chapter 1, Section X\(A\)\(1\)](#)) and should contain the following minimum information:

1. Registrant's name;
2. Voter registration/ID number;
3. Residential address;
4. Mailing address (if different from residential address);
5. Political party;
6. Whether PEVL or one-time request (ballot-by-mail request reports only); and
7. Date of request, for one-time requests (ballot-by-mail request reports only).

The first ballot-by-mail request report should contain all PEVL registrants and registrants who made a one-time ballot-by-mail request up to the time of the report. Subsequent ballot-by-mail request reports should include new one-time ballot-by-mail requests that have been made since the last report.

## **II. ON-SITE EARLY VOTING**

A County Recorder shall establish on-site early voting at the County Recorder's office during the early voting period. A County Recorder may also establish additional in-person early voting locations throughout the county as practicable to ensure that all voters may reasonably access at least one early voting location. [A.R.S. § 16-246\(C\)](#); [A.R.S. § 16-542\(A\)](#).

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A voter must cast a ballot issued at the on-site early voting location at that location, and may not remove that ballot from the location. An early ballot must be issued even if the voter previously requested or received a ballot-by-mail, but ~~unless the voter was issued an incorrect ballot~~, only the first ballot received and verified by the County Recorder shall be counted.

An elector who appears at an on-site early voting location by 5:00 p.m. on the Friday preceding the election and presents valid identification must be given a ballot and permitted to vote at the on-site early voting location. [A.R.S. § 16-542\(E\)](#).

#### **A. Posting Notice of Write-In and Withdrawn Candidates**

A County Recorder must post a Notice of Write-In and Withdrawn Candidates at each on-site early voting location. [A.R.S. § 16-312\(E\)](#); [A.R.S. § 16-343\(G\)](#).

Information about write-in and withdrawn candidates also must be posted to the website of the County Recorder or officer in charge of elections. [A.R.S. § 16-343\(G\)](#).

#### **B. Applicability of Voter ID Requirements**

Before receiving a ballot or being permitted to cast a vote on an accessible voting device at any on-site early voting location, a qualified elector must provide identification as prescribed by [A.R.S. § 16-579](#) (see [Chapter 9, Section IV](#) for more details on the identification requirement; identification is also required to receive an early ballot at an emergency voting center or from a special election board, see [Chapter 2, Section III\(B\)](#) and [IV\(B\)](#)). If needed, a voter may update their voter registration record at the on-site early or emergency voting location prior to receiving a ballot by completing a new voter registration form. Such updates shall be deemed effective starting in that election. [A.R.S. § 16-411\(B\)\(5\)\(b\)](#); [A.R.S. § 16-542\(A\), \(H\)-\(I\)](#).

#### **C. Requirements and Security Procedures for Accessible Voting Devices**

An on-site early voting location must have at least one certified accessible voting device available for voters with disabilities, unless the election is for a city or town with a population under 20,000. [A.R.S. § 16-442.01\(A\)](#).

An accessible voting device must be approved by the Secretary of State, based on review and recommendation by the Election Equipment Certification Committee, and successfully pass logic and accuracy testing prior to deployment for on-site early voting. See [Chapter 4, Sections I and II](#).

All accessible voting devices used for early voting shall be physically secured at all times and if the media containing the election for the accessible voting device is removable, the media itself shall be physically secured at all times.

The chain of custody of the accessible voting device must be tracked and logged by a team of at least two board workers or staff of the County Recorder or other officer in charge of elections.

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- The log shall include: (1) the seal numbers on the device; (2) for devices that mark and tabulate, the number of votes cast at the time the device was turned on and the number of votes cast at the time the device was turned off; and (3) a place for the two board workers or county staff to initial or sign verifying the information.
- For devices that mark and tabulate, at the close of the early voting location each day, the board workers or county staff shall log the number of votes cast on the device and then either turn the device off or otherwise secure the device. Each morning, when the device is turned on, the number of votes cast on the machine shall be compared to the log from the previous day. Any discrepancy shall be immediately reported to the officer in charge of elections.
- At 5:00 p.m. or as soon as practicable after the last voter has left the site on the last day of on-site early voting or emergency voting, the device shall be closed out according to procedures provided by the officer in charge of elections.

All other security procedures set forth in this manual shall be followed for accessible voting devices used for early voting. See [Chapter 4, Section III](#).

### III. EMERGENCY VOTING

#### A. Establishing Emergency Voting Centers

Upon a specific resolution of the County Board of Supervisors before each election, the Board may authorize the County Recorder or other officer in charge of elections to establish and operate emergency voting centers. The Board shall specify in the resolution the location of the emergency voting centers and the hours of operation. [A.R.S. § 16-411\(B\)\(5\)](#).

“Emergency” means any unforeseen circumstance that would prevent the voter from voting at the polls. Qualified electors who experience an emergency between 5:00 p.m. on the Friday preceding the election and 5:00 p.m. on the Monday preceding the election may request to vote at an emergency voting center in the manner prescribed by the Board of Supervisors of their respective county. [A.R.S. § 16-542\(H\)](#).

If an emergency voting center established pursuant to this section becomes unavailable and there is not sufficient time for the County Board of Supervisors to convene to approve an alternate location for that emergency voting center, the County Recorder or other officer in charge of elections may make changes to the approved emergency voting center location and shall notify the public and the board of supervisors regarding that change as soon as practicable. The alternate emergency voting center shall be as close in proximity to the approved emergency voting center location as possible. A.R.S. § 16-411(B)(5)(c).

#### B. Identification and Signed Statement Requirements

Before receiving a ballot at an emergency voting center, a voter must provide identification as prescribed by [A.R.S. § 16-579](#) (see [Chapter 9, Section IV](#) for more details on the identification requirement). If needed, a voter may update their voter registration record at an emergency

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voting center prior to receiving a ballot by completing a new voter registration form. Such updates shall be deemed effective starting in that election. [A.R.S. § 16-411\(B\)\(5\)](#); [A.R.S. § 16-542\(E\), \(H\), \(I\)](#).

The voter must also sign a statement under penalty of perjury containing substantially the following language: “I declare under penalty of perjury that I am experiencing or have experienced an emergency after 5:00 p.m. on the Friday immediately preceding the election and before 5:00 p.m. on the Monday immediately preceding the election that will prevent me from voting at a polling place on Election Day.”

- Such signed statements are not subject to public inspection pursuant to Title 39, Chapter 1, Article 2. [A.R.S. § 16-542\(H\)](#); [A.R.S. § 16-246\(F\)\(2\)](#). Election workers should not ask for any additional information regarding the voter’s specific emergency.
- The signed statement for emergency voting may be incorporated into the early ballot envelope and affidavit, with a line for the voter to initial or sign next to the statement, or may be provided to the voter on a separate form to be signed by the voter.

#### IV. SPECIAL ELECTION BOARDS

A County Recorder or officer in charge of elections may appoint any number of special election boards to facilitate and enable voting by qualified electors who are ill or have a disability.

- For partisan elections, the board must be comprised of two members, one from each of the two political parties who cast the highest number of votes in the state in the last preceding general election. Under no circumstances shall both members of the board consist of voters who are registered with the same party affiliation. The county chairperson of each such party shall furnish, within 60 days before Election Day, the county recorder or other officer in charge of elections with a list of names of qualified electors within the chairperson’s political party, and such additional lists as may be required, from which the county recorder or other officer in charge of elections shall appoint members to such special election boards. The county recorder or other officer in charge of elections may refuse for cause to appoint or may for cause remove a member of this board. A person who is a candidate for an office in that election (other than the office of precinct committeeman) is not eligible to serve on a special election board for that election.
- For nonpartisan elections, the board should consist of two members with different political affiliations. On request, a county may allow any bipartisan panel of certified election officials to act as a special election board. A person who is a candidate for an office in that election (other than the office of precinct committeeman) is not eligible to serve on a special election board for that election.

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[A.R.S. § 16-549\(A\)](#); [A.R.S. § 16-246\(F\)](#).

### A. Time Periods for Requesting a Special Election Board

A qualified elector who is confined because of a continuing illness or disability may vote using a ballot-by-mail or by making a verbal or written request to have a special election board personally deliver a ballot to the elector's residence or other place of confinement. Such requests must be made by 5:00 p.m. on the second Friday before the election. [A.R.S. § 16-549\(C\)](#).

Qualified electors who become ill or disabled *after* the second Friday before the election may nonetheless request personal ballot delivery by a special election board up to, and including, the Monday before the election. The County Recorder or other officer in charge of elections shall honor these requests when possible. [A.R.S. § 16-549\(D\)](#).

Electors who are hospitalized after 5:00 p.m. on the second Friday before the election and before 5:00 p.m. on Election Day may request a special election board deliver their ballot to the hospital or other place of confinement. This ballot shall be processed as a provisional ballot to ensure the voter does not vote more than once. [A.R.S. § 16-549\(D\)](#).

### B. Identification and Signed Statement Requirements

Before receiving a ballot from a special election board, a voter who requests a special election board after the second Friday before the election must:

- Provide identification as prescribed by [A.R.S. § 16-579](#) (see [Chapter 4, Section IV](#) for more details on the identification requirement).
- Sign a statement under penalty of perjury containing substantially the following language: "I declare under penalty of perjury that I am experiencing or have experienced an emergency after 5:00 p.m. on the second Friday preceding the election and before 5:00 p.m. on the Monday immediately preceding the election that will prevent me from voting at a polling place on Election Day."
  - Such signed statements are not subject to public inspection pursuant to Title 39, Chapter 1, Article 2.

[A.R.S. § 16-549\(D\)](#).

## V. CHALLENGES TO EARLY BALLOTS

Challenges to early ballots must be submitted prior to the opening of the early ballot affidavit envelope. Challenges received after the affidavit envelope containing the ballot has been opened may be summarily denied as untimely.

Written challenges to voted early ballots shall be given immediately to an early voting election board or other officer in charge of elections. If the written challenge contains at least one of the grounds listed in [A.R.S. § 16-591](#), the board or officer shall, within 24 hours, send the following by first class mail to the challenged voter:

- Notice of the challenge;

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- A copy of the written challenge; and
- The time and place at which the voter may appear to defend the challenge.

The notice must be sent to the mailing address shown on the voter's request for the ballot-by-mail. If no address is provided, the notice may be sent to the mailing address on the registration rolls.

Notice must also be sent to:

- The challenger at the address provided on the challenge; and
- The county chairperson of each political party represented on the ballot.

The early voting election board shall meet to hear the challenge at the time specified, but:

- Not earlier than **96 hours** after the notice is mailed, or not earlier than **48 hours** after delivery if the notice is delivered by overnight or hand delivery; and
- Not later than 5:00 p.m. on the Monday following the election.

The early election board or other officer in charge of early ballot processing is not required to provide a notice if the written challenge is untimely or fails to set forth at least one of the grounds listed in [A.R.S. § 16-591](#) as a basis for the challenge.

[A.R.S. § 16-552](#); [A.R.S. § 16-594](#).

## VI. PROCESSING AND TABULATING EARLY BALLOTS

The following procedures for processing early ballots shall be followed, unless the Secretary of State has granted a jurisdiction permission to use another method otherwise consistent with applicable law. A jurisdiction wishing to deviate from these instructions must make a request in writing no later than 90 days prior to the election for which the exception is requested.

### A. County Recorder Responsibilities

#### 1. Signature Verification

C.

Upon receipt of the return envelope with an early ballot and completed affidavit, a County Recorder or other officer in charge of elections shall compare the signature on the affidavit with the voter's signature in the voter's registration record. In addition to the voter registration form, the County Recorder should also consult additional known signatures from other official election documents in the voter's registration record, such as signature rosters or early ballot/PEVL request forms, in determining whether the signature on the early ballot affidavit was made by the same person who is registered to vote.

- If **satisfied** that the signatures were made by the same person, the County Recorder shall place a distinguishing mark on the unopened affidavit envelope to indicate that the

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## CHAPTER 2:

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signature is sufficient and safely keep the early ballot and affidavit (unopened in the return envelope) until they are transferred to the officer in charge of elections for further processing and tabulation.

- ~~If not satisfied~~ that the signatures were made by the same person ~~or if the early ballot affidavit is missing a signature,~~ the County Recorder shall make a reasonable and meaningful attempt to contact the voter via mail, phone, text message, and/or email, notify the voter of the inconsistent signature, and allow the voter to ~~provide, correct,~~ or confirm the signature. The County Recorder shall attempt to contact the voter as soon as practicable using any contact information available in the voter's record and any other source reasonably available to the County Recorder.

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Voters must be permitted to correct or confirm an inconsistent ~~or missing~~ signature until 5:00 p.m. on the fifth business day after a primary, general, or special election that includes a federal office or the third business day after any other election. For the purposes of determining the applicable signature cure deadline: (i) the PPE is considered a federal election; and (ii) for counties that operate under a four-day workweek, only days on which the applicable county office is open for business are considered "business days."

If the early ballot affidavit is not signed, the County Recorder shall not count the ballot. The County Recorder shall then make a reasonable and meaningful attempt to contact the voter via mail, phone, text message, and/or email, to notify the voter the affidavit was not signed and explain to the voter how they may cure the missing signature or cast a replacement ballot before 7:00pm on Election Day. The County Recorder shall attempt to contact the voter as soon as practicable using any contact information available in the voter's record and any other source reasonably available to the County Recorder. Neither replacement ballots nor provisional ballots can be issued after 7:00pm on Election Day.

All early ballots, including ballots-by-mail and those cast in-person at an on-site early voting location, emergency voting center, or through a special election board must be signature-verified by the County Recorder. However, because voters who cast an early ballot in-person at an on-site early voting location, emergency voting center, or through a special election board must show identification prior to receiving a ballot, early ballots cast in-person should generally not be invalidated based solely on an allegedly inconsistent signature absent other evidence that the signatures were not made by the same person. After verifying an in-person early ballot, a County Recorder may update the signature in a voter's record by scanning the voter's affidavit signature and uploading the signature image to the voter's record.

[A.R.S. § 16-550\(A\)](#); [A.R.S.R.S. § 16-552\(B\)](#); [Settlement Agreement at 3, Navajo Nation v. Hobbs, No. CV2018-08329, ECF No. 44-2 \(D. Ariz. August 6, 2019\).](#)

## 2. Rejected Early Ballots

If the County Recorder or other officer in charge of elections determines the ballot should be rejected, they shall:

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- Indicate for each ballot that the ballot has been rejected;
- Note on the early ballot report or audit report the voter's ID number (or other unique ID number) and the reason for rejection; and
- Set aside the unopened affidavit envelope in the designated stack.

### 3. Incorrect Ballots

If it is determined that the voter was sent an incorrect ballot and there is sufficient time to mail a new ballot and receive the correct voted ballot back from the voter, the County Recorder or other office in charge of elections shall make reasonable efforts to contact the voter and issue a corrected ballot.

If it is too late to mail the correct ballot when the error is discovered but it is still possible to link the ballot to the specific voter, the incorrect ballot shall be sent to the Duplication Board, and any offices or issues the voter could have lawfully voted for shall be duplicated onto the correct ballot.

#### **A.B. Early Ballot Board Responsibilities**

The Board of Supervisors or officer in charge of elections shall appoint one or more early ballot boards consisting of an inspector and two judges (the two judges must be from different political ~~parties~~party preferences). If the early ballot boards retire and reconvene, all materials shall be secured under the control of the Board of Supervisors or officer in charge of elections until the time for the boards to reconvene.

### 1. Early Ballot Report Log

The early ballot board shall maintain an early ballot report log that includes the following information for each batch of early ballots:

1. Batch ID;
2. Number of ballots to process/processed;
3. Number of ballots rejected and the reason~~(s)~~ for the rejection; (as applicable);
4. Number of ballots sent to duplication;
5. Number of ballots sent to tabulation;
6. Board members' initials; and
7. Board ID.

### 2. Affidavit Verification

Upon receipt of early ballots that have been batched and signature-verified by the County Recorder or other officer in charge of elections, the early ballot board shall ~~confirm whether;~~

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- ~~Verify that the voter's affidavit is sufficient (see Chapter 2, Section VI(A) above) and whether the envelope reflects the voter's name and current election code; and~~
- ~~Verify that the voter on the affidavit envelope appears on the precinct register or batch report; list received from the County Recorder.~~
- ~~The vote shall be counted if the affidavit is County Recorder determined to be that the affidavit is sufficient and the registrant is a qualified elector of the voting precinct.~~
- ~~The vote shall not be counted if the affidavit is County Recorder determined to be that the affidavit is insufficient, or the registrant is not a qualified elector of the voting precinct.~~

### 3. Accepted Early Ballots

If the early ballot ~~is was~~ accepted, the early ballot board shall:

1. Verify that all affidavit envelopes are of the batch being processed (and set aside any ballots from a different batch to be joined/processed with the proper batch);
2. Enter the total on the early ballot report;
3. Open each accepted affidavit envelope, being careful not to damage the ballot or the affidavit printed on the envelope;
4. Remove the ballot and check to ensure that the ballot is for the current election as shown on the affidavit envelope;
5. Place the voted ballot in the designated stack and count the ballots;
6. Place the empty affidavit envelope in the designated stack;
7. Repeat the process until all valid ballots are opened and placed in their appropriate stacks; and
8. Fill out the ballot transmittal slip and send ballots to tabulation.

### 4. Damaged Early Ballots

If damaged ballots are found, they should be segregated from the batch and placed with any other ballots to be duplicated from the batch. The early ballot board must include each damaged ballot on a transmittal slip.

### 5. Transmittal Slips for Tabulation or Duplication

Each batch of ballots sent to the central counting place and Ballot Duplication Boards shall be accompanied by a completed transmittal slip with the following information:

1. Date item is originally processed;
2. Where ballots are sent **To:** (central counting place, Ballot Duplication Board, etc.);
3. Where ballots are sent **From:** (early voting, Ballot Duplication Board, etc.);

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4. Ballot color and party (if applicable);
5. Total number of ballots sent;
6. Board ID;
7. Initials of board members; and
8. Batch/sub-batch numbers.

If a ballot was transmitted by facsimile to a UOCAVA voter and the voted ballot was returned by facsimile, the ballot should be sent to the Ballot Duplication Board to be duplicated in the method prescribed under Ballot Duplication Board instructions. See [Chapter 10, Section II\(D\)](#).

## 6. Close Out

The early ballot board will close out each batch as follows:

1. Calculate a cumulative total of the number of:
  - a. ~~affidavit~~Affidavit envelopes received;
  - b. ~~ballots~~Ballots sent to the Ballot Duplication Boards;
  - c. ~~ballots~~Ballots rejected; and
  - d. ~~ballots~~Ballots sent to the central counting place;
2. Verify and audit these numbers against each applicable item (*i.e.*, the total number of affidavit envelopes collected should match the cumulative total on the early voting ballot report, etc.);
3. Place paperwork in the official envelope (official envelopes are marked to specify the items to be placed in each) or official envelope container (to accommodate large volumes);
4. Retain a duplicate copy of the early ~~voting~~-ballot report/log for office records; and
5. Seal the official envelope or official envelope container.

## 7. Ballot Transportation

After processing is complete, if ballots need to be transferred to another building for tabulation, ballots shall be transported in a secure manner by at least two election officials (not of the same political party preference) with the ballots inside of a sealed ballot transfer container to a receiving site or a central counting place that is inside a secured building. Badge control shall be handled in the same manner as the central counting place.

### **B.C. Timing for Tabulation of Early Ballots and Reporting of Results**

The officer in charge of elections may begin tabulating early ballots after confirmation from the Secretary of State that all equipment passes any required logic and accuracy test. [A.R.S. § 16-552\(A\)](#). Tabulation of early ballots shall not begin any earlier than 14 days before the election.

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[A.R.S. § 16-550\(B\)](#).

Early ballot tabulation results may not be reported until Election Day, at the earlier of:

- The time when all ballots cast on Election Day at voting locations have been tabulated; or
- One hour after all polls under the jurisdiction of the officer in charge of elections have closed on Election Day.

Polls presumptively close at 7:00 p.m. on Election Day unless extended by court order. [A.R.S. § 16-551\(C\)](#); [A.R.S. § 16-552\(A\)](#); [A.R.S. § 16-565\(A\)](#).

## VII. ELIGIBLE VOTERS IN JAIL OR DETENTION FACILITIES

Individuals held in pretrial detention or serving a sentence for a misdemeanor conviction remain eligible to register and vote (assuming no other deficiencies in eligibility). To the extent practicable, County Recorders shall coordinate with the county sheriff's office, jail or detention facilities, the county public defender's office, and other appropriate stakeholders to develop and implement reasonable procedures to facilitate ~~voting~~the receipt and return of a ballot-by-mail by eligible voters held in jail or detention facilities, ~~including those taken into custody shortly before Election Day~~. Such procedures may include coordinating a means for secure and effective delivery and return of ballots-by-mail for those in custody and/or the use of special election boards ~~in appropriate circumstances as permitted by law~~.

## CHAPTER 3: BALLOT-BY-MAIL ELECTIONS

“Ballot-by-mail” elections are elections in which a ballot is automatically mailed to every qualified elector in a jurisdiction, regardless of whether the voter is on the PEVL. These elections also include establishment of ballot replacement sites, where voters may receive and cast a replacement ballot.

Ballot-by-mail elections must be conducted according to most of the same requirements applicable to early voting. [A.R.S. § 16-191](#); [A.R.S. § 16-409\(A\)](#); [A.R.S. § 16-558\(B\)](#).

### I. ELIGIBILITY TO HOLD A BALLOT-BY-MAIL ELECTION

Cities, towns, school districts, and special taxing districts are the only jurisdictions permitted to conduct ballot-by-mail elections. [A.R.S. § 16-409\(A\)](#); [A.R.S. § 16-558\(A\)](#).

In addition, a County Recorder or other officer in charge of elections may send a Presidential Preference Election ballot to all qualified electors in precincts with 300 or less registered voters. [A.R.S. § 16-248\(H\)](#).

### II. APPROVAL TO HOLD A BALLOT-BY-MAIL ELECTION

A city, town, school district, or special taxing district may conduct its own ballot-by-mail election after obtaining approval of their governing board. [A.R.S. § 16-409\(A\)](#); [A.R.S. § 16-558\(A\)](#).

Special taxing districts must obtain approval of the applicable County Board of Supervisors, even if the special taxing district will conduct its own election. The special taxing district must obtain approval from the Board of Supervisors before it publishes a call of election. If a special taxing district comprises more than one county, the governing board of the special taxing district must seek approval of the County Board of Supervisors in the county that contains the greater number of registered voters in the district. [A.R.S. § 16-558\(A\)](#).

If a city, town, school district, or special taxing district requests a county conduct the election on the jurisdiction’s behalf, the conduct of that election is generally subject to an agreement between the county and the jurisdiction. [A.R.S. § 16-205](#). Among other things, the agreement may require that all local jurisdictions holding elections on a particular consolidated election date conduct a ballot-by-mail election in lieu of establishing voting locations on Election Day.

The governing body of a special taxing district must provide various public notifications before conducting any election that is not held concurrently with a general election, which includes

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ballot-by-mail elections. [A.R.S. § 16-226\(B\)](#); [A.R.S. § 16-227\(A\)](#). See [Chapter 8, Section IV\(C\)](#).

### III. PREPARING AND MAILING BALLOTS

A County Recorder or other officer in charge of elections may use a unified ballot format that combines all candidates and issues on the same ballot in a ballot-by-mail election. [A.R.S. § 16-204\(G\)](#).

Ballots utilized in a ballot-by-mail election must be prepared and transmitted in accordance with the requirements applicable to early ballots (see [Chapter 2, Sections I\(C\)](#) and [I\(D\)](#)), except:

- The County Recorder must mail ballots to all eligible voters not more than 27 and not fewer than 15 days before the election. [A.R.S. § 16-558.01](#).
- ~~• If the ballot by mail election is consolidated with a partisan primary election, the County Recorder must mail a notice to all non PEVL voters who are not affiliated with a recognized political party at least 33 days before the election to allow the voter to designate a political party ballot. In lieu of sending separate notices to PEVL and non-PEVL voters, a County Recorder may send a notice to all eligible voters at least 90 days before the ballot by mail election. See [Chapter 2, Section I\(B\)\(9\)](#). If the voter does not designate a political party ballot or nonpartisan ballot by 5:00 p.m. on the 11th day before the election, or a later deadline established by the County Recorder, the voter will not be mailed a ballot by mail for the election. [A.R.S. § 16-542\(E\)](#). However, the voter is still permitted to vote in person at a ballot replacement site and, at that time, specify a political party ballot or nonpartisan ballot.~~
- Return envelopes in ballot-by-mail elections for Title 48 special district elections need not be postage pre-paid. The district governing board must determine whether the cost of return postage will be borne by the local jurisdiction or the voter. [A.R.S. § 16-558.01](#).

If a jurisdiction conducts its own election without using the services of the County Recorder, the duties listed above for the County Recorder shall be performed by the officer in charge of elections for the jurisdiction.

### IV. METHODS TO RETURN OR REPLACE BALLOTS

~~[A completed ballot-by-mail must be delivered to the appropriate officer in charge of elections or an official ballot drop-off location no later than 7:00 p.m. on Election Day. \[A.R.S. § 16-411\\(D\\)\]\(#\); \[16-558\\(B\\)\]\(#\); \[16-551\\(C\\)\]\(#\).](#)~~

A city, town, school district, or special taxing district that conducts a ballot-by-mail election on its own behalf, and a county that conducts a ballot-by-mail election on behalf of a jurisdiction, may establish voting locations/ballot replacement sites on Election Day as well as ballot drop-off sites for voters to deposit voted ballots until 7:00 p.m. on Election Day. [A.R.S. § 16-411\(D\)](#); see also [Chapter 8, Section I\(B\)](#).

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A County Recorder or other officer in charge of elections must establish at least one central location in each district to issue replacement ballots in cases where the voter's mailed ballot was lost, spoiled, destroyed, or not received. [These ballot replacement sites shall be open until 7:00pm on Election Day. A.R.S. § 16-558.02\(A\); A.R.S. § 16-409\(A\).](#) The County Recorder or other officer in charge of elections may establish as many additional ballot replacement sites as deemed necessary. If there is no appropriate location for a ballot replacement site in the district (for example, if the district contains only residential buildings), the County Recorder or officer in charge of elections should establish a ballot replacement site as close to the district as practicable.

In order for the replacement ballot to be counted, the voter must sign a sworn statement that the original ballot was lost, spoiled, destroyed, or not received. [A.R.S. § 16-409\(A\); A.R.S. § 16-558.02\(A\).](#) This language may be incorporated into the early ballot affidavit prescribed by [A.R.S. § 16-547\(A\).](#) See [Chapter 2, Section I\(C\)\(2\).](#) [The County Recorder or other officer in charge of elections shall keep a record of each replacement ballot provided. A.R.S. § 16-558.02\(B\).](#) In any case, the County Recorder must ensure that only one early ballot for a particular voter is verified and transmitted to the officer in charge of elections for tabulation. See [Chapter 2, Section VI\(A\).](#)

#### V. PROCESSING VOTED BALLOTS IN A BALLOT-BY-MAIL ELECTION

Voted ballots returned to the County Recorder or other officer in charge of elections must be processed and tabulated in a manner similar to early ballots. [A.R.S. § 16-409\(B\); A.R.S. § 16-558\(B\); A.R.S. § 16-552;](#) see [Chapter 2, Section VI.](#)

Even if a city, town, school district, or special taxing district conducts its own election, the jurisdiction must usually enter into an agreement with the applicable county (or counties) in order to conduct signature verification. See [A.R.S. § 16-205\(C\).](#) Absent an agreement with the County Recorder, a local jurisdiction could conduct its own signature verification at a public terminal provided by the County Recorder during normal business hours.

If a special taxing district crosses county lines, the district must enter into an agreement with both counties in order to conduct signature verification. For example, the county with the larger number of registered voters may conduct the election on the special taxing district's behalf, and seek voter registration records from the smaller county in order to conduct signature verification for all voters in the special taxing district.

#### VI. POST-ELECTION REPORTING REQUIREMENTS

A city, town, or school district that conducts a ballot-by-mail election must report the following information to the Senate President and Speaker of the House of Representatives by January 1 of the year immediately following any ballot-by-mail election:

1. Changes in voter turnout from the previous election (regardless of whether the previous



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election was a ballot-by-mail or traditional election);

2. The cost of the ballot-by-mail election compared to traditional elections;
3. Suggestions for improvements to the ballot-by-mail election system;
4. The frequency and severity of irregularities in the ballot-by-mail process, if any;
5. Voter satisfaction with the ballot-by-mail election process; and
6. The number of nondeliverable ballots in the ballot-by-mail election.

[A.R.S. § 16-409\(B\).](#)

## CHAPTER 4: VOTING EQUIPMENT

### I. VOTING EQUIPMENT CERTIFICATION

All components of a voting system must be properly certified prior to use in any election for a federal, state, or county office. [A.R.S. § 16-442\(B\)](#). In addition, a city, town, or agricultural improvement district may adopt for use in its elections any electronic voting system or vote tabulating device approved by the Secretary of State, and thereupon, the voting system or device may be used at any or all elections for voting, recording, and counting votes cast in an election. [A.R.S. § 16-442\(E\)](#).

A voting system is defined as the total combination of mechanical, electromechanical, or electronic equipment (including the software, firmware, and documentation required to program, control, and support the equipment) that is used to define ballots, cast and count votes, report or display election results, and maintain and produce any audit trail information. [52 U.S.C. § 21081\(b\)\(1\)](#). Thus, a voting system consists of the electronic voting equipment (including central count equipment, precinct voting equipment, and accessible voting equipment) and election management system (EMS) used to tabulate ballots.

This section outlines the procedures under which voting systems are certified, recertified, or decertified for use in Arizona. A new voting system must be certified by:

1. A Voting System Test Laboratory (VSTL) accredited in accordance with the Help America Vote Act;
2. The federal Election Assistance Commission (EAC); and
3. The Secretary of State, based on a recommendation from the state Election Equipment Certification Committee.

[A.R.S. § 16-442\(A\)-\(B\)](#).

Certification includes a review of system documentation and/or conducting a demonstration and functionality test. Upgrades or modifications to an existing voting system require recertification, but if the upgrade or modification is *de minimis*, a demonstration and functionality test is optional and not necessarily required. See [Chapter 4, Section I\(A\)\(2\)](#). A request for emergency conditional certification is subject to different standards. See [Chapter 4, Section I\(C\)](#).

The Secretary of State shall consult with and obtain recommendations regarding voting systems from nonprofit organizations that represent persons who are blind or visually impaired, persons with expertise in accessible software, hardware, and other technology, county and local election officials, and other persons deemed appropriate by the Secretary of State. The Secretary of State shall submit these recommendations to the state Election Equipment Certification Committee to

be considered for possible certification if the election equipment vendor submits an application for certification. [A.R.S. § 16-442.01\(C\)](#).

### **A. State Certification Process**

A manufacturer's voting system must be tested and certified as a comprehensive suite, not as individual components. Therefore, a manufacturer's proposed combination of hardware, software, and firmware must be tested as an integrated whole to ensure the particular system accurately tabulates votes. As a result, a jurisdiction may not mix-and-match components from different manufacturers' certified voting systems. The officer in charge of elections may mix components from different manufacturers' voting systems only if those systems are not interconnected and under exceptional circumstances after notifying and receiving written approval from the Secretary of State.

#### **1. Submitting an Application for Certification**

To initiate state certification, a voting system manufacturer must submit an application to the Secretary of State. The application form is prescribed by the Secretary of State. A complete application packet consists of:

1. A completed application form, including a description of all voting system components and, if seeking recertification, a description of modifications to the prior certified voting system;
2. Product descriptions and/or sales brochures of the voting system components;
3. VSTL Test Report; and
4. EAC Certificate of Conformance, including EAC Certification Number and Scope of Certification.

A manufacturer may submit an application packet to the Secretary of State electronically or by mail. The Secretary of State must conduct a preliminary review of the application packet within 21 days of receipt of a completed packet or sooner if practicable. If the application packet is incomplete, the Secretary of State should inform the manufacturer and need not take further action until the application packet is complete.

#### **2. Review by the Election Equipment Certification Committee**

Once the application packet is deemed complete, the Secretary of State must notify and provide all relevant documentation to the Election Equipment Certification Committee and schedule a public meeting. If a demonstration and functionality test will be required, the Secretary of State must (1) coordinate with the manufacturer to receive test ballots; (2) develop a test script to vote the test ballots on all electronic voting equipment; (3) tabulate the test ballots (using alternative equipment provided by the vendor that is not the equipment to be tested in the demonstration and functionality test) in advance of the public meeting to ensure conformity with the test script; and (4) coordinate delivery and storage of the voting system as the test date nears.

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Upon notification by the Secretary of State, to the extent practicable, the Equipment Certification Committee must conduct a public meeting within 90 days to consider an application for certification or recertification.

The Secretary of State coordinates the logistical details for holding the public meeting, including complying with notice requirements in accordance with Arizona open meeting laws, taking meeting minutes, and ensuring the presence of legal counsel. [A.R.S. § 38-431.01](#).

**a. Composition of the Election Equipment Certification Committee**

The state Election Equipment Certification Committee consists of three persons appointed by the Secretary of State with the following qualifications:

1. A faculty member of the engineering college at an Arizona university;
2. A lawyer member of the Arizona Bar Association; and
3. A person who is familiar with voting procedures in the state, such as a trained election official.

Committee members serve without compensation. No more than two of the Committee members may be registered with the same political party. At least one member must have at least five years of experience with, and be able to render an opinion based on knowledge of or training/education in, electronic voting systems, procedures, and security. [A.R.S. § 16-442\(A\)](#).

**b. New Application for Certification**

For a new application for certification, the Election Equipment Certification Committee must conduct the following activities in a public meeting:

1. Review the manufacturer's application packet for completeness;
2. Confirm VSTL approval and EAC certification;
3. Confirm the voting system under review is the same voting system certified by the EAC;
4. Review the voting system and test ballots for compliance with the legal standards for certification;
5. Conduct a demonstration and functionality test;
6. Ask questions to the manufacturer's representatives as necessary;
7. Seek legal advice in executive session as necessary; and
8. Vote on whether to recommend to the Secretary of State approval, conditional approval, or denial of the manufacturer's application.

The Election Equipment Certification Committee may issue a recommendation to the Secretary of State to approve or deny the application, including partial or conditional approval. The Committee may also recommend specific conditions under which the voting system may be used by a county, city, town, or special taxing district.

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The Election Equipment Certification Committee must issue a written recommendation to the Secretary of State based on the majority vote from the public meeting.

i. Legal Standards for Certification

A voting system must comply with all federal and state laws, including the following:

1. The voting system must be tested and certified under federal law:
  - a. The voting system must be reviewed and/or tested by an accredited VSTL;
  - b. The voting system must be certified by the EAC; and
  - c. The voting system must otherwise comply with the then-applicable federal Voluntary Voting System Guidelines (VVSG) in effect;
2. The voting system must have the following functional capability and/or characteristics required under federal and state law:
  - a. The voting system must be suitably designed and be of durable construction;
  - b. The voting system must provide for secure, efficient, and accurate voting;
  - c. The voting system must record votes correctly and accurately, including aggregation of the voter's choices made on a single device;
  - d. The voting system must ~~tabulate (and if necessary, produce) ballots~~ provide a durable paper document that visually ~~indicate~~ indicates the voter's selections and can be (1) used to verify the voter's choices; (2) spoiled by the voter if they fail to reflect the voter's choices, in which case the voter would be permitted to cast a new ballot; and (3) used in recounts and manual audits;
  - e. The voting system must function for all types of elections;
  - f. The voting system must be capable of rotating candidate names within a race and accurately tabulating the results;
  - g. The voting system must aggregate the votes in the EMS in a way that prevents votes from being changed (~~unless the vote is on an over-voted ballot or ballot read as blank or unclear and is therefore flagged for electronic adjudication~~) or deleted after voting has concluded; and
  - h. The voting system must contain security features that prevent unauthorized access or hacking;
3. Ballot marking devices and direct-recording electronic (DRE) voting machines must:
  - a. Permit the voter to verify (in a private, secret, and independent manner) the votes selected by the voter on the ballot before the ballot is cast and counted;
  - b. Allow the voter to vote for the candidate or ballot measure of choice, allow the voter to vote for or against as many candidates or ballot measures for which they are entitled to vote, and inform the voter if the number of vote choices exceeds the

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permitted amount or prevent the voter from selecting more than the permitted number of vote choices;

c. Prevent the voter from voting for the same person more than once for the same office:

e.d. Have the capability to be sealed and prevent further voting after the close of the polls and/or after the last voter has voted;

d.e. DRE voting machines must produce a paper ballot or voter verifiable paper audit trail (VVPAT) for audit purposes, including the ability to change the ballot or correct any error and noting a spoiled or voided ballot when the voter changes the ballot or corrects an error; and

e.f. Provide the voter with an opportunity (in a private, secret, and independent manner) to correct any error before the ballot is cast and counted or cast a replacement ballot if the previous ballot is spoiled or unable to be changed or corrected;

4. Accessible voting equipment must be capable of:

a. Allowing the voter to cast and verify (both visually and with audio or synthesized speech) the voter's selections, including a synthesized (or actual) speech recording and braille keyboard or other input method that is ADA compliant;

b. Displaying the on-screen ballot in a format substantially similar to that of paper ballots (*see* [Chapter 4, Section II\(E\)\(1\)](#) and [Chapter 8, Section V\(A\)](#));

c. Displaying, providing audio or synthesized speech (and if applicable, printing) the ballot in English and in any minority language required under federal or state law;<sup>20</sup> and

d. Otherwise providing voters with visual impairments equivalent access to the voting experience compared to that provided for voters without visual impairments.

5. The voting system may not be subject to a recent decertification proceeding or otherwise have been utilized in violation of federal or state law.<sup>21</sup>

[A.R.S. § 16-442\(B\)](#); [A.R.S. § 16-442.01\(A\)-\(B\)](#); [A.R.S. § 16-446\(A\)-\(B\)](#); [A.R.S. § 16-502\(H\)](#); [52 U.S.C. § 20971\(a\)-\(b\)](#); [52 U.S.C. § 21081\(a\)](#).

**ii. Demonstration and Functionality Test**

A demonstration and functionality test consists of:

<sup>20</sup> *See* [Chapter 8, Section VI](#). If the applicable minority language is not a written language, the accessible voting machine must be capable of providing audio or synthesized reading of the ballot to the voter.

<sup>21</sup> For example, under [A.R.S. § 16-1004\(B\)](#), it is a class 5 felony to knowingly modify the software, hardware, or source code for voting equipment without receiving certification from the Election Equipment Certification Committee.

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1. Explaining the testing process (of both primary and general election test ballots) during the public meeting;
2. Casting ballots on all electronic voting equipment in accordance with the test script prepared for the meeting;
3. Casting ballots on the accessible voting equipment in English and any minority language required under federal or state law, including testing the audio equipment;
4. If the system captures digital ballot images, determining whether the system:
  - a. Produces digital images of readable quality, including clearly displaying write-in votes;
  - b. Produces digital images that are capable of being sorted by criteria such as race, district, ballot type, or precinct;
  - c. Encrypts the digital images; and
  - d. Is capable of transferring or downloading the digital images at a reasonably fast rate;
5. Ensuring the aggregate vote totals for each race in the EMS match the pre-determined test results prepared by the Secretary of State; and
6. Demonstrating the voting system's ability to function in compliance with applicable state and federal law.

**c. Application for Recertification of Updated/Modified Systems**

Upgrades or modifications to an existing certified voting system require recertification as a precondition for the upgraded/modified system to be used in Arizona elections. Like new applications, an application for recertification requires VSTL approval, EAC certification, and certification by the Secretary of State, based on review and recommendation by the Election Equipment Certification Committee. However, depending on the nature of the upgrade/modification, a demonstration and functionality test may not be necessary.

An upgrade or modification is documented through an engineering change order (ECO) prepared by the manufacturer and submitted to the appropriate VSTL. If the VSTL concludes, and the EAC agrees, that the ECO represents a *de minimis* change to the existing certified voting system, the Secretary of State may:

1. Notify the Election Equipment Certification Committee that the upgrade or modification has been deemed *de minimis* by the EAC;
2. Recommend the Committee conduct its review without a demonstration and functionality test; and
3. If the Committee agrees to forego a demonstration and functionality test, schedule a public meeting to review the manufacturer's application for recertification.

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If the Election Equipment Certification Committee foregoes a demonstration and functionality test, the Committee must:

1. Review the manufacturer's application for recertification for completeness in a public meeting, whether in-person, telephonically, or by video teleconference;
2. Confirm VSTL approval and EAC certification;
3. Ask questions to the manufacturer's representatives as necessary;
4. Seek legal advice in executive session as necessary;
5. Make an independent finding that the upgrade or modification is *de minimis* in nature; and
6. Vote on the manufacturer's application for recertification.

The Election Equipment Certification Committee must issue a written recommendation to the Secretary of State based on the majority vote from the public meeting. The Election Equipment Certification Committee may recommend approval or denial of the application, including partial or conditional approval.

If the Committee determines that the upgrade or modification is not *de minimis*, or the application for recertification otherwise requires additional review or testing, the Committee may vote to schedule a subsequent meeting to conduct a demonstration and functionality test. In that case, the Committee must evaluate the upgraded or modified voting system under the standards applicable to a new application for certification.

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**3. Secretary of State Final Decision**

Within a reasonable period after receiving the Election Equipment Certification Committee's recommendation, the Secretary of State must issue a final decision on an application for certification or recertification. The Secretary of State may accept, deny, or modify the Election Equipment Certification Committee's recommendation, including issuance of a partial or conditional certification.

The Secretary of State must issue the final decision in writing and notify the manufacturer by mail or email.

A final decision denying certification must include notice that the decision constitutes an appealable agency action. The notice must:

1. Identify the statute, rule, or provision upon which the decision was based;
2. Identify with reasonable particularity the reason why certification was denied or conditioned;
3. Include a description of the manufacturer's right to request a hearing on the decision; and
4. Include a description of the manufacturer's right to request an informal settlement conference pursuant to [A.R.S. § 41-1092.06](#).



[A.R.S. § 41-1092\(3\)](#); [A.R.S. § 41-1092.03\(A\)](#).

#### **4. Appeal Process**

A manufacturer may appeal the Secretary of State's final decision denying an application for certification or recertification.

##### ***a. Filing Notice of Appeal***

A manufacturer must file the notice of appeal with the Secretary of State within 30 days after receiving the final decision. The notice of appeal must:

1. Identify the manufacturer;
2. Provide the manufacturer's address;
3. Identify the agency and action being appealed; and
4. Contain a concise statement of the reasons for the appeal.

The notice of appeal must be served by personal delivery or certified mail, return receipt requested.

Within five business days of receiving an appeal, the Secretary of State must:

1. Notify any local jurisdictions who use the manufacturer's voting system or are otherwise potentially affected by the appeal; and
2. Request a hearing from the Office of Administrative Hearings.

[A.R.S. § 41-1092.03\(A\)-\(B\)](#); [A.R.S. § 41-1092.04](#).

##### ***b. Hearing on Appeal***

If an informal settlement conference pursuant to [A.R.S. § 41-1092.06](#) is not requested, a hearing before the Office of Administrative Hearings:

1. Must be conducted no later than 60 days after the appeal was filed with the Secretary of State;
2. Must include a complete and accurate record;
3. Must be conducted in accordance with [A.R.S. § 41-1092.07](#); and
4. Must be presided over by an administrative law judge, who must issue a recommended decision pursuant to [A.R.S. § 41-1092.08\(A\)](#).

The manufacturer bears the burden of persuasion to establish that the voting system should have been certified or recertified. The administrative law judge must issue a recommended decision within 20 days after the hearing is concluded. [A.R.S. § 41-1092.08\(A\)](#).

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The only remedy available is recommended reversal or modification of the Secretary of State's final decision. Damages of any kind may not be awarded.

[A.R.S. § 41-1092.05.](#)

***c. Action on Recommended Decision***

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Within 30 days following issuance of the administrative law judge's recommendation, the Secretary of State may accept, reject, or modify the decision. [A.R.S. § 41-1092.08\(B\).](#)

The Secretary of State's decision constitutes the final determination of the application for certification or recertification. The Secretary of State must provide notice of the final determination to the manufacturer and any other interested parties.

**B. Requirements for Equipment Decertification**

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If the Secretary of State has reason to believe that a certified voting system is not performing or being utilized in accordance with federal or state law, the Secretary of State may issue an Intent to Decertify the voting system or any component of the system. [A.R.S. § 16-442\(C\)-\(D\).](#)

In reaching the preliminary decision to decertify, the Secretary of State may take into account any of the following:

1. Material breach of contract with any Arizona jurisdiction;
2. Submission of a fraudulent, misleading, or otherwise ineligible application for certification or recertification;
3. Installation or use of an unauthorized voting system;
4. Failure to properly function or perform, including perceived security vulnerabilities;
5. Federal decertification by the EAC;
6. Failure to place election equipment source code in escrow and/or failure to authorize the State of Arizona to access or receive the source code; or
7. Failure to continue to meet any requirements for certification.

Upon issuance of an Intent to Decertify, the Secretary of State must promptly notify the manufacturer and any affected parties. Within 30 days of issuance, the manufacturer and any affected parties may submit written comments to the Secretary of State in support of or opposition to decertification.

Within 120 days of issuance, the Secretary of State must convene the Election Equipment Certification Committee. At a public meeting the Committee must:

1. Review the evidence for and against decertification;
2. Ask questions to the manufacturer's representatives (as necessary);

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3. Seek legal advice in executive session (as necessary); and
4. Vote on whether to recommend decertification.

The Election Equipment Certification Committee may recommend full or partial decertification. The Committee may also specify the conditions under which the voting system may continue to be used by a county, city, town, or special taxing district. The Election Equipment Certification Committee must issue a written recommendation to the Secretary of State based on the majority vote from the public meeting.

Within a reasonable period after receiving the Election Equipment Certification Committee's recommendation, the Secretary of State must issue a final decision on the Intent to Decertify. The Secretary of State may accept, deny, or modify the Election Equipment Certification Committee's recommendation, including issuance of a conditional recertification. The Secretary must follow the remaining procedures applicable to issuance of a final decision for an application for certification or recertification. See [Chapter 4, Section I\(A\)\(3\)](#) above.

The manufacturer or affected party may appeal a decertification in accordance with the appeal procedures for denials of certification and recertification. See [Chapter 4, Section I\(A\)\(4\)](#) above.

In addition to decertification, the Secretary of State may prohibit the purchase, lease, or use of any voting system (or component thereof) if a manufacturer or jurisdiction: (1) installs, uses, or permits the use of a voting system that is not certified for use or approved for experimental use; or (2) uses or includes hardware, firmware, or software in a voting system version that is not certified for use or approved for experimental use. [A.R.S. § 16-442\(D\)](#).

### C. Emergency Conditional Certification of Upgrade/Modification

If a local jurisdiction requires an emergency upgrade or modification to its existing certified voting system, the jurisdiction may apply to the Secretary of State for emergency conditional certification of the upgrade or modification. Emergency conditional certification allows the voting system to be upgraded or modified without seeking VSTL testing or EAC certification. [A.R.S. § 16-442\(G\)](#).

To apply for emergency conditional certification, the local jurisdiction must:

1. Convene its governing board to pass a resolution outlining why the forthcoming election cannot be conducted without the requested emergency conditional certification;
2. Make a written request to the Secretary of State that outlines the need for conditional emergency certification, including:
  - a. A description of the proposed upgrade/modification;
  - b. A description of what aspects of the voting system will be affected;
  - c. An explanation why the upgrade/modification is necessary in order to conduct the next election, including a copy of the governing board's resolution;

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- d. An explanation why the upgrade/modification could not have been sought earlier through the standard recertification process; and
- e. A description of what safeguards or contingency plans will be implemented if the proposed upgrade/modification does not function as intended during the election; and
- f. Any other information deemed relevant by the local jurisdiction.

Upon receipt of a request for emergency conditional certification, the Election Equipment Certification Committee must convene as soon as practicable (but no later than 30 days from the date of the request) and follow the same procedures applicable to an application for recertification, except:

- VSTL approval and EAC certification are not required; and
- Both the local jurisdiction and manufacturer are expected to participate in the public meeting and answer the Election Equipment Certification Committee's questions.

Upon receipt of the Election Equipment Certification Committee's recommendation, the Secretary of State must issue a final decision within 15 days or sooner if practicable.

Any grant of conditional emergency certification is limited to six months from the date of the Secretary's final decision. If the manufacturer has not applied for (and been granted) recertification before expiration of the 6-month period, the conditionally-certified voting system is automatically decertified and ineligible for continued use. [A.R.S. § 16-442\(G\)](#).

The local jurisdiction may appeal a denial of emergency certification in accordance with the appeal procedures for denials of certification and recertification described above. See [Chapter 4, Section I\(A\)\(4\)](#).

## **II. LOGIC AND ACCURACY (L&A) TESTING**

A logic and accuracy (L&A) test is intended to confirm that votes are attributed to the correct candidates and ballot measures in the election management system (EMS) and that each candidate and ballot measure receives the accurate number of votes.

The Board of Supervisors or officer in charge of elections is responsible for performing an L&A test on all voting equipment prior to each election. The conduct of the test must be overseen by at least two elections staff or inspectors (of different political parties), and shall be open to observation by representatives of the political parties, candidates, the press, and the public.

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For any election that includes a federal, statewide, or legislative office, the Secretary of State is responsible for conducting an additional L&A test on selected voting equipment. [A.R.S. § 16-449](#).<sup>22</sup>

## A. Timeframe to Conduct L&A Testing

### 1. Accessible Voting Equipment L&A Test

In-person voting, both during the early voting period and on Election Day, requires the deployment of accessible voting equipment for voters with disabilities (and ballot marking by all voters in certain counties).

The officer in charge of elections must test all accessible voting equipment prior to an election.

- For an all ballot-by-mail election, equipment must be tested at least 15 days before the election.
- For a city, town, school district, special taxing district, or county election, equipment must be tested at least 27 days before the election (prior to the commencement of early voting).
- For a federal, statewide, or legislative election, equipment must be tested prior to the Secretary of State's L&A test, where practicable, or promptly thereafter.

In the case of federal, statewide, or legislative elections, the Secretary of State tests selected accessible voting equipment within seven days before the start of early voting (*i.e.*, between 34 and 27 days before the election). [A.R.S. § 16-449\(B\)](#).

L&A tests for accessible voting equipment are a prerequisite for the County Recorder to open on-site early voting locations.

### 2. Optical and Digital Equipment L&A Test

The officer in charge of elections must test precinct voting equipment and central count equipment within 30 days of an election. In the case of federal, statewide or legislative elections, the Secretary of State must also test selected equipment within 17 days before the election. [A.R.S. § 16-449\(A\)](#).

However, if a county's accessible voting equipment does not independently tabulate votes (*i.e.*, the equipment marks and/or produces a paper ballot that will be tabulated using different voting equipment), the officer in charge of elections and Secretary of State may test all voting

<sup>22</sup> Though not required, counties may, in their discretion, conduct additional pre-election L&A tests prior to the county's and Secretary of State's pre-election L&A test and/or additional post-election L&A tests after the county's post-election L&A test, including with participation from representatives of the recognized political parties.

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equipment (including precinct voting equipment and central count equipment) during the time period applicable to accessible device testing. [A.R.S. § 16-449\(C\)](#). If the officer in charge of elections wishes to have all voting equipment testing completed together, the officer in charge of elections must make that request to the Secretary of State at least 90 days prior to the election. In order to prepare for this consolidated testing, the officer in charge of elections must provide to the Secretary of State all testing materials as referenced in [Chapter 4, Section II\(D\)\(2\)](#) below, including printed ballots, at least three weeks before the start of early voting. The Secretary of State has discretion to grant or deny a request for consolidated testing based on the circumstances. For example, if test ballots are not timely received, the tests will need to be conducted separately and the officer in charge of elections will be notified of the determination.

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### 3. Rescheduling L&A Tests

The Secretary of State's Office must conduct its L&A tests after the officer in charge of elections has conducted county-level tests whenever practicable. In the event the officer in charge of elections has not successfully conducted an L&A test prior to the Secretary of State's scheduled test, the officer in charge of elections should contact the Secretary of State to consider whether to postpone the Secretary's L&A test pending further local testing.

If the electronic voting system has not successfully passed the Secretary of State's L&A test, the Secretary of State may schedule a re-test for a later date. Re-testing may continue during the early voting period and through the day prior to the election. However, the officer in charge of elections may not deploy any electronic voting equipment in a federal, statewide, or legislative election that has not successfully passed the Secretary of State's L&A test.

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#### B. Public Notice of L&A Test

The Board of Supervisors or other officer in charge of elections must publish notice of the time and place of each L&A test at least 48 hours in advance of the test. [A.R.S. § 16-449\(A\)](#). The notice must be published at least once in a daily or weekly newspaper circulated in the county. If no newspaper is published in the jurisdiction, notice must be published in any newspaper of general circulation. [A.R.S. § 16-449\(A\)](#).

If the Secretary of State must reschedule an L&A test or schedule a re-test, and the Board of Supervisors or other officer in charge of elections cannot reasonably comply with the 48-hour public notice requirement, the Board of Supervisors or other officer in charge of elections must:

- Publish notice of the rescheduled L&A test in a daily or weekly newspaper within the county as soon as possible if the notice is capable of being published before the test date;
- Post the notice on the county's website and distribute the notice through any other public communication or social media channel(s) regularly utilized by the county; and
- Provide notice of the place and time of the reschedule L&A test or re-test by phone or email to all L&A test observers from the immediately preceding L&A test.

### C. Observers for L&A Test

An L&A test must be observed by the officer in charge of elections. An L&A test must also be open to:

- Designated political party representatives;
- Candidates or candidate representatives;
- Government officials; and
- Members of the public and the media.

[A.R.S. § 16-449\(A\)](#). For security reasons and to prevent disruption of election operations, the officer in charge of elections may specify a designated area where observers are permitted to view the L&A test.

### D. Process for Conducting L&A Tests by the Secretary of State

The Secretary of State must conduct an L&A test on accessible voting equipment and optical/digital scan equipment before each federal, statewide, and legislative election.

#### 1. Acquisition of Precinct Information and Voting Equipment

At least eight weeks before a primary election or PPE, the officer in charge of elections must provide the Secretary of State a complete list of precincts and legislative and congressional districts and ensure the Secretary of State possesses the necessary precinct voting equipment to preliminarily verify the county's L&A test results at the Secretary of State's Office. To conduct the pre-test, the Secretary of State may acquire the necessary voting equipment from the county or directly from equipment vendors, if practicable. If multiple counties use the same type of voting equipment, the Secretary of State may preliminarily test multiple counties' ballots on the same piece of voting equipment without acquiring voting equipment from each county.

#### 2. Selection of Precincts and Test Ballots

The Secretary of State must randomly select precincts that will be included in each type of L&A test conducted by the Secretary of State.

The Secretary of State generally selects five to ten precincts for a small or medium-sized county and 10-20 precincts for a large county. In doing so, the Secretary of State must ensure:

- At least one precinct is selected in each congressional and legislative district; and
- Each federal, statewide, and legislative candidate and each ballot question will receive at least one test vote in the selected precincts.

The Secretary of State must also acquire test ballots from each county. If a county will use preprinted ballots and ballots through a ballot-on-demand printer, the officer in charge of elections must provide ballots generated through both printing methods.

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For a primary election or PPE, the officer in charge of elections must provide the Secretary of State the following test ballots from each pre-determined test precinct:

- 50 ballots from each of the two largest political parties entitled to continued representation on the ballot;
- 25 ballots from every other recognized or new political party; and
- Five “federal-only” ballots.

The Secretary of State may request additional test ballots if necessary. The Secretary of State also may account for new political parties or the possibility that not all recognized political parties will participate in a PPE.

For a general election, the officer in charge of elections must provide the Secretary of State the following test ballots from each pre-determined test precinct:

- 50 ballots; and
- 10 “federal-only” ballots.

If a precinct contains a precinct split, the officer in charge of elections should ensure the above-referenced test ballots are distributed among each precinct split. In addition, if minority-language ballots are required in the county, the officer in charge of elections must also include minority-language ballots among the requested quantities of test ballots.

The Secretary of State may vary the number of test ballots if necessary.

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**3. Notification of Completion of Programming**

Before each federal, statewide or legislative election, the officer in charge of elections must promptly notify the Secretary of State when the county has completed programming its election.

Within one business day of receiving this notification, the Secretary of State must confirm with the officer in charge of elections the date/time of the accessible and optical/digital scan tests and the conditions for each test, including precinct selections, ballot requirements, and the number of machines selected at random for testing. The Secretary of State must inform the officer in charge of elections of the date/time of the L&A test as soon as practicable.

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**4. Secretary of State Preparation for L&A Testing**

For an accessible voting equipment L&A test, the Secretary of State must:

1. Request that all accessible voting equipment to be used during on-site early voting be made available for the L&A test and be pre-programmed with all precinct ballot styles;



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2. Identify the precincts randomly selected by the Secretary of State and request the accessible voting equipment to be utilized at those precincts be made available for the L&A test;
3. Ensure the attendance of any necessary minority language interpreters at the L&A test;
4. Inform the officer in charge of elections that they must:
  - a. Utilize the actual election program for Election Day (not a copy);
  - b. Reset any vote totals from prior L&A tests and ensure equipment zero tapes are accessible for examination;
  - c. Print a zero report from the county's EMS and ensure the report is accessible for examination;
  - d. Ensure that equipment operators are available to assist with the L&A test;
  - e. Ensure the equipment is set up, set to run in "election mode," and ready to vote upon the Secretary of State's arrival;
  - f. Ensure that voter card encoders and bar code printers will be available for testing (if applicable);
  - g. Ensure political party observers have been contacted for the L&A test;
  - h. Ensure that headphones and touchpads will be available for all equipment; and
  - i. Ensure all equipment is capable of processing and outputting the testing results.

For an optical/digital scan equipment L&A test, the Secretary of State must:

1. Request the requisite number of test ballots;
2. Request the applicable memory cards or sticks in order to preliminarily verify L&A test results at the Secretary of State's Office;
3. Request that all central count equipment be made available for the L&A test;
4. Identify the precincts randomly selected by the Secretary of State and request the precinct voting equipment to be utilized at those precincts be made available for the L&A test;
5. Inform the officer in charge of elections that they must:
  - a. Utilize the actual election program for Election Day (not a copy);
  - b. Reset any vote totals from prior L&A tests and ensure equipment zero tapes are accessible for examination;
  - c. Print a zero report from the county's EMS and ensure the report is accessible for examination;
  - d. Ensure political party observers have been contacted for the L&A test;
  - e. Ensure that equipment operators are available to assist with the L&A test; and
  - f. Ensure the equipment is set up, set to run in "election mode," and ready to vote upon the Secretary of State's arrival.

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**CHAPTER 4:**  
**Voting Equipment — II. Logic and Accuracy (L&A) Testing**

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The officer in charge of elections must provide any requested materials or information to the Secretary of State in accordance with the deadline set forth in the Secretary of State’s letter, but no later than five weeks before each election and/or three weeks before the start of early voting.

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**5. Marking Test Ballots and Creation of Test Script**

The Secretary of State must create a script that outlines how each test ballot will be marked.

Votes must be randomly distributed in each of the selected precincts, ensuring that each federal, statewide, and legislative candidate and ballot measure receives at least one vote. In addition, various races and issues must be over-voted to test the optical/digital scan equipment’s ability to notify the voter of, or out-stack, an over-vote, physically or digitally.

Upon receipt of test ballots from the officer in charge of elections, the Secretary of State must mark the test ballots in accordance with the predetermined script.

The Secretary of State also must create a script for each accessible voting machine that specifies how many ballots will be cast on the machine and how the votes will be distributed during the accessible equipment L&A test.

The Secretary of State must run the test ballots through the optical/digital scan equipment provided to the Secretary of State for preliminary verification purposes.

Finally, the Secretary of State creates a summary report that aggregates the vote totals for each candidate and ballot measure. The Secretary of State must ensure these test ballot results match the summary report.

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**6. Conducting the L&A Test**

The Secretary of State must bring a sufficient number of personnel to conduct the L&A test.

Upon arrival, the Secretary of State must ensure that the selected voting equipment has zero recorded votes prior to commencing the L&A test. The Secretary of State then must test the selected voting equipment to ensure each machine reports the correct vote totals (and that the EMS reports the correct aggregate totals) in accordance with the prepared scripts.

The Secretary of State must review ballots, and each ballot display on the accessible voting equipment, to confirm formatting, language, and audio requirements in the testing standards have been met (see testing standards in [Section II\(E\)](#) below).

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**E. L&A Testing Standards**

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**1. Accessible Voting Equipment**

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Accessible voting equipment must:

1. Display candidate races, ballot measures, and voter instructions in English and any other language required in the county under the federal Voting Rights Act, at the voter's option;
2. Display candidate races, ballot measures, and voter instructions in large print and contrasting colors, at the voter's option;
3. Produce an accurate audio recording in English and any other language required in the county under the Voting Rights Act;
4. Display the correct voting precinct and state, county, and election type;
5. Display instructions how to use the equipment and mark the ballot;
6. Display the ballot as nearly as practicable in accordance with the formatting requirements for paper ballots, including color marking for partisan primary elections;
7. Display candidate names accurately, in accordance with the candidate's nomination paper;
8. Display ballot measures accurately, in accordance with any certification from the Secretary of State;
9. Sequentially advance from screen-to-screen;
10. Perform the functions selected by the voter;
11. Provide a warning to the voter if the voter attempts to under-vote or over-vote a particular race or issue, or, in the case of an over-vote, prevent a voter from doing so;
12. Increase or decrease the headphone audio volume in accordance with the voter's preferences;
13. Contain a functioning keypad (whether stand-alone or incorporated into the accessible voting equipment screen);
14. Allow the voter to write in a candidate using a keypad in the voter's selected language;
15. Provide a means for the voter to verify all of the voter's selections prior to committing the selections and a means for the voter to change a selection if desired before committing the selections;
16. Display a summary screen at the conclusion of voting that matches the voter's selections; and
17. If the accessible voting equipment independently tabulates votes, tabulate the voter's selections accurately, including:
  - Accurately tabulating in the EMS; and
  - Printing an accurate ballot in English and any other written language required in the county under the Voting Rights Act and/or printing an accurate voter verifiable paper audit trail (VVPAT).

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## 2. Optical and Digital Scan Voting Equipment

Optical and digital scan voting equipment must:

1. Attribute votes to the correct candidates and ballot measures in the EMS;
2. Attribute the correct number of votes to each candidate and ballot measure;
3. Warn the operator of an over-vote or out-stack, physically or digitally, a ballot in the event of an over-vote;
4. Record no vote in an over-voted race and out-stack for further adjudication if applicable (precinct voting equipment and central count equipment);
5. Accept ballot styles for that specific precinct and reject ballot styles from other precincts (precinct voting equipment only); and
6. Accept ballot styles from the current election and reject ballot styles from a different election.

In advance of the Secretary of State's L&A test, the officer in charge of elections should conduct a preliminary test of ballots as soon as they are available from the printing vendor to ensure the ballots are correct and meet the requirements for the voting equipment utilized. This may include testing a blank ballot and a fully-voted ballot on every ballot style used in the election.

### **3. On-Screen/Electronic ~~Adjudication~~ Tallying of Write-In Votes**

If ~~on screen~~/electronic ~~adjudication~~ tallying of ~~ballots~~ write-in votes will be utilized as part of the election tabulation system, that functionality shall also be tested during the L&A test to ensure secure and proper functioning and attribution of ~~Electronic Vote Adjudication~~ Write-In Tally Board determinations for the ~~ballots electronically adjudicated~~ write-in votes tallied. See [Chapter 10, Section II\(EG\)\(2\)](#) for requirements for electronic ~~adjudication~~ tallying of write-in votes.

### **4. Errors Discovered During Testing**

If any error is detected during L&A testing:

- The cause shall be ascertained and corrected;
- An errorless count shall be made before the voting equipment and programs are approved for use in the election;
- If the election program is found to be the source of the error, a copy of a revised election program shall be filed with the Secretary of State within 48 hours after the revision; and
- If the error was created by voting equipment malfunction, a report shall be filed with the Secretary of State within 48 hours after the correction is made, stating the cause and the corrective action taken.

[A.R.S. § 16-449\(A\)](#).

### **4-5. Certification of Voting Equipment**

The Secretary of State must certify the voting equipment if the equipment meets the requirements in the L&A testing standards. Voting equipment may not be deployed or used until the Secretary of State has certified that the equipment passed L&A testing.

If the voting equipment does not meet the mandatory requirements from the testing standards, the Secretary of State should work with the officer in charge of elections to determine the cause of the deficiency and whether it can be corrected in a timely manner. If the error can be readily corrected, the voting equipment may be retested until the mandatory requirements have been met; otherwise, the L&A test must be rescheduled for a later time and date.

## **F. County L&A Testing**

The officer in charge of elections must substantially follow the L&A testing procedures applicable to the Secretary of State, except that all of the county's deployable voting equipment must be tested. The officer in charge of elections also must conduct a post-election L&A test of tabulation equipment. See [Chapter 12, Section II](#).

### G. Retention of L&A Programs, Test Ballots, and Database

The tests ballots and database used in L&A testing shall be:

- Secured immediately after the L&A test is run; and
- Retained until the post-election L&A test is ready to be conducted after ballot tabulation for the election.

Programs and test ballots used in L&A testing shall be under the control of the officer in charge of elections. After completion of the post-election L&A test, the databases and test ballots shall be retained with the official returns according to the retention period applicable for that election.

## III. SECURITY MEASURES FOR ELECTRONIC VOTING SYSTEMS

All components of the electronic voting system, including any e-pollbooks uploaded with voter registration information, must be secured in accordance with this section. Counties should also conduct periodic election security and cybersecurity assessments and develop and implement appropriate security procedures and best practices in consultation with county (and, where appropriate, federal and state) information technology and security professionals. Counties may establish more stringent and robust security protocols so long as the following minimum requirements are met.

The officer in charge of elections must develop and implement a training plan to ensure that elections staff (and any temporary workers) understand and comply with all security procedures applicable to the electronic voting system.

A person who knowingly modifies the software, hardware, or source code for voting equipment without receiving approval or certification pursuant to [A.R.S. § 16-442](#) is guilty of a class 5 felony. [A.R.S. § 16-1004\(B\)](#).

### A. Physical Security of the Electronic Voting System

Hardware components of the electronic voting system:

1. Must be permanently labeled with a unique serial number for tracking and auditing purposes;
2. Must be inventoried before and after an election;
3. Must be stored in a locked, secured location that prevents unauthorized access;
  - Access to the electronic voting system (including voting equipment and the EMS) must be authorized by the officer in charge of elections. Access must be documented with a written log or with electronic key card access that indicates the date, time, and identity of the person accessing the system.
4. Must be sealed with tamper-resistant or tamper-evident seals once programmed;

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- The seal number must be logged as corresponding with particular voting equipment and the election media that has been sealed in the voting equipment. The log should be preserved with the returns of the election. In the event of a recount or re-tally of votes, the officer in charge of elections should be prepared to submit an affidavit confirming that the election program and any election media used in the election have not been altered. [A.R.S. § 16-445\(C\)](#).
- 5. Must be safeguarded from unauthorized access when being moved, transferred, serviced, programmed, or temporarily stored;
- 6. May be accessed by elections staff only to the extent necessary to perform their authorized task; and
- 7. Must be witnessed by two or more election staff members (of different political parties if possible) when being moved or transferred, which includes an inventory of the equipment and chain of custody before and after the move or transfer.

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**B. Data Security of the Electronic Voting System**

Components of the electronic voting system:

1. Must be password-protected (for voting system software);
  - In addition to complying with any system requirements, passwords must: (1) contain mixed-cased and non-alphabetic characters, if possible; (2) be changed on a regular basis and may not be a vendor-supplied password; and (3) may be known only by authorized users.
2. May not be connected to the internet, any wireless communications device, or any external network (except for e-pollbooks);
  - An EMS must be a stand-alone system, attached only to components inside an isolated network. An EMS may only be installed on a computer that contains only an operating system, the EMS software, data/audio extractor software, and any necessary security software.
3. May not be used to modem election results, whether through analog, cellular, or any similar transmission;
4. May not contain remote access software or any capability to remotely-access the system;
5. Must match the software or firmware hash code on file with the officer in charge of elections prior to programming the election and the hash code on file with either (1) the National Institute of Standards and Technology (NIST); or (2) the Secretary of State at the time of certification of the electronic voting system; and
  - If the EMS software hash code is on file with NIST or the Secretary of State, the officer in charge of elections must certify that the officer compared the hash code on file with NIST or Secretary of State for the EMS software with the hash code of the EMS software to be used in the election and certify that the numbers are identical.

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6. Must be observed by the officer in charge of elections or a designee if the election program (or any software or firmware) is updated or modified.

In addition, the following security protocols apply to any memory stick or removable electronic storage device used with the electronic voting system:

1. A stick or device must be purchased or received from a reliable source.
2. A stick or device shall be permanently identified with a unique serial number or identifier when in use, and an inventory of all electronic media shall be created and maintained.
3. Electronic storage media shall be physically secured at all times. No physical access should be given to any person unless the election officer in charge of the electronic storage media specifically grants that person access. Secured locations must be provided for storing electronic media when not in use, coding an election, creating the election media, and transferring and installing the election media into the voting device.
4. No electronic storage media shall be left unattended or in an unsecured location once it has been coded for an election. Where applicable, coded election media shall be immediately loaded into the relevant voting device, sealed, logged, and made secure or must be placed in a secured and controlled environment and inventoried.
5. A stick or device should generally not be used to transfer data between an internet-connected system and a non-connected electronic voting system. Only when necessary to import ballot language to the electronic voting system should such transfer occur, and in those circumstances, the internet-connected system and stick or device shall be scanned with updated antivirus software prior to transfer. In addition, the officer in charge of elections shall consider and implement other appropriate security protocols for such data transfers.
6. A stick or device used to transfer data to or from the electronic voting system should only be used one time – to transfer data from one system to a second system and then securely disposed of. When feasible, write-once memory cards or write-once disks should be used instead of USB devices to transfer data to or from an electronic voting system to ensure a “one-way, one-use policy” is self-enforced by the technology.
7. If the individual file to be transferred between systems was electronically received (whether through download, by email, or any other electronic means), the individual file must be scanned with antivirus software prior to being placed on the stick or device. If any files were downloaded from an internet portal, the portal must be a secure portal for data transmission purposes. Regardless of the method of receipt, however, individual files should only be downloaded, transferred, or otherwise utilized if they were received by a trusted third-party source.
8. If a stick or device was received by mail:
  - The stick or device should only be accepted from a trusted, third-party source;
  - The stick or device must be encrypted by the third-party source, and the password to decrypt the stick or device may not be included with the mailing itself; and



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- Upon receipt, the stick or device must be scanned with antivirus software prior to opening or otherwise executing any file contained on the stick or device.

Finally, the following security protocols apply to the use of e-pollbooks and ballot-on-demand printers:

1. E-pollbooks and ballot-on-demand printers shall only be connected to authorized and secured networks and resources;
2. E-pollbooks and ballot-on-demand printers should transmit and receive data utilizing industry standard best practices for information and network security, including encryption;
3. E-pollbooks and ballot-on-demand printers shall be patched and updated to current versions as designated by the vendor;
4. Only software, applications, or drivers necessary for e-pollbook operation shall be installed on e-pollbooks;
5. E-pollbooks and ballot-on-demand printers shall be tested before each election to ensure proper operation;
6. To the extent practicable, voter data files on e-pollbooks should be compared to the original files by checking a hash code or, at a minimum, comparing file size prior to testing or use at a voting location; and
7. Only power or charging cables supplied by the vendor or purchased from a verified source shall be used to power e-pollbooks.

#### **IV. CONTINGENCY PLANNING**

The officer in charge of elections must develop a written contingency plan in case election operations, including the use of voting systems and any component thereof, are significantly disrupted. A contingency plan should consider all potential sources of disruption, including but not limited to:

- Systemic equipment failures or malfunctions;
- Power outages;
- Natural disasters or infrastructure failure;
- Terror threats or other civil disturbances; and
- Unauthorized access, intrusion, or hacking into election facilities or equipment.

Among other things, a contingency plan must outline how the officer in charge of elections would ensure continuity in voting in case one or more voting locations becomes temporarily or permanently unusable on Election Day, which may include:

- Sending voters to an alternative voting location (whether new or existing);
- Seeking a court order to extend voting hours; and/or

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- Requesting voters return to the voting location after the problem has been resolved.

The officer in charge of elections must implement any additional procedures necessary to ensure that voters are properly notified and receive the correct ballot style.

In advance of each election, the officer in charge of elections must review/update the contingency plan and ensure that key staff members have been briefed on the plan. As necessary, the officer in charge of elections should also be prepared to review and/or execute the contingency plan in coordination with:

- The County Recorder;
- The Board of Supervisors;
- The County Attorney's office;
- The County Sheriff's office;
- The Presiding Judge of the Superior Court;
- The Secretary of State's Office;
- The Arizona Counter Terrorism Information Center (ACTIC);
- The Arizona Department of Public Safety;
- The Attorney General's office;
- The Federal Bureau of Investigation;
- The U.S. Department of Homeland Security; and
- The U.S. Attorney's office.

The officer in charge of elections must file certain contingency information with the Secretary of State at least 10 days in advance of the election, including:

- A description of the officer's contingency plan to tabulate ballots in case of central count equipment failure (see specific requirements below); and
- A copy of the county's election program (see specific requirements below).

#### **A. Tabulation Contingency Plan**

The officer in charge of elections must file with the Secretary of State a tabulation contingency plan that identifies alternative voting equipment or facilities in case the county experiences a complete loss of its central count equipment or use of its central counting place. The tabulation contingency plan shall be completed no later than the second Monday before the election.

The plan may include the transport of ballots across county lines. In that case, the ballots must be inventoried and safeguarded by the originating county's employees in the same manner as if the ballots had not been transported. See [Chapter 9, Section VIII\(B\)](#). A county must exhaust all

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possible options (including the acquisition of additional voting equipment from the vendor) before invoking a contingency plan that involves transportation of ballots across state lines.

The officer in charge of elections must notify the Secretary of State (and the chairpersons of the recognized political parties) if a tabulation contingency plan is invoked.

**B. Election Program Contingency Plan**

Any jurisdiction that conducts an election must file a copy of the election program with the Secretary of State at least 17 days prior to each election. [A.R.S. § 16-445\(A\)](#). This copy may serve as a backup in case the original program is destroyed or rendered unusable.

The election program must be in a machine-readable format and may be transmitted to the Secretary of State via a password-protected CD, DVD, USB memory stick, or SFTP site.

If any subsequent changes are made to the election program, the officer in charge of elections must file the new copy with the Secretary of State within 48 hours of the change. [A.R.S. § 16-445\(B\)](#).

The Secretary of State must preserve election programs in escrow for three years. The Secretary of State must securely destroy any election program after this retention period has expired. [A.R.S. § 16-445\(A\)](#).

## CHAPTER 5: ACCOMMODATING VOTERS WITH DISABILITIES

### I. VOTER REGISTRATION INFORMATION

Before an election, each county shall prepare and disseminate information by public notice, including about voter registration deadlines, availability of registration and voting aids, how to vote early, availability of sample ballots, and types of assistance (including reasonable accommodations) available at voting locations, in a manner calculated to reach all voters and, in particular:

- Persons with disabilities;
- Seniors, age 65 or more;
- Self-identified voters; and
- Others who request information.

Upon a ten-day notice, the County Recorder or officer in charge of elections shall provide voting and registration information in alternative formats for the purpose of ensuring effective communication with people with disabilities. These available alternative formats may vary by County and shall include two or more alternative formats, which may include: large print, braille, electronic material for use with a screen reader, and/or computer disk in a format available on the jurisdiction's computer equipment. A voter may make an on-going or permanent request to receive information in a particular format in their county for each election. If a voter makes a request for information in an alternative format after any applicable deadlines, the County Recorder or officer in charge of elections shall make best efforts to accommodate the request if practicable.

Voters with a hearing or speech disability may dial 7-1-1 to be connected to a Telecommunications Relay Service (TRS), which permits persons with a hearing or speech disability to call persons with or without such disability. Each County Recorder and/or officer in charge of elections shall publish information on how voters may use TRS to initiate a call to the office of the County Recorder or officer in charge of elections.

Signs explaining assistance available for voters with disabilities must be posted at all permanent registration facilities, polling places, and vote centers. Temporary or permanent signs shall be:

- Posted on stakes or taped to corridor walls to provide reasonable guidance to reach the voting area;

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- In large, clear lettering that meets the [ADA Accessibility Guidelines](#)<sup>23</sup> requirements as to character proportion<sup>24</sup> and height<sup>25</sup>;
- On a contrasting background color; and
- At a recommended height of 60 inches.

## II. VOTING AND VOTING LOCATION INFORMATION

Voters with disabilities are entitled to receive voting materials (and access to the voting experience in general) that is equivalent to that provided to voters without disabilities. [A.R.S. § 16-442.01\(B\)](#).

Thus, with few exceptions, ballots displayed in accessible voting equipment must follow the same content, format, and rotational requirements as those applicable to printed ballots. [A.R.S. § 16-442.01\(A\)](#). For example:

- Voting screens must be in the same order of arrangement as provided for paper ballots as far as practicable, except that information can be printed in vertical or horizontal rows or on separate screens. [A.R.S. § 16-468\(1\)](#).
- If there are more candidates for a particular race than can be displayed on one voting screen, the screen must indicate that the race is continued on the following screen, and the same number of candidates must be displayed on each screen as far as practicable. [A.R.S. § 16-468\(3\)](#).

In addition, the officer in charge of elections must be prepared to print ballots in braille or large print format to reasonably accommodate voters who request alternative formats. [A.R.S. § 16-442.01\(B\)\(2\)](#). Requests must be made to the officer in charge of elections by the second Friday before the election. *See, e.g.,* [A.R.S. § 16-549\(C\)](#). If a voter makes a request after the applicable deadline, the officer in charge of elections shall make best efforts to accommodate the request if practicable.

Information on how individuals may identify themselves as needing accommodations for voting and for requesting reasonable accommodations at their polling place or vote center shall be attached to or distributed with the voter registration form. Printed materials shall be provided at the time of registration, at the time of notification of registration status pursuant to [ARS § 16-163\(B\)](#), and on all sample ballots. These materials shall advise voters where they may call to

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<sup>23</sup> Available at: <https://www.access-board.gov/guidelines-and-standards/buildings-and-sites/about-the-ada-standards/background/adaag#4.30>.

<sup>24</sup> ADA Accessibility Guidelines 4.30.2 requires that: “[l]etters and numbers on signs shall have a width-to-height ratio between 3:5 and 1:1 and a stroke-width-to-height ratio between 1:5 and 1:10.”

<sup>25</sup> ADA Accessibility Guidelines 4.30.3 requires that: “[c]haracters and numbers on signs shall be sized according to the viewing distance from which they are to be read. The minimum height is measured using an upper case X. Lower case characters are permitted.”

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ensure accessible voting, report instances of inaccessibility, and obtain voting materials in available alternative formats.

The County Recorder and/or officer in charge of elections, as applicable, shall also include the following information on their websites:

- How voters with disabilities may obtain more information about voting assistance and reasonable accommodations in the voting process;
- How to request and obtain voting material in alternative formats;
- How to request voting through a special election board; and
- Instructions on how to use accessible voting devices used by the County.

### **III. ENSURING ACCESSIBILITY AT THE VOTING LOCATION**

Voting locations must comply with the current Americans with Disabilities Act (ADA) Standards for Accessible Design. *See* 2016 ADA Standards for Accessible Design, [36 C.F.R. § 1191](#), Appendices B & D (2016 Standards). The voting location must be in existing compliance with the Standards or the officer in charge of elections must bring the voting location into compliance with the Standards prior to the start of voting at the location. The officer in charge of elections should consult the ADA Checklist for Polling Places, available at <https://www.ada.gov/votingchecklist.htm>, when confirming that voting locations comply with federal accessibility requirements.

In addition to complying with all federal accessibility requirements, the officer in charge of elections must ensure that all voting locations also meet the following state requirements:

1. **Seating:** Each polling place shall include seating to allow voters to wait to enter the voting booth. A minimum of two seats is required and additional seats should be provided as practicable to reasonably accommodate voters with disabilities.
2. **Stairs:**
  - Stair treads shall be no less than 11 inches wide, measured from riser to riser.
  - Undersides of nosings shall not be abrupt. The radius of curvature at the leading edge of the tread shall be no greater than ½ inch. Risers shall be sloped or the underside of the nosing shall have an angle not less than 60 degrees from the horizontal.
  - Nosings shall project no more than 1 ½ inch.
  - Handrails shall be continuous along both sides of stairs. If not continuous, they shall extend at least 12 inches beyond the top riser and at least 12 inches plus the width of one tread beyond the bottom riser.
  - The clear space between handrails and wall shall be 1 ½ inch.

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- The ends of handrails shall be rounded or returned smoothly to floor or wall.
- Handrails shall not rotate within their fittings.

**3. Booths and Equipment:**

- At least one voting booth in each voting location and early voting site shall be accessible. This requires that the clear area in the voting booth be no less than 30 inches by 48 inches. The preferred arrangement provides a knee space 27 inches high below the counter or ballot machine to allow front wheelchair approach. An alternative arrangement provides a clear area parallel to the ballot or counter and sufficient room to maneuver a wheelchair to this position.
- Each voting location and early voting site shall have an accessible voting device for use by voters with disabilities. Each accessible voting device shall be prominently marked with a permanent sign that is located in a conspicuous place on the device that is of a color and design approved by the Secretary of State and that bears the internationally accepted symbol of access “Accessible Voting Device.” [ARS § 16-447\(A\)](#).
- The County Recorder, officer in charge of elections, or designee shall ensure that accessible voting devices are operational and remain turned on as long as the voting location or early voting site is open, and shall ensure that board workers are trained on the proper operation of accessible voting devices.

**4. Resources for Voters with Sight and Hearing Disabilities:**

- Each voting location and early voting site shall have at least one magnifying instrument.
- For a statewide election, the Secretary of State shall provide each county with at least one large print version of the publicity pamphlet for each polling place, vote center, and early voting site. The officer in charge of elections shall provide at least one large print version of county publicity pamphlets to each polling place, vote center, and early voting site.
- For those with hearing disabilities, paper and pen/pencil shall be made available.

- 5. Rest Stops:** For voters with limited strength/stamina or restricted mobility, periodic rest stops with seats or benches should be available at each polling location, at intervals of approximately 200 feet along the route from the vehicular access location to the voting room. Every effort should be made to provide an accessible route to the polling place that is less than 200 feet from the accessible parking spaces or passenger loading areas.

- 6. Lighting:** Adequate lighting shall be provided for voting locations.

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Voting locations and early voting sites must be accessible if such a site is available in the precinct. If no site is accessible, temporary measures, as described in Section IV below, shall be taken to make the location accessible.

Each county shall conduct a uniform inspection of all voting locations and early voting sites to ensure compliance with the criteria set out in this Section. Counties shall have procedures for inspection of each location before each election or provisions in contracts with voting locations and early voting sites requiring a contact person to inform the county if the accessibility of a location has been altered prior to an election.

Counties shall submit the results of their inspections in the accessibility report provided to the Secretary of State with the general election canvass. See [Chapter 13, Section II\(A\)\(1\)](#); see also Sample Accessibility Report sample form in [Chapter 17](#).

#### **IV. ALTERNATIVE VOTING OPTIONS**

Alternative means of voting shall be used at polling places and vote centers determined by the officer in charge of elections to be inaccessible only when:

- No accessible sites are available; and
- No temporary measures can make them accessible.

When the officer in charge of elections determines that no accessible voting location is available or no alternative means are available, all voters in the precinct shall be notified as soon as practicable, and prior to the deadline to request an early ballot-by-mail, that the voting location selected for their precinct is inaccessible and provided the reason(s) for inaccessibility.

The following alternative means of voting shall be offered to voters with disabilities or seniors:

- Where practicable, reassignment to an accessible voting location in a precinct with the same ballot as the voter's precinct and that is as close to the voter's home precinct as practicable;
- Assistance provided by a person of the voter's choice or two election officials of different political parties;
- Early voting; or
- Curbside voting, if available at the voting location.

Curbside voting may be made available as a reasonable accommodation as necessary to provide voters with disabilities equal access to the voting process. If curbside voting is offered, the following guidelines must be met:

- A sign shall be posted at or near the entrance to the voting location or the accessible parking spaces: (1) stating that curbside voting is available at that location; (2) notifying voters that they can relay a message through a companion or other nearby person to the



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election board that the voter wishes to vote; and (3) providing a telephone number or other means to call to request curbside voting assistance or for additional information.

- The election official, using the precinct register or e-pollbook, shall: (1) verify the registration status of the senior or voter with a disability; (2) verify the voter's identification; and (3) notify the inspector.
- The inspector shall direct the two election board workers (with different political party affiliations) to: (i) proceed to the curbside with an appropriate ballot (and if needed, a provisional ballot affidavit); (ii) permit the voter to privately vote their ballot after having signed the signature roster, electronic signature pad, or curbside voter affidavit form; and (iii) place the voted ballot in a secrecy sleeve.
- The election board workers shall then return to the voting area and present the ballot to the inspector, who shall deposit the ballot in the tabulation unit or ballot box.

## **V. SPECIAL ELECTION BOARDS**

Personal ballot delivery through a special election board shall be provided to any qualified elector who is confined as a result of a continuing illness or physical disability and is, therefore, not able to go to the polls on Election Day. *See* [Chapter 2, Section IV](#) for more details.

## CHAPTER 6: CANDIDATE NOMINATION

### I. NOMINATION PROCEDURES

A candidate may run for office by obtaining a nomination or running as a write-in candidate.

- There are two methods for obtaining a nomination: one reserved for candidates running under recognized party labels, and one reserved for “independent” candidates (*i.e.*, those not affiliated with a recognized political party).
- In lieu of seeking a nomination, a person may run as a write-in candidate if the person files the required documentation in advance of the election and, for primary write-in candidates, meets applicable minimum vote requirements.

Under the “resign-to-run” law, except during the final year of the term being served, an incumbent holding a salaried elective office (whether through election or by appointment) must resign their current office before filing a nomination paper and seeking nomination or election to any other salaried federal, state, or local public office. [Ariz. Const. Art. XXII, § 18](#); [A.R.S. § 38-296\(A\)](#). Violation of the resign-to-run law results in the incumbent’s present office being “declared vacant.” [A.R.S. § 38-296\(E\)](#). To enforce this provision, the Attorney General, applicable County Attorney, or a person entitled to rightfully hold the office must file a *quo warranto* action in court. [A.R.S. § 12-2041](#); [A.R.S. § 12-2042](#); [A.R.S. § 12-2043](#); *Jennings v. Woods*, 194 Ariz. 314 (1999).

#### A. Candidates for Partisan Federal, State, and Local Office

This section outlines the requirements to run for public offices in Arizona, with the exception of President of the United States.

##### 1. Nomination for Public Office

For partisan elections, a candidate (other than a presidential or precinct committeeman candidate) must be nominated by one of two methods in order to appear on a general election ballot.

- A candidate may be nominated by winning a recognized political party’s primary election. [A.R.S. § 16-311](#).
- An independent candidate may be nominated by obtaining nomination petition signatures from qualified electors, known as “nomination other than by primary.” [A.R.S. § 16-341](#).

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**a. Nomination by Primary Election**

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Except for a candidate for U.S. Senator or Representative in Congress, a candidate seeking nomination for the general election ballot through a recognized political party's primary election must be a qualified elector in the electoral district for the office sought at the time of filing and a member of the political party for which the candidate is seeking a nomination beginning no later than the date of the first signature on the candidate's nomination petition through the date of the general election at which the person is a candidate. [A.R.S. § 16-311\(A\)](#).

To qualify for a primary election ballot, a candidate must timely file the following documents with the appropriate filing officer:

- A statement of interest;<sup>26</sup>
- A nomination paper for the office sought;
- A requisite number of nomination petition signatures; and
- A financial disclosure statement.<sup>27</sup>

[A.R.S. § 16-311](#).

**i. Statement of Interest**

Effective August 27, 2019, certain candidates seeking a primary election nomination or nomination other than by primary must file a statement of interest with the appropriate filing officer no later than the date of their first petition signature. Signatures collected before the filing of the statement of interest are subject to challenge. [A.R.S. § 16-311\(H\)](#); [A.R.S. § 16-341\(I\)](#). Petition signatures collected by candidates who started collecting signatures before August 27, 2019 may not be challenged on the basis of their collection before the filing of a statement of interest so long as the candidate files a statement of interest by January 2, 2020. [S.B. 1451 § 6\(A\)](#), 54th Leg., 1st Sess. (Az. 2019).

**ii. Nomination Petition Signatures**

A candidate seeking a primary election nomination must file a minimum number of nomination petition signatures with their nomination paper. [A.R.S. § 16-314\(A\)-\(B\)](#); [A.R.S. § 16-322](#).

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<sup>26</sup> A statement of interest is not required for candidates for special taxing districts that are established pursuant to Title 48, chapters 2, 3, 11, 12, 15, 17, 18, 19, 20, 22, 27 and 32, candidates for precinct committeeman, or candidates for President or Vice President of the United States. [A.R.S. § 16-311\(H\)](#); [A.R.S. § 16-341\(I\)](#).

<sup>27</sup> [A.R.S. § 16-311\(H\)\(1\)](#); [A.R.S. § 18-444\(A\)](#), (F); [A.R.S. § 38-543](#). Title 48 special district candidates, school district governing board candidates, and precinct committeeman candidates are not required to file a financial disclosure statement. See [A.R.S. § 38-543](#); [A.R.S. § 38-541\(8\)](#). A federal candidate is also not required to file a financial disclosure statement but has the option to file a statement on recall with the Secretary of State. [A.R.S. § 19-221](#).

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Nomination signatures may be gathered on a paper nomination petition form prescribed by the Secretary of State or, for federal, statewide, and legislative candidates, through the Secretary of State's online signature portal known as E-Qual. [A.R.S. § 16-315\(A\)](#); [A.R.S. § 16-316](#); [A.R.S. § 16-317](#); [A.R.S. § 16-318](#).

A nomination petition signer must be a qualified elector who is registered to vote in the electoral jurisdiction or district in which the candidate seeks office. [A.R.S. § 16-321\(B\)](#). In partisan elections, the petition signer also must be registered to vote with the same recognized political party from which the candidate is seeking a nomination, with a political party not recognized for continued representation on the ballot, or as an independent or unaffiliated voter (*i.e.*, the voter must not be registered with another recognized political party). [A.R.S. § 16-321\(F\)](#). "Federal-only" voters are only eligible to sign nomination petitions for federal candidates and may not sign nomination petitions for state or local candidates. [AG Opinion 113-011\(R13-016\) 2013](#).

An elector may only sign one nomination petition for the same office unless more than one candidate is to be elected for that office. For example, an elector may only sign one candidate's petition for state senate but may sign two candidates' petitions for state house. If an elector signed more nomination petitions than permitted, only the earlier signatures are deemed valid. If the duplicate signatures were signed on the same date, all signatures signed by the elector on that date are deemed invalid. [A.R.S. § 16-321\(A\), \(C\)](#).

Depending on the type of candidacy, the minimum number of nomination petition signatures may be based on the number of persons qualified to sign a candidate's petition, the number of registered voters in a jurisdiction, the number of votes cast in a jurisdiction, or a static number of signatures. See [A.R.S. § 16-322\(A\)-\(C\)](#).

The Secretary of State must ~~prescribe the~~prepare sample nomination petition ~~form~~forms for use in federal, statewide, legislative, county, city, and town elections. [A.R.S. § 16-315\(C\)](#). The Secretary of State may prescribe the method of filing nomination petitions for federal, state and legislative offices, including but not limited to the electronic creation and filing of petitions. [A.R.S. § 16-315\(E\)](#).

**iii. Filing Officer Processing of Nomination Petition Signatures**

A filing officer may reject nomination petitions for failure to file by the applicable deadline or failure to file the minimum number of required petition signatures. See [Chapter 6, Section I\(F\)](#) for a more detailed discussion of the limited bases for a filing officer to reject candidate filings.

If there is no basis to reject a candidate filing, the filing officer must count the nomination petition signatures to ensure the minimum number of signatures has been filed. A nomination petition signature line should be counted by the filing officer if it contains at least:

- An address, description of place of residence, or P.O. Box; and
- A signature in either the signature or printed name column or a printed name in the signature column.

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Although nomination petition signature lines that are missing a signature but contain a printed name, or use a P.O. Box as a residence address, are presumed valid and counted in the filing officer's determination of the number of signatures submitted, such signatures may be subject to challenge.

The filing officer must issue a receipt to the candidate or candidate's committee. If the candidate meets the minimum signature threshold for the office sought, the candidate is qualified for the ballot, subject to any subsequent court challenges or candidate withdrawals.

**iv. Deadline to File Nomination Documents**

A candidate seeking a primary nomination must file a nomination paper, nomination petitions and, if applicable, financial disclosure statement between 150 and 120 days before the primary election. [A.R.S. § 16-311\(A\)-\(B\), \(E\)-\(F\), \(H\)](#); [A.R.S. § 16-314\(A\)](#). However, a statewide or legislative candidate seeking public funding under the Citizens Clean Elections Act may file these nomination documents with the Secretary of State as early as January 2 of an election year. [A.R.S. § 16-951\(B\)](#).

A candidate seeking a primary nomination in a special election to fill a congressional vacancy must file a nomination paper and nomination petitions no more than 30 days after the date of the Governor's proclamation calling the special election. [A.R.S. § 16-222\(B\)\(2\)](#).

A candidate who does not file the requisite nomination documents by 5:00 p.m. on the last day for filing is not eligible to have their name printed on the primary election ballot. [A.R.S. § 16-311\(E\)-\(F\)](#).

**b. Independent Nomination (Other than by Primary)**

In lieu of seeking a nomination through a political party primary, a candidate who is not registered with a recognized political party (*i.e.*, an "independent" or "unaffiliated" candidate) may be nominated for partisan office by filing the requisite number of nomination petition signatures with the filing officer. Such an "independent" or "unaffiliated" candidate who meets this threshold will be placed directly on the general election ballot, along with a three-word letter "party" designation. However, a candidate may not seek a nomination in this manner if the candidate filed nomination petitions for the primary election and failed to qualify due to insufficient valid signatures. [A.R.S. § 16-341\(A\)-\(B\), \(D\)](#); [A.R.S. § 16-502\(E\)](#).

Similar to candidates seeking nomination by political party primary, candidates seeking independent nomination must timely file a statement of interest, nomination paper, and a requisite number of nomination petition signatures with the appropriate filing officer. Non-federal candidates must also file a financial disclosure statement if applicable.<sup>28</sup> [A.R.S. § 16-](#)

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<sup>28</sup> [A.R.S. § 16-311\(H\)\(1\)](#); [A.R.S. § 18-444\(A\), \(F\)](#); [A.R.S. § 38-543](#). Title 48 special district candidates, school district governing board candidates, and precinct committeemen candidates are not required to file a financial disclosure statement. See [A.R.S. § 38-543](#); [A.R.S. § 38-541\(8\)](#).

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[341\(E\), \(J\)\(1\)-\(2\)](#); [A.R.S. § 16-314\(A\)](#); [A.R.S. § 16-311\(D\)](#). A federal candidate is not required to file a financial disclosure statement, but has the option to file a statement on recall with the Secretary of State. [A.R.S. § 19-221](#).

i. Nomination Petition Signatures

An independent candidate must collect nomination petition signatures equal to at least 3% of the registered voters in the jurisdiction in which the candidate is running who are not registered with a recognized political party, based on voter registration totals reported by the Secretary of State or County Recorder, as applicable, as of January 2nd in the general election year. Although the minimum number of signatures required is based on the number of voters not registered with a recognized political party, any person who is registered to vote in the state, county, subdivision, or district for which the candidate is nominated is eligible to sign the nomination petition without regard to the signer's party affiliation.

Nomination signatures may be gathered on a hard-copy independent nomination petition form prescribed by the Secretary of State or, for federal, statewide, and legislative candidates, through the Secretary of State's online signature portal known as E-Qual.

A filing officer must process (and in appropriate cases reject) independent nomination petition signatures in the same manner as partisan and nonpartisan nomination petitions. Likewise, if an independent candidate's nomination petitions are challenged in court, the applicable County Recorder must review the challenged signatures in the same manner as partisan or nonpartisan nomination petitions.

[A.R.S. § 16-316](#); [A.R.S. § 16-317](#); [A.R.S. § 16-318](#).

ii. Deadline to File Independent Nomination Documents

Like candidates seeking nomination through a political party primary:

- A candidate seeking a nomination other than by primary (to be placed on the general election ballot) must file an independent nomination paper, independent nomination petitions, and a financial disclosure statement between 150 and 120 days before the primary election, [A.R.S. § 16-341\(C\)](#); and
- An independent statewide or legislative candidate seeking public funding under the Citizens Clean Elections Act may file these nomination documents with the Secretary of State as early as January 2 of an election year. [A.R.S. § 16-951\(B\)](#)

An independent candidate seeking a nomination in a special election to fill a congressional vacancy must file a nomination paper and nomination petitions no more than 30 days after the date of the Governor's proclamation calling the special election. [A.R.S. § 16-222\(B\)\(2\)](#).

A candidate who does not file the requisite nomination documents by 5:00 p.m. on the last day for filing is not eligible to have their name printed on the general election ballot. [A.R.S. § 16-311\(H\)](#).

## 2. Write-In Candidacy

In lieu of collecting nomination petition signatures to qualify for a primary or general election ballot, a person may run as a write-in candidate. Becoming an official write-in candidate requires the officer in charge of elections to tabulate any write-in votes for the candidate and include those results in the official canvass of the election. [A.R.S. § 16-312](#).

To qualify as an official write-in candidate, a candidate must timely file a write-in nomination paper and, if applicable, a financial disclosure statement with the appropriate filing officer. [A.R.S. § 16-312\(A\), \(C\)](#); [A.R.S. § 18-444\(A\)](#); [A.R.S. § 38-543](#); [A.R.S. § 18-444\(F\)](#). A federal write-in candidate is not required to file a financial disclosure statement but has the option to file a statement on recall with the Secretary of State.

A person may not seek a write-in candidacy in the primary election if the candidate filed a nomination petition for that primary and failed to submit a sufficient number of valid signatures, withdrew from the primary election after a petition challenge in court, or was removed from the primary election ballot or otherwise found to be ineligible by a court of law. A person may not seek a write-in candidacy in the general election for the same reasons listed above as to primary elections. In addition, if the candidate ran and lost in the preceding primary election or did not receive the requisite number of votes required to proceed to the general election, that candidate may not seek a write-in candidacy in the general election for the same office. [A.R.S. § 16-312\(F\)\(1\)-\(4\)](#); [A.R.S. § 9-821.01](#); [A.R.S. § 16-645](#).

The required documents must be filed no later than 5:00 p.m. on the 40th day before the election, except: (i) a write-in candidate to fill a vacancy that occurs after the official ballots have been printed must file the required nomination documents no later than five days before the election; and (ii) a write-in candidate who intends to run in a school district, special taxing district, or precinct committeeman election that may be canceled due to an insufficient number of candidates seeking election must file the required nomination documents no later than 76 days before the election in question. [A.R.S. § 16-312\(B\)](#); [A.R.S. § 16-343\(D\)](#). A statewide or legislative candidate seeking public funding under the Citizens Clean Elections Act may not run as a write-in candidate in the primary or general election. [A.R.S. § 16-950\(E\)](#).

### B. Candidates for Nonpartisan Office

A candidate seeking nomination for a nonpartisan office must be a qualified elector in the electoral district for the office sought at the time of filing. [A.R.S. § 16-311\(B\)](#). There are specific requirements for eligibility to serve in city and town offices, on school district governing boards, and on special district boards pursuant to Title 9, Title 15, and Title 48, respectively. In addition, the “resign-to-run” law provisions apply to nonpartisan candidates. See [Chapter 6, Section I](#) above.

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Similar to candidates for partisan office, candidates for nonpartisan office may run by filing nomination documents or by filing documents to run as an official write-in candidate.

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**1. Nonpartisan Nomination**

To qualify to appear on the ballot, a candidate for nonpartisan office must timely file the following nomination documents with the appropriate filing officer:

- A statement of interest;<sup>29</sup>
- A nomination paper for the office sought; and
- A requisite number of nomination petition signatures.

[A.R.S. § 16-311](#). Candidates for nonpartisan office are generally not required to file a financial disclosure statement.<sup>30</sup> However, cities and towns must require candidates to file a financial disclosure statement consistent with state law. [A.R.S. § 38-545](#).

These nomination documents must be filed between 150 and 120 days before the election. [A.R.S. § 16-311\(B\)-\(C\)](#). A candidate who does not file the requisite nomination documents by 5:00 p.m. on the last day for filing is not eligible to have their name printed on the ballot. [A.R.S. § 16-311\(F\)](#).

For nonpartisan elections in cities and towns, a candidate may be elected at the primary election and a general (run-off) election is not required if the candidate received a majority of votes. [A.R.S. § 9-821.01](#). Additionally, charter cities may differ in their scheduling of candidate elections based on the number of candidates running for office.

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**2. Write-In Candidacy**

In lieu of collecting nomination petition signatures to qualify to appear on the ballot, a person may run as an official write-in candidate for a nonpartisan office. Becoming an official write-in candidate requires the officer in charge of elections to tabulate any write-in votes for the candidate and include those results in the official canvass of the election. [A.R.S. § 16-312](#).

To qualify as an official write-in candidate, a candidate must timely file a write-in nomination paper and, if applicable, a financial disclosure statement with the appropriate filing officer. [A.R.S. § 16-312\(A\), \(C\)](#); [A.R.S. § 38-541\(6\)](#); [A.R.S. § 38-545](#).

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<sup>29</sup> A statement of interest is not required for candidates for special taxing districts that are established pursuant to Title 48, chapters 2, 3, 11, 12, 15, 17, 18, 19, 20, 22, 27 and 32, candidates for precinct committeeman, or candidates for President or Vice President of the United States. [A.R.S. § 16-311\(H\)](#); [A.R.S. 16-341\(I\)](#). See [Chapter 6, Section I\(A\)\(1\)\(a\)\(i\)](#) above for more details on the statement of interest requirement.

<sup>30</sup> Title 48 special district candidates, school district governing board candidates, and precinct committeemen candidates are not required to file a financial disclosure statement. See [A.R.S. § 38-543](#); [A.R.S. § 38-541\(8\)](#).



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A person may not seek a write-in candidacy if the candidate filed a nomination petition for that election and failed to submit a sufficient number of valid signatures, withdrew from the election after a petition challenge in court, was removed from the election ballot, or was otherwise found to be ineligible by a court of law. [A.R.S. § 16-312\(F\)\(1\)-\(4\)](#); [A.R.S. § 9-821.01](#); [A.R.S. § 16-645](#).

The required documents must be filed no more than 40 days before the election, except: (i) a write-in candidate to fill a vacancy that occurs after the official ballots have been printed must file the required nomination documents no later than five days before the election; and (ii) a write-in candidate who intends to run in a school district, special taxing district, or precinct committeemen election that may be canceled due to an insufficient number of candidates seeking election must file the required nomination documents no later than 76 days before the election in question. [A.R.S. § 16-312\(B\)](#); [A.R.S. § 16-343\(D\)](#).

For nonpartisan special district elections, the candidate(s) who receive the highest number of votes is elected. [Ariz. Const. Art. VII § 7](#). For elections in cities and towns, a candidate may be elected at the primary election and a general (run-off) election is not required if the candidate received a majority of votes. [A.R.S. § 9-821.01](#). Additionally, charter cities may differ in their scheduling of candidate elections based on the number of candidates running for office.

### C. Presidential Candidates

A candidate may run for U.S. President in Arizona by one of two methods: obtaining a nomination or running as a write-in candidate.

Absent a successful challenge, a nomination means the presidential candidate's name will appear on the general election ballot in a presidential election year. There are two methods for obtaining a nomination: one reserved for candidates running under recognized party labels, and one reserved for "independent" or party-unaffiliated candidates.

- A candidate seeking the nomination of a recognized political party usually runs in the Presidential Preference Election (PPE). However, the presidential and vice-presidential candidates that ultimately appear on the general election ballot will be formally nominated by party delegates at national conventions held during the summer preceding the election. As a prerequisite to placement of their nominees on the general election ballot, each recognized political party must timely submit the names of presidential electors who will cast votes for the winning candidate in the Electoral College.
- Alternatively, a candidate may qualify as an independent presidential candidate by collecting nomination petition signatures. If the candidate meets the requisite signature threshold, the candidate and their vice-presidential running mate (along with a "party" designation of the candidates' choice) will appear on the general election ballot.

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In lieu of seeking a nomination, a person may run as a write-in presidential candidate if the person files required documentation by the applicable deadline in advance of the general election.

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**1. Presidential Preference Elections**

A PPE is only open to candidates seeking the nomination of a recognized political party. Write-in candidates are prohibited from participating in the PPE. [A.R.S. § 16-243\(B\)](#); [A.R.S. § 16-244](#); [A.R.S. § 16-247](#).

Candidates seeking to appear on their political party's PPE ballot must meet the constitutional qualifications for President of the United States and submit valid nomination documents before the filing deadline. The candidates who receive the most votes at the PPE will be entitled to have their party's delegates from the State of Arizona vote for them at their political party's national convention. [A.R.S. § 16-243\(B\)](#); [U.S. Const. Art. II, § 1, cl. 5](#).

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**a. *Required Documents for Running in the PPE***

A candidate may qualify for the PPE ballot by filing with the Secretary of State: (i) a PPE nomination paper; and (ii) PPE nomination petition with the requisite number of signatures, or certificates of presidential preference ballot qualification from at least two other states. [A.R.S. § 16-242\(A\)](#); [A.R.S. § 16-311\(A\)-\(B\), \(D\), \(G\)](#).

**i. PPE Nomination Petition Signatures**

A presidential candidate may qualify for the PPE ballot by filing a minimum number of nomination petition signatures with the nomination paper. A PPE candidate must collect at least 500 nomination petition signatures from qualified electors. For a recognized political party that has at least 50,000 registered voters in Arizona, only qualified electors registered with that political party may sign the nomination petition. For a recognized political party with less than 50,000 registered Arizona voters, any registered voter may sign the nomination petition. [A.R.S. § 16-242\(C\)](#).

**ii. Alternative to Submitting Nomination Petition Signatures**

In lieu of filing nomination petition signatures, a presidential candidate may submit official documentation from at least two other states proving that the candidate previously qualified for the partisan party ballot in that state. Such documentation may be from the chief election office, commission, or board. A signed letter on official government letterhead will suffice. Only states with primary-style (not caucus) presidential preference elections are eligible for this reciprocity. [A.R.S. § 16-242\(E\)](#).

**b. Deadline to File Nomination Documents**

A presidential candidate must file a PPE nomination paper and PPE nomination petitions or certificates of ballot qualification between 130 and 100 days before the PPE. If the deadline for filing falls on a weekend or legal holiday, the nomination documents must be filed by the next business day. A presidential candidate who does not file the requisite nomination documents by 5:00 p.m. on the last day for filing is not eligible to have their name printed on the PPE ballot. [A.R.S. § 16-242\(B\)](#).

**c. Opting Out of the PPE**

Participation in the PPE by an eligible party is not mandatory. *See Arizona State Democratic Committee v. Hull*, No. CV 96-00909 (Ariz. Super. 1996). If an eligible party chooses not to participate in the PPE, the state party's chairperson must notify the Secretary of State in writing by September 16, 2019 for the 2020 PPE, and by September 1 (or the next business day if that date falls on a weekend or state holiday) of the year preceding the PPE for every PPE thereafter. The Secretary of State will promptly notify county officials and provide further instructions as needed.

The presidential nominee of eligible parties who opt out of the PPE may appear on the general election ballot so long as their party chairpersons nominate presidential electors as prescribed by statute and by the statutory deadline. [A.R.S. § 16-344](#); *see* [Chapter 6, Section I\(C\)](#).

**2. Presidential Nomination Through Party Convention**

Presidential and vice-presidential candidates who were nominated by recognized political parties at national party conventions will appear on the general election ballot, contingent on the state political party's timely submission of presidential electors' nomination documents to the Secretary of State.

**a. Required Documents for Nomination of Presidential Electors**

The state chairperson of a recognized political party must file nomination papers for its presidential electors, equal to the number of U.S. Senators and members of the U.S. House of Representatives from Arizona. [A.R.S. § 16-344](#).

**b. Deadline to File Nomination Documents**

The state chairperson of a recognized political party must file presidential elector nomination papers no later than ten days after the primary election. A recognized political party that does not file the requisite presidential elector nomination papers by 5:00 p.m. on the last day for filing is not eligible to have its presidential, vice-presidential, or presidential elector names printed on the general election ballot. [A.R.S. § 16-344\(A\)](#).

**3. Independent Presidential Candidates**

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A candidate who is not affiliated with a recognized political party label may seek nomination as an “independent” candidate. If the candidate meets the requisite signature threshold, the candidate and their vice-presidential running mate (along with a “party” label of the candidates’ choice) will appear on the general election ballot.

To qualify as an independent presidential candidate on the general election ballot, a candidate must file the following documents with the Secretary of State:

- A letter of consent;
  - An independent presidential candidate must file a letter with the Secretary of State designating the candidate’s vice-presidential running mate and the names of their presidential electors, including each person’s signed consent to be designated as such. The letter of consent is separate from the nomination papers that must be filed. The wording of the letter is left to the candidate’s discretion, as long as the letter is signed by the vice-presidential running mate and each presidential elector. [A.R.S. § 16-341\(I\)](#).
- Independent nomination papers for the presidential, vice-presidential, and presidential elector candidates; and
- Independent nomination petitions.

An independent presidential candidate must submit nomination petition signatures equal to at least 3% of registered voters in the state who are not registered with a recognized political party. The number of unaffiliated registered voters is determined on the basis of voter registration totals reported by the Secretary of State as of January 2nd in the general election year. [A.R.S. § 16-341\(E\)-\(G\)](#).

Any registered voter may sign the petition as long as the voter has not signed another presidential elector nomination petition for the same presidential election. A “federal-only” voter is qualified to sign. [A.R.S. § 16-341\(G\)](#). Otherwise, the same rules for signing and circulating a nomination petition apply to independent presidential nomination petitions. See [Chapter 6, Sections I\(A\)](#) and [I\(D\)](#).

An independent presidential candidate must file a letter of consent, nomination papers, and nomination petitions between 90 and 60 days before the general election. [A.R.S. § 16-341\(G\), \(I\)](#).

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#### **4. Write-In Candidate for President**

In lieu of securing a nomination to qualify for the general election ballot, a person may run as a write-in presidential candidate. Becoming an official write-in candidate causes the officer in charge of elections to tabulate any write-in votes for the candidate and include those results in the official canvass of the election. [A.R.S. § 16-312\(C\)](#).

A person may not seek a write-in candidacy in the general election if the candidate filed independent presidential nomination petitions for the current election. [A.R.S. § 16-312\(F\)\(4\)](#).

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A person may qualify as an official write-in presidential candidate by filing with the Secretary of State: (i) a letter of consent signed by the vice-presidential running mate and each presidential elector; and (ii) write-in nomination papers for the presidential, vice-presidential, and presidential elector candidates. [A.R.S. § 16-312\(G\)](#).

A write-in presidential candidate must file a write-in letter of consent and requisite nomination papers no later than 5:00 p.m. on the 40th day before the general election. A write-in presidential candidate who does not file the requisite nomination documents by 5:00 p.m. on the last day for filing is not eligible to have votes tallied or included in the official canvass. Promptly after the close of the filing deadline, the filing officer must notify the Board of Supervisors of any write-in candidates certified for the election. [A.R.S. § 16-312\(B\), \(E\)](#).

#### **D. Candidate Nomination Petition Circulators**

Circulators of candidate nomination petitions are not required to be Arizona residents, but must otherwise be qualified to register to vote in this state pursuant to [A.R.S. § 16-101](#). If the circulator is not a resident of this state, they must register as a circulator with the Secretary of State through the [Circulator Portal](https://azsos.gov/elections/requirements-paid-non-resident-circulators) (<https://azsos.gov/elections/requirements-paid-non-resident-circulators>). [A.R.S. § 16-315\(D\)](#).

A circulator must complete the affidavit on the back of the nomination petition attesting that each of the names on the petition was signed in the circulator's presence on the date indicated and that, in the circulator's belief, each signer was a qualified elector who resides at the address given as the signer's residence on the date indicated. If the nomination petition is for a partisan election, the circulator must additionally attest that each signer is a qualified signer. [A.R.S. § 16-321\(D\)](#).

#### **E. Filing Officer for Candidate Documents**

Candidate documents, including statements of interest, nomination papers, nomination petitions, and financial disclosure statements, must be filed with the proper filing officer.

The Secretary of State is the filing officer for:

- Presidential elector candidates;
- PPE candidates;
- U.S. Senate and U.S. House of Representatives candidates;
- Statewide candidates;
- Legislative candidates;
- Supreme Court justices (seeking retention); and
- Court of Appeals judges (seeking retention).

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[A.R.S. § 16-242\(A\)](#); [A.R.S. § 16-311\(E\)](#); [Ariz. Const. Art. VI, § 38\(A\)](#).

The county officer in charge of elections is the filing officer for:

- County candidates, including County Sheriff, County Attorney, County Recorder, County Treasurer, County Assessor, County Superintendent of Schools, and County Supervisors;
- Candidates for precinct office, which include:<sup>31</sup>
  - Justice of the Peace candidates;
  - Constable candidates; and
  - Precinct committeemen candidates;
- Community college district governing board candidates;<sup>32</sup>
- Special taxing district candidates;
- Superior Court judges (seeking election or retention); and
- Clerk of the Superior Court candidates.<sup>33</sup>

[A.R.S. § 16-311\(F\)](#); [A.R.S. § 15-1442\(A\)](#).

The county school superintendent is the filing officer for:

- School district governing board candidates; and
- Joint technical education district governing board candidates.

[A.R.S. § 15-422\(A\)](#); [A.R.S. § 15-431\(B\)\(6\)](#); [A.R.S. § 16-311\(F\)](#); [A.R.S. § 15-393\(A\)\(4\), \(C\)\(5\)](#).

The city or town clerk is the filing officer for candidates for city or town council or mayor.  
[A.R.S. § 16-928\(A\)\(3\)](#).

#### **F. Bases to Reject a Candidate Filing**

A filing officer may reject a candidate filing on any of the following bases:

- Failure to file a sufficient number of nomination petition signatures. A filing officer may reject nomination petitions without conducting a full count if the candidate or campaign acknowledges that an insufficient number of signatures are being presented for filing;
- Failure to file nomination documents by the statutory deadline;

<sup>31</sup> *Nicol v. Superior Court, Maricopa County*, 106 Ariz. 208, 209 (1970) (Justices of the Peace and Constables are “precinct officers” pursuant to [A.R.S. § 22-102](#)).

<sup>32</sup> Community college district governing board candidates file nomination papers with the “appropriate county officer,” which may be the county officer in charge of elections in some counties or the county school superintendent in others. See [A.R.S. § 15-1442\(A\)](#).

<sup>33</sup> [Ariz. Op. Atty. Gen. No. 185-086 \(R85-071\) \(1985\)](#) (holding that candidates for Clerk of the Superior Court are treated as county candidates for the purpose of filing nomination petitions).

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- Failure to file all the required documents to run for office (except that failure to file a statement of interest is not a basis to reject a filing, although it renders signatures collected prior to filing a statement of interest subject to challenge);
- Failure to fully or properly complete any required document to run for office, including:
  - Failure to sign a document that requires a signature (an electronic or type-written signature may be permitted for candidates using the Secretary of State’s electronic Candidate Portal);
  - Failure to select a required checkbox or answer a required question;
  - Use of an honorific or other unauthorized title on a nomination paper. However, when possible, a filing officer should simply reject the unauthorized or honorific title in lieu of rejecting the nomination paper altogether.
- Failure to use the correct form or correct version of any required document, as prescribed by the filing officer, to run for office;
- Seeking more than one office at the same time if the candidate would be prohibited from serving in the offices simultaneously; or
  - However, a candidate for legislative office may simultaneously run for community college district, school district, or joint technical education district governing board member, and a candidate for U.S. Senate or U.S. House of Representatives may also run for U.S. President or U.S. Vice President during the same election cycle. [Ariz. Const. Art. IV, Pt. 2, § 5](#); [A.R.S. § 38-296.01\(B\)](#).
- If a candidate for state or local office is liable for an aggregate of \$1,000 or more in fines, penalties, late fees, or administrative or civil judgments, including any interest or costs, that have not been fully paid at the time of the attempted filing of the nomination paper and the liability arose from campaign finance violations under Title 16, Chapter 6, unless the liability is being appealed.

[A.R.S. § 16-322](#); [A.R.S. § 16-311\(D\), \(H\), \(I\), \(J\)](#).

Any other alleged deficiencies in a candidate’s nomination documents should be addressed in court. For example, the filing officer is not authorized to reject a nomination paper or nomination petitions “that have been submitted by a candidate who is found guilty of petition forgery,” nor may a filing officer reject nomination papers of a candidate for failure to meet residency requirements if the papers “on their face substantially comply with the terms of the statute.” [Ariz. Atty. Gen. Op. No. 184-096](#). Any such disqualification must be ordered by a court in response to a candidate challenge filed pursuant to [A.R.S. § 16-351\(F\)](#).

## II. NOMINATION PETITION CHALLENGES

Any qualified elector may challenge a candidate for any reason relating to the qualifications for the office sought as prescribed by law, or based on insufficiency of the nomination paper or petition and/or the signatures thereon. [A.R.S. § 16-314](#); [A.R.S. § 16-321](#); [A.R.S. § 16-351](#).

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CHAPTER 6:  
Candidate Nomination — *II. Nomination Petition Challenges*

### **A. Initiating a Candidate Petition Challenge**

Challenge procedures are specified in [A.R.S. § 16-351](#). The challenge petition must be filed in superior court no later than 5:00 p.m. on the tenth day, excluding Saturday, Sunday, and legal holidays, after the deadline for filing nomination papers and petitions.

- The challenger must state specifically the grounds for the challenge. If nomination petition signatures are being challenged, the challenge petition must specify the petition page and line number for each signature being challenged as well as the grounds for challenging each signature.
- The challenge petition must name as defendants: (i) the Board of Supervisors of any county involved in the challenge, (ii) the County Recorder for any county involved, (iii) the appropriate filing officer, and (iv) the candidate who is subject to the challenge. If the candidate is seeking nomination for office for a jurisdiction or district that crosses county lines, the challenge petition must name the appropriate Board of Supervisors and County Recorder for each county included in the jurisdiction or district.
- The challenge petition must be served immediately after the challenge is filed and, in any case, no later than 24 hours after it is filed, excluding Saturday, Sunday, and legal holidays.

### **B. Service of Process and Notification Requirements**

The officer with whom the challenged candidate filed their nomination paper and petitions is the designated agent for service of process in all candidate challenges. See [Chapter 6, Section I\(E\)](#).

Once the correct filing officer has been served with the challenge, the filing officer must immediately mail a copy of the challenge to the candidate and notify the candidate by phone and/or email of the challenge. The filing officer shall also immediately notify the County Recorder(s) named in the challenge and provide the County Recorder(s) with a copy of the challenge and a copy of the front sides of the nomination petitions (if applicable) filed by the challenged candidate. [A.R.S. § 16-351\(D\)](#).

### **C. County Recorder Signature Verification**

The filing officer should provide the pertinent nomination petition pages to the County Recorder(s) promptly upon receipt of the complaint and reasonable certainty of a challenge, regardless of whether the challenger has formally served process on the filing officer. Upon receipt of the challenge and the nomination petitions from the filing officer, the County Recorder(s) must perform signature verification on the nomination petition signatures that are being challenged, if any.

The following procedures apply to the County Recorder's signature verification:

- The County Recorder need only perform signature verification for the challenged signatures of qualified electors in the County Recorder's county. For a nomination petition challenge for an office where the applicable boundaries include multiple



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counties, the County Recorder need only verify the petition signatures of the County that is designated at the top of the nomination petition form.

- The County Recorder need only perform one check of the signatures that are challenged.
- For a challenge that alleges that specific petition signers are not registered to vote, the County Recorder will search the County’s voter registration database, as of the time of the filing of the court action, for the signer’s name and address and confirm whether the signer was registered to vote as of the date of signing.
- If the County Recorder is the candidate being challenged, the County Recorder will be screened from the signature verification process and will have staff conduct the signature verification and prepare the report. The County Recorder shall not personally work on the verification.
- The County Recorder must ensure that staff performing the signature verification are properly trained. Temporary employees may be trained by full time staff with at least two election cycles of signature verification experience.
- The County Recorder need not retain or employ a handwriting expert to perform signature verification.

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**1. Criteria for Disqualifying Signatures**

The County Recorders shall apply the criteria spelled out in the County Recorder Petition Signature Verification Guide (see [Chapter 17, Appendix 4](#)) when performing signature verification.

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**2. County Recorder’s Signature Verification Report**

Upon completion of verification of challenged signatures, the County Recorder must prepare a report of the results of the verification.

- The report shall include: (i) the list of challenged signatures determined to be invalid by the County Recorder; and (ii) the basis or bases for the County Recorder’s determination that the signature is invalid.
- The County Recorder may limit the reasons for disqualifying a signature to the reason(s) identified by the challenger. Nonetheless, the County Recorder may identify, and the County Recorder’s report may reflect, a reason for disqualifying a signature other than the reason(s) specified in the challenge.
- The County Recorder shall produce the signature verification report as soon as practicable after receiving, or having access to, the pertinent nomination petition pages from the filing officer or as required by the court.

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**3. Testimony and Evidence by County Recorder**

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In addition to the County Recorder's signature verification report, the County Recorder(s) and the filing officer, or their designee(s), must also provide testimony and other evidence for the challenge hearing on the request of any of the parties to the court action. [A.R.S. § 16-351\(E\)](#).

If a party to a nomination petition challenge requests certified copies of voter registration forms, the County Recorder must make best efforts to provide the certified copies as soon as practicable and prior to the court hearing. Due to the very condensed timeframe for challenges, the requestor should cooperate with the County Recorder to facilitate timely fulfillment of the requests, including by providing the voter registration number for each individually identified voter at the County Recorder's request. If the County Recorder is unable to apply statutorily-required redactions within the necessary timeframe, [\(see Chapter 1, Section X\(C\)\(1\)\)](#), the County Recorder should seek to produce the records pursuant to an appropriate protective order or under seal in accordance with the Arizona Rules of Civil Procedure and other applicable law.

#### **D. Duties of the Challenger and Candidate**

Upon filing the challenge, the challenger shall provide the applicable County Recorder(s) an electronic, sortable version of any spreadsheet filed with the complaint, which identifies the page number, line number, and reason for the challenge for each petition signature being challenged. To the extent practicable, this spreadsheet should also provide the full name, address, and voter registration identification number for each signer whose signature is being challenged. ~~The challenger should provide this spreadsheet to the County Recorder as soon as practicable after the challenge is filed.~~

To facilitate the County Recorder's signature verification, the candidate being challenged may provide the County Recorder with a spreadsheet listing the petition page number and line number in the same order as provided in the challenger's spreadsheet and indicating the candidate's response as to each challenged signature.

#### **E. Court Hearing**

The hearing on the challenge and the court's ruling must occur within ten days after the challenge is filed, excluding Saturdays, Sundays and holidays. [A.R.S. § 16-351\(A\)](#); *but see Brousseau v. Fitzgerald*, 138 Ariz. 453 (1984) (holding that the ten day requirement for action by the court on nomination petition challenges is directory, not mandatory).

#### **F. Costs and Expenses**

The filing officer has no statutory duty to reimburse County Recorders for signature verification or other expenses incurred in connection with nomination petition challenges. Accordingly, County Recorders should seek sufficient funding from their Board of Supervisors to ensure the ability to comply with the signature verification and reporting requirements of [A.R.S. § 16-351](#).

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The County Recorder may seek reasonable expenses from the challenger or candidate under specified circumstances. If the court finds that the challenge was without substantial justification or primarily for the purpose of delay or harassment, the court may enter judgment in favor of the County Recorder or officer in charge of elections and against the challenger for the reasonable expenses incurred in the signature verification process. Similarly, if the court finds that the candidate knowingly or recklessly submitted a substantial number of invalid signatures, the court may enter judgment in favor of the County Recorder or officer in charge of elections for the reasonable costs incurred in the signature verification process. [A.R.S. § 16-351.01](#).

## CHAPTER 7: PRESIDENTIAL PREFERENCE ELECTION

### I. TIMING

A Presidential Preference Election (PPE) shall be held on the Tuesday immediately following March 15 in a presidential election year or on a later date pursuant to a proclamation issued by the Governor at least 180 days before the date set forth in the proclamation. No other election may appear on the same ballot as the PPE. [A.R.S. § 16-241\(A\)-\(B\)](#).

### II. ELIGIBILITY TO PARTICIPATE IN THE PPE

#### A. Party Eligibility to Participate in the PPE

Only political parties eligible for continued representation on the ballot pursuant to [A.R.S. § 16-804](#) and new political parties eligible to appear on the ballot pursuant to [A.R.S. § 16-801](#) may participate in the PPE. [A.R.S. § 16-244\(A\)](#). New parties must have filed their petition for recognition as a new party with the Secretary of State between 180 and 150 days before the PPE in order to be eligible to participate in the PPE. [A.R.S. § 16-244\(A\)\(2\)](#).

Eligible political parties are not required to participate in the PPE, and may opt to conduct their own election or caucus instead. See *Arizona State Democratic Committee v. Hull*, No. CV96-00909 (Maricopa County Super. Ct., Feb. 1, 1999) (holding that the PPE is different from a primary election and political parties can choose whether or not to participate). If an eligible party chooses not to participate in the PPE, the state party's chairperson must notify the Secretary of State in writing by September 16, 2019 for the 2020 PPE, and by September 1 (or the next business day if that date falls on a weekend or state holiday) of the year preceding the PPE for every PPE thereafter. See [H.B. 2751 § 19, 54th Leg., 1st Sess. \(Az. 2019\)](#). The Secretary of State will promptly notify county officials and provide further instructions as needed.

#### B. Eligibility to Vote in the PPE

The "open primary" laws, [AZ. Const. Art. 7 § 10](#), do not apply to the PPE. Only qualified electors registered with the political parties participating in the PPE may vote in the PPE. Independent voters or voters with no party preference and voters affiliated with a political party that is not participating in the PPE may not participate unless they change their party registration or affiliation to that of a participating political party by the deadline to register to vote in the PPE. [A.R.S. § 16-241\(A\)](#); see also [Attorney General Opinion No. 199-025 \(R99-049\)](#).

Voters not on the PEVL may request a ballot-by-mail for the PPE within 93 and 11 days before the election. [A.R.S. § 16-246\(A\)](#).

### C. Candidate Participation in the PPE

Candidates seeking to appear on the PPE ballot must meet the requirements set forth in [A.R.S. § 16-242](#). Candidates may file with the Secretary of State either:

- A nomination paper and nominating petitions signed by at least 500 qualified electors who are eligible to vote for the candidate in the PPE; or
- A notice of candidacy affirming that they are on the PPE ballot of at least two other states.

[A.R.S. § 16-242\(C\)-\(E\)](#).

Write-in candidates are prohibited. [A.R.S. § 16-247](#).

The Secretary of State will certify to counties the names of candidates who qualify for the PPE ballot within 72 hours of the close of the filing period. [A.R.S. § 16-242\(F\)](#). The filing period for the PPE is 130 to 100 days before the PPE. [A.R.S. § 16-242\(B\)](#). See [Chapter 6, Section I\(C\)\(1\)](#) for more information regarding PPE candidacy.

## III. PPE BALLOTS

### A. Official Ballot

Official ballots for the PPE must meet the following requirements:

1. They must be printed on different colored paper for each party if more than one party is participating, or white paper with a different colored stripe at the top;
2. Only one party may be represented on each ballot;
3. The top of each ballot must contain the words, “Official Ballot of the \_\_\_\_\_ Party, Presidential Preference Election (date), County of \_\_\_\_\_, State of Arizona.”
4. Candidate names must be printed in a random order determined by the Secretary of State through the drawing of lots. Rotation of candidate names is prohibited. Above the list of candidate names, the title “\_\_\_\_\_ party candidates for President of the United States” should be printed, along with “vote for not more than one” immediately below the title. The ballot may also contain other printed instructions to voters as prescribed for other elections.
5. The ballot should be configured so that it may be tabulated by congressional districts.

[A.R.S. § 16-245](#); [A.R.S. § 16-249\(C\)](#).

## B. Sample Ballots

Sample ballots for the PPE must be mailed to each household containing a registered voter eligible to participate, unless each qualified voter is on the PEVL. No elected or appointed public officer's name should appear on the sample ballot, and each ballot must contain a conspicuous disclaimer that the ballot is not official. The sample ballot must also contain a list of acceptable forms of voter identification pursuant to [A.R.S. § 16-579\(A\)\(1\)](#); [A.R.S. § 16-245 \(D\)-\(E\)](#).

The mailing face of each sample ballot must be imprinted with the Great Seal of the State of Arizona, and the words, "Official Voting Materials – Presidential Preference Election." [A.R.S. § 16-245 \(D\)-\(E\)](#).

The officer in charge of elections must provide a ballot proof to the chairperson of each participating party within five days of receiving the list of certified candidates from the Secretary of State. [A.R.S. § 16-245\(C\)](#).

## IV. CONDUCT OF THE PPE

The PPE should be conducted in the same manner as any other primary election held pursuant to [A.R.S. § 16-201](#). All provisions of other laws governing elections apply to the PPE, except as otherwise provided in Title 16, Chapter 2, Article 4, including laws relating to registration and qualification of electors. [A.R.S. § 16-241\(C\)-\(D\)](#). The PPE is also subject to the hand count procedure detailed in [Chapter 11, Section VIII](#).

### A. Voting Locations

Not less than 20 days before a PPE, the Board of Supervisors must designate a reasonable and adequate number of voting locations for the PPE, based on the number of active registered voters as of January 2 of the year of the PPE.<sup>34</sup> County Boards of Supervisors must follow the formulas set out in [A.R.S. § 16-248\(C\)-\(E\)](#) to determine the maximum allowable number of polling places. The Secretary of State may release a county from these limits if complying with them would jeopardize compliance with federal or state law. [A.R.S. § 16-248\(F\)](#). In addition, the limits and consolidation requirements do not apply to Native American reservations. [A.R.S. § 16-248\(G\)](#).

The officer in charge of elections may conduct the PPE entirely by mail in precincts with fewer than 300 active, registered voters (except for on Native American reservations). [A.R.S. § 16-248\(H\)](#).

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<sup>34</sup> Although [A.R.S. § 16-248\(B\)-\(E\)](#) specifies that the designation of polling places should be based on the number of active registered voters as of "January 1" of the year of the PPE, the 54th Legislature, First Regular Session, via Senate Bill 1154, amended [A.R.S. § 16-168\(G\)](#) to require County Recorders to report voter registration statistics as of January 2 each year, rather than January 1. Accordingly, January 2 is used in lieu of January 1 here.

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In addition to Election Day voting locations, County Recorders may establish on-site early voting locations and provide for special election boards within the time limits and procedures applicable to other elections. [A.R.S. § 16-246\(C\)](#); *see also* [A.R.S. § 16-542](#). With authorization from the Board of Supervisors, a County Recorder may also establish emergency voting centers between 5:00 p.m. on the Friday preceding the PPE and 5:00 p.m. on the Monday preceding the PPE. [A.R.S. § 16-246\(F\)](#).

## **B. Certification of Results**

### **1. The Board of Supervisors**

The results of the PPE must be canvassed by congressional district. [A.R.S. § 16-249\(C\)](#). Each county Board of Supervisors should meet to canvass the returns within ten days after the PPE, and provide a certified permanent copy of the official canvass to the Secretary of State on paper and electronically.

### **2. Secretary of State**

The Secretary of State must canvass the returns and certify the results of the PPE to the chairpersons of participating political parties on or before the second Monday after the PPE. [A.R.S. § 16-661](#), relating to automatic recounts, does not apply. [A.R.S. § 16-249\(A\)-\(B\)](#).

## **V. COUNTY REIMBURSEMENT FOR THE PPE**

The Secretary of State, in consultation with County Recorders and other officers in charge of elections, must include in the budget request for the Secretary of State's Office sufficient funding from the state general fund to conduct the PPE. Counties are generally entitled to reimbursement for PPE costs at a rate of \$1.25 for each active registered voter in the county as of January 2 of the year of the PPE.<sup>35</sup> The Secretary of State may release a county from this reimbursement rate upon determining that being bound by it would jeopardize the county's compliance with federal or state laws and regulations. [A.R.S. § 16-250](#).

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<sup>35</sup> Although [A.R.S. § 16-250](#) specifies that reimbursement should be based on the number of active registered voters in the county on "January 1" of the year of the PPE, the 54th Legislature, First Regular Session, via Senate Bill 1154, amended [A.R.S. § 16-168\(G\)](#) to require County Recorders to report voter registration statistics as of January 2 each year, rather than January 1. Accordingly, January 2 is used in lieu of January 1 here.

## CHAPTER 8: PRE-ELECTION PROCEDURES

### I. ESTABLISHING PRECINCTS AND VOTING LOCATIONS

#### A. Establishing Precincts

The Board of Supervisors must establish a convenient number of election precincts within the county and define those precincts' boundaries. If the Board of Supervisors seeks to change existing precinct boundaries, for example, to address population shifts or excessive wait times, the Board must finalize those changes by October 1 in the year preceding a general election and deliver a complete description of the updated precinct boundaries to the County Recorder or other officer in charge of elections. [A.R.S. § 16-411\(A\)](#). The new precinct boundaries become effective on January 2 of the year of the general election. [A.R.S. § 16-412](#).

#### B. Establishing Voting Locations

Counties may conduct Election Day voting using one of two types of voting locations (or any combination thereof, as approved by the Board of Supervisors):

- **Polling places:** voters in a particular precinct are required to vote at a polling place specifically designated for that precinct; or
- **Vote centers:** voters are permitted to vote at any vote center within the county, regardless of which precinct the voter lives in.

Collectively, polling places and vote centers are referred to as “voting locations” in this Manual.

Upon approval of the Board of Supervisors, the officer in charge of elections may establish precinct-based assigned polling places and/or vote centers, or any combination thereof, including co-location of precinct polling places or vote centers that also serve as assigned polling places for certain precincts. See [A.R.S. § 16-411\(B\)\(4\)](#). In any case, the Board of Supervisors (in consultation with the officer in charge of elections) has a duty to establish a reasonable and adequate number of voting locations for an election. [A.R.S. § 16-411\(B\)\(3\)](#).

Except for the designation of ~~Election Day~~ emergency voting ~~locations~~, location pursuant to [A.R.S. § 16-411\(I\)](#), the Board of Supervisors must finalize all voting locations at least 20 days before a statewide primary or general election or ten days before a special election. [A.R.S. § 16-411\(B\)](#). Thereafter, the Board of Supervisors or officer in charge of elections must publicly post the names and/or locations of each voting location on the county's website. [A.R.S. § 16-411\(G\)](#).



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## 1. Assigned Polling Places

If a county decides to conduct elections using precinct-based assigned polling places, the Board of Supervisors must designate at least one polling place in each precinct. [A.R.S. § 16-411\(B\)](#).<sup>36</sup>

If no suitable polling place is available within a precinct, the Board of Supervisors may designate a polling place in an adjacent precinct. The Board of Supervisors must make a specific finding that there is no suitable polling place within the precinct and include that finding in a separate section of the order or resolution designating polling places for the election. [A.R.S. § 16-411\(B\)\(1\)](#).

Based on projected high voter demand, precincts may be split for administrative purposes to allow a polling place to be established in each precinct split. Arizona statute requires these polling places to “be listed in separate sections of the [Board’s] order or resolution” designating polling places for the election. [A.R.S. § 16-411\(B\)\(2\)](#).

Based on projected low voter demand (specifically, a high number of PEVL voters), adjacent precincts may be combined for administrative purposes to allow multiple precincts to be serviced by the same polling place and same election board. The Board of Supervisors must make a specific finding that a high number of PEVL voters is likely to substantially reduce the number of voters appearing at one or more specific polling places on Election Day and include that finding in a separate section of the order or resolution designating polling places for the election. [A.R.S. § 16-411\(B\)\(3\)](#).

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## 2. Vote Centers

The Board of Supervisors may establish vote centers in lieu of precinct-based polling places. A vote center allows voters from any precinct within the county to cast a ballot with the correct ballot style on Election Day. Vote centers must be established by a vote of the Board of Supervisors and in consultation with the County Recorder and officer in charge of elections. [A.R.S. § 16-411\(B\)\(4\)](#).

Vote centers typically entail ballot tabulation exclusively at the central counting place, without use of precinct voting equipment that will warn voters of an over-vote. In that case, the officer in charge of elections must: (1) establish a voter education program that notifies voters of the effect of casting multiple votes for an office; and (2) provides the voter with instructions on how to correct the ballot before it is cast (including instructions how to spoil the ballot and correct the error through issuance of a replacement ballot). [52 U.S.C. § 21081\(a\)\(1\)\(B\)](#).

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<sup>36</sup> The Board of Supervisors is not required to designate a polling place for special district or all ballot-by-mail elections, but may designate one or more sites in each district for voters to deposit voted ballots through 7:00 p.m. on Election Day. [A.R.S. § 16-411\(D\)](#). See also [Chapter 3, Section IV](#).

### **C. Failure to Timely Establish Polling Places**

In counties that utilize assigned polling places, if a Board of Supervisors fails to designate a polling place in a particular precinct before a primary or general election (or if the election cannot be held at the polling place originally designated by the Board of Supervisors and the County Recorder or other officer in charge of elections has not designated an emergency polling place for that precinct for Election Day), the Justice of the Peace of the precinct shall designate the polling place and post public notice two days before the election in at least three locations in the precinct. [A.R.S. § 16-411\(C\)](#).

If the Justice of the Peace fails to do so (or there is no Justice of the Peace for the precinct), the election board of the precinct must designate and give notice of the place for holding the election. [A.R.S. § 16-411\(C\)](#).

### **D. Consolidation of Polling Places Based on Lack of Candidates**

In counties that conduct assigned polling place elections, if there are no candidates for elected office appearing on the ballot in a particular precinct, the Board of Supervisors may consolidate polling places (and consolidate the tabulation of results in combined precincts) if the following conditions apply:

- All affected voters are notified by mail of the change at least 33 days before the election;
- Notice of the change in polling place includes notice of the new polling place, notice of the hours polls are open on Election Day, and notice of the telephone number to call for voter assistance; and
- All affected voters receive information on early voting, which includes information on how to make a one-time early ballot request.

[A.R.S. § 16-411\(C\)\(1\)-\(3\)](#).

### **E. Factors to Consider When Selecting Voting Locations**

The following factors should be considered when selecting voting locations:

1. The location should be capable of being used in both the primary and general election;
2. Buildings must be appropriately-sized based on projected voter turnout, among other predictive factors (*see* [Chapter 8, Section IX\(A\)](#));
3. Property owners must be willing to grant permission to use the building for voting purposes on Election Day, including making the building available the day before Election Day, early morning on Election Day, and until a reasonable time after the polls close on Election Day;
  - Insurance considerations and payment of fees (if any) should be discussed with the property owner;

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4. Buildings should have easy ingress and egress to the parking lot, including a parking lot in close proximity to the building;
5. Buildings must meet accessibility requirements or be adapted to meet accessibility requirements for Election Day (see [Chapter 5, Section III](#));
6. Buildings must have a room or hallway of sufficient size to meet the needs for setting up equipment and voter check-in stations, including adequate space for voters to wait in line;
7. Buildings should have an adequate power source;
8. The property should be located near major traffic arteries, including within walking distance of public transit where possible;
9. The decision of where to locate a polling place or vote center should have public support, especially through outreach to rural and underserved communities;
10. In counties that conduct assigned polling place elections, the polling place must be located within the applicable precinct, unless applicable exceptions apply (see [Chapter 8, Section I\(B\)\(1\)](#));
11. Voters should not have to travel unreasonable distances to vote;
12. The property must have sufficient parking for voters' use on Election Day; and
13. If re-used, the voting location must have been successfully used in the past.

The elections staff should conduct a site visit to confirm the location's suitability for voting. The officer in charge of elections should also solicit community feedback on all proposed voting locations if practicable.

#### **F. Use of School Facilities for Voting Locations**

Upon request of the officer in charge of elections, a public school must provide sufficient space for use as a voting location in any statewide, county, city, or town election. [A.R.S. § 16-411\(E\)](#).

The principal of a public school may deny the request to host a voting location if, within two weeks of receiving the request, the principal provides a written statement confirming: (1) the school lacks sufficient space to host a voting location; or (2) the safety or welfare of students would be jeopardized by hosting a voting location. [A.R.S. § 16-411\(F\)](#).

**G. ~~Designation of Emergency Election Day~~ Polling Places ~~Place/Vote Centers~~ Center Emergency Designation**

A County Recorder or other officer in charge of elections may ~~establish~~grant an emergency designation to a polling place/vote center ~~for Election Day without the Board of Supervisors' approval~~ if either of the following occurs:

- An act of God renders a previously-established Election Day voting location unusable; or
- The County Recorder or other officer in charge of elections has exhausted all options and there are no suitable facilities that are willing to host an Election Day voting location unless the facility receives an emergency designation.

[A.R.S. § 16-411\(D\)](#).

At least two weeks before Election Day, the County Recorder or other officer in charge of elections must post on its website a list of ~~emergency~~ polling places/vote centers ~~for Election Day~~with emergency designations and must specify:

- The reason the emergency designation was granted; and
- The number of attempts made to find another voting location before granting an emergency designation.

[A.R.S. § 16-411\(H\)](#).

Electioneering and other political activity is not permitted ~~at an emergency polling place/vote center on Election Day~~ on the property of the hosting facility of any polling place/vote center with an emergency designation, even outside the 75-foot limit. [A.R.S. § 16-411\(I\)](#). However, if the voting location is not listed on the jurisdiction's elections website as having an emergency location designation, electioneering and other political activity must be permitted on the premises; outside the 75-foot limit. [A.R.S. § 16-411\(H\)](#).

If an emergency arises after the initial website posting, the County Recorder or other officer in charge of elections must:

- Update the website as soon as is practicable to include any new ~~Election Day~~ emergency voting locations designations of polling places/vote centers;
- Highlight the new ~~Election Day~~ emergency voting location(s) with an emergency designation on the website; and
- Like other ~~Election Day~~ locations with an emergency location designation, specify the reason the emergency designation was necessary and the number of attempts that were made to find a standard voting location before granting an emergency designation. [A.R.S. § 16-411\(H\)](#).

## H. Requirement to Allow Electioneering Outside 75-Foot Limit

Except in cases of an emergency designation (*see* Section I(G) above), any voting location or ballot replacement site used on Election Day or during on-site early voting must permit persons to engage in electioneering and other political activity in public areas and parking lots used by voters outside the 75-foot limit. [A.R.S. § 16-411\(H\)](#).

Electioneering or political activity may not result in voter intimidation. Further, no temporary or permanent structure may be erected and access to parking spaces may not be blocked or impaired. [A.R.S. § 16-411\(H\)](#).

## I. Ensuring Accessibility at the Voting Location

Voting locations must comply with the current ADA Checklist for Polling Places and any additional state accessibility requirements. *See* [Chapter 5, Section III](#) for more details.

## II. APPOINTMENT AND TRAINING OF POLL WORKERS

At least 20 days before a primary or general election, the Board of Supervisors must appoint at least the following poll workers for each polling place with more than 300 qualified electors and each vote center:

- One inspector;
- Two judges;
- One marshal; and
- As many clerks as deemed necessary.

[A.R.S. § 16-531\(A\)](#).

For polling places with less than 300 qualified electors, the Board of Supervisors must appoint at least an inspector and two judges. [The Board of Supervisors shall give notice of election precincts consisting of fewer than 300 qualified electors to the county chairperson of the two largest political parties not later than 30 days before the election. A.R.S. § 16-531\(B\)](#).

The inspector, judges, marshal (and clerks, if applicable) are collectively known as the “election board”<sup>37</sup> for a particular voting location and are referred to in this Manual as poll workers or board workers.

<sup>37</sup> Notwithstanding [A.R.S. § 16-531\(A\)](#)’s reference to judges and the inspector, Arizona statutes generally provide that the election board is comprised of all poll workers at a particular voting location. *See, e.g.,* [A.R.S. § 16-531\(G\)](#) (allowing students to be appointed to an election board as clerks). This Manual accordingly adopts the interpretation of “election boards” to include inspectors, judges, marshals, and clerks.

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The officer in charge of elections must provide a report containing each poll worker's name, position, precinct, and political party to the Board of Supervisors.

Poll workers must be registered voters, except for student poll workers. In assigned polling place elections, each poll worker must be a registered voter in the precinct of assignment unless there are not enough poll workers that meet this residential requirement. [A.R.S. § 16-531\(A\)](#).

Other than candidates for precinct committeeman, no candidate (nor the spouse, child, or parent of a candidate) for any office on the ballot may serve as a poll worker during that election.

The officer in charge of elections ~~should~~shall ensure that the election board is comprised of individuals registered with different political parties. At minimum, for partisan elections, if the inspector is a member of one of the two largest political parties, the marshal must be a member of the other of the two largest political parties and each of the two judges must be registered with different political parties. An inspector, marshal, or judge may not serve in that position if they have changed their political party registration since the last general election-

At least 90 days before an election, the county chairperson of the two largest political parties may designate qualified electors to serve on election boards. When the list is timely submitted, it shall be used to appoint judges. Whenever possible, any person appointed as an inspector shall have had previous experience as an inspector, judge, marshal, or clerk of elections. If there is no qualified person in a given precinct, the appointment of an inspector may be made from names designated by the county party chairperson. Any registered voter in the precinct, or alternatively, in another precinct, may be appointed as a clerk. [A.R.S. § 16-531\(A\)](#).<sup>38</sup>

#### A. Election Board Duties

The following duties must be performed by the members comprising the election board. The officer in charge of elections may allocate these duties among different board members as deemed appropriate:

1. Prepare and monitor the voting location, including taking appropriate measures to preserve order and manage voter lines, [A.R.S. § 16-562](#), [A.R.S. § 16-512](#);
2. Open, exhibit, and lock the ballot box before receiving any ballots, [A.R.S. § 16-564\(A\)](#);

<sup>38</sup> If it is impossible to sufficiently staff the boards with members of differing political parties, the officer in charge of elections shall, at minimum, exercise best efforts to utilize board members with no party affiliation or from differing unrecognized parties to ensure that there is a diversity of political party affiliation (including no affiliation) on the election boards and that no election board is comprised of members of only one party. Further, the officer in charge of elections shall document when and how the political parties in the county were contacted about the need for board workers affiliated with those parties and all other actions taken in a best effort to obtain board workers from two different political parties. However, nothing in this Manual shall be interpreted to supersede otherwise applicable statutory requirements, including the requirement that board workers be of differing political party affiliation.

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3. Maintain the signature roster or e-pollbook;
4. Check for proper identification;
5. Direct voters in the wrong polling place to the correct polling place, including the specific address (for assigned polling place elections only);
6. Mark spoiled ballots (inspector and only one judge required), [A.R.S. § 16-585](#);
7. Ensure that voted ballots are deposited in the correct ballot box, and deposit ballots in the ballot box at the voter's request, [A.R.S. § 16-580\(C\)](#);
8. Assist voters in using accessible voting equipment and assist voters in marking the ballot (two board members of different political parties required), [A.R.S. § 16-580\(E\)](#);
9. Close the polls (inspector and two judges required); [A.R.S. § 16-565\(C\)](#);
10. Prepare a report of the number of voters who have voted and seal the box containing the voted ballots, [A.R.S. § 16-608\(A\)](#), [A.R.S. § 16-616](#); and
11. Return the signature roster, copies of the precinct registers, and other election supplies to the Board of Supervisors or officer in charge of elections. [A.R.S. § 16-617](#).

In addition, the inspector, marshal, and judges of the election board are specifically tasked with the responsibilities described below.

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**1. Inspector**

The inspector serves as the chair of the election board and exercises authority over all election-related activities at the voting location (under the direction of the county officer in charge of elections, who maintains overall authority over the voting location). The inspector usually acts as the single point-of-contact with the officer in charge of elections, poll worker hotline, troubleshooters, or other entity designated by the officer in charge of elections to provide assistance on Election Day.

The inspector's specific duties include the following:

1. As chair of the election board, maintain sufficient knowledge about election procedures and voting equipment;
2. Lead and assign duties to other poll workers, including appointing a substitute judge, marshal, or clerk ([while maintaining political party balance](#)) if a poll worker fails to show up or fails to perform their duty on Election Day and no alternative poll worker is available, [A.R.S. § 16-534\(A\)](#); [A.R.S. § 16-533](#); and
3. Ensure the polling place is setup and functions properly, including publicly opening the sealed package of official ballots, ensuring the required ballot styles/types are present, certifying the voting roster, posting appropriate lists and notices, arranging the voting booths, and assisting electors, [A.R.S. § 16-563](#), [A.R.S. § 16-312\(E\)](#), [A.R.S. § 16-343\(F\)-\(G\)](#), [A.R.S. § 16-169\(B\)](#), [A.R.S. § 16-579\(D\)-\(E\)](#), [A.R.S. § 16-572\(A\)](#).

## 2. Marshal

The marshal is responsible for preserving order at the voting location, which includes:

1. Announcing the opening and closing of the polls, [A.R.S. § 16-565\(C\)](#);
2. ~~Preventing~~Preserving order and preventing any violation of election law, including voter intimidation or electioneering within the 75-foot limit, ~~from the opening of the polls until the count of the ballots is completed,~~ [A.R.S. § 16-535\(B\)](#); and
3. Periodically measuring the length of wait times, notifying the inspector if wait times have the potential to equal or exceed the 30-minute maximum, and implementing measures to reduce voter wait time, including having the authority to request additional voting equipment or supplies and board workers or to appoint additional board workers upon approval of the officer in charge of elections, [A.R.S. § 16-535\(B\)](#).

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The marshal may also perform the duties of any other election board worker on a relief basis. [A.R.S. § 16-535\(B\)](#).

## 3. Judges

Judges oversee the voting process itself, which may generally include:

1. Issuing ballots to qualified voters, [A.R.S. § 16-579\(C\)](#), [A.R.S. § 16-467\(B\)](#), [A.R.S. § 16-572\(B\)](#);
2. Signing the roster for an elector who is unable to sign because of physical disability, [A.R.S. § 16-579\(D\)-\(E\)](#); and
3. Examining electronic voting equipment and comparing the number of votes cast as indicated on the machine with the number indicated on the poll list (or e-pollbook) and the number of provisional ballots cast, [A.R.S. § 16-602\(A\)](#).

### B. Bilingual Poll Workers

Jurisdictions covered under the language minority provisions under Section 203 of the Voting Rights Act should appoint bilingual poll workers and/or ensure access to on-site or remote interpretation services in the covered language(s) to provide language assistance to voters who need it. Additionally, an Election Terminology Glossary in the covered languages should be provided among the polling place supplies.

### C. Student Poll Workers

The Board of Supervisors may appoint a student to serve as a clerk on the election board if the student:

- Will be at least 16 years old at the time of the election;
- Will be a United States citizen at the time of the election; and
- Provides written permission from a parent or guardian.



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A student poll worker must receive poll worker training and must be supervised by a trained adult poll worker at the voting location. [A.R.S. § 16-531\(F\)](#).

A student's absence from school due to service as a student poll worker does not affect the school's average daily membership or count against any mandatory attendance requirements for the student. [A.R.S. § 15-901\(A\)\(1\)](#); [A.R.S. § 16-531\(G\)](#).

#### **D. Poll Worker Training**

Within 45 days before an election, the officer in charge of elections must commence poll worker training for inspectors, judges, and any other election board members deemed necessary by the officer in charge of elections. [A.R.S. § 16-532\(A\)](#). At least one poll worker training session should be conducted in-person during each election cycle, but additional training may be conducted online as deemed necessary. Additionally, the officer in charge of elections should develop a mechanism to assess individual poll workers' performance following the election.

Persons who conduct poll worker training must be qualified in election law and have practical experience in the election process. [A.R.S. § 16-532\(A\)-\(B\)](#). Persons who conduct poll worker training must also be certified by the Secretary of State as an election officer in accordance with [A.R.S. § 16-407](#) or under the management of a certified election officer.

Poll worker training must cover the following pre-Election Day topics, as applicable:

1. Delivery of ballots and supplies to the voting location;
2. Duties of each election board member;
3. Ensuring proper political party representation among election board members;
4. Conducting a pre-election meeting;
5. Gaining building access;
6. Inventorying supplies;
7. Equipment setup and furniture arrangement;
8. Voting equipment checks, including ensuring that equipment seals have not been tampered with and match the seal log;
9. Conducting an official ballot count;
10. Customer service responsibilities, including voter assistance, assistance to voters with a disability, and ensuring language accessibility; and

Poll worker training must also cover the following Election Day topics, as applicable:

1. Opening the voting location;
2. Hours the voting location will be open;
3. Poll workers' hours;

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4. Establishing the 75-foot limit and enforcing non-electioneering and non-intimidation rules;
5. Sharing voting locations with tribal elections;
6. Procedures for checking identification;
7. Provisional ballot processing;
8. Operation of voting equipment;
9. Operation of accessible voting equipment;
10. Operation of e-pollbooks or procedures for managing the signature rosters and poll lists;
11. Troubleshooting, including when and how to implement wait-time reduction and other contingency plans;
12. Any voter registration information deemed necessary;
13. Who may vote in the election;
14. Use of precinct registers and/or the issuance of ballot types/styles (political party, FED only, ballot splits, etc.);
15. Standard voting procedures;
16. Recorder's Certificates;
17. Spoiled ballot procedures;
18. Procedure for early ballot drop-off;
19. Political party observers;
20. Procedures for challenges;
21. Kids Voting;
22. Closing the polls;
23. Transmitting results and/or delivery of voted ballots;
24. Completing a Certificate of Performance, verifying that various election duties were properly performed; and
25. Preparing the official and unofficial envelope contents (*see* [Chapter 8, Section V](#)).

The officer in charge of elections may require additional training for poll workers at any time. Regardless of whether additional training is provided, however, poll workers must be notified in writing prior to Election Day of any changes in election law or procedure that became effective since the last poll worker training. [A.R.S. § 16-532\(E\)](#).

### 1. Premium Training

The officer in charge of elections may institute an advanced method of instruction and testing for certain election board members known as premium training. The premium training must include at least eight hours of training and a written examination on election law and procedures. [A.R.S. § 16-532\(D\)](#).

Those who complete this training and pass the test are certified as a “premium board worker.” Premium board workers are certified for a period of 30 months and, if approved by the Board of Supervisors, are entitled to additional compensation. [A.R.S. § 16-532\(D\)](#).

The officer in charge of elections may require additional training for poll workers at any time. Regardless of whether additional training is provided, however, poll workers must be notified in writing prior to Election Day of any changes in election law or procedure that became effective since the last poll worker training. [A.R.S. § 16-532\(E\)](#).

### 2. Certificate of Qualification

Upon successful completion of poll worker training, each election board member will receive a certificate of qualification from the Board of Supervisors or officer in charge of elections stating the worker’s name and the course of instruction completed. No inspector or judge (except those appointed to fill a vacancy and as provided in [A.R.S. § 16-533](#) and [A.R.S. § 16-534](#)) may serve on Election Day unless the person has been issued a certificate of qualification. [A.R.S. § 16-532\(A\)](#).

### E. Poll Worker Compensation

The Board of Supervisors must set the compensation of poll workers, which constitutes a county charge. [A.R.S. § 16-536](#). The Board of Supervisors may approve poll worker pay by virtue of approving the election director’s budget for the forthcoming election.

Poll workers must be paid at least \$30 per day. [A.R.S. § 16-536](#). The Board of Supervisors may approve additional compensation for premium board workers. [A.R.S. § 16-532\(D\)](#).

## III. DESIGNATION OF POLITICAL PARTY AND OTHER OBSERVERS

Political party representatives are permitted to observe at voting locations and central counting places for partisan elections. The proceedings at the central counting place may also be observed by up to three additional people representing a candidate for nonpartisan office, or representing a political committee in support of or in opposition to a ballot measure, proposition or question. Such observation (and observation at early voting locations, emergency voting centers, and County Recorder processing procedures, where permitted by the County Recorder or other officer in charge of elections) are subject to the procedures described below. Observation at

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nonpartisan elections may be permitted at the discretion of the officer in charge of elections. [A.R.S. § 16-590\(A\)-\(B\)](#); [A.R.S. § 16-621\(A\)](#).

The County Recorder or other officer in charge of elections may develop additional local procedures governing political party observation. Additional procedures shall allow political party observers to effectively observe the election process, and no changes to the procedures shall be made after the Tuesday prior to the election in order to facilitate compliance by the county political parties and designees.

### A. Appointment Process

The county chairperson (or ~~other county political party officer designated by the chairperson/designee~~) of each party ~~that has a candidate represented~~ on the ballot ~~must appoint~~ submit the names of specific political party observers ~~in writing on political party letterhead with the signature of the appointing authority, and provide the appointment~~ to the County Recorder or officer in charge of elections in writing (in hard copy or electronically in advance of observation, as required by the County Recorder or officer in charge of elections). The County Recorder or officer in charge of elections may require ~~original signatures and compliance with~~ reasonable deadlines for advance notice of appointments. Where there is no county political party officer to make the appointment, the state political party chairperson may appoint political party observers for that county.

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Political party observers may be appointed to specific voting locations (for Election Day observation), to a central counting place, or to multiple voting locations as authorized by the political party chairperson and the officer in charge of elections. Observers appointed to observe in multiple locations need only one appointment in writing designating the various locations where the observer is appointed. An appointment is not transferable to another individual.

Unless agreed upon by the political parties ~~and the County Recorder or officer in charge of elections~~, not more than one party representative for each party represented on the ballot shall be at a voting location at one time. [A.R.S. § 16-590\(C\)](#). Further, only one representative at any one time of each political party represented on the ballot who has been appointed by the political party chairperson shall remain within the 75-foot limit while the polls are open. [A.R.S. § 16-515\(A\), \(B\), \(H\)](#).

Appointed political party observers need not be qualified electors in the precinct or county of observation. Except for precinct committeeman candidates, candidates appearing on the ballot or official write-in candidates shall not serve as political party observers.

### B. Observer Credentials

The political party letter of appointment with the signature of the appointing authority (and, if required by the County Recorder or officer in charge of elections, on political party letterhead) serves as the written credential necessary to conduct observation at a voting location or central counting place. Credentials must be issued by the recognized political party chairperson or

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designee; this authority may not be delegated to a candidate or candidate's agent. The political party observer must present the political party appointment letter (or copy thereof, if permitted by the County Recorder or officer in charge of elections) to the appropriate election official upon entering the voting location, County Recorder's office, or central counting place, and be prepared to show identification if requested.

### C. Observation at Voting Locations

Political party observers may observe the following activities at a voting location:

- Opening the voting location;
- Voting at the voting location (but may not observe in the voting booth or otherwise impede voters' ability to maintain a secret ballot);
- Closing the voting location;
- Transport of ballots from the voting location to a receiving site (using a separate vehicle); and/or
- Any other significant voting or processing activities at the voting location provided that it does not interfere with or impede the election procedures or staff ~~and does not enable the observer to observe voters' personally identifiable information on e-pollbooks.~~

Each recognized political party is presumptively entitled to have no more than one political party observer at a time at each voting location. [A.R.S. § 16-590\(C\)](#).

All political party observers are subject to removal by the County Recorder or other officer in charge of elections for failure to ~~adhere to federal or state law, observer guidelines, or other rules established by the County Recorder or other officer in charge of elections~~ comply with a request to cease an activity that interferes with the election process or violates state or federal law.

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### D. Observation at Central Counting Places

Political party representatives may observe at a central counting place and at each point where ballots are handled or transferred from one election official to another, including areas where the following activities take place:

- Receiving the ballots at the County Recorder's office or central counting place;
- Inspecting the ballots;
- Reviewing ballots by the ~~write~~Write-in ~~board~~Tally Board;
- Duplicating ballots by the Ballot Duplication Board;
- Adjudicating ballots by the Electronic Vote Adjudication Board;
- Receiving electronic media or processing voting results by the ~~Data Processing~~Accuracy ~~Certification~~ Board;
- Tabulation of ballots; and/or

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- Any other significant tabulation or processing activities at a central counting place provided that it does not interfere with or impede the election procedures or staff.

### **E. Observer Guidelines**

The following observation guidelines govern all observers:

1. ~~At all times at a central counting place, and unless a voter specifically requests assistance from the observer at a voting location, a political party~~ An observer may not mark any ballot, place any type of material on a ballot, or otherwise touch a voted ballot during observation. Further, an observer shall not offer to assist any voter in the process of voting at a voting location. If a voter specifically requests an observer's assistance in voting, the observer may only assist the voter after relinquishing the observer's formal status as an observer (for example, by returning any observer badge or identification, exiting the voting location, and then accompanying the voter into the voting location as an assistant rather than an observer). The observer may resume their role as an observer after assisting the voter.
2. Observers shall not touch or handle election materials, rosters, early ballot envelopes, provisional ballot envelopes, ballot transfer containers, voting machines, or voting machine components except as expressly permitted by the officer in charge of elections during demonstrations.
3. Observers may not interfere with or impede the election procedures or staff.
  - If an observer has a question about the proceedings or seeks to raise an objection, the observer should speak solely to the designated point of contact (*e.g.*, inspector, County Recorder, or other officer in charge of elections) and not to other poll workers or staff.
  - The officer in charge of elections or inspector may prohibit observers from using electronic devices in the voting location or central counting place if doing so would interfere with or impede the election procedures or staff. No photos may be taken within the 75 foot limit of a voting location. [A.R.S. § 16-515\(G\)](#).
  - Observers may not wear, carry, or display any materials that identify or express support or opposition for a political party, political organization, or a candidate or ballot measure appearing on the ballot. [A.R.S. § 16-515\(F\)](#).
  - In cases where multiple ballots are dropped off at a voting location, as observer may not, within the 75-foot limit: (1) inspect, copy, or photograph the early ballot envelopes in an effort to discern voters' identities; or (2) confront, question, or photograph the individual who dropped off the early ballots.
  - Observers can enter and leave a voting location or central counting place so long as their entering and leaving does not interfere with or impede the election procedures or staff.
4. Observers may take handwritten notes during observation, but must use a writing instrument of a color designated by the officer in charge of the election or procedure.

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5. If an observer is asked by the inspector or other officer in charge to cease an activity that interferes with the election process, the observer must comply or face possible ejection.
6. Observers must be prepared to show their appointment credential immediately upon entering any voting location or central counting place or upon request by any election official.
7. At a central counting place, all observers must check in with the County Recorder or other officer in charge of elections prior to being admitted and may be required to log in and out of the facility each time they enter or leave.
8. At a central counting place, the County Recorder or other officer in charge of elections may ensure that observers are given identifying badges to ensure that observers are clearly identifiable.

#### **IV. ISSUING PRE-ELECTION NOTICES**

##### **A. Secretary of State: 120-Day Notice of Offices to be Elected**

At least 120 days before a primary election, the Secretary of State must notify in writing each Board of Supervisors and officer in charge of elections of the federal, statewide, and legislative offices for which candidates will be nominated at the primary election. [A.R.S. § 16-202](#).

##### **B. County: 180-Day Notice of Election to Local Jurisdictions**

At least 180 days before each consolidated election date, the Board of Supervisors or officer in charge of elections must give written notice to each school district, community college district, city and town within the county's geographical boundaries. The Board of Supervisors or officer in charge of elections also must give written notice to all special taxing districts within the county. [A.R.S. § 16-205\(A\)](#).

The notice must include:

- The specific election date;
- The deadline by which the local jurisdiction must inform the Board of Supervisors or officer in charge of elections whether an election will be held; and
  - The deadline to inform the Board of Supervisors or officer in charge of elections should be set at or just after special taxing districts' 150-day deadline to call an election pursuant to [A.R.S. § 16-226\(A\)](#).
- Any additional information deemed necessary by the Board of Supervisors or officer in charge of elections.

The notice may be mailed, emailed, or otherwise electronically transmitted.

### C. Special Taxing District/Nonpartisan Election Notices

The governing body of a special taxing district must provide various public notifications before conducting an election that is not held concurrently with a general election. [A.R.S. § 16-226\(B\)](#); [A.R.S. § 16-227\(A\)](#).<sup>39</sup>

- A special taxing district must call an election at least 150 days in advance of an election, except for elections called pursuant to [A.R.S. § 19-209](#), [A.R.S. § 16-226\(A\)](#). “Calling” an election means the governing board of the special taxing district must officially inform the applicable Board of Supervisors or officer in charge of elections that the district intends to conduct an election.
- In addition, the special taxing district must also issue a “call of election” to the public by publishing the “call of election”, at least two times and at least one week apart, in a newspaper of general circulation covering the jurisdiction between 132 and 90 days before the election. [A.R.S. § 16-227\(A\)](#). Alternatively, the special taxing district may mail the “call of election” to each household containing a qualified elector at least 90 days before the election. [A.R.S. § 16-227\(B\)](#).
- Finally, a special taxing district must issue a “notice of election,” which is like the call of election but intended as the final public notice in advance of a special taxing district election. [A.R.S. § 16-228\(A\)-\(B\)](#). A special taxing district that conducts a ballot by mail election need only issue the notice specified in [A.R.S. § 16-228\(C\)-\(D\)](#). Notice requirements specific to fire district or irrigation and water conservation district bond elections can be found at [A.R.S. § 48-806\(A\)](#) and [A.R.S. § 48-3190\(A\)](#), respectively.

A special taxing district must file an affidavit certifying compliance with federal and state law with the applicable Board of Supervisors at least five days before holding a nonpartisan election. [A.R.S. § 16-229](#).

### V. PREPARATION OF BALLOTS

The County Board of Supervisors is responsible for preparing the official ballot to be used in federal, statewide, legislative, and countywide elections. [A.R.S. § 16-405](#); [A.R.S. § 16-503\(A\)](#). The Board of Supervisors may delegate this responsibility to the officer in charge of elections.

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<sup>39</sup> A.R.S. §§ 16-225 to 16-229 outline various requirements for holding “nonpartisan” elections. [A.R.S. § 16-226\(B\)](#) defines nonpartisan elections (for purposes of those statutes) as elections of special taxing districts not held concurrent with the general election.



## A. Official Ballot Format

### 1. Form and Content of the Ballot

#### a. Requirements for All Ballots

##### i. Paper Type

All official ballots must be printed with black ink on white paper of sufficient thickness to prevent the printing from being discernible on the reverse side the ballot. [A.R.S. § 16-468\(2\)](#); [A.R.S. § 16-502\(A\)](#).

##### ii. Font

The ballot must use the same font and color template throughout the ballot. [A.R.S. § 16-502\(A\)](#), [\(C\)](#). The only color exception is for a political party indicator or stripe to be printed on official ballots used for a partisan primary election or PPE. See [Chapter 7, Section III\(A\)](#) and [Chapter 8, Section V\(A\)\(1\)\(b\)](#).

The ballot must use the same font size within each category on the ballot (for example, all candidate names for a particular race must be printed in the same font size), which must be printed in no less than 8-point font if practicable. However, ballot measure numbers must be printed in at least 12-point font. The officer in charge of elections may adjust spacing between the letters on a ballot to accommodate space limitations.

##### iii. Early Ballot Designation

Early ballots, including ballots-by-mail and in-person early ballots, shall be identical to regular ballots, except that early ballots shall have the word “early” printed or stamped on them. [A.R.S. § 16-545\(A\)](#).

##### iv. Spacing and Heading

The ballot must contain sufficient spacing between races and sections to enable the voter to clearly understand the ballot.

On the front side, the ballot must be headed with the phrase “Official Ballot” in bold-faced plain letters, with a heavy rule above and below the heading. The ballot may not contain any other statement or matter printed above the “Official Ballot” header. [A.R.S. § 16-502\(A\)](#).

Immediately below the “Official Ballot” heading, the following components must be printed in the following order:

- A subheading that specifies the type of election (general, primary, or special), the election date, and the name of the county and state holding the election;
- Instructions to the voter how to properly mark the ballot; and

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- The various candidate names and/or ballot measures. [A.R.S. § 16-502\(A\), \(C\)](#).

v. Candidate Races

For candidate races, the official ballot must:

- Arrange the candidate names according to [A.R.S. § 16-502\(C\)](#) in column format, starting with the left-hand column;
- List the name of the office to be filled at the head of each portion of the column;
- List the district number, division number, or other jurisdictional name/number to the right of the office name to be filled, if applicable;
- Include the designation “Vote for not more than \_\_\_\_\_” below the name of each office to be filled to indicate the appropriate number of candidates to select;
- List candidate names according to last name, followed by first name and any nickname;
  - The officer in charge of elections may: (1) shorten or truncate a candidate’s name (with the candidate’s consent) in order to fit the candidate’s name on the ballot; and/or (2) decline to print the candidate’s requested nickname if it suggests reference to professional, fraternal, religious, or military titles.
- Contain a location for the voter to place a mark to vote for their candidate of choice to the right or left (and on the same line) of each candidate’s name;
- Contain the candidate’s political party designation in bold-faced letters next to the candidate’s name (for partisan races only); and
- Contain blank lines that correspond to the number to elect placed below the last candidate name for a particular office, along with a location for the voter to place a mark next to their write-in candidate(s) of choice.

[A.R.S. § 16-502\(C\)-\(G\)](#); [A.R.S. § 16-311\(G\)](#); [A.R.S. § 16-341\(C\)](#).

Additionally, the ballot must contain the name or number of the precinct in which the ballot will be utilized, and may include the precinct part or ballot style code. [A.R.S. § 16-502\(A\)](#).

**b. Additional Requirements for Primary Election Ballots**

In addition to the specifications outlined in [Section V\(A\)\(1\)\(a\)](#) above, primary election ballots must comply with the following additional requirements.

Primary election ballots must be printed with a particular color to indicate the political party ballot. [A.R.S. § 16-461\(B\)](#). The ballot may be printed on colored stock or on white stock with a distinctive color indicator such as a stripe. The following colors represent the recognized political parties:

- Blue: Democratic Party
- Green: Green Party

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- Yellow: Libertarian Party
- Red or Salmon: Republican Party

The officer in charge of elections may use varying hues of the requisite colors, but may not select entirely different colors as substitutes for the requisite colors. The primary election ballot displayed in accessible voting equipment must also utilize a color designation for each political party. [A.R.S. § 16-446\(B\)\(9\)](#).

If the number of recognized party candidates in a particular race exceeds the number to elect, the officer in charge of elections must rotate candidate names in that particular race by precinct so that each candidate will appear substantially an equal number of times in each possible location for the particular race across all primary election ballots. If the number of candidates in a particular race is less than or equal to the number to elect, the candidates' names must be listed in alphabetical order by last name and no rotation is required. [A.R.S. § 16-464\(A\)](#).

If more persons file nomination petitions for the office of precinct committeeman than the number to elect in a particular precinct, the county officer in charge of elections must prepare a separate ballot style that includes the office of precinct committeeman for the voters registered with that political party in that precinct. [A.R.S. § 16-822\(C\)](#). The position of the precinct committeemen candidate names must be drawn by lot at a public meeting called by the Board of Supervisors for that purpose. [A.R.S. § 16-464\(B\)](#). This ballot style, which includes all the races in the precinct and the precinct committeeman race, must be provided only to voters registered with that political party in the precinct. [A.R.S. § 16-822\(C\)](#).

**c. Additional Requirements for General Election Ballots**

In addition to the specifications outlined in [Section V\(A\)\(1\)\(a\)](#) above, general election ballots must comply with the following additional requirements.

For partisan candidate races, the official ballot must list candidates in a particular race in the following descending order:

- Candidates who are registered with a recognized political party that appeared on the gubernatorial ballot in the most recent general election for the office of governor, listed in the order that corresponds to the number of votes for each party's gubernatorial candidate in that county;
- Candidates who are registered with a recognized political party that did not appear on the gubernatorial ballot in the most recent general election for the office of governor, listed in alphabetical order by last name; and
- Independent candidates who were nominated pursuant to [A.R.S. § 16-341](#) (along with a three-letter designation determined by the filing officer), listed in alphabetical order by last name. [A.R.S. § 16-502\(E\)](#).

If there are two or more candidates of the same political party for the same office, or more than one candidate for a judicial office, the names of all such candidates in the particular race must be

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rotated so that each candidate will substantially appear an equal number of times in each possible location. However, if the number of candidates in a particular race is less than or equal to the number to elect, the candidates' names must be listed in alphabetical order by last name and no rotation is required. [A.R.S. § 16-502\(E\), \(H\)](#).

In general elections with a presidential candidate on the ballot, presidential electors' first and last names must be listed in alphabetical order (according to last name). The presidential and vice-presidential candidates' last names must be printed in bold and placed adjacent to the elector names, with the presidential candidate's name printed above the vice-presidential candidate's name. [A.R.S. § 16-502\(C\)\(1\)](#).

For ballot measures, the officer in charge of elections must use one of the following methods to describe the measure:

1. Print the full text of the measure on the ballot;
2. Print a summary of the measure that contains a statutorily-prescribed heading, an official title, a descriptive title, and a summary that describes the measure's effect; or
3. Print a summary of the measure that contains an alternative heading and a summary that describes the measure's effect, but omits the official title and descriptive title (see below for specific requirements).

The ballot must contain the words "Yes" and "No" or "For \_\_\_\_" and "Against \_\_\_\_", along with a space for the voter to mark their choice, below the description of the ballot measure. [A.R.S. § 19-125\(B\)-\(F\)](#); [A.R.S. § 16-502\(L\)-\(N\)](#).

**d. Additional Requirements for PPE Ballots**

Similar to a partisan primary election ballot, a PPE ballot must distinguish political party ballots by color and contain candidate names for only that political party. [A.R.S. § 16-245\(A\)](#). Otherwise, PPE ballots must comply with the following specific requirements.

A PPE ballot must contain the following information in descending order:

- The following header at the top of the ballot:  
"Official Ballot of the \_\_\_\_\_ Party,  
Presidential Preference Election (date),  
County of \_\_\_\_\_,  
State of Arizona"
- The title "\_\_\_\_\_ Party Candidates for President of the United States;"
- The text "Vote for not more than one;" and
- The political party candidates certified to appear on the ballot. [A.R.S. § 16-245\(A\)-\(B\)](#).

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The ballot also may contain printed instructions to voters as prescribed for other elections (see below for specific instructions). [A.R.S. § 16-245\(B\)](#).

Unlike all other ballots, candidate order is determined by lot drawn at a public meeting conducted by the Secretary of State. The officer in charge of elections must print candidate names in the order and format specified by the Secretary of State, without rotation of candidate names. [A.R.S. § 16-245\(B\)](#). Write-in votes are not permitted, and no other elections may be combined with a PPE ballot. [A.R.S. § 16-241\(A\)](#); [A.R.S. § 16-247](#).

A PPE ballot must comply with any other ballot format requirements in [Section V\(A\)\(1\)\(a\)](#) that are not inconsistent with this Section.

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## 2. Ballot Marking Instructions

Immediately below the subheading that specifies the type of election, the election date, and the name of the county and state holding the election, an official ballot may contain the following voter instructions:

1. Put a mark according to the instructions next to the name of each candidate for each office for whom you wish to vote.
2. If you wish to vote for a person whose name is not printed on the ballot, write such name in the blank space provided on the ballot or write-in envelope and put a mark according to the instructions next to the name so written.
3. Put a mark according to the instructions next to the word “yes” (or “for”) for each proposition or question you wish to be adopted. Put a mark according to the instructions next to the word “no” (or “against”) for each proposition or question you wish not to be adopted.

[A.R.S. § 16-502\(A\)](#). The officer in charge of elections may add additional instructions to the ballot as needed.

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## 3. Order of Candidate Races

### a. Partisan Candidate Offices

Partisan candidate races must be listed in the following order in the partisan section of the ballot:

1. Presidential electors;
2. U.S. Senator;
3. U.S. Representative;
4. Governor;
5. State Senator;
6. State Representative;

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- [A.R.S. § 16-502\(D\)](#) requires state legislative candidates' names to appear directly below the gubernatorial candidates' names. In election years where there are no gubernatorial candidates on the ballot, legislative candidates' names must still appear before statewide offices.
7. Secretary of State;
  8. Attorney General;
  9. State Treasurer;
  10. Superintendent of Public Instruction;
  11. State Mine Inspector;
  12. Corporation Commissioner;
  13. County Offices;
    - The officer in charge of elections may determine the ballot order for County Supervisor, County Assessor, County Attorney, Clerk of the Superior Court, County Recorder, County School Superintendent, County Sheriff, and County Treasurer.
  14. Justice of the Peace; and
  15. Constable.

[A.R.S. § 16-502\(C\)](#). Candidate races not up for election must be omitted from the ballot. Precinct Committeemen must be included on a separate ballot style only for voters registered with the particular political party. See [Chapter 8, Section V\(A\)\(1\)\(b\)](#). PPE ballots are subject to different requirements. See [Chapter 8, Section V\(A\)\(1\)\(d\)](#).

**b. Nonpartisan Candidate Offices**

Subject to the exceptions outlined below, the following nonpartisan candidate races must be listed in order in the nonpartisan section of the ballot:

1. Justice of the Supreme Court;
2. Judge of the Court of Appeals (Division 1);
3. Judge of the Court of Appeals (Division 2);
4. Judge of the Superior Court (retention in Maricopa, Pima, and Pinal Counties);
5. Judge of the Superior Court (election in Apache, Cochise, Coconino, Gila, Graham, Greenlee, La Paz, Mohave, Navajo, Santa Cruz, Yavapai, and Yuma Counties).
6. Governing Board Member of a School District;
7. Governing Board Member of a Community College District;
8. Governing Board of a Joint Technical Education District;
9. Governing Board Member of a Special Taxing District;

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10. City or Town Mayor;
11. City or Town Council Member.

[A.R.S. § 16-502\(J\)](#). The following exceptions apply to candidate order in the nonpartisan candidate section:

- The officer in charge of elections may reasonably adjust the nonpartisan candidate order in order to avoid printing on the reverse side of the ballot, to achieve uniformity with the reverse side of the ballot, or to eliminate blank space;
- A recall election involving a candidate who was originally elected in a partisan race should be listed in the partisan section of the ballot, and (if applicable) in the section of the partisan ballot where candidate's race was originally positioned, [A.R.S. § 19-213](#); and
- An election to fill the vacant unexpired term of a nonpartisan office must appear under separate heading immediately below the nonpartisan candidates and shall include the expiration date of the term of the vacated office. [A.R.S. § 16-502\(K\)](#); [A.R.S. § 15-424\(F\)](#).

Candidate races not up for election (or judicial offices not up for retention) should be omitted from the ballot.

i. Determining Judicial Offices Subject to Retention

Following appointment, a justice or judge (including superior court judges in counties with a population that exceeds 250,000) serves an initial 2-year term before seeking retention in office. [Ariz. Const. Art. VI, § 37\(C\)](#). Thereafter, justices and judges serve 6-year terms between retention elections. [Ariz. Const. Art. VI, § 4](#); [Ariz. Const. Art. VI, § 37\(C\)](#); [A.R.S. § 12-101](#); [A.R.S. § 12-120.01\(B\)](#).

Supreme Court justices appear on the ballot for retention in all Arizona counties.

For the 16 judges in Division 1 of the Court of Appeals, which covers Maricopa, Yuma, La Paz, Mohave, Coconino, Yavapai, Navajo, and Apache Counties:

- The ten judges appointed from Maricopa County in Division 1 of the Court of Appeals must appear on the Maricopa County ballot for retention;
- The five judges appointed from Yuma County, La Paz County, Mohave County, Coconino County, Yavapai County, Navajo County or Apache County in Division 1 of the Court of Appeals must appear on these 7 counties' ballots for retention;
- Retention of the 16th judge in Division 1 of the Court of Appeals depends on the county of residence:
  - If the judge was appointed from Maricopa County, that judge must appear on the Maricopa County ballot for retention;

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- If the judge was appointed from Yuma County, La Paz County, Mohave County, Coconino County, Yavapai County, Navajo County or Apache County, that judge must appear on these 7 counties' ballots for retention.

[A.R.S. § 12-120.02\(A\).](#)

For the six judges in Division 2 of the Court of Appeals, which covers Pima, Pinal, Cochise, Santa Cruz, Greenlee, Graham, and Gila Counties:

- The four judges appointed from Pima County in Division 2 of the Court of Appeals must appear on the Pima County ballot for retention; and
- The two judges appointed from Pinal County, Cochise County, Santa Cruz County, Greenlee County, Graham County, or Gila County in Division 2 of the Court of Appeals must appear on these six counties' ballots for retention.

[A.R.S. § 12-120.02\(A\)-\(B\).](#)

Superior court judges appear on the ballot for retention in the county in which they were elected or appointed. [Ariz. Const. Art. 6, § 37\(B\).](#)

The Arizona Commission on Judicial Performance must notify the Secretary of State which justices and judges are up for retention in a particular general election. [A.R.S. § 19-123\(A\)\(5\); A.R.S. § 19-124.01.](#)

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#### **4. Political Party Designations**

In a partisan race where a candidate sought a political party nomination by primary, the officer in charge of elections must place a three-letter designation to the right of the candidate's name that corresponds to the party designated in the candidate's nomination paper. [A.R.S. § 16-502\(E\).](#)

The following three-letter designations correspond to the current or recently recognized political parties:

- DEM: Democratic Party
- GRN: Green Party
- LBT: Libertarian Party
- REP: Republican Party

In a partisan race where an independent candidate sought a nomination other than by primary, the officer in charge of elections must determine a three-letter designation based on the three-word designation in the candidate's nomination paper. [A.R.S. § 16-341\(D\); A.R.S. § 16-502\(E\).](#)

A political party selection of "independent" must be designated as "IND" on the general election ballot. Otherwise, the officer in charge of elections has sole discretion how to translate other non-recognized political party selections into three-letter designations (except that independent



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candidates may not be designated as “DEM,” “GRN,” “LBT,” or “REP” on the general election ballot).

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**5. Special Provisions for Ballot Measures**

**a. Numbering Ballot Measures**

For any measure that has qualified for the ballot, the officer in charge of elections must assign a three-digit proposition or question number based on the ballot measure type:

- Constitutional Initiative: 100 series
  - A “constitutional initiative” is brought about by petition and represents the citizens’ effort to amend the Arizona Constitution.
- Constitutional Referral: 100 series
  - A “constitutional referral” is a proposed constitutional amendment referred to the general election ballot by the Arizona Legislature.
- Statutory Initiative: 200 series
  - A “statutory initiative” is brought about by petition and represents the citizens’ effort to amend, add, or strike a statute.
- Statutory Referral: 300 series
  - A “statutory referral” is a statutory measure referred to the general election ballot by the Arizona Legislature.
- Citizen Referendum: 300 series
  - A “citizen referendum” is brought about by petition and represents the citizens’ effort to veto a bill recently passed by the Arizona Legislature or other local government body.
- Local charter amendment, initiative, referendum, bond measure, or budget override: 400 series

Propositions or questions within a jurisdiction must be numbered consecutively based on the order filed with the officer in charge of elections. Individual numbers continue from the last number used in the previous election and do not repeat until all 100 numbers in that series have been used. [A.R.S. § 19-125\(B\)](#). For non-statewide ballot measures appearing on the ballot in multiple counties, unless otherwise agreed upon by the applicable counties, the county with the highest population of voters shall assign the number for the ballot measure and, where practicable, other counties shall use that same number for the same ballot measure in order to minimize voter confusion.

The proposition or question number must be printed in reverse type (white type on black background) in at least 12-point font. [A.R.S. § 19-125\(C\)](#). For example, a statutory initiative designated as Proposition 205 must be printed on the ballot as follows:

**PROPOSITION 205**

**PROPOSICIÓN 205**

***b. Order of Ballot Measures***

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Ballot measures must appear on the ballot in the following order, below any nonpartisan candidate races in the nonpartisan section of the ballot:

- State constitutional amendments;
- Statewide statutory initiatives;
- Statewide referenda;
- County ballot measures, including school district, joint technical education district, and community college district ballot measures;
  - The officer in charge of elections may determine the ballot order for county initiatives, county referenda, county school district bond measures, county school district budget overrides, community college district bond measures, community college district budget overrides, special taxing district bond measures, and special taxing district budget overrides.
- City or town ballot measures; and
  - The city or town clerk may determine the ballot order for city charter amendments, city or town initiatives, and city or town referenda.
- Special taxing district ballot measures.

[A.R.S. § 16-502\(L\)](#); [A.R.S. § 19-125\(B\)](#). Ballot measures types that will not be voted on in the election should be omitted from the ballot.

***c. Printing Initiatives and Referenda on the Ballot***

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The officer in charge of elections may use one of the three methods to print initiatives and referenda (including legislative referrals) on the official ballot:

1. Print the full text of the measure on the ballot, followed by the words “**yes**” and “**no**” or “**for** \_\_\_\_\_” and “**against** \_\_\_\_\_” for the voter to mark their choice;
2. Print a standard summary of the measure that contains a statutorily-prescribed heading, an official title, a descriptive title, and a summary that describes the measure’s effect (see below for specific requirements); or
3. Print a condensed summary of the measure that contains an alternative heading and a summary that describes the measure’s effect, but omits the official title and descriptive title (see below for specific requirements).

***i. Standard Summary of the Measure***

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If the officer in charge of elections chooses the standard summary option (printing a statutorily-prescribed heading, an official title, a descriptive title, and an analysis of the measure’s potential effect), the following requirements apply.

Below the proposition number, the officer in charge of elections must print one of the following **headings**, as applicable:

- Constitutional Initiative: “Proposed Amendment to the Constitution by the Initiative;”
- Constitutional Referral: “Proposed Amendment to the Constitution by the Legislature;”
- Statutory Initiative: “Proposed by Initiative Petition;”
- Statutory Referral: “Referred to the People by the Legislature;” or
- Citizen Referendum: “Referendum Ordered by Petition of the People.”

An **official title** must be printed below the prescribed heading. The official title comprises a description of the constitutional or statutory provisions being amended, added, or deleted by the measure. This information is drawn from the introductory portion of the initiative or referendum itself.

A **descriptive title** must be printed below the official title. The descriptive title constitutes a summary of the principal provisions of the measure, not to exceed 50 words.

Finally, an **analysis of the potential effect** of a “yes” or “no” vote on the measure must be printed below the descriptive title. Each analysis must begin with following introductory phrases:

A “yes” vote shall have the effect of \_\_\_\_\_.

A “no” vote shall have the effect of \_\_\_\_\_.

The “yes” line must be filled with a “brief phrase” that describes the essential change to existing law should an initiative or referral receive a majority of votes cast in the election. The “no” must be filled with a “brief phrase” that describes how the status quo will be maintained should the measure not receive a majority of votes. For a citizen referendum, a “yes” vote has the effect of approving the enactment passed by the Legislature and allowing the bill to go into effect, whereas a “no” vote essentially constitutes a citizens’ veto and prevents the bill from going into effect.

Below the ballot measure analysis, the officer in charge of elections must print the words “yes” and “no” for the voter to mark their selection on the ballot.

For statewide ballot measures, the heading, official title, descriptive title, and “yes/no” analysis are drafted by the Secretary of State and approved by the Attorney General before being provided to the officer in charge of elections for printing on the ballot. For local ballot measures, the local jurisdiction is responsible for drafting the heading, official title, descriptive title, and “yes/no” analysis.

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[A.R.S. § 19-125\(C\)-\(D\)](#); [A.R.S. § 19-141](#).

ii. Condensed Summary of the Measure

In lieu of printing the full standard summary of a measure that includes the official title and descriptive title, the officer in charge of elections may print an alternative summary on the ballot that contains the following information below the proposition number:

1. One of the following methods of designating the measure in the ballot header:
  - The standard header, as prescribed for the standard summary above:
    - Constitutional Initiative: “Proposed Amendment to the Constitution by the Initiative”
    - Constitutional Referral: “Proposed Amendment to the Constitution by the Legislature”
    - Statutory Initiative: “Proposed by Initiative Petition”
    - Statutory Referral: “Referred to the People by the Legislature”
    - Citizen Referendum: “Referendum Ordered by Petition of the People”; *or*
  - The word “Proposition,” “Question,” or “Charter Amendment” (as applicable), followed by the phrase “relating to \_\_\_\_\_” and inserting the subject matter of the measure;
2. One of the following methods of explaining the effect of the measure:
  - An analysis of the potential effect of a “yes” or “no” vote on the measure as prescribed for the standard summary above; or
  - The full text of the measure;<sup>40</sup>
3. The words “yes” and “no” for the voter to mark their selection on the ballot; and
4. Instructions that direct the voter to the official title, descriptive title, and full text of the measure as printed on the sample ballot and posted in the voting location.

[A.R.S. § 16-502\(M\)](#); [A.R.S. § 19-125\(E\)](#); [A.R.S. § 16-502\(N\)](#); [A.R.S. § 19-125\(F\)](#).

In other words, this alternative summary allows the officer in charge of elections flexibility to omit the official title, descriptive title, and full text of the measure from the official ballot due to space limitations.

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<sup>40</sup> The full text of the measure need not be printed on the ballot itself, but may be printed on a separate insert (a “tablecloth”) that accompanies the sample ballot. The full text must be made available at each voting location as well. [A.R.S. § 16-502\(N\)](#); [A.R.S. § 19-125\(F\)](#).

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The alternative heading and “yes/no” analysis are drafted by the Secretary of State and approved by the Attorney General before being provided to the officer in charge of elections for printing on the ballot. [A.R.S. § 19-125\(D\)](#).

### B. Proofing Ballots

The officer in charge of elections must proof the official ballot (in all languages and in all formats, including ballots displayed and spoken in accessible voting equipment) prior to distributing the ballots for voting purposes.

### C. Sending Ballot Proofs to Candidates and Political Parties

At least 45 days before a primary or general election (unless a shorter time is available due to the pendency of a lawsuit), the officer in charge of elections should send a proof of the official ballot to:

- Each candidate (or candidate’s agent) who will appear on the ballot; and
- The county chairperson of each recognized political party that will have at least one candidate on the ballot.<sup>44</sup>

By statute, the officer in charge of elections must send a proof of the official ballot at least 45 days before a primary or general election. A.R.S. § 16-461(A)(2)-(3); A.R.S. § 16-510(A). Despite the 45-day statutory requirement, however, officers in charge of elections are encouraged to send ballot proofs at least 60-days before a primary or general election to allow sufficient time to make changes to the ballot before the UOCAVA mailing deadline. See Chapter 2, Section I(D).

▲  
The officer in charge of elections may send the ballot proof by mail, email, or any other method of delivery. The candidate/candidate’s agent and/or county chairperson must inform the officer in charge of elections of any errors or omissions in the ballot proof within five calendar days after receipt. [A.R.S. § 16-461\(B\)](#).

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<sup>44</sup> ~~By statute, the officer in charge of elections must send a proof of the official ballot at least 45 days before a primary or general election. A.R.S. § 16-461(A)(2)-(3); A.R.S. § 16-510(A). See also A.R.S. § 16-503(A) (requiring the officer in charge of elections to make the official ballot available for inspection by candidates or the agents ten days before the election); A.R.S. § 16-503(A), (C) (requiring the governing body of a city, town, or special taxing district to make the ballot available five days before the election). The 60 day period has been selected to allow sufficient time to make changes to the ballot before the UOCAVA mailing deadline. See Chapter 2, Section I(D).~~

#### **D. Financial Responsibility for Printing Ballots**

Official ballots used in federal, statewide, legislative, and county elections must be printed at county expense. Expenses for ballots used in city, town, or special taxing district elections must be borne by the applicable city, town, or special taxing district. [A.R.S. § 16-503\(B\)-\(C\)](#).

For ballots that contain races from multiple jurisdictions, the officer in charge of elections may contract with a city, town, or special taxing district to reimburse the county for the proportional amount of printing expenses.

#### **E. Storage and Security of Ballots**

The officer in charge of elections must implement security procedures to ensure that official ballots are properly secured prior to distribution to voting locations.

For security reasons, official ballots:

1. Must be inventoried upon receipt and prior to distribution to voting locations;
2. May be accessed by elections staff only to the extent necessary to perform their authorized task;
3. Must be stored in a locked, secured location that prevents unauthorized access;
  - Access to ballots must be authorized by the officer in charge of elections. Access to the ballot storage location (the outer access area, not each individual cage or storage unit) must be documented with a written log or with electronic keycard access that indicates the date, time, and identity of the person accessing the ballots. The electronic log for key card access must be accessible but need not be printed out.
4. Must be witnessed by two or more election staff members (of different political parties if possible) when being moved or transferred, which includes an inventory of the ballots before and after the move or transfer.

The officer in charge of elections shall also implement reasonable security procedures for auditing and accountability of blank ballot stock for use with on-demand printers.

#### **F. Sample Ballots**

The officer in charge of elections must prepare sample ballots for each primary and general election. [A.R.S. § 16-461\(A\)](#); [A.R.S. § 16-510](#). A sample ballot provides voters who intend to vote in-person on Election Day advanced notice of the candidates and issues that will appear on their ballot.

##### **1. Preparing Sample Ballots**

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Sample ballots:

- May be printed on a single page or multiple pages;
- May not indicate the name or identity of any public official who prepared the sample ballot or to whom the sample ballot must be returned; [A.R.S. § 16-461\(F\)](#);<sup>42</sup>
- Must be imprinted with the Great Seal of the State of Arizona for elections involving a federal, statewide, or legislative candidate or statewide ballot measure; alternatively, the seal of the appropriate county, city or town (whichever corresponds to the highest-level jurisdiction with a candidate or measure on the ballot) may be imprinted in lieu of the state seal; [A.R.S. § 16-461\(G\)](#); and
- Must include the following warning in a conspicuous location on the ballot: “This is a sample ballot and cannot be used as an official ballot under any circumstances.” [A.R.S. § 16-461\(D\)](#).

Primary election sample ballots are subject to additional requirements, as they must be printed with a different color (or contain a distinctive color indicator) that corresponds to the recognized political party appearing on that ballot. [A.R.S. § 16-468\(2\)](#). Sample ballots to be mailed to voters who are not registered with a recognized political party:

- May contain all political party candidates on the same sample ballot; and
- May be printed in alternative paper formats that do not conform to the same size as an official ballot, including a reduced size ballot. [A.R.S. § 16-461\(B\)](#).

For a general election involving a ballot measure, the officer in charge of elections must print the official title and descriptive title on the ballot and include the full text of the measure with any mailing. The full text of the measure need not be printed on the ballot itself, but may be printed on a separate insert (a “tablecloth”) that accompanies the sample ballot. [A.R.S. § 16-502\(N\)](#); [A.R.S. § 19-125\(F\)](#).

Ballots should be prepared in sufficient time for proofs to be transmitted to candidates at least 45 days before the election. For primary elections, the officer in charge of elections must transmit the ballot proofs to political parties as well. [A.R.S. § 16-461\(A\)](#). If a county conducts an election on behalf of a local jurisdiction, the officer in charge of elections may transmit the ballot proofs to the local filing officer, who in turn must forward the proofs to the applicable candidates for approval.

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## **2. Printing and Mailing Official Sample Ballots to Households**

At least 11 days before a primary or general election (except for all ballot-by-mail elections), the County Board of Supervisors is responsible for printing and mailing a sample ballot to each household containing at least one active registered voter who is not on PEVL. [A.R.S. § 16-](#)

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<sup>42</sup> The public official’s name may only appear in the candidate section of the ballot, if applicable.

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[461\(D\)](#); [A.R.S. § 16-510\(C\)](#); *see also* [A.R.S. § 16-193\(2\)](#). The Board of Supervisors may delegate this responsibility to the County Recorder or other officer in charge of elections.

The sample ballot mailing:

- Must contain the appropriate sample ballot or ballots that correspond to the political party preference of the eligible voters in the household (for primary elections only);
- Must contain the words “Official Voting Materials” on the outgoing envelope or mailer face mailed to voters, [A.R.S. § 16-461\(G\)](#);
- Must include the list of acceptable forms of identification to vote at a voting location pursuant to [A.R.S. § 16-579\(A\)\(1\)](#); and
- Must contain the statement (for assigned polling place elections only): “Have you moved? You MUST go to the polling place designated for your CURRENT RESIDENCE ADDRESS. If you go to the WRONG polling place, your (provisional) ballot will NOT COUNT.”

### 3. Sample Ballots at Voting Locations

The Board of Supervisors is responsible for printing and distributing at least two official sample ballots of each ballot style for use at polling places during the primary and general election. [A.R.S. § 16-510\(B\)](#). The sample ballots must correspond to the appropriate official ballots for the polling place and be contained in the precinct supplies for that location. The Board of Supervisors may delegate this responsibility to the officer in charge of elections.

Sample ballots need not be provided to vote centers if the vote center is able to print sample ballots upon request.

The officer in charge of elections must make the sample ballots available in plain view or post a notice at voting locations that sample ballots are available upon request. [A.R.S. § 16-461\(B\)](#).

### 4. Financial Responsibility for Preparing and Mailing Sample Ballots

The Board of Supervisors shall seek reimbursement from the Secretary of State for each sample ballot mailed to a county household. [A.R.S. § 16-510\(C\)](#). *See* [Chapter 12, Section IV\(C\)](#).

## VI. LANGUAGE MINORITY VOTING MATERIALS

After the U.S. Supreme Court’s decision in *Shelby County v. Holder*, 570 U.S. 529 (2013), the State of Arizona is no longer a covered jurisdiction required to provide all voting materials in Spanish under the federal Voting Rights Act, Sections 4(b), 4(f)(3), and 4(f)(4). Nonetheless, counties and other political subdivisions are strongly encouraged to continue to provide voting materials in Spanish, as well as other languages previously required in the county.



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The following counties are currently independently covered under Section 203 of the Voting Rights Act and therefore have an obligation to print (in the case of written languages) and/or provide (in the case of oral languages) voting materials in additional languages for the following language minority groups:

- Apache County: Navajo
- Coconino County: Navajo
- Gila County: Apache
- Graham County: Apache
- Maricopa County: Spanish
- Navajo County: Navajo
- Pima County: Spanish
- Pinal County: Apache
- Santa Cruz County: Spanish
- Yuma County: Spanish

Voting Rights Act Amendments of 2006, Determinations Under Section 203, 81 FR 87532-01 (Dec. 5, 2016), available at <https://www.gpo.gov/fdsys/pkg/FR-2016-12-05/pdf/2016-28969.pdf>.

A covered jurisdiction must determine which language, forms of languages, or dialects will be effective in meeting the requirements of the Voting Rights Act. [28 C.F.R. § 55.11](#).

The following sections describe the minority language requirements in greater detail.

**A. Voting Materials Required To Be in Minority Language(s)**

If a covered jurisdiction is required to provide language assistance, all materials distributed to (or provided for the benefit of) voters must be printed in the required language(s), [28 C.F.R. § 55.19\(a\)](#), including:

- Registration and voting notices;
- Forms;
- Instructions;
- In-person assistance;
- Ballots (including accessible ballots and the accompanying audio translation); and
- Any other materials or information relating to the electoral process. [28 C.F.R. § 55.15](#).

A covered jurisdiction may attempt to use cost effective methods of compliance if they are equivalent in their effectiveness to more costly methods. [28 C.F.R. § 55.16](#). This may include implementing a system that provides translated voting materials to fewer than all registered

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voters, as long as the system is designed and implemented in a way that ensures language minority group members who need translated materials and assistance can receive them. [28 C.F.R. § 55.17](#).

Where the language of the applicable minority group is oral or unwritten, the covered jurisdiction is only required to provide oral instructions, assistance, or other information relating to registration and voting in the covered language. [52 U.S.C. § 10503\(c\)](#).

**B. Types of Elections Requiring Minority Language Voting Materials**

A covered jurisdiction must provide voting materials in the required language(s) for all elections within the covered jurisdiction, including the elections of each municipality, school district, or special taxing district within the covered jurisdiction. [28 C.F.R. § 55.10\(a\)-\(b\)](#); [28 C.F.R. § 55.9](#).

For offices that cross county lines, language minority voting material requirements are to be applied on a county-by-county basis. Accordingly, if an individual county is not a covered jurisdiction, that county does not need to provide bilingual voting materials. [28 C.F.R. § 55.10\(c\)](#).

**VII. PREPARATION OF SIGNATURE ROSTERS AND E-POLLBOOKS**

Prior to a statewide primary or general election, the County Recorder must prepare paper signature rosters and precinct registers or e-pollbook data and distribute the rosters/data to the officer in charge of elections for use at each voting location on Election Day. [A.R.S. § 16-168\(A\)-\(B\)](#); [A.R.S. § 16-169\(A\)](#); [A.R.S. § 16-583\(A\)](#). A signature roster or e-pollbook serves as the official list of eligible voters (other than secured voters) for a particular voting location or election.<sup>43</sup>

If a County Recorder uses paper signature rosters, the rosters must be bound with a suitable cover and bear the title “signature roster \_\_\_\_\_ precinct, \_\_\_\_\_ county, Arizona” (if used in assigned polling place-assigned). The cover must contain the following affidavit for the inspector to sign:

“I, \_\_\_\_\_, inspector of the board of election of \_\_\_\_\_ precinct, \_\_\_\_\_ county, Arizona hereby certify that the foregoing (excepting signatures in red) are true and correct signatures of all electors who voted in precinct on \_\_\_\_\_.

(date)

(inspector)”

<sup>43</sup> For purposes of this Section, an e-pollbook includes a system whereby electronic tablets or computers are uploaded with voter registration data or are connected to a live voter registration database via a secure virtual private network (VPN) connection.

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[A.R.S. § 16-169\(B\)](#). An e-pollbook must be accompanied by an affidavit (equivalent to that specified for paper rosters) to be signed by the inspector on Election Day. [A.R.S. § 16-169\(C\)](#).

The County Recorder or other officer in charge of elections must have a back-up solution, such as a printed roster or other contingency plan, in case the e-pollbooks do not properly function on Election Day. [A.R.S. § 16-571\(C\)](#). The County Recorder or other officer in charge of elections must also implement cybersecurity protocols to ensure the integrity of e-pollbook data when e-pollbooks are electronically connected to county systems. See [Chapter 4, Section III\(B\)](#).

A County Recorder should ensure the signature roster or e-pollbook contains the most up-to-date information prior to printing or distribution. In particular, a County Recorder should check the DHS SAVE database to confirm eligibility for any registrant who submitted an Alien Registration Number, Naturalization Certificate Number, or Citizenship Certificate Number as proof of citizenship. See [Chapter 1, Section II\(A\)\(6\)](#). If time permits, the County Recorder should be prepared to print a supplement to the signature roster or conduct a last-minute upload to the e-pollbooks. In cases where the roster or e-pollbook cannot be timely updated, the County Recorder may issue a Recorder's Certificate to any affected registrants. See [Chapter 1, Section II](#).

A signature roster or e-pollbook must contain the following information:

1. Name;
2. Residence address;
3. Registration date and status (active/inactive); and
4. Party preference or registered party.

~~A signature roster or e-pollbook must also contain the following information, if practicable:<sup>44</sup>~~

- ~~1.5~~ Roster number, numbered consecutively; (paper signature roster only);
- ~~2.1~~ Birth year;
- ~~3.6~~ Mailing address (if different than residence address);
- ~~4.1~~ Ballot type/style, including political party ballot selected in a partisan primary;
- ~~5.7~~ Signature block (an early ballot affidavit may serve as the signature block when conducting on-site early voting or a ballot-by-mail election);

<sup>44</sup> Additional data, such as full dates of birth, may be transmitted to e-pollbook vendors to facilitate e-pollbook functionality provided the following requirements are met: (i) only data required for e-pollbook functionality shall be transmitted to e-pollbook vendors; (ii) the data shall be transmitted using secure methods, such as encryption or secure website or SFTP; (iii) the County Recorder or officer in charge of elections shall exercise best efforts to protect the confidentiality of registrant data transferred to vendors, including requiring the vendor to agree to reasonable confidentiality terms; and (iv) the vendor shall securely dispose of the transmitted data after it is no longer needed for the election at issue.

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~~6.1. Voter ID number;~~

~~7.8. "Federal-only" voter designation (if applicable);~~

~~8.1. Barcode (paper signature rosters only);~~

9. Indicator if voter requested, received, or returned an early ballot, as applicable;

A signature roster or e-pollbook must also contain the following information, if practicable:<sup>45</sup>

1. Birth year;

2. Ballot type/style, including political party ballot selected in a partisan primary;

3. Voter ID number;

4. Barcode (paper signature rosters only);

10.5. \_\_\_\_\_ A standardized oath that poll workers obtained valid proof of identity from every voter, or if identification was not presented, the provisional ballot envelope was marked appropriately.

A signature roster or e-pollbook may not contain secured registrants' information. If a county uses a tablet or computer terminal that has live access to the voter registration database via a secure virtual private network (VPN) connection, the system must be capable of shielding secured registrants' information from public view (or providing view access only to the secured registrant). See [Chapter 4, Section III](#).

For paper rosters, additional pages for inactive voters and voters who voted a provisional ballot must be included in any signature roster (either attached to the back of the roster, in a separate roster, or identified within the roster). If inactive voters are comingled with active voters on the signature roster, the inactive voters must be clearly identified and the officer in charge of elections must have the ability to identify and/or extract the inactive voter information after the election to update the voter registration record. For provisional ballot voters, the roster must be numbered consecutively starting with "V-1," "V-2," etc. [A.R.S. § 16-584\(E\)](#). E-pollbooks must also contain inactive voters and have a means of indicating which voters voted a provisional ballot.

<sup>45</sup> Additional data, such as full dates of birth, may be transmitted to e-pollbook vendors to facilitate e-pollbook functionality provided the following requirements are met: (i) only data required for e-pollbook functionality shall be transmitted to e-pollbook vendors; (ii) the data shall be transmitted using secure methods, such as encryption or secure website or SFTP; (iii) the County Recorder or officer in charge of elections shall exercise best efforts to protect the confidentiality of registrant data transferred to vendors, including requiring the vendor to agree to reasonable confidentiality terms; and (iv) the vendor shall securely dispose of the transmitted data after it is no longer needed for the election at issue.

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## VIII. PREPARATION OF VOTING SUPPLIES

### A. Materials to Be Distributed to Voting Locations

The following items should be included among supplies distributed to voting locations, as applicable:

1. Election board worker supplies:
  - Board workers' checklists;
  - Signature rosters, poll lists, and precinct registers (if paper signature rosters are utilized);
  - Challenge lists or forms;
  - Sample ballots (for assigned polling place elections), *see* [Chapter 8, Section V\(F\)](#);
  - Relevant election laws and training guides;
  - Provisional ballot envelopes or affidavits (*see* [Section VIII\(B\)](#) below);
  - Provisional ballot roster;
  - Ballot box keys; and
  - Demonstration ballots (ballots that contain marking instructions)
2. Signs:
  - Arrows;
  - "Vote Here" signs;
  - "Instructions to Voters" notice, *see* [Chapter 9, Section I\(A\)](#);
  - "Right to Vote a Provisional Ballot" notice, *see* [Chapter 9, Section I\(A\)](#);
  - "Handicap Parking" signs (if no permanent signs are available);
  - "Curbside Voting Available" signs (as needed); and
  - Write-in candidate notice, *see* [Chapter 9, Section I\(A\)](#);
3. Supply Bag:
  - Voting equipment manuals (if applicable);
  - Pens and/or pencils;
  - A method for measuring the 75-foot limit;
  - Masking tape; and
  - "I Voted" stickers (if available);
4. Official returns envelope;
  - Upon completion of the election, the official returns envelope must contain any spoiled ballots, a copy of the signature roster (paper jurisdictions only), and the

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challenge list/forms (if applicable). The envelope must be sealed with a pressure-sensitive label, and the inspector and judges are required to sign across the seal and onto the envelope. [A.R.S. § 16-615](#). If the voting location has a tabulation machine, the official returns envelope should also contain a copy of the results tape from the tabulation machine, printed immediately after the close of the polls.

5. Unofficial returns envelope (if necessary);
  - By statute, upon completion of the election, the unofficial returns envelope must contain completed payroll vouchers and any other items directed by the officer in charge of elections. The unofficial returns must be made available for inspection for six months after the election. [A.R.S. § 16-616](#); [A.R.S. § 16-551\(D\)](#). However, the use of e-pollbooks or other technology may render an unofficial returns envelope unnecessary if the technology electronically captures all the required information.
6. Payroll supplies:
  - Payroll voucher
7. Miscellaneous supplies:
  - ADA temporary equipment, including ramps, door props, door handles, etc. (as needed);
  - Magnifying sheets that may be used to magnify the text on a ballot;
  - Precinct map (assigned polling place elections only);
    - In assigned polling place elections, a poll worker may use the map to assist the voter in locating the correct polling place, but may also use an e-pollbook to identify the correct precinct or provide contact information (phone number or website) for the voter to contact the elections department or County Recorder's office. Alternatively, the poll worker may offer the option to vote a provisional ballot using the accessible voting equipment if the equipment is capable of displaying all ballot styles.
  - U.S. flag & stand;
  - Badges / name tags;
  - Secrecy sleeves that may be used to protect the secrecy of the voter's choices when carrying the ballot in the voting location;
  - Ballot boxes with seals;
  - Voting equipment, including e-pollbooks with seals, accessible voting equipment with seals, and tabulation equipment with seals (if applicable); and
  - Voting booths, including voting booths that are accessible for voters with a disability;
8. Ballots of each required ballot style or blank ballot stock.

## **B. Provisional Ballot Envelope and Affidavit**

A voted provisional ballot must be placed and sealed in a provisional ballot envelope. A provisional ballot envelope must have affixed to it an affidavit for the voter to complete and provide the following information:

1. First and last name;
2. Current residence address;
3. Current mailing address;
4. Former name, if any;
5. Former residence address, if any;
6. Date of birth;
7. Telephone number;
8. AZDL/ID# or SSN4;
9. Date (if necessary); and
10. A signature attesting to the following statement:

“I swear or affirm under penalty of perjury that the above information is correct, that I have resided in the precinct and/or district at least 29 days before the election, that I am eligible to vote in this election and that I have not previously voted in this election.

I know that my provisional ballot will only be counted if I have voted in the correct precinct, which is based on where I currently live. **I understand that voting in the wrong precinct or county means that my ballot will not be counted.**”

Counties may exhaust existing provisional ballot envelopes or affidavits before printing envelopes or affidavits with the updated language. Elections conducted through vote centers are exempt from utilizing the statement applicable to out-of-precinct voting. Counties may also capture this information and statements electronically, but the voter must sign the affidavit envelope.

The provisional ballot envelope or affidavit also must contain the following information for the poll worker to complete:

1. The reason why the voter was issued a provisional ballot;
2. An indication of whether the voter presented proper or insufficient identification;
3. Provisional ballot affidavit number;
  - The provisional ballot envelope should contain a tear-off stub for the voter to retain or the voter should be provided a provisional ballot receipt. Both the envelope affidavit and the receipt or tear-off stub should have matching provisional ballot affidavit numbers.

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4. Precinct number or voting location;
5. Type of party ballot issued, if applicable;
6. An indication of whether the ballot is a “federal-only” ballot; and
7. The poll worker’s signature.

The provisional ballot envelope may contain an “Official Use Only” section for County Recorder use, which may include (but is not limited to) the following information:

1. Voter ID number;
2. Type of ID provided;
3. Recorder staff member who processed provisional ballot;
4. Whether ballot was counted or not counted; and
5. Reason for rejection, if applicable.

## IX. IMPLEMENTING A WAIT TIME REDUCTION PLAN

“Wait time” is defined as the duration of time from when the voter arrives in line to the time the voter is provided a ballot or access to an accessible voting equipment to vote a regular ballot.

The officer in charge of elections must establish and approve a specific wait time reduction plan for each election to ensure that voters do not have to wait in lines at the voting location for more than 30 minutes. The factors outlined in the following sections are not exclusive. See [A.R.S. § 16-411\(J\)](#).

### A. Projecting Voter Turnout

The officer in charge of elections must project voter turnout at each voting location prior to the election to assure the location is adequately staffed and equipped to meet voter demand.

The officer in charge of elections should take into account the following information to project voter turnout:

1. The percentage of voter turnout from the prior two elections of a similar type;
2. The number of ballots (including regular, early, and provisional) cast in the prior two elections of a similar type, [A.R.S. § 16-411\(J\)\(1\)](#);
3. The number of registered voters, both active and inactive, [A.R.S. § 16-411\(J\)\(3\)](#);
4. The number of registered voters who requested an early ballot or are on the permanent early voting list, [A.R.S. § 16-411\(J\)\(2\)](#); and
5. The potential number of ineligible voters that could attempt to vote, especially during a PPE.



## B. Re-Precincting

If excessive wait times are likely to occur at a particular polling place, whether based on population growth or any other reason, the officer in charge of elections must consider redrawing precinct boundaries to reduce the likelihood of this possibility. [A.R.S. § 16-411\(J\)](#). This decision should be made well in advance of the election.

To determine whether recent or projected population growth warrants re-precincting, the officer in charge of elections should consider:

- The year-over-year growth in registered voters in the precinct; and/or
- The potential for future construction or land development in the precinct (based on information obtained from the county assessor, city clerk, or town clerk).

If the officer in charge of election concludes that precinct size would have an adverse impact on Election Day wait times, the officer should recommend redrawing the precinct in order to better allocate voters. In that case, the County Recorder must also transfer the affected voters into their newly-designated precinct.

The County Recorder must mail a new voter registration card to each affected voter, which satisfies the requirement to mail a notice of the precinct change. [A.R.S. § 16-412](#).<sup>46</sup>

The Board of Supervisors must approve all precinct lines by October 1 of an odd-numbered year. [A.R.S. § 16-411\(A\)](#). The new precinct boundaries become effective on January 2 of the year of the general election. [A.R.S. § 16-412](#). By January 2 of the following year, the officer in charge of elections must ensure all relevant maps and legal descriptions have been updated with the new precinct lines, voter registration records are updated, and new voter registration cards (with updated precincts) are issued to all affected voters. [A.R.S. § 16-412](#).

## C. Staffing and Supplying Voting Locations

The officer in charge of elections should deploy additional resources at voting locations where projected turnout (including both eligible and ineligible voters) is expected to exceed normal levels.

The officer in charge of elections should:

1. Determine the optimal number of poll workers, based on:
  - The projected time to check-in a voter and seek proof of identity;
  - The projected time involved in use of accessible voting devices;
  - The number of voters likely to cast provisional ballots;

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<sup>46</sup> The statute provides an exception if a sample ballot containing voters' newly-designated precinct name or number is mailed prior to the next primary election. See [A.R.S. § 16-412](#).

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- The number of independent voters who may seek to vote (if conducting a PPE); and
  - Any increased or unusual level of interest in the election.
2. Determine the proper number of signature rosters/e-pollbooks and voting equipment in order to keep up with demand;
  3. Recruit additional poll workers who will be assigned or remain in reserve on Election Day, including recruitment of students and other county workers;
  4. Conduct additional training for poll workers (including premium poll workers) assigned to high volume precincts;
  5. Ensure proper signage at all polling locations, including signs that will educate voters in line about how to proceed through the voting process efficiently;
  6. Determine the number of bilingual poll workers needed for each voting location;
  7. Empower the inspector to request additional poll workers and, in exceptional cases, recruit poll workers from the line with permission of the officer in charge of elections;
  8. Ensure the inspector is prepared to shift personnel, redistribute responsibilities, reorganize the voting location, or make any other changes that will facilitate efficiency and reduce wait times;
  9. Assign troubleshooters or equivalent staff who are capable of reaching any voting location within 30 minutes of being dispatched (if geographically feasible); and
  10. Ensure troubleshooters or equivalent staff have made prior contact with each inspector they oversee on Election Day, including a discussion about voting location layout and contingency plans.

#### **D. Conducting Voter Education**

The officer in charge of elections must educate voters by disseminating information that may help reduce wait times on Election Day, including, but not limited to, information on the following topics:

1. Voters must present a valid identification;
2. Voters' registration must be up-to-date;
3. Voters may only vote at their designated polling place based on their current address (assigned polling place elections only);
4. Peak voting times compared to times when wait times are likely shorter;
5. Information about any websites, phone apps, or other technology that facilitate the voting process or provide voter education;
6. Encourage voters to bring their sample ballots to the polls with selections already marked to help accelerate their voting process; and
7. Early voting and permanent early voting options.

Much of this information must be reported in the county's voter education report. See [Chapter 13, Section II](#).

### **E. Developing Contingency Plans**

The officer in charge of elections must have a contingency plan ready to implement if wait times consistently or significantly exceed 30 minutes. The contingency plan must include, but need not be limited to, the following:

1. A transfer plan for poll workers to move from a less busy location or from a reserve staging area;
2. A plan to open alternate voting locations (including a plan to educate voters about the new location);
3. A plan to add additional e-pollbooks (if used in the county);
4. A plan to add voting/secrecy booths; and
5. A plan to add accessible voting equipment.

To the extent practicable, a plan for implementing back-up paper systems should be available in case of electronic equipment failure or loss of power.

The marshal will monitor the voter wait time at a polling place, and must inform the inspector (who must, in turn, contact the officer in charge of elections) when the wait time reaches 20 minutes or more.

## **F. Emergency Procedures**

The ballot box shall not be removed from the voting location or presence of bystanders until all ballots are counted, nor opened until after the polls are finally closed unless an emergency renders the polling place unusable to the point where it can no longer function as a polling place because law enforcement or other emergency personnel have ordered the polling place to be evacuated or as determined by the officer in charge of elections to allow voting to continue while awaiting an evacuation order. The following procedures shall be followed in the event of an emergency:

- If the locked ballot box must be removed from the polling place due to an emergency, at least two members of the election board, not members of the same political party, shall accompany the box to a new polling place designated by the officer in charge of elections.
- If practical and available, a law enforcement officer shall aid in the transfer of the ballot box.
- If two members of the election board are not available to transfer the ballot box, one member of the election board and one law enforcement officer may accompany the box to the new polling place.
- Two additional board members shall verify whether the ballot box arrived at the new polling place and that it was not opened or damaged.
- All election board members who accompanied the locked ballot box to the new location and the one or two board members who verified the box's arrival shall file a report with the officer in charge of elections that describes the actions taken by the board members. This report shall be filed on the day of the emergency.
- On the day of the emergency in which the ballot box was moved, all election board members who aided in the transfer and verification of the locked ballot box shall indicate on official documents containing their oath whether they witnessed the transfer of the box and whether the box remained locked.

A.R.S. § 16-564(A)-(E), (G).

## **F-G. Ballot Box Overflow Procedures**

If during the course of an election the ballot box can no longer accommodate additional ballots, the officer in charge of elections shall dispatch an additional ballot box to the appropriate voting location. The full ballot box shall remain locked until closing of the polls. If a tabulation unit is used, it shall be removed and placed on the additional ballot box or another tabulation unit and ballot box should be dispatched so voting may continue. If another unit is deployed, poll workers must first run zero tapes and confirm transfer, including checking security seals.

In the event there is no spare ballot box available, the board workers shall remove a sufficient number of ballots from the ballot box and shall place the removed ballots into the case that will

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be used for the transfer of the ballots to the officer in charge of elections. The inspector and both judges shall oversee the transfer and the following shall apply:

1. The number of removed ballots shall be hand counted immediately by the election board.
2. A written document shall be produced and signed by the board members supervising the count. The written document shall indicate the count and the reason for the removal of ballots.
3. The removed ballots and corresponding documentation shall be placed in the transfer case and shall be kept sealed until the polls are closed.
4. Once the removed ballots are sealed in the transfer case, the original ballot box shall be relocked or sealed and voting may continue.
5. At the close of the polls, the ballots in the locked or sealed ballot box shall be: (i) removed from the ballot box and immediately tabulated; or (ii) maintained in the locked and sealed box and securely transferred to the officer in charge of elections for tabulation. If tabulation occurs after of closing of the polls, the count shall be documented.
6. Ballots should be sealed in ballot boxes or transfer cases with any corresponding documentation while ensuring tabulated ballots are kept separate from un-tabulated ballots.
7. The sealed ballot boxes and/or transfer cases will be transported to the central counting place designated by the officer in charge of elections.

At the close of an election, if the ballot box has been opened, a report detailing those events and other pertinent information shall be made by the officer in charge of elections to the chairpersons of all recognized political parties in that county at their request. [A.R.S. § 16-564\(F\), \(G\)](#).

#### **G.H. Complete Power or Unit Failure/Ballot Emergency Bin**

In counties that use polling place tabulation units, any ballots that have been deposited in the emergency bin during a complete power failure or unit failure must be fed through the tabulation unit when polls close and prior to generating the results tape at the end of the day.<sup>47</sup> In addition, the following steps must be completed:

- Using the key provided, at least two board workers not from the same political party shall open the ballot box emergency bin and remove the unprocessed ballots, if any, that were placed in the emergency bin due to a complete power failure or tabulation unit failure.
- The board workers shall feed the unprocessed ballots, one by one, into the tabulation unit, making sure that the digital readout increases by one each time.

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<sup>47</sup> There is no “complete power failure” or “unit failure” if the battery backup remained operative.

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- If any ballot that is over-voted or blank is returned, the inspector will use the override procedure to allow the ballot to be scanned.
- After all of the unprocessed ballots have been fed into the tabulation unit, the board workers may proceed with the regular procedures for closing the polls.
- After the polls have closed, any ballot the machine is unable to process or that has been marked but is returned as “unreadable” shall be set aside and sent to the central counting place for duplication.

#### **H.I. Determining Optimal Layout**

The officer in charge of elections must determine the optimal layout for each voting location based on voter turnout projections. High volume voting locations should process provisional voters separately from other voters to maintain a continuous flow of voters.

#### **I.J. Wait-Time Reduction Survey**

In order to test the efficacy of wait time reduction efforts over time, the officer in charge of elections should participate in occasional wait time reduction surveys at the request of (and in collaboration with) the Secretary of State.

#### **J.K. Public Input**

The officer in charge of elections is encouraged to solicit public feedback on the wait time reduction plan, for example, by posting the proposed plan on the officer’s website and soliciting feedback.

### **X. CANCELING AN ELECTION**

Certain candidate elections may be canceled if there are equal to or fewer candidates seeking office, including write-in candidates, than the number to elect for a given race.

The following races are eligible for cancellation:

1. Precinct committeeman, [A.R.S. § 16-410\(A\)](#); [A.R.S. § 16-822\(B\)](#);
2. School district governing board member, [A.R.S. § 16-410\(A\)](#); [A.R.S. § 15-424\(D\)](#);
3. Community college district governing board member, [A.R.S. § 16-410\(A\)](#); and
4. Any special taxing district board member, [A.R.S. § 16-410\(A\)](#); [A.R.S. § 48-5503\(C\)](#).

If a candidate race qualifies for cancellation, the applicable Board of Supervisors may cancel the election no earlier than 75 days before Election Day, appoint to the office those candidates who had timely filed a nomination paper for the office, and issue a certificate of election to the candidate. [A.R.S. § 16-410\(A\)-\(B\)](#).

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After approval of the Board of Supervisors to cancel the election, the officer in charge of elections must omit the race in question from the ballot. If the cancellation occurs after the ballots have been printed, the canceled race must not be canvassed. [A.R.S. § 16-410\(D\)](#).

If no candidates filed nomination papers for the office in question, the Board of Supervisors may cancel the election no earlier than 75 days before Election Day, declare the office vacant, and initiate procedures to fill the vacancy. [A.R.S. § 16-410\(C\)](#).

## CHAPTER 9: CONDUCT OF ELECTIONS/ELECTION DAY OPERATIONS

### I. SETTING UP THE VOTING LOCATION

Upon arriving at the voting location (either on Election Day or the day prior to the election), the election board (at the direction of the officer in charge of the election) must:

1. Ensure that any accessible voting device is set up, including any key pad and headset;
2. Post the following documents or notices (1) in plain view in the room where ballots will be cast and (2) in at least one other conspicuous place in and around the polling place:
  - Sample ballots that correspond to the candidates/measures that will appear on the ballot (for precinct-assigned polling places), [A.R.S. § 16-510\(B\)](#); [A.R.S. § 16-563\(1\)](#);
  - “Instructions to Voters and Election Officers” (see [Chapter 9, Section I\(A\)\(1\)](#) below);
  - A notice of voters’ “Right to Vote a Provisional Ballot” (see [Chapter 9, Section I\(A\)\(2\)](#) below);
3. Unless the same information is printed on the sample ballot, place a card or poster in each voting booth that contains a “Notice to Voters” in large plain type (see [Chapter 9, Section I\(A\)\(3\)](#) below);
4. Post a list of official write-in candidates in a conspicuous location within the voting location, if applicable, [A.R.S. § 16-312\(E\)](#);
5. Post a list of candidate withdrawals or vacancies in a conspicuous location within the voting location (if applicable), including a notice stating that any votes cast for the candidate will not be tabulated unless the withdrawal or vacancy was due to death or incapacity, [A.R.S. § 16-343\(F\)-\(G\)](#);<sup>48</sup>
6. Display the United States flag, [A.R.S. § 16-512](#);
7. Arrange voting booths in view of the election board, [A.R.S. § 16-562\(A\)](#);
8. Arrange the signature roster, e-pollbook(s), or other check-in devices for convenient access;
9. Prepare ballot boxes:
  - Open and examine the ballot boxes to ensure the boxes are empty prior to voting, secure the ballot boxes; and arrange the ballot boxes in view of the election board. [A.R.S. § 16-564\(A\)](#).

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<sup>48</sup> The notice must also be posted at all on-site early voting locations. See [Chapter 2, Section II\(A\)](#).



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- Confirm placement of the early ballot drop-off container (if separate boxes/containers are used);
10. Inventory the ballots received from the elections department, including ballot stock;
- If the officer in charge of elections determines it is not feasible to inventory ballot stock at the voting location, the officer in charge of elections must implement a reasonable alternative method to ensure accountability of ballot stock.
11. Set up tabulation equipment (if applicable) and accessible voting equipment near an electrical outlet in plain view of the election board and the voters.
- Ensure that electrical cords do not present a hazard to the board workers or voters;
  - For the tabulation equipment, plug in the voting equipment and obtain a zero count following procedures in [Chapter 4, Section II\(D\)\(4\)](#); and
  - Ensure that all tamper resistant or tamper evident seals are intact, contain the correct assigned number, and have not been tampered with.
12. Establish the 75-foot limit by posting at least three “75-foot limit” signs:
- The signs must have the heading “75-foot limit” printed in letters at least 2 inches high; and
  - Have the following statement printed below the heading:

“No person shall be allowed to remain inside these limits while the polls are open, except for the purpose of voting, and except the election officials, one representative at any one time of each political party represented on the ballot who has been appointed by the county chairperson of such political party, and the challengers allowed by law. Voters having cast their ballots shall at once retire without the seventy-five foot limit. A person violating any provision of this notice is guilty of a class 2 misdemeanor.”

[A.R.S. § 16-515\(B\)](#).

All signs and notices required under this Section must be printed in English and any other language required in the county under the Voting Rights Act.

#### **A. Notices to Be Posted at the Voting Location**

##### **1. Instructions to Voters and Election Officers**

The “Instructions to Voters and Election Officers” notice must be displayed at the voting location, containing substantially the following information:

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**Instructions to Voters and Election Officers**

1. The polls are open from 6:00 a.m. until 7:00 p.m.
2. Please give your full name, place of residence, and identification documents to the election officer. The election officer will determine which type of ballot you will use to cast your vote.
3. Once you have received your ballot, go to the next available voting booth to cast your vote. Mark your ballot in the appropriate place next to the name of each candidate for whom you want to vote.
4. If you want to vote for a person who is an official write-in candidate, write that person's name on the lines provided and mark the ballot in the appropriate place next to the name you have written.
5. Ask for assistance if you need assistance marking your ballot or wish to utilize the accessible voting equipment. If you request assistance marking your paper ballot, two election officers from opposing political parties will accompany you to the voting booth. They will:
  - Read you the names of all candidates for each office on the ballot;
  - Read you the political parties by which the candidates were nominated for each office;
  - Ask the name of the candidates for whom you want to cast your vote; and
  - Mark your ballot correctly.

Neither of the election officers who assist you with your vote is allowed to influence your vote by recommending, explaining, or suggesting any candidate or political party for any office or issue.

6. If you accidentally spoil your ballot, present it to the election judge. Make sure to conceal any votes you have made on the ballot. Either you or the judge will need to mark the ballot as spoiled, and the judge will give you another ballot on which to cast your vote. You are allowed to use no more than three ballots.

If you believe that a violation of the Help America Vote Act of 2002 has occurred, you may contact:

Secretary of State's Division of Election Services  
1700 West Washington Street 7th Floor  
Phoenix, AZ 85007  
1-877-THE VOTE

[A.R.S. § 16-513](#); [A.R.S. § 16-563\(1\)](#).

## 2. Right to Vote a Provisional Ballot

The “Right to Vote a Provisional Ballot” notice must be displayed at the voting location, containing substantially the following information:

### Right to Vote a Provisional Ballot

1. If you did not receive a regular ballot, you have a right to vote a provisional ballot if one of the following situations applies to you:
  - Your name does not appear on the signature roster or e-pollbook, and you are in the correct polling place based on your current residence;
  - You have moved to a new address within the county and have not updated your voter registration (if applicable);
  - You have legally changed your name and have not updated your voter registration (if applicable);
  - You requested an early ballot but did not vote an early ballot (if applicable);
  - You have not produced sufficient identification; or
  - You were challenged as a qualified voter.
2. To vote using a provisional ballot:
  - Present identification to the poll worker and state your first and last name;
  - Provide your complete residence address to the poll worker;
  - Provide your signature next to your name after the election official enters your name on the signature roster; and
  - Sign an affirmation on the provisional ballot envelope stating that the information filled out on the provisional ballot envelope is correct, that you have resided in the precinct at least 29 days before the election, that you are eligible to vote in this election, that you have not previously voted in this election, that your provisional ballot will only be counted if you voted in the correct precinct (which is based on where you currently live), and that you understand that voting in the wrong precinct means that your ballot will not be counted.

Once you have voted using a provisional ballot, your ballot will be placed in a provisional ballot envelope, which you can seal. The poll worker will ensure that the envelope is sealed. You will then be given a provisional ballot receipt with information on how to present sufficient identification to the County Recorder (if necessary) and how to verify the status of your provisional ballot. Your vote will be counted upon verification of your eligibility to vote in the election.

[A.R.S. § 16-513.01](#); [A.R.S. § 16-563\(1\)](#).

### 3. Notice to Voters

Unless the same information is printed on the sample ballot, a “Notice to Voters” card or poster must be placed in each voting booth (in large, plain type), containing substantially the following information:

#### Notice to Voters

Section one of this ballot is comprised of partisan candidates. To vote for the candidates for the partisan offices, mark the ballot next to the name of the candidate for each partisan office for whom you wish to vote. If you wish to vote for a person whose name is not printed on the ballot, write such name in the blank space provided AND put a mark next to the name according to the instructions.

Section two of this ballot is comprised of nonpartisan candidates, potentially including judicial candidates, school district candidates, and initiative or referendum propositions. To vote for the candidates for the nonpartisan offices, mark the ballot opposite the name of the candidate for each nonpartisan office for which you wish to vote. If you wish to vote for a person whose name is not printed on the ballot, write such name in the blank space provided AND put a mark next to the name according to the instructions. Mark the ballot by the word ‘yes’ (or for) for each proposition or question which you wish to be adopted. Mark the ballot by the word ‘no’ (or against) for each proposition or question which you wish not to be adopted.

When marking a paper ballot the voter shall do so by placing a mark next to the printed name in the designated location or in the square following the name written in.

[A.R.S. § 16-514](#). Minor alterations have been made to the statutory language to account for modern ballot design.

## II. OPENING THE VOTING LOCATION

The election board should arrive at the voting location no later than 5:30 a.m. on Election Day to promptly open the polls at 6:00 a.m.

Upon arrival at the polling place, members of the election board must take their oath of office, to be administered by a board member or another qualified elector of the precinct. [A.R.S. § 16-534\(C\)](#); [A.R.S. § 38-231\(E\)](#). If the county utilizes vote centers, the individual administering the oath need only be a qualified elector in the county.

If the voting location contains precinct voting equipment or accessible voting equipment that independently tabulates votes, the election board must generate a “zero report” from the voting

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equipment prior to opening the polls. The zero report is intended to confirm that the equipment contains no votes prior to commencement of voting.

To verify a zero report, the election board must:

- Print a zero report from the equipment (the report must remain attached to the voting equipment and not removed until final results have been printed at the close of the polls);
- Verify the correct precinct number on the report (only in counties that conduct assigned polling place elections);
- Compare the zero report to the ballot and sample ballot to ensure the same names appear (only in counties that conduct assigned polling place elections);
- Confirm that no votes have been cast for any candidates or ballot measures;
- Have at least two board members of different political parties sign the zero report prior to opening the polls; and
- Make sure the digital readout on the front of the unit registers zero after the zero report is complete.

The election board may be required to perform other necessary tasks prior to opening the voting location.

At 6:00 a.m., the marshal must announce that the polls are open, and voters will be allowed to enter the voting location. [A.R.S. § 16-565](#).

### **III. PRESERVING ORDER AND SECURITY AT THE VOTING LOCATION**

#### **A. Enforcing Electioneering Ban**

No electioneering may take place within the 75-foot limit of a voting location. [A.R.S. § 16-515\(A\)](#). Additionally, no electioneering may take place outside the 75-foot limit if it is audible from a location inside the door to the voting location. The 75-foot limit is measured from the main outside entrance of the voting location.

“Electioneering” occurs when a person knowingly, intentionally, and verbally expresses support for, or opposition to, a candidate or ballot measure on the ballot in that election, or a political party with one or more candidates who appear on the ballot in that election, in order to induce or compel another person to vote in a particular manner or to refrain from voting. [A.R.S. § 16-515\(D\)](#).

The electioneering ban applies to the election board, other election officials, political party observers, and any voter within the 75-foot limit.

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Though voters or voters' assistants are permitted to wear clothing with political messages, election board members, other election officials, or political party observers may not wear, carry, or display any materials that identify or express support or opposition for a political party, political organization, or a candidate or ballot measure appearing on the ballot. [A.R.S. § 16-515\(F\)](#).

The marshal, under the direction of the officer in charge of elections, enforces the electioneering ban on Election Day, while the County Recorder enforces the ban during in-person early voting and at ballot replacement sites. Law enforcement officials may be contacted to help enforce the ban in exceptional circumstances.

A County Recorder or other officer in charge of elections may ~~establish~~<sup>grant</sup> emergency ~~Election Day~~<sup>Election Day</sup> designations to polling places/vote centers ~~where, pursuant to which~~ electioneering is not permitted on the property of the hosting facility, even outside the 75-foot limit. [A.R.S. § 16-411\(I\)](#); see [Chapter 8, Section I\(G\)](#).

### **B. Enforcing Photography Ban**

No photography or video recording is permitted within the 75-foot limit at a voting location. [A.R.S. § 16-515\(G\)](#). There is no exception for members of the media.

A voter, however, may display an image, that was not taken in a voting location, of their own ballot that was received by mail on the internet. [A.R.S. § 16-1018\(4\)](#).

### **C. Enforcing Access Restrictions**

A key component of preserving order at the voting location is ensuring that only authorized persons are present within the 75-foot limit. Only the following persons are authorized to be present within the 75-foot limit:

1. Members of the election board;
2. Election officials;
3. Voters (including minor children accompanying the voter, [A.R.S. § 16-515\(E\)](#));
  - Once in a voting booth, voters must vote promptly and move outside the 75-foot limit after voting. [A.R.S. § 16-515\(A\)](#); [A.R.S. § 16-580\(B\)-\(C\)](#).
4. A person selected by the voter to assist him or her voting (see [Chapter 9, Section V](#));
5. Authorized political party observers (see [Chapter 8, Section III](#)); and
6. U.S. Department of Justice or other [authorized](#) federal government observers.

Unauthorized persons may not be present within the 75-foot limit, including but not limited to the following persons:

1. Members of the media;

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2. Researchers;
3. Persons who conduct exit polls; or
4. Political party or campaign representatives without authorized political party observer status seeking “tear sheets.”
  - Tear sheets are copies of the poll list where voters are entered in the order of voting, which are utilized by political parties to identify which persons have and have not voted at a particular voting location. If a county utilizes tear sheets, only authorized political party observers are authorized to acquire the tear sheets. See [Chapter 8, Section III](#).

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**1. Simultaneous Activities Permitted at Voting Location**

Regular business activity that normally occurs at the voting location may continue on Election Day, as long as the activity does not interfere with the voting process or result in electioneering. For example, a city clerk’s office used as a voting location may require persons to cross or temporarily remain within the 75-foot limit in order to conduct city business. Additionally, Native American tribal election boards may be co-located with traditional election boards at the same voting location if a tribal election is held on the same day and time. [A.R.S. § 16-515\(D\)](#).

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**D. Preventing Voter Intimidation**

Any activity by a person with the intent or effect of threatening, harassing, intimidating, or coercing voters (or conspiring with others to do so) inside or outside the 75-foot limit at a voting location is prohibited. [A.R.S. § 16-1013](#). The officer in charge of elections has a responsibility to train poll workers and establish policies to prevent and promptly remedy any instances of voter intimidation.

The officer in charge of elections should publicize and/or implement the following guidelines as applicable:

- The inspector must utilize the marshal to preserve order and remove disruptive persons from the voting location. The inspector and/or marshal must use sound judgment to decide whether to contact law enforcement, and any higher-level decisions should be raised through the officer in charge of elections.
- Persons who witness problems at a voting location should not speak to or accost a voter in an attempt to “enforce” the law, but rather inform the inspector or marshal to allow them to resolve the issue.
- Private citizens are prohibited from bringing weapons into a polling place (including the 75-foot limit), even if the voter is properly licensed to carry such weapons. In order to keep voting locations safe and free of potential intimidation, therefore, observers at voting locations should leave weapons at home or in their vehicles. [A.R.S. § 13-3102\(A\)\(11\)](#) (exceptions apply for military and peace officers in the performance of official duties, see A.R.S. § 13-3102(C)).

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In addition to the potentially intimidating conduct outlined above, the following may also be considered intimidating conduct inside or outside the polling place:

- Aggressive behavior, such as raising one’s voice or taunting a voter or poll worker;
- Using threatening, insulting, or offensive language to a voter or poll worker;
- Blocking the entrance to a voting location;
- Disrupting voting lines;
- Intentionally disseminating false or misleading information at a voting location, such as flyers or communications that misstate the date of the election, hours of operation for voting locations, addresses for voting locations, or similar efforts intended to disenfranchise voters;
- Directly confronting or questioning voters in a harassing or intimidating manner;
- Asking voters for “documentation” or other questions that only poll workers should perform;
- Raising repeated frivolous voter challenges to poll workers without any good faith basis, or raising voter challenges solely based on race, ethnicity, national origin, language, religion or disability; or
- Posting signs or communicating messages about penalties for “voter fraud” in a harassing or intimidating manner.

See [A.R.S. § 16-1013\(A\)](#); [A.R.S. § 16-1017](#).

#### IV. CHECKING VOTER IDENTIFICATION

Voters are required to prove identity at the voting location before receiving a ballot on Election Day. [A.R.S. § 16-579\(A\)](#). The same requirements for proving identity now also apply during in-person early voting, including at an on-site early voting location, emergency vote center, or through personal early ballot delivery by a special election board. See [Chapter 2, Sections II\(B\)](#).

Acceptable forms of identification fall into one of three categories:

- A valid form of photo identification with the voter’s photograph, and name and address that reasonably match the name and address in the signature roster or e-pollbook (List 1);
- Two separate valid forms of non-photo identification with the voter’s name and address that reasonably match the name and address in the signature roster or e-pollbook (List 2); or
- One valid form of identification with the voter’s photograph, name, and address not reasonably matching the address in the signature roster or e-pollbook or a valid U.S. passport or military identification with the voter’s name and photograph, *and* one valid form of non-photo identification from List 2 (List 3).



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[A.R.S. § 16-579\(A\)\(1\)\(a\)-\(c\)](#). Each list is described in greater detail in the sections below.

The address on the identification must reasonably match the voter's residence or mailing address in the signature roster or e-pollbook in order to vote a regular ballot. If an address does not reasonably match, the voter is deemed to have shown identification, but must vote a provisional ballot. Identification is deemed valid unless it can be determined on its face that it has expired. [A.R.S. § 16-579\(A\)\(1\)](#).

If the voter provides identification, but the name or address does not reasonably match the signature roster or e-pollbook, the voter should be issued a provisional ballot, not a conditional provisional ballot. See [Chapter 9, Section VI\(B\)\(1\)](#).

A voter who provides no proof of identity (or invalid proof of identity) must be issued a conditional provisional ballot. [A.R.S. § 16-579\(A\)\(2\)](#). In order for a conditional provisional ballot to count, the voter must present an acceptable form of identification to the County Recorder by 5:00 p.m. on the 5th business day following a primary, general, or special election that includes an election for a federal office, or by 5:00 p.m. on the 3rd business day following any other election. [A.R.S. § 16-579\(A\)\(2\)](#). For the purposes of determining the applicable deadline to provide identification: (i) the PPE is considered a federal election; and (ii) for counties that operate under a four-day workweek, only days on which the applicable county office is open for business are considered "business days."

If the voter identifies himself or herself as a member of a recognized Native American tribe, the voter may present alternative proof of identity as outlined in [Chapter 9, Section IV\(B\)](#) below. [A.R.S. § 16-579\(A\)\(1\)](#).

The officer in charge of elections must post a list of acceptable forms of identification in a conspicuous place (and make it available to voters upon request) at each voting location on Election Day (see sample forms in [Chapter 17](#)).

## A. Acceptable Forms of Identification

### 1. List 1 – Photo ID with the Voter's Name and Address

Acceptable forms of identification with the voter's photograph, and name and address that reasonably match the voter's name and address in the signature roster or e-pollbook, include (only one required):

- A valid Arizona driver license;
- A valid Arizona non-operating identification license;
- A tribal enrollment card or other form of tribal identification; or

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- Any other valid United States federal, state, or local government-issued identification.<sup>49</sup>

[A.R.S. § 16-579\(A\)\(1\)\(a\)](#).

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**2. List 2 – Non-Photo ID with the Voter’s Name and Address**

A voter may present two separate documents that contain the voter’s name and address. Acceptable forms of identification with the voter’s name and address include the following:

- A utility bill for electric, gas, water, solid waste, sewer, telephone, cell phone, or cable/satellite television service dated within 90 days of the election;
- A bank or credit union statement dated within 90 days of the election;
- A valid Arizona vehicle registration;
- A valid Indian or Native American census card;
- A property tax statement for the voter’s residence;
- A valid tribal enrollment card or other valid form of tribal identification;
- A valid Arizona vehicle insurance card;
- A valid Recorder’s Certificate;
- Any mailing marked “Official Election Material,” including a valid Arizona voter registration card; or
- Any valid United States federal, state, or local government-issued identification.

[A.R.S. § 16-579\(A\)\(1\)\(b\)](#). Any List 2 document may be presented to a poll worker in electronic format, including on a smart phone or tablet.

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**3. List 3 – Acceptable Hybrid Forms of ID**

The voter may present certain combinations of documents from Lists 1 and 2. Acceptable combinations include:

- A valid photo identification from List 1 with an address that does not reasonably match the voter’s address in the signature roster or e-pollbook, accompanied by a document from List 2 with an address that does reasonably match the voter’s address in the signature roster or e-pollbook;
- A valid U.S. Passport or passport card, accompanied by a document from List 2; or
- A valid U.S. Military identification, accompanied by a document from List 2.

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<sup>49</sup> While identification issued by a public college or university or other public educational institution qualifies as a state or local government-issued identification, it is not sufficient for voting purposes unless it includes the voter’s photograph, name, and address as required by [A.R.S. § 16-579\(A\)\(1\)\(a\)](#).

[A.R.S. § 16-579 \(A\)\(1\)\(c\)](#).

## **B. ID Requirements for Native American Voters**

A voter who identifies himself or herself as a member of a federally-recognized Native American tribe and presents one item of tribal identification (that does not meet the requirements of List 1) must be issued a provisional ballot (in lieu of a conditional provisional ballot) and does not need to return to confirm their identity. [A.R.S. § 16-579\(A\)\(1\)](#). A “tribe” includes a Native American nation, community, band, or tribal subdivision.

Acceptable forms of tribal identification include, but are not limited to, the following:

- A tribal identification card issued under the authority of the Bureau of Indian Affairs or a federally-recognized Native American tribe;
- A tribal enrollment card issued under the authority of the Bureau of Indian Affairs or a federally-recognized Native American tribe;
- A Certificate of Indian Blood issued under the authority of the Bureau of Indian Affairs or a federally-recognized Native American tribe;
- A voter identification card issued under the authority of a federally-recognized Native American tribe;
- A home site assignment lease, permit or allotment issued under the authority of the Bureau of Indian Affairs or a federally-recognized Native American tribe; or
- A grazing permit or allotment issued under the authority of the Bureau of Indian Affairs or a federally-recognized Native American tribe.

If the voter does not present an acceptable form of tribal identification and otherwise does not satisfy the identification requirements in [A.R.S. § 16-579\(A\)\(1\)](#) (see [Chapter 9, Section IV\(A\)](#) above), the voter must be issued a conditional provisional ballot. [A.R.S. § 16-579\(A\)\(2\)](#).

## **V. ASSISTING VOTERS ON ELECTION DAY**

Voters may be accompanied within the 75-foot limit and assisted by a person of the voter’s choice during any part of the voting process.

A voter may request assistance from a third-party (other than the voter’s employer or union representative or a candidate appearing on the ballot<sup>50</sup>) or from members of the election board.

If a voter requests assistance from the election board, two members of the board (of different political parties) should perform the following steps, as applicable:

- Jointly accompany the voter into the voting booth or to the accessible voting equipment;

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<sup>50</sup> Candidates for precinct committeeman are permitted to provide voter assistance.

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- Audibly read the candidate’s names for each office, including party designations and the number to elect;
- Audibly read the relevant information pertaining to any ballot measures;
- Ask the voter what candidates and issues the voter desires to vote for;
- If requested, instruct the voter how to operate any accessible voting equipment, including what to expect for the recorded instructions and what keys to use to move forward or go back on the screen.

~~When~~Those assisting voters a voter upon ~~their~~the voter’s request, ~~members of the election board,~~ may not attempt to influence a voter in the choice of candidates or issues, nor in any manner suggest or recommend a vote for any particular candidate or issue. See [Chapter 9, Section I\(A\)\(1\)](#) above. When assisting voters, poll workers should also remember to speak only as loudly as needed to assist the voter and protect their privacy as much as possible.

Curbside voting may also be provided to senior citizens or voters with disabilities as a reasonable accommodation or when the county officer in charge of elections determines that a voting location is inaccessible, that no accessible sites are available, and that no temporary measures can make it accessible. See [Chapter 5, Section III](#).

## VI. ISSUING BALLOTS

### A. Issuing a Regular Ballot

Upon checking in at a voting location, a voter must announce his/her name and address or provide their name and residence or mailing address in writing (by presenting proof of identity). [A.R.S. § 16-579\(A\)](#).

In jurisdictions that conduct assigned polling place elections, the residence address must be within the precinct in which the voter is attempting to vote. By signing the signature roster or the e-pollbook signature pad, the voter is deemed to affirm that they are registered in that jurisdiction and is eligible to vote in that jurisdiction. [A.R.S. § 16-584\(C\)](#). If the voter is found in the signature roster or e-pollbook ~~(and had, has presented acceptable proof of identity), and does not fall into an exception listed in Chapter 9, Section VI(B)(1) below,~~ the voter must be issued a regular ballot. See [A.R.S. § 16-579\(C\)](#).

Each voter must sign their name in the signature roster or e-pollbook signature pad prior to receiving a ballot. Alternatively, an inspector or judge may sign the roster or e-pollbook for a voter who is personally unable to sign due to physical disability. In jurisdictions that use a paper signature roster, the inspector or judge must write the voter’s name with red ink. [A.R.S. § 16-579\(D\)](#). In jurisdictions that use an e-pollbook, the inspector or judge must write the voter’s name and the inspector’s/judge’s initials (on the e-pollbook signature pad) as an attestation. [A.R.S. § 16-579\(E\)](#).

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A voter at a special district election for which no signature roster has been supplied may vote a regular ballot, but must provide the voter's name and address in an affidavit and affirm therein that the voter:

- Resides within the district boundaries or proposed district boundaries;
- Is a qualified elector for the election; and
- Has not already voted at the election.

[A.R.S. § 16-579\(F\)](#).

## **B. Issuing a Provisional Ballot**

### **1. Circumstances Requiring Issuance of a Provisional Ballot**

#### ***a. Voter Received an Early Ballot***

A voter must be allowed to vote a provisional ballot if the voter appears on the signature roster or e-pollbook as having *received* an early ballot-by-mail, but either: (1) affirms that they have not voted and will not vote the ballot-by-mail; or (2) surrenders the ballot-by-mail to the inspector on Election Day. [A.R.S. § 16-579\(B\)](#).

~~Alternatively, if the election board has access to real time or updated information to view the status of the voter's ballot by mail, the judge may issue a regular ballot to the voter if: (1) a board worker confirms that the voter's ballot by mail has not been verified and tallied; and (2) the County Recorder or other officer in charge of elections has a system in place to promptly void the voter's ballot by mail.~~

Voters who appear at a voting location with a ballot-by-mail that has not been voted, along with the affidavit envelope, may use a privacy booth at the voting location to mark the ballot-by-mail. In this circumstance, the voter does not sign in and the voter must place the voted ballot-by-mail in its affidavit envelope, sign the affidavit envelope, and place the envelope in the early ballot drop-off container at the voting location.

#### ***b. Name Does Not Appear on Signature Roster***

A voter whose name does not appear on the signature roster must be issued a provisional ballot if the voter:

- Presents identification that includes their name and a residential address that the clerk verifies to be within the precinct (in counties that conduct assigned polling place elections); or
- Signs an affirmation that states the voter is registered and eligible to vote in that jurisdiction.

[A.R.S. § 16-584\(B\)](#).

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i. Recorder's Certificate

A voter whose name does not appear on the signature roster, but who presents a certificate from the County Recorder showing that the voter is entitled to vote at the voting location, is entitled to vote a regular ballot. In a jurisdiction that uses a paper signature roster, the voter must sign on the first available blank line on the signature roster. [A.R.S. § 16-584\(A\)](#).

c. Voter Has an Inactive Status

If a voter whose registration record is in inactive status and the voter has a new residential address in a different precinct, the voter must be directed to the correct voting location (in counties that conduct assigned polling place elections). In this case, the voter must also be informed that although the voter has a right to vote a provisional ballot at that location, the voter must vote in the correct polling place that corresponds to the voter's current address for the vote to count.

If a voter affirms they continue to reside at the address on the signature roster or in the e-pollbook, the voter must be issued a regular ballot and the County Recorder must place the voter's registration record in active status following the election. [A.R.S. § 16-583\(A\)-\(B\)](#).

d. Voter Changed Their Name

If a voter's current name does not appear in the signature roster or e-pollbook because the voter changed their name, the voter must be issued a provisional ballot or conditional provisional ballot. In that case, the clerk must write the voter's new name and former name on the provisional ballot envelope. The provisional ballot envelope will be used by the County Recorder after the election to change the voter's name in the voter registration database.

However, if the election board has real-time access to voter registration records, the voter's information may be updated at the voting location upon completion of a new voter registration or address update form ~~and a regular ballot to be issued in lieu of a provisional ballot.~~

e. Voter Moved Within the County

If a voter moved to a new address within the county but did not update their address with the County Recorder before the election, the voter must vote a provisional ballot and (in counties that conduct assigned polling place elections) must vote at the polling place that corresponds to their new address. [A.R.S. § 16-584\(C\)](#). A clerk must inform the voter that although the voter has a right to vote a provisional ballot at that location, the voter must vote in the correct polling place that corresponds to the voter's current address in order for the vote to count.<sup>51</sup>

<sup>51</sup> See Stipulation for Dismissal, *Jones v. Reagan*, No. CV2016-014708 (Ariz. Super. Ct. Aug. 2, 2017); Order of Dismissal, *Jones v. Reagan*, No. CV2016-014708 (Ariz. Super. Ct. Aug. 4, 2017).

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At the new polling place, the voter will be permitted (via the provisional ballot envelope) to update their voter registration record with the new address. [A.R.S. § 16-584\(C\)](#). In a jurisdiction that utilizes vote centers, the voter may update their address in the same manner but may vote at any vote center within the jurisdiction.

If the election board has real-time access to voter registration records, the voter's information may be updated at the voting location upon completion of a new voter registration form or address update form ~~and a regular ballot may be issued in lieu of a provisional ballot as long as the voter is the correct voting location for their new address.~~

**f. Out-of-Precinct Voter**

If the voter's name does not appear on that precinct's signature roster because the voter resides in another precinct (in counties that conduct assigned polling place elections), an election official shall direct the voter to the correct polling location or, if applicable, to a vote center. The election official must also inform the voter that although the voter has a right to vote a provisional ballot at that location, the voter must vote in the correct polling place in order for the vote to count. If the voter insists on voting at that incorrect location, a provisional ballot must be issued, but the voter should again be informed that ballots cast in an incorrect precinct will not count.

Alternatively, upon a specific resolution of the Board of Supervisors issued pursuant to A.R.S. § 16-411(B)(4) authorizing the use of accessible voting equipment within an assigned polling place to be used as a vote center, a voter shall be entitled to vote a regular ballot using the accessible voting equipment if:

- The election board has access to real time information and can confirm the qualified voter has not cast a ballot at another voting location;
- The accessible voting equipment is pre-programmed and certified to allow voters to mark or vote any ballot style for that county; and
- The accessible voting equipment enables the voter to vote/mark a ballot for the correct precinct in which the voter is entitled to vote.

**2. Procedures for Issuing Provisional Ballots**

A voter who is issued a provisional ballot must sign their name on a separate signature roster page beginning with the number V-1 and numbered consecutively (for paper signature rosters only). [A.R.S. § 16-584\(E\)](#), ~~E-pollbooks must be able to produce a report of provisional voters, including the voter's signature, after the polls close.~~

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The voter and election board member must complete the information required on the provisional ballot envelope. The voter then must:

- Take the completed envelope and provisional ballot to the voting booth;
- Vote the provisional ballot;

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- Place the voted ballot inside the provisional ballot envelope and seal the envelope; and
- Provide the sealed provisional ballot envelope to the election board member.

Upon receipt of the provisional ballot envelope, the election board member or voter must deposit the provisional ballot envelope in the provisional ballot box (and ensure the ballot is not inserted into any precinct tabulation equipment). [A.R.S. § 16-584\(D\)](#). The voter will be provided with a receipt or number with which to electronically verify the status of their provisional ballot.

All voters shall have the option of voting a provisional ballot on an accessible voting device.

**a. Issuing Provisional Ballots to Secured Registrants**

In the event a secured registrant attempts to vote provisionally at a polling place (and informs the poll worker of his/her secured status), the poll worker undertake additional precautions, including but not limited to:

- Confirming the correct ballot style;
- Ensuring that a protected government official or protected victim lists their actual residential address on the provisional ballot envelope;
- Making a notation about secured registrant status on the provisional ballot envelope; and/or
- Limiting the signature roster to the registrant’s voter ID number and the notation “address protected.”

**3. Procedures for Issuing Conditional Provisional Ballots**

If the voter does not provide acceptable proof of identity, *see* [Chapter 9, Section IV](#) above, the voter must be issued a conditional provisional ballot. [A.R.S. § 16-579\(A\)\(2\)](#).

The process for voting the ballot, completing the ballot envelope, and sealing the voted ballot in an envelope is the same procedure applicable to provisional ballots. *See* [Chapter 9, Section VI\(B\)\(2\)](#) above. However, for a conditional provisional ballot, the election board member must:

1. Indicate on the ballot envelope that the voter did not provide acceptable identification;
2. Deposit the sealed envelope in the conditional provisional ballot box or other appropriate ballot box (or allow the voter to do so);
3. Provide a receipt that:
  - Informs the voter how and where the voter may provide the required identification; and
  - Informs the voter that they must provide proof of identity to the County Recorder by 5:00 p.m. on:



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- The 5th business day following a general election that includes an election for a federal office, or
- The 3rd business day following any election other than a general election.

[A.R.S. § 16-579\(A\)\(2\)](#).

## VII. CHALLENGES TO A VOTER ELIGIBILITY TO VOTE

A qualified elector in the county may, at the voting location, orally challenge a voter's eligibility. The elector challenging a voter's eligibility must show, by clear and convincing evidence, that:

1. The voter has voted before at that election, [A.R.S. § 16-591](#);
2. The voter is not the person whose name appears in the signature roster or e-pollbook, [A.R.S. § 16-121.01\(B\)\(1\)](#);
3. The voter has not resided in Arizona (or the relevant local jurisdiction) for at least 29 days before the election, [A.R.S. § 16-121.01\(B\)\(2\)](#);
4. The voter is registered at an address that is not permitted for registration purposes, [A.R.S. § 16-121.01\(B\)\(3\)](#); or
5. The voter is not otherwise a qualified elector, for example, the voter does not live within the proper electoral district or is not at least 18 years old. [A.R.S. § 16-121.01\(B\)\(4\)](#); [A.R.S. § 16-101\(A\)](#).

[A.R.S. § 16-121.01\(B\)](#).

A voter may not be challenged on the basis that they:

- Registered to vote using the State or Federal Form and did not provide proof of citizenship; or
- Moved from one address within the county to another within the county.

Challenges must be decided at the voting location by the inspector and two judges. The inspector should have the challenged voter step aside and permit the other voters in line to continue to vote while the challenge is being determined.

If requested by the challenged voter, and before administering any oath, the inspector must read to the voter the rules for determining residency, including the following information:

1. The residence of a person is that place in which their habitation is fixed and to which they have the intention of returning.
2. A person does not gain or lose their residence by reason of their presence at, or absence from, a place while employed in the service of the United States or of this state, or while

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engaged in overseas navigation, or while a student at an institution of learning, or while kept in prison or mental institution.

3. A person does not lose their residence by traveling to another county, state, or foreign country for temporary purposes, with the intention of returning.
- ~~3.4.~~ A person does not gain a residence in any county they travel to for temporary purposes, without the intention of making that county their home.
- ~~4.5.~~ If a person moves to another state with the intention of making it their residence, they lose residency in this state.
- ~~5.6.~~ If a person moves to another state with the intention of making it their current residence and remaining there for an indefinite time, the person loses residency in this state even though they have an intention of returning at some future period.
- ~~6.7.~~ The place where a person's family permanently resides is their residence (unless separated from their family), but is not their residence if it serves as a temporary location or is used for transient purposes.
- ~~7.8.~~ If a person has a family residing in one place and the person does business in another, the family residence constitutes the person's place of residence. However, a person who has taken up a residence apart from their family with the intention of remaining in that separate residence shall be regarded as a resident where the person resides.
- ~~8.9.~~ A United States citizen who has never resided in the United States is eligible to vote in this state by using a federal write-in early ballot if both of the following apply:
  - A parent is a United States citizen.
  - The parent is registered to vote in this state.
- ~~9.10.~~ The mere intention of acquiring a new residence without leaving the state, or leaving the state without the intent to permanently do so, does not cause a loss of residency.

[A.R.S. § 16-593\(A\)](#); [A.R.S. § 16-593\(C\)](#). Board members should consult above residency requirements when determining registration validity.

If the challenged voter appears to be registered, the challenged voter must orally take the oath prescribed in the State Form: "I swear or affirm that the information in my voter registration is true, that I am a resident of Arizona, I have not been convicted of a felony or my civil rights have been restored, and I have not been adjudicated incapacitated with my voting rights revoked." [A.R.S. § 16-592\(A\)](#).

The challenged voter also may choose to answer questions material to the challenge, under oath. Only the inspector may address questions to the challenged voter. [A.R.S. § 16-592\(A\)](#).

If a majority of the board finds the challenge to be invalid, the voter must be permitted to vote a regular ballot, so long as the voter is otherwise eligible to do so. [A.R.S. § 16-592\(B\)](#).

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If the person challenged refuses to take any oath, refuses to answer questions material to the challenge, or if a majority of the board finds that the challenge is valid, the challenged voter must be permitted to vote a provisional ballot. [A.R.S. § 16-592\(C\)](#).

In the case of any challenge, the election board must complete the Official Challenge List (*see Chapter 17* for sample forms) and may seek guidance from the officer in charge of the election. [A.R.S. § 16-592\(C\)](#).

## VIII. CLOSING THE VOTING LOCATION

### A. Announcing the Closing of the Polls

The polls close at 7:00 p.m. on Election Day. [A.R.S. § 16-565\(A\)](#). The marshal must announce the closing of the polls and make the following additional public announcements (inside the voting location and to any voters waiting in line) at the specified time intervals:

- 1 hour before the closing of the polls;
- 30 minutes before the closing of the polls;
- 15 minutes before the closing of the polls;
- 1 minute before the closing of the polls; and
- At the moment of closing at 7:00 p.m.

[A.R.S. § 16-565\(C\)](#). The marshal must allow everyone to vote who is physically in line at the moment of closing the polls. The marshal may use any reasonable system to document or keep track of which voters were in line as of 7:00 p.m., for example, by standing in line behind the last person to arrive as of the closing of the polls and telling those who arrive later that the polls are closed. Voters who arrive in line after 7:00 p.m. on Election Day are not permitted to vote. [A.R.S. § 16-565\(D\)](#).

### B. Election Board Close-Out Duties

Upon closing the voting location after the last voter has voted on Election Day, the election board should perform close-out duties as assigned by the officer in charge elections, including the following duties as applicable:

1. Using the procedures specified by the officer in charge of elections, the election board must conduct an audit to ensure that the number of voters who signed in on the signature roster or e-pollbook matches the number of ballots cast, including regular and provisional ballots and ~~any votes cast on the accessible voting equipment,~~ if the accessible voting equipment independently tabulates votes, any votes cast on the accessible voting equipment, A.R.S. § 16-602(A).
  - a. If ballots are tabulated at the voting location: a printed statement of tally or summary of all vote totals shall be printed from every tabulation machine, and the number of

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- ballots cast shall be compared to the signature roster and/or e-pollbook list and provided with the Official Ballot Report, A.R.S. § 16-607.
2. The information from this audit must be recorded on an Official Ballot Report form, as provided by the officer in charge of elections, which must include:
    - a. The total number of printed ballots or estimated number of ballot stock received by from the voting location officer in charge of elections;
    - b. The number of voters who signed in on the signature roster, poll list, or e-pollbook and are indicated as having been issued regular ballots;
    - c. The number of voters who signed in on the signature roster, poll list, or e-pollbook and are indicated as having been issued provisional and conditional provisional ballots;
    - ~~e-d.~~ The number of regular ballots cast as determined by the election board's manual count if tabulation is not done at the voting location, or as reflected on the printed summary tape from the tabulation machine if tabulation is done at the voting location;
    - ~~d-a.~~ The number of voters who signed in on the signature roster, poll list, or e-pollbook and are indicated as having been issued provisional and conditional provisional ballots;
    - e. The number of provisional and conditional provisional ballots cast;
    - f. The number of unused ballots, spoiled ballots, misread ballots that still need to be tabulated (if tabulation is done at the voting location), and write-in ballots (if applicable);
    - g. The number of early ballots received by the voting location (unless ballots are transported in a secure and sealed transport container to the central counting place to be counted there);
    - ~~g-h.~~ In counties that use accessible voting units that independently tabulate, the number of regular and provisional ballots cast on the unit, and the unit's beginning and ending counts (if applicable);
    - ~~h-i.~~ The Official Ballot Report must be signed by the inspector and both judges, and if there are any discrepancies in the report, an explanation for the discrepancy should be attached or otherwise provided with the Official Ballot Report. The Audit Board will use this information to conduct their post-election audit (*see* [Chapter 499, Section II\(HH\)](#)).
  3. Secure the ballot boxes; with a numbered seal, A.R.S. § 16-608(A);
  4. Remove all memory cards or electronic media from voting equipment and e-pollbooks (if applicable);
    - a. Lock and/or seal any ports or compartments where memory cards or electronic media had been inserted.
  5. Power down any voting equipment and prepare the equipment for transport/pick-up;

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6. Collect all supplies required to be returned to the elections department;
7. Sign the Certificate of Performance for the signature roster or e-pollbook;
- ~~8.~~ Prepare the official ~~and unofficial returns envelopes~~ envelopes ~~(/containers and, if applicable), see Chapter 10, Section II(G);~~
- ~~9.~~ ~~8.~~ Prepare to transport ~~unofficial returns envelopes/containers, including~~ the following items ~~-, for transport~~ to the central counting place or other receiving site:
  - a. Official and unofficial ~~return envelopes;~~ returns envelopes/containers shall be plainly marked to identify items to be placed within each envelope/container:
    - b. ~~Voted ballots;~~
    - c. ~~Signature rosters or poll lists;~~
      - The official returns envelope/container shall be securely sealed with a tamper-evident, secure label signed by the inspector and both judges and should include, as applicable:
        - Spoiled ballots, including any spoiled early ballots, A.R.S. § 16-585;
        - One copy of the poll list (if the county uses paper signature rosters); and
        - Affidavits of challenged voters, decisions of election officials, and challenge lists, A.R.S. § 16-594;
      - The unofficial returns envelope/container shall be returned with the official returns envelope/container and shall be made available for inspection by electors for a period of six months following the election. The unofficial returns envelope/container shall include the following, as applicable:
        - A copy of the paper signature roster and poll list (if e-pollbooks are used, the e-pollbook list must be captured (e.g. on memory sticks or electronic media, or exported from the e-pollbooks) and retained);
        - Payroll voucher envelope, if applicable, with the Official Ballot Report or duplicate thereof; and
        - Any other items as directed by the officer in charge of elections;
    - b. Voted ballots (with a report of the number of voters who have voted, sealed in a container with a numbered seal, A.R.S. § 16-608(A));
    - c. Unvoted ballots (in a sealed container, A.R.S. § 16-566(B));
    - d. The original Official Ballot Report (if not included in the unofficial returns envelope/container);
    - e. Tally lists, if ballots are tabulated at the voting location (enclosed in a secure envelope which is sealed and signed by the members of the board (inspector and both judges) and attested by the clerks), A.R.S. § 16-614;
    - f. The original signature rosters/poll lists, if applicable (enclosed in a secure envelope, sealed and signed by the inspector and judges), A.R.S. 16-615(A));

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CHAPTER 9:  
Conduct of Elections/Election Day Operations — VIII. Closing the Voting Location

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d.g. E-pollbooks (if the signature roster information remains in the e-pollbook and has not been extracted by removing memory cards or electronic media or otherwise securely synced with the central server);

e.h. Memory sticks or electronic media: (securely sealed in a transport container for that purpose); and

f.i. Any voting equipment that independently tabulates (if memory sticks or electronic media have not been removed).

9. All election night returns must be delivered to designated receiving site and a receiving board log of the transmissions should be kept by the receiving board which will later be provided to the officer in charge of elections; and

10. Exit and lock the voting location.

### **C. Transport of Ballots, Voting Equipment, and Precinct Supplies**

Following the close of voting on Election Day, the transport of any ballots, voting equipment, and necessary precinct supplies to the central counting place or other authorized receiving site must be done by: (1) two authorized election workers, who must be members of different political parties; or (2) if extenuating circumstances exist, a sworn official election messenger, such as a sheriff's deputy, appointed in accordance with [A.R.S. § 16-615\(B\)](#).

## CHAPTER 10: CENTRAL COUNTING PLACE PROCEDURES

### I. CENTRAL COUNTING PLACE OPERATIONS

All early ballots and provisional ballots are initially processed by the County Recorder and then transferred to the officer in charge of elections for tabulation at the central counting place. Regular ballots cast on Election Day that are not processed and tabulated at the voting location are also transmitted to the central counting place for processing and tabulation. Central counting place operations are conducted under the direction of the Board of Supervisors or the officer in charge of elections. The operations must be in accordance with the procedures outlined in this manual, and open to observation by representatives of each political party and the public.

The central counting place and the computer center, where the computer containing the election management system (EMS) is securely kept, may be separate or joined as determined by the Board of Supervisors or designee. Maximum efficiency and control results when all board functions are performed in the same facility. However, when physical restrictions result in inadequate working spaces, it is permissible to separate board functions as long as prescribed board functions and sequence are maintained and the public can observe.

When the computer center, central counting place, or receiving sites are not at the same location, the officer in charge of elections or designee transfer the ballots to the computer center or observe the transmission of voted results, even if they are initially received and processed at another location.

A security officer or an election official may conduct tours through the central counting place for the public. At no time shall any public observance of the election process interfere with or interrupt the normal ballot flow, nor shall members of the public touch a ballot, computer, or tabulation device (except as permitted by the officer in charge of elections during demonstrations). [A.R.S. § 16-621\(A\)](#).

#### A. Deputies/Oath of Office

All persons taking part in the actual processing and counting of ballots, including the employees of a jurisdiction conducting an election, must be appointed in writing and take an oath provided by the Board of Supervisors (or designee) that they will faithfully and impartially perform their duties. Any person who has not been appointed in writing or taken the oath shall, under no circumstances, be permitted to touch any ballot, computer, or counting device used in processing ballots.

### **B. Providing Live Video Recording at Central Counting Place**

For any statewide, legislative, or county election, and subject to local appropriation, the county officer in charge of elections must provide a live video recording of the custody of all ballots when ballots are present in the tabulation room in the central counting place.<sup>52</sup>

The live video recording must include date and time indicators. If the live coverage is interrupted, the officer in charge of elections must attempt to reinstate coverage as soon as practicable. Any disruption in live video recording does not prevent the officer in charge of elections from continuing to tabulate ballots. The officer in charge of elections must record the video coverage and retain the recording as a public record at least through the challenge period for the election. At minimum, the challenge period is through the date to file or conclude any post-election recount or election contest.

The county officer in charge of elections must timely provide the website hyperlink to the Secretary of State, who must publish those hyperlinks on the Secretary of State's website. [A.R.S. § 16-621\(C\)](#).

### **C. Manual Ballot Counting**

If it becomes impracticable to count all or some of the ballots with tabulating equipment, the officer in charge of elections may direct that ballots be counted manually, following the provisions governing the counting of paper ballots. No valid ballot shall be left uncounted.

## **II. ESTABLISHING CENTRAL COUNTING PLACE BOARDS**

The Central Counting Place may have 11 or more types of boards as needed, which may be combined, if practicable, at the discretion of the officer in charge of elections. The Board of Supervisors or officer in charge of elections shall appoint boards for the tallying of results after the polls have closed. More than one board may be appointed for each type of board:

1. Receiving Board
2. Inspection Board
3. Central Counting Place Board
4. Ballot Duplication Board
5. Electronic Vote Adjudication Board
6. Accuracy Certification Board
7. Write-in Tally Board
8. Provisional Ballot Board

<sup>52</sup> Live video recording is not required for L&A testing or the post-election hand count audit. [A.R.S. § 16-602\(B\)](#).



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9. Special Election Board
10. Audit Board
11. Snag Board

Board members are appointed by the Board of Supervisors or other county officer in charge of elections at least 14 days prior to the board beginning its duties. All board members should be trained on their duties before assuming their positions. Some boards may have their duties combined at the discretion of the County Recorder or officer in charge of elections.

Unless otherwise noted below, each board is comprised of two members of different political parties. County party chairpersons may nominate persons to fill board positions. Without a nomination from a party chairperson, the Board of Supervisors (or designee) may fill the position with a member of the appropriate party.<sup>53</sup>

Separate boards consisting of two judges and an inspector will be appointed to process early ballots and write-in votes. At least one of the judges should not be a member of the same political party as the inspector.

The following procedures for processing ballots shall be followed, unless the Secretary of State has granted a jurisdiction permission to use another method. A jurisdiction wishing to deviate from these instructions must make a request in writing no later than 90 days prior to the election for which the exception is requested.

#### **A. Receiving Board**

The Receiving Board consists of two members who are not registered in the same political party. The officer in charge of elections or designee serves as the chair of the Receiving Board.

The Receiving Board is responsible for receiving the following items from the elections boards at the polling places and voting locations after the polls have closed, as applicable:

1. Memory devices;
2. Ballot transport containers containing ballots;
3. Early ballots that have been dropped off at a polling place;

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<sup>53</sup> If it is impossible to sufficiently staff the boards with members of different political parties, the officer in charge of elections shall, at minimum, exercise best efforts to utilize board members with no party affiliation or affiliated with unrecognized political parties to ensure that there is a diversity of political party affiliation (including no affiliation) on the boards and that no board is comprised of members of only one party. Further, the County Recorder or officer in charge of elections shall document when and how the political parties in the county were contacted about the need for board workers affiliated with those parties and all other actions taken in a best effort to obtain board workers from two different political parties. However, nothing in this Manual shall be interpreted to supersede otherwise applicable statutory requirements, including requirements as to differing political party affiliation of board workers.

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4. Provisional ballots;
5. Official returns container;
6. Unofficial returns container;
7. Precinct payroll envelope containing vouchers and a copy of the Official Ballot Report;
8. Duplicate poll list; and
9. Signature roster or e-pollbook.

When a ballot transfer container is delivered to a Receiving Board, the following entries shall be made in the Receiving Board Log, as applicable:

1. Precinct/polling place or vote center name or other identifier;
2. Signatures of the persons delivering the container;
3. Seal number of the Ballot Transfer Container;
4. Seal number on the carrying case of the tabulation unit;
5. Seal number on the carrying case of the Accessible Voting System unit and memory packs; and
6. Initials of the person receiving the ballot transfer container.

The Receiving Board shall ensure proper chain of custody documentation for all items received. [The Receiving Board shall give a numbered receipt acknowledging receipt of such ballots to the person in charge who delivers such ballots. A.R.S. § 16-608\(A\).](#)

If it appears that the ballot transfer container seal is broken, it shall be immediately referred to the officer in charge of elections or Snag Board for disposition. All other ballot transfer containers should be delivered unopened to the Inspection Board.

## **B. Inspection Board**

The Inspection Board is responsible for:

- Opening and verifying information on the precinct ballot report if the ballot transfer container contains any voting materials other than voted ballots; and
- Inspecting returns as necessary.

Receiving Boards and Inspection Boards should normally be combined, unless circumstances would render this inefficient. The officer in charge of elections shall provide each board with a log to enter pertinent data for each precinct/polling place or vote center.

### **1. Preliminary Procedures**

When the ballot transfer container or alternate ballot box arrives at the central counting place, the Inspection Board shall:

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Central Counting Place Procedures — II. Establishing Central Counting Place Boards

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1. Break the seal and open the ballot transfer container;
2. Break the seal on the alternate ballot box, if used;
3. Remove the Ballot Report Form and check to see that the seal number is the same as shown on the log—if the Ballot Report Form is absent, incomplete, or the seal number does not agree with the number on your inspection board log, call for the supervisor or officer in charge of elections;
4. Enter on the inspection board log:
  - Precinct name and/or number or voting location
  - Number of write-in ballots,
  - Number of provisional ballots, and
  - Number of early ballots dropped off at the polling place;
5. Separate the types of ballots to be processed into:
  - Provisional ballots,
  - Write-in ballots,
  - Voted ballots, and
  - Early ballots.

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**2. Provisional Ballots**

If there are provisional ballots:

1. The provisional ballot envelopes should be visually distinguishable from other ballot envelopes issued at a voting location or early voting site. Provisional and conditional provisional ballot envelopes may be printed on colored paper, may bear bar codes that do not identify the voter, or may use other methods to visually distinguish those types of ballot envelopes;
2. Keep provisional ballots separate from conditional provisional ballots;
3. Complete the provisional ballot transmittal slip by entering:
  - The number of provisional ballots stated on the ballot report, and
  - The actual number of provisional ballots received; and
4. Record the number of provisional ballots on the inspection board log.

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**3. Voted Early Ballots**

Early ballots dropped off at the polling place must be delivered to the County Recorder for signature verification, and may be verified prior to or along with the provisional ballots. For more information about processing early ballots, see [Chapter 2, Section VI](#).

#### 4. Regular Voted Ballots

Regular ballots that were tabulated at the voting location remain in the ballot transfer container received from the precinct or are packaged for storage and retention in the Treasurer's vault.

#### 5. Write-In Ballots

If there are write-in ballots:

1. Count the total number of ballots containing write-ins, if not previously counted at the polling place;
2. Record the number on the log; and
3. Complete a transmittal envelope for delivery of ballots containing write-in votes to the Write-In Tally Board.

### C. Central Counting Place Board

The Central Counting Place Board is responsible for the processing and tabulation of voted ballots on the central count tabulation equipment and the EMS and shall maintain the security of the ballots throughout the process. The Central Counting Place Board shall be under the direction of the Central Counting Place Board inspector; and consist of as many trained personnel selected by the Board of Supervisors (or designee) as required to process all ballots delivered to the computer room.

Members of the Central Counting Place Board should be familiar with the L&A test requirements, data processing procedures, and ballot tabulation equipment. There shall be no preferential counting of ballots for the purpose of projecting the election. [A.R.S. § 16-621](#).

The Central Counting Place Board shall:

1. Secure all processed ballots until successful completion of the last accuracy certification test;
2. Seal the ballot containers and secure the room where the ballots are located;
3. Keep the containers in a secure area until:
  - The end of the challenge period, or
  - If a challenge is filed, until the challenge has been resolved, and
  - The ballots have been released to the custody of the officer in charge of elections;
4. Transfer the sealed containers to the officer in charge of elections who shall transfer the ballots to the County Treasurer for retention.

The computer operating area, where the computer containing the EMS is located, shall be in a separate room or in an area of a larger room which is clearly marked as the computer operating area. Only members of the Central Counting Place Board and Accuracy Certification Board may

be permitted in the immediate computer operating area. Other observers may be permitted to observe the operations of these boards and the computer from a designated location, but must not interfere with the conduct of the operations. The Snag Board may enter the computer operating area to resolve any discrepancy.

Except for a County Recorder whose name is not on the ballot and who is carrying out official duties, no public officer serving in an elected position, or any candidate for an elective public office at the election shall be permitted to enter the central counting place unaccompanied by the officer in charge of elections or designee, any area where a central count board has been convened, any area where decisions about ballots are being made, or any other operational area where ballots are being processed or tallied.

#### **D. Ballot Duplication Board**

When any ballot, including an early ballot, is damaged or defective so that it cannot be read by the tabulation machine, it must be duplicated by a Ballot Duplication Board and the duplicated ballot must be tabulated in place of the damaged ballot. [A.R.S. § 16-621\(A\)](#).

##### **1. Establishing a Ballot Duplication Board**

Each Ballot Duplication Board shall be comprised of at least two members who are registered voters not of the same political party and who are appointed by the officer in charge of elections. An Inspection Board may serve as a Ballot Duplication Board.

The Ballot Duplication Board duplicates ballots that cannot be read by the tabulation machine but on which the voter has nonetheless clearly indicated their intent to vote on a particular race or ballot measure. This may include crumpled or otherwise damaged ballots, ballots with smudged ink, or ballots which are marked in the wrong color of ink or with a device that cannot be read by the tabulation machine. If voter intent is not clear and Ballot Duplication Board members do not agree on the voter intent for a particular ballot, that ballot should be referred to the Snag Board or officer in charge of elections for resolution prior to duplicating the ballot.

##### **2. General Duplication Guidelines**

Generally, only UOCAVA ballots, early ballots, and ballots cast at voting locations without a tabulation machine on-site should be duplicated at central counting facilities. Voters who vote at a voting location with a tabulation machine on-site feed their voted ballots directly into the tabulation machine and have the opportunity to correct an unreadable ballot [or ballot read as over-voted or blank](#) on the spot.

If a voter selects more than the maximum number of seats for a race, the tabulation machine will read the race as over-voted. Similarly, if a voter voted for a candidate whose name is printed on the ballot by marking the appropriate arrow or oval and also wrote the candidate's name in the write-in area, the tabulation machine will read that race as over-voted. Over-voted ballots [should](#) be sent to the Ballot Duplication Board (and the Snag Board or officer in charge of

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elections for adjudication if needed), even if the voter correctly filled in the arrow or oval for other ~~choices~~ choices on the ballot. If voter intent can be determined, the ballot ~~should~~ shall be duplicated and counted. ~~In counties that utilize digital scanning tabulation equipment, ballots may be digitally out stacked for electronic adjudication, as provided in Section II(E) below.~~

If a voter has consistently marked their ballot by circling the name of the candidates, or circling yes or no for issues, or placing an x, check mark, punched hole, or other similar mark next to the voter's choices, the tabulation machine will read the ballot as blank or invalid. These blank ballots ~~should~~ shall be sent to the Ballot Duplication Board.

If the early ballot board finds ballots that are torn, corrected with white-out or labels, erased, or marked with ink or crayon that cannot be read by the equipment, the ballot must be sent to the Ballot Duplication Board.

Ballots received via fax, email, or secure web portal from UOCAVA voters shall be forwarded to the Ballot Duplication Board for processing.

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### 3. Procedures for Duplicating a Ballot

A damaged or unreadable ballot must be duplicated according to the following procedures:

- Ensure the correct ballot style for the voter's precinct will be used to create the duplicated ballot;
- Mark the proper precinct identification code, if applicable;
- Record an identical serial number on both the original and duplicate ballot (including spoiled duplicates) – this ties the ballots together and creates a paper trail as required by statute, [A.R.S. § 16-621\(A\)](#);
- Conspicuously mark the original ballot as “DUPLICATED;”
- Conspicuously mark the duplicate ballot as “DUPLICATE,” A.R.S. § 16-621(A);
- Using the damaged or unreadable ballot as a guide, mark a blank ballot with votes identical to those on the original ballot;
- Do not duplicate write-in names that are not on the authorized write-in list (“blank” or “unofficial” may be typed in if using a ballot marking device to duplicate and the name/line cannot be left blank). However, mark the arrow or fill in the oval to indicate the vote cast;
- After marking the duplicate ballot, check to make sure it is identical to the original, including over-votes if voter intent cannot be determined and any under-votes;
- If the Ballot Duplication Board makes any errors, mark the duplicate ballot “SPOILED” in a conspicuous manner, and repeat the above steps on a new ballot;
- Place all original ballots in an envelope or container labeled “ballots that have been duplicated.”

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It is never permitted to enhance or alter a voter's original ballot markings to render the ballot readable. Instead, the ballot should be duplicated.

~~E. Electronic Vote Adjudication Board~~

~~As an alternative to manual duplication of entire ballots performed by the Ballot Duplication Board or manual tallying of write-in votes by the Write-In Tally Board, the officer in charge of elections may appoint Electronic Vote Adjudication Boards and utilize an electronic adjudication program to process specific votes requiring adjudication or tally write-in votes for qualified write-in candidates. Any electronic vote adjudication and electronic tallying of write-in votes shall be done pursuant to the requirements in this Section unless the Secretary of State has granted a jurisdiction written approval to use alternate procedures. A jurisdiction wishing to deviate from the procedures in this Section must make a request in writing no later than 90 days prior to the election for which the exception is requested.~~

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The following types of votes may be adjudicated or tallied using electronic adjudication:

- ~~• Over votes: The Electronic Vote Adjudication Board may evaluate over vote conditions to determine the voter's intent and make corresponding adjustments to the record if the voter's intent is clear. If the voter's choice for a specific race or ballot measure cannot be positively determined, no selection shall be counted for that race or ballot measure. A.R.S. § 16-610.~~
- ~~• Votes on ballots read as blank or unclear: The Electronic Vote Adjudication Board may review ballots read by the tabulation machine as blank or unclear, determine if voter intent is clear on some or all races or ballot measures, and make corresponding adjustments to the record. If the voter's choice for a specific race or ballot measure cannot be positively determined, no selection shall be counted for that race or ballot measure. A.R.S. § 16-610.~~
- ~~• Write-in votes: The Electronic Vote Adjudication Board may review write-in entries and assign those votes to the appropriate qualified write-in candidate.~~

~~Votes that do not meet the above criteria shall not be electronically adjudicated. Ballots that are damaged or defective must be manually duplicated and shall not be electronically adjudicated. A.R.S. § 16-621(A).~~

~~4.a. EMS Requirements~~

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~~To utilize electronic adjudication and/or electronic tallying of write-in votes, the following minimum system and application requirements must be met:~~

- ~~1. The electronic adjudication application must be part of an EMS that has received federal and state certification and is authorized for use in elections in Arizona.~~
  - ~~• The application must be installed with the EMS on a secure, isolated, closed network and shall not be connected to the internet or an external network.~~

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- ~~2. The application shall provide distinct security roles, with separate user names and secure passwords for each user or station. These security roles must have different functions. Each election worker shall be given access to only the components of the application necessary to perform their duties. If a secured user name and password are used for each station rather than each user, a detailed log of who utilized each station and at what time(s) shall be maintained.~~
- ~~3.1 Users (and, if applicable, stations) shall have unique user names and secure passwords. Vendor supplied generic passwords may not be used.~~
- ~~4. Log in must be required each time the electronic adjudication application is started. The application and/or tabulation system shall be capable of identifying ballots that contain over votes or write in votes, or that are read as blank or unclear.~~
- ~~5.1 The application shall provide comprehensive logging of any changes to the ballot record for audit purposes, as well as validation of all changes through the use of multiple electronic "signatures" before committing any changes to the EMS results.~~
- ~~6. The application shall allow election officials to review, evaluate, and adjudicate votes, based on the voter's intent, through the application without physical duplication of the ballot and record those changes and any modified totals in the results report.~~
- ~~7.1 The application shall allow for each transaction to be reviewed and approved by at least two election officials of different political party affiliation.~~
- ~~8.1 The application shall include electronic review, attribution of eligible write in votes, and tallying of official write in votes within the application.~~
- ~~9. There must be an efficient and reliable means of identifying and locating the physical ballots that have been electronically adjudicated and/or electronically tallied if needed for auditing. For example, the tabulation machine may be programmed to out stack and/or print identification numbers on the ballots to be electronically adjudicated.~~

~~Even if electronic adjudication is not utilized, the tabulation equipment may be programmed to stop on, sort, or flag write in votes for races with official write in candidates. Official write in candidates may be entered into the EMS after the write in filing deadline to facilitate this process as long as doing so does not modify the election programming if L&A testing has been completed.~~

~~**5.a. L&A Testing Requirements**~~

~~If electronic adjudication will be utilized for an election, that functionality of the tabulation system will also be tested during the L&A test for that election to ensure proper and secure functioning. In addition, a paper audit log must be produced, verified, and signed off on by the Electronic Vote Adjudication Board members *before* committing their selections to the EMS (see Chapter 10, Section II(E)(3)).~~

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## ~~6. Electronic Vote Adjudication Board Composition~~

~~If the officer in charge of elections elects to use electronic adjudication, they must appoint an Electronic Vote Adjudication Board consisting of two judges, overseen by an inspector or the officer in charge of elections (or designee). The two judges shall not be members of the same political party.~~

~~An Electronic Vote Adjudication Board that will tally official write in votes must consist of an inspector and two judges of opposite political parties as outlined in A.R.S. § 16-531(E).~~

## ~~7. Electronic Vote Adjudication Procedures~~

~~Prior to electronically adjudicating any ballots, the Electronic Vote Adjudication Board must be trained in their duties and application functionality.~~

- ~~1. The electronic adjudication of votes and electronic tallying of write in votes must be performed in a secure location, preferably in the same location as the EMS system, but open to public viewing.~~
- ~~2. The officer in charge of elections shall make a back-up of the election from the EMS prior to the start of electronic adjudication/tallying and again after electronic adjudication/tallying is complete in order to have a record of the results as initially read by the tabulator and after electronic adjudication/tallying.~~
- ~~3. Electronic adjudication of voter intent shall be performed separate and apart from the electronic tallying of official write in votes, and the results of adjudication of voter intent and tallying of official write in votes shall be reported and verified on separate paper audit logs.~~
- ~~4. If the Electronic Vote Adjudication Board cannot agree on the resolution of a vote, that vote shall be flagged and referred to the officer in charge of elections or designee for final determination.~~
- ~~5. The EMS and/or electronic adjudication application shall provide a report on the votes electronically adjudicated and/or official write in votes tallied, the selections made by the Electronic Vote Adjudication Board, the names of the members of the Electronic Vote Adjudication Board that processed the votes on the report, and the date of processing.~~
- ~~6. The electronic adjudication or electronic write in tally process shall include production of a paper audit log of the Electronic Vote Adjudication Board's decisions as to each ballot/vote electronically adjudicated or tallied. The paper audit log must be verified and signed off on by the board members, who shall verify that the paper audit log accurately reflects the board's selections and that those selections are accurately reflected in the electronic adjudication application *prior to* committing the selections to the EMS.~~
- ~~7. To meet the requirement of a board verified paper audit log, the Electronic Vote Adjudication Board shall either:
  - ~~a. Maintain a manual, hard copy log of its selections for each ballot/vote electronically adjudicated and/or official write in votes tallied by batch; or~~~~

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- ~~b. Print a log of its selections by batch from the application, verify that the printed log accurately reflects the board's selections, and confirm that those selections are accurately reflected in the electronic adjudication application *prior to* committing the selections for that batch to the EMS.~~

~~***b. Electronically Adjudicating Votes on Ballots Read as Over-voted, Blank, or Unclear***~~

~~An Electronic Vote Adjudication Board that adjudicates votes on ballots read as over-voted, blank, or unclear must:~~

- ~~1. Use the electronic adjudication application or tabulation system to filter and review votes on ballots read as over-voted, blank, or unclear;~~
- ~~2. Determine voter intent and electronically attribute votes according to the clear intent of the voter;
  - ~~— The general guidelines for determining voter intent in Chapter 11, Section IX should be followed to the extent they do not conflict with any requirements in this Section.~~
  - ~~— The board may decide to: (i) approve the ballot with no changes to any races; (ii) place a ballot on hold for further review by the officer in charge of elections or Snag Board, or (iii) approve the ballot with changes based on the board's adjudication of voter intent.~~
  - ~~— The board shall only adjudicate votes that are marked by the voter in a manner that prevents the tabulation machine from accurately counting the race as the voter intended. If it is not possible to positively determine the voter's choice for a particular race or ballot measure, the board shall not designate a choice for that race or ballot measure. A.R.S. § 16-610.~~~~
- ~~3. After adjudication is complete, and the board has verified that the paper audit log of its selections are accurate and verified that those selections are accurately reflected in the application, the results must be committed to the EMS and the election results will be updated with new totals; and~~
- ~~4. Produce a paper audit log of all adjudicated ballots/votes and the board's disposition of each ballot/vote for each batch adjudicated. *Before* committing the selections for each adjudicated batch to the EMS, the Electronic Vote Adjudication Board shall verify that the paper audit log accurately reflects the board's selections and verify that those selections are accurately reflected in the electronic adjudication application. The paper audit log shall be maintained in case resolution of any discrepancy or audit of the electronic adjudication process is needed.~~

~~***c. Electronically Tallying Write-In Votes***~~

~~An Electronic Vote Adjudication Board that tallies write-in votes must:~~

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- ~~1. Use the EMS and electronic adjudication application to electronically filter and review ballots with write in votes;~~
- ~~2. Determine voter intent and attribute votes to official write in candidates only;
  - ~~a. If the voter writes the name of a candidate on the ballot, the vote shall be counted for that candidate. If a voter writes the name of a political party on an FWAB, the vote shall be counted as a vote for the candidate of that party. A.R.S. § 16-543.02(C). Any abbreviation, misspelling, or other minor variation in the form of the name of a candidate or political party shall be disregarded in determining the validity of the ballot if the intention of the voter can be clearly ascertained.~~
  - ~~b. 1 Write in votes for unofficial write in candidates are invalid and shall not be tallied electronically.~~~~
- ~~3. Produce a paper audit log of all tallied write in votes and the board's disposition of each vote for each batch of ballots for which write in votes were electronically tallied. Prior to committing the selections for each batch to the EMS, the Electronic Vote Adjudication Board shall verify that the paper audit log accurately reflects the board's selections and verify that those selections are accurately reflected in the electronic adjudication application. The paper audit log shall be maintained in case resolution of any discrepancy or audit of the electronic write in tally process is needed.~~
- ~~4. Procedures and guidelines applicable to the Write In Tally Board in Chapter 10, Section II(H) also apply to Electronic Vote Adjudication Boards that electronically tally write in votes to the extent they do not conflict with the requirements in this Section (Chapter 10, Section II(E)).~~

#### **F.E. Accuracy Certification Board**

The Accuracy Certification Board consists of two elections officials registered with two different political parties and shall be appointed by the Board of Supervisors (or designee). The Accuracy Certification Board is responsible for verifying the accuracy of computer programs, through the L&A test materials, and attesting to the procedures during computer processing of ballots. [A.R.S. § 16-449](#).

All L&A tests shall be observed by the Accuracy Certification Board, and open to representatives of political parties, candidates, the press, and the general public. Political party observers are distinguished from members of the general public, who may view the central counting place activities from the public viewing area. Properly credentialed political party observers may observe the proceedings from inside the room where they happen. However, under no circumstances should a political party observer touch or operate the election server computer or any scanning device. See [Chapter 10, Section I\(A\)](#).

If an error is detected in the L&A test, it shall be corrected. An errorless test must occur and be completed before the program and computer are certified.

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Immediately after completion of the tabulation of ballots, the Accuracy Certification Board shall certify that:

- The number of ballots processed for each precinct or voting location was checked against the number of ballots received from the precinct or voting location by the Ballot Inspection Board (part of the Central County Place Board), as reflected on the Ballot Report Form; and
- Any discrepancies in the number of ballots received and the number processed by the vote tally system are properly resolved.

### **G.F. Provisional Ballot Processing**

Provisional ballots are processed initially by the County Recorder and then by a Provisional Ballot Board at the central counting place.

The provisional ballot affidavit, whether part of the provisional ballot envelope or a separate form, shall be deemed sufficient if it is signed by the voter and, if the voter did not provide adequate identification at the voting location, the signature matches the signature on the voter's registration record. A provisional ballot shall not be rejected solely for lack of a signature on the affidavit by polling place election officials.

A conditional provisional ballot cast by a voter must be clearly distinguishable and kept separate from other provisional ballots. A conditional provisional ballot must not be processed and forwarded for tabulation until the voter has produced sufficient identification to the County Recorder, in accordance with the provisions of this manual governing proof of identity. *See Chapter 9, Section IV.* The County Recorder must disqualify the ballot if the voter does not provide sufficient identification by the deadline.

#### **1. County Recorder Responsibilities**

##### **a. Verification of Provisional Ballots**

All provisional ballots must be verified for proper registration within ten calendar days after a general election that includes an election for federal office, and within five business days for all other elections. [A.R.S. § 16-135\(D\)](#). The provisional ballot shall be counted if:

1. The voter's registration is verified and the voter is eligible to vote in the precinct, *and*
2. The voter's signature does not appear on any other signature roster for that election, *and*
3. There is no record that the voter voted early in that election.

For a provisional ballot to be counted, the County Recorder shall confirm that all of the following requirements are met:

1. Confirm that the provisional ballot affidavit is signed;
2. Confirm that the voter was registered to vote and was eligible to vote in the election;

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3. Confirm that the voter voted in the correct polling place or voting location or cast the ballot for the correct precinct;
4. Confirm that there is no record that the voter voted early for that election;
5. If the voter moved without updating their address and voted in the precinct for the new address, confirm that the voter did not vote in the prior precinct by confirming that the voter did not sign the signature roster for the prior precinct;
6. For a partisan primary election, confirm that the voter received and voted the correct party ballot based on the voter’s party affiliation;
7. If the voter is registered as a “federal-only” voter, confirm that the voter received a “federal-only” ballot or clearly mark or stamp the outside of the provisional ballot envelope to indicate that the voter is a “federal-only” voter and only races for federal candidates should be duplicated and tabulated.

The County Recorder shall deliver only provisional ballot envelopes and/or affidavits of qualified voters who meet the above requirements to the Board of Supervisors or officer in charge of elections for counting. Rejected provisional ballot envelopes and/or affidavits should be separately retained and delivered to the officer in charge of elections for retention in accordance with [A.R.S. § 16-624](#).

**b. Rejection Reason Code**

The rejection code reason is determined by the County Recorder. The rejection reasons include:

1. Not registered;
2. No ballot in envelope;
3. Registered after 29-day cut-off;
4. No signature;
5. Insufficient/illegible information;
6. Voter did not provide adequate identification and signature does not match;
7. Wrong party;
8. Outside jurisdiction ballot;
9. Voter challenge upheld;
10. Voted in wrong precinct;
11. Voted and returned an early ballot;
12. Proper identification not provided by deadline;
13. Not eligible; and
14. Other (please specify).

**c. Updating Voter Registration Records**

The County Recorder shall update the appropriate county register or registration database with the names of all provisional voters whose registration was verified to indicate that those voters are qualified to vote in future elections.

The County Recorder may also use the information from a provisional ballot envelope or affidavit to update a voter's name and address. A provisional ballot envelope or affidavit may also be used to register a voter for the first time for future elections (not the current election the provisional ballot was used for) if ~~it contains all the required information for a voter registration form~~ ~~the form substantially complies with A.R.S. § 16-152~~. Additionally, a "federal-only" voter may use the provisional ballot process to provide a driver license number as DPOC for future elections (although not for the current election the provisional ballot was used in).

**d. Voter Verification of Provisional Ballot Status**

The County Recorder shall create a provisional ballot record for the voter that contains the following information:

1. Provisional ballot receipt number;
2. Name of the voter;
3. Precinct/polling location where the provisional ballot was cast;
4. Provisional ballot status;
5. Provisional ballot status reason;
6. Address (optional)
7. Date of Birth (optional)
8. Political Party (optional).

[A.R.S. § 16-584\(E\)](#).

This information will be used for online verification of a voter's provisional ballot. The information shall be available online for one month after posting.

As soon as possible after verification of the provisional ballots is complete, a notice informing the voter whether their vote was counted or not counted, and the reason for not counting if applicable, shall be provided to the voter. This may be in the form of a notice mailed to the voter, or the voter may access the information pursuant to the instructions on the receipt that was issued to the voter at the time they voted the provisional ballot. The receipt will provide the voter with clear instructions on how to determine the status of their vote.

The County Recorder or other officer in charge of elections shall provide to provisional voters a toll-free number or other method of verifying the status of their votes. Reasonable restrictions will be employed to limit transmittal of the information only to the voter, such as verifying the

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date of birth, state or country of birth, or other information that could confirm the voter's identity if compared with the voter registration information on file. The officer in charge of elections will request verification of identity with information from the voter's registration record or provisional ballot envelope. [A.R.S. § 16-584\(F\)](#).

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**2. Provisional Ballot Board Responsibilities**

The Board of Supervisors shall appoint one or more Provisional Ballot Boards, consisting of two elections officials not of the same political party, for the processing of provisional ballots. They must also appoint additional clerks as needed, designate the supervisory authority, designate the location for processing, and provide all necessary supplies.

Provisional ballot boards may convene and begin ballot processing any time after provisional ballots are delivered to the officer in charge of elections. The provisional ballot processing board shall place official and unofficial returns in containers marked "official returns" and "unofficial returns." The container may be an envelope or any other container that keeps the official and unofficial returns physically separated by precinct.

The inspector on the Provisional Ballot Board shall be in charge of processing. The inspector shall receive the provisional ballot envelopes from the verification staff and record the precinct identification data on the transmittal form.

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**3. Verification Staff Procedures for Specific Scenarios**

Verification staff at the central counting place must follow the following procedures in the specified scenarios below.

**a. Provisional Ballots Cast by Federal-Only Voters**

The verification staff must examine the outside of the provisional ballot envelope to determine if the Recorder's Office has identified the voter as a "federal-only" voter. If that indicator is present and the Recorder's Office has indicated that the ballot is otherwise verified, the verification staff will open the provisional ballot envelope and confirm whether the ballot inside is a "full-ballot" or "federal-only" ballot.

- If the ballot in the provisional ballot envelope is a "federal-only" ballot, the ballot shall be removed and processed for tabulation.
- If the ballot in the provisional ballot envelope is a "full-ballot," the verification staff will remove the ballot from the envelope and send the ballot to the Ballot Duplication Board for duplication of the races for President of the United States (Presidential Electors), United States Senator, and United States House of Representatives only. No other race or ballot measure will be duplicated from that ballot.

**b. Provisional Ballots Voted on an Accessible Voting Device that Independently Tabulates Votes**

The verification staff must examine the provisional ballot affidavit to determine if the Recorder's Office has identified the voter as a "federal-only" voter. If that indicator is present and the Recorder's Office has indicated that the ballot is otherwise verified, the verification staff will print a copy of the voted ballot or pull the voter-verifiable paper audit trail to confirm whether the ballot is a "full-ballot" or a "federal-only" ballot.

- If the ballot is a "federal-only" ballot, the ballot shall be marked "accepted" on the EMS and processed for tabulation.
- If the ballot is a "full-ballot," the verification staff will mark the ballot "Fed-Only" and send the ballot to the Ballot Duplication Board for duplication of the offices of President of the United States (Presidential Elector), United States Senate, and United States House of Representatives only. No other race or ballot measure will be duplicated from that ballot. The provisional ballot shall be marked "rejected" on the EMS and the duplicated ballot shall be counted with the rest of the provisional paper ballots.

**c. Damaged Ballots**

If there are damaged provisional ballots, the verification staff must:

1. Count the number of damaged ballots in each precinct;
2. Initiate a transmittal slip to accompany the ballot to the Ballot Duplication Board;
3. Record the number on the slip; and
4. Forward the ballots, with the transmittal slip, to the Ballot Duplication Board.

**d. Ballots Ready for Counting**

The number of ballots ready to be counted must be recorded on a transmittal slip. The ballots and transmittal slip are forwarded to the Central Counting Place Board.

**e. Ballots to Be Duplicated**

If any provisional ballots require duplication, the verification staff must forward those ballots to the Ballot Duplication Board in a proper transmittal envelope.

**f. Write-In Votes**

After the provisional ballots have been counted on a tabulation unit, any ballots containing write-in votes shall be separated from the other ballots and forwarded to the Write-in Tally Board.



#### 4. Challenges

Challenges of provisional ballots will be determined by the Provisional Ballot Board using the procedure outlined for counting early ballots in [Chapter 2, Section V](#). If the voter is found to be not registered, the ballot shall remain unopened and be retained in the same manner as voted ballots. Party representatives and alternates may be appointed to be present during provisional ballot processing and to challenge the disposition of provisional ballots.

### H.G. Write-In Tally Board

#### 1. Write-In Tally Board Procedures

The Write-In Tally Board is comprised of one inspector and two judges, who are members of the two political parties which cast the highest number of votes in the state at the last general election. At least one of the judges must be of a different political party than the inspector. At least 90-days before an election, the county chairperson of the two largest political parties may designate qualified electors to serve on Write-In Tally Board. When the list is timely submitted, it shall be used to appoint board members. Without a nomination from a party chairperson, the Board of Supervisors (or designee) may fill the position with a member of the appropriate party. A.R.S. § 16-531(A), (E). The Write-In Tally Board may manually tally write-in votes or do so through an electronic ~~adjudication program~~ voting system pursuant to [Chapter 10, Section II\(EG\) above-\(2\) below. A.R.S. § 16-531\(E\).](#)

If the voter writes the name of a candidate on the ballot, the vote shall be counted for that candidate. If a voter writes the name of a political party on an FWAB, the vote shall be counted as a vote for the candidate of that party. Any abbreviation, misspelling, common nickname, or other minor variation in the name of a candidate or political party shall be disregarded in determining the validity of the vote if the intent of the voter can be ascertained. [A.R.S. § 16-543.02\(C\)](#).

Write-in votes are tallied only if the ballot is properly marked by the voter. This is done by writing in the name of a qualified write-in candidate ~~AND~~ and by filling in the oval or connecting the arrow (or other method of properly marking the vote as indicated in the instructions for the particular optical scan or digital scan ballot). [A.R.S. § 16-448](#).

If a write-in vote is declared to be invalid, the Write-In Tally Board manually tallying write-in votes must disqualify the vote. The Write-In Tally Board must not count any write-in vote that an election official has identified as disqualified.

#### 2. Electronic Tallying of Write-In Votes

As an alternative to manual tallying of write-in votes, the Write-In Tally Board may utilize an electronic program to tally write-in votes for qualified write-in candidates. Any electronic tallying of write-in votes shall be done pursuant to the requirements in this Section unless the Secretary of State has granted a jurisdiction written approval to use alternate procedures. A

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jurisdiction wishing to deviate from the procedures in this Section must make a request in writing no later than 90 days prior to the election for which the exception is requested.

**a. EMS Requirements**

To utilize an electronic program to tally write-in votes, the following minimum system and application requirements must be met:

1. The application must be part of an EMS that has received federal and state certification and is authorized for use in elections in Arizona.
  - The application must be installed with the EMS on a secure, isolated, closed network and shall not be connected to the internet or an external network.
2. The application shall provide distinct security roles, with separate usernames and secure passwords for each user or station. These security roles must have different functions. Each election worker shall be given access to only the components of the application necessary to perform their duties. If a secured username and password are used for each station rather than each user, a detailed log of who utilized each station and at what time(s) shall be maintained.
3. Users (and, if applicable, stations) shall have unique usernames and secure passwords. Vendor-supplied generic passwords may not be used.
4. Log-in must be required each time the application is started. The application and/or tabulation system shall be capable of identifying ballots that contain write-in votes.
5. The application shall provide comprehensive logging of any changes to the ballot record for audit purposes, as well as validation of all changes through the use of multiple electronic “signatures” before committing any changes to the EMS results.
6. The application shall include electronic review, attribution of eligible write-in votes, and tallying of official write-in votes within the application.
7. The application shall allow for each transaction to be reviewed and approved by at least two election officials of different political party affiliation.
8. There must be an efficient and reliable means of identifying and locating the physical ballots that have been electronically tallied if needed for auditing. For example, the tabulation machine may be programmed to out-stack and/or print identification numbers on the ballots with write-in votes to be electronically tallied.

The tabulation equipment may be programmed to stop on, sort, or flag write-in votes for races with official write-in candidates. Official write-in candidates may be entered into the EMS after the write-in filing deadline to facilitate this process as long as doing so does not modify the election programming if L&A testing has been completed.

**b. L&A Testing Requirements**

If write-in votes will be electronically tallied, that functionality of the tabulation system will also be tested during the L&A test for that election to ensure proper and secure functioning. In

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addition, a paper audit log must be produced, verified, and signed off on by the Write-In Tally Board members *before* committing their selections to the EMS (*see* Chapter 10, Section II(G)(2)(c) below).

### c. Electronic Tallying Procedures

Prior to electronically tallying any ballots with write-in votes, the Write-In Tally Board must be trained in their duties and application functionality.

1. The electronic tallying of write-in votes must be performed in a secure location, preferably in the same location as the EMS system, but open to public viewing.
2. An Write-In Tally Board that electronically tallies write-in votes must use the EMS and electronic adjudication/tallying application to: (i) electronically filter and review ballots with write-in votes; and (ii) determine voter intent and attribute votes to official write-in candidates according to the procedures specified in Chapter 10, Section II(G)(1). **Write-in votes for unofficial write-in candidates are invalid and shall not be tallied electronically.**
3. If the Write-In Tally Board cannot agree on the resolution of a vote, that vote shall be flagged and referred to the officer in charge of elections or designee for final determination.
4. The EMS and/or electronic adjudication/tallying application shall provide a report on the official write-in votes tallied, the names of the members of the Write-In Tally Board that processed the votes on the report, and the date of processing.
5. The electronic write-in tally process shall include production of a paper audit log of the Write-In Tally Board's decisions as to each ballot/vote electronically tallied. The paper audit log must be verified and signed off on by the board members, who shall verify that the paper audit log accurately reflects the board's selections and that those selections are accurately reflected in the electronic adjudication/tallying application *prior to committing* the selections to the EMS.
6. To meet the requirement of a board-verified paper audit log, the Write-In Tally Board shall either:
  - a. Maintain a manual, hard-copy log of its selections for the official write-in votes tallied by batch; or
  - b. Print a log of its selections by batch from the application, verify that the printed log accurately reflects the board's selections, and confirm that those selections are accurately reflected in the electronic adjudication/tallying application *prior to committing* the selections for that batch to the EMS.

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### **I-H. Audit Board**

The officer in charge of elections is responsible for overseeing a post-election audit of each voting location using an Audit Board.

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All election board logs, the Official Ballot Report, tabulation units, accessible voting device tapes/printouts, and a copy of the downloaded precinct results shall be delivered to an Audit Board upon the completion of each election board's function.

The Audit Board:

1. Receives the Official Ballot Reports for each voting location and any supplemental information from the election boards that could explain any discrepancies;
2. Receives the signature rosters, poll lists (or scanned copies), or reports from e-pollbooks that show voter check-ins and signatures;
3. Receives the tabulation unit and accessible voting device precinct paper tape;
4. Receives a copy of the transmitted precinct results from the election management system;
5. Verifies the counts on the Official Ballot Report;
6. Verifies that the count from the tabulation unit and accessible voting device precinct paper tapes is the same as the count from the transmitted precinct results on the election management system;
7. Produces a written record that the correct vote totals for each candidate and issue were transmitted from the polling place to the election management system;
8. Has access to all voting locations' ballot statements contained in the unofficial return envelope;
9. Identifies discrepancies in the reports following final tabulation of duplicated ballots and provisional ballots;
10. Resolves problems that appear to be of major significance in the presence of political party observers; and
11. Resolves and documents all discrepancies.

The functions of the Audit Board must be completed prior to the acceptance of the canvassing results in order to ensure the integrity of the canvass results.

#### **J-I. Snag Board**

The Snag Board is comprised of at least three members who are knowledgeable about the entire elections process. Where possible, its members should have experience working as board members in several previous elections cycles. It is appointed by the Board of Supervisors or officer in charge of elections, and should have members of at least two political parties.

The function of the Snag Board is to resolve any problem brought to its attention by any of the other election boards.

## CHAPTER 11: HAND COUNT AUDIT

A limited precinct hand count and early ballot hand count audit must be conducted after each countywide primary, special, general, and PPE election and compared against the results from the electronic tabulation system, unless applicable exceptions apply. The purpose of the hand count audit is to compare the results of the machine count to the hand count to assure that the machines are working properly and accurately counting votes. Those conducting the hand count shall not be provided the machine count results of the batches of ballots they are hand counting prior to completion of the hand count of that batch. If the results from the hand count audit are within the “designated margin” of the electronic results for selected ballots, the hand count is deemed to have confirmed the accuracy of the electronic tabulation equipment, the hand count may cease, and the countywide electronic results are deemed the official results of the election. If the results from the hand count audit are outside of the designated margin, a second hand count of the same ballots is required, potentially followed by an expanded hand count and one or more jurisdiction-wide hand counts depending on the results. [A.R.S. § 16-602\(C\)-\(F\)](#).

### I. DESIGNATION OF HAND COUNT BOARD MEMBERS

At least 14 days prior to a countywide primary, special, general, or PPE election, the officer in charge of elections must notify the county chairpersons of each recognized political party of the requirement to designate Hand Count Board members, who will perform the hand count audits under the supervision of the officer in charge of elections. The officer in charge of elections should forecast the requisite number of board members (including alternate board members) based on the number of precincts/vote centers included in the hand count and/or the total number of ballots to be hand counted.

The political party county chairpersons must designate Hand Count Board members and alternates at least seven days before the election (*i.e.*, by 5:00 p.m. on the Tuesday before the election). If the political party is not represented by a county chairperson, the chairperson of the applicable state political party (or designee) may appoint the Hand Count Board members.

The proposed board members and alternates must be registered to vote in Arizona but need not be registered members of the political party that designated them. Candidates appearing on the ballot, except for the office of precinct committeeman, may not serve as Hand Count Board members. Board members are entitled to receive compensation, but not for lodging, meals, or travel.

The officer in charge of elections must notify a political party county chairperson by 9:00 a.m. on the Wednesday before the election if there is a shortage of required board members (*i.e.*, the total number of proposed board members provided by all parties is less than four times the number of precincts to be audited). The chairperson must provide additional board member names by the next business day (5:00 p.m. on the Thursday before the election).

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The hand count shall not proceed unless a sufficient number of Hand Count Board members has been designated by 5:00 p.m. on the Thursday preceding the election and appear at the designated time and location to perform the hand count. The hand count may also be canceled (and the electronic tabulation of ballots will constitute the official count) if the officer in charge of elections removes enough board members (due to disruption or members being unable to perform their duty) such that there is an insufficient number of board members and the shortage cannot be remedied with substitutions.

The officer in charge of elections must notify the Secretary of State if the hand count will be canceled. Among other information, the notification to the Secretary of State must outline the steps taken by the officer in charge of elections to secure sufficient participation in the hand count.

If a sufficient number of members are present for the hand count, the officer in charge of elections must create boards by selecting at least two judges and one inspector per board. Each Hand Count Board must be comprised of designees from at least two recognized political parties and no more than 75% of the members may be from the same political party. Typically, for a three-member Hand Count Board, no more than two board members shall be members of the same political party entitled to continued representation on the ballot. All board members must take the oath specified in [A.R.S. § 38-231\(E\)](#).

Board members may not bring any electronic devices, black pens, blue pens, or cell phones into the designated location of the hand count. [A.R.S. § 16-602\(B\)\(7\)](#).

## **II. OBSERVATION OF THE HAND COUNT AUDIT**

The hand count is not subject to the live video requirements of [A.R.S. § 16-621\(C\)](#). However, political party representatives who are observing the hand count may bring their own video cameras to record the hand count. The sole act of recording the hand count does not constitute sufficient grounds for the officer in charge of elections to prohibit observers from recording or to remove them from the facility. However, the observation or recording may not interfere with the hand count. In addition, to preserve the right to a secret ballot, no recording of ballot content shall be allowed. If either situation occurs, the officer in charge of elections may remove the observers or board members from the facility or further restrict video recording. [A.R.S. § 16-602\(B\)](#).

## **III. TYPES AND QUANTITIES OF BALLOTS TO HAND COUNT**

A post-election hand count audit includes a precinct hand count, which involves a manual count of regular ballots from selected precincts, and an early ballot hand count, which involves a manual count of a percentage of early ballots cast in the election.

#### **A. Ballots Included in the Precinct Hand Count**

For the precinct hand count, the officer in charge of elections must conduct a hand count of regular ballots from at least 2% of the precincts, or 2 precincts, whichever is greater. Provisional and conditional provisional ballots are not included in the hand count. [A.R.S. § 16-602\(B\)\(1\)](#).

In counties that utilize vote centers, each vote center is considered to be a precinct/polling location and the officer in charge of elections must conduct a hand count of regular ballots from at least 2% of the vote centers, or 2 vote centers, whichever is greater.

In a PPE, the officer in charge of elections must conduct a hand count of regular ballots from 2% of the polling places or vote centers established pursuant to [A.R.S. § 16-248](#). [A.R.S. § 16-602\(B\)\(3\)](#).

#### **B. Ballots Included in the Early Ballot Hand Count**

The officer in charge of elections is required to conduct a hand count of 1% of the total number of early ballots cast, or 5,000 early ballots, whichever is less. [A.R.S. § 16-602\(F\)](#). Counties may elect to audit a higher number of ballots at their discretion.

At least one batch of up to 400 early ballots from each central count machine used to tabulate early ballots and at least one accessible voting machine (if those machines independently tabulate votes) used during on-site early voting shall be selected for the early ballot hand count process. The officer in charge of elections must securely sequester those selected ballots along with their unofficial electronically-tabulated results for use in the early ballot hand count.

### **IV. SELECTING PRECINCTS/POLLING PLACES TO BE HAND COUNTED**

The county political party chairpersons (or designees) shall take turns randomly drawing the precincts, vote centers, or consolidated polling places for the hand count. If a chairperson appoints a designee, the appointment must be in writing with the signature of the chairperson. The precincts/polling places shall be selected by lot without the use of a computer and the order of selection by the county political party chairpersons (or designees) shall also be by lot.

The selection of the precincts/polling locations shall not begin until all ballots voted in the precinct polling places have been delivered to the central counting facility. The unofficial vote totals from all precincts/polling locations shall be made public before selecting the precincts/polling locations to be hand counted. The selection of precincts/polling locations shall occur prior to the selection of the races to be counted.

At least 2% of the precincts/polling locations in the county (rounded to the nearest whole number) or two precincts/polling locations, whichever is greater, shall be selected at random from a lot consisting of every precinct/polling location in that county. For any election where

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there are consolidated polling locations, the number of precincts to hand count should be calculated based on the number of active polling locations for that election.

For counties utilizing vote centers, each vote center shall be considered to be a precinct/polling location during the selection process and the officer in charge of elections must conduct a hand count of regular ballots from at least 2% of the vote centers, or two vote centers, whichever is greater.

The process for selecting the precincts for Primary and General Elections is:

1. **Determine Selection Order:** Select by lot the order in which the county political party chairpersons (or designees) shall draw precincts/polling locations. The selection order will apply for the entire hand count process.
2. **Create Lot:** Create a lot containing all precincts/polling locations in the county.
3. **Select Precincts:** Draw the required 2% or two precincts/polling locations to be counted from a lot containing every precinct/polling location in the county. Precincts/polling locations without any registered voters shall be excluded from the pool of available precincts/polling locations in the county. The county political party chairpersons (or designees) shall alternate selecting precincts/polling locations based on the order defined in Step 1 from the lot until the required number of precincts/polling locations is selected.
  - a. If a tabulation unit from a vote center was selected as a precinct/polling location to be hand counted, a subsequential selection shall be conducted to select a touchscreen voting machine (if they independently tabulate votes, and if there are more than one) utilized at that vote center:
    - **Create Lot:** Create a lot containing all touchscreen voting machines used at the same vote center in which a tabulation unit was previously selected.
    - **Select Touchscreen Voting Machines:** Draw a corresponding number of touchscreen voting machines to be hand counted for each tabulation unit from a vote center that was previously selected, from a lot containing every touchscreen voting machine utilized at a vote center from which a tabulation unit was selected during the selection of the precincts/polling locations.
4. **Record Precincts.** The officer in charge of elections shall record the precincts/polling locations to be hand counted in the Master Precinct and Race Selection Worksheet. The precincts/polling locations shall be listed in the order selected. The order of the precincts/polling locations shall be used when selecting the contested races in [Section V](#) of this Chapter.

[A.R.S. § 16-602\(B\)\(1\), \(B\)\(2\), \(B\)\(2\)\(e\), \(C\)](#).



## V. RACES ELIGIBLE TO BE HAND COUNTED

### A. Eligible Races Generally

The races to be counted in the hand count audit generally includes up to five contested races, which shall include:

- One statewide candidate race;
- One statewide ballot measure (if the election has a statewide ballot measure on the general election ballot);
- One legislative candidate race (Arizona House of Representatives or Arizona Senate); and
- One federal candidate race (United States House of Representatives or United States Senate);
- One presidential elector race (only in general elections with a race for President of the United States).

[A.R.S. § 16-602\(B\)\(2\), \(5\).](#)

A candidate race within one of the above-referenced categories is eligible for inclusion in the hand count only if the race is “contested,” meaning there are more candidates seeking election or nomination than the number of seats available. [A.R.S. § 16-602\(B\)\(2\)\(f\)](#). Write-in candidacies do not create contested races if the race is not otherwise contested. [A.R.S. § 16-602\(B\)\(4\)](#).

If there are no contested races within one of the above-referenced categories, one or more additional contested races from one of the other categories must be selected by lot until the required number of contested races are selected for the hand count. [A.R.S. § 16-602\(B\)\(2\)\(e\)](#). For example, because a statewide ballot measure will not appear on the ballot during a primary election, an additional contested race from one of the other categories of eligible races must be drawn to make up the required four races.

For a primary election, each political party primary is considered a separate race. For example, the requirement to select one contested legislative race is satisfied by selecting either the Democratic or Republican primary election race. [A.R.S. § 16-602\(B\)](#).

For federal and legislative candidate races, only the type of office (House or Senate) must be selected, not any particular district. [A.R.S. § 16-602\(B\)\(2\)\(c\)-\(d\)](#). Therefore, if, for example, the race for U.S. House of Representatives has been selected to satisfy the federal candidate race category, and the county encompasses parts of three Congressional districts, ballots cast in any of the Congressional districts are eligible for the hand count audit as long as those races are contested.

## B. Eligible Races in Special Elections

For a special election to vote on a statewide ballot measure, all statewide ballot measures should be selected for the hand count audit (assuming there are four or fewer statewide ballot measures on the special election ballot).

For a special election to fill a Congressional vacancy:

- If a Congressional primary is contested, all contested political party races should be selected for the hand count audit for that special primary election (assuming there are four or fewer contested primaries);
- Regardless of whether a Congressional primary was contested, a contested special general election must be selected for the hand count.

## C. Eligible Races in PPEs

A hand count must be conducted following a PPE. [A.R.S. § 16-602\(B\)\(3\)](#). Since no other races may appear on a PPE ballot, all contested political party preference races should be selected for the hand count audit (assuming there are four or fewer contested preference races). [A.R.S. § 16-241\(A\)](#).

## VI. SELECTING RACES TO BE HAND COUNTED

The county political party chairpersons (or designees) must randomly select the particular contested races to be hand counted, in the same order determined at the beginning of the hand count process and used to select precincts/polling locations.

If there are fewer than four contested races on the ballot, only the contested races on the ballot that fall within one of the four categories shall be included in the hand count audit. If there are no contested races in any of the designated categories in an election, no hand count will take place. [A.R.S. § 16-602\(B\)\(2\)\(e\)-\(f\)](#).

### A. Selecting Races for Primary and General Elections

The following process shall be used to select the races to be counted for both the precinct hand count and early ballot hand count for primary and general elections:

1. **Determine the race categories available for this election.** The possible race categories shall be statewide candidate, federal candidate, state legislative candidate, and ballot measure, and, in a presidential election year, presidential elector. Some categories may not appear on the ballot for a particular election. [A.R.S. § 16-602\(B\)\(2\)](#).
2. **Create a master list of all contested races.** Create a list by race category of all possible contested races. This list will be referenced when creating the lots of possible races to count. The entries on this list shall be specific. Examples for the Primary would include Governor/Democrat or State House/Republican. Examples for the General would include State Treasurer or State Senate.

**3. Determine the required number of races that will be counted from each category.**

There should be one race for each required category unless a category does not have an eligible race.

**a. Determine if there is a contested presidential elector race.**

- If there is no contested presidential elector race on the ballot, place a zero in the “Presidential Elector” line of Section B of the Master Precinct and Race Selection Worksheet, *see* sample form in [Chapter 17](#).
- If there is a contested presidential elector race, place a tick mark in the “Presidential Elector” line.

**b. Determine if there is a contested statewide candidate race.**

- If there is no contested statewide candidate race on the ballot, place a zero in the “Statewide Candidate” line of Section B of the Master Precinct and Race Selection Worksheet and place a tick mark in the “Additional Races Needed” line.
- If there is a contested statewide candidate race, place a tick mark in the “Statewide Candidate” line.

**c. Determine if there is a statewide ballot measure race.**

- If there is no statewide ballot measure on the ballot, place a zero in the “Statewide Ballot Measure” line of Section B of the Master Precinct and Race Selection Worksheet and place a tick mark in the “Additional Races Needed” line.
- If there is a statewide ballot measure race, place a tick mark in the “Statewide Ballot Measure” line.

**d. Determine if there is a contested federal candidate race on any of the ballots in the precincts/polling locations selected.**

- If there is no contested federal candidate race in any of the selected precincts/polling locations, place a zero in the “Federal Candidate” line of Section B of the Master Precinct and Race Selection Worksheet and place a tick mark in the “Additional Races Needed” line.
- If there is a contested federal candidate race, place a tick mark in the “Federal Candidate” line.

**e. Determine if there is a contested state legislative race on any of the ballots in the precincts/polling locations selected.**

- If there is no contested state legislative race in any of the selected precincts/polling locations, place a zero in the “State Legislative” line of Section B of the Master Precinct and Race Selection Worksheet and place a tick mark in the “Additional Races Needed” line.
- If there is a contested state legislative race, place a tick mark in the “State Legislative” line.

- f. If additional races are needed, determine if the number of races can be satisfied by an additional race(s) in another category.**
- The priority for selecting other categories, if needed, is as follows: statewide candidate, statewide ballot measure, federal candidate and then state legislative. All additional races shall be fulfilled with the highest priority race category possible. The categories of races to be hand counted and the number per category shall be recorded on the Master Precinct and Race Selection Worksheet.
- 4. Separate out the contested races by category and create selection lots for each category from which a race or races will be selected.**
- a.** For the statewide candidate lot in a primary election, each contested party race shall be placed in the lot (*e.g.*, Governor/Republican, State Mine/Democrat).
- b.** For the federal candidate lot, the officer in charge of elections shall evaluate each of the precincts/polling locations selected to determine the possible federal candidate race types for the lot. If one or more precincts/polling locations have a contested federal candidate race, that race type shall be placed in the lot. In a primary election, each contested party race type shall be placed in the lot. The selections for U.S. House of Representative shall not contain the specific district since the names of the candidates may vary among the sampled precincts/polling places (*e.g.*, U.S. House/Republican and U.S. House/Democrat).
- c.** For the state legislative lot, the officer in charge of elections shall evaluate each of the precincts/polling locations selected to determine the possible contested state legislative race types for the lot. If one or more precincts/polling locations have a contested state legislative race, that race type shall be placed in the lot. In a primary election, each contested party race type shall be placed in the lot. The selections for state legislative race shall not contain the specific district since the names of the candidates may vary among the sampled precincts/polling locations (*e.g.*, State House/Democrat, State House/Republican, State House/Libertarian).
- If any candidate race is for a vacancy, the vacancy race shall be treated as a separate race for creating lots. For example, if an AZ Corporation Commission seat is vacant and the term ends in 2010 and there is also a race for the seat with a term that ends in 2012, the Corporation Commission Term Ending 2010 and Corporation Commission Term Ending 2012 will be two separate races when creating the Statewide Candidate lot.
- 5. Select the contested races to be hand counted.** The county political party chairpersons (or designees) shall alternate selecting races continuing with the order defined when selecting precincts/polling locations. The races will be selected by lot until the required number of races is selected. Categories of contested races shall be drawn in the following order until the required number of contested races is reached: presidential elector, statewide candidate, statewide ballot measure, federal candidate, and state legislative

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candidate. Document any selected race(s) in Section C of the Master Precinct and Race Selection Worksheet.

- If a selected candidate race does not have a contested race in each of the selected precincts/polling locations, only the precincts/polling locations where there is a contested candidate race shall be hand counted for that race. The machine counts of the races in this category shall be added together and measured against the hand counts of the races in this category to determine if the total difference falls within the designated margin.
6. **The races selected for the precinct hand count shall be the same used for the early ballot hand count.** Because the batches used for the early ballot hand count do not correspond to the precincts/polling locations selected for the precinct hand count, the names of candidates for the selected races may differ among the various early ballot batches selected for the audit. The machine counts of the races in such categories shall be added together and measured against the hand counts of the races in those categories to determine if the total difference falls within the designated margin.
  7. **Create Hand Count Board Worksheets.** The officer in charge of elections shall create a Hand Count Board Worksheet for each Hand Count Board. The worksheet documents the members of the Hand Count Board and what races they will be hand counting.

### B. Selecting Races for a PPE

The following process shall be used to select the races to be hand counted for a PPE:

1. **Determine Selection Order.** Select by lot the order in which the county political party chairpersons (or designees) shall choose from the pool of available precincts.
2. **Create Lot of Polling Locations.** Create a lot of available polling locations. A county may consolidate precincts in a PPE. Only actual polling locations will be placed in the lot of available polling locations.
3. **Select Precincts.** Draw the required 2% or two polling locations to be counted among a lot containing every actual polling location for the PPE.
4. **Record Precincts.** The officer in charge of elections shall record the polling locations to be hand counted in Section A of the Master Precinct and Race Selection Worksheet.
5. **Create Lot of Contested Races.** Create a lot of the contested races available for the PPE. Each political party that is participating in the PPE will count as a contested race.
6. **Select Race(s).** If there are four contested races or less, all possible races will be hand counted. If there are more than four contested races, the county political party chairperson (or designee) who is next (from Step 1), shall choose a contested PPE race to be hand counted. The political party chairpersons (or designees) will alternate until four contested races are selected.
7. **Record Race.** The officer in charge of elections shall record the PPE race(s) to be hand counted in Section B of the Master Precinct and Race Selection Worksheet.

[A.R.S. § 16-602\(B\)\(3\)](#).

## VII. HAND COUNT TABULATING METHODS

There are two approved methods of hand counting votes:

- Stacking method: used for hand counting optical/digital scan ballots; and
- Three-person call-out method: used for hand counting votes from the VVPAT of an accessible voting machine.

For either method, each judge shall be given a tally sheet that shall be marked with the precinct/polling location, the race, and the names of the candidates for that particular race. *See* Sample Hand Count Tally Sheet in [Chapter 17](#).

~~For counties that use electronic adjudication (see [Chapter 10, Section II\(E\)](#)), the officer in charge of elections shall ensure that, if any ballots in the precinct or early ballot batches to be hand counted require electronic adjudication, such adjudication is completed prior to the start of the hand count. If any ballot in a hand count batch has had a vote electronically adjudicated, the officer in charge of elections shall print out the image of the original ballot, any adjudicated marks, and the audit log for that precinct or batch containing that ballot, and make those print-outs available for the board members to review in the event of any discrepancy between the hand count tally for the batch and the machine count for the batch.~~

### A. Stacking Method for Optical/Digital Scan Ballots

The stacking method is used for hand counting optical/digital scan ballots, and may also be used to hand count paper ballots printed by accessible ballot marking devices. For the stacking method, the inspector picks up each ballot and sorts the ballots into piles with the assistance of the other two board members (the judges) and tallies the number of votes for each candidate in the particular race using the process below.

#### 1. Processing Ballots with Write-In Votes

1. Since write-in votes may not have been tabulated yet, it is very important to keep ballots with write-in votes segregated from ballots without write-in votes. To do so, the first judge counts the total number of ballots with write-in votes. The second judge shall recount the total number of ballots with write-in votes. If the totals from both judges match, the result shall be documented in the Hand Count Tally Sheet.
  - Ballots with write-in votes may be marked with yellow highlighter to enable them to be readily segregated from other ballots after the hand count of the batch is complete.
2. The inspector shall announce the specific race to be counted, identify that race on the ballot, and separate out ballots with over-votes or no selection for that race. The two judges shall confirm that the inspector performs this step correctly.

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3. The inspector shall announce the first candidate/selection listed in the race and begin the **stacking process** for that candidate/selection:
  - The inspector shall hold up the ballots one at a time and declare the voter's choice for the specific candidate/selection in the race. All ballots with a vote for that candidate/selection shall be placed in one stack (the "yes" stack) and all ballots with a vote for any other candidate/selection in the race shall be placed in a separate stack (the "no" or "other" stack). The judges shall view each ballot and ensure that the inspector is placing the ballot in the right stack.
  - After the sorting process is complete, one judge shall count each pile in stacks of ten or 25 (or another agreed-upon pre-determined number) and then the other judge shall recount each stack. The inspector shall enter the number of ballots in each stack onto the Hand Count Tally Sheet.
  - The inspector shall move the "yes" stack aside, perform the stacking process for the next candidate/selection in the race using the ballots in the "no" or "other" stack, and repeat until done recording totals for all candidates/selections on the Hand Count Tally Sheet.
    - If the race being counted is for multiple seats (*e.g.*, vote for two), it will be necessary to go through entire set of ballots for each candidate, without the option of setting aside the "yes" stack as described in the prior step.
  - If there is any question about the intent of the voter, the determination of voter intent must be made by unanimous consent of all three Hand Count Board members using the standards established in [Chapter 11, Section IX](#). If a unanimous decision cannot be reached by the Hand Count Board, the officer in charge of elections shall make the final decision regarding the voter's intent. A notation of the final decision shall be logged on the tally sheet and the inspector shall place the ballot into the proper stack for counting.
4. After completing the stacking process, the inspector shall place the ballots with write-in votes back in the write-in envelope and keep those ballots separated from the regular ballots.

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## 2. Processing Regular Ballots

1. The first judge shall count the total number of regular ballots. The second judge shall recount the total number of regular ballots. If the totals from both judges match, the result shall be documented in the Hand Count Tally Sheet.
2. The inspector announces the specific race to be counted, identifies that race on the ballot, and separates out ballots with over-votes or no selection for that race. The two judges shall confirm that the inspector performs this step correctly.
3. The inspector announces the first candidate/selection listed in the race and begins the **stacking process** for that candidate/selection, using the same procedure described above for ballots with write-in votes.

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4. After completing the stacking process, the inspector shall place the regular ballots back in the regular ballot envelope and keep those ballots separated from the ballots with write-in votes.

**B. Three-Person Call-Out Method for Ballots Cast on Accessible Voting Devices that Independently Tabulate Votes**

The three-person call method may be used when hand counting votes from an accessible voting machine that independently tabulates votes, including the VVPAT (*see* Section VII(C) below).

1. The inspector shall take the ballots one at a time. On each ballot, the inspector shall find the races that were selected to be hand counted and announce the races one at a time. The judges will find the race on the proper “DRE Hand Count Tally Sheet.” The inspector shall then announce the name of the candidate that the voter marked on the ballot for that race or, if a ballot measure, the voter’s selection for the measure.
  - The determination of voter intent must be made by unanimous consent of all three Hand Count Board members, using the standards established in [Chapter 11, Section IX](#). If a unanimous decision cannot be reached by the Hand Count Board, the officer in charge of elections shall make the final decision regarding the voter’s intent. A notation of the final decision shall be logged on the tally sheet.
2. The judges shall place a tick mark by the voted candidate’s name on the tally sheet. After processing each batch of 25 ballots, the judges shall compare the number of tick marks with each other. If the results from both judges match, the judges shall cross through the remaining numbers in the row. If the results do not match, the Hand Count Board shall recount the batch of 25 ballots until the results from both judges match.
3. Upon completion of the hand count, the judges shall sign the final “Hand Count Cumulative Sheet.”

**C. Process for Hand Counting Accessible Voting Audit Tapes**

The Hand Count Board, under the direction of the officer in charge of elections, shall:

1. Unroll the VVPAT generated by the accessible voting device and verify the precinct.
2. Mark through all the voided or spoiled votes cast with a red pen/pencil in a manner that is visually distinguishable but does not interfere with the ability to read the paper.
3. Mark through all provisional votes with a red pen/pencil in a manner that is visually distinguishable but does not interfere with the ability to read the paper.
4. Ensure that the voided or spoiled and provisional votes are not counted.
5. If the paper roll is unable to be read for any reason, a new precinct shall be selected for the precinct hand count in accordance with [Section VIII](#) of this Chapter. If no other precinct/polling location is available for selection, the unreadable ballots shall be read using the printed version of the electronic ballots as generated by the accessible voting

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device. The officer in charge of elections shall make the determination of whether a paper roll is readable.

6. Utilize the Three-Person Call Tabulating Method.
7. If multiple accessible voting devices were used in the precinct or for early voting, repeat the process above for each paper roll generated by the Accessible Voting Devices.
8. Record results on the Accessible Voting Device Hand Count Tally Sheet.

## VIII. PROCEDURES FOR CONDUCTING THE HAND COUNT

The officer in charge of elections must commence the hand count with a public announcement and explanation of the procedure. The hand count must begin within 24 hours after the polls close on Election Day and must be completed before the county canvass. [A.R.S. § 16-602\(I\)](#). The start of the hand count can be defined as the official training of the Hand Count Board members, selection of the precincts and races, coordinating the hand count with the party leaders, or any other activity that furthers the progress of the hand count for that election.

Hand count board members shall not bring cellular phones, other electronic devices, or pens with black or blue ink into the official hand counting area.

Throughout the hand count, the officer in charge of elections must retain custody and control of all hand counted ballots. [A.R.S. § 16-602\(H\)](#).

### A. Precinct Hand Count

#### 1. Precinct Hand Count Process

The initial precinct hand count must be conducted according to the following procedure for each race selected for the hand count.

1. The officer in charge of elections: (i) ensures each board is properly assembled and has been provided all necessary forms and supplies; (ii) apportions ballots to the Hand Count Boards; and (iii) announces which specific race will be hand counted. The boards are not provided with the electronically-tabulated results for any race at this time.
2. The inspector or one of the judges fills out a **Hand Audit Tally Sheet** (see sample forms in [Chapter 17](#)) for each race to be hand counted.<sup>54</sup> The inspector signs each Hand Audit Tally Sheet. All Hand Audit Tally Sheets from the precinct hand count shall be provided to the officer in charge of elections after completion.
  - a. Each judge shall fill out the top of the Hand Audit Tally Sheet, listing the precinct/polling location name, precinct/polling location number, inspector name

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<sup>54</sup> See Sample Count Tally Sheet – Stacking Method, and Hand Count Tally Sheet – Three-Person Call Out Method, in [Chapter 17](#).

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and their name as the judge. Each judge shall also check the box for the proper election type.

- b. For a candidate race, list each candidate's name on a separate counting line of the Hand Audit Tally Sheet. For ballot measures, list "Yes" on the first counting line and "No" on the second counting line.
3. For optical/digital scan ballots, the Hand Count Board shall separate ballots with write-in votes from the other precinct/polling location ballots and hand count each group of ballots using the stacking method described in Section VII(A) above. For ballots cast on accessible voting devices that independently tabulates votes and VVPATs, the Hand Count Board shall conduct the hand count using the three-person call-out method, *see* Sections VII(B)-(C) above.
4. The Hand Count Board shall list the totals for each candidate on the appropriate Hand Audit Tally Sheet. Each precinct/polling location shall have one Hand Audit Tally Sheet for the optical/digital scan ballots and one for the accessible voting devices, unless the accessible voting device produces a paper ballot read by a tabulation unit and those paper ballots were hand counted using the stacking method. At this point, the hand count results for the batch is compared to the machine count results and the Auditor initials the Hand Count Tally Sheet to indicate that there are no discrepancies in the batch totals.
5. The officer in charge of elections shall create a Precinct Hand Count Margin Worksheet (*see* sample form in [Chapter 17](#)) for each race that was hand counted and calculate the hand count margin using the Precinct Hand Count Margin Worksheet and following the steps below in the presence of the county political party chairpersons (or designees):
  - a. **Fill out Top of Form.** Fill out the date of the election. Circle the proper election (general, special, primary, or PPE). State the race category that the worksheet is for (presidential elector, statewide candidate, statewide ballot, federal candidate, or state legislative candidate). List the specific race (*e.g.*, State Senator, Corporation Commission/Democrat). List the hand count round (1st hand count, 2nd hand count, expanded hand count or final hand count).
  - b. **Enter Hand Count Totals.** For each precinct/polling location that was hand counted, enter separately the hand count totals for the optical/digital scan ballots and the hand count totals for the accessible voting devices. These totals will come directly from the Hand Count Tally Sheets. Each candidate's counts or yes/no counts for ballot measures from the Hand Count Tally Sheet must be listed in the table. The total number of hand counted votes shall be calculated and noted in the worksheet.
  - c. **Enter Machine Count Totals.** For each precinct/polling location that was hand counted, enter separately the machine totals for the optical/digital scan ballots and the machine totals for the accessible voting devices. These totals will come directly from Election Management Systems. Each candidate's counts or yes/no counts for ballot measures from the Hand Count Tally Sheet must be listed in the table. The total number of machine counted votes shall be calculated and noted in the worksheet.

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- d. **Calculate Absolute Difference.** For each candidate's total or ballot measure yes/no total, calculate the absolute difference between the hand count and the machine count. The absolute difference is the difference between the two numbers listed as a positive value (e.g., [100 – 99] or [99 – 100] will both have an absolute value of one). The total absolute value for each precinct/machine type shall be calculated and noted in the worksheet.
  - e. **Calculate Grand Totals.** Add up all the machine count totals for a particular race category to calculate the "Grand Total Machine Count." Add up all the absolute differences for a particular race category to calculate the "Grand Total Absolute Difference."
  - f. **Calculate Hand Count Margin.** Divide the "Grand Total Absolute Difference" by the "Grand Total Machine Count" and multiply the result by 100 to calculate the margin in a percentage form.
6. Compare the hand count margin for each race to the designated margin established by the Vote Count Verification Committee (established by the Secretary of State pursuant to [A.R.S. § 16-602\(K\)](#)) to determine if it is in the acceptable range or if a second or expanded precinct hand count is required. The applicable designated margin is available on the Secretary of State's website at <https://www.azsos.gov/elections/voting-election/voting-equipment>.
  7. If the calculated margin for the specific race from the Precinct Hand Count Margin Worksheet is less than the designated margin for the precinct hand count established by the Vote Count Verification Committee, the precinct hand count will be deemed concluded and the results of the electronic tabulation will constitute the official count for that race. The officer in charge of elections shall indicate on the Hand Count Cumulative Sheet that the count is complete and two members, one of each political party from each Hand Count Board present, shall sign the sheet.

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**2. Second Precinct Hand Count**

If any hand counted race results in a calculated margin that is equal to or greater than the designated margin for the precinct hand count, a second precinct hand count of that race and of those same ballots shall be performed. A new Precinct Hand Count Margin Worksheet shall be created for the second precinct hand count for the race in question.

If the second precinct hand count results in a calculated margin that is less than the designated margin, the precinct hand count will be concluded and the results of the electronic tabulation will constitute the official count for that race. The officer in charge of elections shall indicate on the Hand Count Cumulative Sheet that the count is complete and a representative from each political party present shall sign the sheet. [A.R.S. § 16-602\(C\)](#).

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**3. Expanded Precinct Hand Count**

If the second precinct hand count results in a margin that is equal to or greater than the designated margin, the precinct hand count shall be expanded to include a total of twice the

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original number of randomly selected precincts/polling locations. Those additional precincts/polling locations (equal to the original number of randomly selected precincts/polling locations, so that the total number of ballots hand counted is twice the original number) shall be selected in accordance with the process set forth in Section IV. If the remaining number of precincts/polling locations for a race is less than the original number of precincts/polling locations selected for the first hand count, then the total remaining precincts/polling locations shall be included in the expanded hand count. [A.R.S. § 16-602\(C\)](#). A new Precinct Hand Count Margin Worksheet shall be created for the expanded Precinct Hand Count race in question.

If the calculated margin for the expanded precinct hand count (as calculated based on the results of the original hand count plus the expanded hand count) is less than the designated precinct hand count margin, the precinct hand count will be concluded and the results of the electronic tabulation will constitute the official count for that race. The officer in charge of elections shall indicate on the Hand Count Cumulative Sheet that the count is complete and a representative from each political party present shall sign the sheet. [ARS § 16-602\(E\)](#).

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**4. Full Precinct Hand Count**

If the expanded precinct hand count results in a calculated margin that is equal to or greater than the designated precinct hand count margin, the precinct hand count shall be extended to include the entire jurisdiction for that race. If the jurisdictional boundary for that race includes any portion of more than one county, the full precinct hand count shall not be extended into the precincts/polling locations that are outside of the county that is conducting the full precinct hand count. A new Precinct Hand Count Margin Worksheet shall be created for the full precinct hand count race.

If necessary, the officer in charge of elections may work with the county political party chairpersons (or designees) to select additional Hand Count Board members using the same selection procedure for the initial Hand Count Board members.

The full hand count must be repeated for a particular race until the results of a full hand count are identical to the results of another full hand count for that race. When an identical hand count result is achieved, the hand count (not the electronic tabulation) constitutes the official result for the race in that county. The precinct hand count totals shall be added to the total count of early ballots, provisional ballots, conditional provisional ballots, and write-in votes to determine the final count and the officer in charge of elections shall report that final count to the Secretary of State. [A.R.S. § 16-602\(D\)](#).

**B. Early Ballot Hand Count**

The early ballot hand count is a hand count of a percentage of early ballots actually voted. The number of early ballots to be counted is 1% of the total number of early ballots cast or 5,000 early ballots, whichever is less. Each machine used for early ballot tabulation shall have at least one batch included in the early ballot hand count, and batch sizes may not exceed 400 ballots. [A.R.S. § 16-602\(F\)](#).

**1. Early Ballot Hand Count Process**

The selected early ballots shall be hand counted according to the following procedure for each race selected for the early ballot hand count.

1. Prior to beginning the tabulation of early ballots, the officer in charge of elections shall determine the total number of early ballots sent for the election. From this number the officer in charge of elections shall calculate a number that equals 1% of the number or 5,000, whichever is less. Because the number of early ballots voted (including in-person early voting) will generally be lower than the number of early ballots sent, this calculation should yield a number of ballots that meets or exceeds the number of early ballots required to be hand counted.
2. The officer in charge of elections shall then determine the number and size of the batches. The number of batches must be enough to include at least one batch per machine used for early ballot tabulation. That number must then be doubled to account for the possibility of an expansion from 1% to 2% of early ballots required to be hand counted. The batch size can be any amount up to 400 ballots. The size of the batch should start with the 1% number divided by the number of machines used for early ballot tabulation. The table below provides some examples.

|                                                                                                | County A      | County B          | County C            |
|------------------------------------------------------------------------------------------------|---------------|-------------------|---------------------|
| Number of early ballots sent to voters                                                         | 4,000         | 60,000            | 800,000             |
| Number of machines used for early ballot tabulation                                            | 2             | 4                 | 3                   |
| 1% of early ballots sent to voters, or 5,000, whichever is less                                | 40            | 600               | 5,000               |
| 2% of early ballots sent to voters, or 10,000, whichever is less (in case expansion is needed) | 80            | 1,200             | 10,000              |
| Size of Batches                                                                                | 20            | 150               | 400 (max)           |
| Number of Batches Required to Meet 1%                                                          | $(40/20) = 2$ | $(600/150) = 4$   | $(5,000/400) = 13$  |
| Number of Batches Required to Meet 2%                                                          | $(80/20) = 4$ | $(1,200/150) = 8$ | $(10,000/400) = 25$ |

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3. The county political party chairpersons (or designees) will work with the officer in charge of elections to randomly select one or more batches of early ballots included in the initial tabulation. This includes at least one batch from each machine used to tabulate early ballots, and shall securely sequester those ballots, along with their unofficial tally reports, for use in the early ballot hand count.
  - a. Every precaution should be taken to ensure that no partial or complete tallies of the early election board be released or divulged before all precincts have reported or one hour after the closing of the polls on Election Day, whichever occurs first.
4. From the sequestered early ballots, the officer in charge of elections will randomly select the required number of early ballots with which to conduct a hand count of the same races that are being hand counted in the precinct hand count and create batches consisting of up to 400 ballots per batch. The total number of ballots divided into batches shall satisfy the total number of early ballots required to be hand counted. At least one batch shall be created from early ballots tabulated on each machine used for tabulating early ballots. The batches may be selected from any presorted early ballot returns from Step 3 above. The batches used for the early ballot hand count need not correspond to the precincts/polling locations selected for the precinct hand count. The names of the candidates may vary among the batches if necessary. The machine counts of the races in this category shall be added together and measured against the hand counts of the races in this category to determine if the total margin of difference falls within the designated margin.
5. If a county has an EMS that can produce sub-reports of results, then the officer in charge of elections will complete the steps necessary to create a batch report for each batch and print out the sub-report.
6. The ballots included in a batch, as well as the baseline and batch tally reports, will be clearly labeled and sequestered separate from any other ballots or batches. The machine that the batches of early ballots were counted on shall be identified and listed with the batch. Each batch may include a stack of regular ballots and a stack of ballots with write-in votes.
7. This process shall continue until a sufficient number of batches have been created.
8. On Election Day, the officer in charge of elections shall calculate the exact number of early ballots tallied up to that point in time. From this number, the officer in charge of elections shall calculate a number equaling 1% of the total early ballots. This shall serve as the number of ballots to audit.
9. The political party chairpersons shall randomly select one or more batches until enough ballots have been selected to equal the number of ballots to audit.
10. If needed, for each race selected for audit, the officer in charge of elections shall calculate the electronic total for the race by subtracting the batch tally total for that race from the baseline tally total for that race. This shall be done for all selected batches. All races selected for the precinct hand count shall also be hand counted in the early ballot hand count. For the early ballot hand count, the races shall be listed in Section C of the Master Precinct and Race Selection Worksheet.

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11. A Hand Count Tally Sheet shall be created for each possible contested race listed on the Master List of All Contested Races.
12. The Hand Count Board members shall then perform a hand count of the optical/digital scan ballots using the stacking method. If accessible voting devices that independently tabulate votes are used for early voting, then at least one batch from each accessible voting device shall be included in the early ballot hand count and hand counted using the three-person call-out method.
13. The officer in charge of elections shall add all hand count results together for each race, including any accessible voting device results, add all electronic results together for each race, including any accessible voting device, and calculate the margin of difference using the Early Ballot Hand Count Margin Worksheet as follows:
  - a. **Fill out Top of Form.** Fill out the date of the election. Circle the proper election (general, special, primary, or PPE). State the race category that the worksheet is for (presidential elector, statewide candidate, statewide ballot, federal candidate, or state legislative candidate). List the specific race (*e.g.*, State Senator, Corporation Commission/Democrat). List the hand count round (1st hand count, 2nd hand count, expanded hand count or final hand count).
  - b. **Enter Hand Count Totals.** Enter separately the hand count totals for the optical/digital scan ballots and the hand count totals for the accessible voting devices. These totals will come directly from the Hand Count Tally Sheets. Each candidate's counts or yes/no counts for ballot measures from the Hand Count Tally Sheet must be listed in the table. The total number of hand counted votes shall be calculated and noted in the worksheet.
  - c. **Enter Machine Count Totals.** Enter separately the machine totals for the optical/digital scan ballots and the machine totals for the accessible voting devices. These totals will come directly from Election Management Systems. Each candidate's counts or yes/no counts for ballot measures from the Hand Count Tally Sheet must be listed in the table. The total number of machine counted votes shall be calculated and noted in the worksheet.
  - d. **Calculate Absolute Difference.** For each candidate's total or ballot measure yes/no total, calculate the absolute difference between the hand count and the machine count. The absolute difference is the difference between the two numbers listed as a positive value (*e.g.*, [100 – 99] or [99 – 100] will both have an absolute value of one).
  - e. **Calculate Grand Totals.** Add up all the machine count totals for a particular race category to calculate the "Grand Total Machine Count." Add up all the absolute differences for a particular race category to calculate the "Grand Total Absolute Difference."
  - f. **Calculate Hand Count Margin.** Divide the "Grand Total Absolute Difference" by the "Grand Total Machine Count" and multiply the result by 100 to calculate the margin in a percentage form.

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If the margin of difference between the manual count of early ballots compared to the electronic tabulation of those ballots is less than the designated early ballot hand count margin, the electronic tabulation shall be the official count of the race and included in the canvass. No further hand count of the early ballots shall be conducted. The officer in charge of elections or Hand Count Board shall mark off and sign the Early Ballot Hand Count Margin Worksheet as completed. [A.R.S. § 16-602\(F\)](#).

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**2. Second Early Ballot Hand Count**

If the margin of difference is equal to or greater than the designated early ballot hand count margin for any race, the Hand Count Board shall repeat the hand count of the same early ballots for that race.

If the second early ballot hand count results in a margin that is less than the designated margin, the early ballot hand count will be concluded and the results of the electronic tabulation will constitute the official count for that race. No further hand count of the early ballots shall be conducted. The Hand Count Board shall mark off the chart as completed and two members, one of each political party, from each Hand Count Board present shall sign the chart. [A.R.S. § 16-602\(F\)](#).

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**3. Expanded Early Ballot Hand Count**

If the margin is equal to or greater than the designated early ballot hand count margin for any race, the Hand Count Board shall conduct an expanded early ballot hand count for that race, to include a number of additional early ballots equal to 1% of the total early ballots cast or an additional 5,000 ballots, whichever is less, to be randomly selected from the batch or batches of sequestered early ballots. The Hand Count Board shall hand count the additional early ballots using the steps spelled out in [Section VIII\(B\)\(1\)](#) above. [A.R.S. § 16-602\(F\)](#).

To calculate the hand count margin for the expanded early ballot hand count, add the first and expanded electronic count and add the first and expanded hand count together and then calculate the margin using the equation in Step 13 in [Section VIII\(B\)\(1\)](#) above.

If the expanded early ballot audit results in a difference for that race that is equal to or greater than the designated early ballot hand count margin, the manual counts shall be repeated for that race until a manual count results in a margin that is less than the designated margin.

All results shall be documented in writing and signed by the officer in charge of elections and all county political party chairpersons (or designees) present. The officer in charge of elections shall label the ballots used for the early ballot hand count and preserve them separately. [A.R.S. § 16-602\(F\)](#).



### C. Review of Election Program by a Special Master

If a full jurisdiction-wide hand count was necessary, the Secretary of State must make available the escrowed election program source code for that county's election equipment to the superior court for that county. The superior court for that county must then appoint a special master to review the election program.

The special master must:

1. Have expertise in software engineering;
2. Not be affiliated with an election equipment or software vendor;
3. Not be affiliated with a candidate who appeared on the ballot in that county;
4. Be bound by a signed nondisclosure agreement with respect to the contents of the election program.

The special master must prepare a public report to the superior court and to the Secretary of State with their findings on any discrepancies found in the election program.

The Secretary of State's Election Equipment Certification Committee must review this report when considering the continued certification of that election equipment and software. [A.R.S. § 16-602\(J\)](#).

### IX. STANDARD FOR DETERMINING VOTER INTENT IN HAND COUNT

Ballots with vote choices that were marked improperly, corrected or erased, or otherwise read as blank or unclear by the electronic tabulation machine have likely been duplicated ~~or adjudicated~~ using the procedures in [Chapter 10, Section II](#) prior to being tabulated and/or committed to the EMS. Where necessary, the Hand Count Board members must also determine the voter's intent on such ballots, using the following standards:

1. If the voter selected more than the allowed number of selections for a particular race and the voter's intended choice(s) cannot be positively determined, then no vote is counted for any candidate for that race or for or against that ballot measure.
2. If the voter did not select any choice for a particular race or ballot question, then no vote is counted for any candidate for that race or for or against that ballot measure.
3. If the voter clearly and unambiguously indicated their intended vote choice on the face of the ballot in a manner consistently used throughout the rest of the ballot but the vote choice was nonetheless unreadable by the electronic tabulation equipment, either due to the voter marking the ballot using an improper method or for other reasons, the Hand Count Board must count the voter's intended choice in the hand count.
  - If the voter properly marked the ballot (for example, filled in the oval or connected the arrow) but the ballot face includes other extraneous marks, the

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extraneous marks should be disregarded and the Hand Count Board must consider the properly marked vote choice as the voter's intended selection.

4. If the voter attempted to erase or undo their original vote choice, the Hand Count Board must determine which mark is clearest and count it as the proper vote choice.
5. If the voter marked the ballot using an improper method (for example, circling a vote choice rather than filling an oval) such that the selections were unreadable by the electronic tabulation equipment, but the markings indicate the clear and unambiguous intent of the voter and the improper method is consistently used throughout the rest of the ballot, the Hand Count Board must count the voter's selections in the hand count, even if a ballot is slightly defaced or soiled.

The Hand Count Board members must reach a unanimous decision as to voter intent. If the Hand Count Board members are unable to reach a unanimous decision in a particular race, the officer in charge of elections shall make the final determination of voter intent. [A.R.S. § 16-602\(G\)](#).

## **X. HAND COUNT OF RECOUNTED ELECTIONS**

A precinct hand count audit must also be conducted following a court-ordered recount pursuant to [A.R.S. § 16-661](#) through [A.R.S. § 16-663\(B\)](#). This means any ballots that have been electronically re-tabulated for purposes of a recount are treated as if a new election took place and therefore are again subject to hand count audit requirements.

The same procedures for a precinct hand count shall be followed except that the officer in charge of elections and the political parties must conduct a hand count of at least 5% of precincts for the recounted race. [A.R.S. § 16-663\(B\)](#). In counties that conduct vote center-based elections, the officer in charge of elections and the political parties must conduct a hand count of at least 2% of the total number of ballots that were subject to the recount.

## **XI. REPORTING RESULTS OF THE HAND COUNT**

Within two business days of the completion of the precinct hand count and early voting hand count, and prior to the county canvass, the officer in charge of elections must electronically submit a report to the Secretary of State that includes the following information:

- Dates of the precinct and early ballot hand counts;
- Precincts or vote centers selected for the precinct hand count;
- Races selected;
- Summary of the results by precinct/voting location and race for both the electronically tabulated vote totals and the hand counted totals; and
- The margins from the hand count when compared to the electronically tabulated results.

The Secretary of State must post the results on the Secretary of State's website. [A.R.S. § 16-602\(I\)](#).

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## CHAPTER 12: OTHER POST-ELECTION DAY PROCEDURES

### I. REPORTING ELECTION RESULTS

The officer in charge of elections may publicly release election results at the earlier of:

- The time when all ballots cast on Election Day at voting locations have been tabulated and publicly reported; or
- One hour after all polls under the jurisdiction of the officer in charge of elections have closed on Election Day.

Polls presumptively close at 7:00 p.m. on Election Day unless extended by court order. [A.R.S. § 16-551\(C\)](#); [A.R.S. § 16-565\(A\)](#).

For elections involving a federal, statewide, or legislative candidate race or a statewide ballot measure, the officer in charge of elections must promptly transmit those election results to the Secretary of State, prior to or immediately after making those results public. For the initial transmission of election results on Election Day, and as additional results are tabulated prior to the county canvass, the officer in charge of elections must transmit election results to the Secretary of State in the required electronic format using an application specified by the Secretary of State. [A.R.S. § 16-622\(B\)](#).

### II. CONDUCTING POST-ELECTION LOGIC & ACCURACY TEST

A post-election logic and accuracy (L&A) test [of tabulation equipment](#) must be performed by the officer in charge of elections after the official count has been completed but before the county canvass.

The post-election L&A test must be performed using the same election program and [voting tabulation](#) equipment used for the pre-election L&A test and the election. The same test ballots and test script from the pre-election L&A test must be utilized.

The post-election L&A test should generate the same results as the pre-election L&A test. If the post-election L&A test does not yield the same results, the officer in charge of elections should visually assess the test ballots and/or voting equipment for errors or malfunctions. If the problem still cannot be resolved, the officer in charge of elections should contact the Secretary of State and/or the County Attorney for further assistance.

### III. FILING FEDERAL POST-ELECTION REPORTS

#### A. Election Assistance Commission Reporting

Within 90 days after a federal general election (or any later date established by the federal Election Assistance Commission (EAC)), the Secretary of State must submit a comprehensive post-election report to the EAC in accordance with the format prescribed by the EAC. The report must be prepared in conjunction with, and based on data from, County Recorders and/or the other officers in charge of elections. [A.R.S. § 16-142\(B\)](#).

#### B. Department of Justice UOCAVA Reporting

At the request of the United States Department of Justice, the Secretary of State must report the following information following a federal election:

- The number of UOCAVA ballots requested for the election;
- The number of UOCAVA ballots timely transmitted; and
- The number of UOCAVA ballots that were not timely transmitted.

If the County Recorder believes that UOCAVA ballots will be transmitted late, the County Recorder should notify the Secretary of State as soon as practicable.

County Recorders must provide the required data to the Secretary of State in order to meet the federal reporting requirements. [52 U.S.C. § 20308](#).

### IV. POST-ELECTION REIMBURSEMENT REQUESTS

#### A. Reimbursement for Conducting Local Election

Within 90 days after conducting an election on behalf of a local jurisdiction, the County Recorder or other officer in charge of elections must prepare an accounting report which itemizes all expenditures incurred by the county in administering the election. The report must include the specific charges for each local jurisdiction which participated in the election. Local jurisdictions that participated in the election may request and receive a copy of the report. [A.R.S. § 16-205\(D\)](#).

#### B. Reimbursement for PPE Expenses

Within 90 days after a PPE, the County Recorder or other officer in charge of elections should submit a proper claim to the Secretary of State for reimbursement of expenses incurred in conducting the election. The claim must include the number of registered voters in the county as of January 2 of the PPE year.

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The Secretary of State must reimburse each county that submitted a claim at the specified statutory rate per active registered voter in the county as of January 2. [A.R.S. § 16-250\(B\)](#).<sup>55</sup>

The Secretary of State may reimburse a county at a rate greater than \$1.25 per active registered voter, in the Secretary of State’s discretion, if the County Recorder or other officer in charge of elections: (1) submitted a proper claim that outlined the county’s actual expenses to conduct the PPE; and (2) demonstrates that reimbursement at the statutory rate would significantly jeopardize the county’s ability to comply with federal and state law. [A.R.S. § 16-250\(B\)](#).

### C. Reimbursement for Sample Ballots

The Board of Supervisors or officer in charge of elections shall seek reimbursement from the Secretary of State for each sample ballot mailed to a county household. The Board of Supervisors or officer must present a certified claim that specifies the actual cost for printing, labeling and postage, along with supporting documentation. The Secretary of State shall direct payment of such authenticated claims from funds of the Secretary of State’s Office. [A.R.S. § 16-510\(C\)](#).

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<sup>55</sup> Although [A.R.S. § 16-250\(B\)](#) specifies that reimbursement for the PPE must be based on the number of active registered voters as of “January 1” of the year of the PPE, the 54th Legislature, First Regular Session, via Senate Bill 1154, amended [A.R.S. § 16-168\(G\)](#) to require County Recorders to report voter registration statistics as of January 2 each year, rather than January 1. Accordingly, January 2 is used in lieu of January 1 here.

## CHAPTER 13: CERTIFYING ELECTION RESULTS

### I. DETERMINING ELECTION RESULTS

In a partisan primary election:

- The candidate who receives the largest number of votes must be declared the party nominee for that office and issued a certificate of nomination by the Board of Supervisors (or designee).
  - If more than one candidate may be nominated, the candidates who receive the largest number of votes will be declared nominees and issued certificates of nomination in accordance with the number to be nominated. Nomination entitles the candidate to be placed on the general election ballot.

[A.R.S. § 16-645\(A\), \(F\)](#).

- In order for a write-in candidate to become the nominee of a party with continued representation on the ballot, the candidate:
  - Must receive the largest number of votes; and
  - Must receive at least as many votes as the number of nomination petition signatures required to appear on the primary election ballot for that office.

At the general election:

- Unless otherwise specified in law, the candidate who receives the largest number of votes must be declared elected to that office and issued a certificate of election by the Board of Supervisors (or designee), [A.R.S. § 16-647](#); [A.R.S. § 16-650](#); and
- A ballot measure that is approved by a majority of votes cast for the measure will be declared to be law, [Ariz. Const. Art. IV, Pt. 1, § 1\(13\)](#).
  - If two or more conflicting measures (in whole or in part) are approved by voters at the same election, the measure with the most votes will prevail with respect to any provisions that are in conflict. [Ariz. Const. Art. IV, Pt. 1, § 1\(12\)](#).
  - Upon completion of the canvass by the Secretary of State, the Governor will issue a proclamation of the votes cast for and against any constitutional amendments, initiatives, and referenda, and declare those approved by a majority to be law. [A.R.S. § 16-651](#).

[A.R.S. § 16-649](#) specifies the result of the election in the event of a tie.

## II. CANVASSING THE ELECTION

The governing body conducting an election must meet and canvass the election results of each precinct or election district. The purpose of the canvass is to officially certify the election. The canvass includes vote totals for all races tabulated by voting equipment (including early ballots, regular ballots, and provisional ballots) and write-in votes.

A canvass must be conducted by the statutory deadline, but should not be conducted until all necessary audits have been completed to verify the accuracy and integrity of the election results.

### A. County Board of Supervisors Canvassing Duties

A Board of Supervisors must canvass the official election results in a public meeting. The official election results must include the following information:

1. A Statement of Votes Cast, which includes:
  - a. The number of ballots cast in each precinct and in the county;
  - b. The number of ballots rejected in each precinct and in the county;
  - c. The titles of the offices up for election and the names of the persons (along with the party designation, if any, of each person) running to fill those offices;
  - d. The number of votes for each candidate by precinct and in the county;
  - e. The number and a brief title of each ballot measure; and
  - f. The number of votes for and against each ballot measure by precinct and in the county.
- [A.R.S. § 16-646.](#)
2. A cumulative Official Final Report, which includes:
  - a. The total number of precincts;
  - b. The total number of ballots cast;
  - c. The total number of registered voters eligible for the election;
  - d. The number of votes for each candidate by district or division, including a designation showing which candidate received the highest number of votes;
    - In a PPE, the number of votes for each candidate by congressional district;
    - In a primary election, the report must contain the party designation for each office; whereas in a general election, the report must contain the party designation for each candidate;
  - e. The number of votes for and against each ballot measure by district, including a designation of which choice received the highest number of votes;
  - f. The total number of votes in each district or division.



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3. A Write-Ins Vote Report, which includes the name and number of votes for each authorized write-in candidate by precinct.

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**1. Deadline to Canvass Results**

The Board of Supervisors should canvass the election results only after all necessary audits have been performed and any discrepancies have been addressed by the County Recorder or other officer in charge of elections.

Assuming all prerequisites have been met, the Board of Supervisors must canvass the election by the required deadline, which varies by type of election.

- For primary elections and PPEs, the Board of Supervisors must canvass the results within ten days after the election. [A.R.S. § 16-241\(C\)](#); [A.R.S. § 16-645\(B\)](#).
- For all other elections held on a consolidated election date (including general elections), the Board of Supervisors must canvass between six and 20 days after the election. [A.R.S. § 16-642\(A\)](#).
- For special elections, the Board of Supervisors must canvass the election according to the deadline established in the order calling the election.

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**2. Scope of Duty to Canvass**

The Board of Supervisors may postpone the canvass on a day-to-day basis if the results from any precinct are missing. If precinct results are still missing after six postponements, the Board of Supervisors must canvass the remaining election results. [A.R.S. § 16-642\(C\)](#).

The Board of Supervisors has a non-discretionary duty to canvass the returns as provided by the County Recorder or other officer in charge of elections and has no authority to change vote totals or reject the election results.

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**3. Preserving and Transmitting Canvass Results**

Once the Board of Supervisors has certified the election results, the Official Final Report and Statement of Votes Cast from the canvass must be published on the website of the officer in charge of elections. An original signed canvass should be preserved as a permanent record by the Board of Supervisors.

For any elections that include a federal, statewide, or legislative office, or a statewide ballot measure, the Board of Supervisors or officer in charge of elections must transmit the official canvass to the Secretary of State (in an electronic format determined by the Secretary of State) within the applicable statutory deadline. [A.R.S. § 16-645\(B\)](#). In addition, a certified copy must be promptly mailed to the Secretary of State to be preserved as a permanent record.

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If the county conducted an election on behalf of a local jurisdiction, the Board of Supervisors or officer in charge of elections should promptly transmit a copy of the official canvass to those jurisdictions as well.

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**4. Reports Included with County Canvass**

***a. Provisional Ballot Report***

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The County Recorder or other officer in charge of elections must submit a provisional ballot report to the Secretary of State with the primary and general election canvasses. The report must contain the following information about provisional ballots cast at that election:

1. The number of voters in each precinct;
2. The number of provisional ballots cast in each precinct;
3. The number of provisional ballots verified/counted in each precinct;
4. The number of provisional ballots not verified/counted in each precinct, along with the reason for not doing so;
5. The number of conditional provisional ballots cast in each precinct;
6. The number of conditional provisional ballots verified/counted in each precinct; and
7. Whether the uniform procedures were followed for determining whether a provisional ballot is counted or not counted.

***b. Accessibility Report***

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The County Recorder or other officer in charge of elections must submit an accessibility report to the Secretary of State with the general election canvass (which includes information from both the primary and general election). The report must contain the following information about the recently conducted elections:

1. The number of voting locations in the county;
2. The number of voting locations that were fully handicap-accessible under the Americans With Disabilities Act (ADA);
3. The number of voting locations that were not fully handicap-accessible under the ADA. If some locations were not fully handicap-accessible, the report must identify:
  - The address or description of the voting location;
  - The number of voters registered in the precinct(s) in question (if the county conducts polling place-assigned elections); and
  - The number of ballots cast at the voting location;
4. If some locations were not fully handicap-accessible prior to use on Election Day, the efforts undertaken prior to the election to either make the voting location fully accessible or identify an alternative location that was fully accessible; and

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5. The measures being undertaken to bring inaccessible voting locations into compliance or to replace inaccessible voting locations with accessible locations.

**c. Voter Education Report**

The County Recorder or other officer in charge of elections must submit a voter education report to the Secretary of State with the general election canvass (which includes information from both the primary and general election). The report must contain the following information about the recently conducted elections:

1. The percentage of voter turnout;
2. The number of early ballots requested;
3. The number of early ballots cast;
4. The number of early ballots that were verified and tabulated;
5. The number of provisional ballots voted;
6. The number of public service announcements about the election prior to the election, including during the 90-day period prior to election day, including a summary of media outreach (such as paid advertising, social media posts, public events, interviews, etc.);
7. The number of voter education and outreach events, including seminars or community meetings that provided voter education;
8. The number of locations where the County Recorder or officer in charge of elections provided voter information for public display and the length of time such information was on public display; and
9. A comparison of all of the statistics referenced above with the same statistics from the previous equivalent federal election.

**d. Poll Worker Training Report**

The County Recorder or other officer in charge of elections must submit a poll worker report to the Secretary of State with the general election canvass (which includes information from both the primary and general election). The report must contain the following information about the recently conducted elections:

1. The number of poll workers trained;
2. A description of the types of election board workers trained for each voting location, including:
  - The number of inspectors, marshals, judges, and clerks trained and assigned to each voting location;
  - The number of “premium” poll workers (if any) trained and assigned to each voting location or other area; and

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- The number of “troubleshooters” (if any) trained and assigned to each voting location or other area;
- 3. The number of provisional ballots cast at each voting location; and
- 4. The number of signature rosters or e-pollbooks used at each voting location.

**e. Political Party Ballot Report**

Concurrently with submitting its primary election canvass, the County Recorder or other officer in charge of elections must file a report with the Secretary of State that identifies the total number of partisan ballots, by party, selected by voters registered as no party preference, independent, or any political party not recognized for continued representation on the ballot. [A.R.S. § 16-645\(B\)](#).

**B. Secretary of State’s Canvassing Duties**

The Secretary of State must canvass the results for any elections that include a federal, statewide, or legislative office, state appellate court judges, and statewide ballot measures.

**1. Deadline to Canvass Results**

For primary elections and PPEs, the Secretary of State must canvass the results on or before the second Monday after the election. [A.R.S. § 16-241\(C\)](#); [A.R.S. § 16-645\(B\)](#). In the case of a PPE, the Secretary of State must promptly transmit the results to the state chairpersons of any political party that had candidates on the ballot.

For a general election, the Secretary of State must canvass the results on the fourth Monday following the election. [A.R.S. § 16-648\(A\)](#). The Secretary of State must conduct the general election canvass at a public meeting and in the presence of the Governor and Attorney General. [A.R.S. § 16-648\(A\)](#). If any statewide ballot measures appeared on the ballot, the Secretary of State must canvass the results in the presence of the Governor and Chief Justice of the Arizona Supreme Court. [A.R.S. § 16-648\(B\)](#).

**2. Scope of Duty to Canvass**

The Secretary of State may postpone the canvass on a day-to-day basis if the results from any county are missing. [A.R.S. § 16-648\(C\)](#). All counties must transmit their canvasses to the Secretary of State, and the Secretary of State must conduct the statewide canvass, no later than 30 days after the election. [A.R.S. § 16-648\(C\)](#).

The Secretary of State has a non-discretionary duty to canvass the returns as provided by the counties and has no authority to change vote totals or reject the election results.

### 3. Preserving and Transmitting Canvass Results

Once the Secretary of State has certified the election results, the official canvass (along with the official final precinct level results files from each county) must be published on the Secretary of State's website. An original signed canvass must be preserved as a permanent record.

Following a general election with at least one statewide ballot measure, the Secretary of State must promptly transmit the results of each ballot measure to the Governor. [A.R.S. § 16-648\(B\)](#).

Following an electoral college to select the President of the United States, the Secretary of State must transmit Certificates of Ascertainment and Certificates of Vote to the Archivist of the United States, President of the United States Senate, and the Chief Judge of the United States District Court for the District of Arizona by the deadline provided under federal law. See <https://www.archives.gov/federal-register/electoral-college/officials.html>.

#### C. City and Town Canvassing Duties

A city or town council must canvass the official election results of city or town elections in a public meeting. [A.R.S. § 16-403](#).

A certified copy of the official canvass must be filed with the city or town clerk, which must be preserved as a permanent record. [A.R.S. § 16-646\(D\)](#).

#### D. Special Taxing District Canvassing Duties

A special taxing district must canvass the official results for its elections in a public meeting and present the canvass results to the applicable Board of Supervisors at the Board's next regularly scheduled meeting. [A.R.S. § 16-642\(B\)](#).

For the purposes of an election contest pursuant to [A.R.S. § 16-673](#), the canvass is not complete until the special taxing district results have been presented to the Board of Supervisors. [A.R.S. § 16-642\(B\)](#). The clerk of the Board of Supervisors is responsible for maintaining and preserving the certified permanent copy of the official canvass. [A.R.S. § 16-646\(D\)](#).

#### E. County School Superintendent Canvassing Duties

Within 30 days following the date of any school election, the County School Superintendent must meet with the Chairperson of the Board of Supervisors or designee to canvass the returns in accordance with procedures for the canvass of returns in a general election. [A.R.S. § 15-426\(B\)](#); [A.R.S. § 15-302\(A\)\(8\)](#).

### III. CONDUCTING AN AUTOMATIC RECOUNT

#### A. Vote Margins that Trigger Recount

A recount must be performed following a general, primary, or special election if the margin of votes, based on the official canvass, between the two candidates receiving the highest number of votes for a particular office, or the votes cast for and against a ballot measure, are equal to the lesser of:

1. 1/10 of 1% or less of the total number of votes cast for the top two candidates or the ballot measure in question; or
2. One of the following margins:
  - 200 votes for statewide or federal office where the total number of votes cast exceeded 25,000;
  - 200 votes for a ballot measure;
  - 50 votes for statewide or federal office where the total number of votes cast was 25,000 or less;
  - 50 votes for legislative office; or
  - 10 votes for county, city, or town office.

[A.R.S. § 16-661\(A\)](#).

The automatic recount requirements do not apply for the following offices:

- Precinct committeemen;
- School district or joint technical education district board member;
- Community college district board member;
- Special taxing district board member; or
- Presidential candidate in a PPE.

[A.R.S. § 16-249\(B\)](#); [A.R.S. § 16-661\(B\)](#).

#### B. Method of Initiating a Recount

If the official canvass demonstrates that a recount is required, the recount is automatically triggered but must be initiated by court order. [A.R.S. § 16-662](#).

Promptly following the canvass, the applicable filing officer must:

- File a lawsuit in the appropriate superior court, citing to the applicable vote margin that triggered the automatic recount and including the canvass;

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- Consult with the applicable officer(s) in charge of elections and estimate the time period it will take to recount the affected ballots; and
- Obtain a signed court order that initiates the recount and sets a court hearing to announce the results, and then distribute the order to the applicable officer(s) in charge of elections.

[A.R.S. § 16-662](#); [A.R.S. § 16-663\(A\)](#). A third-party may not request a recount as a matter of right.

### C. Method of Conducting the Recount

For any race other than the Secretary of State's race, the Secretary of State is responsible for ensuring that the electronic voting equipment to be used for the recount is available and properly programmed. Unless the Board of Supervisors race is subject to an automatic recount, the Secretary of State may delegate this duty to the Board of Supervisors, who in turn may delegate this duty to the officer in charge of elections. If a Board of Supervisors race is subject to an automatic recount, the Secretary of State may directly delegate this responsibility to the officer(s) in charge of elections. [A.R.S. § 16-664\(A\)](#).

If the Secretary of State's race is the race to be recounted, the Governor is responsible for performing the oversight duties normally performed by the Secretary of State in a recount. [A.R.S. § 16-664\(B\)](#).

If the Secretary of State delegates oversight to the Board of Supervisors, ballots from the race to be recounted will be tabulated using the same electronic voting equipment that was used during the election, except the equipment must be reconfigured to only tabulate the race to be recounted. This reconfiguration constitutes a different "program" from the program used to initially tabulate votes. [A.R.S. § 16-664\(C\)](#).

Regardless of which electronic voting equipment is used for the recount, the equipment must be L&A tested by the officer in charge of elections (and, in the case of a legislative, statewide, or federal office or statewide ballot measure, by the Secretary of State as well).

The recount must be conducted by running paper ballots from the applicable race through the designated electronic voting equipment. For votes that were cast on an accessible voting device that independently tabulates votes, the votes (as indicated by the voter verifiable paper audit trail) must be duplicated onto paper ballots, which thereafter must be tabulated by the electronic voting equipment reprogrammed for the recount.<sup>56</sup>

~~For counties that use electronic adjudication, any ballots requiring electronic adjudication must be re-adjudicated in the event of an automatic recount.~~

<sup>56</sup> A recount conducted in accordance with this section is deemed to be "conducted in the accordance with the laws pertaining to contests of elections." [A.R.S. § 16-663\(A\)](#).

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While the recount is in progress, the officer(s) in charge of elections may not publicly release vote totals from the recount.

At the conclusion of the recount, the officer(s) in charge of elections must provide the official results to the filing officer who initiated the recount. Once the filing officer has collected all the recount results, the filing officer must appear at the scheduled court hearing and provide the sealed results to the court. The court must declare the winner in open court. The court announcement and/or order constitute the official result for the recounted race, making it unnecessary to re-canvass the race.

Where there are discrepancies between the initial result and the result from the automatic recount, the officer in charge of elections shall undertake reasonable efforts to reconcile the discrepancy and provide a report to the Secretary of State explaining the reasons for any discrepancy.

In a candidate race, the prevailing candidate must be issued a Certificate of Nomination or Certificate of Election at the conclusion of the court proceedings by the Clerk of Board of Supervisors. [A.R.S. § 16-647](#).

#### **IV. ISSUING CERTIFICATES OF NOMINATION AND ELECTION**

Upon completion of the applicable canvass, a city or town council (or designee) must promptly issue a Certificate of Nomination (following a primary or first election) or Certificate of Election (following a general or second election) to each candidate who received the highest number of votes for each office at the election.

Likewise, upon completion of the county's canvass, the Clerk of the Board of Supervisors must promptly issue a Certificate of Nomination (following a primary election) or Certificate of Election (following a general election) to each candidate who received the highest number of votes for the following offices:

- All county offices;
- Precinct committeemen;
- Community college district board member; and
- Special taxing district board member. [A.R.S. § 16-645\(A\)](#).

Certificates of election for school district board members must be issued by the county school superintendent following the applicable canvass. [A.R.S. § 15-426](#).

However, a certificate may not be issued under the following conditions:

- A Certificate of Nomination may not be issued to a write-in candidate for a city or town office, and that candidate may not advance to the general or run-off election if the write-in candidate did not receive a number of votes equivalent to at least the number of



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signatures required by [A.R.S. § 16-322](#) for nominating petitions for the same office, [A.R.S. § 9-821.01\(F\)](#);

- A Certificate of Nomination may not be issued to a write-in candidate from a political party recognized for continued representation who did not receive at least as many votes as the number of signatures required to appear on the primary election ballot, [A.R.S. § 16-645\(E\)](#);
- A Certificate of Nomination may not be issued to a write-in candidate of a political party not recognized for continued representation who did not receive a plurality of the votes of the party for the office for which the candidate is a candidate, [A.R.S. § 16-645\(D\)](#); and
- A Certificate of Election may not be issued to a write-in candidate for precinct committeemen or nonpartisan office who did not receive at least as many votes as the number of signatures required to appear on the ballot, [A.R.S. § 16-322\(A\)\(6\), \(8\)-\(10\)](#), [A.R.S. § 16-645\(C\)](#).

Following completion of the statewide canvass (and subject to the same exception for write-in candidates from a political party not recognized for continued representation), the Secretary of State must promptly issue a Certificate of Nomination or Certificate of Election to each legislative, statewide, and federal candidate who received the highest number of votes for each office at the election. The Certificate of Election must be signed by the Secretary of State and authenticated with the Great Seal of the State of Arizona. [A.R.S. § 16-645\(B\)](#); [A.R.S. § 16-650](#).

## V. ISSUING BALLOT MEASURE PROCLAMATIONS

At the conclusion of a statewide canvass that contains a ballot measure, the Governor must issue a proclamation that:

- Proclaims the number votes cast for and against each proposed constitutional amendment;
- Proclaims the number of votes cast for and against each proposed initiative or referendum; and
- Declares which measures were approved by a majority of those voting on the measures.

[A.R.S. § 16-651](#); [A.R.S. § 19-126\(A\)](#). If there are two or more conflicting measures approved at the same election, the Governor must proclaim which measure received the greatest number of affirmative votes. [A.R.S. § 19-126\(B\)](#).

For any approved measure, the Secretary of State must cause the measure to be printed with the general laws enacted by the next ensuing session of the Arizona Legislature, along with the date of the Governor's proclamation declaring the measure to be approved. [A.R.S. § 19-127\(B\)](#).

## VI. STORAGE OF BALLOTS AND RETURNS OF THE ELECTION

After the county canvass is complete, the officer in charge of elections must seal the voted ballots and deliver these ballots and official returns to the County Treasurer (or a secure facility contracted by the County Treasurer) for secure storage. [A.R.S. § 16-624\(A\)](#). If voting equipment produces digital ballot images, the digital ballot images must be retained and preserved in the same manner. [A.R.S. § 16-625](#). Unused ballots are not subject to retention.

The County Treasurer must keep the ballots and official returns unopened and unaltered for a period of 24 months following an election for federal office and six months for all other elections. During these retention periods, ballots and official returns may only be opened pursuant to a court order (including for the purpose of a recount or election contest). In the absence of any recount or election contest, the County Treasurer must dispose of the ballots and official returns after the applicable retention period without opening or examining the contents. [A.R.S. § 16-624\(A\), \(D\)](#).

If a county conducts an election on behalf of a local jurisdiction, the county officer in charge of elections may transfer the official returns to the local jurisdiction (which thereafter must be preserved by the local jurisdiction in lieu of the County Treasurer).

## CHAPTER 14: REGULATION OF PETITION CIRCULATORS

Arizona law prescribes certain requirements for circulators and signers regarding the gathering of petition signatures. Failure to adhere to these requirements may result in petition signatures being invalidated. More information regarding the regulation and registration of circulators, including the Secretary of State's recommended best practices for circulating petition sheets, is available on the Secretary of State's website at [www.azsos.gov/elections](http://www.azsos.gov/elections).

### I. QUALIFICATIONS FOR PETITION CIRCULATORS

Any person who is qualified to register to vote in Arizona, or who would be qualified to register to vote in Arizona if they were an Arizona resident, may circulate petitions for a candidate, ballot measure, or political party recognition. [A.R.S. § 16-321\(D\)](#); [A.R.S. § 16-801\(A\)\(2\)](#); [A.R.S. § 19-114\(A\)](#).

Certain individuals are prohibited from circulating initiative, referendum, or recall petitions due to perceived conflict of interest. No County Recorder or Justice of the Peace may circulate petitions for an initiative, referendum, or recall. Any signatures gathered on petitions circulated by prohibited individuals are void. [A.R.S. § 19-114\(A\)](#); [A.R.S. § 19-205.02](#).

In addition, the following individuals may not circulate statewide initiative or referendum petitions:

- Those who have had a civil or criminal penalty imposed for a violation of Title 16 or Title 19 within the last five years;
- Those who have been convicted of treason or a felony and have not had their civil rights restored; and
- Those who have been convicted of any crime involving fraud, forgery, or identity theft.

[A.R.S. § 19-118\(D\)](#).

### II. CIRCULATOR REGISTRATION AND DISCLOSURE REQUIREMENTS

A petition circulator must register with the Secretary of State's Office if the circulator:

- is *paid* to circulate statewide initiative or referendum petitions (whether or not the circulator is a resident of this state); or
- is *not a resident* of this state (whether or not the circulator is paid) and will circulate: (i) a *statewide* initiative or referendum petition, or (ii) a candidate petition in any Arizona jurisdiction (statewide, county, city, or town).

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[A.R.S. § 19-118\(A\)](#); [A.R.S. § 16-321\(D\)](#).

### A. Paid Circulators

A circulator may be paid or act as a volunteer.

- A volunteer circulator is an individual who does not receive any compensation for circulating petitions.
- A “paid circulator” is defined as an individual who receives compensation for circulating a statewide initiative or referendum petition, but does not include a paid employee of a political committee unless that employee has or will obtain 200 or more signatures on a statewide initiative, referendum, or recall petition in an election cycle. [A.R.S. § 19-118\(D\)\(1\)-\(2\)](#).
  - Statewide initiative and referendum petition circulators may not be paid based on the number of signatures collected. Signatures collected by circulators who are paid per-signature are void. [A.R.S. § 19-118.01](#).

Any paid circulator, whether a resident or non-resident of Arizona, is required to register with the Secretary of State prior to circulating a *statewide initiative or referendum* petition. Failure to do so invalidates any initiative or referendum petition signatures collected by the circulator prior to registration. [A.R.S. § 19-118\(A\)](#); [A.R.S. § 19-102\(E\)](#); [A.R.S. § 19-204\(D\)](#).

All initiative, referendum, and recall petition circulators, whether or not they are required to register with the Secretary of State, must indicate their paid or volunteer status by checking the appropriate box on each petition sheet prior to circulation. Failure to indicate on an initiative or referendum petition sheet whether the circulator is paid or acting as a volunteer invalidates any signatures collected on that petition sheet. [A.R.S. § 19-101\(C\)-\(D\)](#); [A.R.S. § 19-102\(C\)-\(E\)](#); [A.R.S. § 19-204\(C\)-\(D\)](#).<sup>57</sup>

### B. Non-Resident Circulators

Circulators who are not residents of Arizona must register with the Secretary of State prior to circulating: (i) a *statewide* initiative or referendum petition; or (ii) a *candidate* petition in any Arizona jurisdiction (statewide, county, city, or town). Failure to do so invalidates the signatures collected by the circulator prior to registration. [A.R.S. § 19-118\(A\)](#); [A.R.S. § 16-321\(D\)](#).

A circulator who lists an out-of-state address on the back side of a petition sheet is deemed to be a non-resident circulator.

<sup>57</sup> The “paid circulator” or “volunteer” status boxes may be pre-marked by the circulator or, with the consent and knowledge of the circulator, the committee or petition circulating organization may pre-mark the correct box on behalf of the circulator.

### C. Circulator Registration Procedures

Circulator registration must be conducted as prescribed by the Secretary of State through the electronic Circulator Portal (<https://apps.azsos.gov/apps/election/circulatorportal/>). A circulator registration is not complete until the Secretary of State confirms the registration in writing. [A.R.S. § 19-118\(A\)](#); [A.R.S. § 16-452\(A\)](#). Once a circulator is properly registered, the circulator must select in Circulator Portal the petition(s) they will circulate (by serial number and/or candidate name).

Circulators must satisfy the following requirements when registering with the Secretary of State through the Circulator Portal:

- Provide his/her name, residential address, telephone number, and email address;
- ~~Indicate the petition(s) being circulated, by serial number and/or candidate name;~~
- Consent to the jurisdiction of Arizona courts in resolving any disputes concerning the circulation of petitions by that circulator;
- Indicate the committee's address in Arizona (for statewide initiative or referendum petitions) or a designated address in Arizona (for candidate petitions) at which the circulator will accept service of process related to disputes concerning circulation of that circulator's petitions;
- Indicate the circulating organization at which the circulator is employed (if applicable); and
- For circulators of statewide initiative or referendum petitions, provide a notarized circulator affidavit declaring that the circulator is eligible to register, that all information contained in the registration is true and correct, and that the circulator has read and understands Arizona election laws applicable to the collection of signatures for a statewide initiative or referendum. Exact language to be included in the affidavit can be found at [A.R.S. § 19-118\(B\)\(5\)](#).
  - Circulators registering through Circulator Portal will be prompted to upload an electronic copy of the notarized circulator affidavit, which must be accepted by the Secretary of State's Office, before the circulator is permitted to register to circulate a statewide initiative or referendum petition. The Secretary of State may also require circulators to submit the original notarized circulator affidavit to the Secretary of State's Office within a specified time period after completion of electronic registration.

[A.R.S. § 19-118\(B\)](#).

The applicable committee and/or the circulating organization that employs petition circulators, at the direction of the applicable committee, may coordinate with their circulators to gather the necessary information, including, if applicable, notarized circulator affidavits, and facilitate submission of registration applications through Circulator Portal.

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The Secretary of State's Office has no obligation to review the substance of circulator registrations to ensure that accurate or proper information has been provided. The circulator remains solely responsible for compliance with all legal provisions.

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**1. Issuance of Circulator ID Number**

Within five business days after submission of a circulator registration application, the Secretary of State will assign a random circulator ID number to each such circulator. [A.R.S. § 19-118\(C\)](#). The circulator ID number is permanently assigned to the circulator and must be used for all petitions being circulated by that particular individual (regardless of the election cycle or which petition is being circulated).

The circulator ID number of registered circulators must be printed on the front and back of each statewide initiative or referendum petition sheet. [A.R.S. § 19-121\(A\)\(2\)](#); [A.R.S. § 19-121.01\(A\)\(1\)\(c\)](#). In contrast to the petition serial number, the circulator ID number may be placed on the petition sheet at any time prior to submitting the petition sheets to the Secretary of State. The circulator ID number may be pre-printed on petition sheets and need not be written on the petition sheet by the circulator personally.

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**2. Updating or Canceling Circulator Registrations**

An individual circulator may update or cancel their circulator registration for any or all measures directly through the Secretary of State's Circulator Portal.

In addition, an authorized representative of the committee serving as an initiative or referendum proponent (*i.e.*, the committee designated on the initiative or referendum serial number application) may cancel the registration of circulators for its measure by providing to the Secretary of State's Office, in writing, a list of circulator names and identification numbers and a request that those circulators' registration for the specific measure be canceled. The committee must also provide notice of the cancellation request to each affected circulator.

Such cancellation does not affect the validity of signatures collected by those circulators before the cancellation, but any signatures collected by canceled circulators thereafter are invalid if circulator registration was otherwise required.

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**D. Service of Process on Registered Circulators**

Circulators who are required to register must provide an address in Arizona at which the circulator will accept service of process related to disputes concerning circulation of that circulator's petitions. For circulators of statewide initiative and referenda petitions, this address must be the address of the committee in this state for which the circulator is gathering signatures. In the event of litigation regarding the petition circulated, service of process on the circulator is

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effected by delivering a copy of the subpoena to that person individually, by leaving a copy of the subpoena with a person of suitable age, or by mailing a copy of the subpoena to the committee or circulator by certified mail to the address provided on the circulator's registration application. [A.R.S. § 19-118\(B\)\(4\)](#); [A.R.S. § 16-315\(D\)](#).

### III. SIGNATURE GATHERING AND VERIFICATION REQUIREMENTS

Every person who signs a paper petition must do so in the presence of a circulator, therefore a circulator must personally witness each collected signature.

- For an initiative, referendum, or recall petition, the circulator must execute the circulator affidavit of verification on the back of the petition before a notary after collecting signatures on a paper petition sheet. [A.R.S. § 19-112\(A\), \(C\)-\(D\)](#); [A.R.S. § 19-205](#).
- For a candidate petition or petition for new party recognition, the circulator must sign the circulator verification statement on the back of the petition sheet, but notarization is not required. [A.R.S. § 16-321\(D\)](#).

Additionally, an initiative, referendum, or recall petition must have a copy of the official and correct title and text attached to the petition sheet before any signatures are obtained on that sheet. [A.R.S. § 19-112\(C\)](#); [A.R.S. § 19-202.01\(D\)](#); [A.R.S. § 19-203\(D\)](#). For statewide measures, the political committee or circulator must ensure that the staple is placed within the designated area in the upper-left corner of the petition sheet.

Qualified electors who require assistance in completing and/or signing a petition due to a physical disability or medical condition shall not be prevented from signing a petition on that basis. Petition circulators should utilize a separate petition sheet for signatures from voters who require assistance to complete or sign the petition due to a physical disability or medical condition. As a best practice, circulators should also execute a supplemental affidavit (in addition to the circulator affidavit on the petition sheet) specifying that the voters who signed that petition sheet required assistance. In addition, the person who assisted the voter may sign a declaration: (i) stating that the person assisted the voter in the voter's presence and at the voter's specific request; and (ii) providing the name and residence address of the voter who was assisted, the name and residence address of the person who assisted the voter, the title and serial number of the petition signed, and the date. Any such supplemental affidavits and/or voter assistance declarations should be retained by the committee in the event of a challenge and will not be accepted or approved by the filing officer.

More information regarding signature collection requirements and circulator verification, including the Secretary of State's recommended best practices, will be available on the Secretary of State's website at [www.azsos.gov/elections](http://www.azsos.gov/elections).

## CHAPTER 15: POLITICAL PARTY RECOGNITION

A recognized political party is entitled to representation on a partisan primary election ballot and subsequent placement of the prevailing candidate on the general election ballot. This chapter describes the process by which a political party achieves or maintains official recognition.

A political party may obtain first-time or new-party recognition by submitting a sufficient number of valid petition signatures to the appropriate filing officer. [A.R.S. § 16-801\(A\)](#); [A.R.S. § 16-802](#). Alternatively, an existing political party maintains its recognition by either receiving a sufficient number of votes in the last general election or by achieving a sufficient number of registered voters. [A.R.S. § 16-801\(B\)](#); [A.R.S. § 16-804\(A\)-\(B\)](#).

### I. NEW PARTY RECOGNITION

A group of qualified electors seeking to form a new political party is not required to establish a political committee unless the group raises or spends at least the current adjusted registration threshold pursuant to [A.R.S. § 16-931\(A\)\(1\)](#) in connection with the effort to seek new party recognition. [A.R.S. § 16-905](#). If the group is required to register as a committee (or decides to voluntarily register), the group must register as a political action committee. [A.R.S. § 16-905\(B\)](#). A group may only register as a political party committee after the filing officer has granted new party recognition pursuant to [A.R.S. § 16-803](#). [A.R.S. § 16-905\(E\)](#).

Qualified electors seeking to form a new political party must comply with the following requirements, depending on the jurisdiction.

#### A. Requirements for Seeking New Party Recognition

##### 1. Statewide Recognition

To qualify for statewide recognition, qualified electors must timely submit the following documents to the Secretary of State:

- An affidavit signed by ten qualified electors, requesting that a new political party be formed; and
- Petition signatures equal to at least 1⅓ percent of the total votes cast for Governor at the last preceding general election at which a Governor was elected. The number of votes cast for Governor are determined based upon the applicable statewide canvass, calculated by the Secretary of State and published on the Secretary of State's website.

[A.R.S. § 16-801\(A\)](#).



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The new party affidavit must be completed on a form prescribed by the Secretary of State. Within seven business days of filing, the Secretary of State must send the affidavit to the applicable County Recorders to verify that each signer is a qualified elector. [A.R.S. § 16-801\(A\)\(1\)](#). The Secretary of State must transmit the affidavit to the County Recorders, and the County Recorders must verify that the affidavit signers are qualified electors, in accordance with the deadlines outlined in [A.R.S. § 16-803\(B\)](#) and [A.R.S. § 16-803\(E\)](#). The Secretary of State may deny party recognition if the County Recorders determine there are less than ten qualified electors who signed the new party affidavit.

The new party petitions must be substantially in the form of candidate petitions but must be captioned “Petition for Political Party Recognition.” [A.R.S. § 16-801\(A\)\(2\)-\(3\)](#). Petitions for statewide recognition must be printed on a form prescribed by the Secretary of State. Petition signatures must be gathered from registered voters in at least five different counties, and at least 10% of the required total of qualified signers must be registered in counties with populations of less than 500,000 persons. [A.R.S. § 16-801\(A\)\(1\)](#). Petition signatures may not be dated more than 24 months from the date of filing.

Both the new party affidavit and new party petitions must be filed with the Secretary of State at least 250 days before the primary election for which the party seeks recognition. [A.R.S. § 16-803\(A\)](#). The Secretary of State may require electronic filing for the affidavit and new party petitions.

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## 2. County Recognition

To qualify for county recognition, qualified electors must timely submit petition signatures equal to at least 2% percent of the total votes cast for County Attorney at the last preceding general election at which the County Attorney was elected. The number of votes cast for County Attorney is determined based upon the applicable county canvass. The petitions must be filed with the officer in charge of elections. [A.R.S. § 16-802](#).

The new party petitions must be substantially in the form of candidate petitions but must be captioned a “Petition for Political Party Recognition.” [A.R.S. § 16-801\(A\)\(2\)-\(3\)](#). Petitions for county recognition must be printed on a form prescribed by the officer in charge of elections. Petition signatures must be gathered from registered voters in at least ¼ of the election precincts of the county. [A.R.S. § 16-802](#). Petition signatures may not be dated more than 24 months from the date of filing.

New party petitions must be filed with the officer in charge of elections at least 250 days before the primary election for which the party seeks recognition. [A.R.S. § 16-803\(A\)](#).

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## 3. Simultaneous Statewide and County Recognition

Qualified electors may simultaneously seek statewide and county recognition by filing the original petitions with the county officer in charge of elections, and filing a certified copy with

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the Secretary of State. Petitions must be in the form prescribed by the Secretary of State. [A.R.S. § 16-803\(A\)](#).

Both filing officers must process the petitions in accordance with the procedures applicable to their jurisdiction. Accordingly:

- The electors must file the required affidavit with the Secretary of State; and
- The electors must submit petition signatures equal to at least:
  - 1½ percent of the total votes cast for Governor at the last preceding general election; and
  - 2% of the total votes cast for applicable County Attorney at the last preceding general election.

[A.R.S. § 16-801\(A\)](#); [A.R.S. § 16-802](#).

If the petitions do not meet the requirements for certification at the statewide or county level, the political party will not be recognized in that jurisdiction.

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#### 4. City or Town Recognition

To qualify for city or town recognition, qualified electors must timely submit petition signatures equal to at least 2% of the total votes cast for Mayor at the last preceding election at which the Mayor was elected.

If a Mayor is not elected by voters (for example, the Mayor is appointed or elected by other councilmembers, not the city's or town's electorate), qualified electors must timely submit petition signatures equal to at least 2% of the highest total votes cast for any councilmember at the last preceding election at which a councilmember was elected. [A.R.S. § 16-802](#). The number of votes cast for Mayor or councilmember are determined based upon the applicable city or town canvass.

New party petitions must be filed with the applicable city or town clerk. [A.R.S. § 16-802](#).

The new party petitions must be substantially in the form of candidate petitions, but must be captioned "Petition for Political Party Recognition." [A.R.S. § 16-801\(A\)\(2\)-\(3\)](#). Petitions for municipal recognition must be printed on a form prescribed by the city or town clerk. Petition signatures must be gathered from registered voters in at least ¼ of the election precincts of the city or town. [A.R.S. § 16-802](#). Petition signatures may not be dated more than 24 months from the date of filing.

New party petitions must be filed with the city or town at least 250 days before the primary (or first) election for which the party seeks recognition. [A.R.S. § 16-803\(A\)](#).

## B. Processing Statewide New Party Petitions

### 1. Secretary of State Processing

#### a. *Out-of-County Signature Eliminations*

Signatures must be grouped by county on the petition sheets. Signatures collected outside the county of the majority of signers must be eliminated from a petition sheet. [A.R.S. § 16-803\(B\)\(1\)](#).

The Secretary of State must initially assume that the signers of a petition sheet reside in the county listed in the caption of the petition sheet. The Secretary of State prints a three-letter code in the upper right-corner of each petition image that corresponds to this county. [A.R.S. § 16-803\(B\)\(1\)\(a\)](#).

The Secretary of State must then review each signature line to verify the signer resides in the county designated at the top of the petition sheet. Any signature line printed by a signer who appears to reside in a different county will be eliminated. [A.R.S. § 16-803\(B\)\(1\)\(b\)](#).

The Secretary of State does not have a duty to verify that each individual address falls within the designated county's boundary but must verify that the signer's city or town falls within the designated county. If the city or town is missing, the Secretary of State must verify that the signer's zip code falls within the county. For cities or towns that cross county lines, the Secretary of State may assume the signer resides in the county designated at the top of the petition sheet.

If a majority of signers on the petition sheet reside (based on the city or town listed) in a different county than what was designated at the top of the petition sheet, the Secretary of State must change the county code for that petition sheet to the majority county and eliminate signature lines printed by signers who do not reside in the majority county. [A.R.S. § 16-803\(B\)\(1\)](#).

Petition sheets must be organized by county prior to transmitting any petition sheets to a County Recorder. [A.R.S. § 16-803\(B\)\(1\)\(c\)](#).

#### b. *Individual Signature Eliminations*

~~After~~In addition to striking signatures outside the county of the majority of signers ~~have been stricken~~, the Secretary of State must eliminate petition signatures for any of the following reasons:

1. The signature ~~or printed name~~ of the petition signer is missing, [A.R.S. § 16-803\(B\)\(2\)\(a\)](#):
  - ~~The Secretary of State must eliminate a signature line if either the printed first or last name is missing or the printed name is illegible. See *Whitman v. Moore*, 59 Ariz. 211, 230 (1942).~~ However, the Secretary of State should not eliminate a signature line if the signature is illegible, if the ~~printed~~ first and last names are

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switched and printed in the wrong columns or if the printed name and signature are switched and printed in the wrong columns.

2. The signer did not provide a residence address or description of the signer's residence location, or provided a P.O. Box ~~in lieu of~~without a ~~residence address~~town, city, or locationzip code, [A.R.S. § 16-803\(B\)\(2\)\(b\)](#):
  - If the signer provided any information that could be reasonably construed as a street name or street number, the Secretary of State should not eliminate the signature line.
  - The Secretary of State should not eliminate a signature line if the street type (such as "lane," "boulevard," or "circle") is missing. *See Jenkins v. Hale*, 218 Ariz. 561, 564 (2008).
  - The Secretary of State may not eliminate a signature line that uses quotation marks or "ditto" marks to incorporate the address from the signature line immediately above.
3. The petition signature date is missing, [A.R.S. § 16-803\(B\)\(2\)\(c\)](#):
  - The Secretary of State should eliminate a signature line if it is missing the day or month of signing. *See Meyers v. Bayless*, 192 Ariz. 376, 378 (1998);
  - The Secretary of State may not eliminate a signature line that is only missing the year of signing. *See Energy Fuels Nuclear, Inc. v. Coconino County*, 159 Ariz. 210, 213 (1988);
  - The Secretary of State may not eliminate a signature line that uses quotation marks or "ditto" marks to incorporate the date from the signature line immediately above.

The Secretary of State does not have authority to reject petition sheets or signatures based on the following legal deficiencies:

1. A missing petition caption, modified petition caption, or a caption that contains inaccurate information;
2. A missing county in the petition caption; or
3. Signatures obtained more than 24 months from the filing date.

[A.R.S. § 19-101\(A\)](#); [A.R.S. § 19-102\(A\)](#). The foregoing legal deficiencies are not explicitly or implicitly referenced in [A.R.S. § 16-803\(B\)\(2\)](#), therefore these legal deficiencies must be reviewed by a court.

**c. Preparing Signatures for County Recorder Verification**

Within seven business days after receipt of a petition for statewide recognition, the Secretary of State must perform the following steps to determine whether signatures may be transmitted for County Recorder verification:

1. Count the number of signature lines on each valid petition sheet that have not been stricken, and place the total number on the upper right-hand corner on the front side of each petition sheet;
2. Count the total number of petition sheets and signatures eligible for County Recorder verification. Each petition sheet has been ~~physically and electronically~~ labeled upon being scanned ~~into the Secretary of State's review software~~, therefore the petition sheets are not re-numbered after the Secretary of State has completed the sheet and signature count;
3. Determine whether the signatures eligible for verification ~~exceed~~exceed the required minimum:
  - If the minimum has been met, the Secretary of State must conduct a 20% random sample and should issue a receipt to the applicant that includes the following information:
    - The total number of signatures eliminated by the Secretary of State;
    - The total number of signatures that remain eligible for County Recorder verification (this number must exceed the required minimum);
    - The total number of signatures that have been randomly sampled and transmitted to one or more County Recorders; and
    - The deadline for County Recorder review.
  - If the minimum has not been met, the Secretary of State must issue a receipt to the applicant, stating that the political party is not eligible for recognition, and cease further processing of the petition.

[A.R.S. § 16-803\(B\)\(3\)](#); [A.R.S. § 16-803\(B\)\(4\)](#); [A.R.S. § 16-803\(B\)\(5\), \(C\)](#).

The Secretary of State's selection of a random sample to transmit to County Recorders must also be conducted within seven business days after receipt of a petition for statewide recognition:

1. The Secretary of State must randomly select (whether manually or electronically) 20% of eligible signatures across all petition sheets that have not been eliminated;
2. The Secretary of State must mark the petition signature lines that have been randomly selected in a clear manner; and
3. The Secretary of State must transmit the front sides of any petition sheet containing a randomly sampled signature to the applicable County Recorder(s). This may be done electronically.

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[A.R.S. § 16-803\(C\)](#). Although there is no deadline for transmitting the random sample to the applicable County Recorders, the Secretary of State should do so within a reasonable timeframe, ~~along with the affidavit of electors.~~

## 2. County Recorder Processing

Following receipt from the Secretary of State, a County Recorder ~~must eliminate~~ shall determine which signatures ~~using~~ of individuals whose names were transmitted shall be disqualified for any of the following reasons:

1. No residence address or description of residence location is provided.
2. No date of signing is provided.
3. The signature is illegible and the signer is otherwise unidentifiable.
4. The address provided is illegible or nonexistent.
5. The individual was not a qualified elector on the date of signing the petition.
6. The individual was a registered voter but was not at least eighteen years of age on the date of signing the petition or affidavit.
7. The signature was disqualified after comparison with the signature on the affidavit of registration.
8. If a petitioner signed more than once, all but one otherwise valid signature shall be disqualified.
9. For the same ~~criteria applied~~ reasons any signatures could have been removed by the secretary of state pursuant to ~~initiative, referendum, and recall petitions under A.R.S. § 19-121.02~~ this section.

[A.R.S. § 16-803\(E\)](#).

The County Recorder must issue a certification and transmit this certification to the Secretary of State and the electors within ten business days of receiving the signatures. [A.R.S. § 16-803\(E\)](#). The County Recorder's certification must include:

- The total number of signatures that were transmitted to the County Recorder for verification;
- The total number of random signatures that were disqualified by the County Recorder; and
- The name of any signer whose petition signature was eliminated, including the petition page number and signature line number where the signature was eliminated.

[A.R.S. § 16-803\(F\)](#). The County Recorder must transmit this certification to the Secretary of State in the manner specified by the Secretary. If the Secretary of State electronically transmitted petition sheets to the County Recorder, it is unnecessary for the County Recorder to return the petition sheet images to the filing officer. [A.R.S. § 16-803\(G\)\(1\)](#).

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The Secretary of State should also transmit the County Recorder certifications to the electors chairperson or other representative of the party seeking new party recognition.

### 3. Final Certification by Secretary of State

Within three calendar days of receiving the last County Recorder's certification, the Secretary of State must determine whether there are sufficient valid signatures for the party to qualify for the ballot:

- The Secretary of State calculates the total number of petition signatures verified by County Recorders, including the percentage of verification.
- The Secretary of State then multiplies the total number of eligible signatures by the verification percentage.

[A.R.S. § 16-803\(H\)](#). The Secretary of State must also review the certification(s) regarding the affidavit of electors. See [A.R.S. § 16-801\(A\)\(1\)](#).

The new party qualifies for recognition if the number of presumed valid signatures exceeds the required minimum and all ten electors were found to be qualified electors by the County Recorder(s). If the new party petition qualifies, the Secretary of State issues a certification and receipt to the electors and notifies the Boards of Supervisors, County Recorders, and officers in charge of elections. [A.R.S. § 16-803\(I\)](#).

If the new party petition does not qualify for recognition, the Secretary of State issues a certification and receipt to the electors explaining why the petition did not qualify for recognition and returns the original petition sheets to the electors. [A.R.S. § 16-803\(I\)](#).

#### C. Duration of New Party Recognition

A new political party that receives statewide recognition is entitled to recognition through the next two general elections for federal office immediately following recognition of the party. [A.R.S. § 16-801\(B\)](#). For example, if a new political party achieves statewide recognition in March 2020, the party is entitled to recognition through the 2022 general election.

#### D. Recognition Following Expiration of New Party Status

Following the expiration of new party status, the party may maintain recognition by:

- Qualifying for continued representation based upon votes cast at the election preceding the expiration of new party status or a requisite number of active registered voters; or
- Timely filing a new petition for new party recognition.

[A.R.S. § 16-801\(B\)](#); [A.R.S. § 16-804](#).

A political party that qualifies for continued representation is treated differently from a political party that files a new petition for new party recognition. For example, a member of a political

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party with continued representation may not sign a nomination petition for a candidate seeking a nomination from a different party with continued recognition. [A.R.S. § 16-321\(F\)](#). Thus, a voter registered with the Democratic Party—a party with continued representation—may sign a nomination petition for Democratic candidates, new party candidates, or independent candidates, but not for Republican candidates—another party with continued representation. Whereas a voter registered with a new party may sign any candidate’s petition.

As a corollary, members of a political party with continued representation are not included when calculating other continuously-represented parties’ signature totals to run for office. For example, the number of signatures needed to run for the U.S. Senate as a Republican—a party with continued representation—are determined by calculating  $\frac{1}{4}$  of one percent of all Republicans, new party registrants, independents, and registrants with no party designation. In contrast, the number of signatures needed to run for the U.S. Senate as a new party candidate excludes Republicans, Democrats, and any other recognized parties with continued representation. [A.R.S. § 16-322\(A\)\(1\)](#); [A.R.S. § 16-321\(F\)](#).

#### **E. Expiration of New Party Status**

If a new political party does not re-qualify for recognition as a new party, new party status expires when the Secretary of State, County Recorder, or city or town clerk (as applicable) issues their announcement regarding continued representation. [A.R.S. § 16-804\(C\)-\(E\)](#).

## **II. QUALIFYING FOR CONTINUED RECOGNITION**

To qualify for continued representation, a political party must meet one of two baseline levels of support: number of votes cast for the party’s candidate or the number of active registered voters in the jurisdiction. [A.R.S. § 16-804\(A\)-\(B\)](#); *see also* [A.R.S. § 16-193\(5\)](#).

#### **A. Statewide Continued Representation**

To qualify for statewide continued representation:

- The new party’s candidate for Governor or President must receive at least 5% of the votes cast at the federal general election immediately preceding the expiration of new party status; or
- The new party must have at least  $\frac{2}{3}$  of 1% of active registered voters statewide as of October 1st of the year preceding expiration of new party status.

The Secretary of State must determine the political parties qualified for continued representation by December 1st of the appropriate year. [A.R.S. § 16-804\(C\)](#).

Promptly thereafter, the Secretary of State must notify the political party, county election officials, and the public about whether the party qualified for continued representation.



## **B. County Continued Representation**

To achieve continued representation at the county level:

- The new party's candidate for County Attorney must receive at least 5% of the votes cast at the federal general election immediately preceding the expiration of new party status; or
- The new party must have at least  $\frac{2}{3}$  of 1% of active registered voters in the county as of October 1st of the year preceding expiration of new party status.

[A.R.S. § 16-804\(A\)](#). The County Recorder must determine the political parties qualified for continued representation by December 1st of the appropriate year. [A.R.S. § 16-804\(D\)](#). Promptly thereafter, the County Recorder must notify the political party, county election officials, and the public about whether the party qualified for continued representation.

## **C. City or Town Continued Representation**

To achieve continued representation in a city or town that conducts partisan elections:

- The new party's candidate for Mayor must receive at least 5% of the votes cast at the general election (or second or runoff election) immediately preceding the expiration of new party status; or
- The new party must have at least  $\frac{2}{3}$  of 1% of active registered voters in the city or town (as determined by the applicable County Recorder) as of 155 days prior to the primary election (or first election) that will be conducted in the year new party status expires.

[A.R.S. § 16-804\(A\)](#).

The city or town clerk must determine the political parties that qualify for continued representation 140 days prior to the primary election (or first election) that will be conducted in the year new party status expires. [A.R.S. § 16-804\(E\)](#).

Promptly thereafter, the city or town clerk must notify the political party, county election officials, and the public about whether the party qualified for continued representation.

## CHAPTER 16: CAMPAIGN FINANCE

### I. CAMPAIGN FINANCE REPORTING

The Secretary of State is required to prescribe the format for all campaign finance reports and statements. [A.R.S. § 16-926\(A\)](#). Sample forms are included in [Chapter 17](#) for reference by local jurisdictions. Candidates who file their campaign finance reports and statements with the Secretary of State's Office must use the Secretary of State's online campaign finance reporting system.

Additional campaign finance guidance is available on the Secretary of State's website at [www.azsos.gov/elections](http://www.azsos.gov/elections). All candidates and political committees are encouraged to read the Secretary of State's campaign finance guides for additional information. In addition, candidates running with Clean Elections funding have additional rules they must follow. They should contact the Citizens Clean Elections Commission (CCEC) for further information, or visit their website at [www.azcleelections.gov](http://www.azcleelections.gov).

### II. CAMPAIGN FINANCE ENFORCEMENT

Campaign finance enforcement may be initiated through the filing officer. In addition, any person may file a complaint with CCEC if they believe a violation of the Clean Elections Act or CCEC rules has occurred. CCEC staff may also initiate an internally generated complaint against a person for violation of the Clean Elections Act. See [A.R.S. § 16-957](#). More details about CCEC enforcement procedures are available at <https://www.azcleelections.gov/campaign-finance-enforcement>.<sup>58</sup>

Adjudication of third-party campaign finance complaints filed with the filing officer follows a bifurcated structure, relying on an initial determination by a filing officer followed by the final decision of an enforcement officer. The overall process is summarized as follows and is covered in more detail in this Section:

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<sup>58</sup> [A.R.S. § 16-938\(A\)](#) states “. . . a filing officer is the sole public officer who is authorized to initiate an investigation into alleged violations of . . . [Articles 1, 1.1, 1.2, 1.3, 1.4, 1.5, 1.6 and 1.7 of Title 16, Chapter 6 of the Arizona Revised Statutes], including the alleged failure to register as a committee.” However, the phrase “is the sole public officer” has been invalidated by court judgment. An appeal is pending as of August 9, 2019, but the lower court judgment remains in effect absent any stay or reversal by a higher court. See *Arizona Advocacy Network et al., v. State of Arizona*, No. CV2017-096705, (Ariz. Super. June 5, 2019).

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- The filing officer will make a preliminary determination whether a campaign finance violation has occurred, known as a “reasonable cause” finding. [A.R.S. § 16-938\(C\)](#).
- If the filing officer makes a reasonable cause finding, the filing officer generally will refer the matter to the appropriate enforcement officer. [A.R.S. § 16-938\(C\)](#).
- The enforcement officer makes the final determination whether a legal violation occurred, which may require an additional investigation beyond the information provided by the filing officer. [A.R.S. § 16-938\(C\), \(E\)](#).
- If the enforcement officer concludes that a campaign finance violation occurred, the enforcement officer may issue a notice of violation to the alleged violator. If the violation has not been timely remedied, the enforcement officer may initiate legal action to secure compliance with campaign finance law. [A.R.S. § 16-938 \(E\)-\(G\)](#).

## **A. Initiation of Campaign Finance Complaints**

### **1. Third Party Complaints**

Any person may file a complaint with the appropriate filing officer if they believe a violation of Arizona campaign finance laws has occurred, including but not limited to:

- Failure to register as a political committee when required;
- Unlawful commingling of money;
- Violation of campaign contribution limits;
- Making or accepting unlawful contributions;
- Failure to include proper advertising disclaimers;
- Failure to file campaign finance reports (if the filing officer has not already initiated an enforcement action);
- Improper or unreported expenditures; or
- Filing incomplete or inaccurate campaign finance reports.

[A.R.S. § 16-938](#).

The complaint must be made in writing and submitted to the applicable filing officer for campaign finance reports. Email submissions are acceptable. [A.R.S. § 16-938\(B\)](#).

Regardless of whether a complainant is represented by counsel, a complaint must contain the full name and mailing address of the complainant. A complaint should also:

- Clearly recite the facts that describe a violation of Arizona campaign finance law under the filing officer’s jurisdiction as specifically as possible (citations to the law are highly encouraged);
- Clearly identify each person, committee, organization or group that is alleged to have committed a violation;

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- Include any supporting documentation (such as sworn affidavits from persons with first-hand knowledge, media reports, advertisements, website links, etc.) supporting the alleged violation, if available; and
- Differentiate between statements based on a complainant’s personal knowledge and those based on information and belief. Statements not based on personal knowledge should identify the source of the information.

Complaints should be filed as soon as possible after the alleged violation becomes known to the complainant in order to preserve available evidence and initiate the enforcement process within the four-year statute of limitations period. See [A.R.S. § 12-550](#). A filing officer should retain candidate filings for at least four years after committee termination notwithstanding the three-year retention period for “candidate records” in Schedule Number GS-1058 of the Arizona State Library, Archives and Public Records general records retention schedule.

The filing officer must review the complaint for compliance with the required criteria outlined above, including confirmation that the complaint falls within the filing officer’s jurisdiction. If the complaint does not meet the criteria, the filing officer should notify the complainant of the deficiencies and that no action will be taken on the complaint. If the complaint is deemed sufficient, the filing officer will:

- Assign the complaint a complaint number (in a format determined by the filing officer);
- Confirm in writing that the complaint has been received;
- Inform the complainant that the respondent will be provided an opportunity to submit a response and the complainant may submit a reply within specified time periods; and
- Inform the complainant that the filing officer will notify him or her once a preliminary decision has been made.

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## **2. Mitigating Conflicts of Interest**

A filing officer and enforcement officer should avoid actual or perceived conflicts of interest when adjudicating campaign finance complaints. A conflict analysis should be undertaken promptly after a complaint is filed and before the respondent is directed to submit a response. [A.R.S. § 38-503\(B\)](#).

~~A possible conflict of interest involves blending the roles of filing officer and enforcement officer. To maintain the necessary degree of independence, the enforcement officer generally should not render legal advice to the filing officer regarding a particular complaint while maintaining an enforcement role as to that specific complaint. For example, the enforcement officer generally should not advise the filing officer that reasonable cause exists and later initiate an enforcement action after receiving a referral from that filing officer. If such a conflict exists, the enforcement officer would need to refer the matter to another enforcement officer. Alternative options include, but are not limited to, the following: (1) the enforcement officer could establish a conflict wall to ensure the same attorney providing advice is not the same attorney initiating enforcement; (2) the filing officer could seek legal advice from outside~~

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~~counsel (other than the enforcement officer) to reach a reasonable cause decision; (3) the enforcement officer could delegate their enforcement authority to outside counsel, thereby allowing the original enforcement officer to continue providing legal advice to the filing officer.~~

If a filing officer determines that a conflict of interest exists, the filing officer should refer a campaign finance complaint to another filing officer in the state who accepts the referral.<sup>59</sup> The receiving officer has the same jurisdiction to make a reasonable cause determination as the original officer. [A.R.S. § 16-938\(A\)](#). If the receiving officer ultimately does find reasonable cause, they may: (i) refer the matter directly to an appropriate enforcement officer, if permitted by the enforcement officer, or; (ii) refer the matter back to the original filing officer, and the original filing officer must refer the matter to the enforcement officer for that jurisdiction.

If a filing officer makes a reasonable cause finding but believes the corresponding enforcement officer will have a conflict of interest, the filing officer nonetheless must make the referral to that enforcement officer. *Winn v. Maricopa County Attorney's Office*, No. CV2013-003007, Minute Entry pg. 5 (Ariz Super. Ct. May 2, 2013); *see also Comm. for Justice & Fairness v. Arizona Sec'y of State's Office*, 235 Ariz. 347, 350 (Ct. App. 2014). The enforcement officer must then determine whether a conflict of interest exists and, if so, refer the matter to another enforcement officer.

## **B. Notice of Complaint and Opportunity for Response and Reply**

### **1. Notice to Respondents**

A “respondent” is the person who is the subject of the campaign finance complaint or referral.

Within five business days after receiving a properly filed complaint, the filing officer will send the respondent a copy of the complaint and a letter describing the filing officer’s campaign finance processing procedures. The notification letter reflects no judgment about the accuracy of the allegations, but simply: (i) informs the respondent that the filing officer has received allegations as to possible violations of campaign laws by the respondent; (ii) provides a copy of the complaint or referral document, or in limited circumstances, a summary of the complaint; and (iii) gives the respondent an opportunity to respond in writing in a timely manner.

### **2. Submitting a Response**

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<sup>59</sup> If the original filing officer cannot promptly identify another filing officer who will accept the referral, the original filing officer should promptly notify the complainant and respondent after the complaint was filed that: (i) the filing officer has a conflict of interest; and (ii) the new filing officer (once identified) will contact the parties and formally initiate the enforcement proceedings.

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The response is the respondent's opportunity to demonstrate to the filing officer why the filing officer should not pursue an enforcement action, or to clarify, correct, or supplement the information in the complaint or referral. Respondents are not required to respond to the allegations. Respondents must be provided an opportunity to respond to both a third-party complaint and an internally-initiated investigation.

Respondents, if they choose, may be represented by counsel. Once the filing officer receives a notification that the respondent is represented by counsel, the filing officer will communicate only with the counsel unless otherwise authorized by the respondent.

There is no prescribed format for responses. While not required, providing documentation, including sworn affidavits or declarations under penalty of perjury from persons with first-hand knowledge of the facts, is helpful. It is also helpful for a respondent to specifically address each allegation in the complaint. The response may be submitted by email, and the respondent need not copy the complainant on the response.

The filing officer may set a response deadline not to exceed 30 calendar days. Upon request by the respondent and for good cause shown, the filing officer may grant a reasonable extension of the response deadline. The respondent must make the request to the filing officer in writing, and the filing officer must copy the complainant on the filing officer's decision on the extension request.

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### **3. Submitting a Reply**

Within five business days after receiving a response, the filing officer will send the complainant a copy of the response and a letter that explains the opportunity for the complainant to submit a reply.

There is no prescribed format for replies and complainants are not required to file a reply. However, the reply is the complainant's opportunity to address issues raised in the response and/or buttress the complaint's original allegations. The reply may not raise new issues that were not addressed in the original complaint.

The filing officer may set a reply deadline not to exceed 14 calendar days. The filing officer may not take any action on the complaint or referral (other than dismiss the matter) until this time period has passed. Upon request by the complainant and for good cause shown, the filing officer may grant a reasonable extension of the reply deadline.

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### **C. Decision by Filing Officer**

After the reply period (and any extension, if granted) has passed, the filing officer will evaluate the complaint, response and reply (if any) to determine whether there is reasonable cause to believe a violation occurred. The filing officer should also consider any relevant campaign finance reports or documents on file with the filing officer and any other information available in

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the public record. The filing officer does not possess subpoena powers to compel production of evidence or attendance of witnesses concerning a potential campaign finance violation (nor may any party to the proceeding conduct discovery). However, the filing officer may request voluntary production of information to assist in evaluating the complaint or response. [A.R.S. § 16-938\(D\)](#).

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**1. Determining Whether a Violation Occurred**

A filing officer may take one of three courses of action: find reasonable cause, dismiss the matter, or find no reasonable cause.

**a. Finding Reasonable Cause**

To refer a matter to an enforcement officer, a filing officer must find “reasonable cause to believe a person violated” campaign finance law. [A.R.S. § 16-938\(C\)](#). A reasonable cause finding is not a definitive finding that the respondent violated campaign finance law but simply means that the filing officer believes a violation may have occurred.

In determining whether there is reasonable cause, the standard of review is akin to “probable cause” to support the complainant’s allegations, which generally means there is reasonably trustworthy information and circumstances that would lead a reasonable person to conclude there is substantial likelihood that the respondent committed a violation. *See In re Shaheen Tr.*, 236 Ariz. 498, 501 (Ct. App. 2015); *State v. Keener*, 206 Ariz. 29, 32 (Ct. App. 2003).

**b. Dismissal of Complaint**

In their discretion, a filing officer may dismiss a matter that does not merit further use of government resources. The filing officer may take into account the following factors when deciding whether to dismiss a complaint:

- Whether there is a small dollar amount at issue;
- The insignificance of the alleged violation;
- The vagueness or weakness of the evidence;
- Whether the alleged violation has been remedied and not likely to be repeated; and
- Whether the alleged violation was unintentional.

If dismissal is warranted, the filing officer may send a letter cautioning or reminding the respondent regarding the relevant legal obligations going forward.

**c. Finding No Reasonable Cause**

A filing officer should find “no reasonable cause” if a violation occurred when the complaint, response and reply (if any), along with any publicly available information, taken together, fail to

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give rise to a reasonable inference that a violation has occurred (or even if the allegations were true, would not constitute a violation of the law).

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**2. Issuance and Notification of Decision**

A filing officer should issue a reasoned decision explaining the basis for the filing officer's determination. Absent extenuating circumstances, a filing office shall render a decision within 120 days after the deadline for submitting a reply if a response was submitted, or within 120 days after the deadline for a response if no response was submitted. However, if the filing officer's deadline to issue a decision falls within 30 days of an election in the filing officer's jurisdiction, the decision shall be issued within 30 days after the election. The filing officer should keep the parties reasonably apprised of the projected decision timetable and shall notify all parties in writing of the decision.

If the filing officer dismisses the complaint or finds no reasonable cause, the matter is closed and no notification is given to the enforcement officer. A dismissal or finding of no reasonable cause are not considered appealable actions.

If the filing officer finds reasonable cause, the filing officer must notify the enforcement officer and provide all relevant documentation from the case:

- For matters investigated by the Secretary of State as filing officer, the Secretary must notify the Attorney General;
- For matters investigated by a county filing officer, the county filing officer must notify the county attorney; or
- For matters investigated by a city or town filing officer, the city or town filing officer must notify the city or town attorney.

[A.R.S. § 16-938\(C\)\(1\)-\(3\)](#).

If the filing officer determines there is reasonable cause to believe that knowing and intentional misrepresentations were made, the filing officer may refer the matter to the enforcement officer for possible criminal prosecution as well. [A.R.S. § 16-1021](#).

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**D. Decision by Enforcement Officer**

Upon receipt of a reasonable cause finding from a filing officer, an enforcement officer must:

- Review the matter for potential conflicts of interest;
- If necessary, conduct an investigation and/or compel discovery through the enforcement officer's subpoena powers; and
- Reach a final decision whether a campaign finance violation occurred.

Nonpublic information independently gathered during the investigation (other than the complaint, response, reply and accompanying exhibits, which may be disclosed) must be kept

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CHAPTER 16:  
Campaign Finance — II. Campaign Finance Enforcement



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confidential until after the final disposition of any appeal of the enforcement order. [A.R.S. § 16-938\(E\)\(3\)](#).

If the enforcement officer determines a violation occurred, the enforcement officer may serve a notice of violation on the respondent. The notice must:

- State with reasonable particularity the nature of the violation;
- Specify the fine or penalty imposed, and any other corrective action required to be undertaken; and
- Require compliance within 20 calendar days after the date of issuance of the notice.

[A.R.S. § 16-938\(E\)\(2\)](#).

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**1. Late Campaign Finance Reports**

In the case of a registered committee's failure to file campaign finance reports, no further investigation or discovery is generally necessary and the enforcement officer may proceed to issue a notice of violation. The notice should include a calculation of the penalties that have accrued between the filing deadline and the date of the notice of violation, and state that penalties will continue to accrue until paid in full or corrective action is taken. [A.R.S. § 16-938\(E\)\(2\)](#); *see also* [A.R.S. § 16-937\(B\)](#).

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**2. Other Campaign Finance Violations**

In the case of any other campaign finance violation, the notice of violation should include a presumptive financial penalty equal to the amount of money improperly received, spent or promised in violation of the law. In special circumstances, based on the severity, extent, or willful nature of the violation, the enforcement officer may issue a financial penalty up to three times the amount of money improperly received, spent or promised. The enforcement officer should outline the special circumstances in the notice of violation.

A notice of violation also may require the respondent to form a political committee and thereafter file campaign finance reports for past and future political activity. However, if the respondent timely appeals this ruling, the respondent need not file the campaign finance reports unless and until the enforcement officer's notice of violation has been upheld.

[A.R.S. § 16-938\(E\)\(2\)](#).

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**E. Response to Notice of Violation**

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**1. Respondent Takes Corrective Action**

If a notice of violation requires corrective action and payment of a fine or financial penalty, but the respondent takes the specified corrective action within 20 days of being served with the notice, the respondent is not subject to any fine or financial penalty. [A.R.S. § 16-938\(G\)\(1\)](#). The enforcement officer should close the matter and issue a confirmation in writing.

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**2. Respondent Takes No Corrective Action**

If the respondent fails to timely comply with a notice of violation, the enforcement officer may impose the fine or financial penalty (if any) and provide the respondent a final notice stating that the fine or penalty may be appealed to the Superior Court. [A.R.S. § 16-938\(G\)\(2\)](#).

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**3. Respondent Appeals to Superior Court**

If the respondent fails to comply with a final notice but timely files an appeal, the final notice is stayed until the appeal is resolved. A respondent must file an appeal in superior court within 30 days after receiving the final decision and provide a copy of the appeal to the enforcement officer. [A.R.S. § 16-938\(H\)](#).

At the hearing, the Superior Court must conduct a trial de novo and the enforcement officer has the burden of proving any alleged violations by a preponderance of the evidence. [A.R.S. § 16-938\(I\)](#).

## **CHAPTER 17: APPENDICES AND SAMPLE FORMS**

The sample forms contained in this manual are subject to revisions. Please contact the Secretary of State's Office, Election Services Division, for the most current version.



MARK BRNOVICH  
ATTORNEY GENERAL

OFFICE OF THE ARIZONA ATTORNEY GENERAL  
APPEALS & CONSTITUTIONAL LITIGATION DIVISION  
GOVERNMENT ACCOUNTABILITY UNIT

EVAN DANIELS  
UNIT CHIEF COUNSEL  
EVAN.DANIELS@AZAG.GOV

November 12, 2019

Sambo "Bo" Dul, Esq.  
State Elections Director  
Office of the Secretary of State  
1700 W. Washington Street  
Phoenix, Arizona 85007

**Re: Attorney General's Office Review of Draft Elections Procedures Manual**

Ms. Dul:

Our division on behalf of the Attorney General has completed its initial review of the Draft Elections Procedures Manual. Several legal objections must be addressed before the Attorney General can approve the manual in accordance with A.R.S. § 16-452(B). Included with this letter is a spreadsheet detailing our objections, suggestions, and questions.

To expedite approval, the spreadsheet includes suggested changes that we believe would bring the Manual fully into compliance with state and federal laws. The objections are categorized as follows:

1. **Critical:** Instances where the draft Manual violates or conflicts with statutory provisions, exceeds statutory authority, or fails to address the Manual's statutory requirements.
2. **Important:** Instances where changes are necessary to achieve and maintain the maximum degree of correctness, impartiality, uniformity and efficiency as required under A.R.S. § 16-452.
3. **Recommendations:** Instances where changes would be helpful, but not necessary, to achieve and maintain the maximum degree of correctness, impartiality, uniformity and efficiency as required under A.R.S. § 16-452.
4. **Discussion Items:** Instances where further clarification is required to understand the meaning and intent so that we can determine what, if any, recommended changes are necessary.


In addition to the spreadsheet, please also find a redlined Word version of the Manual. Please note we did not undertake to proofread the original document but rather focused on a reviewing the Manual's adherence to state and federal laws. Although a few

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Draft Elections Procedures Manual  
November 12, 2019  
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citations were added or corrected, they were germane to specific issues. As a whole, we did not check every citation for accuracy.

After reviewing our comments, we would appreciate the opportunity to discuss the issues presented here, as well as answer any questions you might have.

Sincerely,



Evan Daniels  
Unit Chief Counsel

Cc: Anni Foster, General Counsel, Governor Doug Ducey  
Daniel Ruiz, Senior Advisor for Policy Strategy, Governor Doug Ducey

## SUMMARY OF DRAFT PROCEDURES MANUAL 8/23/2019

1. Pg. 3; (A) Citizenship requirement - this sounds crazy. Is most of this automated and automatically performed through the SOS matches? If so are those procedures just for the 13 counties that are “real time” with SOS or for all 15 counties. Are there procedures within the SOS department?
2. Pg. 5; (2) -Explain what the AZDL means when its indicated with an “F”
  - a. MVD process is uniform?
  - b. Pg. 7 ii; again states that issued by an equivalent-issuing state agency-what is the determination for that.
3. P. 11; (B) and Pg. 29 First full sentence - Age requirement: would like to see a procedure that requires a notice sent out to the specific qualified elector if registered 6 months prior to being 18. Notice sent at least 30 days prior to voter registration cut off for the election they are eligible for that states they are on the list, what date they registered, what party they registered under. If they want to keep their status send back confirmation, if no response, move to the inactive list. This will count as one of the first qualifying notices (inactive voter)
4. Pg. 13; III Voter Registration Assistance Agencies -A
  - a. Bullet point 2 – are there standards for written policies and procedures/training for public assistant agencies. If not any Public Assistant Agency who develops these standards shall submit the written information to the Secretary of State and All Recognized Political Parties (or if only county wide policy/procedure, then the Officer in Charge of Elections (OCE) and the County recognized political parties will receive the written information).
5. Pg. 14; Second Paragraph- if the County Recorder designates additional registration volunteers as set forth in above paragraph, a list should be maintained by the County Recorder and names should be added as soon as they are designated as a volunteer. All groups must follow the published guidance for voter registration.
6. Pg. 15; IV Voter Registration Processing Procedures
  - a. Statewide concern- should there be something in here about timely reporting by Maricopa and Pima County? (this might be statutory by there is no statute reference in this section – which also seems a little light on specific procedures)
  - b. Define what substantive changes mean. SOS should be notified of any changes with a time frame.
7. Is there any guidelines for keeping Federal Form registrants separate from Full Ballot Registrants or any reporting on those who were moved to the Full Ballot list because of 8 below.

8. Pg. 17; Explain this in better detail. This must go through the DPOC process?
9. Pg. 24; first paragraph- Pg. 45 I. (A) request for early ballot- Should verification of the AZLD/ID# indicate citizenship? (refer to item 2 above)
10. Pg. 40 and 41; Federal Only and Lists to Recognized Parties-There are not any specifics on what kind of report. Is there a specific report available to the parties on voters who registered on the Federal Form and is on the Federal list? What about those who were moved from the Federal list, to the Full Ballot List, why and when?
11. Pg. 53; Early Ballots – General Question- is ballot harvesting still acceptable?
12. Pg. 60; C Security Procedures for Accessible Voting- Paragraph 4. Need to specify that chain of custody of accessible voting devices must be tracked and logged by a team of at least two board workers OF DIFFERENT POLITICAL PARTIES. \*(if two parties not available then an affidavit signed by the OCE needs to be provided and the reason for the lack of the two political parties needs to be notated as to why)\*
13. Pg. 61; Establishing Early Voting Centers- Question about if there is language as to what constitutes an emergency, don't see the specific language yet in statute. Is there a time frame for this to be done and time emergency voting will cease. Is there a public notice posted? Are all recognized parties notified of the emergency polling places within \_\_\_\_ hours of when they are established. I think there should also be language that individual candidates should be notified by the parties as to these polling places NOT THE OCE, unless the OCE sends a notice out to all candidates involved in the election.
14. Pg. 63; VI Processing and Tabulating Early Ballots -There are no procedures for requesting another method of counting ballots. This should be better defined and also have notification requirements, including having parties in the Jurisdiction where this is taking place notified of the request and if it was granted.
15. Pg. 71; I (A)State Certification Process- Voting Equipment Certification first paragraph continued on Pg. 72 States SOS can approve exceptions to mix and match components under exceptional circumstances, what dictates exceptional circumstances, how is it requested, how is it approved and who is noticed?– General comment that Arizona Committee should be made up of 5 individuals just like the independent redistricting commission.
16. Pg. 74 (2) and Pg. 123 (2); Pg. 162; Voter Education over votes-Vote Centers Because I am not familiar with how some of the new systems work, I don't understand how transporting ballots at the precincts/vote centers to counting centers before they are processed complies with Federal law regarding over votes if there is one.

17. Pg. 81; II Logic and Accuracy Testing – second paragraph conduct of the test must be overseen by at least two county elections staff (of different political parties if possible); Pg. 90 item 7 ...of different political parties if possible) Should be an affidavit signed as to who they are and if not different parties why.\*
18. Pg. 92; IV. Contingency Planning-statute requirement for this? This section is vague. What elections? (pg.93 and Pg. 155 second full paragraph regarding back up roster/e-poll book) When is contingency plan approved, when is it activated or is there a limitation as to when it can be used? The County Parties should be provided with a copy of this and be informed \_\_\_\_ hours after its evoked.
19. Pg. 95; I. Voter Registration Information. What is a self-identified voter? Why is some of this section necessary? (I don't see any state or federal citations) Pg. 96 – II Voting and Voting Location information first sentence-what does the voting experience mean?
20. Pg. 98; second paragraph. If the inspection results in the need to implement procedures for emergency polling place then recognized political parties should be notified immediately of any changes.
21. Pg. 103; iii Filing Officer Processing of Nomination Petition- second bullet point, is this consistent with the voter registration form. How do you verify printed name if the voter form has only a signature. What is the standard for signing the form.
22. Pg. 104; b Independent Nomination states a 3 letter party designation. Should it say PND if they are not one of the recognized political parties.
23. Pg. 116; 1. Criteria for Disqualifying- What is the County Recorder Petition Signature Verification Guide. Who prepares it, is it on the county web? Etc.
24. Pg. 116; 2. County Recorders Signature Verification Report second bullet – In the County Recorders discretion the County Recorder may identify and the report may reflect a reason for disqualifying a signature other than the reasons specified in the challenged. This language is vague, and concerning for a procedures manual. If it's at CR discretion, then there should be a whole lot of accountability as to when this is possible with penalties involved if the court finds it frivolous.
25. Pg. 116; 3. Testimony and Evidence paragraph 2 the wording “must make best efforts to provide the certified copies of voter forms as soon as practicable” is very loose. Should there be a standard? Within \_\_\_\_\_ hours of the request.
26. Pg. 118 through 121 PPE get rid of the whole thing Legislative Change



27. Pg. 124; C. failure to timely establish Polling Places – this statute needs work? Reads like it’s an old throw back from horse and buggy day? You wouldn’t have a board unless you had a polling place?? If the Justice of the Peace does have to designate a polling place who works it, parties notified? Equipment?
28. Pg. 125; 9. Outreach to rural and underserved communities.- Does this mean you have to give these areas more consideration?
29. Pg. 126; A.R.S. 16-411 (H) third bullet-All Recognized Political Parties shall be notified
30. Pg. 127; II. Appointment and Training of Poll Workers 4<sup>th</sup> paragraph- When is this report to be provided to the BOS? Maybe an updated list shall be available to parties 24 hours prior to Election Day. Paragraph 7 if there are polling places where it has been impossible to seat the required alternate party workers, then an affidavit along with notification from Recognized Political Party that no workers were available shall be prepared by the OCE.\*
31. Pg. 128; A. 6. Marked spoiled ballots the inspector and one judge shall be of different political parties. 11. Should this not state sealed? Might say that somewhere else😊
32. Pg. 150; E. Storage and Security (4) It is specific here that it is “election staff of different political parties”.
33. Pg. 151; first paragraph – OCE *should* implement reasonable security procedures...should be replaces by *shall*. Filed prior to elections? Posted? Parties notified?
34. Pg. 153; VI Language Minority voting materials – first paragraph. Should there not be a more specific procedure for this? i.e. If a county not covered under NVRA opts to print material in Spanish and other languages...procedures will be adopted by the BOS of the County \_\_\_\_ days prior to printing of the ballots and all recognized political parties in the county will be notified. (for the whole election cycle?)
35. Pg. 154; VII Preparation of Signature Rosters and E Poll Books – is there something in statute or otherwise that states how the Federal Voters as designated from a “Full Ballot” voter?
36. Pg. 155; third full paragraph – providing most up to date information on rosters/epoll books. There needs to be a definite cut off for everyone then a certificate should be issued on the request of the voter. This option leaves inconsistent procedures that can be challenge? It should be noted that counties have lost power on election day...this is concerning.
37. Pg. 155 and 156; A signature roster or e-poll book must contain... (Item 7) this is not fully defined. Why is there not a separate roster for Federal Voter, as set forth in paragraph 2 for inactive. It seems that less confusion as to what ballot to get. (I understand that poll workers get

confused but there needs to be consistent procedures and safe guards that voters get correct ballot)

38. Pg. 159; last paragraph. Is there a procedure if the provisional ballot accidentally gets put in the ballot box? If not then if that does happen, the voter and/or poll workers needs to sign something that states that happened.
39. Pg. 160; Re-precincting – first paragraph is vague. Could this trigger emergency polling places at an election? If so then language should be directed back to those procedures.
40. Pg. 162; E. Developing Contingency Plan – polling places. Language should be included that workers need to be kept in the same make up as set forth in poll worker statutes including if an alternate polling place needs to be open. If this is not possible then an affidavit should be signed by OCE as to what steps were taken and why it was not possible to follow statute. Recognized Political Parties need to be notified of the issue, real time.
41. Pg. 166; 10 and 11 Ballot stock should be inventoried and signed off on by poll workers of different recognized parties.\*
42. Pg. 176; V. Assisting Voters on Election Day – third paragraph two members of the board (of different political parties) SHALL perform...\*
43. Pg. 178; B. Issuing a Provisional Ballot (a) voter received an early ballot paragraph 2. This procedure is not defined. There is too much potential for the systems to go down. Is this just for e-poll books? Where are the safeguards?
44. Pg. 181; VII Challenges to a Voter Eligibility second paragraph; Are there any procedures to challenge a voter based on citizenship?
45. Pg. 183; VIII. Closing the Voting Location B. Poll Worker close out duties 1. Are there procedures to verify the Federal Voters against “Full Ballot” voters?
46. Pg. 186; Central Counting place operations 3<sup>rd</sup> paragraph speaks of OCE or designee to transfer ballots. Two board workers one from each of the recognized parties.\*
47. Pg. 187; C. Manual Ballot Counting paragraph 1- parties should be informed immediately if there needs to be a manual count.

48. Pg. 188; footnote – If different political parties cannot be utilized a sworn affidavit must be signed by OCE stating what procedures were taken to find workers and when parties were notified of the deficiency.
49. Pg. 189; second paragraph – the receiving board shall ensure proper chain of custody documentation. This needs to be better defined. Third paragraph last sentence ...ballot transfer containers should be delivered unopened to the inspection Board. What are the procedures if they are opened/unsealed.
50. Pg. 190; 2 Provisional Ballots second and third bullet are confusing (both conditional and regular provisional) any Provisionals that were accidentally deposited in ballot box. Audit log?
51. Pg. 190; 3. Voted Early Ballots. Should read early ballots need to be deposited in a separate locked/sealed box. I still don't understand the process for counting Provisionals and early ballots at the same time.
52. Pg. 192; 1. Establishing a Duplication Board second paragraph, last sentence – are these kept on a log? Is there are standards for resolution
53. Pg. 197; F. Accuracy Certification Board last sentence. Log for errors detected on L & A and how they were resolved.
54. Pg. 199; item 7 of Verification of Provisional Ballots a good procedure; does it coincided with other procedures for Federal only
55. Pg. 232; 2. Scope of Duty to Canvass first paragraph statute change to make some specific requirements if after six postponements the board still can't canvass a certain precinct.
56. Pg. 234; d. Poll worker training report. Report should include any emergency poll workers that were added to any polling place or emergency polling place?

\*Any time there is a deviation from having the recognized political parties present when specified maybe there should be documentation as to why and when parties were contacted and asked to provide workers.

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**From:** Lumppp, Rachelle <Rachelle.Lumppp@azag.gov>  
**Sent:** Tuesday, July 13, 2021 4:52 PM  
**To:** Josh Bendor  
**Cc:** Anderson, Ryan  
**Subject:** [EXT] PRR2020-2200-271 (AZ-AG-1956)

Josh,  
Attached please find the final batch of records for this public records request. Please note that some records were withheld pursuant to Attorney-Client Communication and Attorney Work Product. Some personal information was redacted pursuant to privacy.

Should you have any questions, please let us know. Thanks for your patience and cooperation on this request, we appreciate it!

Rachelle Lumppp  
Executive Assistant to the Attorney General  
Office of the Arizona Attorney General  
2005 N. Central Avenue  
Phoenix, AZ 85004  
602-542-8351 Office  
rachelle.lumppp@azag.gov



## Lumpp, Rachelle

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**From:** Theresa Franklin <[redacted]@gmail.com>  
**Sent:** Monday, February 22, 2021 2:52 PM  
**To:** AGInfo; Brnovich, Mark; Wright, Jennifer; ConsumerInfo; Treasurer.Office@maricopa.gov; nbarto@azleg.gov; sborrelli@azleg.gov; pboyer@azleg.gov; Kfann@azleg.gov; dgowan@azleg.gov; rgray@azleg.gov; vleach@azleg.gov; dlivingston@azleg.gov; jmendez@azleg.gov; tpace@azleg.gov; wpetersen@azleg.gov; wrogers@azleg.gov; tshope@azleg.gov; Kelly Townsend; mugenti-rita@azleg.gov; bbarton@azleg.gov; lbiasiucci@azleg.gov; wblackman@azleg.gov; Shawna Bolick; rbowers@azleg.gov; jburges@azleg.gov; fcarroll@azleg.gov; jchaplik@azleg.gov; rcobb@azleg.gov; dcook@azleg.gov; tdunn@azleg.gov; jfillmore@azleg.gov; mfinchem@azleg.gov; tgrantham@azleg.gov; gggriffin@azleg.gov; jake.hoffman@azleg.gov; jjohn@azleg.gov; skaiser@azleg.gov; jkavanagh@azleg.gov; qnguyen@azleg.gov; bnutt@azleg.gov; josborne@azleg.gov; jparker@azleg.gov; kpayne@azleg.gov; bpingerelli@azleg.gov; fpratt@azleg.gov; broberts@azleg.gov; btoma@azleg.gov; mudall@azleg.gov; jweninger@azleg.gov; jwilmeth@azleg.gov; Stephen@richerforrecorder.com; dkish@risc.maricopa.gov  
**Subject:** Take Action Now

Dear Arizona Officials,

We demand the Board be prosecuted for failure to comply with the Senate Subpoena. It should not require new legislation to enforce existing laws.

This last election was a disgrace and the good people of Arizona have lost confidence in election integrity.

To the members of the legislature, work together to demand election integrity. Put aside your differences and work for the good of our state.

Take Action Now,

Robert and Theresa Franklin

## Lumpp, Rachelle

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**From:** Christine Sayre <46@icloud.com>  
**Sent:** Saturday, February 20, 2021 12:37 PM  
**Subject:** Hold Board of Supervisors Accountable

Dear Arizona Officials,

Per AZ's Elections Procedures Manual, the Maricopa County Board of Supervisors was required to turn over all election materials to the custody of the County Treasurer immediately after the election was "certified".

THIS HAS NOT BEEN DONE.

We demand the Board be prosecuted for failure to comply with the Senate Subpoena as well as for violation of the Arizona Elections Procedure and Statute.

It should not require new legislation to enforce existing laws.

Why is the law not being enforced?

Take Action Now,

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Thank you,

Christine Sayre

AMERICAN  
OVERSIGHT

## Lumpp, Rachelle

---

**From:** Brittani Louise Taylor <@gmail.com>  
**Sent:** Saturday, February 20, 2021 7:16 PM  
**Subject:** Regarding 2020 Election Integrity

Dear Arizona Officials,

Per AZ's Elections Procedures Manual, the Maricopa County Board of Supervisors was required to turn over all election materials to the custody of the County Treasurer immediately after the election was "certified".

THIS HAS NOT BEEN DONE.

We demand the Board be prosecuted for failure to comply with the Senate Subpoena as well as for violation of the Arizona Elections Procedure and Statute.

It should not require new legislation to enforce existing laws.

Why is the law not being enforced?

Take Action Now,

Brittani Taylor

## Lumpp, Rachelle

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**From:** Marta Kos <@yahoo.com>  
**Sent:** Saturday, February 20, 2021 6:34 PM  
**To:** AGInfo; Brnovich, Mark; Wright, Jennifer; ConsumerInfo; Treasurer.Office@Maricopa.gov; nbarto@azleg.gov; sborrelli@azleg.gov; pboyer@azleg.gov; Kfann@azleg.gov; dgowan@azleg.gov; rgray@azleg.gov; vleach@azleg.gov; dlivingston@azleg.gov; jmendez@azleg.gov; tpace@azleg.gov; wpetersen@azleg.gov; wrogers@azleg.gov; tshope@azleg.gov  
**Subject:** Elections

Dear Arizona Officials,

Per AZ's Elections Procedures Manual, the Maricopa County Board of Supervisors was required to turn over all election materials to the custody of the County Treasurer immediately after the election was "certified".  
THIS HAS NOT BEEN DONE.

We demand the Board be prosecuted for failure to comply with the Senate Subpoena as well as for violation of the Arizona Elections Procedure and Statute.

**It should not require new legislation to enforce existing laws.**

*Why is the law not being enforced?*

Take Action Now,  
An Arizona Resident



## Lumpp, Rachelle

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**From:** Anna Schumacher <@gmail.com>  
**Sent:** Saturday, February 20, 2021 5:03 PM  
**To:** AGInfo; Brnovich, Mark; Wright, Jennifer; ConsumerInfo; Treasurer.Office@maricopa.gov; nbarto@azleg.gov; sborrelli@azleg.gov; pboyer@azleg.gov; Kfann@azleg.gov; dgowan@azleg.gov; rgray@azleg.gov; vleach@azleg.gov; dlivingston@azleg.gov; jmendez@azleg.gov; tpace@azleg.gov; wpetersen@azleg.gov; wrogers@azleg.gov; tshope@azleg.gov; ktownsend@azleg.gov; mugenti-rita@azleg.gov; bbarton@azleg.gov; lbiasiucci@azleg.gov; wblackman@azleg.gov; sbolick@azleg.gov; rbowers@azleg.gov; jburges@azleg.gov; fcarroll@azleg.gov; jchaplik@azleg.gov; rcobb@azleg.gov; dcook@azleg.gov; tdunn@azleg.gov; jfillmore@azleg.gov; mfinchem@azleg.gov; tgrantham@azleg.gov; ggriffin@azleg.gov; jake.hoffman@azleg.gov; jjohn@azleg.gov; skaiser@azleg.gov; jkavanagh@azleg.gov; qnguyen@azleg.gov; bnutt@azleg.gov; josborne@azleg.gov; jparker@azleg.gov; kpayne@azleg.gov; bpingerelli@azleg.gov; fpratt@azleg.gov; broberts@azleg.gov; btoma@azleg.gov; mudall@azleg.gov; jweninger@azleg.gov; jwilmeth@azleg.gov; Stephen@richerforrecorder.com; dkish@risc.maricopa.gov  
**Subject:** It should not require new legislation to enforce existing laws. Why is the law not being enforced?

Dear Arizona Officials,

Per AZ's Elections Procedures Manual, the Maricopa County Board of Supervisors was required to turn over all election materials to the custody of the County Treasurer immediately after the election was "certified".

THIS HAS NOT BEEN DONE.

We demand the Board be prosecuted for failure to comply with the Senate Subpoena as well as for violation of the Arizona Elections Procedure and Statute.

It should not require new legislation to enforce existing laws.

Why is the law not being enforced?

Take Action Now.

## Lumpp, Rachelle

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**From:** AMANDA@gmail.com>  
**Sent:** Saturday, February 20, 2021 2:25 PM  
**Subject:** Why haven't the Maricopa BOS been prosecuted for failing to comply with the law?!!

Dear Arizona Officials,

Per AZ's Elections Procedures Manual, the Maricopa County Board of Supervisors was required to turn over all election materials to the custody of the County Treasurer immediately after the election was "certified."

THIS HAS NOT BEEN DONE.

We demand the Board be prosecuted for failure to comply with the Senate Subpoena as well as for violation of the Arizona Elections Procedure and Statute.

It should not require new legislation to enforce existing laws.

Why is the law not being enforced?

Respectfully,

Amanda

## Lumpp, Rachelle

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**From:** Anna Alivia <iz@gmail.com>  
**Sent:** Wednesday, February 17, 2021 9:07 AM  
**To:** Brnovich, Mark; Wright, Jennifer; Emerson, Jordan; Ciafullo, Mark; Hogan, Michelle; erika.alfred@azag.gov; Karlson, Kara; Shaker, Nicole; Heathcotte, Leslie; keith.miller@azag.gov; Chenal, Thomas; stephen.shadegg@azag.gov; Anderson, Ryan; Dalton, Joan; Roysden, Beau; kathleen.winn@azag.gov; jim.simpson@azag.gov; jacqueline.sandusky@azag.gov; Ensign, Drew; Gard, Lacey; Wilson, Linley; Catlett, Michael; Kanefield, Joe; Flanagan, Allyson; Isaak, Jason; Kredit, Joshua; Lefevre, Edith; Conner, Katie; Diaz, Bethany; Stevens, John; Heathcotte, Leslie; Morgan, Lizette; Daniels, Paula; Steed, Anthony; Connolly, Jerry; Ahler, Paul; Klingerman, Nicholas; Rassas, Theresa; Rankin, Thomas; Gadow, Blaine; steven.duplissis@azag.gov; Flores, Kirstin; reginald.grisby@azag.gov; Northup, Dawn; McCarthy, Eryn; Cox, Curtis; Ray, Kevin; Fry, John; mary.williams@azag.gov; AGInfo; ConsumerInfo  
**Subject:** No Investigation

Attorney General Mark Brnovich,

The AG Elections Integrity Unit received more than 2,000 complaints in very early Nov., right after the election. Also in November, a report was filed of fraudulent ballots flown into Phoenix Sky Harbor Airport and then taken to Maricopa County Tabulation Center. This was corroborated with affidavits, and video and audio evidence. Considering this, the thousands of complaints and affidavits, and the statistical data, what have you done about it? Have you actually studied the statistical data, sir? How do you explain it?

It is our understanding that Jennifer Wright wanted to pursue an investigation and you shut it down. You've led the Legislature on a wild goose chase, bouncing them back and forth with the courts and debating on authority and enforcement of subpoenas. The distraction has been masterful. Feb. 1st came and passed, which ended the Safe Harbor rule. How convenient that we weren't able to get an audit before then and now the machines have been tampered with.

We demand a forensic audit of the ballots using kinematic artifact technology, which can verify a minimum of 20 validation points on each ballot. This technology is presently utilized to identify counterfeit currency, bank notes, bonds, stocks, passports, etc. This is the real audit the Senate would ensure.

We will not be pacified with this incomplete and incompetently handled audit with antiquated methods currently underway by the Board of Supervisors.

Know that the people understand what is going on. We know about the differences in audits, we know about HL8230 plane and Scott Koch, we know about the tampering with the machines, and we know about the Board.

We now know you are not to be trusted and despite the \$500,000 received at time of launch, your Elections Integrity Unit is more in the business of covering up fraud rather than uncovering it - or is that just you?

Not Fooled,

A Fed-Up Citizen

## Lumpp, Rachelle

---

**From:** Eric Newhuis <ericnewhuis@gmail.com>  
**Sent:** Thursday, February 18, 2021 7:35 AM  
**To:** Brnovich, Mark; Wright, Jennifer; Emerson, Jordan; Ciafullo, Mark; Hogan, Michelle; erika.alfred@azag.gov; Karlson, Kara; Shaker, Nicole; Heathcotte, Leslie; keith.miller@azag.gov; Chenal, Thomas; stephen.shadegg@azag.gov; Anderson, Ryan; Dalton, Joan; Roysden, Beau; kathleen.winn@azag.gov; jim.simpson@azag.gov; jacqueline.sandusky@azag.gov; Ensign, Drew; Gard, Lacey; Wilson, Linley; Catlett, Michael; Kanefield, Joe; Flanagan, Allyson; Isaak, Jason; Kredit, Joshua; Lefevre, Edith; Conner, Katie; Diaz, Bethany; Stevens, John; Heathcotte, Leslie; Morgan, Lizette; Daniels, Paula; Steed, Anthony; Connolly, Jerry; Ahler, Paul; Klingerman, Nicholas; Rassas, Theresa; Rankin, Thomas; Gadow, Blaine; Flores, Kirstin; reginald.grisby@azag.gov; Northup, Dawn; McCarthy, Eryn; Cox, Curtis; Ray, Kevin; Fry, John; Chenal, Thomas; AGInfo; ConsumerInfo  
**Subject:** America is learning of the 1000 lbs. of fraudulent ballots shipped into Arizona

You must audit the paper ballots.

Thank you to those of you pushing for this. Patience is running out. I think we're way beyond diplomacy at this point.

For those of you involved in this cabal as described in the recent TIME magazine story maybe the best thing to do is to come forward and blow the whistle and the American people will remember you as a hero instead of that other word.

The truth shall set you free.

Sincerely,  
Eric Newhuis

## Lumpp, Rachelle

---

**From:** Kristi <[redacted]\_yahoo.com>  
**Sent:** Wednesday, February 17, 2021 7:07 PM  
**To:** Brnovich, Mark; Wright, Jennifer; Emerson, Jordan; Ciafullo, Mark; Hogan, Michelle; erika.alfred@azag.gov; Karlson, Kara; Shaker, Nicole; Heathcotte, Leslie; keith.miller@azag.gov; Chenal, Thomas; stephen.shadegg@azag.gov; Anderson, Ryan; Dalton, Joan; Roysden, Beau; kathleen.winn@azag.gov; jim.simpson@azag.gov; jacqueline.sandusky@azag.gov; Ensign, Drew; Gard, Lacey; Wilson, Linley; Catlett, Michael; Kanefield, Joe; Flanagan, Allyson; Isaak, Jason; Kredit, Joshua; Lefevre, Edith; Conner, Katie; Diaz, Bethany; Stevens, John; Heathcotte, Leslie; Morgan, Lizette; Daniels, Paula; Steed, Anthony; Connolly, Jerry; Ahler, Paul; Klingerman, Nicholas; Rassas, Theresa; Rankin, Thomas; Gadow, Blaine; steven.duplissis@azag.gov; Flores, Kirstin; reginald.grisby@azag.gov; Northup, Dawn; McCarthy, Eryn; Cox, Curtis; Ray, Kevin; Fry, John; mary.williams@azag.gov; Chenal, Thomas; AGInfo; ConsumerInfo  
**Subject:** Ready to be ousted? DO THE RIGHT THING!

Attorney General Mark Brnovich,

I voted for you, and I expect you to DO SOMETHING FOR the PEOPLE! We know the AG Elections Integrity Unit received over 2,000 complaints early in Nov., right after the election, and a report was filed on fraudulent ballots flown into Phoenix Sky Harbor Airport and taken to Maricopa County Tabulation Center which was corroborated with affidavits, and video and audio evidence. Considering this, the thousands of complaints and affidavits, and the statistical data, what have you done about it, Mr. Brnovich? Have you even looked at the wild statistical data, sir? How do you explain it? We are ASKING YOU NICELY.

It's my understanding Jennifer Wright wanted to pursue an investigation and you shut it down. You've led the Legislature on a wild goose chase, bouncing them back and forth with the courts, debating on authority and enforcement of subpoenas JUST WASTING OUR PRECIOUS TIME. How convenient that we weren't able to get an audit before the safe harbor rule, and now the machines have been tampered with. WE ARE LIVID!

Not a phony audit like the last few, a forensic audit of the ballots using kinematic artifact technology, which can verify a minimum of 20 validation points on every ballot. This technology is presently utilized to identify counterfeit currency, bank notes, bonds, stocks, passports, etc. AUDITING VALUABLE THINGS, LIKE OUR VOTE! This is the real audit the Senate would ensure, BECAUSE TGE PEOPLE HAVE DEMANDED IT.

We left you alone mostly, but will not REST until our VOTES and ELECETIONS completely and competently handled! We're not good with a baloney audit like currently underway by the Board of Supervisors. WHY ARE THEY TOUCHING OUR VOTING MATERIAL!?

## Lumpp, Rachelle

---

**From:** Arwen Gustafson <@gmail.com>  
**Sent:** Wednesday, February 17, 2021 1:29 PM  
**To:** Wright, Jennifer  
**Subject:** Fwd: I demand a Kinematic Artifact Technology Audit NOW!

Dear Ms. Wright,

I am forwarding you what I just sent to Attorney General Brnovich. Thank you for your work on behalf of election integrity!

Sincerely,

Arwen Gustafson

----- Forwarded message -----

**From:** Arwen Gustafson <@gmail.com>  
**Date:** Wed, Feb 17, 2021 at 1:26 PM  
**Subject:** Fwd: I demand a Kinematic Artifact Technology Audit NOW!  
**To:** <mark.brnovich@azag.gov>

Attorney General Mark Brnovich,

The AG Elections Integrity Unit received more than 2000 complaints in very early November, right after the election. Also in November, a report was filed of fraudulent ballots flown into Phoenix Sky Harbor Airport and then taken to the Maricopa County Tabulation Center. This was corroborated with affidavits, video and audio evidence. Considering this, the thousands of complaints and affidavits, and the statistical data, what have you done about it? Have you actually studied the statistical data, sir? How do you explain it?

It is my understanding that Jennifer Wright, who works in your office, wanted to pursue an investigation and you shut it down. You've led the Legislature on a wild goose chase, bouncing them back and forth with the courts and debating on authority and enforcement of subpoenas. The distraction has been masterful. February 1st came and passed, which ended the Safe Harbor rule. How convenient that we weren't able to get an audit before February 1. Now the machines have been tampered with.

I and others demand a forensic audit of the ballots using Kinematic Artificat Technology, which can verify a minimum of 20 validation points on each ballot. This technology is presently utilized to identify counterfeit currency, bank notes, bonds, stocks, passports, etc. This is the an audit that the Senate is pursuing and would actually yield true results. I will not be pacified with the incomplete and incompetently handled audit with antiquated methods currently underway by the Board of Supervisors.

Know that the people understand what is going on. I know about the differences in audits, I know about the HL8230 plane and Scott Koch, I know about the tampering with the machines, and I know about the Board of Supervisors and their multiple shenanigans.

I now know you are not to be trusted and despite the \$500,000 received at time of launch, your Elections Integrity Unit is more in the business of covering up fraud rather than uncovering it - or is the problem the leadership in your office, YOU?

I AM NOT FOOLED and I VOTE,

Arwen Gustafson  
Maricopa County resident

## Lumpp, Rachelle

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**From:** R D · @gmail.com>  
**Sent:** Wednesday, February 17, 2021 10:22 AM  
**To:** Wright, Jennifer; Emerson, Jordan; Ciafullo, Mark; Hogan, Michelle; Shaker, Nicole; Heathcotte, Leslie; keith.miller@azag.gov; Chenal, Thomas; stephen.shadegg@azag.gov; Anderson, Ryan; Dalton, Joan; Roysden, Beau; kathleen.winn@azag.gov; jim.simpson@azag.gov; Gard, Lacey; Wilson, Linley; Catlett, Michael; Kanefield, Joe; Kredit, Joshua; Lefevre, Edith; Conner, Katie; Diaz, Bethany; Stevens, John; Heathcotte, Leslie; Morgan, Lizette; Daniels, Paula; Steed, Anthony; Connolly, Jerry; Ahler, Paul; Klingerman, Nicholas; Rassas, Theresa; Rankin, Thomas; Gadow, Blaine; Flores, Kirstin; reginald.grisby@azag.gov; Northup, Dawn; McCarthy, Eryn; Cox, Curtis; Ray, Kevin; Fry, John; ConsumerInfo  
**Subject:** Election Integrity for Arizona

Attorney General Mark Brnovich,

The AG Elections Integrity Unit received more than 2,000 complaints in very early November, right after the election. Also in November, a report was filed of fraudulent ballots flown into Phoenix Sky Harbor Airport and then taken to Maricopa County Tabulation Center. This was corroborated with affidavits, and video and audio evidence. Considering this, the thousands of complaints and affidavits, and the statistical data, what have you done about it? Have you actually studied the statistical data, sir? How do you explain it?

It is our understanding that Jennifer Wright wanted to pursue an investigation and you shut it down. You've led the Legislature on a wild goose chase, bouncing them back and forth with the courts and debating on authority and enforcement of subpoenas. The distraction has been masterful. Feb. 1st came and passed, which ended the Safe Harbor rule. How convenient that we weren't able to get an audit before then and now the machines have been tampered with.

We demand a forensic audit of the ballots using kinematic artifact technology, which can verify a minimum of 20 validation points on each ballot. This technology is presently utilized to identify counterfeit currency, bank notes, bonds, stocks, passports, etc. This is the real audit the Senate would ensure.

We will not be pacified with this incomplete and incompetently handled audit with antiquated methods currently underway by the Board of Supervisors.

Know that the people understand what is going on. We know about the differences in audits, we know about HL8230 plane and Scott Koch, we know about the tampering with the machines, and we know about the Board.

We now know you are not to be trusted and despite the \$500,000 received at time of launch, your Elections Integrity Unit is more in the business of covering up fraud rather than uncovering it - or is that just you?

Not Fooled,

Raquel Dixon  
Verde Valley, AZ

## Lumpp, Rachelle

---

**From:** ebayer73 3@comcast.net>  
**Sent:** Wednesday, February 17, 2021 9:56 AM  
**To:** Wright, Jennifer  
**Subject:** Election Fraud/Audit

Attorney General Mark Brnovich,

The AG Elections Integrity Unit received more than 2,000 complaints in very early Nov., right after the election. Also in November, a report was filed of fraudulent ballots flown into Phoenix Sky Harbor Airport and then taken to Maricopa County Tabulation Center. This was corroborated with affidavits, and video and audio evidence. Considering this, the thousands of complaints and affidavits, and the statistical data, what have you done about it? Have you actually studied the statistical data, sir? How do you explain it?

It is our understanding that Jennifer Wright wanted to pursue an investigation and you shut it down. You've led the Legislature on a wild goose chase, bouncing them back and forth with the courts and debating on authority and enforcement of subpoenas. The distraction has been masterful. Feb. 1st came and passed, which ended the Safe Harbor rule. How convenient that we weren't able to get an audit before then and now the machines have been tampered with.

We demand a forensic audit of the ballots using kinematic artifact technology, which can verify a minimum of 20 validation points on each ballot. This technology is presently utilized to identify counterfeit currency, bank notes, bonds, stocks, passports, etc. This is the real audit the Senate would ensure.

We will not be pacified with this incomplete and incompetently handled audit with antiquated methods currently underway by the Board of Supervisors.

Know that the people understand what is going on. We know about the differences in audits, we know about HL8230 plane and Scott Koch, we know about the tampering with the machines, and we know about the Board.

We now know you are not to be trusted and despite the \$500,000 received at time of launch, your Elections Integrity Unit is more in the business of covering up fraud rather than uncovering it - or is that just you?

Not Fooled,

Laura Garcia



## Lumpp, Rachelle

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**From:** Corey <@me.com>  
**Sent:** Wednesday, February 17, 2021 9:28 AM  
**To:** Brnovich, Mark; Wright, Jennifer; Emerson, Jordan; Ciafullo, Mark; Hogan, Michelle; erika.alfred@azag.gov; Karlson, Kara; Shaker, Nicole; Heathcotte, Leslie; keith.miller@azag.gov; Chenal, Thomas; stephen.shadegg@azag.gov; Anderson, Ryan; Dalton, Joan; Roysden, Beau; kathleen.winn@azag.gov; jim.simpson@azag.gov; jacqueline.sandusky@azag.gov; Ensign, Drew; Gard, Lacey; Wilson, Linley; Catlett, Michael; Kanefield, Joe  
**Subject:** 2020 Election

Attorney General Mark Brnovich,

The AG Elections Integrity Unit received more than 2,000 complaints in very early Nov., right after the election. Also in November, a report was filed of fraudulent ballots flown into Phoenix Sky Harbor Airport and then taken to Maricopa County Tabulation Center. This was corroborated with affidavits, and video and audio evidence. Considering this, the thousands of complaints and affidavits, and the statistical data, what have you done about it? Have you actually studied the statistical data, sir? How do you explain it?

It is our understanding that Jennifer Wright wanted to pursue an investigation and you shut it down. You've led the Legislature on a wild goose chase, bouncing them back and forth with the courts and debating on authority and enforcement of subpoenas. The distraction has been masterful. Feb. 1st came and passed, which ended the Safe Harbor rule. How convenient that we weren't able to get an audit before then and now the machines have been tampered with.

We demand a forensic audit of the ballots using kinematic artifact technology, which can verify a minimum of 20 validation points on each ballot. This technology is presently utilized to identify counterfeit currency, bank notes, bonds, stocks, passports, etc. This is the real audit the Senate would ensure.

We will not be pacified with this incomplete and incompetently handled audit with antiquated methods currently underway by the Board of Supervisors.

Know that the people understand what is going on. We know about the differences in audits, we know about HL8230 plane and Scott Koch, we know about the tampering with the machines, and we know about the Board.

## Lumpp, Rachelle

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**From:** Catherine Johnson <110@gmail.com>  
**Sent:** Wednesday, February 17, 2021 9:22 AM  
**To:** Brnovich, Mark; Wright, Jennifer; Emerson, Jordan; Ciafullo, Mark; Hogan, Michelle; kara.karlson@azag.gov; Shaker, Nicole; Heathcotte, Leslie; keith.miller@azag.gov; ghomas.chenal@azag.gov; Chenal, Thomas; stephen.shadegg@azag.gov; ryan.anderson@azag.gov; Dalton, Joan; Roysden, Beau; kathleen.winn@azag.gov; jim.simpson@azag.gov; jacqueline.sandusky@azag.gov; Ensign, Drew; Gard, Lacey; Wilson, Linley; Kanefield, Joe; Flanagan, Allyson; Isaak, Jason; Kredit, Joshua; edith.lefever@azag.gov; kaite.conner@azag.gov; Diaz, Bethany; Stevens, John; Heathcotte, Leslie; Daniels, Paula; antohony.steed@azag.gov; jerry.connolly@azag.gov; Ahler, Paul; Klingerman, Nicholas; Rassas, Theresa; Rankin, Thomas; blain.gadow@azag.gov; kirstin.glores@azag.gov; McCarthy, Eryn; Cox, Curtis; Fry, John; AGInfo; ConsumerInfo  
**Subject:** 2020 Elections

The AG Elections Integrity Unit received more than 2000 complaints in very early November right after the election. Also in November, a report was filed of fraudulent ballots flown into Phoenix Sky Harbor Airport and then taken to Maricopa County Tabulation Center. This was corroborated with affidavits, and video and audio evidence. Considering this, the thousands of complaints and affidavits and the statistical data, what have you done about it? Have you actually studied the statistical data? How do you explain it?

It is our understanding that Jennifer Wright wanted to pursue an investigation and you shut it down. You've led the Legislature on a wild goose chase, bouncing them back and forth with the courts and debating on authority and enforcement of subpoenas. The distraction has been masterful. Feb. 1st came and passed, which ended the Safe Harbor rule. How convenient that we weren't able to get an audit before then and now the machines have been tampered with.

We demand a forensic audit of the ballots using kinematic artifact technology, which can verify a minimum of 20 validation points on each ballot with 100% accuracy. This technology is presently utilized to identify counterfeit currency, bank notes, bonds, stocks, passports, etc. This is the real audit the Senate would ensure.

We will not be pacified with the incomplete and incompetently handled audit with antiquated methods currently underway by the Board of Supervisors.

Know that the people understand what is going on. We know about the differences in audits, we know about the HL8230 plane and Scott Koch, we know about the tampering with the machines, and we know about the Board.

We now know you are not to be trusted and despite the \$500,000 received at the time of launch, your Elections Integrity Unit is more in the business of covering up fraud rather than uncovering it-or is that just you?

Not fooled,  
Catie

## Lumpp, Rachelle

---

**From:** Lisa Ferracane <ljf@hotmail.com>  
**Sent:** Wednesday, February 17, 2021 9:04 AM  
**To:** Wright, Jennifer  
**Subject:** Election integrity

Sent today on behalf of Arizona Patriots:  
Attorney General Mark Brnovich,

The AG Elections Integrity Unit received more than 2,000 complaints in very early Nov., right after the election. Also in November, a report was filed of fraudulent ballots flown into Phoenix Sky Harbor Airport and then taken to Maricopa County Tabulation Center. This was corroborated with affidavits, and video and audio evidence. Considering this, the thousands of complaints and affidavits, and the statistical data, what have you done about it? Have you actually studied the statistical data, sir? How do you explain it?

It is our understanding that Jennifer Wright wanted to pursue an investigation and you shut it down. You've led the Legislature on a wild goose chase, bouncing them back and forth with the courts and debating on authority and enforcement of subpoenas. The distraction has been masterful. Feb. 1st came and passed, which ended the Safe Harbor rule. How convenient that we weren't able to get an audit before then and now the machines have been tampered with.

We demand a forensic audit of the ballots using kinematic artifact technology, which can verify a minimum of 20 validation points on each ballot. This technology is presently utilized to identify counterfeit currency, bank notes, bonds, stocks, passports, etc. This is the real audit the Senate would ensure.

We will not be pacified with this incomplete and incompetently handled audit with antiquated methods currently underway by the Board of Supervisors.

Know that the people understand what is going on. We know about the differences in audits, we know about HL8230 plane and Scott Koch, we know about the tampering with the machines, and we know about the Board.

We now know you are not to be trusted and despite the \$500,000 received at time of launch, your Elections Integrity Unit is more in the business of covering up fraud rather than uncovering it - or is that just you?

Not Fooled,

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## Lumpp, Rachelle

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**From:** Elizabeth Borneman <!.@gmail.com>  
**Sent:** Wednesday, February 17, 2021 9:00 AM  
**To:** AGInfo; Steed, Anthony; Roysden, Beau; Diaz, Bethany; Gadow, Blaine; ConsumerInfo; Cox, Curtis; Northup, Dawn; Lefevre, Edith; McCarthy, Eryn; Wright, Jennifer; Connolly, Jerry; jim.simpson@azag.gov; Dalton, Joan; Kanefield, Joe; Fry, John; Stevens, John; Emerson, Jordan; Kredit, Joshua; kathleen.winn@azag.gov; Conner, Katie; keith.miller@azag.gov; Ray, Kevin; Flores, Kirstin; Gard, Lacey; Heathcotte, Leslie; Heathcotte, Leslie; Wilson, Linley; Morgan, Lizette; Ciafullo, Mark; mary.williams@azag.gov; Catlett, Michael; Hogan, Michelle; Klingerman, Nicholas; Shaker, Nicole; Ahler, Paul; Daniels, Paula; reginald.grisby@azag.gov; Anderson, Ryan; stephen.shadegg@azag.gov; steven.duplissis@azag.gov; Rassas, Theresa; Chenal, Thomas; Rankin, Thomas  
**Subject:** Government Integrity

Attorney General Mark Brnovich,

The AG Elections Integrity Unit received more than 2,000 complaints in very early Nov., right after the election. Also in November, a report was filed of fraudulent ballots flown into Phoenix Sky Harbor Airport and then taken to Maricopa County Tabulation Center. This was corroborated with affidavits, and video and audio evidence. Considering this, the thousands of complaints and affidavits, and the statistical data, what have you done about it? Have you actually studied the statistical data, sir? How do you explain it?

It is our understanding that Jennifer Wright wanted to pursue an investigation and you shut it down. You've led the Legislature on a wild goose chase, bouncing them back and forth with the courts and debating on authority and enforcement of subpoenas. The distraction has been masterful. Feb. 1st came and passed, which ended the Safe Harbor rule. How convenient that we weren't able to get an audit before then and now the machines have been tampered with.

We demand a forensic audit of the ballots using kinematic artifact technology, which can verify a minimum of 20 validation points on each ballot. This technology is presently utilized to identify counterfeit currency, bank notes, bonds, stocks, passports, etc. This is the real audit the Senate would ensure.

We will not be pacified with this incomplete and incompetently handled audit with antiquated methods currently underway by the Board of Supervisors.

## Lumpp, Rachelle

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**From:** Kimberly Call <?@gmail.com>  
**Sent:** Wednesday, February 17, 2021 9:00 AM  
**To:** Brnovich, Mark; Wright, Jennifer; Emerson, Jordan; Ciafullo, Mark; Hogan, Michelle; erika.alfred@azag.gov; Karlson, Kara; Shaker, Nicole; Heathcotte, Leslie; keith.miller@azag.gov; Chenal, Thomas; stephen.shadegg@azag.gov; Anderson, Ryan; Dalton, Joan; Roysden, Beau; kathleen.winn@azag.gov; jim.simpson@azag.gov; jacqueline.sandusky@azag.gov; Ensign, Drew; Gard, Lacey; Wilson, Linley; Catlett, Michael; Kanefield, Joe; Flanagan, Allyson; Isaak, Jason; Kredit, Joshua; Lefevre, Edith; Conner, Katie; Diaz, Bethany; Stevens, John; Heathcotte, Leslie; Morgan, Lizette; Daniels, Paula; Steed, Anthony; Connolly, Jerry; Ahler, Paul; Klingerman, Nicholas; Rassas, Theresa; Rankin, Thomas; Gadow, Blaine; steven.duplissis@azag.gov; Flores, Kirstin; reginald.grisby@azag.gov; Northup, Dawn; McCarthy, Eryn; Cox, Curtis; Ray, Kevin; Fry, John; mary.williams@azag.gov; Chenal, Thomas; AGInfo; ConsumerInfo  
**Subject:** Not Fooled....Arizona Demands Full Forensic Audit

Email Template (see original post:<https://t.me/ArizonaConservativesChannel/182>):

Attorney General Mark Brnovich,

The AG Elections Integrity Unit received more than 2,000 complaints in very early Nov., right after the election. Also in November, a report was filed of fraudulent ballots flown into Phoenix Sky Harbor Airport and then taken to Maricopa County Tabulation Center. This was corroborated with affidavits, and video and audio evidence. Considering this, the thousands of complaints and affidavits, and the statistical data, what have you done about it? Have you actually studied the statistical data, sir? How do you explain it?

It is our understanding that Jennifer Wright wanted to pursue an investigation and you shut it down. You've led the Legislature on a wild goose chase, bouncing them back and forth with the courts and debating on authority and enforcement of subpoenas. The distraction has been masterful. Feb. 1st came and passed, which ended the Safe Harbor rule. How convenient that we weren't able to get an audit before then and now the machines have been tampered with.

We demand a forensic audit of the ballots using kinematic artifact technology, which can verify a minimum of 20 validation points on each ballot. This technology is presently utilized to identify counterfeit currency, bank notes, bonds, stocks, passports, etc. This is the real audit the Senate would ensure.

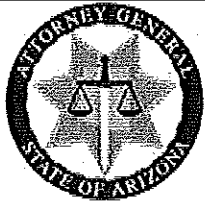
We will not be pacified with this incomplete and incompetently handled audit with antiquated methods currently underway by the Board of Supervisors.

## Lumpp, Rachelle

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**From:** ConsumerInfo  
**Sent:** Wednesday, February 17, 2021 9:04 AM  
**To:** Election Integrity Unit  
**Subject:** FW: 2020 Audit/Election Integrity \*\*Please Read\*\*

Thank you,  
Consumer Information & Complaints Unit



Office of the Attorney General  
Consumer Information & Complaints Unit  
2005 North Central Ave. Phoenix, Arizona 85004  
Direct number: 602.542.5763  
Fax number: 602.542.4579  
[consumerinfo@azag.gov](mailto:consumerinfo@azag.gov)

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**From:** Brittani Louise Taylor [<mailto:lor@gmail.com>]  
**Sent:** Wednesday, February 17, 2021 9:02 AM  
**To:** AGInfo; Steed, Anthony; Roysden, Beau; Diaz, Bethany; Gadow, Blaine; ConsumerInfo; Cox, Curtis; Northup, Dawn; Lefevre, Edith; McCarthy, Eryn; Isaak, Jason; Wright, Jennifer; Connolly, Jerry; [jim.simpson@azag.gov](mailto:jim.simpson@azag.gov); Dalton, Joan; Kanefield, Joe; Fry, John; Stevens, John; Emerson, Jordan; Kredit, Joshua; [kathleen.winn@azag.gov](mailto:kathleen.winn@azag.gov); Conner, Katie; [keith.miller@azag.gov](mailto:keith.miller@azag.gov); Ray, Kevin; Flores, Kirstin; Gard, Lacey; Heathcotte, Leslie; Heathcotte, Leslie; Wilson, Linley; Morgan, Lizette; Ciafullo, Mark; [mary.williams@azag.gov](mailto:mary.williams@azag.gov); Catlett, Michael; Hogan, Michelle; Klingerman, Nicholas; Shaker, Nicole; Ahler, Paul; Daniels, Paula; [reginald.grisby@azag.gov](mailto:reginald.grisby@azag.gov); Anderson, Ryan; [stephen.shadegg@azag.gov](mailto:stephen.shadegg@azag.gov); [steven.duplissis@azag.gov](mailto:steven.duplissis@azag.gov); Rassas, Theresa; Chenal, Thomas; Rankin, Thomas  
**Subject:** 2020 Audit/Election Integrity \*\*Please Read\*\*

Dear Arizona Elected Officials,

The AG Elections Integrity Unit received more than 2,000 complaints in very early Nov., right after the election. Also in November, a report was filed of fraudulent ballots flown into Phoenix Sky Harbor Airport and then taken to Maricopa County Tabulation Center. This was corroborated with affidavits, and video and audio evidence. Considering this, the thousands of complaints and affidavits, and the statistical data, what have you done about it? Have you actually studied the statistical data, sir? How do you explain it?

It is our understanding that Jennifer Wright wanted to pursue an investigation and you shut it down. You've led the Legislature on a wild goose chase, bouncing them back and forth with the courts and debating on authority and enforcement of subpoenas. The distraction has been masterful. Feb. 1st came and passed, which ended the Safe Harbor rule. How convenient that we weren't able to get an audit before then and now the machines have been tampered with.

We demand a forensic audit of the ballots using kinematic artifact technology, which can verify a minimum of 20 validation points on each ballot. This technology is presently utilized to identify counterfeit currency, bank notes, bonds, stocks, passports, etc. This is the real audit the Senate would ensure.

We will not be pacified with this incomplete and incompetently handled audit with antiquated methods currently underway by the Board of Supervisors.

Know that the people understand what is going on. We know about the differences in audits, we know about HL8230 plane and Scott Koch, we know about the tampering with the machines, and we know about the Board.

## Lumpp, Rachelle

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**From:** AGInfo  
**Sent:** Thursday, February 25, 2021 3:57 PM  
**To:** Election Integrity Unit  
**Subject:** FW: I continue to fully support a COMPLETE forensic audit as outlined by the Senate Subpoenas; not the surface "audit" conducted by the Maricopa BOS.

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**From:** Inger Johnson [mailto:[inger.johnson@yahoo.com](mailto:inger.johnson@yahoo.com)]

**Sent:** Thursday, February 25, 2021 3:35 PM

**To:** [engage@az.gov](mailto:engage@az.gov); Brnovich, Mark; AGInfo; [elections@azsos.gov](mailto:elections@azsos.gov); [khobbs@azsos.gov](mailto:khobbs@azsos.gov); [Stephen@RicherForRecorder.com](mailto:Stephen@RicherForRecorder.com)

**Subject:** I continue to fully support a COMPLETE forensic audit as outlined by the Senate Subpoenas; not the surface "audit" conducted by the Maricopa BOS.

The "audit" conducted by the Maricopa County Board of Supervisors was nothing more than a sham. It was a superficial, tabulation-only audit conducted by compromised firms. The auditors they used were only "certified" by EAC in January of 2021 after having been unaccredited for years. EAC's CIO was a Dominion Employee for a decade and later helped implement the machines in some of the swing states. There is an obvious conflict of interest in those auditors.

**I have not given up on nor will I be satisfied that our elections were true, fair and legitimate until we have a COMPLETE forensic audit of the machines and ballots as outlined in the Senate subpoenas.** It should be conducted by auditors that are certified and have no ties to Dominion.

This lack of confidence in our elections will not go away after a month or two. We Arizonans want transparency in the election we just had and a focus on free and fair elections.

Sincerely,

Inger Johnson  
Arizona Citizen and Concerned Voter

## Lumpp, Rachelle

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**From:** Kanefield, Joe  
**Sent:** Tuesday, May 26, 2020 1:53 PM  
**To:** Roysden, Beau; Northup, Dawn  
**Subject:** FW: How COVID-19 Impacts Election Law and Policy Webinar | Invitation and Registration  
**Attachments:** COVID & Elections Invitation.pdf

Please distribute to your teams.

Joseph Kanefield  
Chief Deputy & Chief of Staff



Attorney General Mark Brnovich  
Desk: 602-542-8080  
[Joe.Kanefield@azag.gov](mailto:Joe.Kanefield@azag.gov)  
<http://www.azag.gov>

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**From:** Austin Bernstein [<mailto:abernstein@agalliance.org>]  
**Sent:** Tuesday, May 26, 2020 1:52 PM  
**To:** Austin Bernstein  
**Cc:** Karen White; Cole White; Natalie Hanlon Leh; Brian Kane; Graf, Scott; Diana Noyes  
**Subject:** How COVID-19 Impacts Election Law and Policy Webinar | Invitation and Registration

Hello Chief Deputies and Senior AGO Leaders,

As you may know, on **Thursday, May 28, at 2pm ET**, the AG Alliance is presenting a webinar on how COVID-19 will impact our our election system. We are thrilled to be led by **Attorneys General Phil Weiser and Lawrence Wasden**.

The AGs will start the program with a fireside-chat, and then transition into a moderated panel discussion with four of the nation's preeminent subject matter experts.

This program is open and available to all AGO attorneys and staff (including the opportunity for CLE credit). I highly encourage you to invite all relevant parties within your office. You are also welcome to invite any external partners or key constituent groups that may be interested in the conversation.

The invitation with registration link is attached. You can also register directly [here](#).

Please reach out to me directly with any comments, questions, or concerns.

Best,

**Austin P. Bernstein**  
*Director and Assistant Attorney General*  
AG Alliance Cannabis Project  
P: (248) 259-9576



## Lumpp, Rachelle

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**From:** Wright, Jennifer  
**Sent:** Monday, March 01, 2021 10:26 AM  
**To:** Lumpp, Rachelle  
**Subject:** Constituent Emails re: EIU  
**Attachments:** Take Action Now; Hold Board of Supervisors Accountable; Regarding 2020 Election Integrity; Elections; It should not require new legislation to enforce existing laws. Why is the law not being enforced?; Why haven't the Maricopa BOS been prosecuted for failing to comply with the law?!!; No Investigation; America is learning of the 1000 lbs. of fraudulent ballots shipped into Arizona; Ready to be ousted? DO THE RIGHT THING!; Fwd: I demand a Kinematic Artifact Technology Audit NOW!; Election Integrity for Arizona; Election Fraud/Audit; 2020 Election; 2020 Elections; Election integrity; Government Integrity; Not Fooled....Arizona Demands Full Forensic Audit; FW: 2020 Audit/Election Integrity \*\*Please Read\*\*; FW: I continue to fully support a COMPLETE forensic audit as outlined by the Senate Subpoenas; not the surface "audit" conducted by the Maricopa BOS.

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Rachelle,

Attached please some of the recent emails I've received. In addition to the first round of emails regarding AG action, there were a few that dealt with issues pertaining to the BOS audit and failure to deliver the ballots to the Treasurer. I'm not sure the letter fits the more recent emails, but I have attached them for your reference, and in the event you wanted to send the same response back to them as well. I believe that every one of these emails copied General Brnovich, so my guess is you have all of these.

Thanks so much for your help on this!

**Jennifer Wright**  
**Assistant Attorney General**



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Office of the Arizona Attorney General  
Solicitor General's Office  
Elections Integrity Unit  
2005 N. Central Ave., Phoenix, AZ 85004  
Desk: 602.542.8255 | Fax: 602.542.8308  
[Jennifer.Wright@azag.gov](mailto:Jennifer.Wright@azag.gov)

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## Lumpp, Rachelle

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**From:** Theresa Franklin <@gmail.com>  
**Sent:** Monday, February 22, 2021 2:52 PM  
**To:** AGInfo; Brnovich, Mark; Wright, Jennifer; ConsumerInfo; Treasurer.Office@maricopa.gov; nbarto@azleg.gov; sborrelli@azleg.gov; pboyer@azleg.gov; Kfann@azleg.gov; dgowan@azleg.gov; rgray@azleg.gov; vleach@azleg.gov; dlivingston@azleg.gov; jmendez@azleg.gov; tpace@azleg.gov; wpetersen@azleg.gov; wrogers@azleg.gov; tshope@azleg.gov; Kelly Townsend; mugenti-rita@azleg.gov; bbarton@azleg.gov; lbiasiucci@azleg.gov; wblackman@azleg.gov; Shawna Bolick; rbowers@azleg.gov; jburges@azleg.gov; fcarroll@azleg.gov; jchaplik@azleg.gov; rcobb@azleg.gov; dcook@azleg.gov; tdunn@azleg.gov; jfillmore@azleg.gov; mfinchem@azleg.gov; tgrantham@azleg.gov; ggriffin@azleg.gov; jake.hoffman@azleg.gov; jjohn@azleg.gov; skaiser@azleg.gov; jkavanagh@azleg.gov; qnguyen@azleg.gov; bnutt@azleg.gov; josborne@azleg.gov; jparker@azleg.gov; kpayne@azleg.gov; bpingerelli@azleg.gov; fpratt@azleg.gov; broberts@azleg.gov; btoma@azleg.gov; mudall@azleg.gov; jweninger@azleg.gov; jwilmeth@azleg.gov; Stephen@richerforrecorder.com; dkish@risc.maricopa.gov  
**Subject:** Take Action Now

Dear Arizona Officials,

We demand the Board be prosecuted for failure to comply with the Senate Subpoena. It should not require new legislation to enforce existing laws.

This last election was a disgrace and the good people of Arizona have lost confidence in election integrity.

To the members of the legislature, work together to demand election integrity. Put aside your differences and work for the good of our state.

Take Action Now,

Robert and Theresa Franklin

## Lumpp, Rachelle

---

**From:** Christine Sayre <!6@icloud.com>  
**Sent:** Saturday, February 20, 2021 12:37 PM  
**Subject:** Hold Board of Supervisors Accountable

Dear Arizona Officials,

Per AZ's Elections Procedures Manual, the Maricopa County Board of Supervisors was required to turn over all election materials to the custody of the County Treasurer immediately after the election was "certified".

THIS HAS NOT BEEN DONE.

We demand the Board be prosecuted for failure to comply with the Senate Subpoena as well as for violation of the Arizona Elections Procedure and Statute.

It should not require new legislation to enforce existing laws.

Why is the law not being enforced?

Take Action Now,

\_\_\_\_\_

Thank you,

Christine Sayre

AZ resident

Sent from my iPad

## Lumpp, Rachelle

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**From:** Brittani Louise Taylor <@gmail.com>  
**Sent:** Saturday, February 20, 2021 7:16 PM  
**Subject:** Regarding 2020 Election Integrity

Dear Arizona Officials,

Per AZ's Elections Procedures Manual, the Maricopa County Board of Supervisors was required to turn over all election materials to the custody of the County Treasurer immediately after the election was "certified".

THIS HAS NOT BEEN DONE.

We demand the Board be prosecuted for failure to comply with the Senate Subpoena as well as for violation of the Arizona Elections Procedure and Statute.

It should not require new legislation to enforce existing laws.

Why is the law not being enforced?

Take Action Now,

Brittani Taylor

## Lumpp, Rachelle

---

**From:** Marta Kos <[redacted]@yahoo.com>  
**Sent:** Saturday, February 20, 2021 6:34 PM  
**To:** AGInfo; Brnovich, Mark; Wright, Jennifer; ConsumerInfo; Treasurer.Office@Maricopa.gov; nbarto@azleg.gov; sborrelli@azleg.gov; pboyer@azleg.gov; Kfann@azleg.gov; dgowan@azleg.gov; rgray@azleg.gov; vleach@azleg.gov; dlivingston@azleg.gov; jmendez@azleg.gov; tpace@azleg.gov; wpetersen@azleg.gov; wrogers@azleg.gov; tshope@azleg.gov  
**Subject:** Elections

Dear Arizona Officials,

Per AZ's Elections Procedures Manual, the Maricopa County Board of Supervisors was required to turn over all election materials to the custody of the County Treasurer immediately after the election was "certified".  
THIS HAS NOT BEEN DONE.

We demand the Board be prosecuted for failure to comply with the Senate Subpoena as well as for violation of the Arizona Elections Procedure and Statute.

**It should not require new legislation to enforce existing laws.**

*Why is the law not being enforced?*

Take Action Now,  
An Arizona Resident

## Lumpp, Rachelle

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**From:** Anna Schumacher <[REDACTED].gmail.com>  
**Sent:** Saturday, February 20, 2021 5:03 PM  
**To:** AGInfo; Brnovich, Mark; Wright, Jennifer; ConsumerInfo; Treasurer.Office@maricopa.gov; nbarto@azleg.gov; sborrelli@azleg.gov; pboyer@azleg.gov; Kfann@azleg.gov; dgowan@azleg.gov; rgray@azleg.gov; vleach@azleg.gov; dlivingston@azleg.gov; jmendez@azleg.gov; tpace@azleg.gov; wpetersen@azleg.gov; wrogers@azleg.gov; tshope@azleg.gov; ktownsend@azleg.gov; mugenti-rita@azleg.gov; bbarton@azleg.gov; lbiasiucci@azleg.gov; wblackman@azleg.gov; sbolick@azleg.gov; rbowers@azleg.gov; jburgess@azleg.gov; fcarroll@azleg.gov; jchaplik@azleg.gov; rcobb@azleg.gov; dcook@azleg.gov; tdunn@azleg.gov; jfillmore@azleg.gov; mfinchem@azleg.gov; tgrantham@azleg.gov; ggriffin@azleg.gov; jake.hoffman@azleg.gov; jjohn@azleg.gov; skaiser@azleg.gov; jkavanagh@azleg.gov; qnguyen@azleg.gov; bnutt@azleg.gov; josborne@azleg.gov; jparker@azleg.gov; kpayne@azleg.gov; bpingerelli@azleg.gov; fpratt@azleg.gov; broberts@azleg.gov; btoma@azleg.gov; mudall@azleg.gov; jweninger@azleg.gov; jwilmeth@azleg.gov; Stephen@richerforrecorder.com; dkish@risc.maricopa.gov  
**Subject:** It should not require new legislation to enforce existing laws. Why is the law not being enforced?

Dear Arizona Officials,

Per AZ's Elections Procedures Manual, the Maricopa County Board of Supervisors was required to turn over all election materials to the custody of the County Treasurer immediately after the election was "certified".

THIS HAS NOT BEEN DONE.

We demand the Board be prosecuted for failure to comply with the Senate Subpoena as well as for violation of the Arizona Elections Procedure and Statute.

It should not require new legislation to enforce existing laws.

Why is the law not being enforced?

Take Action Now.

## Lumpp, Rachelle

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**From:** AMANDA <[REDACTED]@gmail.com>  
**Sent:** Saturday, February 20, 2021 2:25 PM  
**Subject:** Why haven't the Maricopa BOS been prosecuted for failing to comply with the law?!!

Dear Arizona Officials,

Per AZ's Elections Procedures Manual, the Maricopa County Board of Supervisors was required to turn over all election materials to the custody of the County Treasurer immediately after the election was "certified."

THIS HAS NOT BEEN DONE.

We demand the Board be prosecuted for failure to comply with the Senate Subpoena as well as for violation of the Arizona Elections Procedure and Statute.

It should not require new legislation to enforce existing laws.

Why is the law not being enforced?

Respectfully,

Amanda



## Lumpp, Rachelle

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**From:** Anna Alivia <...@gmail.com>  
**Sent:** Wednesday, February 17, 2021 9:07 AM  
**To:** Brnovich, Mark; Wright, Jennifer; Emerson, Jordan; Ciafullo, Mark; Hogan, Michelle; erika.alfred@azag.gov; Karlson, Kara; Shaker, Nicole; Heathcotte, Leslie; keith.miller@azag.gov; Chenal, Thomas; stephen.shadegg@azag.gov; Anderson, Ryan; Dalton, Joan; Roysden, Beau; kathleen.winn@azag.gov; jim.simpson@azag.gov; jacqueline.sandusky@azag.gov; Ensign, Drew; Gard, Lacey; Wilson, Linley; Catlett, Michael; Kanefield, Joe; Flanagan, Allyson; Isaak, Jason; Kredit, Joshua; Lefevre, Edith; Conner, Katie; Diaz, Bethany; Stevens, John; Heathcotte, Leslie; Morgan, Lizette; Daniels, Paula; Steed, Anthony; Connolly, Jerry; Ahler, Paul; Klingerman, Nicholas; Rassas, Theresa; Rankin, Thomas; Gadow, Blaine; steven.duplissis@azag.gov; Flores, Kirstin; reginald.grisby@azag.gov; Northup, Dawn; McCarthy, Eryn; Cox, Curtis; Ray, Kevin; Fry, John; mary.williams@azag.gov; AGInfo; ConsumerInfo  
**Subject:** No Investigation

Attorney General Mark Brnovich,

The AG Elections Integrity Unit received more than 2,000 complaints in very early Nov., right after the election. Also in November, a report was filed of fraudulent ballots flown into Phoenix Sky Harbor Airport and then taken to Maricopa County Tabulation Center. This was corroborated with affidavits, and video and audio evidence. Considering this, the thousands of complaints and affidavits, and the statistical data, what have you done about it? Have you actually studied the statistical data, sir? How do you explain it?

It is our understanding that Jennifer Wright wanted to pursue an investigation and you shut it down. You've led the Legislature on a wild goose chase, bouncing them back and forth with the courts and debating on authority and enforcement of subpoenas. The distraction has been masterful. Feb. 1st came and passed, which ended the Safe Harbor rule. How convenient that we weren't able to get an audit before then and now the machines have been tampered with.

We demand a forensic audit of the ballots using kinematic artifact technology, which can verify a minimum of 20 validation points on each ballot. This technology is presently utilized to identify counterfeit currency, bank notes, bonds, stocks, passports, etc. This is the real audit the Senate would ensure.

We will not be pacified with this incomplete and incompetently handled audit with antiquated methods currently underway by the Board of Supervisors.

Know that the people understand what is going on. We know about the differences in audits, we know about HL8230 plane and Scott Koch, we know about the tampering with the machines, and we know about the Board.

We now know you are not to be trusted and despite the \$500,000 received at time of launch, your Elections Integrity Unit is more in the business of covering up fraud rather than uncovering it - or is that just you?

Not Fooled,

A Fed-Up Citizen

## Lumpp, Rachelle

---

**From:** Eric Newhuis <eric.newhuis@mail.com>  
**Sent:** Thursday, February 18, 2021 7:35 AM  
**To:** Brnovich, Mark; Wright, Jennifer; Emerson, Jordan; Ciafullo, Mark; Hogan, Michelle; erika.alfred@azag.gov; Karlson, Kara; Shaker, Nicole; Heathcotte, Leslie; keith.miller@azag.gov; Chenal, Thomas; stephen.shadegg@azag.gov; Anderson, Ryan; Dalton, Joan; Roysden, Beau; kathleen.winn@azag.gov; jim.simpson@azag.gov; jacqueline.sandusky@azag.gov; Ensign, Drew; Gard, Lacey; Wilson, Linley; Catlett, Michael; Kanefield, Joe; Flanagan, Allyson; Isaak, Jason; Kredit, Joshua; Lefevre, Edith; Conner, Katie; Diaz, Bethany; Stevens, John; Heathcotte, Leslie; Morgan, Lizette; Daniels, Paula; Steed, Anthony; Connolly, Jerry; Ahler, Paul; Klingerman, Nicholas; Rassas, Theresa; Rankin, Thomas; Gadow, Blaine; Flores, Kirstin; reginald.grisby@azag.gov; Northup, Dawn; McCarthy, Eryn; Cox, Curtis; Ray, Kevin; Fry, John; Chenal, Thomas; AGInfo; ConsumerInfo  
**Subject:** America is learning of the 1000 lbs. of fraudulent ballots shipped into Arizona

You must audit the paper ballots.

Thank you to those of you pushing for this. Patience is running out. I think we're way beyond diplomacy at this point.

For those of you involved in this cabal as described in the recent TIME magazine story maybe the best thing to do is to come forward and blow the whistle and the American people will remember you as a hero instead of that other word.

The truth shall set you free.

Sincerely,  
Eric Newhuis

## Lumpp, Rachelle

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**From:** Kristi <@yahoo.com>  
**Sent:** Wednesday, February 17, 2021 7:07 PM  
**To:** Brnovich, Mark; Wright, Jennifer; Emerson, Jordan; Ciafullo, Mark; Hogan, Michelle; erika.alfred@azag.gov; Karlson, Kara; Shaker, Nicole; Heathcotte, Leslie; keith.miller@azag.gov; Chenal, Thomas; stephen.shadegg@azag.gov; Anderson, Ryan; Dalton, Joan; Roysden, Beau; kathleen.winn@azag.gov; jim.simpson@azag.gov; jacqueline.sandusky@azag.gov; Ensign, Drew; Gard, Lacey; Wilson, Linley; Catlett, Michael; Kanefield, Joe; Flanagan, Allyson; Isaak, Jason; Kredit, Joshua; Lefevre, Edith; Conner, Katie; Diaz, Bethany; Stevens, John; Heathcotte, Leslie; Morgan, Lizette; Daniels, Paula; Steed, Anthony; Connolly, Jerry; Ahler, Paul; Klingerman, Nicholas; Rassas, Theresa; Rankin, Thomas; Gadow, Blaine; steven.duplissis@azag.gov; Flores, Kirstin; reginald.grisby@azag.gov; Northup, Dawn; McCarthy, Eryn; Cox, Curtis; Ray, Kevin; Fry, John; mary.williams@azag.gov; Chenal, Thomas; AGInfo; ConsumerInfo  
**Subject:** Ready to be ousted? DO THE RIGHT THING!

Attorney General Mark Brnovich,

I voted for you, and I expect you to DO SOMETHING FOR the PEOPLE! We know the AG Elections Integrity Unit received over 2,000 complaints early in Nov., right after the election, and a report was filed on fraudulent ballots flown into Phoenix Sky Harbor Airport and taken to Maricopa County Tabulation Center which was corroborated with affidavits, and video and audio evidence. Considering this, the thousands of complaints and affidavits, and the statistical data, what have you done about it, Mr. Brnovich? Have you even looked at the wild statistical data, sir? How do you explain it? We are ASKING YOU NICELY.

It's my understanding Jennifer Wright wanted to pursue an investigation and you shut it down. You've led the Legislature on a wild goose chase, bouncing them back and forth with the courts, debating on authority and enforcement of subpoenas JUST WASTING OUR PRECIOUS TIME. How convenient that we weren't able to get an audit before the safe harbor rule, and now the machines have been tampered with. WE ARE LIVID!

Not a phony audit like the last few, a forensic audit of the ballots using kinematic artifact technology, which can verify a minimum of 20 validation points on every ballot. This technology is presently utilized to identify counterfeit currency, bank notes, bonds, stocks, passports, etc. AUDITING VALUABLE THINGS, LIKE OUR VOTE! This is the real audit the Senate would ensure, BECAUSE TGE PEOPLE HAVE DEMANDED IT.

We left you alone mostly, but will not REST until our VOTES and ELECETIONS completely and competently handled! We're not good with a baloney audit like currently underway by the Board of Supervisors. WHY ARE THEY TOUCHING OUR VOTING MATERIAL!?

Please wake up. People understand what is going on. We know about the differences in audits, we know about HL8230 plane and Scott Koch, we know about the tampering with the machines, we know about the Board wasting our time and we know how to get your ass out of office! I am a friend of a Governor Jan Brewer and her son who worked as an atty in YOUR OFFICE so I take this personally.

Until we know our votes count, we are all just kind of willy nilly with no LAW & ORDER. That whole board should be DOING TIME. You are not to be trusted, Mr.AG. Your "Elections Integrity Unit" received \$500K AND WE WANT OUR —ING MONEY BACK.

Not just "TAKING IT" anymore. This is our new job... BABYSITTING OUR ELECTED OFFICIALS.

Kristina

Sent from my iPhone

## Lumpp, Rachelle

---

**From:** Arwen Gustafson <arwen@arwen.com>  
**Sent:** Wednesday, February 17, 2021 1:29 PM  
**To:** Wright, Jennifer  
**Subject:** Fwd: I demand a Kinematic Artifact Technology Audit NOW!

Dear Ms. Wright,

I am forwarding you what I just sent to Attorney General Brnovich. Thank you for your work on behalf of election integrity!

Sincerely,

Arwen Gustafson

----- Forwarded message -----

**From:** Arwen Gustafson <arwen@arwen.com>  
**Date:** Wed, Feb 17, 2021 at 1:26 PM  
**Subject:** Fwd: I demand a Kinematic Artifact Technology Audit NOW!  
**To:** <mark.brnovich@azag.gov>

Attorney General Mark Brnovich,

The AG Elections Integrity Unit received more than 2000 complaints in very early November, right after the election. Also in November, a report was filed of fraudulent ballots flown into Phoenix Sky Harbor Airport and then taken to the Maricopa County Tabulation Center. This was corroborated with affidavits, video and audio evidence. Considering this, the thousands of complaints and affidavits, and the statistical data, what have you done about it? Have you actually studied the statistical data, sir? How do you explain it?

It is my understanding that Jennifer Wright, who works in your office, wanted to pursue an investigation and you shut it down. You've led the Legislature on a wild goose chase, bouncing them back and forth with the courts and debating on authority and enforcement of subpoenas. The distraction has been masterful. February 1st came and passed, which ended the Safe Harbor rule. How convenient that we weren't able to get an audit before February 1. Now the machines have been tampered with.

I and others demand a forensic audit of the ballots using Kinematic Artifical Technology, which can verify a minimum of 20 validation points on each ballot. This technology is presently utilized to identify counterfeit currency, bank notes, bonds, stocks, passports, etc. This is the an audit that the Senate is pursuing and would actually yield true results. I will not be pacified with the incomplete and incompetently handled audit with antiquated methods currently underway by the Board of Supervisors.

Know that the people understand what is going on. I know about the differences in audits, I know about the HL8230 plane and Scott Koch, I know about the tampering with the machines, and I know about the Board of Supervisors and their multiple shenanigans.

I now know you are not to be trusted and despite the \$500,000 received at time of launch, your Elections Integrity Unit is more in the business of covering up fraud rather than uncovering it - or is the problem the leadership in your office, YOU?

I AM NOT FOOLED and I VOTE,

Arwen Gustafson  
Maricopa County resident

## Lumpp, Rachelle

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**From:** R D 4@gmail.com>  
**Sent:** Wednesday, February 17, 2021 10:22 AM  
**To:** Wright, Jennifer; Emerson, Jordan; Ciafullo, Mark; Hogan, Michelle; Shaker, Nicole; Heathcotte, Leslie; keith.miller@azag.gov; Chenal, Thomas; stephen.shadegg@azag.gov; Anderson, Ryan; Dalton, Joan; Roysden, Beau; kathleen.winn@azag.gov; jim.simpson@azag.gov; Gard, Lacey; Wilson, Linley; Catlett, Michael; Kanefield, Joe; Kredit, Joshua; Lefevre, Edith; Conner, Katie; Diaz, Bethany; Stevens, John; Heathcotte, Leslie; Morgan, Lizette; Daniels, Paula; Steed, Anthony; Connolly, Jerry; Ahler, Paul; Klingerman, Nicholas; Rassas, Theresa; Rankin, Thomas; Gadow, Blaine; Flores, Kirstin; reginald.grisby@azag.gov; Northup, Dawn; McCarthy, Eryn; Cox, Curtis; Ray, Kevin; Fry, John; ConsumerInfo  
**Subject:** Election Integrity for Arizona

Attorney General Mark Brnovich,

The AG Elections Integrity Unit received more than 2,000 complaints in very early November, right after the election. Also in November, a report was filed of fraudulent ballots flown into Phoenix Sky Harbor Airport and then taken to Maricopa County Tabulation Center. This was corroborated with affidavits, and video and audio evidence. Considering this, the thousands of complaints and affidavits, and the statistical data, what have you done about it? Have you actually studied the statistical data, sir? How do you explain it?

It is our understanding that Jennifer Wright wanted to pursue an investigation and you shut it down. You've led the Legislature on a wild goose chase, bouncing them back and forth with the courts and debating on authority and enforcement of subpoenas. The distraction has been masterful. Feb. 1st came and passed, which ended the Safe Harbor rule. How convenient that we weren't able to get an audit before then and now the machines have been tampered with.

We demand a forensic audit of the ballots using kinematic artifact technology, which can verify a minimum of 20 validation points on each ballot. This technology is presently utilized to identify counterfeit currency, bank notes, bonds, stocks, passports, etc. This is the real audit the Senate would ensure.

We will not be pacified with this incomplete and incompetently handled audit with antiquated methods currently underway by the Board of Supervisors.

Know that the people understand what is going on. We know about the differences in audits, we know about HL8230 plane and Scott Koch, we know about the tampering with the machines, and we know about the Board.

We now know you are not to be trusted and despite the \$500,000 received at time of launch, your Elections Integrity Unit is more in the business of covering up fraud rather than uncovering it - or is that just you?

Not Fooled,

Raquel Dixon  
Verde Valley, AZ

## Lumpp, Rachelle

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**From:** ebayer73 @comcast.net>  
**Sent:** Wednesday, February 17, 2021 9:56 AM  
**To:** Wright, Jennifer  
**Subject:** Election Fraud/Audit

Attorney General Mark Brnovich,

The AG Elections Integrity Unit received more than 2,000 complaints in very early Nov., right after the election. Also in November, a report was filed of fraudulent ballots flown into Phoenix Sky Harbor Airport and then taken to Maricopa County Tabulation Center. This was corroborated with affidavits, and video and audio evidence. Considering this, the thousands of complaints and affidavits, and the statistical data, what have you done about it? Have you actually studied the statistical data, sir? How do you explain it?

It is our understanding that Jennifer Wright wanted to pursue an investigation and you shut it down. You've led the Legislature on a wild goose chase, bouncing them back and forth with the courts and debating on authority and enforcement of subpoenas. The distraction has been masterful. Feb. 1st came and passed, which ended the Safe Harbor rule. How convenient that we weren't able to get an audit before then and now the machines have been tampered with.

We demand a forensic audit of the ballots using kinematic artifact technology, which can verify a minimum of 20 validation points on each ballot. This technology is presently utilized to identify counterfeit currency, bank notes, bonds, stocks, passports, etc. This is the real audit the Senate would ensure.

We will not be pacified with this incomplete and incompetently handled audit with antiquated methods currently underway by the Board of Supervisors.

Know that the people understand what is going on. We know about the differences in audits, we know about HL8230 plane and Scott Koch, we know about the tampering with the machines, and we know about the Board.

We now know you are not to be trusted and despite the \$500,000 received at time of launch, your Elections Integrity Unit is more in the business of covering up fraud rather than uncovering it - or is that just you?

Not Fooled,

Laura Garcia

## Lumpp, Rachelle

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**From:** Corey <@me.com>  
**Sent:** Wednesday, February 17, 2021 9:28 AM  
**To:** Brnovich, Mark; Wright, Jennifer; Emerson, Jordan; Ciafullo, Mark; Hogan, Michelle; erika.alfred@azag.gov; Karlson, Kara; Shaker, Nicole; Heathcotte, Leslie; keith.miller@azag.gov; Chenal, Thomas; stephen.shadegg@azag.gov; Anderson, Ryan; Dalton, Joan; Roysden, Beau; kathleen.winn@azag.gov; jim.simpson@azag.gov; jacqueline.sandusky@azag.gov; Ensign, Drew; Gard, Lacey; Wilson, Linley; Catlett, Michael; Kanefield, Joe  
**Subject:** 2020 Election

Attorney General Mark Brnovich,

The AG Elections Integrity Unit received more than 2,000 complaints in very early Nov., right after the election. Also in November, a report was filed of fraudulent ballots flown into Phoenix Sky Harbor Airport and then taken to Maricopa County Tabulation Center. This was corroborated with affidavits, and video and audio evidence. Considering this, the thousands of complaints and affidavits, and the statistical data, what have you done about it? Have you actually studied the statistical data, sir? How do you explain it?

It is our understanding that Jennifer Wright wanted to pursue an investigation and you shut it down. You've led the Legislature on a wild goose chase, bouncing them back and forth with the courts and debating on authority and enforcement of subpoenas. The distraction has been masterful. Feb. 1st came and passed, which ended the Safe Harbor rule. How convenient that we weren't able to get an audit before then and now the machines have been tampered with.

We demand a forensic audit of the ballots using kinematic artifact technology, which can verify a minimum of 20 validation points on each ballot. This technology is presently utilized to identify counterfeit currency, bank notes, bonds, stocks, passports, etc. This is the real audit the Senate would ensure.

We will not be pacified with this incomplete and incompetently handled audit with antiquated methods currently underway by the Board of Supervisors.

Know that the people understand what is going on. We know about the differences in audits, we know about HL8230 plane and Scott Koch, we know about the tampering with the machines, and we know about the Board.



We now know you are not to be trusted and despite the \$500,000 received at time of launch, your Elections Integrity Unit is more in the business of covering up fraud rather than uncovering it - or is that just you?

Not Fooled,

*Corey Edwards*

Sent from my iPhone

## Lumpp, Rachelle

---

**From:** Catherine Johnson <[REDACTED]@gmail.com>  
**Sent:** Wednesday, February 17, 2021 9:22 AM  
**To:** Brnovich, Mark; Wright, Jennifer; Emerson, Jordan; Ciafullo, Mark; Hogan, Michelle; kara.karlson@agag.gov; Shaker, Nicole; Heathcotte, Leslie; keith.miller@azag.gov; ghomas.chenal@azag.gov; Chenal, Thomas; stephen.shadegg@azag.gov; ryan.anderson@agag.gov; Dalton, Joan; Roysden, Beau; kathleen.winn@azag.gov; jim.simpson@azag.gov; jacqueline.sandusky@azag.gov; Ensign, Drew; Gard, Lacey; Wilson, Linley; Kanefield, Joe; Flanagan, Allyson; Isaak, Jason; Kredit, Joshua; edith.lefever@azag.gov; kaite.conner@azag.gov; Diaz, Bethany; Stevens, John; Heathcotte, Leslie; Daniels, Paula; antohony.steed@azag.gov; jerry.connolly@azag.gov; Ahler, Paul; Klingerman, Nicholas; Rassas, Theresa; Rankin, Thomas; blain.gadow@azag.gov; kirstin.glores@azag.gov; McCarthy, Eryn; Cox, Curtis; Fry, John; AGInfo; ConsumerInfo  
**Subject:** 2020 Elections

The AG Elections Integrity Unit received more than 2000 complaints in very early November right after the election. Also in November, a report was filed of fraudulent ballots flown into Phoenix Sky Harbor Airport and then taken to Maricopa County Tabulation Center. This was corroborated with affidavits, and video and audio evidence. Considering this, the thousands of complaints and affidavits and the statistical data, what have you done about it? Have you actually studied the statistical data? How do you explain it?

It is our understanding that Jennifer Wright wanted to pursue an investigation and you shut it down. You've led the Legislature on a wild goose chase, bouncing them back and forth with the courts and debating on authority and enforcement of subpoenas. The distraction has been masterful. Feb. 1st came and passed, which ended the Safe Harbor rule. How convenient that we weren't able to get an audit before then and now the machines have been tampered with.

We demand a forensic audit of the ballots using kinematic artifact technology, which can verify a minimum of 20 validation points on each ballot with 100% accuracy. This technology is presently utilized to identify counterfeit currency, bank notes, bonds, stocks, passports, etc. This is the real audit the Senate would ensure.

We will not be pacified with the incomplete and incompetently handled audit with antiquated methods currently underway by the Board of Supervisors.

Know that the people understand what is going on. We know about the differences in audits, we know about the HL8230 plane and Scott Koch, we know about the tampering with the machines, and we know about the Board.

We now know you are not to be trusted and despite the \$500,000 received at the time of launch, your Elections Integrity Unit is more in the business of covering up fraud rather than uncovering it-or is that just you?

Not fooled,  
Catie

## Lumpp, Rachelle

---

**From:** Lisa Ferracane @hotmail.com>  
**Sent:** Wednesday, February 17, 2021 9:04 AM  
**To:** Wright, Jennifer  
**Subject:** Election integrity

Sent today on behalf of Arizona Patriots:  
Attorney General Mark Brnovich,

The AG Elections Integrity Unit received more than 2,000 complaints in very early Nov., right after the election. Also in November, a report was filed of fraudulent ballots flown into Phoenix Sky Harbor Airport and then taken to Maricopa County Tabulation Center. This was corroborated with affidavits, and video and audio evidence. Considering this, the thousands of complaints and affidavits, and the statistical data, what have you done about it? Have you actually studied the statistical data, sir? How do you explain it?

It is our understanding that Jennifer Wright wanted to pursue an investigation and you shut it down. You've led the Legislature on a wild goose chase, bouncing them back and forth with the courts and debating on authority and enforcement of subpoenas. The distraction has been masterful. Feb. 1st came and passed, which ended the Safe Harbor rule. How convenient that we weren't able to get an audit before then and now the machines have been tampered with.

We demand a forensic audit of the ballots using kinematic artifact technology, which can verify a minimum of 20 validation points on each ballot. This technology is presently utilized to identify counterfeit currency, bank notes, bonds, stocks, passports, etc. This is the real audit the Senate would ensure.

We will not be pacified with this incomplete and incompetently handled audit with antiquated methods currently underway by the Board of Supervisors.

Know that the people understand what is going on. We know about the differences in audits, we know about HL8230 plane and Scott Koch, we know about the tampering with the machines, and we know about the Board.

We now know you are not to be trusted and despite the \$500,000 received at time of launch, your Elections Integrity Unit is more in the business of covering up fraud rather than uncovering it - or is that just you?

Not Fooled,

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## Lumpp, Rachelle

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**From:** Elizabeth Borneman <@gmail.com>  
**Sent:** Wednesday, February 17, 2021 9:00 AM  
**To:** AGInfo; Steed, Anthony; Roysden, Beau; Diaz, Bethany; Gadow, Blaine; ConsumerInfo; Cox, Curtis; Northup, Dawn; Lefevre, Edith; McCarthy, Eryn; Wright, Jennifer; Connolly, Jerry; jim.simpson@azag.gov; Dalton, Joan; Kanefield, Joe; Fry, John; Stevens, John; Emerson, Jordan; Kredit, Joshua; kathleen.winn@azag.gov; Conner, Katie; keith.miller@azag.gov; Ray, Kevin; Flores, Kirstin; Gard, Lacey; Heathcotte, Leslie; Heathcotte, Leslie; Wilson, Linley; Morgan, Lizette; Ciafullo, Mark; mary.williams@azag.gov; Catlett, Michael; Hogan, Michelle; Klingerman, Nicholas; Shaker, Nicole; Ahler, Paul; Daniels, Paula; reginald.grisby@azag.gov; Anderson, Ryan; stephen.shadegg@azag.gov; steven.duplissis@azag.gov; Rassas, Theresa; Chenal, Thomas; Rankin, Thomas  
**Subject:** Government Integrity

Attorney General Mark Brnovich,

The AG Elections Integrity Unit received more than 2,000 complaints in very early Nov., right after the election. Also in November, a report was filed of fraudulent ballots flown into Phoenix Sky Harbor Airport and then taken to Maricopa County Tabulation Center. This was corroborated with affidavits, and video and audio evidence. Considering this, the thousands of complaints and affidavits, and the statistical data, what have you done about it? Have you actually studied the statistical data, sir? How do you explain it?

It is our understanding that Jennifer Wright wanted to pursue an investigation and you shut it down. You've led the Legislature on a wild goose chase, bouncing them back and forth with the courts and debating on authority and enforcement of subpoenas. The distraction has been masterful. Feb. 1st came and passed, which ended the Safe Harbor rule. How convenient that we weren't able to get an audit before then and now the machines have been tampered with.

We demand a forensic audit of the ballots using kinematic artifact technology, which can verify a minimum of 20 validation points on each ballot. This technology is presently utilized to identify counterfeit currency, bank notes, bonds, stocks, passports, etc. This is the real audit the Senate would ensure.

We will not be pacified with this incomplete and incompetently handled audit with antiquated methods currently underway by the Board of Supervisors.

Know that the people understand what is going on. We know about the differences in audits, we know about HL8230 plane and Scott Koch, we know about the tampering with the machines, and we know about the Board.

We now know you are not to be trusted and despite the \$500,000 received at time of launch, your Elections Integrity Unit is more in the business of covering up fraud rather than uncovering it - or is that just you?

Sincerely

Concerned about our integrity

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## Lumpp, Rachelle

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**From:** Kimberly Call <[REDACTED]@gmail.com>  
**Sent:** Wednesday, February 17, 2021 9:00 AM  
**To:** Brnovich, Mark; Wright, Jennifer; Emerson, Jordan; Ciafullo, Mark; Hogan, Michelle; erika.alfred@azag.gov; Karlson, Kara; Shaker, Nicole; Heathcotte, Leslie; keith.miller@azag.gov; Chenal, Thomas; stephen.shadegg@azag.gov; Anderson, Ryan; Dalton, Joan; Roysden, Beau; kathleen.winn@azag.gov; jim.simpson@azag.gov; jacqueline.sandusky@azag.gov; Ensign, Drew; Gard, Lacey; Wilson, Linley; Catlett, Michael; Kanefield, Joe; Flanagan, Allyson; Isaak, Jason; Kredit, Joshua; Lefevre, Edith; Conner, Katie; Diaz, Bethany; Stevens, John; Heathcotte, Leslie; Morgan, Lizette; Daniels, Paula; Steed, Anthony; Connolly, Jerry; Ahler, Paul; Klingerman, Nicholas; Rassas, Theresa; Rankin, Thomas; Gadow, Blaine; steven.duplissis@azag.gov; Flores, Kirstin; reginald.grisby@azag.gov; Northup, Dawn; McCarthy, Eryn; Cox, Curtis; Ray, Kevin; Fry, John; mary.williams@azag.gov; Chenal, Thomas; AGInfo; ConsumerInfo  
**Subject:** Not Fooled....Arizona Demands Full Forensic Audit

Email Template (see original post:<https://t.me/ArizonaConservativesChannel/182>):

Attorney General Mark Brnovich,

The AG Elections Integrity Unit received more than 2,000 complaints in very early Nov., right after the election. Also in November, a report was filed of fraudulent ballots flown into Phoenix Sky Harbor Airport and then taken to Maricopa County Tabulation Center. This was corroborated with affidavits, and video and audio evidence. Considering this, the thousands of complaints and affidavits, and the statistical data, what have you done about it? Have you actually studied the statistical data, sir? How do you explain it?

It is our understanding that Jennifer Wright wanted to pursue an investigation and you shut it down. You've led the Legislature on a wild goose chase, bouncing them back and forth with the courts and debating on authority and enforcement of subpoenas. The distraction has been masterful. Feb. 1st came and passed, which ended the Safe Harbor rule. How convenient that we weren't able to get an audit before then and now the machines have been tampered with.

We demand a forensic audit of the ballots using kinematic artifact technology, which can verify a minimum of 20 validation points on each ballot. This technology is presently utilized to identify counterfeit currency, bank notes, bonds, stocks, passports, etc. This is the real audit the Senate would ensure.

We will not be pacified with this incomplete and incompetently handled audit with antiquated methods currently underway by the Board of Supervisors.

Know that the people understand what is going on. We know about the differences in audits, we know about HL8230 plane and Scott Koch, we know about the tampering with the machines, and we know about the Board.

We now know you are not to be trusted and despite the \$500,000 received at time of launch, your Elections Integrity Unit is more in the business of covering up fraud rather than uncovering it - or is that just you?

Not Fooled,

Kim Call  
Native Arizonan

Sent from my iPhone

## Lumpp, Rachelle

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**From:** ConsumerInfo  
**Sent:** Wednesday, February 17, 2021 9:04 AM  
**To:** Election Integrity Unit  
**Subject:** FW: 2020 Audit/Election Integrity \*\*Please Read\*\*

Thank you,  
Consumer Information & Complaints Unit

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Office of the Attorney General  
Consumer Information & Complaints Unit  
2005 North Central Ave. Phoenix, Arizona 85004  
Direct number: 602.542.5763  
Fax number: 602.542.4579  
[consumerinfo@azag.gov](mailto:consumerinfo@azag.gov)

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**From:** Brittani Louise Taylor [<mailto:BrittaniLouiseTaylor@gmail.com>]  
**Sent:** Wednesday, February 17, 2021 9:02 AM  
**To:** AGInfo; Steed, Anthony; Roysden, Beau; Diaz, Bethany; Gadow, Blaine; ConsumerInfo; Cox, Curtis; Northup, Dawn; Lefevre, Edith; McCarthy, Eryn; Isaak, Jason; Wright, Jennifer; Connolly, Jerry; [jim.simpson@azag.gov](mailto:jim.simpson@azag.gov); Dalton, Joan; Kanefield, Joe; Fry, John; Stevens, John; Emerson, Jordan; Kredit, Joshua; [kathleen.winn@azag.gov](mailto:kathleen.winn@azag.gov); Conner, Katie; [keith.miller@azag.gov](mailto:keith.miller@azag.gov); Ray, Kevin; Flores, Kirstin; Gard, Lacey; Heathcotte, Leslie; Heathcotte, Leslie; Wilson, Linley; Morgan, Lizette; Ciafullo, Mark; [mary.williams@azag.gov](mailto:mary.williams@azag.gov); Catlett, Michael; Hogan, Michelle; Klingerman, Nicholas; Shaker, Nicole; Ahler, Paul; Daniels, Paula; [reginald.grisby@azag.gov](mailto:reginald.grisby@azag.gov); Anderson, Ryan; [stephen.shadegg@azag.gov](mailto:stephen.shadegg@azag.gov); [steven.duplissis@azag.gov](mailto:steven.duplissis@azag.gov); Rassas, Theresa; Chenal, Thomas; Rankin, Thomas  
**Subject:** 2020 Audit/Election Integrity \*\*Please Read\*\*

Dear Arizona Elected Officials,

The AG Elections Integrity Unit received more than 2,000 complaints in very early Nov., right after the election. Also in November, a report was filed of fraudulent ballots flown into Phoenix Sky Harbor Airport and then taken to Maricopa County Tabulation Center. This was corroborated with affidavits, and video and audio evidence. Considering this, the thousands of complaints and affidavits, and the statistical data, what have you done about it? Have you actually studied the statistical data, sir? How do you explain it?

It is our understanding that Jennifer Wright wanted to pursue an investigation and you shut it down. You've led the Legislature on a wild goose chase, bouncing them back and forth with the courts and debating on authority and enforcement of subpoenas. The distraction has been masterful. Feb. 1st came and passed, which ended the Safe Harbor rule. How convenient that we weren't able to get an audit before then and now the machines have been tampered with.

We demand a forensic audit of the ballots using kinematic artifact technology, which can verify a minimum of 20 validation points on each ballot. This technology is presently utilized to identify counterfeit currency, bank notes, bonds, stocks, passports, etc. This is the real audit the Senate would ensure.

We will not be pacified with this incomplete and incompetently handled audit with antiquated methods currently underway by the Board of Supervisors.

Know that the people understand what is going on. We know about the differences in audits, we know about HL8230 plane and Scott Koch, we know about the tampering with the machines, and we know about the Board.



## Lumpp, Rachelle

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**From:** AGInfo  
**Sent:** Thursday, February 25, 2021 3:57 PM  
**To:** Election Integrity Unit  
**Subject:** FW: I continue to fully support a COMPLETE forensic audit as outlined by the Senate Subpoenas; not the surface "audit" conducted by the Maricopa BOS.

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**From:** Inger Johnson [<mailto:ij@richerforrecorder.com>]  
**Sent:** Thursday, February 25, 2021 3:35 PM  
**To:** [engage@az.gov](mailto:engage@az.gov); Brnovich, Mark; AGInfo; [elections@azsos.gov](mailto:elections@azsos.gov); [khobbs@azsos.gov](mailto:khobbs@azsos.gov); [Stephen@RicherForRecorder.com](mailto:Stephen@RicherForRecorder.com)  
**Subject:** I continue to fully support a COMPLETE forensic audit as outlined by the Senate Subpoenas; not the surface "audit" conducted by the Maricopa BOS.

The "audit" conducted by the Maricopa County Board of Supervisors was nothing more than a sham. It was a superficial, tabulation-only audit conducted by compromised firms. The auditors they used were only "certified" by EAC in January of 2021 after having been unaccredited for years. EAC's CIO was a Dominion Employee for a decade and later helped implement the machines in some of the swing states. There is an obvious conflict of interest in those auditors.

**I have not given up on nor will I be satisfied that our elections were true, fair and legitimate until we have a COMPLETE forensic audit of the machines and ballots as outlined in the Senate subpoenas. It should be conducted by auditors that are certified and have no ties to Dominion.**

This lack of confidence in our elections will not go away after a month or two. We Arizonans want transparency in the election we just had and a focus on free and fair elections.

Sincerely,

Inger Johnson  
Arizona Citizen and Concerned Voter

We now know you are not to be trusted and despite the \$500,000 received at time of launch, your Elections Integrity Unit is more in the business of covering up fraud rather than uncovering it - or is that just you?

Not Fooled,

Brittani Taylor  
Maricopa County Resident