



Maricopa County Attorney
Rachel H. Mitchell

January 26, 2023

Hon. Justice Ruth V. McGregor
[REDACTED]

Re: Independent review of the operations of the Ballot on Demand ("BOD") Printers

Dear Justice McGregor:

This letter memorializes my retention and appointment of you on January 1, 2023 to provide an independent review of the operations of the Ballot On Demand ("BOD") printers used by the Maricopa County Elections Department during election day operations on November 8, 2022. Specifically, some of the BOD printers printed ballots that could not be tabulated by the "ICP2" tabulators present in some of the vote centers. When poll workers from the affected vote centers reported the problem in the morning of election day, the Elections Department was uncertain whether the cause of the problem was the ICP2 tabulators or the BOD printers. Once the print settings on the affected printers were changed by the technicians to a darker print setting, the ICP2 tabulators began tabulating the ballots printed by the affected BOD printers.

Your review should answer at least the following three questions. First, what caused the BOD printer problems experienced on election day? Second, why were these problems experienced on November 8, 2022 but not on August 3, 2022 (the primary election's election day), even though the same BOD printers and ICP2 tabulators were used on both election days? Third, what steps can the County take to prevent these problems from occurring in the future? Included in your independent review should be a review of the chain-of-custody policies for the BOD printers, as well as their implementation. This review should include a review of whether there was human action or error, and/or process and equipment issues.

The agreed rate for your services in this matter is \$415 per hour. You will select your own team of experts, investigators and secretarial/clerical support. Maricopa County will compensate your team members for their time and expenses at respective rates commensurate with each's experience and agreed upon in writing by MCAO.

Tom Liddy, Division Chief of the Division of Maricopa County Attorney's Office, will be available to provide you any information you may need to conduct your review. You may reach him at (602) 506-8541. Please send your monthly bills via e-mail to MCAOFin@mcao.maricopa.gov for review and approval.

Thank you for your attention to this matter.

Sincerely,

A handwritten signature in blue ink that reads "Rachel H. Mitchell".

Rachel H. Mitchell
Maricopa County Attorney

cc: Tom Liddy, Civil Services Division Chief