

Arizona Republican Party Election Audit

PRELIMINARY REPORT

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January 25, 2019

On the evening of Tuesday, November 6, 2018 Arizona voters went to bed believing that Republicans had won all three close statewide races: U.S. Senate, Secretary of State, and Superintendent of Education. The highly-respected Associated Press declared victory for Republican Steve Gaynor at 10:20 pm¹ and assured Gaynor that it almost never miscalled a race.²

But the Associated Press was somehow wrong. Not only did Gaynor's election night lead evaporate in the following days, but so too did the leads of Republicans Martha McSally and Frank Riggs. Within a week, McSally's election night lead of nearly 15,000 votes³ turned into a deficit of 55,900 votes;⁴ Gaynor went from a lead of over 40,000 votes⁵ to trailing by 20,252 votes;⁶ and Riggs's apparent victory by a margin of approximately 7,000 votes⁷ turned into a loss by 71,676 votes.⁸

These reversals of fortune in three statewide elections left many Arizona voters confused and upset, especially Arizona Republicans who felt as though they'd had the rug pulled out from under them. Those voters voiced their concerns to Arizona Republican Party Chairman Jonathan Lines who responded by launching this Review on November 15, 2018. Chairman Lines asked that this Review pay particular attention to the procedures in Maricopa County -- home to more than 60 percent of Arizona's voters in the most recent election.⁹

Elections in Maricopa County are overseen by the Maricopa County Recorder's Office. In the past year, that Office has already been the subject of at least three reviews, audits, or

¹ Dustin Gardiner, Arizona Republic, *Steve Gaynor, Katie Hobbs in tight race for Arizona secretary of state* (Nov. 6, 2018), available at <https://www.azcentral.com/story/news/politics/elections/2018/11/06/arizona-secretary-state-election-result-s-steve-gaynor-katie-hobbs/1809258002/>.

² Interview with Steve Gaynor, January 3, 2019; see also Carmen Forman, Arizona Capitol Times, AP: *Steve Gaynor Arizona's next Secretary of State* (Nov. 6, 2018), available at <https://azcapitoltimes.com/news/2018/11/06/arizona-katie-hobbs-steve-gaynor-secretary-of-states-race-is-close-as-election-results-pour-in/> ("In his brief victory speech, Gaynor conceded that many ballots had not yet been counted. But the AP is rarely wrong, he said.").

³ Joseph Flaherty, Phoenix New Times, *Martha McSally Has Tight Lead With Arizona Senate Race Too Close to Call* (Nov. 6, 2018), available at <https://www.phoenixnewtimes.com/news/us-senate-contest-in-arizona-still-too-close-to-call-11004820>.

⁴ Arizona Secretary of State's Office, *State of Arizona Official Canvass 2018 General Election - Nov. 06, 2018* (Nov. 30, 2018) (the "Official Canvass"), available at <https://azsos.gov/sites/default/files/2018%201203%20Signed%20Official%20Statewide%20Canvass.pdf>.

⁵ Shane Dale, ABC15, *Arizona Secretary of State: Katie Hobbs, Steve Gaynor are neck and neck* (Nov. 6, 2018), available at: <https://www.abc15.com/news/state/steve-gaynor-defeats-katie-hobbs-in-arizona-secretary-of-state-race>.

⁶ Official Canvass.

⁷ ABC 15 Arizona, *Arizona Election 2018: 2 races with results too close to call* (Nov. 7, 2018), available at <https://www.abc15.com/news/state/arizona-election-2018-3-races-with-results-too-close-to-call>.

⁸ Official Canvass.

⁹ Official Canvass (1,454,103 ballots cast in Maricopa County of 2,409,910 statewide in November 2018 general election).

investigations. Those reviews focused on the primary election on August 28, 2018, in which 62 of the 503 voting locations failed to open on time,¹⁰ delays that affected up to 270,000 voters¹¹ and caused “many” voters to turn away from their polling places.¹² The Maricopa County Internal Audit Department released an interim report on September 21, 2018 detailing the failings of the primary;¹³ the consulting and audit firm Berry Dunn produced a report on November 2, 2018 that covered the attempts by the Recorder’s Office to improve its operations in time for the general election;¹⁴ *The Arizona Republic*, and other local publications, wrote many detailed articles regarding the failures of the primary;¹⁵ and the Maricopa County Board of Supervisors recently voted unanimously to allocate \$50,000 to a working group charged with reviewing and improving the County’s election practices.¹⁶

¹⁰ Maricopa County Internal Audit Department, *Interim Report* (Sept. 21, 2018), available at <https://www.maricopa.gov/DocumentCenter/View/41436/Interim-Report---Final> and attached as Exhibit A.

¹¹ Pamela Ren Larson, Arizona Republic, *Maricopa County voting delays affected 1 in 8 precincts, up to 270,000 voters* (Aug. 31, 2018), available at <https://www.azcentral.com/story/news/politics/arizona/2018/08/31/maricopa-county-recorder-voting-issues-polling-place-machines-malfunction-fontes-arizona-primary/1150414002/>.

¹² ABC 15 Arizona, *Arizona primary election: Voters report Valley polling place issues* (Aug. 29, 2018), available at <https://www.abc15.com/news/region-phoenix-metro/central-phoenix/voters-reporting-polling-issues-in-the-valley>.

¹³ Maricopa County Internal Audit Department, *Interim Report* (Sept. 21, 2018), available at <https://www.maricopa.gov/DocumentCenter/View/41436/Interim-Report---Final> and attached as Exhibit A.

¹⁴ Berry Dunn, *Maricopa County Recorder’s Office – Election Day Processes and Related Issues, Report of Observations and Recommendations* (Nov. 2, 2018), available at <https://www.maricopa.gov/DocumentCenter/View/42446/Maricopa-County-Election-Processes-Report-2018-11-02> and attached as Exhibit B.

¹⁵ See, e.g., Jessica Boehm, Dustin Gardiner, et al., Arizona Republic, *Who is to blame for Maricopa County’s election day problems?* (Aug. 28, 2018), available at <https://www.azcentral.com/story/news/politics/elections/2018/08/28/election-day-voting-secretary-state-calls-extended-poll-hours-voting-locations/1124910002/>; Jessica Boehm and Jen Fifield, Arizona Republic, *Who is to blame for Maricopa County’s election day problems?* (Nov. 1, 2018), available at <https://www.azcentral.com/story/news/politics/elections/2018/11/01/after-rocky-primary-can-adrian-fontes-pull-off-november-general-election-voters-polls-vote-centers/1449331002/>; Jessica Boehm, Arizona Republic, *Maricopa County audit blames Adrian Fontes for some election day problems* (Sept. 21, 2018), available at <https://www.azcentral.com/story/news/politics/elections/2018/09/21/maricopa-county-audit-blames-recorder-adrian-fontes-some-election-day-problems/1382555002/>; Elvia Diaz, Arizona Republic, *An extra hour of voting won’t fix Maricopa County’s repeated election glitches* (Aug. 28, 2018), available at <https://www.azcentral.com/story/opinion/op-ed/elviadiaz/2018/08/28/arizona-primary-voting-problems-blame-adrian-fontes-another-mistake/1126116002/>; Jessica Boehm, Arizona Republic, *Maricopa County Recorder Adrian Fontes releases report he said he wouldn’t* (Sept. 21, 2018), available at <https://www.azcentral.com/story/news/politics/elections/2018/09/21/maricopa-county-recorder-adrian-fontes-releases-report-he-said-he-wouldnt-release/1384284002/>.

¹⁶ Jessica Boehm, Arizona Republic, *Maricopa County eyes election changes after chaotic 2018 elections* (Jan 16, 2019), available at <https://www.azcentral.com/story/news/politics/elections/2019/01/16/maricopa-county-supervisors-eye-pho>

This Review focuses on the Recorder’s Office in the November general election and the questions most frequently posed by voters to Chairman Jonathan Lines and the Arizona Republican Party. To date, the Review has investigated and assessed: (1) the Office’s decision to open special emergency voting centers, (2) the Office’s decision to rehabilitate ballots following election night, (3) allegations of partisan behavior by County Recorder Adrian Fontes, and (4) particularized allegations of voter fraud or irregularities in Maricopa County.

This Review is *preliminary*. The Recorder’s Office has not yet responded to public records requests made on November 10, 2018,¹⁷ December 17, 2018,¹⁸ and January 1, 2019¹⁹ for the purposes of this Review. Nor has the Recorder’s Office responded to requests for interviews and questions regarding the decisions made by the Recorder’s Office.²⁰ Without these documents and interviews, this Review can make only speculative conclusions.

Additionally, a future, complete report should examine the two hour-plus wait times at certain polling locations,²¹ the delay in the tabulation process following Election Day,²² the security protocols for delivering votes from individual polling places to a central location, a midday software failure that caused all voting machines to go temporarily offline,²³ reports of ballot harvesting, and allegations that Maricopa County does not comply with ARS § 16-668 by syncing its voter database with the database maintained by the Secretary of State’s Office.²⁴

[enix-area-election-changes-after-chaotic-2018-adrian-fontes/2587021002/?fbclid=IwAR0KJ3qLEqjKUM0hd3M_kmrH3bN5mvL_X37JAs2lIOidt-js1_jP_p3QG-E.](https://www.azcentral.com/story/news/politics/elections/2018/11/07/arizona-midterm-elections-why-were-lines-vote-asu-state-university-so-long-campus-student-turnout/1921801002/)

¹⁷ Attached as Exhibit C.

¹⁸ Attached as Exhibit D.

¹⁹ Attached as Exhibit E.

²⁰ Attached as Exhibit F.

²¹ Rachel Leingang, Jessica Boehm, and Derek Hall, Arizona Republic, *ASU voters reported wait times of 2 hours or more. Is a new polling site needed for 2020?* (Nov. 7, 2018), available at <https://www.azcentral.com/story/news/politics/elections/2018/11/07/arizona-midterm-elections-why-were-lines-vote-asu-state-university-so-long-campus-student-turnout/1921801002/>.

²² In the *2017 Maricopa County Recorder’s Office Annual Report*, Recorder Fontes stated that his Office “can have all ballots counted and unofficial election results reported-out **within 72 hours of polls closing on Election Day.**” *Maricopa County Recorder’s Office Annual Report 2017*, at page 19 (emphasis added), available at <https://recorder.maricopa.gov/pdf/MyPdfDownload.pdf>.

²³ Alden Woods, Robert Anglen, and Jessica Boehm, Arizona Republic, *Election Day issues: Foreclosure, technology glitches, running out of ballots* (Nov. 6, 2018), available at <https://www.azcentral.com/story/news/politics/elections/2018/11/06/arizona-voting-problems-election-day-report-issues-adrian-fontes-maricopa-county-midterms/1808914002/>.

²⁴ Maricopa County maintains its own voter registration database that some observers have alleged is insufficiently “synced” with the database maintained by the Secretary of State’s Office (as required by federal law). The Recorder’s Office stated that “After witnessing the Secretary of State stumble ... the Recorder does not believe that turning over management of the voter registration database to the Secretary of State is in the best interest of the county.” Page 24 of *2017 Maricopa County Recorder’s Office Annual Report 2017*, at page 24, available at <https://recorder.maricopa.gov/pdf/MyPdfDownload.pdf>.

1. Emergency Voting Centers

Title 16 of the Arizona Revised Statutes (“ARS”) and the 2014 State of Arizona Elections Procedures Manual allow counties to accept emergency ballots during the weekend and the Monday before the Tuesday Election Day. ARS section 16-542 defines “emergency” as “any unforeseen circumstances that would prevent the elector from voting at the polls.”²⁵ Page 58 of the Elections Procedures Manual offers only slightly more detail:

“Emergency” means any unforeseen circumstances that would prevent the elector from voting at the polls.

Electors who encounter an emergency occurring **between**:

- 5:00 p.m. on the second Friday before the election and
- 5:00 p.m. on the Monday before the election

may request to vote in the manner prescribed by the County Recorder of their respective county.²⁶

Arizona counties -- including Maricopa County -- have long allowed voters to cast ballots in such an emergency manner. However, the manner in which Recorder Fontes allowed for emergency voting in the November election deviated significantly from the practices of the Recorder’s Office under Recorder Helen Purcell.

1A. Decision to Expand Emergency Voting

The Recorder’s Office opened the following five emergency voting locations on Saturday, November 3 and Monday, November 5 from 8:00 AM until 5:00 PM:

- Avondale City Hall (11465 W. Civic Dr., Avondale)
- Indian Bend Wash Visitor Center (4201 N. Hayden Rd., Scottsdale)
- MCTEC - Elections Department (510 S. 3rd Ave., Phoenix)
- Mesa Recorder’s Office (222 E. Javelina, Mesa)
- Tolleson Park & Recreation Center (9555 W. Van Buren St., Tolleson)²⁷

²⁵ A.R.S. § 16-542(H).

²⁶ Arizona Secretary of State’s Office, *State of Arizona Election Procedures Manual (Rev. 2014)* (the “2014 Election Procedures Manual”), available at https://azsos.gov/sites/default/files/election_procedure_manual_2014.pdf.

²⁷ Adrian Fontes (@RecorderFontes). (Nov. 3, 2018). Tweet, available at <https://twitter.com/RecorderFontes/status/1058765073764691968>.

Recorder Fontes advertised these locations on his personal Twitter feed, his Recorder's Twitter feed,²⁸ and through the official media outlets of the Recorder's Office.²⁹ This practice deviated significantly from the practices of the previous recorder, Helen Purcell. Under Purcell, the Recorder's Office did not advertise the availability of emergency voting, and it did not open additional locations outside of the Recorder's Office.³⁰ Instead, emergency voting under Purcell was limited to voters who sought out the option and drove to the Recorder's Office, or people who contacted the Recorder's Office from, for example, a hospital, in which case Purcell would dispatch an officer to collect the person's ballot.³¹

Many observers have questioned the motivation behind Recorder Fontes's decision to expand the number of emergency voting locations and to advertise their availability. Some observers have pointed to Recorder Fontes's advocacy for Arizona House Bill 2206³² and Arizona Senate Bill 1466³³ during the 2018 legislative session. Those bills sought, among other things, to expand early voting to "the three-day period immediately preceding election day."³⁴ In other words, the bills sought to expand early voting to the period covered by emergency voting. Recorder Fontes voiced strong support for certain provisions in the bills, including the expansion of early voting to include the weekend prior to Election Day. In an email to members of the Arizona House, dated April 19, 2018, Recorder Fontes wrote, "[t]he Mesnard Floor Amendment also removes an important provision of SB 1466, which allows Counties to approve weekend voting immediately prior to Election Day. This makes voting more convenient and reduces the possibility of long lines on Election Day."³⁵ On the same day, Recorder Fontes released a video in which he criticized the "people who killed weekend voting," saying that weekend voting is "a really good thing for Arizona." He then encouraged voters to contact their representatives in the Arizona legislature to support weekend voting.³⁶

With this as a backdrop, it seems plausible that Recorder Fontes expanded emergency voting to partially accomplish what the Arizona legislature considered but refused to authorize: expanding early voting to the Saturday, Sunday, and Monday before the Tuesday election. Such

²⁸ Adrian Fontes (@RecorderFontes). (Nov. 5, 2018). Tweet, *available at* https://twitter.com/Adrian_Fontes/status/1059372209200750592.

²⁹ Maricopa County Recorder's Office, *PRESS RELEASE: Emergency Voting Available before Election Day* (Nov. 2, 2018), *available at* <https://content.govdelivery.com/accounts/AZMARIC/bulletins/218d12d>.

³⁰ Interview of Helen Purcell, December 21, 2018.

³¹ Interview of Helen Purcell, December 21, 2018.

³² Arizona H.B. 2206 (2018), *available at* <https://legiscan.com/AZ/text/HB2206/id/1685189>.

³³ Arizona S.B. 1466 (2018), *available at* <https://legiscan.com/AZ/text/SB1466/id/1708659>.

³⁴ Arizona H.B. 2206 (2018) (proposed addition to A.R.S. § 16-542(A)).

³⁵ Email from Adrian Fontes dated April 19, 2018. Included in public records received from Arizona Senate, attached as Exhibit G.

³⁶ Adrian Fontes (@RecorderFontes). (April 19, 2018). Tweet, *available at* <https://twitter.com/RecorderFontes/status/987090258939359232>.

a “back door” to a legislative proposal would almost certainly violate the intent of emergency voting as defined in the Arizona code and in the Elections Procedure Manual (which perhaps is why Recorder Fontes first sought to use legislative channels).

Recorder Fontes has stated that he opened additional emergency voting locations at the request of Maricopa County Supervisor Steve Gallardo, the Board of Supervisors’ lone Democrat.³⁷ Recorder Fontes did not ask for the input of other members of the Board regarding the decision to expand emergency voting.³⁸ The Recorder’s Office has not responded to the public records requests made pursuant to this Review regarding the Recorder’s decision to expand emergency voting locations, nor did the Recorder respond to the Review’s request to interview him on this topic.

This Review preliminarily concludes that it is plausible that Recorder Fontes expanded emergency voting -- in a manner inconsistent with the intent of state statutes -- to achieve what the legislature considered but refused to authorize: expanding early voting to the Saturday, Sunday, and Monday before Election Day Tuesday.

1B. Location of the Emergency Voting Centers

As noted above, Recorder Fontes chose to expand emergency voting to the following five locations:

- Avondale City Hall (11465 W. Civic Dr., Avondale)
- Indian Bend Wash Visitor Center (4201 N. Hayden Rd., Scottsdale)
- MCTEC - Elections Department (510 S. 3rd Ave., Phoenix)
- Mesa Recorder’s Office (222 E. Javelina, Mesa)
- Tolleson Park & Recreation Center (9555 W. Van Buren St., Tolleson)³⁹

The rationale behind the choice of these locations is unknown. The Recorder’s Office has not yet responded to the public document requests made on November 10 and December 17, 2018 regarding this topic. Nor has Recorder Fontes responded to this Review’s interview request on this topic.

³⁷ Jeremy Duda, AZ Mirror, *Republicans question Fontes decisions on emergency voting centers* (Nov. 15, 2018), available at <https://www.azmirror.com/2018/11/15/republicans-question-fontes-decisions-on-emergency-voting-center/> (“Fontes said he opened the center at the request of Steve Gallardo, the Board of Supervisors’ lone Democratic member, and Anna Tovar, the Democratic mayor of Tolleson.”).

³⁸ Communication with office County Supervisor Steve Chucri.

³⁹ Adrian Fontes (@RecorderFontes). (Nov. 3, 2018). Tweet, available at <https://twitter.com/RecorderFontes/status/1058765073764691968>.

Recorder Fontes has publicly stated that he opened the Tolleson location at the request of Supervisor Gallardo and Tolleson Mayor Anna Tovar.⁴⁰ The Recorder has also stated that, “If it was up to me and I had enough people available, we would’ve had all 40 of the vote centers open all weekend long.”⁴¹

What is known about the locations of the emergency voting locations is the partisan makeup of the five encompassing precincts:⁴²

- Avondale City Hall is in precinct 282. There, Republicans make up 16.39% of the registered voters and Democrats make up 42.29%. The Avondale City Hall location is in Legislative District 19, which is represented by two Democrats in the Arizona House of Representatives (Diego Espinoza and Lorenzo Sierra) and by Democratic Arizona state senator Lupe Contreras.
- The Indian Bend Wash precinct consists of 31.82% registered Republicans and 32.77% registered Democrats. It is in Legislative District 23, which is represented by three Republicans in the state legislature (John Kavanagh, Jay Lawrence, and Michelle Ugenti-Rita).
- The voting registration of the MCTEC Elections Department precinct is 13.27% Republican and 49.66% Democrat; MCTEC is located in Legislative District 27 which is represented by three Democrats (Reginald Bolding, Jr., Diego Rodriguez, and Rebecca Rios)
- The Mesa Recorder’s Office is located in precinct 381, which is 21.85% Republican and 36.42% Democrat. The Legislative District, 26, is represented by three Democrats (Isela Blanc, Athena Salman, and Juan Mendez).
- The Tolleson location is in precinct 670 and is 11.40% registered Republican and 54.67% registered Democrat voters. Legislative District 19 is represented by three Democrats (Diego Espinoza, Lorenzo Sierra, and Lupe Contreras).

All five locations are in precincts with more registered Democrats than Republicans; four of the five overwhelmingly favor Democrats. Given the partisan imbalance of these locations,

⁴⁰ Jeremy Duda, AZ Mirror, *Ugenti-Rita seeks new limits on early voting* (Jan. 17, 2019), available at <https://www.azmirror.com/2019/01/17/ugenti-rita-seeks-new-limits-on-early-voting/>.

⁴¹ Jeremy Duda, AZ Mirror, *Republicans question Fontes decisions on emergency voting centers* (Nov. 15, 2018), available at <https://www.azmirror.com/2018/11/15/republicans-question-fontes-decisions-on-emergency-voting-center-s/>.

⁴² Data compiled by Merissa Hamilton, last visited Jan. 21, 2018, available at <https://docs.google.com/spreadsheets/d/1mAAOhwET4GJW6RY6kBtuMPaG99muuiPnYUKbNlif3Gs/edit#gid=0>.

and given that the Recorder’s Office has not produced any documents or interview responses that offer a non-partisan reason for selecting the locations of the emergency voting centers, this Review preliminarily concludes that it is plausible that Recorder Fontes located these emergency voting centers in a partisan manner.

1C. Emergency Nature of the Emergency Voting Centers

Section 16-542(H) of the Arizona Revised Statutes defines “emergency” as “any unforeseen circumstances that would prevent the elector from voting at the polls.” No case law exists that provides considerable additional detail to this definition. Arizona Recorders from other, non-Maricopa counties have interpreted this statute to require different things of emergency voters. Pima County noted clearly on its website that voting in the three days before Election Day was meant for voters with emergencies only. Pima County also placed physical signs to this effect at the emergency voting locations, and employees of the Recorder’s Office were trained to ask voters if they were there for emergency voting purposes.⁴³ The Recorder’s Office of Yavapai County was not open during the weekend before Election Day. However, the Yavapai County Recorder’s Office sent bipartisan teams to voters in places like hospitals to people who had emergency incidents and could not vote on Election Day.⁴⁴

During Helen Purcell’s time as Recorder of Maricopa County, the County required emergency voters to sign an affidavit attesting to their emergency. According to Purcell, she even turned away U.S. Representative J.D. Hayworth when he tried to emergency vote on the weekend before Election Day owing to his need to be in Washington D.C. for Congressional duties on Election Day. Purcell told him that he easily could have foreseen this scheduling conflict and voted according to early voting procedures and that his reasoning did not constitute an emergency.⁴⁵ Purcell cited instances in which her Office allowed first responders to emergency vote before being deployed as examples of emergencies.⁴⁶

Neither the Maricopa County Recorder’s Office nor Recorder Fontes has responded to the public record requests and interview requests made pursuant to this Review on the topic of how the Recorder’s Office ensured that the voting on Saturday, November 3 and Monday, November 5 was limited to voters with emergencies. However, the Recorder did make multiple public statements regarding the purpose of the emergency voting centers and his obligation to verify the voter’s emergency:

⁴³ Interview with Recorder F. Ann Rodriguez, December 17, 2018.

⁴⁴ Interview with Recorder Leslie M. Hoffman, December 30, 2018.

⁴⁵ Interview with Helen Purcell, December 21, 2018.

⁴⁶ Interview with Helen Purcell, December 21, 2018.

- “The intent of the [emergency voting] law is to make sure people who want to vote can vote. All I’m trying to do is let people vote.”⁴⁷
- “It’s not my business what your emergency is . . . I’ve got HIPPA laws that prevent me from asking. You’ve got your privacy that I have to respect”⁴⁸
- “Still need to vote, but know you won’t be able to make it to the polls on Election Day? You can vote either Saturday and Monday at our Emergency Vote Centers.”⁴⁹
- “Voters can decide if their situation qualifies as an emergency.” (This tweet has since been deleted, but a screenshot image is included in this Review).⁵⁰

As a result of Recorder Fontes’s comments, *The Arizona Republic* wrote in an article titled “Early voting locations: Vote Monday if you can’t make it on Election Day” that “[t]hough the vote centers are dubbed ‘emergency,’ the Maricopa County Recorder’s Office doesn’t define emergency and will serve anyone who shows up and is registered to vote.”⁵¹ Another article for *The Arizona Republic* observed that “Phoenix resident Taiwah Vincent voted at the Maricopa County Tabulation and Elections Department in downtown Phoenix. She had already been downtown running errands, so it was convenient to drop by and vote.”⁵² And a *12 News* headline read: “Busy on Election Day? You can vote today at these emergency polling locations.”⁵³

The resulting impression that emergency voting centers were open to voters possibly unavailable on Election Day, but requiring no further proof or testimony of an emergency, is a significant departure from emergency voting process under Recorder Purcell. Additionally, it could be convincingly argued that this is an inappropriate departure from the meaning of emergency as codified in Arizona statutes and as intended by the enacting legislature. However, the statute defining emergency is broad, and neither the statute nor the 2014 Elections

⁴⁷ Todd Shepherd, *The Free Beacon*, *Maricopa Board Expressed Concern to Fontes Over ‘Emergency Voting’ Centers* (Nov. 12, 2018), available at <https://freebeacon.com/politics/maricopa-board-expressed-concern-fontes-emergency-voting-centers/>.

⁴⁸ *Id.*

⁴⁹ Adrian Fontes (@RecorderFontes). (Nov. 3, 2018). Tweet, available at <https://twitter.com/RecorderFontes/status/1058765073764691968>.

⁵⁰ Adrian Fontes (@RecorderFontes). (Oct. 30, 2018). Tweet, attached as Exhibit H.

⁵¹ Jessica Boehm, *Arizona Republic*, *Early voting locations: Vote Monday if you can't make it on Election Day* (Nov. 2, 2018), available at <https://www.azcentral.com/story/news/politics/elections/2018/11/02/arizona-elections-early-voting-location-s-vote-saturday-monday-maricopa-county/1863047002/>.

⁵² Bree Burkitt, *Arizona Republic*, *Arizonans head to early-voting locations ahead of Election Day* (Nov. 3, 2018), available at <https://www.azcentral.com/story/news/politics/elections/2018/11/03/arizona-voters-head-early-voting-locations-ahead-election-day/1878664002/>.

⁵³ Jen Wahl, *12 News Arizona*, *Busy on Election Day? You can vote today at these emergency polling locations* (Nov. 5, 2018), available at <https://www.12news.com/article/news/politics/elections/busy-on-election-day-you-can-vote-today-at-these-emergency-polling-locations/75-5cedc865-296e-4606-a97c-33531365edb5>.

Procedures Manual requires that Recorders take specific steps to ascertain the voter's emergency.

1D. Coordination with Sinema Campaign

The most serious allegation regarding the Recorder's Office and the emergency voting center is the allegation that the Recorder's Office coordinated the location and timing of the centers with the Kyrsten Sinema campaign for U.S. Senate. According to multiple people involved with campaigns in the November election, and public statements made from elected officials such as Republican John Kavanaugh,⁵⁴ the Sinema campaign arranged for a flyer-drop in the areas surrounding the emergency voting centers immediately prior to the opening of the centers.⁵⁵ Such a flyer-drop could suggest that the Sinema campaign knew about the location of the emergency voting centers prior to their public announcement. A former staff member of the Martha McSally campaign did not comment on the allegation that the Recorder's Office coordinated with the Sinema campaign, but did note that the McSally campaign was unaware of the expansion of emergency voting prior to the Recorder's public announcement.⁵⁶

This Review has made multiple public records requests relating to the allegation of coordination between the Recorder's Office and the Sinema campaign or affiliates of the Sinema campaign, and has sought interviews with the Recorder's Office to this end. At this preliminary point, this Review has no evidence to disprove or confirm the allegations regarding coordination between the Recorder Fontes and the Sinema campaign.

1E. The Effects of Emergency Voting and Policy Preferences

The Arizona Capitol Times, through its publication *The Yellow Sheet Report*, reported on November 19, 2018, that 2,788 votes had been cast at the emergency voting centers. As stated by the author of that publication, the margin of victory in the U.S. Senate race, the Secretary of State race, and the Superintendent race each exceeded the total number of votes cast at emergency voting centers. It is therefore almost certainly accurate to say that the presence of emergency voting centers did not change the results of any of those three elections.⁵⁷ However, the eventual impact of the emergency voting centers on the election has no bearing on the

⁵⁴ *Yellow Sheet Report*, November 21, 2018 ("About the President's Tweet").

⁵⁵ Based on multiple conversations with voters and with campaign staff. Also reported in places such as the November 14, 2018 *Yellow Sheet Report* ("My Dog At My Ballot?").

⁵⁶ Interview with McSally campaign staff member, December 20, 2018.

⁵⁷ Unless the number of votes counted at the emergency voting centers was misreported or the presence of the emergency voting centers somehow galvanized more Democrats to vote on Election Day, but the latter scenario especially seems highly unlikely.

appropriateness, lawfulness, or possible partisan motivation of their authorization and implementation.⁵⁸

⁵⁸ For example, Laurie Roberts argued in *The Arizona Republic* that the emergency voting centers were a positive tool that potentially allowed more people to vote. That may or may not be so, but their public policy merit plays no factor in this Review. See Laurie Roberts, Arizona Republic, *Why is the Arizona Republican Party in a tizzy over 2,788 voters?* (Nov. 26, 2018), available at <https://www.azcentral.com/story/opinion/op-ed/laurieroberts/2018/11/26/arizona-republican-party-emergency-voting-centers/2120353002/>.

2. Rehabilitation of Ballots

Another issue that drew considerable attention was the Recorder's decision to continue rehabilitating ballots after election night. Arizona law allows for early voting by mail, an option already utilized by a significant majority of Arizona voters, and one that is increasingly popular. According to Recorder Fontes, 81.44% of Maricopa County voters took advantage of some form of early voting in the November 2018 election.⁵⁹ Those voting by mail in the recent election had until October 31 to postmark their ballots.⁶⁰ If they missed that deadline, they could drop off their mail-in ballots at the in-person voting locations on Election Day, so long as those ballots were received by 7:00 p.m. on Election Day.⁶¹ Once "late early ballots" are received, the signature on the green envelope enclosing the ballot is compared with the voter's signature on file in order to confirm the voter's identity.⁶² This is done because early ballots do not require the voter to present identification.⁶³ In the event that the signature on the green envelope does not match the signature on file, the Recorder's Office will attempt to "cure" or "rehabilitate" the ballot by contacting the voter and verifying his or her identity.⁶⁴ The Recorder's Office reported receiving 168,000 late-early ballots on Election Day.⁶⁵

Prior to Recorder Fontes's time in office, Maricopa County stopped the curing/rehabilitation process at 7:00 pm on Election Night. This had the potential effect of excluding some late early ballots from being counted because if those ballots had mismatched signatures, the Recorder's Office might not have had enough time to cure the ballot received on Election Day prior to 7:00 p.m. that same day. According to Recorder Purcell, early voting is intended to in fact be *early*; voters have multiple weeks prior to the election to mail in their ballots. If voters choose to wait until Election Day to drop off the "early ballot" then the burden is on them to make sure their signature matches the signature on file.⁶⁶

Recorder Fontes departed from Recorder Purcell's tradition and instead chose to continue rehabilitating ballots after Election Day. This prompted a lawsuit from the Arizona Republican Party.⁶⁷ The Republican Party claimed that "[p]rinciples of equal protection cannot abide the

⁵⁹ Adrian Fontes (@RecorderFontes). (Nov. 25, 2018). Tweet, *available at* https://twitter.com/Adrian_Fontes/status/1066853780916858880.

⁶⁰ Adrian Fontes (@RecorderFontes). (Oct. 31, 2018). Tweet, *available at* <https://twitter.com/RecorderFontes/status/1057693528535396352>.

⁶¹ A.R.S. § 16-551(C).

⁶² A.R.S. § 16-550(A).

⁶³ A.R.S. § 16-579(A)(1).

⁶⁴ 2014 Arizona Election Procedures Manual at 166.

⁶⁵ *Yellow Sheet Report*, November 26, 2018 ("Fontes Stole The Election With 6,933 Cured Ballots").

⁶⁶ Interview with Helen Purcell, December 21, 2018.

⁶⁷ Bob Christie and Nicholas Riccardi, Fox 10, *Arizona GOP sues to limit mail-in ballots in US Senate race* (Nov. 8, 2018), *available at*

County Recorder Defendants' fashioning of *ad hoc* deadlines and variegated procedures for the disposition of facially deficient early ballots."⁶⁸ In other words, the Republican Party objected that votes continued to be cured in some counties -- such as Maricopa County -- while that process ended at 7:00 p.m. on Election Day in other counties. In doing so, the Party argued, the voting system treated votes unequally.

County Recorders are provided with limited direction regarding the curing of ballots under Section 16-550(A) of the Arizona Code and the 2014 Elections Procedures Manual. Page 166 of the Elections Procedures Manual states that "the County Recorder, if time permits, may attempt to contact the voter to ascertain whether the voter actually voted the early ballot and any reasons why the signatures may not match."⁶⁹ The language "if time permits" is vague and does not clearly mark a definite stop time for the curing process.

While a departure from the practices of Recorder Purcell, Recorder Fontes's decision to continue rehabilitating ballots after Election Day is not unique among county recorders. As noted by the Republican Party in the litigation addressing this issue, Coconino, Apache, Pinal, and Pima counties all continued rehabilitation for some period of time after Election Day.⁷⁰ One current county recorder remarked that the county recorders gathered prior to the November election to discuss the process of curing. That particular county recorder believed that the recorders had together reached an agreement to end curing at 7:00 p.m. on Election Night, but acknowledges that they did not receive the guidance or direction that some recorders sought regarding the issue from Secretary of State Michelle Reagan.⁷¹

When asked by reporters from the *Arizona Capitol Times* if he had conducted a legal analysis regarding his decision to continue curing ballots, Recorder Fontes declared that such information was privileged.⁷² This Review has asked for -- but not received -- similar documents regarding the Recorder's motivations for changing the process and his legal justification for doing so. Nonetheless, in continuing the curing process past Election Day, Recorder Fontes did not violate any statutory provision or the 2014 Elections Procedures Manual. Moreover, this decision eventually became moot as a result of the settlement agreement in the Arizona

<http://www.fox10phoenix.com/news/arizona-news/arizona-early-voting-could-delay-senate-outcome-to-next-week>.

⁶⁸ Republican Party Pre-Hearing Memorandum of Plaintiffs-Intervenors Arizona Republican Party and Public Integrity Alliance, attached as Exhibit I, at 6.

⁶⁹ 2014 Elections Procedures Manual at 166.

⁷⁰ Republican Party Pre-Hearing Memorandum of Plaintiffs-Intervenors Arizona Republican Party and Public Integrity Alliance, attached as Exhibit I, at 4.

⁷¹ Interview with county recorder.

⁷² *Yellow Sheet Report*, November 8, 2018 ("If You Can't Handle Questions, Stick To Facebook Live").

Republican Party lawsuit, which standardized the curing process across counties.⁷³ That settlement, however, does not standardize the curing process across counties for future elections.

Multiple recorders commented in interviews taken pursuant to this Review that the curing process could benefit from statutory clarification or from guidance from the Secretary of State's Office.⁷⁴ Additionally, as currently read, A.R.S. § 16-552(E) seems incompatible with an extended curing process. That section requires that early voting challenges must be completed no later than 5:00 p.m. on the Monday following Election Day, and it also requires that a period of notice be given to a voter with a challenged ballot.

It must also be noted that any curing decision likely had only a minimal impact on the election. The *Arizona Capitol Times* reported that of the “mail-in ballots that were counted after election day, 7,240 were flagged with questionable signatures, and the recorder's office validated 6,933 of them” -- ballots that Recorder Fontes acknowledges would not have been counted under Recorder Purcell.⁷⁵ This total -- 6,933 votes -- does not exceed the vote differential in any of the three close statewide races. Nonetheless, as stated in the context of emergency voting centers, the eventual impact of the Recorder's decision has no bearing on the appropriateness or the motivation of the decision.

⁷³ See Joseph Flaherty, Phoenix New Times, *GOP Ballot Lawsuit Settlement Brings Unintended Benefit for Rural Voters* (Nov. 9, 2018), available at <https://www.phoenixnewtimes.com/news/arizona-gop-election-lawsuit-unintended-benefit-rural-voters-11015562>.

⁷⁴ State Senator Michelle Ugenti-Rita has already introduced legislation addressing this topic.

⁷⁵ *Yellow Sheet Report*, November 26, 2018 (“Fontes Stole The Election With 6,933 Cured Ballots”).

3. Partisanship of Recorder Fontes

The election for Maricopa County Recorder is a partisan race that features candidates explicitly linked to political parties. Recorder Fontes won the 2016 election as a Democrat. He seemingly embraces many traditionally left-of-center causes such as raising the minimum wage⁷⁶ and expanding public transportation projects like light rail,⁷⁷ and he affiliates with politically left-of-center organizations such as the Arena’s candidate training program.⁷⁸ His partisan affiliation and statements about matters of public policy are, of course, permissible and perhaps even encouraged by the partisan nature of the election for County Recorder. However, this Review analyzes if Recorder Fontes behaved in a partisan manner that was implicitly or explicitly advantageous or detrimental to Arizona Democrats or Republicans.

3A. Implicit Partisanship

In the immediate aftermath of the closely-contested November election, multiple parties filed lawsuits challenging certain decisions made by the Recorder, such as the decision to open emergency voting centers or the decision to continue rehabilitating ballots. In response to lawsuits brought by the Republican Party and comments made by Republican Party Chairman Jonathan Lines, the Recorder responded with open hostility. Following the filing of one lawsuit by the Republican Party, Recorder Fontes tweeted “Bring it.”⁷⁹ Perhaps such comments are to be expected if one feels that one’s professional practices are being unfairly called into question through public lawsuit. Additionally, Recorder Fontes is reported to be somebody who freely shares his emotions, even previously going so far as to tell one critical *Democratic candidate* to “go F- yourself ... by the way, is your Mom also running your campaign? She seems to solve all your other problems.”⁸⁰ But the “Bring it” comment stands in contrast to the absence of a comments with regard to a suit filed by the left-of-center Arizona Advocacy Network which alleged that “[t]he polling sites in all 40 vote center locations and at least 9 regular polling places

⁷⁶ Adrian Fontes (@RecorderFontes). (Jan. 1, 2018). Tweet, available at https://twitter.com/Adrian_Fontes/status/1080136671230738432.

⁷⁷ Adrian Fontes (@RecorderFontes). (Dec. 11, 2018). Tweet, available at https://twitter.com/Adrian_Fontes/status/1072629330189148162.

⁷⁸ Adrian Fontes (@RecorderFontes). (Dec. 12, 2018). Tweet, available at https://twitter.com/Adrian_Fontes/status/1072895937020747776.

⁷⁹ Adrian Fontes (@RecorderFontes). (Nov. 7, 2018). Tweet, available at https://twitter.com/Adrian_Fontes/status/1060401730125410304.

⁸⁰ Rebekah L. Sanders, Arizona Republic, *Maricopa County elections boss tells voter criticizing mail-in ballot to 'go F- yourself'* (Oct. 31, 2017), available at <https://www.azcentral.com/story/news/local/phoenix/2017/10/31/county-elections-boss-adrian-fontes-tells-fellow-dem-go-f-yourself/815775001/>; ADI News Service, *Fontes Tells Maricopa County Voter, Candidate 'Go F-Yourself'* (Nov. 1, 2017), available at <https://arizonadailyindependent.com/2017/11/01/fontes-tells-maricopa-county-voter-candidate-go-f-yourself/>.

failed to open at 6:00 a.m.,” and the lawsuit filed by the Arizona Democratic Party demanding that Recorder Fontes “turn over public records relating to conditional provisional ballots, out-of-precinct ballots, and ballots not counted.”⁸¹

Recorder Fontes persisted in making negative comments and insinuations about the Republican Party and Chairman Jonathan Lines in the weeks following the election: “I’m concerned that some folks just don’t want Maricopa County voters to vote, and they don’t want us to help voters get their voices heard. That’s what bothers me.”⁸² And “Mr. Lines and his hyperbole are bad for our democracy.” He also stated that the Chairman’s effort to investigate the election process through this Review was “nonsense” and “childish,” and that he would not participate in the Review.⁸³

Perhaps these comments regarding the Republican Party and Chairman Lines are well-founded, perhaps they are not. That likely depends on a personal, partisan point of view. However, these comments have caused some Republican voters to reasonably question whether Recorder Fontes is a neutral arbiter of the election tabulation process, or one who lets his obvious disdain for the Republican Party influence his actions as Recorder.

This narrative is further supported by the disparate treatment of Republican County Supervisor Steve Chucuri and Democrat County Supervisor Steve Gallardo in the context of the emergency voting centers. As previously noted, Democrat Gallardo purportedly requested that Recorder Fontes open an emergency voting center in Tolleson so as to better assist the voters in Gallardo’s district. Recorder Fontes complied and worked with Supervisor Gallardo to expand emergency voting. By contrast, Republican Supervisor Chucuri said he was not consulted about the locations of the emergency voting centers, and he was not even informed of the expansion of the emergency voting centers prior to their public announcement.⁸⁴ Additionally, in an email to Recorder Fontes dated Monday, November 5 (the day before Election Day), Supervisor Chucuri told Recorder Fontes that “[d]ue to recent inquiries, I am formally asking you to place aside all ballots cast at emergency voting sites after early voting ended on Friday, November 2, 2018, until your legal authority to open emergency sites has been clarified.”⁸⁵ Chucuri claims that he received no response from Recorder Fontes on this topic. This Review has sought an interview with Recorder Fontes regarding this interplay, but Recorder Fontes has not responded. As it

⁸¹ *Yellow Sheet Report*, November 9, 2018 (“If Both Sides Sue, Are You Doing Something Right?”).

⁸² Jeremy Duda, AZ Mirror, *Arizona GOP threatens legal action over emergency voting, early ballot verification* (Nov. 6, 2018), available at <https://www.azmirror.com/2018/11/06/arizona-gop-threatens-legal-action-over-emergency-voting-early-ballot-verification/>.

⁸³ *Yellow Sheet Report*, November 15, 2018 (“Fontes Ain’t Got Time For That”).

⁸⁴ Conversation with Supervisor Steve Chucuri.

⁸⁵ Email from Steve Chucuri to Adrian Fontes, November 5, 2018, attached as Exhibit J.

stands, this juxtaposition of treatment between Democrat Supervisor Gallardo and Republican Supervisor Chucuri on the topic of emergency voting centers would, again, allow an observer to plausibly suspect that Recorder Fontes is not a neutral arbiter of the voting process.

3.B. Explicit Partisanship

During the interview process of this Review, multiple credible sources alleged that Recorder Fontes behaved in an inappropriately partisan behavior to the advantage of certain candidates or political entities. However, this Review cannot confirm or deny these allegations -- or comment on their likelihood -- without documents from the Recorder's Office and interviews with the Office. The allegations of partisanship put forward by credible sources are as follows:

- That, as described above, Recorder Fontes coordinated with Democrat Kyrsten Sinema's campaign by privately disclosing the timing and location of the emergency voting centers without offering the same information to Republican Martha McSally's campaign;
- That Recorder Fontes sent instructive and helpful private text messages to attorney Roopali Desai and/or other members of the law firm Coppersmith Brockelman PLC, counsel for the Arizona Democratic Party, regarding the fact that they would need to sue his office to obtain certain information regarding voter records, but that Recorder Fontes did not provide the same information to the attorneys representing the Martha McSally campaign or the Arizona Republican Party;
- That Recorder Fontes helped place people with the campaign firm Zero Week Solutions, which assisted the Arizona Democratic Party.

These allegations reveal the absence of a code of conduct for the Recorder. As such, even if certain allegations of explicit partisanship were demonstrated to be true (particularly the third bullet point), it is uncertain if they would merit some form of censure.

4A. Fraud and Voting Irregularities

Allegations of fraud in the 2018 Arizona elections reached the highest levels of American politics, with even the President of the United States claiming fraud and questioning the need for a new election.⁸⁶ This Review evaluated individual reports of fraud or voting irregularities. The most consistent and most credible of these reports took the form of voters who reported that the ballots they received on Election Day had been pre-marked with Democratic candidates. The signed declaration of voter Ted Butler is illustrative. Butler was among the first to vote at approximately 6:00 a.m. at Gloria Dei Church. The ballot he received “had been pre-marked to select Democrat candidate Kyrsten Sinema for office of United States Senator and Democrat candidate Greg Stanton for the office of United States Representative for the Ninth District of Arizona.”⁸⁷ Butler conveyed this information to election officials, as did other voters who allegedly received pre-marked ballots.⁸⁸ This Review has requested documents and interviews to ascertain if the Recorder’s Office investigated such claims and if it received an equal number of complaints regarding ballots pre-marked with Republican candidates as it did ballots pre-marked with Democrats.

Also concerning are allegations made of ballot harvesting and allegations of efforts being made to find ballots in the trash and vote the ballot. The declaration of Allie McCann is representative. McCann alleges that two individuals purportedly from a group called “Arizona Wins” asked McCann if she “would be interested in helping ... Democrat candidates ... [by] rummag[ing] through dumpsters to find discarded unvoted early ballots” and then mark those ballots and mail them.⁸⁹ This Review hopes that these issues, and the issue of pre-printed ballots, are investigated by the Recorder’s Office so as to forestall future incidents. However, at this time, this Review has no evidence that links these particularized instances of fraud and/or voting irregularities to a widespread, preconcerted plan by the Recorder or anyone within the Recorder’s Office.

⁸⁶ Yvonne Wingett Sanchez, Arizona Republic, Trump joins GOP claims of Arizona election tampering as Sinema’s lead over McSally holds (Nov. 9, 2018), *available at* <https://www.azcentral.com/story/news/politics/elections/2018/11/09/donald-trump-accuse-arizona-election-corruption-tweet-sinema-mcsally/1946293002/>.

⁸⁷ Declaration of Ted Butler attached as Exhibit K.

⁸⁸ Obtained through public records request from Secretary of State’s Office, attached as Exhibit L.

⁸⁹ Declaration of Allie McCann attached as Exhibit M.

About the Process of This Review

Arizona Republican Party Chairman Jonathan Lines authorized this Review on November 15, 2018. In the weeks following that announcement, the author of this Review conducted in-person or telephone interviews with 37 individuals for background information, to ask about particular information, and to learn about individual Election Day experiences. These interviews included conversations with:

- Elected members of the Arizona state legislature
- Elected supervisors on the Maricopa County Board of Supervisors
- Officials in Michelle Reagan's Secretary of State Office
- County Recorders of other counties
- Former Maricopa County Recorder Helen Purcell
- Staff members of the Arizona state legislature
- Staff members of the Maricopa County Board of Supervisors
- Election law attorneys familiar with the November 2018 election
- Campaign staff involved in the November 2018 election
- Election Day poll monitors, inspectors, and observers
- Voters

Recorder Fontes has not accepted a request for an interview.

In addition to the above interviews, this Review made a public website available whereby people with information could anonymously submit information to an email account. This Review received 27 submissions to that email account.

This Review also submitted multiple public records requests: three to the Maricopa County Recorder's Office, one to the Arizona Secretary of State's Office, one to the Arizona House of Representatives, and one to the Arizona Senate. Those requests and the resulting documents are attached as exhibits.

About the Partisan Nature of This Review

Although this Review was commissioned by a partisan entity (The Arizona Republican Party) and conducted by a registered Republican (Stephen Richer), this report is intended to be grounded in the available evidence, and the conclusions are intended to be measured assessments of the available evidence.

About the Author of the Review

Stephen Richer is an attorney in the downtown Phoenix office of an international law firm headquartered in Washington, DC. However, Stephen conducted this report as an independent volunteer for the Arizona Republican Party, and not as a member of his firm. Stephen received no compensation for the time he spent on this report from the Arizona Republican Party, nor from any other entity. Nor did he receive any pro bono credit from his firm for the time he spent on the report.

Stephen is a registered Republican and was previously a Republican precinct committeeman. Stephen donated to over 25 Republican candidates in 2018 and led a volunteer coalition for Martha McSally's candidacy for U.S. Senate.⁹⁰ However, as noted above, this report is intended to be rooted in available evidence, not partisan dissatisfaction.

Kory Langhofer and Thomas Basile of Statecraft Law, counsel for the Arizona Republican Party, advised on background for this Review. Kathleen Amundson, Merissa Hamilton, and Ryan Regula provided volunteer research assistance.

⁹⁰ As astutely noted by Jeremy Duda, AZ Mirror, *Arizona GOP chairman makes false allegations against Fontes* (Nov. 21, 2018), available at <https://www.azmirror.com/blog/arizona-gop-chairman-makes-false-allegations-against-fontes/>.

EXHIBITS

- A. Maricopa County Internal Audit Department Interim Report
- B. Berry Dunn Report of Observations and Recommendations
- C. November 10, 2018 public records request to Recorder's Office
- D. December 17, 2018 public records request to Recorder's Office
- E. January 1, 2019 public records request to Recorder's Office
- F. Requests for interview sent to Recorder Fontes
- G. Documents produced by Arizona Senate in response to public records request
- H. October 30, 2018 Tweet by Adrian Fontes
- I. Republican Party Pre-Hearing Memorandum of Plaintiffs-Intervenors Arizona Republican Party and Public Integrity Alliance
- J. Email from Supervisor Steve Chucri to Recorder Fontes on November 15, 2018
- K. Declaration of Ted Butler
- L. Documents produced by Secretary of State's Office in response to public records request
- M. Declaration of Allie McCann

EXHIBIT A

(Maricopa County Internal Audit Department Interim Report)



Maricopa County

Internal Audit Department
301 West Jefferson, Suite 660
Phoenix, AZ 85003-2143

Phone: 602-506-1585
Fax: 602-506-8957
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Interim Report

September 21, 2018

Maricopa County Board of Supervisors
301 W. Jefferson Street, 10th Floor
Phoenix, AZ 85003

Board of Supervisors:

At your request, the Maricopa County Internal Audit Department (Internal Audit) is conducting a review of Election Day activities overseen by the Maricopa County Recorder's Office (Recorder's Office). In light of recent events surrounding the primary election on August 28, 2018, we are reviewing key issues relating to the primary election that may significantly impact the November 6, 2018 general election.

The purpose of this interim report is to provide information and recommendations early enough for key corrective actions to be implemented for the general election. Our focus is to identify preliminary issues related to polling locations that opened late during the primary election and make meaningful recommendations. In addition, we are determining if proper contingency plans are in place to address unanticipated problems that may arise. This report does not address all issues related to the primary election. However, as this engagement continues, additional issues may be included in our scope of work.

This report does not provide information related to the Recorder's Office use of an outside contractor to set up voter check-in systems at voting locations. We are still in the process of reviewing information related to these services. Once we have completed our review, we will provide any recommendations needed to affect positive change for the upcoming general election.

The results contained in this report are based on conditions in effect at the time of our work. We did not perform an audit, which would include detailed testing. Our review is limited and may not detect all deficiencies, errors, and irregularities that may exist. The Recorder's Office is responsible for establishing and maintaining an effective system of internal controls and procedures to provide reasonable assurance that all relevant laws and policies are followed.

Attached are the preliminary issues identified, related recommendations, and responses provided by the Recorder's Office on September 20, 2018. This report is intended for the information of the party listed above. However, this report is a public record and its distribution is not limited.

Please let me know if you have any questions.

Sincerely,

Michael McGee

Michael McGee
Maricopa County Auditor

BACKGROUND

The Recorder's Office provides document recording and voter registration services required by statute. Pursuant to a charter originally promulgated in 1955 with the Board of Supervisors (BOS), the Recorder's Office also provides elections services. We will refer to the Recorder's Office throughout this report when discussing election services.

The Recorder's Office was responsible for implementing the Maricopa County Board Approved Primary and General Election Plan which called for 503 sites where registered voters could cast their votes on Election Day. The locations included:

- **40 vote centers** strategically placed throughout the County that allowed any Maricopa County registered voter to cast a provisional ballot. The provisional ballot could be counted, even though it was cast out of precinct, because the vote centers were equipped with systems and printers that would verify voter information and print a ballot specific to the voter's assigned precinct.
- **463 polling locations** with assigned precincts that allowed registered voters assigned to those precincts to vote.

Vote centers and polling locations are staffed with poll workers, including **inspectors** (responsible for overseeing operations at one polling locations) and **troubleshooters** (assigned to 6-8 locations, providing assistance and guidance).

During the primary election, the Recorder's Office used an electronic voter check-in and ballot printing system that was implemented in the November 2017 jurisdictional election and the February 2018 special election in the 8th Congressional District. The system includes electronic **SiteBooks** to enable voter check-in and ballot printers to produce the required ballot for each voter. The system was implemented in order to (1) decrease the time required to vote in-person, reducing lines at polling places, (2) provide locations where registered voters from any precinct may vote, and (3) reduce the number of uncounted provisional ballots due to ballots cast at the wrong location.

SiteBooks were used at the 40 vote centers and the 463 polling locations in order to electronically check-in voters and verify they had not already voted by mail or at a vote center. During the primary election, some voters were not able to vote at their designated polling locations because some locations did not open on time. The SiteBook setup process described in this report is a key factor that contributed to the late opening of polling locations.

The current plan for the general election is to use a similar number of polling locations and vote centers. There were approximately 100,000 voters that cast an in-person ballot during the primary election. The Recorder's Office projects that there will be over 240,000 in-person ballots cast during the general election. As identified in this interim report, this projected increase in turnout creates a need for the Recorder's Office to develop procedures that address contingencies, setup, resource planning, and project management.

CONTINGENCY PLANNING

Preliminary Issue: The Recorder's Office asserted that 62 voting locations out of 503 were not operational at 6:00am on primary Election Day but were fully operational by 11:33am. The Recorder's Office also asserts that SiteBooks were not operational at these sites and that vote centers served as a contingency for some voters to cast a ballot. We have not yet validated the assertions of times and places.

There was no plan to provide onsite voting options which created inconveniences for voters, among other issues. In addition, we noted that vote centers were not included in the disaster recovery plan for

elections services and not presented to the Board of Supervisors as part of a contingency plan. While troubleshooters and inspectors may have received some training related to the vote centers, many poll workers did not.

Recommendation: Implement training and procedures that provide options for voters to remain onsite and vote if equipment is not operational, in addition to providing vote centers. Enhance training and procedures to provide voters with handouts showing the locations of all 40 vote centers, and describing the differences between using a vote center and voting at their designated polling location.

Recorder's Office Response: The assertion that "...the vote centers were not included in the ...plan...and not presented to the Board of Supervisors..." is not completely correct, as evidenced by the fact that training materials and instructions specifically indicated the availability of vote centers for emergencies. Had these contingencies not been part of the plan, they would not have been included in the training. Additionally, had the vote center model not been available as a part of the contingency, we could not have handled the record turnout the Elections Department did. The plan worked.

Preliminary Issue: Individual polling locations may experience longer lines as a result of higher turnout during the general election. During the primary election, there were no procedures in place to sufficiently monitor voter traffic and to redeploy voting equipment and staffing resources from low-traffic voting locations to higher-traffic locations. The Recorder's Office maintains a reserve of SiteBooks and other equipment that can be deployed, however, these resources may not be sufficient considering the projected turnout for the general election.

Recommendation: Implement procedures to measure line wait times and voter check-in activity at individual voting locations throughout the day and quickly redeploy resources as needed.

Recorder's Office Response: The issue that "...there were no procedures in place to sufficiently monitor voter traffic and to redeploy voting equipment and staffing resources..." is false. Pollworkers were calling into the evening, as instructed in their training, to contact Troubleshooters or Headquarters where long lines were occurring. Additional staff and equipment were immediately deployed to the only two locations in the County with long lines. Importantly, under previous systems, the number of voters standing in these lines would have taken several hours to check-in. These lines moved quickly due to the speed of the new SiteBook check-in system.

SCHEDULING AND LOCATION SETUP

Preliminary Issue: The setup process at voting locations includes coordinating schedules, gaining facility access, and setting up equipment. During the primary election a troubleshooter, inspector, and contracted technician were required to be present in order to set up SiteBook equipment. If one person fell behind, all other routes could be impacted. Only contracted technicians were authorized and trained to set up SiteBook equipment. There was no backup plan in place for setting up the equipment if a technician did not show up at the scheduled time. In addition, if SiteBooks malfunctioned after setup, poll workers could not diagnose the problem or address minor issues since troubleshooters and inspectors were not trained to setup SiteBooks.

Note - The issue above is one of the key issues that contributed to the delays in opening voting locations.

Recommendation: As a backup plan, provide each troubleshooter, inspector, and technician with the training and authority to set up SiteBooks and diagnose setup issues on their own.

Recorder's Office Response: In reference to...“There was no back-up plan in place to set up the equipment if a technician did not show up at the scheduled time.” The fact that the technician's company guaranteed performance on a contract, then confirmed sufficient technicians in writing, then did not perform, should not be considered as a particular fault of the Elections Department, but that of the contractor who did not perform on the guarantee.

Preliminary Issue: During the setup of SiteBook equipment for the primary election, there was not an effective way for the Recorder's Office to determine which locations had operational SiteBooks. Therefore, the status could not be quickly ascertained and resources deployed if technical help was needed.

Recommendation: Develop and review real-time system reports showing SiteBook connectivity and other critical activities during the setup process and throughout the election.

Recorder's Office Response: In reference to...“During setup of SiteBook equipment for the primary election, there was not an effective way for the Recorder's Office to determine which locations were set up with operational SiteBooks.” The Elections Department relied on a “reactive” model requiring pollworkers to call in with issues. A shift to a “proactive” system of reporting includes a new dashboard system for monitoring equipment functionality will directly address this concern. The dashboard is well into design and creation phase, and should be ready for testing and implementation prior to Election Day.

STAFFING, RECRUITMENT, AND TRAINING FOR THE GENERAL ELECTION

Preliminary Issue: The Recorder's Office does not plan to rehire the contractor used during the primary election for SiteBook setup and related technical expertise. Staffing resources to replace these services have not been recruited. In addition, projected higher turnout for the general election may create a need for additional poll workers and ancillary services. The Recorder's Office asserts that a staffing plan is currently under development.

Recommendation: Finalize a staffing plan that identifies all resources needed to provide the adequate services and technical expertise for the general election. Contact existing poll workers to secure commitments for the general election. Identify staffing and training gaps for all categories of election-day workers. Analyze the need for having a contingency reserve of poll workers in the event that some do not show up. Develop and execute a strategy to recruit and train all needed staffing resources as identified during the gap analysis.

Recorder's Office Response: In reference to...“Staffing resources to replace these [contractor] services have not been recruited.” The Election Department will train and rely on Troubleshooters and Pollworkers to set up and connect equipment. The Department is actively hiring additional staff to assist with technical matters in this effort. Additionally, the Department has made a request to the County Manager for 100 extra County staff members to be designated to assist with set up.

PROJECT MANAGEMENT

Potential Issue: Leading up to the primary election, there was not a project leader responsible for coordinating election setup activities internally between employees and externally with a contractor for outside services. Based on our preliminary review, there were logistical and communication issues, with a lack of accountability. Prior to our review, the Recorder's Office had recognized this issue and designated a person to serve as the project leader for the general election.

Recommendation: Ensure that this new project leader has the resources, support, and ability to successfully plan and execute the general election activities, while mitigating potential pitfalls. This includes ensuring collaborative communications and coordination of efforts between all persons involved to facilitate a successful election day.

Recorder's Office Response: None.

FACILITIES AND EQUIPMENT

Preliminary Issue: The Recorder's Office plans to use the same facilities and equipment for the general election as was used during the primary election. A comparison of turnout at primary election locations to general election projections has not yet been completed to assess any additional facility and equipment needs. The Recorder's Office asserts that reach out efforts have been started to shore up commitments and address spacing needs at some facilities. However, a complete analysis of predicted voter traffic at all facilities has not been completed.

Recommendation: Compare voter turnout at all primary election locations to general election projections to determine if the facilities and equipment meet the needs for the general election. Contact existing voting facilities to secure commitments. Secure additional facilities as needed.

Recorder's Office Response: In reference to...“A comparison of turnout at primary election locations to general election projections has not yet been completed to assess any additional facility and equipment needs.” This is wrong. For example, as discussed with the auditors on 9/19, both the Century and Burton Barr branches of the Phoenix Public Libraries have been identified as locations where better access and more space will be necessary. The Elections Department has contacted all voting facilities, and is working with each to address issues and improve access if necessary on a case by case basis.

RECORDER'S OFFICE COMMENTS

The Maricopa County Recorder's Office and Elections Department does not concur with the internal audit as submitted for the specific reasons listed above. However, as has already been shared with the audit team, every recommendation item indicated in this audit has been previously identified, and is being actively addressed for the November election.

Additionally, in general terms, the audit misstates or misunderstands several critical assertions in its “Preliminary Issues” sections.

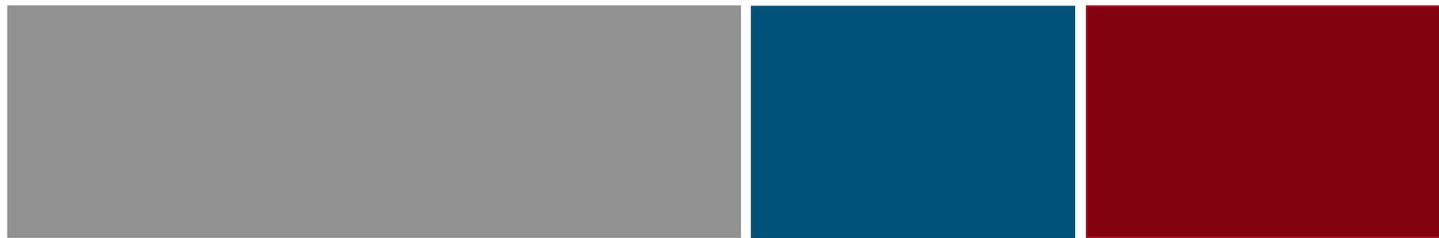
INTERNAL AUDIT COMMENTS

We appreciate the cooperation we've received from the Recorder's Office throughout this process and look forward to a continued positive relationship as our work continues. While the Recorder's Office may disagree with some of our preliminary issues, we are pleased that its leadership has agreed to implement the recommendations.

We welcome the recent addition of an external firm to provide an expert, outside perspective of the election processes in an effort to provide additional value-added recommendations for the upcoming general election.

EXHIBIT B

(Berry Dunn Report of Observations and Recommendations)



Maricopa County

Recorder's Office – Election Day Processes and Related
Issues



Report of Observations and Recommendations

November 2, 2018

Prepared for:

Maricopa County Internal Audit Department
301 W Jefferson, Suite 660
Phoenix, AZ 85003

Maricopa County

Recorder’s Office – Election Day Processes and Related Issues

Report of Observations and Recommendations

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1. EXECUTIVE SUMMARY

The experience of Maricopa County (the County), Arizona, in the Primary Election held on August 28, 2018, led to County Board of Supervisors' (Board's) concerns about the successful execution of the General Election to be held on November 6, 2018. Those concerns led the Board to direct the County Internal Audit Department (IAD) to conduct an assessment of election planning and Election Day activities, and to engage an external consultant to provide consulting services to follow up on, and supplement, that assessment.

Berry Dunn McNeil & Parker, LLC (BerryDunn or the Firm) was engaged to provide the requested consulting services related to County Recorder's Office (Office) processes for planning and executing the Election Day activities for the Primary Election, and to provide recommendations for future elections. These consulting services do not constitute an audit, examination, or attestation of any type. The scope of services for this engagement included an assessment of the Office's progress on recommendations made by IAD in its Interim Report dated September 21, 2018. Subsequent clarification of the scope highlighted the forward-looking nature of services to be performed, including an emphasis on recommendations that could be effectively implemented before the General Election, as well as any direct assistance BerryDunn could provide to support those recommendations. By far, the most prominent environmental factor in defining the scope and schedule of the project, as well as the nature of recommendations and timing of their communication, was time constraint. BerryDunn was engaged on September 20, 2018, and the immovable date of the General Election is November 6, 2018.

BerryDunn's approach to conducting this engagement included: participating in a knowledge transfer with IAD, obtaining documentation from the Office, directly observing activities of and interviewing Office staff, and attending internal meetings of the Office. BerryDunn communicated observations and recommendations to IAD and the Office throughout the engagement; this report summarizes these items previously communicated, and describes the project itself. This report reflects information received through the original response deadline of October 26, 2018. Information received between October 27, 2018 and October 30, 2018 was noted in the relevant sections of the report.

BerryDunn's observations and recommendations are grouped into the following categories: staffing and training, technology management, and project management. The observations reflect a theme of significant effort by the Office to address problems experienced during the Primary Election, and the recommendations reflect an absence of systematized management tools, processes, and communication to ensure the implementation of planned solutions. The recommendations need to be read in their entirety to convey the actions necessary for optimal short-term results. However, BerryDunn identified the compilation of a staffing analysis—which would identify recruiting and training requirements, the current roster of filled positions, and the resulting gaps—as an absolutely critical component of a project-wide staffing plan that should be completed, continually updated and monitored, and properly communicated as soon as possible. Additionally, BerryDunn believes that the Office management team should conduct

structured tabletop sessions to clarify roles, responsibilities, and actions to be taken in the event of various scenarios; these sessions may significantly reduce the risk of insufficient response to adverse events on Election Day.

BerryDunn's recommendations include items the Firm believes could be addressed prior to the General Election, and have been communicated to the Office during the course of this engagement, prior to the date of this report. (BerryDunn's short-term recommendations are included in Section 8 – Observations and Recommendations.) BerryDunn has also included recommendations that could not realistically be implemented in the short timeframe between the point when the Firm identified the potential improvement and the General Election. (These recommendations are included in Section 9 – Future Election Recommendations for Improvement.) The recommendations in Section 9 reflect both potential improvements in project management for areas BerryDunn specifically observed, as well as best practices for areas the Firm did not have the opportunity to observe due to constraints on time or availability of Office staff.

Certain short-term recommendations that BerryDunn verbally communicated appear to have been implemented during the course of this assessment; therefore, these recommendations are not necessarily highlighted in this report.

2. PROJECT BACKGROUND

The County engaged BerryDunn to conduct an assessment of the Office's processes for planning and executing Election Day activities. The objective of the assessment was to support the Office in achieving its mission to provide access to the electoral process for citizens, jurisdictions, candidates, the legislature, and special interest groups. The scope included consideration of the efficiency and effectiveness of the Office's election activities. The areas of focus included:

- **Readiness planning/project management**
- **Staffing plans and training**
- **Election Day setup**
- **Contingency planning**

During Phase 1 of the project, BerryDunn conducted initial project planning activities, as well as reviewed and finalized the Project Work Plan and Schedule. BerryDunn also reviewed existing County documentation, conducted interviews and work sessions with the project manager and IAD stakeholders, and provided weekly status updates to IAD.

In Phase 2, BerryDunn conducted an on-site kickoff meeting and various forms of fact-finding activities, including document reviews, interviews, and walkthroughs. As a result of the Firm's fact-finding activities, BerryDunn discussed with the Office preliminary observations and opportunities for improvement.

In the final phase, Phase 3, BerryDunn submitted a draft Report of Observations and Recommendations (the Report) that included the Firm's assessment, supported by its observations, fact-finding interviews, and document reviews. The recommendation sections included short-term solutions to improve the operation of the General Election on November 6, 2018, and long-term solutions to improve the operation of future elections, when applicable. BerryDunn conducted a walkthrough of the draft report prior to submission of this final Report.

3. SCOPE

The scope of work was clarified as described below and communicated to the Office:

- Assess the process of planning Election Day activities, including staffing and recruitment, project management, training, communications, scheduling, location setup, equipment readiness, facility and warehouse logistics, and other election readiness activities as identified during the assessment
- Assess the process of executing Election Day activities, including opening of vote locations, line management, and staff management that occur prior to October 30
- Assess contingency procedures related to unexpected problems encountered during setup and Election Day activities
- Assess any other activities deemed critical to executing a successful election
- Due to time constraints and a desire for corrective actions prior to the General Election on November 6, 2018, provide interim recommendations and briefings as requested
- Assess whether previous recommendations for improvement, as described in the County Auditor's Interim Report dated September 21, 2018, are adequately implemented
- Perform other activities, such as attending meetings, and provide deliverables as requested
- Adhere to any administrative requirements as is customary for this type of engagement

4. APPROACH

BerryDunn prioritized the areas to be assessed based on imminent risk to the processes supporting the upcoming General Election on November 6, 2018. BerryDunn's objective was to assist the Office in mitigating risks to a successful General Election by reviewing and assessing opportunities for improvement from previous elections, and assessing planning and execution of Election Day activities.

BerryDunn's planned approach included:

- Assisting with project management activities throughout the project
- Assessing mitigation effort of previously identified issues
- Leveraging elections expertise
- Analyzing project documents received from the Office
- Reviewing prior elections to assess project risks and issues
- Assessing project resource staffing and assignments
- Assessing project milestones and scheduling
- Assessing the project work plan
- Interviewing and observing project manager and project leads
- Communicating recommendations as developed during the engagement to allow for implementation in time to benefit Election Day processes for the upcoming General Election

5. ASSUMPTIONS AND CONSTRAINTS

An assumption is anything that is believed to be true but that has not been verified. Assumptions can relate to something in the present or in the future, and are beyond the control of a project. Assumptions are therefore a source of potential project risk. BerryDunn made the following assumptions related to this assessment:

- Information conveyed in meetings and interviews is accurate to the best of the knowledge of the individual conveying that information
- Information conveyed in received documents is accurate
- Office staff intend to implement plans of action as described to BerryDunn

A constraint is a factor that imposes a limitation on a project; for example, limits on time, schedule, resources, or scope. BerryDunn encountered the following constraints related to this assessment:

- Limited time to complete assessment before the General Election (November 6, 2018)
- Limited scope due to compressed project timeline
- BerryDunn had originally planned on more participation by a team member with project management expertise and elections process experience

The limitations on the project imposed by the compressed timeline and loss of access to the Office by a team member, as noted above, resulted in greater emphasis on assessment of, rather than assistance with, project management activities.

6. WORK PERFORMED

BerryDunn performed a variety of fact-finding activities in order to obtain insight and gather information necessary to perform an assessment of processes for planning and executing Election Day activities. These fact-finding activities included knowledge transfer sessions with IAD, interviews with Office staff, observations of Office management meetings, and observations of Office training activities. Table 6.1 describes meetings BerryDunn attended as part of fact-finding activities.

Table 6.1: Fact-Finding Meetings

Meeting Title	Date
Knowledge Transfer Work Session With IAD	September 26, 2018
Knowledge Transfer Work Session With IAD	September 27, 2018
Kickoff Meeting With the Office	October 1, 2018
The Office's Warehouse Walkthrough	October 1, 2018
Interview With the Chief Deputy	October 1, 2018
Chiefs of Staff Meeting	October 3, 2018
Interview With the Elections Policy Officer	October 5, 2018
Interview With the Personal Computer (PC)/Local Area Network (LAN) Technician Senior/Lead	October 9, 2018
Interview With the Chief Deputy	October 10, 2018
The Office's Weekly Management Meeting	October 10, 2018
Interview With the Application Development Manager	October 11, 2018
The Office's Weekly Management Meeting	October 17, 2018
Board Worker Training	October 18, 2018
Preliminary Observations and Recommendations Meeting	October 19, 2018
Weekly Office Meeting	October 19, 2018
Meeting With the Chief Deputy	October 23, 2018
Dashboard Demonstration	October 26, 2018
Meeting With the Chief Deputy and the Assistant Director of Election Services	October 29, 2018

In addition to meetings and interviews, BerryDunn requested and reviewed documentation related to the planning and execution of Election Day activities. BerryDunn requested documentation from the Office related to staffing and training, technology management, and project management. BerryDunn also completed an online training course and attended an in-person training session for board workers. Table 6.2, on the following page, describes documents requested from the Office and indicates whether the Firm received the document.

Additionally, BerryDunn reviewed background documentation provided by IAD, including supporting documentation for the County Auditor’s Interim Report. (This documentation is not included in Table 6.2.)

Table 6.2: Documentation Requested and Status

Requested Item	Status	Document(s) Received
Staffing and recruiting spreadsheets, along with any related staffing plans	Provided	<ul style="list-style-type: none"> • Board Worker Recruitment Report Screenshot • Elections Worker Spreadsheet • IT Troubleshooter Spreadsheet • Monday Setup Tech Spreadsheet • County Employee Spreadsheet • Troubleshooter Spreadsheet • Staffing plan for 2018 General Election
Schedule of all completed and future election worker trainings	Provided	<ul style="list-style-type: none"> • Training Calendar for Board Workers • Training Schedule for Information Technology (IT) Troubleshooters on Eventbrite Website • Training Schedule for IT Setup Employees on Eventbrite • Central Board Worker Schedule on Eventbrite
List of all routes with schedules for workers responsible for setting up SiteBooks at polling locations	Partially provided – specific assignments will not be started to be scheduled until October 29, 2018; expected to be completed November 1, 2018	<ul style="list-style-type: none"> • Troubleshooter Routes
Copy of contingency and escalation procedures, along with a description of how election workers will be trained on, and have access to, these procedures	Provided	<ul style="list-style-type: none"> • Draft of Emergency SiteBooks Procedures • Emergency Packet Procedures

Requested Item	Status	Document(s) Received
Copy of any handouts that election workers will provide to voters for alternative voting options if the voting equipment is not operational, or if a voter is in the wrong “assigned polling place”	Provided	<ul style="list-style-type: none"> • General Vote Center – Election Day Flyer
Voter turnout at each voting location during the Primary Election and any analysis of projected turnout for each location during the General Election	Partially provided – analysis of projected turnout for each location has not been provided	<ul style="list-style-type: none"> • Facility Ballot Counts
Advertisement Plan	Provided	<ul style="list-style-type: none"> • Media Statement of Work for General and Primary Elections • Memo 2018 Election Communication
List of issues compiled	Provided	<ul style="list-style-type: none"> • Training Issues – Primary 2018
Inspector packet checklists	Provided	<ul style="list-style-type: none"> • Inspector Setup Packet and Checklist
Access to online training	Provided	<ul style="list-style-type: none"> • Election Day Training Manual • Access to Training Website
Draft accountability checklist for closing procedures	Provided	<ul style="list-style-type: none"> • Draft Accountability Checklist
IT Troubleshooter Coverage Plan (projection of how many locations each IT troubleshooter potentially covers)	Provided	<ul style="list-style-type: none"> • IT Troubleshooter Deployment Plan
Training material (for troubleshooters) that includes contingency procedures	Not provided – the Office reported this item was in progress as of October 29, 2018	N/A
Staging locations	Provided	<ul style="list-style-type: none"> • Email With Staging Location Addresses
Letter to facilities	Provided	<ul style="list-style-type: none"> • Draft of Thank You Letter to Facilities

Requested Item	Status	Document(s) Received
Voting sites with connectivity issues	Provided	<ul style="list-style-type: none">• Spreadsheet of Voting Sites With Connectivity Issues
Communications Plan	Provided	<ul style="list-style-type: none">• 2018 Elections Communications Plan

Throughout the project, BerryDunn communicated observations and short-term recommendations to the Office, with the intent that the Office could implement short-term recommendations before the General Election.

7. COMMON TERMS AND ABBREVIATIONS

Table 7.1 provides a list of common terms and abbreviations definitions used throughout the report.

Table 7.1: Common Terms and Abbreviations

Common Terms and Abbreviations	
Term	Definition
BerryDunn	Berry Dunn McNeil & Parker, LLC
Board	County Board of Supervisors
Board worker	A worker at a polling place on Election Day; positions include inspector, judge, marshal, and clerks (printer clerk and ballot clerk)
County	Maricopa County
County worker	County employee who will work during the election
IAD	Maricopa County Internal Audit Department
IT troubleshooter	Information technology troubleshooter: a worker that will provide technical support for election equipment setup and on Election Day
MCTEC	Maricopa County Tabulation and Election Center
MoFi	Wireless router
Office	Recorder's Office
Poll worker	A worker at a polling place on Election Day; positions include board workers and troubleshooters
Troubleshooter	A worker assigned to monitor and assist three to four polling places during election equipment setup and on Election Day

8. OBSERVATIONS AND RECOMMENDATIONS

8.1 Staffing and Training

BerryDunn identified and reviewed issues related to staffing and training as a primary component of this assessment. The Firm focused on assessing the following items relative to staffing for Election Day activities and day before Election Day setup activities:

- Adequacy of recruiting targets for Election Day and Monday before Election Day setup workers, and progress toward those recruiting targets
- Sufficiency of role-specific trainings provided to election workers

Table 8.1 provides a description of each issue; related Interim Report recommendations from IAD; BerryDunn’s observations; BerryDunn’s assessment; and BerryDunn’s short-term recommendations. Short-term recommendations are intended to be implemented before the General Election. Please note that some short-term recommendations that were informally communicated to the Office, and subsequently implemented, have not been listed in the short-term recommendation sections.

Table 8.1: Staffing and Training Observations and Recommendations

Staffing and Training Observations and Recommendations	
No.	Issue Description
8.1.1	Sufficient staffing for Election Day activities
Related Interim Report Recommendations	Finalize a staffing plan that identifies all resources needed to provide adequate and technical expertise for the General Election.
Observations	<p>Overall Staffing Plan for the General Election:</p> <p>There will be a total of 503 sites where registered voters can cast their votes on Election Day, which will consist of 463 polling locations and 40 vote centers. The Office plans to staff 461 polling locations with at least five poll workers: one inspector, two judges, one marshal, and one or more clerks (e.g., ballot clerk and print clerk). Two polling locations will be staffed by three workers because there are less than 300 people who are eligible to vote in these areas. The Office plans to staff the 40 vote centers with at least eight poll workers. BerryDunn obtained a staffing plan for 494 sites that has a recruitment goal and the number of workers hired for each role. This staffing plan excludes one polling location and eight vote centers. The polling location excluded from this staffing plan is very remote, and the Office plans to use its</p>

Staffing and Training Observations and Recommendations

own permanent staff. As for the eight vote centers excluded, the Office reported that eight workers have been hired for each of five vote centers, and the remaining three vote centers will be staffed with the Office’s permanent staff.

In addition, the Office plans to have 125 troubleshooters. Each troubleshooter is assigned to up to four polling locations. When any issue arises that cannot be resolved by any of the poll workers, the inspector has been instructed to call their assigned troubleshooter.

Five staging area locations:

There will be five staging area locations where specialized troubleshooters are located and extra equipment is stored in case any equipment at a polling location needs to be replaced or added. These locations include the Maricopa County Tabulation and Election Center (MCTEC) facility, Avondale City Hall, Surprise City Hall, Thunderbird Arts Center, and Mesa Recorder’s Office. The Office created a new role (IT troubleshooter) and plans to hire approximately 50 individuals who have some level of IT skills and experience for this position. Each of the five staging area locations will be staffed with 10 IT troubleshooters. In addition, the MCTEC facility, which is the main hub for the hotline, will be staffed with several internal IT resources, including the Office’s PC/LAN technician who is assigned as a project manager for IT-related troubleshooting. The MCTEC facility will also have two to four hotline IT troubleshooters who will be the first line to address IT-related hotline calls. As of October 29, 2018, the Office reported that it has confirmed 54 IT troubleshooters who have agreed to work on both setup day and Election Day.

Monday Setup Staffing Plan:

The Office plans to have all polling locations set up by assigned poll workers, as in previous elections. Inspectors are responsible for contacting their facilities to schedule a setup date and time by October 31, 2018, and notifying poll workers of their assignments. In order to ensure the polling locations are set timely by end of day on Monday, the Office asked the facilities’ owners/managers if they could set up prior to Monday. Forty-five facilities agreed to permit setup on either Saturday, November 3, 2018, or Sunday, November 4, 2018. The other 417 locations will be set up on Monday (day before Election Day).

The Office plans to utilize poll workers for SiteBooks setup instead of hiring a third-party contractor. The Office plans to have at least one person for each polling location who has been trained in person on setting up of SiteBooks. The Office first made an inquiry of inspectors to assess whether they were comfortable with setting up SiteBooks. For sites where the inspector indicated a lack of confidence in performing SiteBooks setup, that function will be completed by a troubleshooter or a County worker. Each

Staffing and Training Observations and Recommendations

troubleshooter and County worker will be responsible for up to two polling sites. The Office reported that 121 County workers have confirmed to assist with Monday setup as of October 29, 2018.

Election Day Staffing Plan:

In order to ensure any remaining issues are addressed before the opening of polling locations at 6:00 a.m. on Election Day, the Office extended poll workers' labor hours to start at 5:00 a.m. rather than the 5:30 a.m. start time utilized in the Primary Election. All poll workers will be asked to arrive at the location by 5:00 a.m. on Election Day.

Assessment

Poll Worker Staffing:

The Office has determined its recruitment goals for each role/position; however, BerryDunn has not been able to assess whether these goals are sufficient to operate all 503 polling locations because these numbers are not based on a documented forecast of expected turnout for the General Election.

The Office's recruitment effort of poll workers for 495 polling locations has demonstrated progress toward the goals as below (As of October 30, 2018):

	Goal	Filled	Vacant
Inspector	494	493	1
Marshal	494	481	13
Judge	496	492	4
Clerk 1	490	477	13
Clerk 2	491	480	11
Clerk/Judge	493	452	41
Extra Clerks	127	126	1
Total	3,085	3,001	84

Staffing and Training Observations and Recommendations	
	<p>As noted in the Observations section, these numbers exclude a staffing plan for one polling location and eight vote centers. The Office reported that these sites have been staffed.</p> <p>Troubleshooter Staffing:</p> <p>The Office has identified 125 assignments for troubleshooters. According to the staffing plan the Office provided BerryDunn on October 30, 2018, all 125 positions have been filled.</p> <p>IT troubleshooter recruitment goal appears to have been met.</p> <p>The Office split its staff recruitment effort into several segments, and each area is managed by a different member of Office management using different systems or Excel spreadsheets. The lack of a coordinated approach and enterprise-level tool for tracking resource needs and related recruiting has resulted in an inability to obtain a clear overview of recruitment for the General Election.</p> <p>As of October 30, 2018, BerryDunn had not observed that all inspectors had contacted their assigned facilities and poll workers. This was planned to be completed by October 31, 2018.</p>
BerryDunn Short-Term Recommendations	<ul style="list-style-type: none"> • Ensure the master staffing schedule includes all staff required for the General Election and is updated as quickly as possible. (BerryDunn observed that this recommendation has been implemented as of October 30, 2018.) <ul style="list-style-type: none"> ○ A master staffing schedule will serve as a management tool to continually monitor the status of staff recruitment/assignment effort for all election activities and to help identify areas that need attention. • Ensure all inspectors communicate with their assigned facilities and poll workers by October 31, 2018. (The Office reported that this will be completed by October 31, 2018. Therefore, BerryDunn did not observe the completion as of October 30, 2018.) <ul style="list-style-type: none"> ○ All facilities and poll workers should be notified with the setup schedule in advance so that they can make a plan accordingly.
No.	Issue Description
8.1.2	Adequate role-specific training for election workers
Related Interim Report Recommendations	Identify staffing and training gaps for all categories of Election Day workers. Develop and execute a strategy to recruit and train all needed staffing resources as identified during gap analysis. As a backup

Staffing and Training Observations and Recommendations	
Observations	<p>plan, provide each troubleshooter, inspector, and technician with the training and authority to set up SiteBooks and diagnose setup issues on their own.</p> <p>The Office has created an online board worker training site that provides:</p> <ul style="list-style-type: none"> • Check-In Terminal (SiteBook) Setup Training Video • Election Day Training Manual • Board Worker Online Training (if a worker chooses to view the training online, he/she needs to sign in; this training includes a quiz at the end) • Board Worker Online Training PowerPoint for downloading • Board Worker In Class Training PowerPoint for downloading • Link to Training Quiz (if worker chooses to download the training presentation, he/she is asked to take the quiz to verify that he/she has completed the training) • 2018 Polling Place Wait-Time Reduction Plan <p>All board workers are required to complete the online training regardless of their role. They can choose to download the training presentation and view it instead of signing in to take the online training. If they choose to do so, they are asked to complete the training quiz separately. The quiz page requests the worker's name and voter ID, and includes 28 questions and a feedback field. The Office is tracking the attendance of online training by asking for the worker's name in the quiz; however, it is not clear if any follow-up reminders are sent to workers who have not completed the quiz.</p> <p>In addition, the Office has indicated that following mandatory in-person training sessions are planned:</p> <p><i>Training for inspectors, judges, and troubleshooters:</i> Following confirmation of acceptance of their assignment, an email from an online event invitation service is sent to workers with the dates of available in-person training. The email directs the recipient to sign up for a training session. The in-person training has four stations, each of which is staffed with an instructor, to demonstrate how to set up, troubleshoot (for the issues they can address without asking troubleshooters or the hotline), and take down: 1.) SiteBooks, 2.) Tabulator, 3.) Printer, and 4.) EDGE Machine (accessible voting machine for disabled voters). All attendees are asked to practice at each station. This training is intended to help ensure those board workers in a key role are familiar with all equipment, including SiteBooks, even if they are not in charge of setting the equipment up. This training takes approximately three to four hours. 47 training sessions are planned at various locations between October 18, 2018, and November 1, 2018.</p>

Staffing and Training Observations and Recommendations	
Assessment	<p><i>Training for troubleshooters:</i> Troubleshooters are required to take another in-person training that focuses on more detailed troubleshooting issues. The Office reported that one training session for all 125 troubleshooters is scheduled on November 3, 2018. The training material was in progress as of October 29, 2018.</p> <p><i>Training for IT troubleshooters:</i> Five sessions of IT troubleshooter training are scheduled between November 1, 2018, and November 3, 2018. Three of these sessions are fully booked as of October 29, 2018. These sessions will cover basic troubleshooting for the more technical issues that may arise during setup and Election Day, and review Frequently Asked Questions, checklists, and most frequent scenarios. BerryDunn has not received the training material, which was in progress as of October 29, 2018.</p> <p><i>Training for County workers who will be setting up SiteBooks:</i> The Office plans to have approximately 100 to 125 County workers in charge of setting up SiteBooks on Monday before Election Day. They are required to attend an in-person training. Six Setup Tech Boot Camp sessions have been scheduled between October 29, 2018, and November 3, 2018, and three of these sessions are fully booked as of October 29, 2018.</p> <p>Additionally, the Office is hosting a special training session on November 4, 2018, for a few additional temporary employees who will be helping as IT troubleshooters.</p> <p>The Office also plans to hold an hour-long training for the dispatchers, but the date had not been identified as of October 29, 2018.</p> <p>It appears that the Office has planned an adequate number of training sessions for each role. BerryDunn has attended one of the in-person training for inspectors, judges, and troubleshooters, and made recommendations based on the Firm's observations. BerryDunn observed that these recommendations have been implemented.</p> <p>BerryDunn has not obtained and reviewed the training materials for troubleshooters, IT troubleshooters, the Setup Tech Boot Camp, an additional special training session, and dispatchers.</p>
BerryDunn Short-Term Recommendations	<ul style="list-style-type: none"> • Ensure training includes contingency plan procedures for troubleshooters, IT troubleshooters, and hotline troubleshooters, and ensure all applicable workers will attend the training. (The Office reported it plans to implement this recommendation; however, BerryDunn did not receive the training materials and was not able to observe the implementation.)

Staffing and Training Observations and Recommendations	
	<ul style="list-style-type: none"> ○ Troubleshooters, IT troubleshooters, and hotline troubleshooters are expected to address various issues. It is important they are well trained and provided with tools and materials they may need. • Schedule IT troubleshooter trainings and County workers trainings, and finalize the training materials as soon as possible. (BerryDunn observed that these trainings have been scheduled as of October 29, 2018, but did not receive the training materials and therefore could not observe full implementation.) <ul style="list-style-type: none"> ○ To ensure all workers are appropriately trained, each training day should be identified as soon as possible so that workers can accommodate their schedules accordingly. • Track online training attendance and send a reminder to workers who have not completed the training. (The Office reported it is tracking attendance of online training, but BerryDunn did not received information about any reminders that have been or will be sent, and therefore could not observe full implementation.) <ul style="list-style-type: none"> ○ Monitoring and sending follow-up reminders will help ensure all board workers complete the online training.
No.	Issue Description
8.1.3	Documentation and communication of setup and Election Day contingency plans
Related Interim Report Recommendations	Implement training and procedures that provide options for voters to remain on-site and vote if equipment is not operational, in addition to providing vote centers. Enhance training and procedures to provide voters with handouts showing the locations of all 40 vote centers, and describing the differences between using a vote center and voting at their designated polling location.
Observations	Inspectors are generally in charge of determining actions to be taken when issues arise at their polling locations. If an issue cannot be solved by the inspector or other polling workers, the inspector has been instructed to contact a troubleshooter. If the troubleshooter cannot resolve the issue, he/she has been instructed to call the hotline. The Office plans to use a dashboard to monitor some critical performance indicators throughout Monday before Election Day and Election Day including: connectivity of SiteBooks, voter check-in performance of SiteBook, and wait time for all polling locations. The Office plans to include detailed troubleshooting guidance in the training for troubleshooters, IT troubleshooters, and hotline workers.

Staffing and Training Observations and Recommendations	
Assessment	<p>The Office has updated the in-person training for board workers to include instructions on how to direct voters when on-site equipment at a polling location is not functional. A handout showing a list of the 40 vote centers has been prepared. The Office reported that each polling location will have 20 copies of this handout and additional copies will be provided as necessary. BerryDunn obtained and reviewed the Emergency Packet Procedures prepared by the Office. The packet outlines emergency procedures for poll workers and includes step-by-step guidance on how to address three different emergency situations: loss of power at facility; loss of MoFi connectivity; and SiteBook and/or printer not functioning.</p> <p>BerryDunn did not obtain training materials for the various troubleshooter roles, which are intended to address detailed troubleshooting guidance and contingency plans.</p>
BerryDunn Short-Term Recommendations	<ul style="list-style-type: none"> • Ensure that there is a process in place for staff to continue Election Day activities while the equipment replacement process occurs. (BerryDunn observed that this recommendation has been implemented as of October 29, 2018.) • Train board workers on procedures to properly direct voters when on-site voting equipment is not operational. (BerryDunn observed that this recommendation has been implemented in the training for inspectors and judges as of October 29, 2018. The Office reported it plans to include an appropriate level of contingency procedures in the trainings for other roles; however, BerryDunn did not receive the training materials for other roles to observe the implementation.) <ul style="list-style-type: none"> ○ Poll workers need the ability to provide voters with all available voting options if on-site voting is not available, even temporarily, in order for voters to determine their preferred action in an expeditious manner. • Ensure that the workers responsible for replacing equipment are clearly identified. (The Office reported this recommendation has been implemented; however, BerryDunn did not observe the implementation.) <ul style="list-style-type: none"> ○ Access to written procedures that identify which equipment will be delivered and replaced at each polling location—and who will be responsible for delivering and replacing the equipment—will help avoid confusion in case of emergency.

8.2 Technology Management

BerryDunn identified and reviewed issues related to technology management as a primary component of this assessment. Technology management subject areas assessed include: operability of equipment, technical support, and contingency planning

related to equipment. BerryDunn focused on issues related to the SiteBook, the computer used to check in voters with an internally built application; the dashboard, an internally built tool planned to be used to monitor Election Day activities; and wireless connectivity for SiteBooks using MoFi devices. Table 8.2, on the following page, provides a brief description of each issue; related Interim Report recommendations from IAD; BerryDunn’s observations; BerryDunn’s assessment; and BerryDunn’s short-term recommendations. Short-term recommendations are intended to be implemented before the General Election. Please note that some short-term recommendations that were informally communicated to the Office, and subsequently implemented, have not been listed in the short-term recommendation sections.

Table 8.2: Technology Management Observations and Recommendations

Technology Management Observations and Recommendations	
No.	Issue Description
8.2.1	Ability to monitor Election Day activity
Related Interim Report Recommendations	Develop and review real-time system reports showing SiteBook connectivity and other critical activities during the setup process and throughout the election.
Observations	<p>The Office reported that a dashboard application is in development that will be able to access information transmitted from SiteBooks, including identifying when a SiteBook is down and how long check-in takes. The Office reported that this tool would be able to be used to monitor SiteBooks the day before Election Day and on Election Day. Technical staff reported that the dashboard could be used to ensure all SiteBooks are online and to ensure all SiteBooks are locked at the end of the day Monday after setup is complete. Operational staff reported meeting with the application developer to define specific metrics and thresholds for the dashboard. BerryDunn observed a demonstration of the dashboard interface as of October 26, 2018. The dashboard includes a list of all polling places and vote centers, uses icons and colors to communicate statistics per hour, and automatically refreshes regularly. The dashboard icons measure the following metrics: line wait times, how many SiteBooks are on and how many are unlocked, number of workers signed in, and how many successful check-ins that included issuing a ballot have been completed on the SiteBook. The dashboard is sortable by each metric, and all of the voting sites are drillable to view more detail.</p> <p>Staff discussed the possibility of displaying the dashboard in the hotline room to be located in the MCTEC facility and assigning dedicated staff members to monitor the dashboard. These individuals would be responsible for reporting issues to decision-makers. The decision-makers could then make a</p>

Technology Management Observations and Recommendations	
	decision based on the issues and deploy resources as necessary. Staff discussed displaying multiple views of the dashboard to monitor different metrics.
Assessment	The dashboard will be a tool that can be used to measure and assess metrics in real time to determine if there are issues at any voting sites. BerryDunn observed discussion of how it will potentially be used and escalation paths, but specific plans were not defined and documented as of October 29, 2018.
BerryDunn Short-Term Recommendations	<ul style="list-style-type: none"> • Identify and document staff roles for monitoring the dashboard, as well as procedures for responding to dashboard alerts. (BerryDunn observed identification of roles and procedures, but did not observe documentation of these roles and procedures.) <ul style="list-style-type: none"> ○ The dashboard appears to be a tool that can be used on Election Day to identify and address a number of issues. If roles are not clear, the dashboard functionality may not be used to its full potential. • Use the dashboard to help ensure that setup and closeout are successfully executed. Consider development and utilization of a roll-call procedure, using the dashboard, to ascertain the status of all SiteBooks at 5:00 p.m. on Monday before Election Day. Ensure that an escalation plan is in place to address any outstanding setup issues after 5:00 p.m. (The Office reported it plans to implement these recommendations; BerryDunn did not observe implementation of these recommendations.) <ul style="list-style-type: none"> ○ A properly developed and communicated escalation plan will permit resolution of SiteBook issues discovered during setup prior to the commencement of Election Day activities.
No.	Issue Description
8.2.2	Reliability of SiteBook hardware, software, and wireless network connectivity to support Election Day voter sign-in and verification
Related Interim Report Recommendations	Develop and review real-time system reports showing SiteBook connectivity and other critical activities during the setup process and throughout the election.
Observations	Because some SiteBooks were packed for shipping before certain final updates were made to the SiteBook application, those SiteBooks will need to be updated when they are set up on Monday before Election Day. Technical staff reported that updates/patches to the SiteBook application will take minimal time and will not impede setup. Technical staff reported that issues due to SiteBooks not updating properly are rare. (Staff reported 12 out of 1,600 SiteBooks units experienced issues due to updates during the Primary Election.)

Technology Management Observations and Recommendations	
	<p>The Office reported that it purchased six connectivity-testing devices. The Office identified 21 polling sites that had experienced connectivity issues during the Primary Election, and reported that all of these sites have been tested for connectivity between the Primary Election and the General Election. The Office reported that only one site has moved since the Primary Election, and it has been tested for connectivity.</p> <p>The Office reported that the dashboard will be used both on the day before Election Day and Election Day to monitor SiteBooks, and will alert staff at the warehouse if one or multiple SiteBooks are not transmitting information. The role of the IT troubleshooter has been created to help troubleshoot technical issues and backfill the role that a third-party contractor fulfilled in providing technical support during the Primary Election. BerryDunn observed that board workers are trained to contact a troubleshooter if there are any issues, and the troubleshooter can call the hotline to deploy an IT troubleshooter if needed. Staff reported that IT troubleshooters will have some technical background and are required to attend a specific training “boot camp” related to elections equipment. Additionally, the Office reported that SiteBooks could be used off-line in a similar manner to a paper roster to sign in voters, so that voters can vote provisionally in the event of a connectivity outage.</p>
Assessment	<p>Based on information BerryDunn received, it does not appear that failure of SiteBook updates are a high-risk to impact Election Day activities. In addition, the plan to replace faulty SiteBooks in the event of technical problems appears practical given time and resource constraints. Although testing at all polling locations would be ideal, testing at priority sites only appears reasonable based on time and resource constraints prior to Election Day. Priority sites for connectivity testing include all locations that had connectivity issues during the Primary Election, and all locations where a MoFi will be placed at a different physical location from the Primary Election (e.g., use of a different room in the same building). BerryDunn has not verified whether connectivity testing has been conducted at any new physical locations where MoFi would be used as of October 29, 2018.</p>
BerryDunn Short-Term Recommendations	<ul style="list-style-type: none"> • Ensure any MoFi devices that will be placed in a different location (at the polling place) during the General Election than they were during the Primary Election are tested at their new physical location. (The Office reported that this recommendation has been implemented; BerryDunn did not observe connectivity testing.) <ul style="list-style-type: none"> ○ Connectivity testing helps to mitigate the risk of connectivity issues that could disrupt activities on Election Day.

8.3 Project Management

BerryDunn identified and reviewed issues related to project management as a primary component of this assessment. BerryDunn observed meeting management and assessed documents used to manage the project, such as spreadsheets, reports, and emails. Table 8.3 provides a description of each issue; related Interim Report recommendations from IAD; BerryDunn’s observations; BerryDunn’s assessment; and BerryDunn’s short-term recommendations. Short-term recommendations are intended to be implemented before the General Election. Please note that some short-term recommendations that were informally communicated to the Office, and subsequently implemented, have not been listed in the short-term recommendation sections.

Table 8.3: Project Management Observations and Recommendations

Project Management Observations and Recommendations	
No.	Issue Description
8.3.1	Effective project management of General Election activities
Related Interim Report Recommendations	Ensure this new project leader has the resources, support, and ability to successfully plan and execute the General Election activities, while mitigating potential pitfalls. This includes ensuring collaborative communications and coordination of efforts between all persons involved to facilitate a successful Election Day.
Observations	<p>The Office utilizes an Excel spreadsheet that includes action items due and performance goals for each week, by category area, in order to track deadlines and measure progress. The areas include board worker recruitment, ballot processing, central recruitment, paper rosters, polling locations, training, troubleshooter recruitment, and warehouse. The elections project team members are each assigned specific areas and are responsible for managing that area. At their weekly management meetings, the elections project team discussed these items and tasks, and shared updates and progress on each item with the Director of Elections. Additionally, BerryDunn observed weekly meetings in which the elections project team shared updates with the Recorder. The Office reported holding discussions related to risk scenarios. The Office also reported discussing “lessons learned” throughout the project.</p> <p>BerryDunn obtained some of the documents that project team members used to track project tasks; for example, several Excel spreadsheets to track recruitment of various types of workers, and a screenshot of a database to track and report on recruitment of board workers. BerryDunn received the 2018 Election Communications Plan that defines four communication tiers, as well as their respective audiences; methods of communication; and timing of communication.</p>

Project Management Observations and Recommendations	
Assessment	<p>The Office has a project manager and several staff members assigned to project tasks who use various tools to track completion of those tasks. Although project team members are each assigned a specific area, the task owner for each action item is not clearly documented in the spreadsheet. The tracking spreadsheet did not include task dependencies. While the Office describes processes for assessing risk and discussing lessons learned, the processes are not structured and documented. A documented communications plan is a useful project management tool that could help the project team communicate with various entities on Election Day.</p>
BerryDunn Short-Term Recommendations	<ul style="list-style-type: none"> • Consider conducting structured tabletop sessions with all elections project team members to discuss several “what if” scenarios and walk through roles, responsibilities, and actions in each scenario. Based on these discussions, the team could determine any outstanding tasks and create a checklist of items to track the completion of these tasks. (BerryDunn did not observe implementation of this recommendation.) <ul style="list-style-type: none"> ○ Tabletop sessions would encourage project team members to consider scenarios and devote critical thought to solutions, resulting in strengthening crisis preparedness and uncovering unaddressed items. • Ensure all project tasks have documented due dates, a task owner, and task dependencies. (BerryDunn observed implementation of due dates for tasks, but not documented task owners and dependencies.) <ul style="list-style-type: none"> ○ Documenting roles and responsibilities, as well as due dates, ensures that all tasks are addressed and allows the team to evaluate project progress. Task dependencies help the team understand which tasks are the highest priority and highest risk, and prioritize tasks. • Develop a “lessons learned” process that will be beneficial for future elections. (The Office reported it is compiling lessons learned; BerryDunn did not observe implementation of this recommendation.) <ul style="list-style-type: none"> ○ The project team can gain efficiencies, reduce project costs, and mitigate risks by learning from past projects, and implementing past successes while avoiding past failures.
No.	Issue Description
8.3.2	Timely setup of polling locations
Related Interim Report Recommendations	Contact existing voting facilities to secure commitments.

Project Management Observations and Recommendations	
Observations	<p>Office staff reported a plan to recruit a minimum of 225 workers (125 troubleshooters and 100 County employees) to set up SiteBooks on the Monday before Election Day, which indicates that each setup worker is responsible for the setup of two to three sites. The Office asked inspectors to indicate whether they were comfortable with SiteBook setup after viewing video instructions. For sites where the inspector indicated a lack of confidence in performing SiteBooks setup, that function will be completed by a troubleshooter or a County worker. Each troubleshooter and County worker will be responsible for up to two polling sites. The Office plans to have all polling locations set up between 8:00 a.m. and 5:00 p.m. on the Monday before Election Day, except for the facilities that will allow setup prior to Monday and the facilities that cannot be set up during business hours, such as schools. The goal is to have most sites set up by 3:00 p.m. All inspectors, judges (backup inspectors), and troubleshooters are required to complete training that includes SiteBook setup.</p> <p>The Office reported that in addition to primary responsibility for setting up two sites each, troubleshooters will monitor and support their three to four assigned sites for Election Day during setup, including the two assigned setup sites. The Office reported that the project team has obtained telephone numbers for after-hours staff at voting facilities, in case any need arises to address issues or setup after 5:00 p.m.</p> <p>In training observed by BerryDunn, trainers told the inspectors they would receive their roster of board workers on October 29, 2018, and should contact the facility and board workers to schedule a setup time. On November 3, 2018, the troubleshooter is expected to contact the inspector, who will be responsible for providing the setup time to the troubleshooter. BerryDunn reviewed a letter sent to polling place facilities, providing a calendar of events leading up to Election Day and notifying facilities that the opening time is 5:00 a.m. The letter also notified facilities that Monday, November 5, 2018, is the setup day, and that facilities should expect to be contacted by an inspector by Wednesday, October 31, 2018. The letter provides contact information for the facilities to use if the inspector does not call and schedule setup by October 31, 2018.</p>
Assessment	<p>The Office has taken action to mitigate logistical risks, including obtaining after-hours contact information. However, there was not a specific schedule in place for setup coordination. The Office reported that inspectors would receive board worker contact information on October 29, 2018, and then schedule setup with facilities by October 31, 2018.</p>
BerryDunn Short-Term Recommendations	<ul style="list-style-type: none"> • Ensure a specific schedule is in place to organize logistics on the day before Election Day so that facility and setup staff are able to meet, access the facility, and set up all equipment. (The Office

Project Management Observations and Recommendations	
	<p>reported it plans to implement this recommendation; BerryDunn did not observe implementation of this recommendation.)</p> <ul style="list-style-type: none"> ○ Because logistics of site setup were reported as a potential cause of polling place issues during the Primary Election, confirming a specific schedule will give the project team assurance that workers and facility staff will be able to meet and access the facility in order to set up the equipment.
No.	Issue Description
8.3.3	Minimization of voting line wait times
Related Interim Report Recommendations	<p>Implement procedures to measure line wait times and voter check-in activity at individual voting locations throughout the day, and quickly redeploy resources as necessary.</p>
Observations	<p>The Office is participating in a wait time study in cooperation with the Bipartisan Policy Center, which studies polling place wait times nationwide. The application developer reported that the SiteBook application was updated to include wait time tracking functionality. The planned procedure is as follows:</p> <ul style="list-style-type: none"> ○ The inspector will scan the wait time badge into the SiteBook at the top of every hour. ○ If there is no line, the inspector will select “report no line” on the screen. ○ If there is a line, the inspector will select “start timer,” and the marshal will hand the badge to the last person in line. ○ The marshal will instruct the voter to give the badge to the board worker when the voter reaches check-in, and the worker will scan the badge into the SiteBook to record the time. ○ If the line is longer than an hour, a second badge will be deployed. <p>The dashboard will indicate whether there is a line or not at the time of the badge scan, and the length of the wait based on the hourly scan. The Office reported that the dashboard threshold indicators will be green if the wait time is less than 20 minutes, yellow for over 20 minutes, and red for over 30 minutes. The Office has discussed having a staff member designated to monitor the dashboard and escalate line wait-time issues to decision-makers.</p> <p>According to the Polling Place Wait Time Reduction Plan, available on the board worker training website and dated August 27, 2018, if there is a wait time longer than 30 minutes at any locations, inspectors or troubleshooters will work with Office staff to assess the reason for the issue. Depending upon the</p>

Project Management Observations and Recommendations	
	<p>assessment, troubleshooters can deliver additional booths and/or SiteBook terminals, or IT troubleshooters can be deployed to provide technical assistance. The Office reported that “emergency kits” with extra SiteBooks are available to be deployed if necessary.</p> <p>In addition, the Office has implemented an outreach campaign using a third party to advertise the important deadlines related to the General Election, and information in both English and Spanish about phased opening of early vote centers. Throughout the campaign, the Office has encouraged voters to vote early in order to minimize the number of in-person voters on Election Day.</p>
Assessment	<p>The Office will be able to use technology to track line wait times in real time, which is valuable data that can be used to identify challenges and deploy resources on Election Day. The line wait time methodology will allow the Office to monitor line wait time once every hour, but not continually throughout the day; the Office reported that the reason for this is consistency with the other participants in the wait time study. As of October 29, 2018, the Wait Time Reduction Plan had not been updated to reflect the use of the SiteBook to measure wait time, and BerryDunn did not receive any documentation related to procedures for escalating thresholds.</p>
BerryDunn Short-Term Recommendations	<ul style="list-style-type: none"> • Update and communicate a clear written procedure that identifies the thresholds for escalation (e.g., 30 minutes, 1 hour) and exact procedures for mitigation. (BerryDunn observed identification of wait time thresholds for the dashboard, but did not observe implementation of threshold and mitigation procedure documentation.) <ul style="list-style-type: none"> ○ Workers and those monitoring the dashboard need to know specific actions to take as long wait times are identified, and if there are procedures for escalating thresholds.

9. FUTURE ELECTION RECOMMENDATIONS FOR IMPROVEMENT

BerryDunn recognizes that certain recommendations developed during this engagement cannot be implemented before November 6, 2018, due to time and resource constraints related to planning for the General Election during this period. In this section, BerryDunn provides recommendations for implementation after November 6, 2018, to help the Office ensure successful planning and execution of future election activities and mitigate the issues identified during the Primary Election. BerryDunn's recommendations are based on the Firm's observations and understanding gained pursuant to the scope of this assessment.

BerryDunn observed opportunities for improvement in the structure, documentation, and communication of project management activities for elections. Structured project management methods and tools will help the project team increase productivity and quality of work, communicate with project stakeholders, mitigate risks, and track and communicate the progress of the project. Once these methods and tools are initially created, they can be customized and reused for each election project. BerryDunn recommends that the Office consider implementing the following recommendations related to project management:

Recommendation 1: Develop a Work Structure Breakdown (WSB)

The WSB should include all election tasks, such as deliverables and milestones, from planning through completion of an election. Each task should have target start and end dates, task owner, assigned resources, and task dependencies when applicable. Each task should be owned by a task owner, but the project manager should continually monitor the progress of each task and have a grasp of overall progress of election activities at any point of time. BerryDunn recommends the Office create a template of WSBs that includes most commonly required tasks for elections and can be customized for each type of election.

Best practices related to this recommendation:

- Create and maintain a project schedule that documents due dates, task owners, and task dependencies. BerryDunn recommends consideration of project management software to create and maintain a project schedule.
- Identify and document in detail project stakeholder roles and responsibilities, including those for the project manager, the project management team, the technical team, the executive leadership team, and other identified project stakeholders.
- Conduct knowledge transfer sessions to ensure that each task owner has one or more backup staff member.
- Confirm all tasks with pre-task emails, and require follow-up emails to confirm that tasks have been completed or to report any challenges or issues with completing tasks.

Recommendation 2: Create a central repository of election-related documents, including staffing plan/schedule, training schedules and materials, communication, and procedures.

These documents should be continually updated by project team members. This will help ensure all project team members, including management, have access to the same latest version of documents. BerryDunn understands that the recruitment and hiring processes vary for each type of election workers, and need to be managed separately. However, based on the Firm's observations, BerryDunn believes that the Office will significantly benefit from creating a master staffing plan/schedule in which all recruitment efforts are compiled.

Best practices related to this recommendation:

- Create written procedures, starting with the most critical processes, to ensure other staff can follow the procedures in case of emergency.
- Document elections policies and procedures, and update as processes change. For example, because the dashboard is being used for the first time in the General Election, create procedures, user guides, and training to describe the use of the dashboard.
- Document a project communication strategy that includes communication type, delivery method, frequency, owner, and audience for the communication.
- For every meeting, create a simple meeting agenda that includes topics to be discussed and any decisions to be made. Create summary meeting minutes that include attendance, key points discussed, decisions made, risks identified, issues resolved, and action items and owners.
- Conduct a risk identification exercise with project stakeholders to identify any existing or potential risks and issues. A list of lessons-learned from the previous election may be a good place to start. Identifying risks at the beginning of the project will allow for continuity in the mitigation strategies for transferable issues and risks, and set the project up for success in proactively identifying potential challenges and associated mitigation strategies.

EXHIBIT C

(November 10, 2018 public records request to Recorder's Office)

November 10, 2018

VIA MAIL AND EMAIL

Talia Offord
Colleen Connor
Maricopa County Recorder
111 South 3rd Avenue, #103
Phoenix, Arizona 85003
voterinfo@risc.maricopa.gov

Re: Public Records Request

Dear Ms. Offord and Connor:

As you are aware from my previous correspondence, this office represents the Arizona Republican Party regarding the November 6, 2018 general election. I am writing on behalf of the Arizona Republican Party to request production of public records under the control of the Maricopa County Recorder's Office for non-commercial purposes. This request is made pursuant to Arizona's Public Record law, codified at Ariz. Rev. Stat. §§ 39-121 et seq.

For purposes of this request, the following terms shall apply:

1. "Recorder's Office Personnel" shall include any individual employed by, representing, or otherwise affiliated with the Maricopa County Recorder's Office.
2. "The Democratic Party" shall include any individual employed by, representing, or otherwise affiliated with the Democratic Party, including but not necessarily limited to, The Arizona Democratic Party, The Maricopa County Democratic Party, and/or the National Democratic Party.
3. "Recorder Fontes" shall include Maricopa County Recorder Adrian Fontes, as well as any agent, representative, employee, and/or spokesperson of Recorder Fontes.
4. "George Soros" shall include George Soros, as well as any agent, representative, employee, and/or spokesperson of George Soros.
5. "Tom Steyer" shall include Tom Steyer, as well as any agent, representative, employee, and/or spokesperson of Tom Steyer, NextGen, NextGen America, and/or Clean Energy for a Healthy Arizona.

We hereby request access to the following information:

1. Any and all correspondence, e-mails, memoranda, notes, text messages, or voicemail documents created, sent, or received by Recorder Fontes and/or Recorder's Office Personnel since November 1, 2017, referencing or mentioning the time period within which voters will be permitted to verify signatures on their early ballot affidavit envelope.
2. Any and all correspondence, e-mails, memoranda, notes, text messages, voicemail documents, and/or calendar entries reflecting or referring to communications between or among Recorder Fontes and/or The Democratic Party, specifically including but not limited to any emails between Recorder Fontes and/or Recorder's Office Personnel and any email address ending in "@dnc.org", "@dsc.org", "@perkinscoie.com", "@cblawyers.com", and/or "@kirstensinema.com".
3. Any and all correspondence, e-mails, memoranda, notes, text messages, or voicemail documents created, sent, or received by Recorder Fontes since November 1, 2017 mentioning or referencing emergency voting centers.
4. Any and all correspondence, e-mails, memoranda, notes, text messages, voicemail documents and/or calendar entries exchanged between Recorder Fontes' personal account(s) and/or devices and Recorder Fontes' government accounts and/or devices account since January 3, 2017.
5. Any and all correspondence, e-mails, memoranda, notes, text messages, voicemail documents, and/or calendar entries created, sent, or received by Recorder Fontes and/or Recorder's Office Personnel mentioning or referring to Tom Steyer and/or George Soros.
6. Any and all correspondence, e-mails, memoranda, notes, text messages, voicemail documents, and/or calendar entries reflecting any communications between Recorder Fontes and/or Recorder's Office Personnel on the one hand, and Tom Steyer and/or George Soros on the other.

In the event that one or more items are deemed confidential, we request that any confidential material be redacted and the remainder of the item be provided. Although a non-commercial request, we will pay all reasonable copying expenses up to \$500 in the event the Maricopa County Recorder's Office does consider this request to be commercial to expedite the request. In the event the cost will exceed this amount, please contact me.

We respectfully request that you please produce the documents responsive to this request on a rolling basis beginning Monday, November 12, 2018, at a location that is convenient for your office. We appreciate your attention to this matter. If you have any questions, please contact me at (602) 382-6312. Thank you.

/s/ Kory Langhofer
Kory Langhofer

CC: Talia Offord (offordt@mcao.maricopa.gov)
Colleen Connor (connorc@mcao.maricopa.gov)

EXHIBIT D

(December 17, 2018 public records request to Recorder's Office)



MARICOPA COUNTY RECORDER
NON-COMMERCIAL PURPOSE
Public Record Request

Request is hereby made to [] inspect or [X] reproduce the following public record(s):
(Indicate document name, page numbers, address and permit number where applicable.
Attach 8.5" x 11" sheet if needed.)

Please see attached letter.

Pursuant to A.R.S. §39-121.03, the record(s) are requested for the following purpose:

Please see attached letter.

and the record(s) (check one)

- [X] Will not be used for a commercial purpose: Commercial Purpose is defined as: "the use of a public record for the purpose of sale or resale or for the purpose of producing a document containing all or part of the copy, printout or photograph for sale or the obtaining of names and addresses from such public record for the purpose of solicitation or the sale of such names and addresses to another for the purpose of solicitation or for any purpose in which the purchaser can reasonably anticipate the receipt of monetary gain from the direct or indirect use of such public records."
[] Will be used for the following commercial purpose (certified statement meeting requirements listed below must accompany application. Use Commercial Purpose Record Request Form):

I certify that all information provided is true and correct under penalty of perjury. I agree to pay the fee or deposit of \$ 500 for these records. I agree not to hold Maricopa County liable for any inaccurate or incomplete information I may receive.

Applicant Signature: Stephen Richer

Date: 12/12/2018

Contact Information (please print):

Name: Stephen Richer
Address: [Redacted]
Phone #: [Redacted] Email Address: [Redacted]

A person who obtains public records for a commercial purpose without indicating the commercial purpose or who obtains a public record for a noncommercial purpose and uses or knowingly allows the uses of such public record for a commercial purpose or who obtains a public record for a commercial purpose and uses or knowingly allows the use of such public record for a different commercial purpose or who obtains a public record from anyone other than the custodian of such records and uses them for a commercial purpose shall in addition to other penalties be liable to the state or the political subdivision from which the public record was obtained for damages in the amount of three times the amount which would have been charged for the public record had the commercial purpose been stated plus costs and reasonable attorneys' fees or shall be liable to the state or the political subdivision for the amount of three times the actual damages if it can be shown that the public record would not have been provided had the commercial purpose of actual use been stated at the time of obtaining the records.

DISCLAIMER - INDEMNIFICATION

Requester understands and agrees that Maricopa County does not guarantee the accuracy of the data and information requested and hereby expressly disclaims any responsibility for the truth, lack of truth, validity, invalidity, accuracy, inaccuracy of any said data and information. Requester/Purchaser accepts responsibility for Requester/Purchaser's unauthorized use or transmission of any such data or information in its actual or altered form.

Thank you!

December 17, 2018

Stephen Richer

VIA MAIL AND EMAIL

Talia Offord
Colleen Connor
Maricopa County Recorder
111 South 3rd Avenue, #103
Phoenix, Arizona 85003
voterinfo@risc.maricopa.gov

Re: Public Records Request

Dear Ms. Offord and Ms. Connor:

The Arizona Republican Party and Chairman Jonathan Lines have asked me to conduct a review of certain practices and procedures in Maricopa County in the recent 2018 general election. As part of this review—which is non-commercial in purpose—I'm requesting certain public records from the Maricopa County Recorder. This request is intended to supplement, not replace, the request made on November 10, 2018 by the Arizona Republican Party through its counsel Kory Langhofer of Statecraft PLLC.

This request is made pursuant to Arizona's Public Record law, codified at Ariz. Rev. Stat. §§ 39-121 *et seq.* I have also attached a completed "Non Commercial Public Record Request" form that is consistent with this letter.

I understand that some of these requests may take longer than others. I would greatly appreciate it if you could send me the records as they become available rather than waiting for the completion of all of the below-listed record requests. I will also send additional requests in forthcoming letters.

I know it's the holiday season, and I know your office has worked very hard to get through the recent election cycle. I apologize for adding to your workload at this time, but I greatly appreciate your attention to these requests.

[cont.]

Definitions:

- “Elections Division” means the personnel and operations overseeing elections, the head of which division is the Director of Elections;
- “Internal” means between employees or affiliates of the Office;
- “Office” means the Maricopa County Recorder’s Office;

Requests:

1. A copy of any organizational chart of the Office that includes the names of the employees occupying the different roles. The organizational chart provided on the Recorder’s website provides only the titles of the positions.¹
2. A copy of a list of all employees in the Elections Division together with any available information describing the responsibilities of the different employees.
3. Copies of all Internal e-mails, memorandums, notes, or other written documents regarding the Office’s decision to open Emergency Voting Centers on Saturday, November 3 and Monday, November 5, 2018.
4. Copies of all Internal e-mails, memorandums, notes, or other written documents regarding the decision of where to locate the Emergency Voting Centers on Saturday, November 3 and Monday, November 5, 2018.
5. Copies of all e-mails or other correspondence written by the Recorder, the Deputy Recorder, or any employee in the Elections Division to persons outside the Office regarding the decision to open Emergency Voting Centers and/or the location or hours of the Emergency Voting Centers.
6. Copies of all e-mails or other correspondence between July 1, 2017 and July 1, 2018 between Jennifer Marson or other personnel at the Arizona Association of Counties and the Recorder, the Deputy Recorder, or any employee in the Elections Division regarding early voting, emergency voting, weekend voting, HB 2206, or SB 1466.

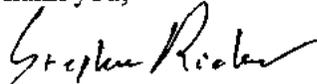
[cont.]

¹ The document titled “New Organizational Design: Effective 6 February 2017” is available at: <https://recorder.maricopa.gov/pdf/New%20Organizational%20Design.pdf>.

7. Copies of all text messages sent in November 2018 between the Recorder, the Deputy Recorder, or any employee in the Elections Division and any of the following Arizona attorneys: Roopali Desai, Keith Beauchamp, Scott Bennett, Kent Brockelman, Jill Chasson, Sam Coppersmith, Katherine Hyde, John Dewulf, Kimberly Fatica, Andy Gaona, Andy Gordon, John Kelly, Karen Owens, Vidula Patki, Kristen Rosati, Marvin Ruth, Melissa Soliz, Kathy Steadman, Shelley Tolman or other members of the law firm Coppersmith Brockelman.

8. Copies of all complaints/issues submitted by voters during the general election.

Thank you,



Stephen Richer

Attached:

Maricopa County Recorder Non-Commercial Purpose Public Record Request Form

EXHIBIT E

(January 1, 2019 public records request to Recorder's Office)



MARICOPA COUNTY RECORDER
NON-COMMERCIAL PURPOSE
Public Record Request

Request is hereby made to [] inspect or [X] reproduce the following public record(s):
(Indicate document name, page numbers, address and permit number where applicable.
Attach 8.5" x 11" sheet if needed.)

See attached letter.

Pursuant to A.R.S. §39-121.03, the record(s) are requested for the following purpose:

See attached letter

and the record(s) (check one)

[X] Will not be used for a commercial purpose: Commercial Purpose is defined as: "the use of a public record for the purpose of sale or resale or for the purpose of producing a document containing all or part of the copy, printout or photograph for sale or the obtaining of names and addresses from such public record for the purpose of solicitation or the sale of such names and addresses to another for the purpose of solicitation or for any purpose in which the purchaser can reasonably anticipate the receipt of monetary gain from the direct or indirect use of such public records."

[] Will be used for the following commercial purpose (certified statement meeting requirements listed below must accompany application. Use Commercial Purpose Record Request Form):

I certify that all information provided is true and correct under penalty of perjury. I agree to pay the fee or deposit of \$ 500 for these records. I agree not to hold Maricopa County liable for any inaccurate or incomplete information I may receive.

Applicant Signature: Stephen Richer

Date: 1/1/2019

Contact Information (please print):

Name: Stephen Richer

Address: [Redacted]

Phone #: [Redacted] Email Address: [Redacted]

A person who obtains public records for a commercial purpose without indicating the commercial purpose or who obtains a public record for a noncommercial purpose and uses or knowingly allows the uses of such public record for a commercial purpose or who obtains a public record for a commercial purpose and uses or knowingly allows the use of such public record for a different commercial purpose or who obtains a public record from anyone other than the custodian of such records and uses them for a commercial purpose shall in addition to other penalties be liable to the state or the political subdivision from which the public record was obtained for damages in the amount of three times the amount which would have been charged for the public record had the commercial purpose been stated plus costs and reasonable attorneys' fees or shall be liable to the state or the political subdivision for the amount of three times the actual damages if it can be shown that the public record would not have been provided had the commercial purpose of actual use been stated at the time of obtaining the records.

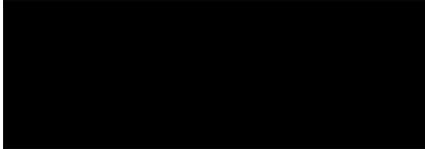
DISCLAIMER - INDEMNIFICATION

Requester understands and agrees that Maricopa County does not guarantee the accuracy of the data and information requested and hereby expressly disclaims any responsibility for the truth, lack of truth, validity, invalidity, accuracy, inaccuracy of any said data and information. Requester/Purchaser accepts responsibility for Requester/Purchaser's unauthorized use or transmission of any such data or information in its actual or altered form.

Thank you!

January 1, 2019

Stephen Richer



VIA MAIL AND EMAIL

Talia Offord
Colleen Connor
Maricopa County Recorder
111 South 3rd Avenue, #103
Phoenix, Arizona 85003
voterinfo@risc.maricopa.gov

Re: Public Records Request

Dear Ms. Offord and Ms. Connor:

Happy New Year!

The Arizona Republican Party and Chairman Jonathan Lines have asked me to conduct a review of certain practices and procedures in Maricopa County in the recent 2018 general election. As part of this review—which is non-commercial in purpose—I’m requesting certain public records from the Maricopa County Recorder. This request is intended to supplement, not replace, the request I made dated December 17, 2018 and the request made on November 10, 2018 by the Arizona Republican Party through its counsel Kory Langhofer of Statecraft PLLC.

This request is made pursuant to Arizona’s Public Record law, codified at Ariz. Rev. Stat. §§ 39-121 *et seq.* I have also attached a completed “Non Commercial Public Record Request” form that is consistent with this letter.

I understand that some of these requests may take longer than others. I would greatly appreciate it if you could send me the records as they become available rather than waiting for the completion of all of the below-listed record requests. I will also send additional requests in forthcoming letters.

I know it’s the holiday season, and I know your office has worked very hard to get through the recent election cycle. I apologize for adding to your workload at this time, but I greatly appreciate your attention to these requests. Best wishes and health to the two of you and your Office for 2019.

[cont.]

Definitions:

- “Elections Division” means the personnel and operations overseeing elections, the head of which division is the Director of Elections;
- “Internal” means between employees or affiliates of the Office;
- “Office” means the Maricopa County Recorder’s Office;

Requests:

1. A copy of all audits and reviews produced by the Office or produced by an outside organization and shared with the Office regarding the perceived difficulties and failures with the August 2018 primary election.
2. A copy of all Internal memorandums and reports assessing the cause, duration, and location of the software failure that caused a temporary cessation of voting in the middle of the day on Election Day, November 6, 2018.
3. The number of Federal Only ballots cast in the November 2018 general election in Maricopa County.
4. Copies of all signage that the Office displayed at the emergency voting sites (sites open on Saturday, November 3, 2018 and Monday, November 5, 2018) to inform voters that the sites were for emergency voting purposes.
5. Copies of any records, notes, decisions, or corrective actions with respect to voter Ted Butler’s reported incident at Gloria Dei Church (3539 East Stanford Drive) on Voting Day.
6. Copies of all information available regarding the votes cast on the emergency voting days (Saturday, November 3, 2018 and Monday, November 5, 2018). Particularly records relating to the number of votes cast on those two days and the aggregate partisan affiliations of the votes cast on those two days.

Thank you,



Stephen Richer

Attached:

Maricopa County Recorder Non-Commercial Purpose Public Record Request Form



Records Requests.

Stephen Richer [REDACTED]

Fri, Jan 18, 2019 at 6:38 PM

To: Donna Kish - RISCX <dkish@risc.maricopa.gov>

Dear Ms. Kish,

I hope you are doing well.

I'm writing to see if your office has made progress on the following records requests:

- November 10, 2018. Made by the law firm Statecraft (attorney Kory Langhofer) on behalf of the Arizona Republican Party
- December 17, 2018. The first request I made
- January 1, 2019. The second request I made

As I noted in my letters, even if you have not collected the responsive documents for all of the requests, I'd greatly appreciate it if you could send the documents for the items you have completed.

Thank you. I hope you have a great weekend and a meaningful MLK day.

Stephen

EXHIBIT F

(Requests for interview sent to Recorder Fontes)



Arizona Republican Party election review

Stephen Richer [REDACTED]
To: afontes@mail.maricopa.gov

Mon, Jan 14, 2019 at 9:03 AM

Dear Recorder Fontes,

I'm a local attorney, and I have been asked by the Arizona Republican Party and Chairman Jonathan Lines to conduct a review of certain practices and actions of your Office in this past general election. Might you be willing to answer a few questions pursuant to my review? I can e-mail you the questions, meet in person this week to ask my questions, or call you on the phone this week -- whichever is most convenient for you.

Thank you for letting me know, and thank you in advance for your time.

Stephen



Arizona Republican Party election review

Stephen Richer <[REDACTED]>
To: afontes@mail.maricopa.gov

Fri, Jan 18, 2019 at 6:30 PM

Dear Recorder Fontes,

Circling back on this to see when you are available to discuss this topic or if you would prefer I email you questions directly.

I greatly appreciate your time.

I hope you have a great weekend and a meaningful MLK day.

Stephen

[Quoted text hidden]

EXHIBIT G

(Documents produced by Arizona Senate in response to public records request)



Responsive documents for your Public Records Request of 12/18/18

Norm Moore [REDACTED]
To: "stephen.richer@gmail.com" [REDACTED]

Wed, Jan 9, 2019 at 10:35 AM

Dear Mr. Richer,

After a careful and thorough examination of documents processed and reviewed pursuant to your Public Records Request of December 18, 2018, there are 69 pages of responsive documents attached to this email.

Pursuant to a telephone conversation with you on Tuesday, December 18, 2018 after I had received your initial emailed request early that morning, we agreed to a change in the dates of the original search date parameters from December 1, 2017 to November 30, 2018 to January 1, 2018 to July 1, 2018. Additionally, the emails to and from "The offices of the above-named senators" was refined to include the Administrative Assistants for each of the respective Senators specified in the request and the respective policy advisors for those Senators. The search queried documents included all those individuals specified in your request and the following Senate staff related to the "offices of the above-named Senators": Marsha Hood and Sylvia Oliver, Administrative Assistants to Senator Yarbrough; Maria Moroyoqui, Administrative Assistant to Senator Quezada, J.T. Hunsaker, former Administrative Assistant to Senator Gray; Lisette Flores, General Counsel and Policy Advisor to the Minority (Democratic Staff for the Senate Judiciary Committee); and Garth Kamp, Senior Policy Advisor to the Majority (Republican Staff for the Senate Judiciary Committee). There were no responsive documents for either of the Administrative Assistants to Senator Yarbrough and the former Administrative Assistant to Senator Gray. There was one responsive document from the Administrative Assistant to Senator Quezada. The responsive documents relating to Senator Gray do include some legislative privileged communications. However, Senator Gray waived his privilege for most of those documents but chose not to waive his privilege for a few documents and those are not disclosed.

If you have any questions or need further clarification please contact me at your convenience.

Sincerely,

Norm Moore

Arizona State Senate

Public Records Attorney

(602) 926-5377
[REDACTED]

 **Stephen Richer - PRR - 121818 - 69 pages of responsive documents - 1819.pdf**
2816K

Norm Moore

From: Martin Quezada
Sent: Thursday, March 1, 2018 3:46 PM
To: Leslie Hoffman
Subject: RE: SB1466

Thanks. I'm glad you were able to produce a floor amendment that works for everyone. I'll keep an eye out for it.

MQ

From: Leslie Hoffman [mailto:Leslie.Hoffman@yavapai.us]
Sent: Thursday, March 1, 2018 3:43 PM
To: Martin Quezada <MQuezada@azleg.gov>
Subject: SB1466

Senator Quezada,

I was at the Capitol last week and spoke in committee on Senate Bill 1466. As requested by the committee we met with all of the stakeholders and have produced a very good floor amendment blending language in SB1466 and HB2206. The floor amendment will be presented as SB1466. I've yet to hear when this will go to the floor, however when it is offered I'm asking for your support.

If you have any questions, please do not hesitate to contact me.

Thank you so much for all you do!!!

Leslie M. Hoffman
Leslie.hoffman@yavapai.us
Yavapai County Recorder
1015 Fair St.
Prescott, AZ 85305
928-771-3244

Norm Moore

From: Lisette Flores
Sent: Thursday, February 15, 2018 10:45 AM
To: Martin Quezada; Andrea Dalessandro; Lupe Contreras; Leonela Urrutia
Subject: SB1466

In addition to all the county recorders, AACo, and Maricopa County Recorders Office, an additional 15 individuals, and League of Women Voters have signed in opposed.

Norm Moore

From: Martin Quezada
Sent: Thursday, February 15, 2018 10:28 AM
To: Lisette Flores
Subject: RE: HB2206 passed in the House this morning - recorders are in support of this bill, which addresses early voting centers.

I really don't like Matt Morales.

From: Lisette Flores
Sent: Thursday, February 15, 2018 10:22 AM
To: Martin Quezada <MQuezada@azleg.gov>; Andrea Dalessandro <adalessandro@azleg.gov>; Lupe Contreras <lcontreras@azleg.gov>; Leonela Urrutia <LUrrutia@azleg.gov>
Subject: HB2206 passed in the House this morning - recorders are in support of this bill, which addresses early voting centers.

Norm Moore

From: Maria Moroyoqui
Sent: Tuesday, February 13, 2018 8:21 AM
To: 'Jen Marson'
Subject: RE: Request Mtg w/ Sen Quezada - re: SB1466

Hello Jen,

My apologies but I have no record of your email. This has been happening lately with other staff, I'll have to get a hold of computer services.

Regarding your meeting request, I have confirmed for you to meet with Sen. Quezada on Wednesday, February 14th at 3:00 p.m.

Also, Lisette Flores will be joining in the meeting.

Respectfully,



Maria Jesus V. Moroyoqui

Assistant to Senator Martin J. Quezada, Democratic Whip
Legislative District 29 | 1700 W. Washington Phoenix, AZ 85007
Phone: 602.926.5911 | Email: mmoroyoqui@azleg.gov

From: Jen Marson [mailto:jmarson@azcounties.org]
Sent: Monday, February 12, 2018 5:28 PM
To: Maria Moroyoqui <mmoroyoqui@azleg.gov>
Subject: Fwd: Request Mtg w/ Sen Quezada - re: SB1466

Hi Maria:

I sent the email you requested last Friday (see below). And you are correct the meeting time requested was 3:00 on Wednesday Feb 14.

Please let me know if this date/time is confirmed.

Thank you,
Jen Marson

Sent from Jen's iPhone, likely with Siri- please excuse any typos or unexpected brevity. I no longer check/respond to texts or emails while driving.

Begin forwarded message:

From: Jen Marson <jmarson@azcounties.org>
Date: February 8, 2018 at 11:02:05 AM EST
To: "mmoroyoqui@azleg.gov" <mmoroyoqui@azleg.gov>
Subject: Request Mtg w/ Sen Quezada - re: SB1466

Good morning - thank you for speaking with me today. I would like to meet with Senator Quezada to discuss our opposition to a bill that will be on the Senate Judiciary agenda next week (2/15). SB1466 removes some of the election decision making from the County Recorder and instead gives it to the Board of Supervisors.

Thank you for getting me on his calendar and please let me know if you have any questions.

Jen

Jen Marson
Executive Director
Arizona Association of Counties
1910 W. Jefferson Street
Phoenix, AZ 85009
T 602 252 6563 x 222

F 602 254 0969

*****CONFIDENTIALITY NOTICE*****

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Norm Moore

From: Jen Marson <jmarson@azcounties.org>
Sent: Tuesday, April 24, 2018 9:53 AM
Subject: SB1466 - County Reasoning Clarified - We Remain Opposed

Dear Senators:

Recently the remarks from caucus re: 1466 were shared with me and there are several clarifications that need to be made. The Arizona Association of Counties (AACo) has always been happy to try and work through issues. Sometimes in the end the parties have to agree to disagree, and each side works the members for votes. It is our hope, that since we are at that point with SB1466, we can all start from the same factual place.

Below are the caucus remarks and our clarification embedded within. As always, please let me know if you have questions.

Respectfully,
Jen Marson
Executive Director
Arizona Association of Counties

Sponsored by: Gray
Presented by: Vicente Reyna
Decision: CONCUR

Senator Gray: Just so all of our members know, this is probably going to be contentious because they didn't get everything they wanted (**and because the Senate agreement was unraveled WITHOUT ANY conversation with counties to try and make the language work for everyone**). I talked to house leadership and they had some concerns about the legalities of the weekend voting and disenfranchising voters (**weekend voting is neither illegal, disenfranchising, nor an equal protection violation - so say both R and D election Attorney's in the state**). The only thing that was removed was the weekend, the whole three days before the voting, which we never had before. So, we are not taking away any voter previous rights, we are just not granting more. Also for voting centers to be used as a ballot replacement location, we never had that before, we basically had a centralized location that they had to pick up their ballot and that is the same (**This is inaccurate. The change we wanted re: ballot replacement centers was to codify current practice in a vote center environment. OF COURSE ballots should be replaced at the same place people vote. Voters naturally show up at the place where they would vote and we have to tell them to go get a replacement ballot somewhere else? That is counter productive**) They may be unhappy with that, but we are not regressing at all, we are leaving that the same (**Statute is behind the times and needed to be updated**). Also, a lot of this is clarifying the early voting centers are still under the authority of the board of supervisors. There may be some angst saying we are disenfranchising voters, but I will give you one example in our district for CD 8. Fontes was going to reduce number of voting centers in sun city. The average age is around the late 70s. We've got people in the southern city that will not cross Grand Ave and come up to the central part of Sun City because they are uncertain about their physical capabilities. They were going to reduce number of voting centers to 1 in sun city, that would drastically disenfranchise voters. Fortunately, our supervisor worked to make sure we had those, but the board of supervisors has the responsibility and oversight of the election process. The recorder would bring their plan and present that and okay that, but they still have the oversight. What we have done in the bill is make sure it is clarified in statute, so there is no uncertainty, that the early voting centers are under the board of supervisors (**This is undoes the Senate agreement, without even allowing counties to be at the table as a key stakeholder**). That definitely needs to be clarified. We never had voting locations open all weekend long, and never had a place that you can go anywhere and get a new ballot because you swear you didn't have a good ballot (**Correct re: weekend voting statement, inaccurate re: replacement ballots**). Nothing in this amendment disenfranchises or reduces any voter rights from what we currently have. My concern is because they didn't

get everything they wanted, I guess they don't appreciate the word compromise (it is not a compromise if counties were not invited, despite repeated requests, to the table. AACo has always been genuine in its negotiations), we also removed a lot archaic language for things that just don't apply. You probably got the email from Jen Larsen saying they are not happy with it and I asked her if should would rather have the bill die, even though we have made these improvements, and she said "yeah." (What I said was "yes, the changes give full authority to the BOS which was our main complaint on the introduced version. It also only allows for modifications on 4 specific days") I don't think that is a good way to proceed just on a policy basis. On a policy basis we improved things, we articulated the board is over the early voting centers and the recorders have to bring the plan. On the emergencies too, that is clarified that if they have an emergency they just have to have the board approval (but in the bill an emergency can only occur in a specific 4-day window...that's not how emergencies work). When you are the board of supervisors, you are paid for all of this so if we were to go around them, we would in essence say you have to be financially responsible for what the elected official does and they don't have to get your okay and they can do whatever they want, and that is not good business. (BOS are not in charge of other elected officials. They approve budgets. This micromanaging wasn't tolerated when Sheriff Joe was in office, nor should it have been. This oversight is not being sought for the Sheriff, Treasures, Assessor, etc -and it should not be being asked of the Recorder who the people picked to do that job) Again, the only thing we've done is clarify as we are moving forward, and not giving them as much new language as what they wanted, but we are not disenfranchising the voters. So, I need your support.

Sent from my iPad

Norm Moore

From: Jen Marson <jmarson@azcounties.org>
Sent: Tuesday, April 24, 2018 9:11 AM
To: Lisette Flores
Subject: Re: 1466

Thanks

Sent from Jen's iPhone, likely with Siri- please excuse any typos or unexpected brevity. I no longer check/respond to texts or emails while driving.

On Apr 24, 2018, at 10:03 AM, Lisette Flores <LFlores@azleg.gov> wrote:

From yesterday's republican caucus...

SB 1466 voting centers: board of supervisors

JUD

Sponsored by: Gray
Presented by: Vicente Reyna
Decision: CONCUR

Senator Gray: Just so all of our members know, this is probably going to be contentious because they didn't get everything they wanted. I talked to house leadership and they had some concerns about the legalities of the weekend voting and disenfranchising voters. The only thing that was removed was the weekend, the whole three days before the voting, which we never had before. So, we are not taking away any voter previous rights, we are just not granting more. Also for voting centers to be used as a ballot replacement location, we never had that before, we basically had a centralized location that they had to pick up their ballot and that is the same. They may be unhappy with that, but we are not regressing at all, we are leaving that the same. Also, a lot of this is clarifying the early voting centers are still under the authority of the board of supervisors. There may be some angst saying we are disenfranchising voters, but I will give you one example in our district for CD 8. Fontes was going to reduce number of voting centers in sun city. The average age is around the late 70s. We've got people in the southern city that will not cross Grand Ave and come up to the central part of Sun City because they are uncertain about their physical capabilities. They were going to reduce number of voting centers to 1 in sun city, that would drastically disenfranchise voters. Fortunately, our supervisor worked to make sure we had those, but the board of supervisors has the responsibility and oversight of the election process. The recorder would bring their plan and present that and okay that, but they still have the oversight. What we have done in the bill is make sure it is clarified in statute, so there is no uncertainty, that the early voting centers are under the board of supervisors. That definitely needs to be clarified. We never had voting locations open all weekend long, and never had a place that you can go anywhere and get a new ballot because you swear you didn't have a good ballot. Nothing in this amendment disenfranchises or reduces any voter rights from what we currently have. My concern is because they didn't get everything they wanted, I guess they don't appreciate the word compromise, we also removed a lot archaic language for things that just don't apply. You probably got the email from Jen Larsen saying they are not happy with it and I asked her if should would rather have the bill die, even though we have made these improvements, and she said "yeah." I don't think that is a good way to proceed just on a policy basis. On a policy basis we improved things, we articulated the board is over the early voting centers and the recorders have to bring the plan. On the emergencies too, that is clarified that if they have an emergency they just have to have the board approval. When you are the board of supervisors, you are paid for all of this so if we were to go around them, we would in essence say you have to be financially responsible for what the elected official does and they don't have to get your okay and they can do whatever they want, and that is not good business. Again, the only thing we've done is clarify as we are moving forward, and not giving them as much new language as what they wanted, but we are not disenfranchising the voters. So, I need your support.

From: Jen Marson [mailto:jmarson@azcounties.org]
Sent: Monday, April 23, 2018 1:29 PM

To: Lisette Flores <LFlores@azleg.gov>

Subject: Re: 1466

He's concurring. We're opposed

Sent from Jen's iPhone, likely with Siri- please excuse any typos or unexpected brevity. I no longer check/respond to texts or emails while driving.

On Apr 23, 2018, at 11:41 AM, Lisette Flores <LFlores@azleg.gov> wrote:

Any new updates to share?

Norm Moore

From: Marilyn Rodriguez <marilyn@creosote.partners>
Sent: Friday, April 20, 2018 3:02 PM
To: Lisette Flores
Subject: Re: SB1466 - No More Consensus County Recorders Are Opposed
Attachments: SB1466 Voting Centers_ Board of Supervisors - AACo Opposition Fact Sheet.pdf

Here's the fact sheet.

On Fri, Apr 20, 2018 at 1:48 PM Marilyn Rodriguez <marilyn@creosote.partners> wrote:

However I can be helpful!

On Fri, Apr 20, 2018 at 1:47 PM Lisette Flores <LFlores@azleg.gov> wrote:

Thanks, Marilyn. I was cc'd on it but I'm grateful for you having my back.

Lisette

From: Marilyn Rodriguez [mailto:marilyn@creosote.partners]
Sent: Friday, April 20, 2018 1:12 PM
To: Lisette Flores <LFlores@azleg.gov>
Subject: Fwd: SB1466 - No More Consensus County Recorders Are Opposed

FYI

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

From: Jen Marson <jmarson@azcounties.org>
Date: Fri, Apr 20, 2018 at 1:08 PM
Subject: SB1466 - No More Consensus County Recorders Are Opposed
To:

FYI - Below is the message we shared with the Senate a few minutes ago.

From: Jen Marson
Sent: Friday, April 20, 2018 1:03 PM
Cc: Trey Williams (twilliams@azcounties.org); Megan Kintner (mkintner@azcounties.org); Intern (Intern@azcounties.org)
Subject: SB1466 - No More Consensus County Recorders Are Opposed
Importance: High

****It may be that Sen. Gray refuses the House amendments and takes this bill to Conference, but I cannot get that confirmed and knowing there is limited time left, I'm working on the premise that SB1466 will not go to Conference****

Dear Members of the Senate:

Many weeks ago the Senate Judiciary Committee heard SB1466 – the bill being pushed by the Maricopa County Republican Party that would have given sole authority to the Board of Supervisors to establish early voting locations. It was a contentious hearing because all 15 County Recorders were opposed and when voting the committee made it clear that the proponents needed to work with counties moving forward. That process was successful and an agreement was reached that resulted in the Senate Engrossed Version which passed your chamber 29-0.

The Arizona Association of Counties, and the County Recorders are once again opposed to SB1466 because of the House floor amendment that was added. This amendment undoes significant portions of the Senate agreement and counties were not even consulted in the drafting of the new language. Counties are a crucial stakeholders on election issues and we negotiated the Senate Engrossed version in good faith.

The House floor amendment (our concerns are noted blue):

1. Removes the ability for weekend voting if the county has the technology to adequately update signature rosters

- Why would election experts offer LESS access to voting if the technology is there to provide more access?
- Counties have heard complaints from members of both parties that getting to a polling place on a weekday is a challenge – this would allow them to come in on the weekend

2. Removes the ability for a vote center to be used as a ballot replacement location

- Voters are legally entitled to a replacement ballot if something happens to the original, if a vote center is in place that seems like a logical place to distribute replacement ballots

3. Removes the ability for there to be more than one ballot replacement site per district

- Current language says only one replacement location “per district”. The term “district” does not apply to a vote center environment and that is why counties suggested changes to this section so that replacement ballot language works in a polling place and a vote center environment
- More than one location for a replacement ballot helps voters by providing more access

4. Requires that a Recorder can only modify the approved list of early voting locations if an “actual” emergency exists AND those emergency modifications can only occur on Election Day or the weekend prior to Election day

- The sentence was altered in such a way that Recorders can only make changes in that 4-day window – so what happens if an emergency occurs a week before the election? Two weeks before?
- The word “actual” was added...but not defined. It reads as though it means a natural emergency – fire/flood/etc...but if that is not the intent then:
 - i. Why add the word “actual”?
 - ii. Does this allow counties to use flexibility in determining what is an emergency?

5. Gives full control to the BOS to determine types of voting and voting locations

- This flies in the face of the compromise that counties and the Maricopa County Republican Party agreed to in the Senate
- Existing statute gives the Recorder complete control yet AACo and the County Recorders agreed to work “in conjunction” with the BOS per the negotiations
- This turns complete control over to the BOS who have no expertise in election administration

For the reasons noted above we request your opposition to SB1466 when it comes before the chamber for a Final Vote. As always, please let me know if you have any questions. My email will be undergoing maintenance on Monday (4/23) so please contact Trey Williams at
twilliams@azcounties.org.

Respectfully,

Jen

Jen Marson

Executive Director

Arizona Association of Counties

1910 W. Jefferson Street

Phoenix, AZ 85009

T 602 252 6563 x 222



53rd Legislature, Second Regular Session, 2018

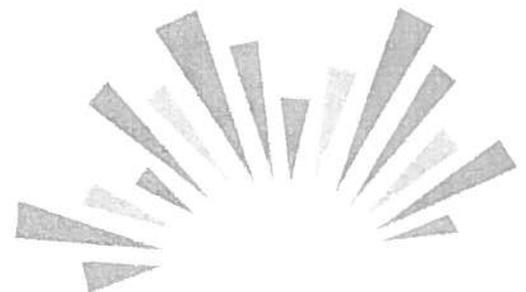
SB1466 Voting Centers; Board of Supervisors

Many weeks ago the Senate Judiciary Committee heard SB1466 – the bill being pushed by the Maricopa County Republican Party that would have given sole authority to the Board of Supervisors to establish early voting locations. It was a contentious hearing because all 15 County Recorders were opposed and when voting the committee made it clear that the proponents needed to work with counties moving forward. That process was successful and an agreement was reached that resulted in the Senate Engrossed Version which passed the Senate 29-0.

The Arizona Association of Counties, and all 15 of the County Recorders, Republican and Democrat, are once again opposed to SB1466 because of the House floor amendment that was added. This amendment undoes significant portions of the Senate agreement and counties were not even consulted in the drafting of the new language. Counties are crucial stakeholders on election issues and we negotiated the Senate Engrossed version in good faith.

The House floor amendment (our concerns are noted blue):

1. **Removes the ability for weekend voting if the county has the technology to adequately update signature rosters**
 - Why would election experts offer LESS access to voting if the technology is there to provide more access?
 - Counties have heard complaints from members of both parties that getting to a polling place on a weekday is a challenge – this would allow them to come in on the weekend
2. **Removes the ability for a vote center to be used as a ballot replacement location**
 - Voters are legally entitled to a replacement ballot if something happens to the original, if a vote center is in place that seems like a logical place to distribute replacement ballots
3. **Removes the ability for there to be more than one ballot replacement site per district**
 - Current language says only one replacement location “per district”. The term “district” does not apply to a vote center environment and that is why counties suggested changes to this section so that replacement ballot language works in a polling place and a vote center environment
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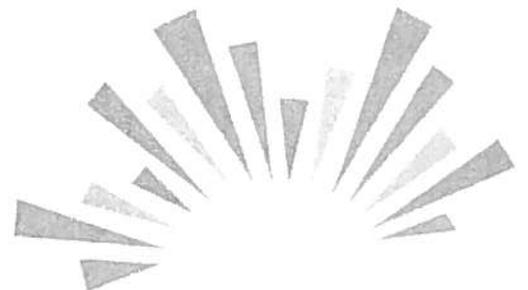
4. Requires that a Recorder can only modify the approved list of early voting locations if an "actual" emergency exists AND those emergency modifications can only occur on Election Day or the weekend prior to Election day

- The sentence was altered in such a way that Recorders can only make changes in that 4-day window – so what happens if an emergency occurs a week before the election? Two weeks before?
- The word "actual" was added...but not defined. It reads as though it means a natural emergency – fire/flood/etc...but if that is not the intent then:
 - i. Why add the word "actual"?
 - ii. Does this allow counties to use flexibility in determining what is an emergency?

5. Gives full control to the BOS to determine types of voting and voting locations

- This flies in the face of the compromise that counties and the Maricopa County Republican Party agreed to in the Senate
- Existing statute gives the Recorder complete control yet AACo and the County Recorders agreed to work "in conjunction" with the BOS per the negotiations
- This turns complete control over to the BOS who have no expertise in election administration

For the reasons noted above we request you vote no on SB1466 when it comes before the chamber for a Final Vote.



The House floor amendment (our concerns are noted blue):

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For the reasons noted above we request your opposition to SB1466 when it comes before the chamber for a Final Vote. As always, please let me know if you have any questions. My email will be undergoing maintenance on Monday (4/23) so please contact twilliams@azcounties.org.
Trey Williams at

Respectfully,
Jen

Jen Marson
Executive Director
Arizona Association of Counties
1910 W. Jefferson Street
Phoenix, AZ 85009
T 602 252 6563 x 222

F 602 254 0969

*****CONFIDENTIALITY NOTICE*****

Norm Moore

From: Jen Marson <jmarson@azcounties.org>
Sent: Friday, April 20, 2018 1:57 PM
To: Lisette Flores
Subject: RE: SB1466 - No More Consensus County Recorders Are Opposed

Yes. They do not have a formal position change because their Board was meeting during House floor yesterday and they didn't know about the amendment at that time. However, this is the message that CSA staff sent to Supervisors earlier today:

Good Afternoon Supervisors,

AACo had their LPC meeting this morning and all 15 County Recorders voted to oppose the House version of the bill due to the amendment added yesterday. Please find the attached the opposition email sent by AACo to the Senate this afternoon. Many of you updated your position in the RTS from opposed to support when AACo moved to support the bill. Due to the changes that were made to the bill yesterday (which are detailed below), you may want to consider either removing or updating your position in the RTS system. If you need assistance using the RTS system, please either call or email me.

From: Lisette Flores [mailto:LFlores@azleg.gov]
Sent: Friday, April 20, 2018 1:49 PM
To: Jen Marson
Subject: RE: SB1466 - No More Consensus County Recorders Are Opposed

Is CSA also getting involved in discussion with members?

From: Jen Marson [mailto:jmarson@azcounties.org]
Sent: Friday, April 20, 2018 1:03 PM
Cc: Trey Williams <twilliams@azcounties.org>; Megan Kintner <mkintner@azcounties.org>; Intern <Intern@azcounties.org>
Subject: SB1466 - No More Consensus County Recorders Are Opposed
Importance: High

It may be that Sen. Gray refuses the House amendments and takes this bill to Conference, but I cannot get that confirmed and knowing there is limited time left, I'm working on the premise that SB1466 will not go to Conference

Dear Members of the Senate:

Many weeks ago the Senate Judiciary Committee heard SB1466 – the bill being pushed by the Maricopa County Republican Party that would have given sole authority to the Board of Supervisors to establish early voting locations. It was a contentious hearing because all 15 County Recorders were opposed and when voting the committee made it clear that the proponents needed to work with counties moving forward. That process was successful and an agreement was reached that resulted in the Senate Engrossed Version which passed your chamber 29-0.

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Norm Moore

From: Lisette Flores
Sent: Friday, April 20, 2018 1:48 PM
To: 'Jen Marson'
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I'm hearing Gray will concur.

From: Jen Marson [mailto:jmarson@azcounties.org]
Sent: Friday, April 20, 2018 1:03 PM
Cc: Trey Williams <twilliams@azcounties.org>; Megan Kintner <mkintner@azcounties.org>; Intern <Intern@azcounties.org>
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For the reasons noted above we **request your opposition to SB1466 when it comes before the chamber for a Final Vote**. As always, please let me know if you have any questions. My email will be undergoing maintenance on Monday (4/23) so please contact Trey Williams at twilliams@azcounties.org.

Respectfully,
Jen

Jen Marson
Executive Director
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1910 W. Jefferson Street
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Norm Moore

From: Lisette Flores
Sent: Friday, April 20, 2018 1:48 PM
To: Rhonda Barnes
Subject: RE: SB1466 - No More Consensus County Recorders Are Opposed

Yup, I had received it but thanks for making sure I received a copy. We're caucusing it on Monday. I'm hearing Gray will concur.

From: Rhonda Barnes
Sent: Friday, April 20, 2018 1:46 PM
To: Lisette Flores <LFlores@azleg.gov>
Subject: Fwd: SB1466 - No More Consensus County Recorders Are Opposed

Just wanted to make sure you saw this.

Sent from my iPhone

Begin forwarded message:

From: Kathren Coleman - RISCX <kcoleman@risc.maricopa.gov>
Date: April 20, 2018 at 1:28:57 PM MST
To: Rhonda Barnes <RBarnes@azleg.gov>
Subject: FW: SB1466 - No More Consensus County Recorders Are Opposed

From: Jen Marson [<mailto:jmarson@azcounties.org>]
Sent: Friday, April 20, 2018 1:07 PM
Subject: SB1466 - No More Consensus County Recorders Are Opposed
Importance: High

FYI - Below is the message we shared with the Senate a few minutes ago.

From: Jen Marson
Sent: Friday, April 20, 2018 1:03 PM
Cc: Trey Williams (twilliams@azcounties.org); Megan Kintner (mkintner@azcounties.org); Intern (Intern@azcounties.org)
Subject: SB1466 - No More Consensus County Recorders Are Opposed
Importance: High

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Trey Williams at twilliams@azcounties.org.

Respectfully,
Jen

Jen Marson
Executive Director
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Norm Moore

From: Jen Marson <jmarson@azcounties.org>
Sent: Thursday, April 19, 2018 4:43 PM
To: Lisette Flores
Subject: FW: SB1466 - Counties Have Serious Concers w Flr Amendment

Importance: High

From: Jen Marson
Sent: Thursday, April 19, 2018 10:21 AM
Subject: SB1466 - Counties Have Serious Concers w Flr Amendment
Importance: High

Dear Members of the House:

The Arizona Association of Counties has serious concerns with the proposed floor amendment to SB1466 – especially since the Senate Engrossed version was the result of negotiations between the counties and the Maricopa County Republican Party and this amendment undoes significant portions of that agreement and counties were not consulted in the drafting of the new language. Counties are a crucial stakeholder on election issues and we negotiated the Senate Engrossed version in good faith.

We hope that the points of concern below can be factored into the debate today. We have always been willing to work on language and if the bill is held or if this amendment passes and the bill needs to go to Conference, we are absolutely willing to meet as we did before to address points of concern. We hope that counties can be at the table since this legislation impact all of Arizona's 15 counties.

Please note that the County Supervisors Association was on board of the Senate Engrossed version.

Our concerns are embedded in the amendment summary below in blue:

1. Removes language allowing:

- a. A county recorder or other officer in charge of elections to continue to operate early voting locations during the three-day period preceding the election, if precinct registers and other elections materials are able to be revised in a timely manner for use on election day; What is the logic behind removing MORE access for voters? We have long heard that voters in all political parties work Monday-Friday and it is a challenge for them to get to a polling place during typical work hours. If a county has the ability to remain open...why in the world we limit this?
- b. A voting center to be used as a ballot replacement location
Voters are entitled to replacement ballots per statute, so why wouldn't we be able to provide a replacement ballot to a voter at a vote center? There is a vote center near my office but I can't go there to get a replacement ballot I have to go...where? To the main office of the County Recorder? That is not a practical solution for the majority of voters
- c. An elector to obtain a replacement ballot on presentation of a signed, sworn statement that the ballot was *not cast*, rather than *lost, spoiled, destroyed or not received*. The net effect of removing this section is that counties can have ONLY ONE place per district to get a replacement ballot. We offered up changes to this section of law to account for a vote center environments (which, for example, the largely Republican County of Yavapai has been using for years). The existing language in this section says "district" – that doesn't work for vote centers which is why we suggested "Appropriate jurisdiction".

2. Removes the requirement for the county recorder or other officer in charge of elections to determine one or more locations, rather than a central location, to obtain a ballot replacement in the appropriate jurisdiction. The concerns with this issue are already noted above.

3. Stipulates a county recorder may only modify the approved early voting locations if an actual emergency occurs on election day or during the three-day period preceding the election. Are long lines at the polls an “actual emergency” – because that is what happened in Pinal County last fall and the Recorder decided to open up more locations, after the initial list was set (the Pinal example is the whole reason this language was agreed to in the negotiations). This language would prevent that from happening. So we can modify the list for fires or floods, but not because of on-the-ground trends that we see that could be more efficient for voters? That seems like an odd policy choice.

4. Permits the BOS to directly authorize the use of additional types of voting and determine additional voting locations.

o *Currently, the bill permits the BOS to authorize the county recorder or other officer in charge of elections to perform these functions.* The BOS has no expertise in the realm of elections and should not be the sole decider of such things. This was a main point of contention with the Introduced Version of the bill and removing that sentiment was part of the negotiations to get to the Senate Engrossed version.

As always, please let me know if you have questions.

Respectfully,
Jen

Jen Marson
Executive Director
Arizona Association of Counties
1910 W. Jefferson Street
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Norm Moore

From: Keely Varvel - RISCX <kvarvel@risc.maricopa.gov>
Sent: Thursday, April 19, 2018 11:39 AM
To: Jeff Winkler
Cc: Selianna Robles; Lisette Flores
Subject: Re: SB1466

Ok thanks.

Keely Varvel, Chief Deputy
Office of Maricopa County Recorder Adrian Fontes
Email: KVarvel@risc.maricopa.gov
Office: 602-506-1832

Sent from my iPhone

On Apr 19, 2018, at 11:38 AM, Jeff Winkler <JWinkler@azleg.gov> wrote:

Very well written! Moving forward on the Hobbs plan for the vacancy bill. We will discuss with the House and Hobbs is awaiting a call back from Coleman.

Jeff Winkler
Chief of Staff
Arizona Senate Democratic Caucus
602-926-4471
jwinkler@azleg.gov

From: Keely Varvel - RISCX [<mailto:kvarvel@risc.maricopa.gov>]
Sent: Thursday, April 19, 2018 11:08 AM
To: Rhonda Barnes <RBarnes@azleg.gov>; Lisette Flores <LFlores@azleg.gov>; Selianna Robles <SRobles@azleg.gov>
Cc: Jeff Winkler <JWinkler@azleg.gov>; Cynthia Aragon <CAragon@azleg.gov>
Subject: Fwd: SB1466

FYI

Keely Varvel, Chief Deputy
Office of Maricopa County Recorder Adrian Fontes
Email: KVarvel@risc.maricopa.gov
Office: 602-506-1832

Sent from my iPhone

Begin forwarded message:

From: Adrian Fontes - RISCX <afontes@risc.maricopa.gov>
Date: April 19, 2018 at 11:02:20 AM MST
To: Keely Varvel - RISCX <kvarvel@risc.maricopa.gov>, Jen Marson

<jmarson@azcounties.org>, Leslie Hoffman <leslie.hoffman@co.yavapai.az.us>, Robyn Stallworth Pouquette <Robyn.Pouquette@yumacountyaz.gov>
Subject: FW: SB1466

This email just went out to all House members

-Adrian

From: Adrian Fontes - RISCX
Sent: Thursday, April 19, 2018 11:01 AM
Subject: SB1466

Honorable Member of the Arizona House,

I am urgently writing to discuss a bill that is being considered in Committee of the Whole TODAY by the House of Representatives – SB 1466. The Arizona Association of Counties, the County Recorders Association and the Elected Officials of Arizona – all bipartisan organizations – worked diligently with the bill’s sponsor and other stakeholders to amend the bill, as it passed the Senate, to be a compromise. That compromise is about to be negated by the Mesnard Floor Amendment. The provisions of that amendment remove key changes to the bill that are a fundamental part of the compromise.

I can’t help but believe that the provisions of this bill are aimed at work being done in my office to expand early voting and provide more vote centers that allow voting at any location, and ensure ballots are counted (an issue being litigated in Jones v Reagan) regardless of the voter’s precinct. As such, the Mesnard Floor Amendment, and the underlying bill (if amended), can be considered an attack on the independent elected authority of the other County Recorders by requiring them to involve their County Boards of Supervisors in much more of the day-to-day administrative decisions regarding early voting, which, by existing statute, falls squarely under the jurisdiction of Arizona’s County Recorders.

The Mesnard Floor Amendment also removes an important provision of SB 1466, which allows Counties to approve weekend voting immediately prior to Election Day. This makes voting more convenient and reduces the possibility of long lines on Election Day.

My office is already working collaboratively with the Maricopa County Board of Supervisors to plan and approve final voting location maps. Recently, the Maricopa County Board of Supervisors approved a \$4 million appropriation for our office to buy new voting equipment that further enables us to enact these reforms. If the Maricopa County Board of Supervisors are concerned that our voluntary collaborative efforts break down, the members could revise our standing charter agreement, which oversees the delegation of elections activity to my office.

Legislation to codify what is already happening in Maricopa County is simply not necessary and will encroach on the authority of other independently elected County Recorders. I ask you to oppose the Mesnard Floor Amendment and the bill as a whole if the floor amendment passes

Adrian Fontes
Maricopa County Recorder
(602)506-VOTE

Norm Moore

From: Keely Varvel - RISCX <kvarvel@risc.maricopa.gov>
Sent: Thursday, April 19, 2018 11:36 AM
To: Lisette Flores
Subject: Re: SB1466

I don't know. We just heard about the amendment right before floor. Gray backed the original bill before the compromise and Mesnard's amendment pretty much just pulls those compromise provisions out. So he may be supportive of the Mesnard amendment. I don't know.

Keely Varvel, Chief Deputy
Office of Maricopa County Recorder Adrian Fontes
Email: KVarvel@risc.maricopa.gov
Office: 602-506-1832

Sent from my iPhone

On Apr 19, 2018, at 11:24 AM, Lisette Flores <LFlores@azleg.gov> wrote:

Thanks, Keely. Have there been any conversations with Gray to refuse those changes if the amendment does get adopted in House COW?

From: Keely Varvel - RISCX [<mailto:kvarvel@risc.maricopa.gov>]
Sent: Thursday, April 19, 2018 11:08 AM
To: Rhonda Barnes <RBarnes@azleg.gov>; Lisette Flores <LFlores@azleg.gov>; Selianna Robles <SRobles@azleg.gov>
Cc: Jeff Winkler <JWinkler@azleg.gov>; Cynthia Aragon <CAragon@azleg.gov>
Subject: Fwd: SB1466

FYI

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Email: KVarvel@risc.maricopa.gov
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Sent from my iPhone

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I can’t help but believe that the provisions of this bill are aimed at work being done in my office to expand early voting and provide more vote centers that allow voting at any location, and ensure ballots are counted (an issue being litigated in Jones v Reagan) regardless of the voter’s precinct. As such, the Mesnard Floor Amendment, and the underlying bill (if amended), can be considered an attack on the independent elected authority of the other County Recorders by requiring them to involve their County Boards of Supervisors in much more of the day-to-day administrative decisions regarding early voting, which, by existing statute, falls squarely under the jurisdiction of Arizona’s County Recorders.

The Mesnard Floor Amendment also removes an important provision of SB 1466, which allows Counties to approve weekend voting immediately prior to Election Day. This makes voting more convenient and reduces the possibility of long lines on Election Day.

My office is already working collaboratively with the Maricopa County Board of Supervisors to plan and approve final voting location maps. Recently, the Maricopa County Board of Supervisors approved a \$4 million appropriation for our office to buy new voting equipment that further enables us to enact these reforms. If the Maricopa County Board of Supervisors are concerned that our voluntary collaborative efforts break down, the members could revise our standing charter agreement, which oversees the delegation of elections activity to my office.

Legislation to codify what is already happening in Maricopa County is simply not necessary and will encroach on the authority of other independently elected County Recorders. I ask you to oppose the Mesnard Floor Amendment and the bill as a whole if the floor amendment passes

Adrian Fontes
Maricopa County Recorder
(602)506-VOTE

Norm Moore

From: Zach Moss <Zach.Moss@yavapai.us>
Sent: Monday, April 16, 2018 10:15 AM
To: Zach Moss
Subject: FW: PSA - Early Voting for the May 15, 2018 Special Election Begins on April 18, 2018
Attachments: Sent 04-16-18 Early Voting PSA.DOCX; Sent 04-16-18 Early Voting PSA.PDF

For immediate release.

Thank you,

Zachary Moss
Yavapai County Recorder's Office
1015 Fair St., Room 228
Prescott, AZ 86305
928-442-5707



From: Zach Moss
Sent: Monday, April 16, 2018 10:07 AM
To: Zach Moss <Zach.Moss@yavapai.us>
Subject: PSA - Early Voting for the May 15, 2018 Special Election Begins on April 18, 2018

For immediate release.

Thank you,

Zachary Moss
Yavapai County Recorder's Office
1015 Fair St., Room 228
Prescott, AZ 86305
928-442-5707



Leslie M. Hoffman
Yavapai County Recorder

Karen M. McCracken
Chief Deputy Recorder

Lynn A. Constabile
Elections Director

Laurin L. Custis
Registrar of Voters



1015 Fair Street - Room 228
Prescott, Arizona 86305

Recorder
928-771-3244
web.recorder@yavapai.us

Elections Department
928-771-3250
web.elections@yavapai.us

Voter Registration
928-771-3248
web.voter.registration@yavapai.us

PUBLIC SERVICE ANNOUNCEMENT

FOR IMMEDIATE RELEASE: Monday, April 16, 2018

Leslie Hoffman
Yavapai County Recorder
Yavapai County Government
(928) 771-3248
leslie.hoffman@yavapai.us

Early Voting

Yavapai County Recorder, Leslie Hoffman would like to announce the following information:

- The last day to register to vote for the May 15, 2018 Special Election is today Monday, April 16, 2018.
- Please visit the Yavapai County Recorder's Office at 1015 Fair St. Rm 228, Prescott or 10 S. 6th St., Cottonwood to register in person Monday – Friday 8:00 a.m. – 5:00 p.m. or visit www.servicearizona.com to register online until 11:59 p.m.
- All registered voters that reside within Yavapai County are eligible to vote in this Election.
- Early voting will begin Wednesday, April 18, 2018 through Election Day Tuesday, May 15, 2018.
- To vote early in person, please visit the Yavapai County Recorder's Office at 1015 Fair St. Room 228, Prescott or 10 S. 6th St., Cottonwood Monday – Friday 8am – 5pm and Election Day until 7pm.
- Ballots will be mailed to all eligible voters the week of April 23, 2018 through the U.S. Mail. Please contact us at 928-771-3248 after Monday, April 30, 2018 if you have not received your ballot.
Be sure to sign your affidavit envelope in your original handwriting.
- The Yavapai County Recorder's Office is now on Facebook. Please follow us at:
<https://www.facebook.com/ycrecorderelect/?fref=ts>

-END-

For more information regarding this news release, please contact Leslie M. Hoffman, Yavapai County Recorder at (928) 771-3248.

Si necesita hablar con alguien en español con respecto al Registro de Votantes o en relación a este documento, llame por favor al (928) 771-3383.

Norm Moore

From: Jen Marson <jmarson@azcounties.org>
Sent: Tuesday, March 6, 2018 4:52 PM
To: Lisette Flores
Subject: Fwd: Request Support SB1466 w Gray Flr Amendment

Sent from Jen's iPhone, likely with Siri- please excuse any typos or unexpected brevity. I no longer check/respond to texts or emails while driving.

Begin forwarded message:

From: Jen Marson <jmarson@azcounties.org>
Date: March 1, 2018 at 6:17:34 PM EST
Subject: Request Support SB1466 w Gray Flr Amendment

Dear Members of the Senate:

On behalf of the Arizona Association of Counties, and the County Recorders and Election Directors, we write today to ask you to **support SB1466 with the Gray floor amendment when it goes through COW next week (March 5-9)**. When this bill went through the Judiciary Committee we had some serious concerns but I am pleased to share that the stakeholder process was successful and the proponents of the bill and the county election experts have come to an agreement. The amendment is lengthy because in addition to making changes to the original SB1466, it now also includes our bill from the House, HB2206. Separately the bills were not bendable, so the stakeholders agreed to mesh them together so as not to have issues later.

Below is a very quick list of the items in the amendment. I have not included much detail in order to keep this email concise.

- 16-193: Adds language from HB2206 that removes a reference to old language
- 16-411:
 - Remove BOS involvement re: equipment and tabulation method
 - Adds BOS in early voting process via existing "upon resolution" language
 - Adds "vote center" definition from HB2206
 - Adds language to clarify that on Election Day, a vote center is deemed a polling place...no guns, no electioneering, etc (per HB2206 amendment)
 - Adds bridge language to allow a Vote Center to be used as an Early Voting location or a Ballot Replacement Location (from 2206)
 - Keeps definition of "drop off center" from 1466
 - Deletes definition of "early voting center" because the bridge language covers it
- Repeals Title 16, chapter 4, article 3 (outdated lever language from 2206)
- Adds language from HB2206 re: the appointment of election boards for voting centers (mimics existing language in 15-531)
- 16-542:
 - Adds language to apply "upon resolution" language to early voting locations outside the Recorders office
 - Adds language to allow a Recorder to make changes to those sites and notify public/BOS of the changes

- Adds language from HB2206 re: if technology permits, you can have early voting open the weekend before Election Day
- Adds language from HB2206 re: codifies current process for emergency voting for counties that do not have technology to have extended early voting
- 16-588.02: language from HB2206 that allows for more than one ballot replacement site (per 2206 amendment)
- 16-584: adds language from HB2206 to remove reference to “ballot stubs” (we don’t have those anymore)

Oh course, please let me know if you have any questions and thank you for considering our request to support SB1466 with the Gray floor amendment.

Respectfully,
Jen

Jen Marson
Executive Director
Arizona Association of Counties
1910 W. Jefferson Street
Phoenix, AZ 85009
T 602 252 6563 x 222

F 602 254 0969

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Norm Moore

From: Lisette Flores
Sent: Thursday, February 15, 2018 10:22 AM
To: Martin Quezada; Andrea Dalessandro; Lupe Contreras; Leonela Urrutia
Subject: HB2206 passed in the House this morning - recorders are in support of this bill, which addresses early voting centers.

Norm Moore

From: Kathren Coleman - RISCX <kcoleman@risc.maricopa.gov>
Sent: Tuesday, January 9, 2018 4:48 PM
To: Rhonda Barnes; Jeff Winkler; Lisette Flores; Cynthia Aragon
Subject: RE: SB1058
Attachments: February CD Special Elections Costs - Detailed.pdf

All,

I know you all have been anxiously awaiting this information. I'm excited to work with you all this session, and appreciate your patience as our budget and elections departments work to get these answers.

Attached is the detailed budget breakdown for the Congressional District 8 Special Elections held February 27th (Primary) and April 24th (General). We have estimated \$3.86/voter *each* election, with a total estimated cost of \$3.502 million (\$1.751 per election) to administer. As you notice, this estimate is above the \$2.50/voter currently in SB1058, and as you well know, the county has been subsidizing elections for the state at the lower per-voter cost. The Secretary of State's office is working with our staff and Republican leadership to propose the per voter amount be set to \$4.00, as this would be a *ceiling* for our reimbursement based on actual cost.

Per our elections proposal to the Board of Supervisors, the 143 voting precincts in Congressional District 8 will have 49-52 polling locations, depending on our staff's ability to locate an additional 3 facilities. This plan is pending approval with the Maricopa County Board of Supervisors.

To track current registration numbers as they are updated (monthly, by our office), please visit https://recorder.maricopa.gov/voterregistration/redirect_new.aspx?view=congressional. They are summarized below for your ease:

Current Active Registered Voters in Maricopa County:	2,176,831
Current Active Registered Voters in Congressional District 8:	454,201
Current PEVL Voters in Congressional District 8:	323,369 (estimated at 330,000 for budgetary purposes to capture additional non-PEVL Ballot-by-Mail requests)

I've set a conference call for tomorrow at 10:30am. I will be available to answer any questions you have after reviewing the attached budget – call-in instructions as follows:

Phone Number:
Participant code:

If you have additional, urgent questions, I'd also like to offer my time this evening or tomorrow outside the set conference call time. I can be reached on my cell at 480.438.0919.

Thank you all, happy 2018 session!

Kathren

Kathren Coleman

Elections Policy Officer | Maricopa County Recorder Adrian Fontes | Phone: 602.506.2317 |

Public Disclosure Notice: This message and any messages in response to the sender of this message may be subject to a public records request.

From: Rhonda Barnes [mailto:RBarnes@azleg.gov]
Sent: Tuesday, January 9, 2018 4:11 PM
To: Kathren Coleman - RISCX <kcoleman@risc.maricopa.gov>
Cc: Lisette Flores <LFlores@azleg.gov>; Cynthia Aragon <CAragon@azleg.gov>
Subject: RE: SB1058

I think tomorrow will be better for me. Let me know what works for you.

Rhonda

From: Lisette Flores
Sent: Tuesday, January 9, 2018 2:58 PM
To: Kathren Coleman - RISCX <kcoleman@risc.maricopa.gov>; Rhonda Barnes <RBarnes@azleg.gov>; Cynthia Aragon <CAragon@azleg.gov>
Subject: RE: SB1058

Hi Kathren. My schedule is flexible so whichever time works for all.

Lisette

From: Kathren Coleman - RISCX [mailto:kcoleman@risc.maricopa.gov]
Sent: Tuesday, January 9, 2018 2:56 PM
To: Rhonda Barnes <RBarnes@azleg.gov>; Lisette Flores <LFlores@azleg.gov>; Cynthia Aragon <CAragon@azleg.gov>
Subject: SB1058

Happy 2018 Session!

We are working through the details of SB1058 – the funding for the Congressional District 8 election cost. The Recorder would like to call the leadership today to talk through the details of what we've worked on with the Secretary of State's office.

I'd also like to chat with you all to update staff. Would you be available for a call today or can I set something up for the morning to conference us all together?

Many thanks,

Kathren

Kathren Coleman

Elections Policy Officer | Maricopa County Recorder Adrian Fontes | Phone: 602.506.2317

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	COST TO MAIL OUT	COST TO MAIL IN	ON THE GROUND
26,258 ON THE GROUND			0.30
114,154 PEVL	0.35		
8,994 ALL BALLOTS			0.01
2,417 ALL BALLOTS	0.02		0.49
36,496 ON THE GROUND			0.12
8,268 ON THE GROUND			0.74
2,689 PEVL			0.51
24,497 PEVL			0.36
16,996 PEVL			0.15
11,897 PEVL			1.06
488,720 PEVL			0.13
279,676 PEVL			0.58
186,450 PEVL			
1,207,490 TOTAL ESTIMATE	2.26	1.64	0.92

76,577.90	52 SITES @ 6 BOARDWORKERS/SITE @ \$12/HR FOR 19 HOURS		
3,900.00	POLL SITE RENTALS - 52 SITES @ \$75/SITE		
17,098.92	19 TROUBLESHOOTERS @ \$15/HR FOR 60 HOURS plus fringe		
22,400.00	CONTRACTED INSIGHT TEAM MEMBER (10) - For Equipment Setup 2 DAYS @ 12 HRS/DAY @ \$70/HR + 4 HRS TRAINING EA		
9,499.46	19 TROUBLESHOOTERS MILEAGE (500 MILES EA @ \$0.545/MIL)		
9,600.00	TRUCKS - 4 TRUCKS FOR 4 WKS @ \$600/WK		
3,000.00	TRUCK - 1 TRUCK FOR 5 WKS @ \$600/WK (FOR MEIL) -RUMBECK/POST OFFICE TRANSPORTING BALLOTS		
500.00	FUEL FOR TRUCK FOR RUMBECK/POST OFFICE RUNS		
1,500.00	FUEL FOR TRUCKS		
7,038.16	2 TEMPS FOR RUMBECK/POST OFFICE TRANSPORTION		
24,113.60	5 DRIVERS & 5 HELPERS FOR 4 WKS @ \$14/HR FOR 160 HOURS		
54,565.63	PROCESSING BOARDS - 4,224 HRS	4,224.00	54,565.63
54,565.63	SIGNATURE VERIFICATION 4,224 hrs		
8,600.00	TEMPORARY HELP FOR EARLY VOTING @ MCTEC - 4 TEMPS		
50,000.00	RENTAL OF 30 BOOS FROM RUMBECK ELECTION SERVICES for Early Voting		
75,000.00	ADVERTISING/OUTREACH TO VOTERS - As discussed with SDS		
864.00	3 RECEIVING SITES w/ 4 HELPERS @ EA - \$12/HR FOR 6 HOURS plus fringe		
3,307.01	HANDCOUNT - 32 TEMPS @ 8 HOURS - \$12/HR plus fringe		
25,000.00	ELECTION NIGHT & OTHER FTE OVERTIME - SEE 2017 BUDGET		
900.00	SECURITY COSTS @ RECEIVING SITES - 5 @ 4 HRS @ \$45/HR		27.89 PER HOUR ARMED
2,000.00	2 SHERIFFS DEPUTIES FOR ELECTION DAY		
30,000.00	SECURITY COSTS @ RUMBECK/MCTEC @ \$27.89/HR - MULTIPLE DAYS		
350.00	FOOD COSTS FOR HANDCOUNT		
9,300.96	Special Election Boards - 6 PEOPLE @ \$12EA FOR 120 HRS EA PLUS FRINGE		
10,000.00	MISCELLANEOUS PRINTING		
1,925.00	TELECOM CHARGES @ \$35/SITE @ 52 SITES PLUS 3 EARLY VOTING SITES		
16,741.73	EARLY VOTING SITE - 1 SITES @ EA FOR 8 HR DAYS FOR 27 DAYS OUT		
12,401.28	EARLY VOTING SITES - 2 SITES @ EA FOR 8 HR DAYS FOR 10 DAYS OUT		
8,370.86	OT EARLY VOTING SITE FOR 3 WEEKENDS - 1 SITES @ EA FOR 12 HR DAYS FOR 27 DAYS OUT		
3,720.38	OT EARLY VOTING SITE FOR 1 WEEKEND - 2 SITES @ EA FOR 12 HR DAYS FOR 10 DAYS OUT		
800.49	MCTEC OT EARLY VOTING SITE FOR 2 WEEKENDS - FTE		
\$1543,641.01		\$43,641.01	

\$1,751,131 TOTAL ESTIMATED COST PER ELECTION

\$3.86 ESTIMATED COST PER REGISTERED VOTER PER ELECTION

\$3,502,263 TOTAL ESTIMATED COST FOR TWO ELECTIONS

Norm Moore

From: Jen Marson <jmarson@azcounties.org>
Sent: Tuesday, April 24, 2018 9:53 AM
Subject: SB1466 - County Reasoning Clarified - We Remain Opposed

Follow Up Flag: FollowUp
Flag Status: Flagged

Dear Senators:

Recently the remarks from caucus re: 1466 were shared with me and there are several clarifications that need to be made. The Arizona Association of Counties (AACo) has always been happy to try and work through issues. Sometimes in the end the parties have to agree to disagree, and each side works the members for votes. It is our hope, that since we are at that point with SB1466, we can all start from the same factual place.

Below are the caucus remarks and our clarification embedded within. As always, please let me know if you have questions.

Respectfully,
Jen Marson
Executive Director
Arizona Association of Counties

Sponsored by: Gray
Presented by: Vicente Reyna
Decision: CONCUR

Senator Gray: Just so all of our members know, this is probably going to be contentious because they didn't get everything they wanted (**and because the Senate agreement was unraveled WITHOUT ANY conversation with counties to try and make the language work for everyone**). I talked to house leadership and they had some concerns about the legalities of the weekend voting and disenfranchising voters (**weekend voting is neither illegal, disenfranchising, nor an equal protection violation - so say both R and D election Attorney's in the state**). The only thing that was removed was the weekend, the whole three days before the voting, which we never had before. So, we are not taking away any voter previous rights, we are just not granting more. Also for voting centers to be used as a ballot replacement location, we never had that before, we basically had a centralized location that they had to pick up their ballot and that is the same (**This is inaccurate. The change we wanted re: ballot replacement centers was to codify current practice in a vote center environment. OF COURSE ballots should be replaced at the same place people vote. Voters naturally show up at the place where they would vote and we have to tell them to go get a replacement ballot somewhere else? That is counter productive**) They may be unhappy with that, but we are not regressing at all, we are leaving that the same (**Statute is behind the times and needed to be updated**). Also, a lot of this is clarifying the early voting centers are still under the authority of the board of supervisors. There may be some angst saying we are disenfranchising voters, but I will give you one example in our district for CD 8. Fontes was going to reduce number of voting centers in sun city. The average age is around the late 70s. We've got people in the southern city that will not cross Grand Ave and come up to the central part of Sun City because they are uncertain about their physical capabilities. They were going to reduce number of voting centers to 1 in sun city, that would drastically disenfranchise voters. Fortunately, our supervisor worked to make sure we had those, but the board of supervisors has the responsibility and oversight of the election process. The recorder would bring their plan and present that and okay that, but they still have the oversight. What we have done in the bill is make sure it is clarified in statute, so there is no uncertainty, that the early voting centers are under the board of supervisors (**This is undoes the Senate agreement, without even allowing counties to be at the table as a key stakeholder**). That definitely needs to be clarified. We never had voting locations

open all weekend long, and never had a place that you can go anywhere and get a new ballot because you swear you didn't have a good ballot (Correct re: weekend voting statement, inaccurate re: replacement ballots). Nothing in this amendment disenfranchises or reduces any voter rights from what we currently have. My concern is because they didn't get everything they wanted, I guess they don't appreciate the word compromise (it is not a compromise if counties were not invited, despite repeated requests, to the table. AACo has always been genuine in its negotiations), we also removed a lot archaic language for things that just don't apply. You probably got the email from Jen Larsen saying they are not happy with it and I asked her if should would rather have the bill die, even though we have made these improvements, and she said "yeah." (What I said was "yes, the changes give full authority to the BOS which was our main complaint on the introduced version. It also only allows for modifications on 4 specific days") I don't think that is a good way to proceed just on a policy basis. On a policy basis we improved things, we articulated the board is over the early voting centers and the recorders have to bring the plan. On the emergencies too, that is clarified that if they have an emergency they just have to have the board approval (but in the bill an emergency can only occur in a specific 4-day window...that's not how emergencies work). When you are the board of supervisors, you are paid for all of this so if we were to go around them, we would in essence say you have to be financially responsible for what the elected official does and they don't have to get your okay and they can do whatever they want, and that is not good business. (BOS are not in charge of other elected officials. They approve budgets. This micromanaging wasn't tolerated when Sheriff Joe was in office, nor should it have been. This oversight is not being sought for the Sheriff, Treasures, Assessor, etc -and it should not be being asked of the Recorder who the people picked to do that job) Again, the only thing we've done is clarify as we are moving forward, and not giving them as much new language as what they wanted, but we are not disenfranchising the voters. So, I need your support.

Sent from my iPad

Norm Moore

From: Jen Marson <jmarson@azcounties.org>
Sent: Friday, April 20, 2018 1:03 PM
Cc: Trey Williams; Megan Kintner; Intern
Subject: SB1466 - No More Consensus County Recorders Are Opposed

Importance: High

Follow Up Flag: Follow up
Flag Status: Flagged

It may be that Sen. Gray refuses the House amendments and takes this bill to Conference, but I cannot get that confirmed and knowing there is limited time left, I'm working on the premise that SB1466 will not go to Conference

Dear Members of the Senate:

Many weeks ago the Senate Judiciary Committee heard SB1466 – the bill being pushed by the Maricopa County Republican Party that would have given sole authority to the Board of Supervisors to establish early voting locations. It was a contentious hearing because all 15 County Recorders were opposed and when voting the committee made it clear that the proponents needed to work with counties moving forward. That process was successful and an agreement was reached that resulted in the Senate Engrossed Version which passed your chamber 29-0.

The Arizona Association of Counties, and the County Recorders are once again opposed to SB1466 because of the House floor amendment that was added. This amendment undoes significant portions of the Senate agreement and counties were not even consulted in the drafting of the new language. Counties are a crucial stakeholders on election issues and we negotiated the Senate Engrossed version in good faith.

The House floor amendment (our concerns are noted blue):

- 1. Removes the ability for weekend voting if the county has the technology to adequately update signature rosters**
 - Why would election experts offer LESS access to voting if the technology is there to provide more access?
 - Counties have heard complaints from members of both parties that getting to a polling place on a weekday is a challenge – this would allow them to come in on the weekend
- 2. Removes the ability for a vote center to be used as a ballot replacement location**
 - Voters are legally entitled to a replacement ballot if something happens to the original, if a vote center is in place that seems like a logical place to distribute replacement ballots
- 3. Removes the ability for there to be more than one ballot replacement site per district**
 - Current language says only one replacement location “per district”. The term “district” does not apply to a vote center environment and that is why counties suggested changes to this section so that replacement ballot language works in a polling place and a vote center environment
 - More than one location for a replacement ballot helps voters by providing more access
- 4. Requires that a Recorder can only modify the approved list of early voting locations if an “actual” emergency exists AND those emergency modifications can only occur on Election Day or the weekend prior to Election day**
 - The sentence was altered in such a way that Recorders can only make changes in that 4-day window – so what happens if an emergency occurs a week before the election? Two weeks before?

- The word "actual" was added...but not defined. It reads as though it means a natural emergency – fire/flood/etc...but if that is not the intent then:
 - i. Why add the word "actual"?
 - ii. Does this allow counties to use flexibility in determining what is an emergency?

5. Gives full control to the BOS to determine types of voting and voting locations

- This flies in the face of the compromise that counties and the Maricopa County Republican Party agreed to in the Senate
- Existing statute gives the Recorder complete control yet AACo and the County Recorders agreed to work "in conjunction" with the BOS per the negotiations
- This turns complete control over to the BOS who have no expertise in election administration

For the reasons noted above we request your opposition to SB1466 when it comes before the chamber for a **Final Vote**. As always, please let me know if you have any questions. My email will be undergoing maintenance on Monday (4/23) so please contact Trey Williams at
twilliams@azcounties.org.

Respectfully,
 Jen

Jen Marson
 Executive Director
 Arizona Association of Counties
 1910 W. Jefferson Street
 Phoenix, AZ 85009
 T 602 252 6563 x 222

F 602 254 0969

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Norm Moore

From: Rick Gray
Sent: Thursday, April 19, 2018 10:36 AM
To: Chris Herring; lisa@lisagrays.com
Subject: FW: SB1466 - Counties Have Serious Concerns w Flr Amendment

Importance: High

FYI

Rick Gray
AZ State Senate
Legislative District 21
602-926-5413 Office

From: Jen Marson [mailto:jmarson@azcounties.org]
Sent: Thursday, April 19, 2018 10:21 AM
Subject: SB1466 - Counties Have Serious Concerns w Flr Amendment
Importance: High

Dear Members of the House:

The Arizona Association of Counties has serious concerns with the proposed floor amendment to SB1466 – especially since the Senate Engrossed version was the result of negotiations between the counties and the Maricopa County Republican Party and this amendment undoes significant portions of that agreement and counties were not consulted in the drafting of the new language. Counties are a crucial stakeholder on election issues and we negotiated the Senate Engrossed version in good faith.

We hope that the points of concern below can be factored into the debate today. We have always been willing to work on language and if the bill is held or if this amendment passes and the bill needs to go to Conference, we are absolutely willing to meet as we did before to address points of concern. We hope that counties can be at the table since this legislation impact all of Arizona's 15 counties.

Please note that the County Supervisors Association was on board of the Senate Engrossed version.

Our concerns are embedded in the amendment summary below in blue:

1. Removes language allowing:

a. A county recorder or other officer in charge of elections to continue to operate early voting locations during the three-day period preceding the election, if precinct registers and other elections materials are able to be revised in a timely manner for use on election day; What is the logic behind removing MORE access for voters? We have long heard that voters in all political parties work Monday-Friday and it is a challenge for them to get to a polling place during typical work hours. If a county has the ability to remain open...why in the world we limit this?

b. A voting center to be used as a ballot replacement location

Voters are entitled to replacement ballots per statute, so why wouldn't we be able to provide a replacement ballot to a voter at a vote center? There is a vote center near my office but I can't go there to get a replacement ballot I have to go...where? To the main office of the County Recorder? That is not a practical solution for the majority of voters

c. An elector to obtain a replacement ballot on presentation of a signed, sworn statement that the ballot was *not cast, rather than lost, spoiled, destroyed or not received*. The net effect of removing this section is that counties can have **ONLY ONE** place per district to get a replacement ballot. We offered up changes to this section of law to account for a vote center environments (which, for example, the largely Republican County of Yavapai has been using for years). The existing language in this section says “district” – that doesn’t work for vote centers which is why we suggested “Appropriate jurisdiction”.

2. Removes the requirement for the county recorder or other officer in charge of elections to determine one or more locations, rather than a central location, to obtain a ballot replacement in the appropriate jurisdiction. The concerns with this issue are already noted above.

3. Stipulates a county recorder may only modify the approved early voting locations if an actual emergency occurs on election day or during the three-day period preceding the election. Are long lines at the polls an “actual emergency” – because that is what happened in Pinal County last fall and the Recorder decided to open up more locations, after the initial list was set (the Pinal example is the whole reason this language was agreed to in the negotiations). This language would prevent that from happening. So we can modify the list for fires or floods, but not because of on-the-ground trends that we see that could be more efficient for voters? That seems like an odd policy choice.

4. Permits the BOS to directly authorize the use of additional types of voting and determine additional voting locations.

o *Currently, the bill permits the BOS to authorize the county recorder or other officer in charge of elections to perform these functions.* The BOS has no expertise in the realm of elections and should not be the sole decider of such things. This was a main point of contention with the Introduced Version of the bill and removing that sentiment was part of the negotiations to get to the Senate Engrossed version.

As always, please let me know if you have questions.

Respectfully,
Jen

Jen Marson
Executive Director
Arizona Association of Counties
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Norm Moore

From: Rick Gray
Sent: Tuesday, March 6, 2018 5:06 PM
To: Christopher Herring; lisa@lisagray.com
Subject: Fwd: SB 1466 Proposed Amendment

More FYI

Rick Gray
AZ Senate LD 21
Office: 602.926.5413

----- Original message -----

From: Jen Marson <jmarson@azcounties.org>
Date: 3/6/18 5:03 PM (GMT-07:00)
To: Jake Agron <jagron@azleg.gov>
Cc: Chris Herring <chrisherringaz@yahoo.com>, Kimberly Yee <KYee@azleg.gov>, Rick Gray <RGray@azleg.gov>, Garth Kamp <GKamp@azleg.gov>
Subject: Re: SB 1466 Proposed Amendment

Honestly - it's not needed at all. What already happens is that data from previous elections is used to determine voting locations and other things for "future" elections. There is no need to legislate that -counties do that already.

My challenge at this point is, it's very unlikely that I can get enough feedback from my folks before tomorrow. Especially because I am in DC.

While I don't believe the language is necessary it's not my call. Our method at AACo is that because our members are elected we don't guess how they feel. No one elected me- so I have to wait to hear from them.

I would respectfully request that the only amendment offered tomorrow is the agreed upon Gray amendment. We have time to make adjustments in the House if need be and of course we are willing to have those conversations with whomever has concerns.

As I noted to Sen. Gray last week - right now all 15 Recorders AND all 15 election directors are in support of the bill with the Gray amendment.

Jen

Sent from Jen's iPhone, likely with Siri- please excuse any typos or unexpected brevity. I no longer check/respond to texts or emails while driving.

On Mar 6, 2018, at 6:36 PM, Jake Agron <jagron@azleg.gov> wrote:

Good Afternoon Jen and Chris,

In Caucus this morning, there was discussion regarding SB 1466 and early voting center usage. Specifically, Senator Yee raised the issue of whether the elections departments of each county would have data on the usage rate of early voting centers. This information could then be used for subsequent election cycles to appropriately plan for the amount of voting centers that may be needed.

We drafted language that would require the recorder or other officer in charge of elections to report back to the BOS on what percentage of voters used voting centers (including early voting centers) within 30 days of the election. Jen, I think this is more for you, but wanted to loop Chris in as well—does this language seem workable? If so, does a 30-day deadline to report back to the BOS feel appropriate?

The bill is currently on the COW calendar for tomorrow. Thank you and please don't hesitate to be in contact with any questions.

Best,

Jake Agron
Research Director
Legislative Research Analyst, Judiciary Committee
Arizona State Senate
p. 602-926-3171

Norm Moore

From: Rick Gray
Sent: Thursday, March 1, 2018 8:14 PM
To: Christopher Herring
Subject: Fwd: Request Support SB1466 w Gray Flr Amendment

Importance: High

FYI

Rick Gray
AZ Senate LD 21
Office: 602.926.5413

----- Original message -----

From: Jen Marson <jmarson@azcounties.org>
Date: 3/1/18 4:18 PM (GMT-07:00)
To:
Subject: Request Support SB1466 w Gray Flr Amendment

Dear Members of the Senate:

On behalf of the Arizona Association of Counties, and the County Recorders and Election Directors, we write today to ask you to **support SB1466 with the Gray floor amendment when it goes through COW next week (March 5-9)**. When this bill went through the Judiciary Committee we had some serious concerns but I am pleased to share that the stakeholder process was successful and the proponents of the bill and the county election experts have come to an agreement. The amendment is lengthy because in addition to making changes to the original SB1466, it now also includes our bill from the House, HB2206. Separately the bills were not bendable, so the stakeholders agreed to mesh them together so as not to have issues later.

Below is a very quick list of the items in the amendment. I have not included much detail in order to keep this email concise.

- 16-193: Adds language from HB2206 that removes a reference to old language
- 16-411:
 - Remove BOS involvement re: equipment and tabulation method
 - Adds BOS in early voting process via existing "upon resolution" language
 - Adds "vote center" definition from HB2206
 - Adds language to clarify that on Election Day, a vote center is deemed a polling place...no guns, no electioneering, etc (per HB2206 amendment)
 - Adds bridge language to allow a Vote Center to be used as an Early Voting location or a Ballot Replacement Location (from 2206)
 - Keeps definition of "drop off center" from 1466
 - Deletes definition of "early voting center" because the bridge language covers it
- Repeals Title 16, chapter 4, article 3 (outdated lever language from 2206)

- Adds language from HB2206 re: the appointment of election boards for voting centers (mimics existing language in 15-531)
- 16-542:
 - Adds language to apply “upon resolution” language to early voting locations outside the Recorders office
 - Adds language to allow a Recorder to make changes to those sites and notify public/BOS of the changes
 - Adds language from HB2206 re: if technology permits, you can have early voting open the weekend before Election Day
 - Adds language from HB2206 re: codifies current process for emergency voting for counties that do not have technology to have extended early voting
- 16-588.02: language from HB2206 that allows for more than one ballot replacement site (per 2206 amendment)
- 16-584: adds language from HB2206 to remove reference to “ballot stubs” (we don’t have those anymore)

Oh course, please let me know if you have any questions and thank you for considering our request to support **SB1466 with the Gray floor amendment.**

Respectfully,
Jen

Jen Marson
Executive Director
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Norm Moore

From: Jen Marson <jmarson@azcounties.org>
Sent: Wednesday, February 28, 2018 8:45 AM
To: Rick Gray
Subject: 1466 - Next Steps

Importance: High

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Senator:

I'm not sure what is going on with SB1466. Apparently there is now a Burges floor amendment (that I haven't seen) and I'm not sure who is behind that one. All I can ask is that we please move forward with the language agreed to at the stakeholder meeting:

- The Maricopa County Republican Party is fine with the language and they are the ones who suggested the original bill
- The Recorders AND Election Directors are fine with the language
- The County Supervisors are fine with the language

Those last two bullet points are the only groups actually impacted by the mechanics of the bill. If I can be helpful in some way, please let me know and thanks for any help you can offer.

Respectfully,
Jen

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Norm Moore

From: Rick Gray
Sent: Saturday, February 24, 2018 12:54 PM
To: Jen Marson
Cc: Chris Herring; Marge Ray; Garth Kamp; Jake Agron; lisa@lisagrays.com; Robin Hillyard; REC - Leslie Hoffman; Robyn Pouquette
Subject: RE: 1466 DRAFT Floor Amendment

Jen,

I have looked it over and it looks good to me. I also contacted Chris Herring because he has been involved in the discussions from the beginning and he seems satisfied with the language. We will let staff put their magic wand to the verbiage and have them bring it to perfection. You have been great to work with, and I appreciate all your efforts as well as the Recorders who have also been involved, too.

Thank you,

Rick Gray
AZ State Senate
Legislative District 21
602-926-5413 Office

From: Jen Marson [mailto:jmarson@azcounties.org]
Sent: Thursday, February 22, 2018 4:45 PM
To: Rick Gray <RGray@azleg.gov>
Cc: Chris Herring <chrisherringaz@yahoo.com>; Marge Ray <mray@azleg.gov>; Garth Kamp <GKamp@azleg.gov>; Jake Agron <jagron@azleg.gov>; lisa@lisagrays.com; Robin Hillyard <RobinH@countysupervisors.org>; REC - Leslie Hoffman <leslie.hoffman@yavapai.us>; Robyn Pouquette <robyn.pouquette@yumacountyaz.gov>
Subject: 1466 DRAFT Floor Amendment
Importance: High

Sen. Gray:

I think the attached draft captures what was discussed in the meeting yesterday. It's clearly not in the perfect format, because I need Marge's help for the placement of some of the language, but I believe all points discussed are included. I have copied those that were at the stakeholder meeting so everyone can double check my work before I send it out to the masses. I want to be sure we are all on the same page before taking the next step. If I have missed anything, please let me know.

Here are the points addressed in the amendment in order:

1. 16-193: Adds language from HB2206 that removes a reference to old language
2. 16-411:
 - Remove BOS involvement re: equipment and tabulation method
 - Adds BOS in early voting process via existing "resolution" language
 - Adds "vote center" definition from HB2206
 - Adds language to clarify that on Election Day, a vote center is deemed a polling place...no guns, no electioneering, etc (per HB2206 amendment)

- Adds bridge language to allow a Vote Center to be used as an Early Voting location or a Ballot Replacement Location (from 2206)
 - Keeps definition of "drop off center" from 1466
 - Deletes definition of "early voting center" because the bridge language covers it
3. Repeals Title 16, chapter 4, article 3 (outdated lever language from 2206)
 4. Adds language from HB2206 re: the appointment of election boards for voting centers (mimics existing language in 15-531)
 5. 16-542:
 - Adds language to apply "resolution" language to early voting locations outside the Recorders office
 - Adds language to allow a Recorder to make changes to those sites and notify public/BOS of the changes
 - Adds language from HB2206 re: if technology permits, you can have early voting open the weekend before Election Day
 - Adds language from HB2206 re: codifies current process for emergency voting for counties that do not have technology to have extended early voting
 6. 16-588.02: language from HB2206 that allows for more than one ballot replacement site (per 2206 amendment)
 7. 16-584: adds language from HB2206 to remove reference to "ballot stubs" (we don't have those anymore)

Thanks again for working with us on this.

Respectfully,
Jen

Jen Marson
Executive Director
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This is the language for a proposed floor amendment as it was discussed in the stakeholder meeting on Wednesday February 21 at 4:00 p.m. in Senate Conference Room C.

PROPOSED FLOOR AMENDMENT
SENATE AMENDMENTS TO S.B. 1466
(Reference to printed bill)

Page 1, between lines 1 and 2 insert:

"Section 1. Section 16-193, Arizona Revised Statutes, is amended to read:

16-193. Active registered voters; applicability

The terms "registered voters", "persons who are registered to vote", "registered electors" and "voters registered" as used in the following sections include only active registered voters for purposes of the following:

1. Calculating petition signature requirements pursuant to sections 11-133, 16-322, 16-341, 45-415, 45-433, 48-4433 and 48-4832.
2. Mailing and distributing election-related notices, pamphlets or ballots pursuant to sections 11-137, 15-905.01, 16-245, 16-412, 16-461, 16-510, 19-123, 19-141, 35-454, 41-563.02, 42-6109.01, 42-17057, 42-17107, 48-620, 48-4021, 48-4236, 48-5314, 48-6432 and 48-6433.
3. Providing voting machines pursuant to section 16-430.
4. Furnishing ballots pursuant to sections 16-508 and 48-685.
5. Determining qualification for political parties' continued representation on the ballot pursuant to sections 16-244 and 16-804.
6. Choosing political party officers pursuant to sections 16-821 and 16-823.

Commented [JM1]: Language from 2206 – removes reference to outdated language

Page 1, line 16, after the period strike the remainder of the line

Strike lines 17 through 18

Line 19, strike "MUST TABULATE BALLOTS AT THE POLLING PLACE."

Line 44, strike "use" insert "DETERMINE"; after "VOTING" insert ", AND VOTING"; after

"LOCATIONS" insert "INCLUDING;" and strike remainder of the line

Strike line 45

Page 2, strike lines 1 through 4

Line 6 strike "shall allow IS A FACILITY IN"

Strike lines 7 through 11 insert "IS A PHYSICAL LOCATION THAT ALLOWS ANY VOTER IN THE COUNTY TO RECEIVE THE APPROPRIATE BALLOT FOR THAT VOTER AND LAWFULLY CAST THE BALLOT FOR AN ELECTION. VOTING CENTERS MAY BE ESTABLISHED IN COORDINATION AND CONSULTATION WITH THE COUNTY RECORDER OR OTHER OFFICER IN CHARGE OF ELECTIONS AT OTHER COUNTY OFFICES OR AT OTHER LOCATIONS IN THE COUNTY DEEMED APPROPRIATE. ON ELECTION DAY, A VOTING CENTER IS DEEMED TO BE A POLLING PLACE AND SECTIONS 13-3102, 16-515, AND 16-579 APPLY. A VOTING CENTER MAY BE USED AS AN EARLY VOTING LOCATION AS PRESCRIBED BY SECTION 16-542 AND AS A BALLOT REPLACEMENT LOCATION AS PRESCRIBED BY SECTION 16-558.02."

Commented [JM2]: Removes language re: equipment and tabulation type

Commented [JM3]: Includes BDS in process via existing "resolution" language

Commented [JM4]: This new paragraph defines voting center (per 2205), clarifies that on ED its deemed a polling place...no guns, no electioneering etc (per 2206 amendment), and creates bridge to allow voting centers to be used as early voting location/balлот replacement (per 2206)

Definition of drop off center remains per 1466

Strike lines 12 through 18

Line 22 after the period delete the remainder of the line

Strike lines 23 through 26

Page 4, after line 34, insert:

Sec. 3. Repeal

Title 16, chapter 4, article 3, Arizona Revised Statutes, is repealed.

Commented [JM5]: Deletes definition of early voting center because "bridge" language above covers it

Commented [JM6]: Deletes old "lever" language per 2206

****I need some help about the placement of the following language. In HR2206 we put it in a new Article 3 and called it 16-422. ****

16-422. Appointment of voting center election boards: qualifications

A. WHEN AN ELECTION IS ORDERED AND VOTING CENTERS ARE USED, THE BOARD OF SUPERVISORS SHALL APPOINT A VOTING CENTER ELECTION BOARD FOR EACH VOTING CENTER CONSISTING OF AT LEAST ONE INSPECTOR, ONE MARSHAL AND AS MANY JUDGES OR CLERKS AS DEEMED NECESSARY. BOARD WORKERS MAY BE HIRED TO WORK SHIFTS AS LONG AS THERE ARE ALWAYS SUFFICIENT WORKERS PRESENT TO ASSIST VOTERS. INSPECTORS, MARSHALS, JUDGES AND CLERKS SHALL BE QUALIFIED VOTERS OF THE COUNTY, AND DIFFERENT POLITICAL PARTIES MUST BE REPRESENTED WITHIN EACH BOARD. THERE SHALL BE AN EQUAL NUMBER OF INSPECTORS IN THE VARIOUS VOTING CENTERS IN THE COUNTY WHO ARE MEMBERS OF THE TWO LARGEST POLITICAL PARTIES.

Commented [JM7]: All of this is basically 16-531 but in a vote center context...per 2206

B. NOTWITHSTANDING ANY OTHER LAW, THE BOARD OF SUPERVISORS MAY APPOINT A PERSON TO A VOTING CENTER ELECTION BOARD TO SERVE AS A CLERK OF ELECTIONS IF THE PERSON IS NOT ELIGIBLE TO VOTE AND ALL OF THE FOLLOWING APPLY:

1. THE PERSON IS A MINOR WHO WILL BE AT LEAST SIXTEEN YEARS OF AGE AT THE TIME OF THE ELECTION FOR WHICH THE PERSON IS NAMED TO THE VOTING CENTER ELECTION BOARD.

2. THE PERSON IS A CITIZEN OF THE UNITED STATES AT THE TIME OF THE ELECTION FOR WHICH THE PERSON IS NAMED TO THE VOTING CENTER ELECTION BOARD.

3. THE PERSON IS SUPERVISED BY AN ADULT WHO HAS BEEN TRAINED AS A VOTING CENTER ELECTION BOARD WORKER.

4. THE PERSON HAS RECEIVED TRAINING PROVIDED BY THE OFFICER IN CHARGE OF ELECTIONS.

5. THE PERSON'S PARENT OR GUARDIAN HAS PROVIDED WRITTEN PERMISSION FOR THE PERSON TO SERVE.

C. A SCHOOL DISTRICT OR CHARTER SCHOOL SHALL NOT BE REQUIRED TO REDUCE ITS AVERAGE DAILY MEMBERSHIP, AS DEFINED IN SECTION 15-901, FOR ANY PUPIL WHO IS ABSENT FROM ONE OR MORE INSTRUCTIONAL PROGRAMS AS A RESULT OF THE PUPIL'S SERVICE ON A VOTING CENTER ELECTION BOARD PURSUANT TO SUBSECTION B OF THIS SECTION.

D. A SCHOOL DISTRICT OR CHARTER SCHOOL SHALL NOT COUNT ANY PUPIL'S ABSENCE FROM ONE OR MORE INSTRUCTIONAL PROGRAMS AS A RESULT OF THE PUPIL'S SERVICE ON A VOTING CENTER ELECTION BOARD PURSUANT TO SUBSECTION B OF THIS SECTION AGAINST ANY MANDATORY ATTENDANCE REQUIREMENTS FOR THE PUPIL.

E. THIS SECTION DOES NOT PREVENT THE BOARD OF SUPERVISORS OR OFFICER IN CHARGE OF ELECTIONS FROM REFUSING TO REAPPOINT FOR CAUSE, OR FROM REMOVING FOR CAUSE, A VOTING CENTER ELECTION BOARD MEMBER.

Sec. ?? Section 16-542, Arizona Revised Statutes, is amended to read:

16-542. Request for ballot: civil penalties: violation: classification

A. Within ninety-three days before any election called pursuant to the laws of this state, an elector may make a verbal or signed request to the county recorder, or other officer in charge of elections for the applicable political subdivision of this state in whose jurisdiction the elector is registered to vote, for an official early ballot. In addition to name and address, the requesting elector shall provide the date of birth and state or country of birth or other information that if compared to the voter registration information on file would confirm the identity of the elector. If the request indicates that the elector needs a primary election ballot and a general election ballot, the county recorder or other officer in charge of elections shall honor the request. For any partisan primary election, if the elector is not registered as a member of a political party that is entitled to continued representation on the ballot pursuant to section 16-804, the elector shall designate the ballot of only one of the political parties that is entitled to continued representation on the ballot and the elector may receive and vote the ballot of only that one political party. The county recorder may establish on-site early voting locations at the recorder's office, which shall be open and available for use beginning the same day that a county begins to send out the early ballots. ON A SPECIFIC RESOLUTION OF THE BOARD OF SUPERVISORS, THE BOARD MAY AUTHORIZE ~~THE~~ THE county recorder may TO also establish any other early voting locations in the county the recorder deems necessary. A COUNTY RECORDER, OR OTHER OFFICER IN CHARGE OF ELECTIONS, MAY MAKE CHANGES TO THE APPROVED EARLY VOTING LOCATIONS AND SHALL NOTIFY THE PUBLIC AND THE BOARD OF SUPERVISORS OF THESE CHANGES AS SOON AS IS PRACTICABLE. NOTWITHSTANDING ANY OTHER LAW, A COUNTY RECORDER WHO ESTABLISHES EARLY VOTING LOCATIONS MAY CONTINUE TO OPERATE THOSE EARLY VOTING LOCATIONS DURING THE THREE-DAY PERIOD IMMEDIATELY PRECEDING ELECTION DAY, EXCEPT THAT THE COUNTY RECORDER SHALL END ON-SITE EARLY VOTING AS NEEDED TO ENSURE THAT PRECINCT REGISTERS AND OTHER ELECTION MATERIALS ARE REVISED FOR USE ON ELECTION DAY TO INDICATE WHICH VOTERS HAVE REQUESTED AN EARLY BALLOT, WHICH VOTERS HAVE ALREADY VOTED AND WHICH VOTERS ARE ON THE INACTIVE VOTER LIST.

Commented [JM8]: Applies "resolution" language to early voting locations outside of REC office

Commented [JM9]: Allows REC to make changes and notify public/BOS (addresses Virginia's issue)

Commented [JM10]: Language from 2206 - if technology allows, early voting can be open over the weekend before ED

B. Notwithstanding subsection A of this section, a request for an official early ballot from an absent uniformed services voter or overseas voter as defined in the uniformed and overseas citizens absentee voting act of 1986 (P.L. 99-410; 52 United States Code section 20310) or a voter whose information is protected pursuant to section 16-153 that is received by the county recorder or other officer in charge of elections more than ninety-three days before the election is valid. If requested by the absent uniformed services or overseas voter, or a voter whose information is protected pursuant to section 16-153, the county recorder or other officer in charge of elections shall provide to the requesting voter early ballot materials through the next regularly scheduled general election for federal office immediately following receipt of the request unless a different period of time, which does not exceed the next two regularly scheduled general elections for federal office, is designated by the voter.

C. The county recorder or other officer in charge of elections shall mail the early ballot and the envelope for its return postage prepaid to the address provided by the requesting elector 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, except that early ballot distribution shall not begin more than twenty-seven days before the election. If an early ballot request is received on or before the thirty-first day before the

election, the early ballot shall be distributed not earlier than the twenty-seventh day before the election and not later than the twenty-fourth day before the election.

D. Only the elector may be in possession of that elector's unvoted early ballot. If a complete and correct request is made by the elector within twenty-seven days before the election, the mailing must be made within forty-eight hours after receipt of the request. Saturdays, Sundays and other legal holidays are excluded from the computation of the forty-eight hour period prescribed by this subsection. If a complete and correct request is made by an absent uniformed services voter or an overseas voter before the election, the regular early ballot shall be transmitted by mail, by fax or by other electronic format approved by the secretary of state within twenty-four hours after the early ballots are delivered pursuant to section 16-545, subsection B, excluding Sundays.

E. In order to be complete and correct and to receive an early ballot by mail, an elector's request that an early ballot be mailed to the elector's residence or temporary address must include all of the information prescribed by subsection A of this section and must be received by the county recorder or other officer in charge of elections no later than 5:00 p.m. on the eleventh day preceding the election. An elector who appears personally no later than 5:00 p.m. on the Friday preceding the election at an on-site early voting location that is established by the county recorder or other officer in charge of elections shall be given a ballot and permitted to vote at the on-site location, EXCEPT THAT IF THE [COUNTY] RECORDER IS ABLE TO REVISE PRECINCT REGISTERS AND OTHER ELECTIONS MATERIALS IN A TIMELY MANNER FOR USE ON ELECTION DAY AS PRESCRIBED BY SUBSECTION A OF THIS SECTION, THE COUNTY RECORDER MAY OPERATE THE ON-SITE EARLY VOTING LOCATION DURING THE THREE-DAY PERIOD IMMEDIATELY PRECEDING ELECTION DAY. If an elector's request to receive an early ballot is not complete and correct but complies with all other requirements of this section, the county recorder or other officer in charge of elections shall attempt to notify the elector of the deficiency of the request.

Commented [JM13]: Language from 2206 -- if technology allows early voting can be open over the weekend before ED

F. Unless an elector specifies that the address to which an early ballot is to be sent is a temporary address, the recorder may use the information from an early ballot request form to update voter registration records.

G. The county recorder or other officer in charge of early balloting shall provide an alphabetized list of all voters in the precinct who have requested and have been sent an early ballot to the election board of the precinct in which the voter is registered not later than the day before the election.

H. As a result of an emergency occurring between 5:00 p.m. on the second Friday preceding the election and 5:00 p.m. on the Monday preceding the election AND IF EARLY VOTING FOR [THAT] ELECTION HAS ENDED IN THAT COUNTY, qualified electors may request to vote early in the manner prescribed by the county recorder of their respective county. For the purposes of this subsection, "emergency" means any unforeseen circumstances that would prevent the elector from voting at the polls.

Commented [JM12]: Language from 2206 -- clarifies current process for those counties who DO NOT have the technology to extend early voting over the weekend

I. A candidate, political committee or other organization may distribute early ballot request forms to voters. If the early ballot request forms include a printed address for return, the addressee shall be the political subdivision that will conduct the election. Failure to use the political subdivision as the return addressee is punishable by a civil penalty of up to three times the cost of the production and distribution of the request.

J. All original and completed early ballot request forms that are received by a candidate, political committee or other organization shall be submitted within six business days after receipt by a candidate, political committee or other organization or eleven days before the election day, whichever is earlier, to the political subdivision that will conduct the election. Any person, political committee or other organization that fails to submit a completed early ballot request form within the prescribed time is subject to a civil penalty of up to twenty-five dollars per day for each completed form withheld from submittal. Any person who knowingly fails to submit a completed early ballot request form before the submission deadline for the election immediately following the completion of the form is guilty of a class 6 felony.

Sec. ?? Section 16-558.02, Arizona Revised Statutes, is amended to read:

16-558.02. Replacement ballots

A. The county recorder or other officer in charge of the election ELECTIONS shall determine a ~~central location~~ ONE OR MORE LOCATIONS in the district APPROPRIATE JURISDICTION for electors to obtain a replacement ballot. ~~The~~ EACH location shall be open until 7:00 p.m. of the day of the election. An elector may obtain a replacement ballot until 7:00 p.m. on the day of the election on presentation of a signed, sworn statement that the ballot was ~~lost, spoiled, destroyed~~ or not received CAST.

Commented [JM13]: Language from 2206 amendment - allows for more than one place to get a replacement ballot

B. The recorder or other officer in charge of elections shall keep a record of each replacement ballot provided pursuant to this section.

C. If an elector to whom a replacement ballot is issued votes more than once, only the first ballot received shall be counted.

Sec. ?? Section 16-584, Arizona Revised Statutes, is amended to read:

16-584. Qualified elector not on precinct register; recorder's certificate; verified ballot; procedure

A. A qualified elector whose name is not on the precinct register and who presents a certificate from the county recorder showing that the elector is entitled by law to vote in the precinct shall be entered on the signature roster on the blank following the last printed name and shall be given the next consecutive register number, and the qualified elector shall sign in the space provided.

B. A qualified elector whose name is not on the precinct register, ~~upon~~ ON presentation of identification verifying the identity of the elector that includes the voter's given name and surname and the complete residence address that is verified by the election board to be in the precinct or on signing an affirmation that states that the elector is a registered voter in that jurisdiction and is eligible to vote in that jurisdiction, shall be allowed to vote a provisional ballot.

C. If a voter has moved to a new address within the county and has not notified the county recorder of the change of address before the date of an election, the voter shall be permitted to correct the voting records for purposes of voting in future elections at the appropriate polling place for the voter's new address. The voter shall be permitted to vote a provisional ballot. The voter shall present a form of identification that includes the voter's given name and surname and the voter's complete residence address. The residence address must be within the precinct in which the voter is attempting to vote, and the voter shall affirm in writing that the voter is registered in that jurisdiction and is eligible to vote in that jurisdiction.

D. On completion of the ballot, the ~~election official shall remove the ballot stub;~~ VOTER shall place the ballot in a provisional ballot envelope and shall deposit the envelope in the ballot box. Within ten calendar days after a general election that includes an election for a federal office and within five business days after any other election or no later than the time at which challenged early voting ballots are resolved, the signature shall be compared to the precinct signature roster of the former precinct where the voter was registered. If the voter's name is not signed on the roster and if there is no indication that the voter voted an early ballot, the provisional ballot envelope shall be opened and the ballot shall be counted. If there is information showing the person did vote, the provisional ballot shall remain unopened and shall not be counted. When provisional ballots are confirmed for counting, the county recorder shall use the information supplied on the provisional ballot envelope to correct the address record of the voter.

Commented [JM14]: Language from 2206 - we don't have stubs anymore

E. When a voter is allowed to vote a provisional ballot, the elector's name shall be entered on a separate signature roster page at the end of the signature roster. Voters' names shall be numbered consecutively beginning with the number V-1. The elector shall sign in the space provided. The ballot stub shall be removed and the ballot shall be placed in a separate envelope, the outside of which shall

contain the precinct name or number, a sworn or attested statement of the elector that the elector resides in the precinct, is eligible to vote in the election and has not previously voted in the election, the signature of the elector and the voter registration number of the elector, if available. The ballot shall be verified for proper registration of the elector by the county recorder before being counted. The verification shall be made by the county recorder within ten calendar days after a general election that includes an election for a federal office and within five business days following any other election, and the voter receipt card, notification or identification card, if any, from the county recorder used therefor, if valid, shall be returned to the elector within a reasonable time thereafter. Verified ballots shall be counted by depositing the ballot in the ballot box and showing on the records of the election that the elector has voted. If registration is not verified the ballot shall remain unopened and shall be retained in the same manner as voted ballots.

F. For any person who votes a provisional ballot, the county recorder or other officer in charge of elections shall provide for a method of notifying the provisional ballot voter at no cost to the voter whether the voter's ballot was verified and counted and, if not counted, the reason for not counting the ballot. The notification may be in the form of notice by mail to the voter, establishment of a toll free telephone number, internet access or other similar method to allow the voter to have access to this information. The method of notification shall provide reasonable restrictions that are designed to limit transmittal of the information only to the voter.

Norm Moore

From: Rick Gray
Sent: Thursday, February 22, 2018 4:50 PM
To: Jen Marson
Cc: Chris Herring; Marge Ray; Garth Kamp; Jake Agron; lisa@lisagray.com; Robin Hillyard; REC - Leslie Hoffman; Robyn Pouquette
Subject: RE: 1466 DRAFT Floor Amendment

Thanks Jen. I appreciate all your efforts to bring a solution and I'll get back to you after I get a chance to review it, but I'm sure it will be accurate.

Thanks again,

Rick Gray
AZ State Senate
Legislative District 21
602-926-5413 Office

From: Jen Marson [mailto:jmarson@azcounties.org]
Sent: Thursday, February 22, 2018 4:45 PM
To: Rick Gray <RGray@azleg.gov>
Cc: Chris Herring <chrisherringaz@yahoo.com>; Marge Ray <mray@azleg.gov>; Garth Kamp <GKamp@azleg.gov>; Jake Agron <jagron@azleg.gov>; lisa@lisagray.com; Robin Hillyard <RobinH@countysupervisors.org>; REC - Leslie Hoffman <leslie.hoffman@yavapai.us>; Robyn Pouquette <robyn.pouquette@yumacountyaz.gov>
Subject: 1466 DRAFT Floor Amendment
Importance: High

Sen. Gray:

I think the attached draft captures what was discussed in the meeting yesterday. It's clearly not in the perfect format, because I need Marge's help for the placement of some of the language, but I believe all points discussed are included. I have copied those that were at the stakeholder meeting so everyone can double check my work before I send it out to the masses. I want to be sure we are all on the same page before taking the next step. If I have missed anything, please let me know.

Here are the points addressed in the amendment in order:

1. 16-193: Adds language from HB2206 that removes a reference to old language
2. 16-411:
 - Remove BOS involvement re: equipment and tabulation method
 - Adds BOS in early voting process via existing "resolution" language
 - Adds "vote center" definition from HB2206
 - Adds language to clarify that on Election Day, a vote center is deemed a polling place...no guns, no electioneering, etc (per HB2206 amendment)
 - Adds bridge language to allow a Vote Center to be used as an Early Voting location or a Ballot Replacement Location (from 2206)
 - Keeps definition of "drop off center" from 1466
 - Deletes definition of "early voting center" because the bridge language covers it

3. Repeals Title 16, chapter 4, article 3 (outdated lever language from 2206)
4. Adds language from HB2206 re: the appointment of election boards for voting centers (mimics existing language in 15-531)
5. 16-542:
 - Adds language to apply "resolution" language to early voting locations outside the Recorders office
 - Adds language to allow a Recorder to make changes to those sites and notify public/BOS of the changes
 - Adds language from HB2206 re: if technology permits, you can have early voting open the weekend before Election Day
 - Adds language from HB2206 re: codifies current process for emergency voting for counties that do not have technology to have extended early voting
6. 16-588.02: language from HB2206 that allows for more than one ballot replacement site (per 2206 amendment)
7. 16-584: adds language from HB2206 to remove reference to "ballot stubs" (we don't have those anymore)

Thanks again for working with us on this.

Respectfully,
Jen

Jen Marson
Executive Director
Arizona Association of Counties
1910 W. Jefferson Street
Phoenix, AZ 85009
T 602 252 6563 x 222

F 602 254 0969

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Norm Moore

From: Chris Herring <chrisherringaz@yahoo.com>
Sent: Friday, February 9, 2018 7:09 PM
To: Rick Gray; Garth Kamp
Cc: Lisa Gray
Subject: Fwd: 1466 - Recorders Feedback & 2206 Info As Well

Follow Up Flag: FollowUp
Flag Status: Flagged

Rick and Garth,

Below is a summary from my meeting yesterday with Jen Marson of AACO and AACO's follow up meeting today with their members. Garth, as the changes are significant it may be best for us to meet and discuss.

Chris

Begin forwarded message:

From: Jen Marson <jmarson@azcounties.org>
Date: February 9, 2018 at 1:37:48 PM MST
To: "chrisherringaz@yahoo.com" <chrisherringaz@yahoo.com>
Cc: Trey Williams <twilliams@azcounties.org>, Megan Kintner <mkintner@azcounties.org>
Subject: 1466 - Recorders Feedback & 2206 Info As Well

Hi Chris:

Thanks again for meeting with me yesterday. The Recorders spent a lot of time this morning discussing HB2206 and SB1466 and here is where they are:

HB2206

- We will remove 16-243 as you requested
- Page 6, line 37 after the period insert "AFTER CONSULTATION WITH THE COUNTY BOARD OF SUPERVISORS"
- We will still be offering the other amendments I mentioned yesterday (with which you did not express concerns):
 - o Amend subsection A of 16-558.02 to read: "A. THE COUNTY RECORDER OR OTHER OFFICER IN CHARGE OF ELECTIONS SHALL DETERMINE ONE OR MORE LOCATIONS IN THE APPROPRIATE JURISDICTION TO OBTAIN A REPLACEMENT BALLOT."
 - o Amend Section 4, 16-421, adding verbiage that explicitly applies polling place rules and regulations in 16-515, 16-579, and 13-3102 (ID is required on Election Day, no pictures, no guns, no electioneering etc) to the voting center language so that it's clear those polling place rules and regulations apply any time a county designates certain polling locations as voting centers.

SB1466 – Thank you for all of the amendment suggestions that you mentioned yesterday. I have copied them below and the Recorders replies are noted in green:

1. Page 1, remove the changes to lines 16-19. **AGREED**

2. Page 1, line 44-45, pick softer wording that mimics other sentences in election law. Not "sole authority" but something softer "After consultation with the Board the Recorder may..." or something similar. Same at the top of page 2 as the paragraph continues **AGREED**
3. Page 2, delete lines 12-18 and instead use our definition of vote center from 2206 (page 5 lines 37-45) **AGREED**
4. Page 2, delete lines 25-26 **AGREED**
5. In 16-542 (A) (which is a section that is also in 2206) either:
 - a. **Delete the last two sentences of existing A. We do not like this option**
OR
 - b. **Keep the last two sentences of A but add some kind of Board oversight as in previous sections. We are suggesting the same change in 1466 as we are putting in 2066 re: this issue. That allows the sections to be blendable even though our bill has additional new language as well.**
6. **Making the bill specific to Maricopa and Pima. We are hopeful that we can come to an agreement on the language and treat all counties the same. We are not in favor of making these changes apply only to Maricopa and Pima**

I think we are much closer than I thought we would be. I will not start drafting the amendment till I hear back from you. Just so you know, I will be in DC starting tomorrow but of course I'll have access to my email.

I appreciate your willingness to try and find a compromise. I look forward to hearing from you, Jen

Jen Marson
Executive Director
Arizona Association of Counties
1910 W. Jefferson Street
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Norm Moore

From: Rick Gray
Sent: Sunday, April 29, 2018 5:32 AM
To: Kristin Roberts
Subject: RE: Meeting Thursday?

Kristin,

I've been amazed out how much angst the amendment brought up. We currently don't have weekend voting and we have to go to a central location to get a new ballot. The amendment left those requirements the same. It did NOT restrict any current voting right or make it harder for any voter. Because of that I accepted the amendment so that it could be passed. There is too many important changes to just let the bill die.

Rick Gray
AZ State Senate
Legislative District 21
602-926-5413 Office

From: Kristin Roberts
Sent: Sunday, April 22, 2018 12:43 PM
To: Rick Gray <RGray@azleg.gov>
Subject: Re: Meeting Thursday?

Senator,

Thanks for the email and the time you spent with teachers Friday night. I apologize for the late hour of my message. I have my church life group every other Friday evening, and I ended up staying late chatting.

Regardless of our disagreements over policies, I am really happy to know you are my brother in Christ. I appreciate the verse you sent, and I honestly did spend time praying over it. Ultimately, I do my best to follow God, but there are human leaders I admire and hope to learn from. One of my greatest heroes is Rev. Dr. Martin Luther King Jr. I'm not sure if you were thinking of Noah Karvelis and his leadership. I've known him for about a year. He recommended I read a book from Dr. King, and I have had a lot of respect for him since then, but ultimately, I appreciate the reminder to follow after those who lead me in the right path.

I'm glad you're confident that you'll be able to pass a bill to increase salaries for educators. Even if it's without Democrats. While I am a D, I care a lot more about policy than party. When you work on that bill, I would like to ask that you consider the funding sources. I don't want money that is meant for the poor or the disabled. I'm also concerned about sustainability. And I would like to ask that you remember the other educators who are equally if not more essential in kids' lives.

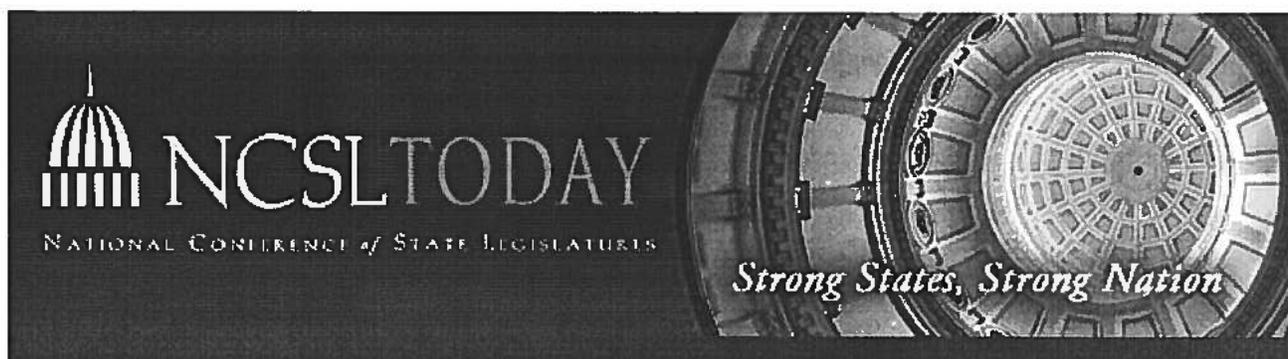
Out of curiosity, you mentioned a bill you were getting through the House. Was it SB 1466? I was happy to see that bill leave the Senate with so much support. What happened in the House? How do you feel about the amendment? I have to do more reading, but I hope you are able to preserve your original bill to protect weekend voting.

I hope your Sunday is restful and restorative.

Norm Moore

From: NCSL TODAY <enews@ncsl.org>
Sent: Friday, June 15, 2018 7:40 AM
To: Steven B. Yarbrough
Subject: Two states will require teaching mental health in schools

NCSL Today | Manage your subscription



TOP NEWS June 15, 2018

Many recommend teaching mental health in school. Now two states will require it

Stateline

Amid sharply rising rates of teen suicide and adolescent mental illness, two states have enacted laws that for the first time require public schools to include mental health education in their basic curriculum.

Rural America struggles with obesity epidemic

The Hill

Americans living outside of large metropolitan areas are much more likely to be obese than those who live in cities and suburbs, a public health challenge that could be shortening the lives of rural residents.

Lawsuits claim congressional maps dilute black vote in three states

Associated Press



FEATURED

Podcast: Summer learning programs closing achievement gaps

Taking classes in the summer was once seen as a punitive measure. Research, though, is showing that students of all ages and grades often suffer from a "summer slide," or summer learning loss that makes re-entry to school in the fall more difficult.

NEW@NCSL

Hear from thought leaders at NCSL's Legislative Summit July 30-Aug. 2

Attorneys filed separate federal lawsuits in Alabama, Georgia and Louisiana, challenging congressional maps lawmakers in each state approved in 2011.

For state budgets, what a difference six months make

Governing

After two straight years of lackluster revenue growth, state finances are on the upswing thanks in large part to a stable economy and a one-time boost from December's federal tax overhaul.

North Carolina considers eliminating last Saturday of early voting

Raleigh News&Observer

A popular day for early voting would be eliminated under a proposal that supporters say is meant to bring uniformity to the 100 North Carolina counties' one-stop voting schedules.

[NCSL resources on early voting.](#)

Choctaw casinos would be first in Mississippi to offer sports betting

Clarion Ledger

Choctaw officials also anticipate being the first Native American tribe in the U.S. to offer sports betting.

Monday webinar: Early learning systems: international trends and good practices

Legislatures-at-a-glance: interactive graphic

BLOG

Supreme Court's revocation-on-divorce ruling affects many states

The Supreme Court held 8-1 that applying Minnesota's revocation-on-divorce statute to a life insurance beneficiary designation made before the statute's enactment does not violate the Constitution's Contracts Clause.



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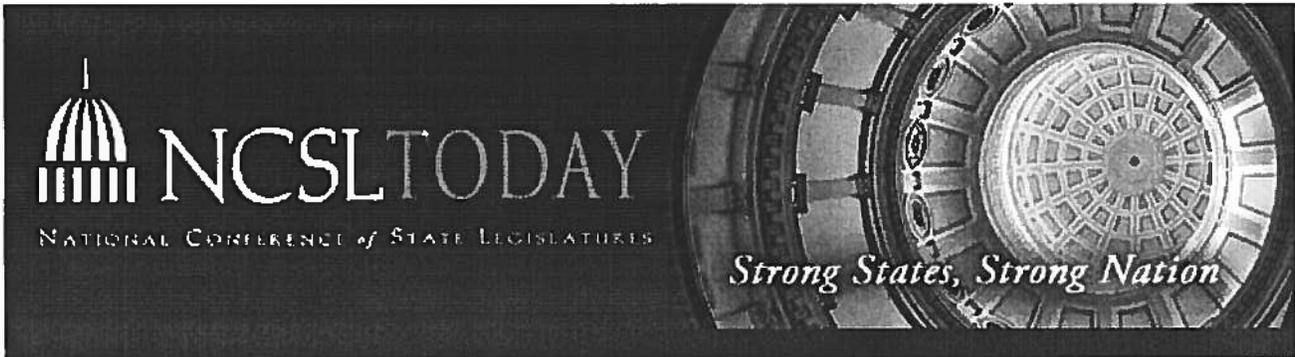
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7700 East First Place, Denver, CO 80230

Norm Moore

From: NCSL TODAY <enews@ncsl.org>
Sent: Tuesday, June 5, 2018 7:52 AM
To: Steven B. Yarbrough
Subject: Will the new foster care law give grandparents a hand?

NCSL Today | Manage your subscription



TOP NEWS June 5, 2018

Will the new foster care law give grandparents a hand?

Stateline

A new federal law overhauling the foster care system aims to give grandparents and other "kinship caregivers" raising often traumatized children more support.

[NCSL summary of the Family First Prevention Services Act.](#)

California's primary system flummoxes Democrats, GOP

The Hill

Eight years after California voters bucked party leaders to establish a "jungle" primary system, Democrats and Republicans alike have serious misgivings about the system as voters head to the polls on Tuesday for a critical day of voting.

[NCSL resources on state primary election types.](#)

Are vote centers the next big thing in Florida elections?

Tampa Bay Times



FEATURED

Capitol to Capitol: Congress returns to an immigration debate

A discharge petition to automatically force a debate and vote on immigration legislation on the House floor is only five signatures short of the required 218.

NEW@NCSL

Thursday webinar: Sharing the sun - community solar

An increasingly mobile society and the widespread support for early voting makes it inevitable, experts say, that people will embrace voting at regional sites — subject to the approval by the state Legislature. **NCSL data cited.**

[NCSL resources on vote centers.](#)

New Jersey lawmakers clobber sports leagues in betting bill

Reuters

New Jersey lawmakers on Monday advanced a bill to legalize sports betting that omitted all of the fraud fighting measures requested by professional sports leagues, who had battled the legal change for years and got a drubbing from an angry legislator.

North Carolina bills would legalize small amounts of marijuana

Winston-Salem Journal

A Forsyth County legislator is sponsoring a Senate bill that would make it legal to possess up to four ounces of marijuana for personal use.

Michigan legislature poised to repeal prevailing wage law

Associated Press

A 53-year-old Michigan law that guarantees higher "prevailing" wages for construction workers on state-financed projects could soon be nullified.

Election dates for legislators, governors who will do redistricting

Step Up! Seeking staff nominations for Executive Committee

BLOG

Baker wins same-sex wedding cake case in narrow opinion

In a 7-2 decision in *Masterpiece Cakeshop, Ltd. v. Colorado Civil Rights Commission*, the U.S. Supreme Court reversed a ruling against the owner of a cake shop who refused to create a wedding cake for a same-sex couple because of his religious beliefs.



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7700 East First Place, Denver, CO 80230

Norm Moore

From: EfficientGov <newsletter@efficientgov.com>
Sent: Monday, April 30, 2018 9:01 AM
To: Steven B. Yarbrough
Subject: Neighborhood opioid data, 14 Smart Cities named, Pregnancy Prevention Grants to continue

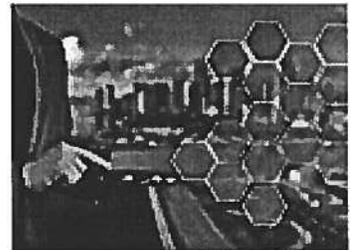
April 30, 2018 | [View as webpage](#)

EFFICIENTGOV
For forward-thinking municipal leaders.



Dear EfficientGov Subscriber,

We continue our Special Coverage of Smart Cities in today's Member News. Read about an award-winning asset management solution led by Arlington, Texas, Park & Rec.



Did you know that you can tell a lot about opioid abuse by studying sewage? Even get data on a neighborhood level? Five cities are needed to participate in a tech start-up pilot. Learn more and apply in the call below. We're also filled with news on decisions by courts, the FCC and local governments on not ending pregnancy prevention grants, early voting, dish blight, assault weapons and more.

We encourage our members to reach out to us with ideas, we always appreciate hearing from you at editor@efficientgov.com

— *EfficientGov Editor, Andrea Fox*

TOP NEWS

Arlington Park & Rec is Winning with Smart Asset Management



An asset management initiative led by Park & Rec has helped put the city of Arlington, Texas, on the smart city map.

[Read about the award >](#)



Assault Weapons Ban by Local Ordinance

Deerfield, Illinois, is the second Chicago suburb to pass an assault weapons ban by local ordinance beginning June 13th. Retired officers exempt.



FCC Overrules Philadelphia's Dish Blight Ordinance

Banning street-facing satellites is seen as infringing on individual rights. Learn more about city and state dish blight laws and bills.

Budget Brilliantly

Still budgeting with spreadsheets?

Get faster and easier operating, salary and capital budget preparation and management with the preferred software solution for local governments.

Learn more at: Questica.com



On the hunt for grants?



Schedule A Demo

TECH NEWS

How Proof of Concept Saves Money on the Smart City Journey



Proof of concept helped the mid-size city of Belfort, France, test drive smart city solutions, saving money and improving bus service.

TECH NEWS

14 Award-Winning Smart Cities in North America Named



The IDC Smart City North America Awards named 14 cities, one state and one university for innovations that improve public services.

EFFICIENTGOV NEWS

- **Judge Rules DHS Has 90 Days to Explain Why DACA Is Unlawful**
- **Marion County Ordered to Open Early Voting for 2018 Elections**
- **Warning Glyphosphate: California Wins Legal Defense**
- **Judge Overturns HHS Ending Teen Pregnancy Prevention Grants**

[More news >](#)

CALL FOR 5 CITIES

Wastewater: An Untapped Resource for Opioid Abuse Data



One tech startup is looking for five cities to test how wastewater can reveal opioid abuse data on a neighborhood level. [Learn more and apply.](#)

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Norm Moore

From: Chairman Lines <info@az.gop>
Sent: Tuesday, April 10, 2018 9:00 AM
To: Steven B. Yarbrough
Subject: Only two weeks left!



Welcome to the AZGOP Daily Update!

The Only Official Newsletter of the Arizona Republican Party!

Dear Fellow Republicans:

We only have two weeks until we elect Debbie Lesko to the 8th Congressional District. Early voting data indicates that Republicans are outperforming Democrats by a long shot. We must keep this momentum going. Every door knocked, and every phone call can make the difference.

If you are interested in volunteering during the home stretch, please visit the AZGOP West Valley office at 10050 W. Bell Road in Sun City. You can also contact AZGOP staffer Levi Sommerville at levi.sommerville@azgop.org to learn more about ways to get involved with the campaign and grassroots efforts during the final push.

I look forward to working with you to get Debbie over the finish line on the 24th!

Have a great Tuesday!

Sincerely,

A rectangular box with a black border, containing a small square icon with an 'x' in the top-left corner and a horizontal line extending across the rest of the box, indicating a redacted signature.

Chairman Lines

EXHIBIT H

(October 30, 2018 Tweet by Adrian Fontes)



Adrian Fontes @RecorderFontes · Oct 30

Replying to @AZs_Politics @WStoneReports

You're right, there are 4 locations open for Emergency Voting this Saturday and Monday Nov 5. Voters can decide if their situation qualifies as an emergency. Hours and locations of Emergency Vote Centers are online at locations.maricopa.vote



Adrian Fontes @RecorderFontes · Oct 30

Replying to @AZs_Politics @WStoneReports

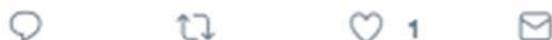
Correct, if they bring a ballot to drop-off, they should be sealed in the green envelope and signed!



Adrian Fontes @RecorderFontes · Oct 30

Replying to @AZs_Politics @WStoneReports

And if he is a registered voter, next time, he can request an early ballot online at this website recorder.maricopa.gov/earlyvotingbal... ... (although we are no longer accepting early ballot requests for this election -- the deadline was Oct. 26.)



Adrian Fontes @RecorderFontes · Oct 30

Replying to @RecorderFontes @AZs_Politics @WStoneReports

And if he is a registered voter, next time, he can request an early ballot online at this website recorder.maricopa.gov/earlyvotingbal... ... (although we are no longer accepting early ballot requests for this election -- the deadline was Oct. 26.)

EXHIBIT I

(Republican Party Pre-Hearing Memorandum of Plaintiffs-Intervenors Arizona
Republican Party and Public Integrity Alliance)



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Attorneys for Plaintiffs-Intervenors

**IN THE SUPERIOR COURT FOR THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF MARICOPA**

MARICOPA COUNTY REPUBLICAN
PARTY, *et al.*,

Plaintiffs,

and

ARIZONA REPUBLICAN PARTY and
PUBLIC INTEGRITY ALLIANCE,

Plaintiffs-Intervenors,

v.

MICHELE REAGAN, *et al.*,

Defendants,

and,

ARIZONA DEMOCRATIC PARTY, *et al.*,

Defendants-Intervenors.

No. CV2018-013963

**PRE-HEARING MEMORANDUM OF
PLAINTIFFS-INTERVENORS
ARIZONA REPUBLICAN PARTY
AND PUBLIC INTEGRITY
ALLIANCE**

(Assigned to the Hon. Margaret Mahoney)

Plaintiffs-Intervenors Arizona Republican Party and Public Integrity Alliance submit this memorandum of law in anticipation of the hearing scheduled for November 9, 2018 on the Plaintiffs' Motion for a Temporary Restraining Order.

1 INTRODUCTION

2 A cornerstone of the constitutional edifice, the right to vote is “regarded as a
3 fundamental political right, because preservative of all other rights.” *Yick Wo v. Hopkins*,
4 118 U.S. 356, 370 (1886). As a product of the Equal Protection Clause strand of the
5 Supreme Court’s “fundamental rights” jurisprudence, the essence of the right is one “to
6 participate in state elections on an equal basis with other qualified voters whenever the
7 State has adopted an elective process for determining who will represent any segment of
8 the State’s population.” *See San Antonio Indep. Sch. Dist. v. Rodriguez*, 411 U.S. 1, 35
9 n.78 (1973); *see also Harris v. McRae*, 448 U.S. 297, 322 (1980) (“[I]f a State adopts an
10 electoral system, the Equal Protection Clause of the Fourteenth Amendment confers upon
11 a qualified voter a substantive right to participate in the electoral process equally with
12 other qualified voters”).¹ In addition, the Due Process Clause of the Fourteenth
13 Amendment independently secures the franchise against pervasive unfairness in the
14 administration of elections. *See Bennett v. Yoshima*, 140 F.3d 1218, 1226 (9th Cir. 1998).

15 As discussed below, certain of the County Recorder Defendants have countenanced
16 or engaged in unlawful voting practices, to include the unauthorized augmentation of the
17 in-person early voting period and the impermissible rehabilitation of facially defective
18 early ballots after 7:00pm on Election Day. In so doing, they have abnegated their
19 nondiscretionary statutory duties, perpetuated pervasive errors that have undermined the
20 integrity of the election, and inflicted disparate treatment on similarly situated electors
21 across various counties in the exercise of their fundamental right to vote.²

22
23
24 ¹ The Fourteenth Amendment constrains local governments to the same extent as their
25 state-level counterparts. *See Avery v. Midland Cnty., Tex.*, 390 U.S. 474, 480 (1968) (“The
26 actions of local government are the actions of the State. A city, town, or county may no
more deny the equal protection of the laws than it may abridge freedom of speech, establish
an official religion, arrest without probable cause, or deny due process of law.”).

27 ² The Arizona Constitution similarly secures due process rights, *see Ariz. Const. art.*
28 *II, § 4*; provides that privileges and immunities of citizens must be conferred on equal terms,
id. § 13, and guarantees “free and equal elections,” *id. § 21*.



1 To mitigate these constitutional injuries, this Court should issue immediate
2 declaratory and injunctive relief that:

- 3 1. prohibits the Defendants from permitting putative voters in Maricopa
4 County and Pima County to cure defective early ballots after 5:00pm on
5 Saturday, November 10, 2018;
- 6 2. provides voters in all other counties a period not to exceed four calendar
7 days in total to cure defective early ballots;
- 8 3. establishes a uniform statewide rule requiring voters wishing to rehabilitate
9 defective early ballots to present written verification of their identity in
10 person at the applicable County Recorder’s Office; and
- 11 4. provides that all ballots cast in the November 6, 2018 general election must
12 remain under surveillance at all times and without interruption by means of
13 either (a) video recording, (b) armed guard by law enforcement officials, or
14 (c) alternative measures that ensure a degree of security comparable to those
15 provided by video recording or protection by armed guards.

16 **FACTUAL BACKGROUND**

17 **I. Post-Election Rehabilitation of Defective Early Ballots**

18 In contrast to voters who present at polling places on Election Day, electors who
19 cast in-person early ballots are not required to produce proof of identity as a precondition
20 to voting. *See* A.R.S. § 16-579(A)(1). Instead, these individuals must execute an affidavit
21 on the envelope accompanying the early ballot averring to their legal eligibility to
22 participate in the election. *See id.* § 16-547(A). All early ballots must be received—
23 whether by mail or by in-person delivery—by county elections officials no later than
24 7:00pm on November 6, 2018. A.R.S. § 16-551(C).

25 Promptly “[u]pon receipt of the envelope containing the early ballot and the
26 completed affidavit,” county elections officials must verify the voter’s identity by
27 comparing the signature on the envelope with the corresponding signature on file in the
28 putative voter’s registration record. A.R.S. § 16-550(A). If the signatures do not match,

1 the elections procedures manual promulgated by the Secretary of State pursuant to A.R.S.
 2 § 16-452 authorizes county officials to “attempt to contact the voter to ascertain whether
 3 the voter actually voted the early ballot and any reasons why the signatures may not
 4 match,” but may do so only “if time permits.” Ariz. Sec’y of State, Elections Procedures
 5 Manual (2014) at 166 (hereafter, the “Manual”).

6 Some—but not all—counties are permitting voters to cure non-compliant early
 7 ballots for an unspecified interval of time *after* Election Day, a contingency that finds no
 8 statutory authorization and is engendering an extended period of confusion and uncertainty
 9 following the election. While Maricopa County and Coconino County have implemented
 10 cure periods extending more than a week after the election, *see* Parties’ Joint Stipulated
 11 Factual Statement (“Stipulations”) at ¶¶ 4, 6. Meanwhile, Apache County and Pinal
 12 County have imposed a cure deadline of Friday, November 9, *id.* ¶ 1, while Pima County’s
 13 apparent cutoff date is Saturday, November 10. By contrast, other counties, including
 14 Cochise, Gila, La Paz, Yavapai, and Yuma do not facilitate the rehabilitation of ballots
 15 after 7:00pm on Election Day, *see id.* ¶¶ 2, 4-5, 8-9. The practices of the remaining
 16 counties with respect to post-election ballot rehabilitation remain unknown.

17 **II. Willful Misuse of “Emergency” Early Voting Procedures in Maricopa County**

18 Arizona law permits every qualified elector to request and cast an early ballot at
 19 the applicable County Recorder’s Office or at other early voting sites designated by the
 20 County Recorder beginning on Wednesday, October 10, 2018 and concluding at 5:00pm
 21 on Friday, November 2, 2018. *See* A.R.S. § 16-542(A), (E). Early ballots also may be
 22 requested and returned by mail or dropped off at polling places on Election Day, provided
 23 that they are received no later than 7:00pm on November 6, 2018. *See id.* §§ 16-542(C),
 24 (D), -543, -544, -551(C).

25 All in-person early voting must conclude “no later than 5:00pm on the Friday
 26 preceding the election.” A.R.S. § 16-542(E). Early voting subsequent to the statutorily
 27 imposed deadline is permitted only in the event of an “emergency,” which is defined
 28

1 specifically as “unforeseen circumstances that would prevent the elector from voting at
 2 the polls.” *Id.* § 16-542(H).

3 It appears that the Maricopa County Recorder systematically permitted electors to
 4 cast in-person early ballots between Saturday, November 3 and Monday, November 5,
 5 irrespective of whether such individuals cited any articulable “emergency.” On November
 6 2, 2018 the *Arizona Republic* reported that the Maricopa County Recorder’s Office had
 7 established multiple locations for “emergency” early voting, adding that “[t]hough the
 8 vote centers are dubbed ‘emergency,’ the Maricopa County Recorder’s Office doesn’t
 9 define emergency and will serve anyone who shows up and is registered to vote.” Jessica
 10 Boehm, “Early Voting Locations: Vote Monday If You Can’t Make It on Election Day,”
 11 ARIZONA REPUBLIC, Nov. 2, 2018, available at
 12 [https://www.azcentral.com/story/news/politics/elections/2018/11/02/arizona-elections-
 13 early-voting-locations-vote-saturday-monday-maricopa-county/1863047002/](https://www.azcentral.com/story/news/politics/elections/2018/11/02/arizona-elections-early-voting-locations-vote-saturday-monday-maricopa-county/1863047002/).

14 On November 4, 2018 the Arizona Republican Party transmitted a letter to all
 15 fifteen County Recorders (through their respective County Attorneys’ Offices) requesting
 16 that they segregate all ballots that were cast in-person on November 3, November 4 or
 17 November 5, 2018 by any individual who has not asserted the existence of an
 18 “emergency,” within the meaning of A.R.S. § 16-542(H). Despite being aware of the
 19 letter, the Maricopa County Recorder knowingly and willfully disregarded Arizona
 20 Republican Party’s request and ordered his staff to commingle these disputed ballots with
 21 the entire corpus of all other ballots cast in Maricopa County.

22 **ARGUMENT**

23 **I. The County Defendants’ Use of Arbitrary and Disparate Standards for**
 24 **Curing Defective Early Ballots and Conducting “Emergency” Early Voting**
 25 **Violated Equal Protection and Due Process Guarantees**

26 **A. The County Defendants’ Variable and Divergent Approaches to Post-**
 27 **Election Day Ballot Rehabilitation Have Deprived Voters of the Equal**
 28 **Protection of the Laws**

1 Principles of equal protection cannot abide the County Recorder Defendants’
 2 fashioning of *ad hoc* deadlines and variegated procedures for the disposition of facially
 3 deficient early ballots. “The right to vote is protected in more than the initial allocation of
 4 the franchise. Equal protection applies as well to the manner of its exercise. Having once
 5 granted the right to vote on equal terms, the State may not, by later arbitrary and disparate
 6 treatment, value one person’s vote over that of another.” *Bush v. Gore*, 531 U.S. 98, 104–
 7 05 (2000).

8 Perfect equality in all facets of the electoral process is of course not a constitutional
 9 command. The feasible administration of statewide elections in which millions of citizens
 10 participate necessarily will entail some incidental inequities among voters. For this
 11 reason, the Supreme Court has held that “when a state election law provision imposes only
 12 ‘reasonable, nondiscriminatory restrictions’ upon the First and Fourteenth Amendment
 13 rights of voters, ‘the State’s important regulatory interests are generally sufficient to
 14 justify’ the restrictions.” *Burdick v. Takushi*, 504 U.S. 428, 434 (1992) (internal citation
 15 omitted). In contrast, however, discriminatory enactments or procedures that substantially
 16 burden citizens’ exercise of voting rights on equal terms are subject to the rigors of strict
 17 scrutiny and are almost always constitutionally untenable. *See id.*; *see also Weber v.*
 18 *Shelley*, 347 F.3d 1101, 1106 (9th Cir. 2003); *Graham v. Tamburri*, 240 Ariz. 126, 130, ¶
 19 12 (2016) (adopting *Burdick* framework in constitutional dispute arising under Arizona
 20 law).

21 The County Recorders use of disparate standards and procedures governing
 22 defective early ballots results in the systematic unequal treatment of similarly situated
 23 voters on a statewide scale. Indeed, the discrepant frameworks devised by each county
 24 perpetuate the unequal treatment of voters along at least three substantive dimensions.
 25 **First**, each county has formulated a different rubric for determining whether and by what
 26 deadline an early ballot may be rehabilitated. As recounted above, a plurality of counties
 27 do not allow voters to cure deficiencies in early ballots after the close of polls on election
 28 day; others countenance rehabilitation until the Friday or Saturday following the election,

1 while Maricopa and Coconino counties extend the cure period until Wednesday,
2 November 14. *See* Stipulations. **Second**, ballots are treated differently depending on their
3 means of transport. It appears that the counties that permit rehabilitation extend this
4 privilege to ballots that arrive by mail on Election Day, but Maricopa County will not
5 contact voters who cast deficient early ballots by dropping them off at polling places on
6 Election Day. Notably, this discrepancy carries conspicuous political overtones, given the
7 differing partisan compositions of these subsets of voters. **Third**, counties employ varying
8 criteria for effectuating a valid rehabilitation. While some counties apparently will accept
9 the putative voter’s verbal say-so over the phone, others demand written or in-person
10 verification of identity.

11 The systemic nature of these discrepancies belie Maricopa County’s insistence that
12 they inflict only “isolated” and “inconsequential disparities.” *See* Response at 4. To the
13 contrary, they encapsulate precisely the concerted, pervasive practices that courts have
14 always recognized as inimical to equal protection guarantees. *See, e.g., Ne. Ohio Coalition*
15 *for the Homeless v. Husted*, 696 F.3d 580, 598 (6th Cir. 2012) (by conditioning the validity
16 of provisional ballots cast in the wrong precinct on the type of identification used by the
17 voter, consent decree “likely violates the equal protection principle recognized in *Bush v.*
18 *Gore*”); *Hunter v. Hamilton Cnty. Bd. of Elections*, 635 F.3d 219, 237-38 (6th Cir. 2011)
19 (finding likely equal protection violation where elections board’s evaluation of potential
20 poll-worker error varied depending on the location where the provisional ballot had been
21 cast); *Charfauros v. Bd. of Elections*, 249 F.3d 941, 952 (9th Cir. 2001) (concluding that
22 varying procedures for handling challenges to voters’ eligibility were inconsistent with
23 Equal Protection Clause).

24 Maricopa County’s reliance on *Bush v. Gore* for the notion that political
25 subdivisions may maintain their own singular rules and procedures for the administration
26 of elections, *see* Response at 3, conflates two distinct propositions. It is undisputed that,
27 as a general matter, counties may develop their own frameworks for conducting elections
28 within their jurisdictional boundaries, even if those directives diverge from approaches

1 adopted in other political subdivisions. These disparities, however, assume constitutional
 2 salience when they operate to systematically prevent voters in different counties from
 3 casting ballots for statewide offices on equal terms. The Sixth Circuit’s decision in
 4 *Hunter v. Hamilton County Board of Elections* illustrates the point. There, the court held
 5 that the county’s disparate handling of ballots with respect to an election for county office
 6 did not create statewide constitutional problems, but cautioned that “[s]tatewide equal-
 7 protection implications could arise, however, to the extent that the ballots at issue include
 8 candidates for district and statewide races that transcend county lines.” *Hunter*, 635 F.3d
 9 at 242.

10 In sum, by conditioning voters’ ability to rehabilitate after Election Day facially
 11 defective early ballots—to include the deadlines for providing curative evidence and
 12 permitted methods of proof—on their county of residence, the County Defendants have
 13 contravened the core equal protection maxim that “all who participate in [a statewide]
 14 election are to have an equal vote ... wherever their home may be.” *Gray v. Sanders*, 372
 15 U.S. 368, 379 (1963). This Court’s intervention is necessary to remediate the
 16 constitutional injury and enforce the Legislature’s unitary regime for the conduct of
 17 statewide elections.

18 **B. The County Recorders’ Variegated Rehabilitation Practices Have**
 19 **Infected the Election Process with Pervasive Errors**

20 “[A]n election is a denial of substantive due process if it is conducted in a manner
 21 that is fundamentally unfair.” *Bennett v. Yoshina*, 140 F.3d 1218, 1226 (9th Cir. 1998).
 22 To be sure, inevitable “‘garden-variety’ election irregularities” born of isolated errors or
 23 unfortunate happenstance generally are insufficient to obtain judicial relief. *See, e.g., Gold*
 24 *v. Feinberg*, 101 F.3d 796, 800-01 (2d Cir. 1996) (holding that “unintended irregularities,”
 25 such as delayed arrival of voting machines at polling places, did not violate voters’ due
 26 process rights); *Hendon v. N.C. Bd. of Elections*, 710 F.2d 177, 182 (4th Cir. 1983) (same
 27 conclusion as to errors in printing and formatting of ballots).

28 Nevertheless, “a pervasive error that undermines the integrity of the vote” is

1 constitutionally intolerable. *See Bennett*, 140 F.3d at 1226. This constitutional infirmity
 2 arises when the government “employs ‘non-uniform rules, standards and procedures,’ that
 3 result in significant disenfranchisement and vote dilution, or significantly departs from
 4 previous state election practice.” *Warf v. Bd. of Elections of Green County, Ky.*, 619 F.3d
 5 553, 559 (6th Cir. 2010) (internal citations omitted). For example, the Eleventh Circuit
 6 concluded that the post-election decision to count certain ballots that previously had been
 7 deemed legally invalid diluted votes cast on valid ballots and constituted fundamental
 8 unfairness. *See Roe v. Alabama*, 43 F.3d 574, 580-81 (11th Cir. 1995). Other courts have
 9 similarly agreed that the necessity of preserving constitutional guarantees of due process
 10 compels judicial intervention to remedy “broad-gauged unfairness that infect[s] the results
 11 of a[n] . . . election.” *Griffin v. Burns*, 570 F.2d 1065, 1078 (1st Cir. 1978) (invalidating
 12 election results where state abruptly altered longstanding practice for treatment of absentee
 13 ballots in primary elections); *see also Hoblock v. Albany Cnty. Bd. of Elections*, 341 F.
 14 Supp. 2d 169, 177-78 (N.D.N.Y. 2004) (holding that “pervasive and fundamental
 15 unfairness in the election resulting from the [Election] Board’s actions” was redressable
 16 under Section 1983, noting that local officials’ regulatory prerogatives “cannot trump the
 17 fundamental right to vote and to have one’s vote counted as guaranteed by the United
 18 States Constitution.”).

19 The County Recorder Defendants’ disparate regimes governing defective early
 20 ballots were not the product of sudden exigencies or random errors; these practices
 21 embody deliberate, concerted and systemic policy choices of governmental authorities.
 22 Indeed, “[w]hat is challenged . . . is not an unforeseen human or mechanical irregularity
 23 which results in a diminution of someone’s voting rights, but rather a statutory scheme
 24 which, depending upon the choices made by local election jurisdiction officials, will
 25 necessarily result in the dilution of an entire group of citizens’ right to vote.” *Black v.*
 26 *McGuffage*, 209 F. Supp. 2d 889, 901 (N.D. Ill. 2002). The resulting unfairness that
 27 permeated the variegated treatment of early ballots impermissibly burdens voters’
 28 substantive due process rights and impels judicial relief.

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C. Maricopa County’s *De Facto* Extension of the In-Person Early Voting Period and Intentional Spoliation of Affected Ballots Contravened Equal Protection and Due Process Guarantees

While most County Recorders appear to have honored the Legislature’s directive that in-person early voting must terminate at 5:00pm on November 2, 2018, except in cases of *bona fide* emergencies, *see* A.R.S. § 15-542(E), (H), the Maricopa County Recorder appears to have unilaterally extended the statutory deadline by permitting in-person early voting between November 3 and November 6 by any qualified electors, irrespective of whether he or she satisfied the emergency prerequisite. Notably, the Legislature recently declined to enact proposed legislation that would have expanded in-person early voting to all electors, *see* House Bill 2206, 53rd Legislature, Second Regular Session (2018), which suggests that the Recorder sought to impose by his own *diktat* a policy the Legislature pointedly eschewed.

For the reasons discussed at length above, this deliberate determination perpetuated systemic disparate treatment of, and inflicted fundamental unfairness on, similarly situated voters in other counties. *See Charfauros*, 249 F.3d at 944-45 (noting that “the failure of those charged with administering the election to treat each registered voter on an equal basis with every other,” by, for example, “chang[ing] the rules of the game in midstream” results in constitutional injury). The County Recorder’s dereliction of his statutory responsibilities was compounded by his decision to willfully commingle these ballots with the broader universe of votes cast in Mariopa County, despite the Arizona Republican Party’s request that they be segregated and preserved. This gratuitous action effectively spoliated the affected ballots and deprived this Court of its prerogative to independently adjudicate these ballots’ legal validity and fashion an appropriate remedy.

II. The Absence of Preliminary Relief Will Result in Irreparable Injury

An unconstitutional deprivation or dilution of a duly qualified elector’s right to vote is intrinsically injurious and warrants injunctive relief. *See Cardona v. Oakland Unified Sch. Dist.*, 785 F. Supp. 837, 840 (N.D. Cal. 1992) (“Abridgement or dilution of a right so

1 fundamental as the right to vote constitutes irreparable injury.”); *Am. Trucking Ass’n, Inc.*
 2 *v. City of Los Angeles*, 559 F.3d 1046, 1059 (9th Cir. 2009) (“[C]onstitutional violations
 3 cannot be adequately remedied through damages and therefore generally constitute
 4 irreparable harm.”); *cf. Elrod v. Burns*, 427 U.S. 347, 373 (1976) (“The loss of First
 5 Amendment freedoms, for even minimal periods of time, unquestionably constitutes
 6 irreparable injury.”).

7 The County Recorders’ ongoing utilization of unfair and disparate procedures for
 8 rehabilitating defective early ballots and conducting “emergency” in-person early voting
 9 inflicts a continuing constitutional harm and derogates the integrity of the vote count in
 10 several exceedingly close races, including contests for the offices of United States Senator
 11 and Superintendent of Public Instruction. If injunctive relief does not issue immediately,
 12 these injuries will become irremediable.

13 **III. The Balance of Hardships Favors Plaintiffs**

14 The concrete constitutional injuries sustained by voters across various counties are
 15 discussed at length above. The County Recorder Defendants, by contrast, can adduce no
 16 countervailing considerations necessitating the continued enforcement of constitutionally
 17 defective electoral arrangements. *See Puente Ariz. v. Arpaio*, No. CV–14–01356, 2015
 18 WL 58671, at *19 (D. Ariz. Jan. 5, 2015) (“Enjoining the enforcement of laws that are
 19 likely [invalid] will impose little hardship on Defendants.”); *United Food & Commercial*
 20 *Workers Local 99 v. Bennett*, 934 F. Supp. 2d 1167, 1216-17 (D. Ariz. 2013) (“Defendants
 21 would suffer no harm in being enjoined from enforcing unconstitutional...laws, so the
 22 balance of hardships tips in favor of the Plaintiffs.”).

23 **IV. Public Policy Favors an Injunction**

24 There simply is no substantial public policy interest that is advanced by enforcing
 25 election procedures that are constitutionally deficient. *See Sanders Cnty. Republican*
 26 *Cent. Comm. v. Bullock*, 698 F.3d 741, 749 (9th Cir. 2012) (holding that defendant “can
 27 derive no legally cognizable benefit from being permitted to further enforce an
 28 unconstitutional” enactment). Public policy favors effectuating the constitutional rights

1 of not only the parties, but all qualified electors whose right to vote has been impermissibly
 2 burdened by the County Recorders’ divergent administration of emergency early voting
 3 requirements and ballot rehabilitation procedures. *See Rodriguez v. Robbins*, 715 F.3d
 4 1127, 1146 (9th Cir. 2013) (“Generally, public interest concerns are implicated when a
 5 constitutional right has been violated, because all citizens have a stake in upholding the
 6 Constitution.”) (internal citation omitted).

7 **V. The Court Should Order 24/7 Surveillance of All Ballots**

8 Arizona law requires the County Recorders to, upon receipt, “safely keep the
 9 affidavits and early ballots.” A.R.S. § 16-550(B). Political parties are entitled to designate
 10 representatives to observe the proceedings of the early election boards during the tabulation
 11 of early ballots, *see id.* § 16-552(C), and operations at the counties’ ballot counting centers
 12 must be conducted on live video available for public viewing, *see id.* § 16-621(C).

13 It appears, however, that not all counties provide for video surveillance or similar
 14 measures to secure ballots at other points in the transit or tabulation processes, or while
 15 ballots remain in storage. “Throughout the entire electoral process, from before ballots are
 16 cast to the time of final certification of the election . . . government officials responsible for
 17 the custody of ballots should use professionally developed procedures for maintaining strict
 18 and vigilant security over the ballots, in order to minimize any risk of ballot-tampering.”
 19 American Law Institute, *PRINCIPLES OF THE LAW-ELECTION ADMINISTRATION: NON-*
 20 *PRECINCT VOTING AND RESOLUTION OF BALLOT-COUNTING DISPUTES*, Revised Tentative
 21 Draft Nos. 1 and 2 (Oct. 16, 2018), § 215(a).

22 A stringent, uniform regime for safeguarding ballots from tampering or access by
 23 unauthorized individuals is necessary to secure the integrity of these votes during what is
 24 likely to be protracted and vigorously contested litigation implicating the outcomes of
 25 closely fought races. Any marginal cost inuring to the counties for video surveillance is
 26 amply justified by the imperatives of ballot security and fortifying public confidence. *See*
 27 *id.*, Reporters Note to § 215(a) (observing that “Maine effectively used 24/7 security
 28 cameras to guard ballots during the recount of its 1970 gubernatorial election. The public

1 was able to monitor the display from these cameras, thereby contributing greatly to the
2 transparency and security of this recount” (internal citation omitted)).

3 **CONCLUSION**

4 For the foregoing reasons, the Court should issue immediate declaratory and
5 injunctive relief that:

- 6 1. prohibits the Defendants from permitting putative voters in Maricopa
7 County and Pima County to cure defective early ballots after 5:00pm on
8 Saturday, November 10, 2018;
- 9 2. provides voters in all other counties a period not to exceed four calendar
10 days in total to cure defective early ballots by means of extrinsic evidence;
- 11 3. establishes a uniform statewide rule requiring voters wishing to rehabilitate
12 defective early ballots to present written verification of their identity in
13 person at the applicable County Recorder’s Office; and
- 14 4. provides that all ballots cast in the November 6, 2018 general election must
15 remain under surveillance at all times and without interruption by means of
16 either (a) video recording, (b) armed guard by law enforcement officials, or
17 (c) alternative measures that ensure a degree of security comparable to those
18 provided by video recording or protection by armed guards.

19
20 DATED this 8th day of November, 2018.

21 STATECRAFT PLLC

22
23 By: /s/Thomas Basile
24 Kory Langhofer
25 Thomas Basile
26 649 North Fourth Avenue, First Floor
27 Phoenix, Arizona 85003
28 *Attorneys for Plaintiffs-Intervenors*



1 Copy of the foregoing electronically filed
2 with the Clerk of Superior Court for
3 Maricopa County on November 8, 2018.

4 Copy of the foregoing electronically served on the following on November 8, 2018:

5 Brett W. Johnson
6 Colin P. Ahler
7 Andrew M. Sniegowski
8 Lindsay Short
9 SNELL & WILMER L.L.P.
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[REDACTED] *of State Michele Reagan*

15 William J. Kerekes
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*Attorneys for Intervenor- Defendants League of United Latin American Citizens of
Arizona, League of Women Voters of Arizona, and Arizona
Advocacy Network Foundation*

By: /s/Thomas Basile

EXHIBIT J

(Email from Supervisor Steve Chucri to Recorder Fontes on November 15, 2018)

Steve Chucri - DIST2X

From: Steve Chucri - DIST2X
Sent: Monday, November 5, 2018 6:09 PM
To: 'Adrian Fontes - RISCX'
Cc: 'Bill Montgomery'
Subject: emergency voting sites; legal authority- action requested

Dear Recorder Fontes,

Due to recent inquiries, I am formally asking you to place aside all ballots cast at emergency voting sites after early voting ended on Friday, November 2, 2018, until your legal authority to open emergency sites has been clarified. By legal authority, I am looking to the Arizona Revised Statutes or the Secretary of State's election procedure manual. To be clear, this is about the integrity of the election; it is not the fault of the voters who may have utilized this option.

Sincerely,

Steve Chucri | Maricopa County Supervisor, District 2
301 W. Jefferson Street | 10th floor | Phoenix, AZ 85003
Phone: (602) 506-7431 | Fax: (602) 506-6362 | Email: [REDACTED]



EXHIBIT K

(Declaration of Ted Butler)

DECLARATION

I, Ted Butler, do upon oath declare as follows:

1. I am over 18 years of age and am competent to testify to the matters in this declaration.
2. I make this declaration based upon my own personal knowledge.
3. I reside and am registered to vote in Maricopa County, Arizona.
4. On November 6, 2018 I went to my assigned polling place at the Gloria Dei Church, which is located at 3539 East Stanford Drive in Paradise Valley, Arizona. I arrived at the polling place at approximately 5:50am and was among the first in line to vote when the polling place opened at 6:00am.
5. After verifying my identity, a polling place worker handed me a ballot. As I began to vote, I noticed that the ballot had been pre-marked to select Democrat candidate Kyrsten Sinema for the office of United States Senator and Democrat candidate Greg Stanton for the office of United States Representative for the Ninth District of Arizona. The markings were not stray lines or blots; the ballot had been printed or otherwise prepared in advance with Sinema's and Stanton's names clearly and unmistakably pre-selected.
6. When I pointed out the irregularity to a poll worker who was identified only by the name of "Chris," a man who had been behind me in line to vote stated that his ballot also contained pre-marked selections for Sinema and Stanton.
7. "Chris" hurriedly took the pre-marked ballots from me and the other voter and handed us replacement ballots. I was unable to observe what "Chris" did with the pre-marked ballots. Neither "Chris" nor any other polling place worker offered any explanation for why the other voter and I had been given ballots already pre-marked with votes cast for Sinema and Stanton.
8. A friend of mine, Chip Spellman, was present with me at the polling place and also personally observed the pre-marked ballot.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 14 day of November, 2018.

Signature



Ted A. Butler
Printed Name

EXHIBIT L

(Documents produced by Secretary of State's Office in response to public records request)



Public Records Request.

Stephen Richer

Thu, Dec 20, 2018 at 11:36 AM

To: [REDACTED] OV

Dear Mr. Spencer,

I have been asked by the Arizona Republican Party to conduct a review of the 2018 election.

I'm writing to request:

1. Copies of the complaints, concerns, or problems that Maricopa County voters reported to the Secretary of State's office in this past November 2018 election
2. Any spreadsheet, tables, or analyses of the above complaints/concerns/problems produced by the Secretary of State's office

I will use these documents for a non-commercial purpose.

Thank you very much for your attention to this request. Please let me know if you require further information.

Happy Holidays.

Stephen



Response to Public Records Request

Fisher, Renada [REDACTED]
To: "stephen.richer@gmail.com" [REDACTED]

Mon, Jan 7, 2019 at 10:42 AM

Good morning Mr. Richer,

The Secretary of State's Office received your request on December 20, 2018 requesting the following:

1. Copies of the complaints, concerns, or problems that Maricopa County voters reported to the Secretary of State's office in this past November 2018 election
2. Any spreadsheet, tables, or analyses of the above complaints/concerns/problems produced by the Secretary of State's office.

The Secretary of State's Office has reviewed the aforementioned request and provides you with the responsive documents.

You will receive a separate email to a file sharing site to retrieve the responsive documents. Once you do, you may access the site with the following:

[REDACTED]

Thank you. Have a wonderful day.

Renada Fisher

Elections Project Specialist

Arizona Secretary of State Katie Hobbs

Office: (602) 542-6488

email: [REDACTED]

www.azsos.gov



Public Disclosure Notice: This message and any messages in response to the sender of this message may be subject to a public records request.

Fisher, Renada

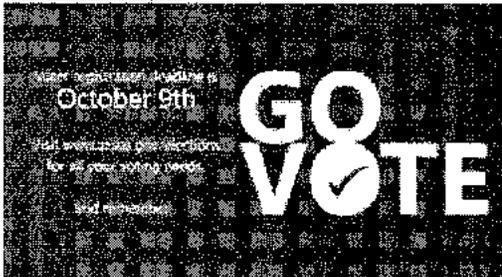
From: Petty, Janine
Sent: Tuesday, November 6, 2018 7:05 AM
To: 'Kristi Passarelli - RISCX'
Subject: 2 polling location issues

Importance: High

Voters saying that chandler city hall is unable to print ballots

Voters reporting that Golf Academy America on 2031 n az ave is closed?

Janine M. Petty
Deputy State Election Director
Arizona Secretary of State Michele Reagan
Office: (602) 542-6209
jpetty@azsos.gov
www.azsos.gov



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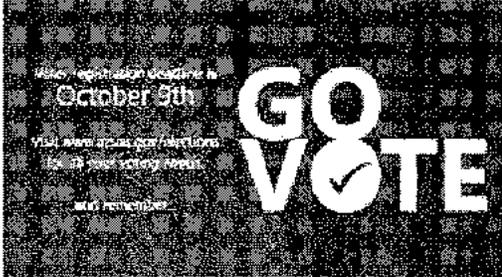
Fisher, Renada

From: Petty, Janine
Sent: Tuesday, November 6, 2018 10:03 AM
To: 'Kristi Passarelli - RISCX'
Subject: Candidate electioneering

Importance: High

Voter called- there is a candidate electioneering within the 75 ft limit at Deer Valley Airport.
Can we send someone out there or call the marshal?

Janine M. Petty
Deputy State Election Director
Arizona Secretary of State Michele Reagan
Office: (602) 542-6209
jpetty@azsos.gov
www.azsos.gov



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Fisher, Renada

From: Petty, Janine
Sent: Tuesday, November 6, 2018 11:20 AM
To: 'Kristi Passarelli - RISCX'
Subject: complaint

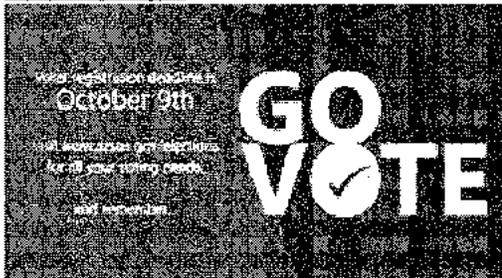
Importance: High

Voters stated that the Freestone rec center is giving out ballots that are pre-marked. Apparently, they have stacks of ballots that are pre-marked and both husband and wife received one.

Can you have a TS check on this?

Thx

Janine M. Petty
Deputy State Election Director
Arizona Secretary of State Michele Reagan
Office: (602) 542-6209
jpetty@azsos.gov
www.azsos.gov



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Fisher, Renada

From: Petty, Janine
Sent: Tuesday, November 6, 2018 4:07 PM
To: 'Kristi Passarelli - RISCX'
Subject: Education center on 8th ave

Voter wanted me to pass along his unhappiness with his voting experience. Check in books won't work, had to vote provisional because of that, and poll workers didn't know where to put his provisional ballot. He would like to add that poll workers need better training and that the site books should be tested better.

Just sharing...

Janine

Fisher, Renada

From: Petty, Janine
Sent: Tuesday, November 6, 2018 12:49 PM
To: 'Kristi Passarelli - RISCX'
Subject: FW: POLL CENTER TOTALLY DOWN - WICKENBURG COMMUNITY CENTER

Importance: High

Wickenburg Community Center 160 n valentine st
poll center totally down
Poll workers sending voters away saying no idea when will be up

Kristi – please let me know what’s going on with this one.

Thx

Fisher, Renada

From: Romney, David
Sent: Tuesday, November 6, 2018 8:06 AM
To: Petty, Janine
Subject: FW: SDLE- Mountain View Vote Center down

Importance: High

Follow Up Flag: Follow up
Flag Status: Completed

Please see below.

From: Swoboda, Gina
Sent: Tuesday, November 6, 2018 8:06 AM
To: Romney, David
Cc: Benson, Joseph
Subject: SDLE- Mountain View Vote Center down
Importance: High

Caller who reported Cochise down to Joe earlier called back

It is Mountain View Vote Center that is down (Scottsdale)

Only the Edge and 1 check in are working
Line is over 30 minutes long now

Ty
g

Gina Swoboda
Elections Lobbying Specialist
Arizona Secretary of State Michele Reagan
Office: 602-364-3219
Email: gswoboda@azsos.gov
www.azsos.gov

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Fisher, Renada

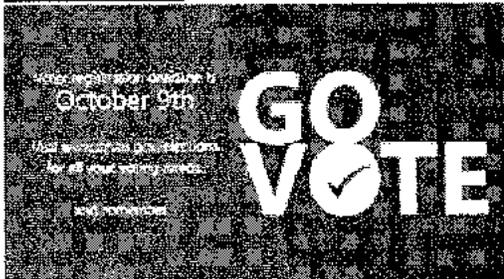
From: Petty, Janine
Sent: Tuesday, November 6, 2018 3:09 PM
To: 'Kristi Passarelli - RISCX'
Subject: Mega Center - 222 Javelin Recorder's Office

Importance: High

Kristi,

Getting reports that all voters are being required to vote provisionally at this site. They are being told they are at the wrong polling location. Voter indicated that her registration was up to date with her new address in the roster but her AZ DL had her old address so she provided a utility bill with new address but was still required to vote provisionally.

Janine M. Petty
Deputy State Election Director
Arizona Secretary of State Michele Reagan
Office: (602) 542-6209
jpetty@azsos.gov
www.azsos.gov



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Fisher, Renada

From: Petty, Janine
Sent: Tuesday, November 6, 2018 12:26 PM
To: 'Kristi Passarelli - RISCX'
Subject: Mega Center - Mountain View Park community center

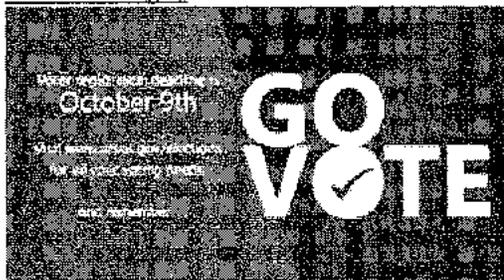
Importance: High

Voters are calling reporting a 2 hour wait. They are saying there is one voting booth which is broken and the printers are not printing envelopes or ballots. Poll workers don't know how to fix the issue and people are getting angry and a lot are leaving after waiting too long. Can you look into this, please and let me know?

Janine M. Petty
Deputy State Election Director
Arizona Secretary of State Michele Reagan
Office: (602) 542-6209

jpetty@azsos.gov

www.azsos.gov



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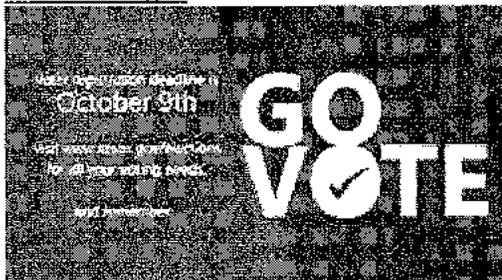
Fisher, Renada

From: Petty, Janine
Sent: Tuesday, November 6, 2018 9:45 AM
To: 'Kristi Passarelli - RISCX'
Subject: Poll Worker issue

Pecos community center

Voter stated that a poll worker made a comment about her place of birth which was Guam and then said her ballot was for the wrong precinct. Apparently, the poll worker was trying to be funny but it was not well received by the voter. Voter was in the right precinct and was able to cast a regular ballot but wanted this passed on to Maricopa Election Officials.

Janine M. Petty
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Arizona Secretary of State Michele Reagan
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jpetty@azsos.gov
www.azsos.gov



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Fisher, Renada

From: Romney, David
Sent: Tuesday, November 6, 2018 6:48 AM
To: Petty, Janine
Cc: Spencer, Eric
Subject: FW: Church Sign at Church Polling Location

Please see below.

From: Jones, Teresa
Sent: Tuesday, November 6, 2018 6:42 AM
To: Romney, David
Subject: Church Sign at Church Polling Location

David,

Just FYI on this

Anonymous caller concerned with polling location #398 at Friends Church, 39th Ave just north of Northern, church sign reflects "God is Love, Trump is Hate"; caller offended and feels sign is inappropriate and in bad taste

Explained 75-ft limit no electioneering at poll location, however, text on sign probably not electioneering inasmuch as it does not express support or opposition to a candidate on ballot

Caller did not want to leave name or contact info

//Teresa

Fisher, Renada

From: Spencer, Eric
Sent: Tuesday, November 6, 2018 7:14 AM
To: Romney, David
Cc: Petty, Janine
Subject: Re: Church Sign at Church Polling Location

I'm close to this one, I'm going to take a look

Sent from my iPhone

On Nov 6, 2018, at 6:48 AM, Romney, David <dromney@azsos.gov> wrote:

Please see below.

From: Jones, Teresa
Sent: Tuesday, November 6, 2018 6:42 AM
To: Romney, David
Subject: Church Sign at Church Polling Location

David,

Just FYI on this

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Caller did not want to leave name or contact info

//Teresa

Fisher, Renada

From: Spencer, Eric
Sent: Tuesday, November 6, 2018 7:59 AM
To: Romney, David
Cc: Petty, Janine
Subject: Re: Church Sign at Church Polling Location
Attachments: image1.jpeg



Um no

Sent from my iPhone

On Nov 6, 2018, at 6:48 AM, Romney, David <dromney@azsos.gov> wrote:

Please see below.

From: Jones, Teresa
Sent: Tuesday, November 6, 2018 6:42 AM
To: Romney, David
Subject: Church Sign at Church Polling Location

David,

Just FYI on this

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Explained 75-ft limit no electioneering at poll location, however, text on sign probably not electioneering inasmuch as it does not express support or opposition to a candidate on ballot

Caller did not want to leave name or contact info

//Teresa

Fisher, Renada

From: Benson, Joseph
Sent: Tuesday, November 6, 2018 8:38 AM
To: Swoboda, Gina; Romney, David
Subject: RE: SDLE- Mountain View Vote Center down

I got another report of Fountain Hills Community Center not printing ballots as well. Not sure if we should keep a list of all these.

From: Swoboda, Gina
Sent: Tuesday, November 06, 2018 8:06 AM
To: Romney, David
Cc: Benson, Joseph
Subject: SDLE- Mountain View Vote Center down
Importance: High

Caller who reported Cochise down to Joe earlier called back

It is Mountain View Vote Center that is down (Scottsdale)

Only the Edge and 1 check in are working
Line is over 30 minutes long now

Ty
g

Gina Swoboda
Elections Lobbying Specialist
Arizona Secretary of State Michele Reagan
Office: 602-364-3219
Email: gswoboda@azsos.gov
www.azsos.gov

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Fisher, Renada

From: Petty, Janine
Sent: Tuesday, November 6, 2018 7:06 AM
To: 'Kristi Passarelli - RISCX'
Subject: RE: Dove of the desert unt'd Methodist church, Glendale

Okay. Let me know when they are up and running please – voter wanted a call back

thx

From: Kristi Passarelli - RISCX [<mailto:kpassarelli@risc.maricopa.gov>]
Sent: Tuesday, November 06, 2018 6:49 AM
To: Petty, Janine
Subject: RE: Dove of the desert unt'd Methodist church, Glendale

Were looking into this

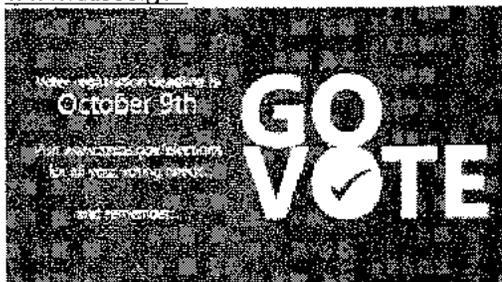
Kristi Passarelli, Assistant Director - Election Services
Please Forgive any Typos
Sent from my Windows Phone

From: Petty, Janine
Sent: 11/6/2018 6:47 AM
To: Kristi Passarelli - RISCX
Subject: Dove of the desert unt'd Methodist church, Glendale

Good morning,

Have reports that this polling location is unable to printer ballots. Voter said that there were roughly 70 people waiting in line. She waited over ½ hour and had to leave.

Janine M. Petty
Deputy State Election Director
Arizona Secretary of State Michele Reagan
Office: (602) 542-6209
jpetty@azsos.gov
www.azsos.gov



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Fisher, Renada

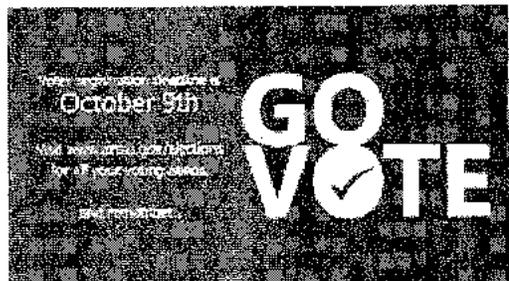
From: Spencer, Eric
Sent: Tuesday, November 6, 2018 12:11 PM
To: 'Rey Valenzuela'
Cc: 'Kristi Passarelli - RISCX'; Petty, Janine; 'Adrian Fontes'
Subject: SiteBook system upgrade

Hi Rey,

We're getting bombarded with messages about a county-wide SiteBook system update that occurred in the last hour. Can you give us more information? We need to be able to explain to voters/press what happened, because lots of confusion at the moment.

Thanks!
Eric

Eric H. Spencer
State Election Director
Arizona Secretary of State Michele Reagan
Office: (602) 542-8683
espencer@azsos.gov
www.azsos.gov



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Fisher, Renada

From: Kristi Passarelli - RISCX <kpassarelli@risc.maricopa.gov>
Sent: Tuesday, November 6, 2018 11:54 AM
To: Petty, Janine
Subject: RE: Dove of the desert unt'd Methodist church, Glendale

Follow Up Flag: Follow up
Flag Status: Completed

Hi Janine this location is a vote center there were issues this morning and again about 15 min ago but were are back up and running

Kristi Passarelli, Assistant Director - Election Services
Please Forgive any Typos
Sent from my Windows Phone

From: Petty, Janine
Sent: 11/6/2018 11:49 AM
To: Kristi Passarelli - RISCX
Subject: RE: Dove of the desert unt'd Methodist church, Glendale

Kristi,

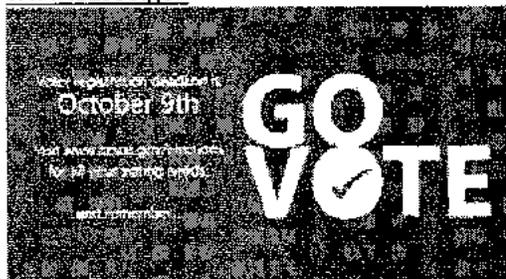
I assume this place is up and running again. Correct?

From: Petty, Janine
Sent: Tuesday, November 06, 2018 6:47 AM
To: 'Kristi Passarelli - RISCX'
Subject: Dove of the desert unt'd Methodist church, Glendale
Importance: High

Good morning,

Have reports that this polling location is unable to printer ballots. Voter said that there were roughly 70 people waiting in line. She waited over ½ hour and had to leave.

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www.azsos.gov



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Fisher, Renada

From: Spencer, Eric
Sent: Tuesday, November 6, 2018 12:37 PM
To: 'Rey Valenzuela - RISCX'
Cc: Kristi Passarelli - RISCX; Petty, Janine; Adrian Fontes - RISCX
Subject: RE: SiteBook system upgrade

Thanks Rey, very much appreciated.

From: Rey Valenzuela - RISCX [<mailto:rvalenzuela@risc.maricopa.gov>]
Sent: Tuesday, November 6, 2018 12:21 PM
To: Spencer, Eric <espencer@azsos.gov>
Cc: Kristi Passarelli - RISCX <kpasarelli@risc.maricopa.gov>; Petty, Janine <jpetty@azsos.gov>; Adrian Fontes - RISCX <afontes@risc.maricopa.gov>
Subject: RE: SiteBook system upgrade

Eric, there was a brief connection outage that lasted about 8 minutes but it was not due to the system update, It was a lock on our system that happed due to an internal job.

It was stopped, cleared and system wen back up.

Reynaldo Valenzuela Jr., CERA
Director of Elections | Maricopa County Recorder Adrian Fontes
510 South 3rd Avenue, Phoenix, Arizona 85003
Phone: 602-506-3096 | Fax: 602-506-5112



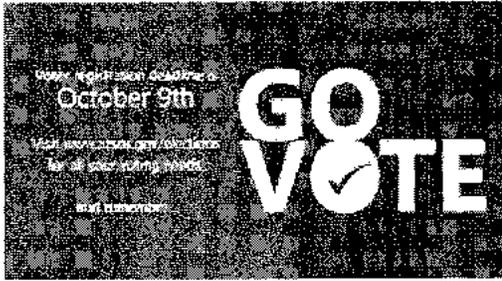
From: Spencer, Eric <espencer@azsos.gov>
Sent: Tuesday, November 6, 2018 12:11 PM
To: Rey Valenzuela - RISCX <rvalenzuela@risc.maricopa.gov>
Cc: Kristi Passarelli - RISCX <kpasarelli@risc.maricopa.gov>; Petty, Janine <jpetty@azsos.gov>; Adrian Fontes - RISCX <afontes@risc.maricopa.gov>
Subject: SiteBook system upgrade

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Thanks!
Eric

Eric H. Spencer
State Election Director
Arizona Secretary of State Michele Reagan
Office: (602) 542-8683
espencer@azsos.gov
www.azsos.gov



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Fisher, Renada

From: Spencer, Eric
Sent: Tuesday, November 6, 2018 12:55 PM
To: 'Rey Valenzuela - RISCX'
Cc: Kristi Passarelli - RISCX; Petty, Janine; Adrian Fontes - RISCX
Subject: RE: SiteBook system upgrade

BTW, the intel guys have this classified as a software update:

(U//FOUO) Maricopa County Recorders Office General Elections re check-in was on hold until they determined what the technical issue was
Source: ACTIC Tip

From: Rey Valenzuela - RISCX [<mailto:rvalenzuela@risc.maricopa.gov>]
Sent: Tuesday, November 6, 2018 12:21 PM
To: Spencer, Eric <espencer@azsos.gov>
Cc: Kristi Passarelli - RISCX <kpassarelli@risc.maricopa.gov>; Petty, Janine <jpetty@azsos.gov>; Adrian Fontes - RISCX <afontes@risc.maricopa.gov>
Subject: RE: SiteBook system upgrade

Eric, there was a brief connection outage that lasted about 8 minutes but it was not due to the system update, it was a lock on our system that happened due to an internal job.

It was stopped, cleared and system went back up.

Reynaldo Valenzuela Jr., CERA

Director of Elections | Maricopa County Recorder Adrian Fontes
510 South 3rd Avenue, Phoenix, Arizona 85003
Phone: 602-506-3096 | Fax: 602-506-5112



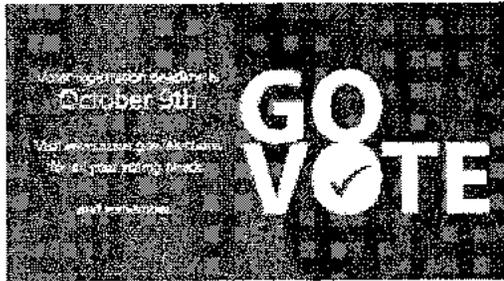
From: Spencer, Eric <espencer@azsos.gov>
Sent: Tuesday, November 6, 2018 12:11 PM
To: Rey Valenzuela - RISCX <rvalenzuela@risc.maricopa.gov>
Cc: Kristi Passarelli - RISCX <kpassarelli@risc.maricopa.gov>; Petty, Janine <jpetty@azsos.gov>; Adrian Fontes - RISCX <afontes@risc.maricopa.gov>
Subject: SiteBook system upgrade

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Thanks!
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Arizona Secretary of State Michele Reagan
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espencer@azsos.gov
www.azsos.gov



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Fisher, Renada

From: Spencer, Eric
Sent: Tuesday, November 6, 2018 1:16 PM
To: 'Rey Valenzuela - RISCX'
Cc: Kristi Passarelli - RISCX; Petty, Janine; Adrian Fontes - RISCX
Subject: RE: SiteBook system upgrade

Ok roger that!

From: Rey Valenzuela - RISCX [<mailto:rvalenzuela@risc.maricopa.gov>]
Sent: Tuesday, November 6, 2018 1:11 PM
To: Spencer, Eric <espencer@azsos.gov>
Cc: Kristi Passarelli - RISCX <kpassarelli@risc.maricopa.gov>; Petty, Janine <jpetty@azsos.gov>; Adrian Fontes - RISCX <afontes@risc.maricopa.gov>
Subject: RE: SiteBook system upgrade

That was the assumption since we did an update but that update was not even at the same time that connectivity was lost.

We actually know that it was a system lock that happened within our Provisional Review system that was then cleared.

We have ACTIC here so I will let them know but may have been an earlier report.

Thanks,

Reynaldo Valenzuela Jr., CERA
Director of Elections | Maricopa County Recorder Adrian Fontes
510 South 3rd Avenue, Phoenix, Arizona 85003
Phone: 602-506-3096 | Fax: 602-506-5112



From: Spencer, Eric <espencer@azsos.gov>
Sent: Tuesday, November 6, 2018 12:55 PM
To: Rey Valenzuela - RISCX <rvalenzuela@risc.maricopa.gov>
Cc: Kristi Passarelli - RISCX <kpassarelli@risc.maricopa.gov>; Petty, Janine <jpetty@azsos.gov>; Adrian Fontes - RISCX <afontes@risc.maricopa.gov>
Subject: RE: SiteBook system upgrade

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From: Rey Valenzuela - RISCX [<mailto:rvalenzuela@risc.maricopa.gov>]

Sent: Tuesday, November 6, 2018 12:21 PM

To: Spencer, Eric <espencer@azsos.gov>

Cc: Kristi Passarelli - RISCX <kpassarelli@risc.maricopa.gov>; Petty, Janine <jpetty@azsos.gov>; Adrian Fontes - RISCX <afontes@risc.maricopa.gov>

Subject: RE: SiteBook system upgrade

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Director of Elections | Maricopa County Recorder Adrian Fontes

510 South 3rd Avenue, Phoenix, Arizona 85003

Phone: 602-506-3096 | Fax: 602-506-5112



From: Spencer, Eric <espencer@azsos.gov>

Sent: Tuesday, November 6, 2018 12:11 PM

To: Rey Valenzuela - RISCX <rvalenzuela@risc.maricopa.gov>

Cc: Kristi Passarelli - RISCX <kpassarelli@risc.maricopa.gov>; Petty, Janine <jpetty@azsos.gov>; Adrian Fontes - RISCX <afontes@risc.maricopa.gov>

Subject: SiteBook system upgrade

Hi Rey,

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Thanks!

Eric

Eric H. Spencer

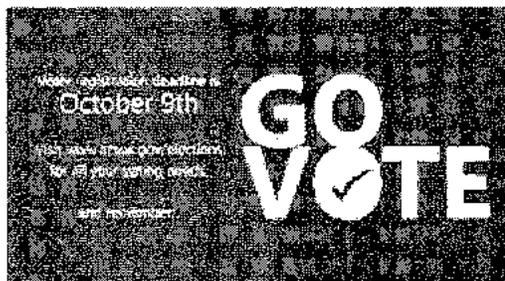
State Election Director

Arizona Secretary of State Michele Reagan

Office: (602) 542-8683

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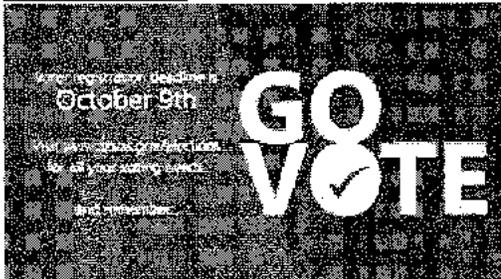
Fisher, Renada

From: Petty, Janine
Sent: Tuesday, November 6, 2018 9:38 AM
To: 'Kristi Passarelli - RISCX'
Subject: Two voting locations on 67th ave

complaints against two polling locations one located at 1617 S. 67th Ave (Fowler School District) and another one at Fowler Elementary School at Van Buran and 67th Ave. She advised poll workers did not know how to use the new system. She stated they were "ill-educated". She watched a poll worker almost turn around her neighbor and she advised the neighbor he could vote a provisional ballot.

Can you send a troubleshooter check on these locations? I spoke with voter and she had to step in to show them how to use the check in machines.

Janine M. Petty
Deputy State Election Director
Arizona Secretary of State Michele Reagan
Office: (602) 542-6209
jpetty@azsos.gov
www.azsos.gov



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Fisher, Renada

From: Romney, David
Sent: Tuesday, November 6, 2018 12:52 PM
To: Petty, Janine
Cc: Spencer, Eric
Subject: FW: Computer outage

Importance: High

Please see below. Another computer outage.

From: Kidd-Roman, Kristina
Sent: Tuesday, November 6, 2018 12:44 PM
To: Romney, David
Subject: Computer outage
Importance: High

CALL INFO	Call #	23	Initial Call Date	11/6/2018
			Initial Call Time	12:43
	Call Type	Voting Equipment	Call Status	Open
	Call Severity	Severe	Received By	

CALLER INFO	First:		Middle:		Last:	
	Name	Linda				
	Email			Phone		
	County	Maricopa		County Voter ID		
	Address					
	City State Zip:					

ISSUE	Issue	Caller states computers were down at the polling place and the line was getting long. She went home and is asking is SOS has a on the computer outage. Her polling place is the Copperridge School in north Scottsdale.

ACTIONS	Date	Time	Action
		11/6/2018	12:43
	By: Kristina		

New	Cancel	Delete	QUIT
-----	--------	--------	------

Fisher, Renada

From: Romney, David
Sent: Tuesday, November 6, 2018 11:14 AM
To: Petty, Janine; Spencer, Eric
Subject: Fwd: Potential Fraud

Importance: High

See below.

Sent from my Android smartphone

----- Original message -----

From: "Kidd-Roman, Kristina" <kkroman@azsos.gov>
Date: 11/6/18 11:13 AM (GMT-07:00)
To: "Romney, David" <dromney@azsos.gov>
Subject: Potential Fraud

CALL INFO

Call # Initial Call Date
 Initial Call Time
 Call Type Call Status
 Call Severity Received By

LO

CALLER INFO

Name First: Middle: Last:
 Email Phone
 County County Voter ID
 Address
 City State Zip:

Call #
Name

ISSUE

Issue: Caller states that at the Freestone Rec Center polling location, after checking in with poll workers, her and her husband received that had already been voted. The caller and her husband gave the voted ballots back to poll workers and the poll workers looked at a large stack of ballots that we supposed to be blank but they were actually voted ballots.

ACTIONS

Date	Time	Action
11/6/2018	11:12	
By: Kristina		

From: [Fisher, Renada](#)
To: [Petty, Janine](#)
Subject: Complaint - Walter Kehowski
Date: Tuesday, November 6, 2018 5:04:50 PM
Attachments: [image001.jpg](#)

Hi Janine,

Caller advised he went to his polling location at Dove of the Desert United Methodist Church, 7201 W Beardsley Rd, Glendale. His address in the voter registration database matches the address on his DL, but the poll worker advised him based on the machine that he needed to vote a provisional ballot. He refused to take and vote a provisional ballot. The poll worker then printed him a new ballot, in which the machine would not take it after he voted. The poll worker tried multiple times, and advised him he could submit the ballot in the base of the machine and it would be counted. Caller wants a call back to inquire why the machine would state he needed to vote a provisional ballot when he was voting at his assigned polling location and his DL info matched the info on the roster.

Can you please give him a call at [REDACTED] ?

Thank you.

Sincerely,

Renada Fisher
Elections Project Specialist
Arizona Secretary of State Michele Reagan
Office: (602) 542-6488
email: rfisher@azsos.gov
www.azsos.gov



Public Disclosure Notice: This message and any messages in response to the sender of this message may be subject to a public records request.

From: [Swoboda, Gina](#)
To: [Romney, David](#)
Subject: electioneering - poll worker wearing Red for Ed shirt
Date: Tuesday, November 6, 2018 2:00:39 PM

poll worker at canyon Church of Christ at 34975 n north valley pkwy phoenix 85086 is wearing a Red for Ed shirt. Voters getting upset.

Reported by voter - Phyllis cypert [REDACTED]

Gina Swoboda
Elections Lobbying Specialist
Arizona Secretary of State Michele Reagan
Office: 602-364-3219
Email: gswoboda@azsos.gov
www.azsos.gov

Public Disclosure Notice: This message and any messages in response to the sender of this message may be subject to a public records request.

From: Petty, Janine
To: "Kristi Passarelli - RISCX"
Subject: FW: caller denied conditional provisional ballot
Date: Tuesday, November 6, 2018 9:52:18 AM

Passing this along.

caller cast provisional ballot in 2016 PPE and was told it would register him to vote. Voter appeared at Basha High School polling place at val vista and riggs. He is not registered. He was denied the opportunity to vote a provisional ballot and turned away. His father also called and demands we contact MCRO about his son not being allowed to cast provisional ballot. I am mailing VR form to son. Son may be reached at [REDACTED]

From: Petty, Janine
To: "Kristi Passarelli - RISCX"
Subject: FW: Complaint - Paul Murkowicz
Date: Tuesday, November 6, 2018 11:21:36 AM
Importance: High

I received a call from a caller, Paul Murkowicz [REDACTED], advising the following:

Caller advised he is set-up outside of the 75 ft zone at a polling location (8500 E Jackrabbit, Scottsdale). He advised he was contacted by a security employee of Scottsdale School District and was advised if he didn't move, the security guard would contact the Scottsdale Police Department. The caller stated he was not blocking access to anything and was not intimidating any voters. He believes another political party contacted the security officer and told him that he better make him leave. He wants to know his rights because he doesn't believe he could be made to leave a public place as long as he is not violating the law. He wants someone to call him back.

I'm not sure if he is truly outside the 75ft limit but thought we would pass this along and maybe the Marshal could check.

From: Petty, Janine
To: "Kristi Passarelli - RISCX"
Subject: FW: Complaint
Date: Tuesday, November 6, 2018 4:11:21 PM
Importance: High

FYI

Caller called on behalf of his mother (Aurelia Peers – [REDACTED]) who is currently at the polling location, South Mountain Community Center, located at 212 E Alta Vista, Phoenix. Caller advised Aurelia stated people were inside the polling locations passing out cheat sheets on who to vote for that had AZResist.org on the papers. Caller stated his mother is there now telling the people they cannot pass out information.

From: [Elections](#)
To: [Romney, David](#); [Petty, Janine](#)
Cc: [Elections](#)
Subject: FW: Contact Form Submission - Computers down
Date: Tuesday, November 6, 2018 2:21:20 PM
Attachments: [image001.jpg](#)

David/Janine, FYI. Thanks. Tanner

From: webmaster@azsos.gov [mailto:webmaster@azsos.gov]
Sent: Tuesday, November 6, 2018 11:30 AM
To: Elections
Subject: Contact Form Submission - Computers down

Submitted on Tuesday, November 6, 2018 – 11:29

Submitted by user: Anonymous

Submitted Webform: Contact Elections

Name: Rebecca Muday

Email: [REDACTED]

Subject: Computers down

Message: The computers at my polling place are not working to verify I'd. No one is answering the phone for the poll worker . We are at Scottsdale Worship Center. The line is growing and people have to leave. HELP NOW!

||

From: [Outreach](#)
To: [Romney, David](#); [Petty, Janine](#)
Cc: [Outreach](#)
Subject: FW: Contact Form Submission - Help voting at Beardsley church location 85308
Date: Tuesday, November 6, 2018 7:22:18 AM
Attachments: [image001.jpg](#)

David/Janine, please see below. Thanks. Tanner

From: webmaster@azsos.gov [mailto:webmaster@azsos.gov]
Sent: Tuesday, November 6, 2018 7:20 AM
To: Outreach
Subject: Contact Form Submission - Help voting at Beardsley church location 85308

Submitted on Tuesday, November 6, 2018 – 07:20

Submitted by user: Anonymous

Submitted Webform: Contact Voter Outreach

Name: Erin Morgan

Email: [REDACTED]

Subject: Help voting at Beardsley church location 85308

Message: Our printers are down and we have been waiting since 6 am – send help asap please

|

From: [Petty, Janine](#)
To: "[Kristi Passarelli - RISCX](#)"
Subject: FW: Contact Form Submission - Polling location is poor one
Date: Tuesday, November 6, 2018 1:06:59 PM
Attachments: [image001.jpg](#)

Kristi – just passing this along

Submitted on Tuesday, November 6, 2018 – 08:58

Submitted by user: Anonymous

Submitted Webform: Contact Elections

Name: Jessica Webster

Email: [REDACTED]

Subject: Polling location is poor one

Message: Hi, Gilbert Historical Museum isn't large enough to accommodate the voting today. Even during the Primaries, it didn't have enough parking. A dozen or so regular parking spaces isn't enough to accommodate voters and voters dropping off early ballots. Shouldn't the solution be to have polling locations to handle the busy parts of the day with parking, so that they can only wait for a booth? Even if voter turn out is low it would be better to have a larger space so we aren't deterring people from this important part of our political process.

|

From: [Elections](#)
To: [Romney, David](#); [Petty, Janine](#)
Cc: [Elections](#)
Subject: FW: Contact Form Submission - Turned away at polls
Date: Tuesday, November 6, 2018 10:58:53 AM
Attachments: [image001.jpg](#)

David/Janine, FYI. Thanks. Tanner

From: webmaster@azsos.gov [mailto:webmaster@azsos.gov]
Sent: Tuesday, November 6, 2018 8:39 AM
To: Elections
Subject: Contact Form Submission - Turned away at polls

Submitted on Tuesday, November 6, 2018 – 08:39

Submitted by user: Anonymous

Submitted Webform: Contact Elections

Name: Maureen needham

Email: 

Subject: Turned away at polls

Message: Dynamite and 64th St polling location only able to print spanish ballots then that broke. Electronic machine of 1 had a line iver an hour and was told that ithere was no other option. Have a 2 year old son who me and getting out to vote only to be turned away is ridiculous. As a tax payer I have the right to vote. Arizona is not standing behind that constitutional right. Let's get it together Arizona. I am unable to go back to the polls so that you for push people out of the polls instead of welcoming all eligible votes. In the future I hope elections are fair!

!

From: [Elections](#)
To: [Romney, David](#); [Petty, Janine](#)
Cc: [Elections](#)
Subject: FW: Contact Form Submission - Voting issues
Date: Tuesday, November 6, 2018 6:41:49 PM
Attachments: [image001.jpg](#)

David/Janine, FYI. Thanks. Tanner

From: webmaster@azsos.gov [mailto:webmaster@azsos.gov]
Sent: Tuesday, November 6, 2018 6:24 PM
To: Elections
Subject: Contact Form Submission - Voting issues

Submitted on Tuesday, November 6, 2018 – 18:23

Submitted by user: Anonymous

Submitted Webform: Contact Elections

Name: Jessica Baudhuin

Email: [REDACTED]

Subject: Voting issues

Message: Hi, My name is Jessica Baudhuin I got your email from ASU because they told me to contact you with voting issues. My friend Sebastian Ibanez is blind, and has not been able to vote after trying at 3 different locations. This is unacceptable, and we need to do better for our disabled community. Here is his story.

<https://www.facebook.com/sebastin.ibanez.9/videos/2359126104315067/>

||

From: [Fisher, Renada](#)
To: [Petty, Janine](#)
Subject: Joan Zecherle [REDACTED]
Date: Tuesday, November 6, 2018 12:38:52 PM
Attachments: [image001.jpg](#)

Hi Janine,

Caller advised she contacted Maricopa County Recorder's Office and spoke to a representative in the call center named Isaac. Caller had to vote a provisional ballot at her polling location because she wasn't on the roster. Caller is in suspense status, but advised she sent in verification when she registered to vote. She is gravely concerned her vote will not count. Isaac advised her there are many people in the county in suspense and that someone "messed up". She asked to speak to his supervisor and he advised her his supervisor was not available at the moment, so she asked for the supervisor info and was given Priscilla Cruz's phone number. Joan advised she left a voice message. She wants to ensure her vote will count but it doesn't seem like anyone at Maricopa knows what they are talking about. Joan also advised when she was in her polling location, she observed several people coming in to the Tatum Community Center in Cave Creek because their polling location was out of ballots around 7:55 a.m. Joan advised she did not know the name of the polling location.

Thanks.

Sincerely,

Renada Fisher
Elections Project Specialist
Arizona Secretary of State Michele Reagan
Office: (602) 542-6488
email: rfisher@azsos.gov
www.azsos.gov



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From: [Fisher, Renada](#)
To: [Petty, Janine](#)
Subject: Please Give Caller A Call Back Regarding Complaint
Date: Tuesday, November 6, 2018 8:25:50 AM
Attachments: [image001.jpg](#)

Hi Janine,

I received a call from a caller named Steve Higgins. He is requesting a call back at [REDACTED].

Steve advised he voted at the Discovery School precinct located at 7910 W Maryland Ave, Glendale, AZ 85303. He advised with his original ballot he did not want to leave any blanks although he did not want to vote for particular candidates. He advised he wrote "No Vote" into the write-in sections and drew the arrow. However, when he tried submitted the ballot it wouldn't take and was advised it was a spoiled ballot. The poll worker didn't appear to do anything with the spoiled ballot and did not place it into an envelope or a locked container. Steve advised he was given another ballot and did not write into the write-in sections. He advised he doesn't trust the system that no one will mark his ballot in favor of other candidates. He didn't like how he had to leave blank spaces on his ballot. He would like a call back.

Thanks.

Sincerely,

Renada Fisher
Elections Project Specialist
Arizona Secretary of State Michele Reagan
Office: (602) 542-6488
email: rfisher@azsos.gov
www.azsos.gov



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From: [Swoboda, Gina](#)
To: [Romney, David](#)
Subject: voter made to vote provisional - Miller
Date: Tuesday, November 6, 2018 7:31:39 AM

she requests call back, very upset about having to vote provisional

she voted at proper location with proper id, I verified

her id [REDACTED]
phone [REDACTED]

polling place
5904 w cholla st
Glendale 85304

She lives at [REDACTED]

This was her proper place, she had license and voter id card, no idea why made to vote provisional

Ty
g

Gina Swoboda
Elections Lobbying Specialist
Arizona Secretary of State Michele Reagan
Office: 602-364-3219
Email: gswoboda@azsos.gov
www.azsos.gov

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From: Outreach
To: Romney, David; Petty, Janine
Cc: Outreach
Subject: FW: Contact Form Submission - My registration
Date: Tuesday, November 6, 2018 7:28:09 PM
Attachments: image001.jpg

FYI. Thank you, Tanner

From: webmaster@azsos.gov [mailto:webmaster@azsos.gov]
Sent: Tuesday, November 6, 2018 3:09 PM
To: Outreach
Subject: Contact Form Submission - My registration

Submitted on Tuesday, November 6, 2018 – 15:09

Submitted by user: Anonymous

Submitted Webform: Contact Voter Outreach

Name: Merriam Massey

Email: [REDACTED]

Subject: My registration

Message: I registered a couple of months ago and received a text saying I was registered, but I went online to verify it this morning and the record was not found.

I called the Secretary of State office at 877-843-8683 to find out what the problem was, and the woman who answered said I can still vote but they need proof of citizenship and gave me the email address voterreg@risc.maricopa.gov. She also gave me my voter registration ID number.

When I arrived at work at 8am, I emailed that address. This afternoon I received a reply from Donna Kish, Executive Assistant to Matt Morales saying that 1) “The voter ID number you gave me belongs to another name that has since been cancelled” and 2) that it was too late as I needed to have submitted proof of citizenship by November 1st to vote today.

This contradicts what your office told me – that I could still vote today as long as I provided the info needed to that email address.

I have emailed a picture of my passport to them, but I am concerned my vote will not be counted, if I’m even allowed to vote when I arrive at the poll this afternoon. I wanted to bring this to your attention.

1

From: [Petty, Janine](#)
To: [Spencer, Eric](#); [Elections](#); [Romney, David](#)
Subject: RE: Contact Form Submission - Turned away from Polls told to reverse shirt
Date: Tuesday, November 6, 2018 5:56:00 PM
Attachments: [image001.jpg](#)

Yes, but this is a poll worker issue that needs to be shared with Maricopa

From: Spencer, Eric
Sent: Tuesday, November 06, 2018 5:29 PM
To: Elections; Petty, Janine; Romney, David
Subject: RE: Contact Form Submission - Turned away from Polls told to reverse shirt

Sooooo, she got to vote with the shirt in the right way, correct? Sounds like it was resolved.

From: Elections
Sent: Tuesday, November 6, 2018 5:02 PM
To: Spencer, Eric <espencer@azsos.gov>; Petty, Janine <jpetty@azsos.gov>; Romney, David <dromney@azsos.gov>
Cc: Elections <elections@azsos.gov>
Subject: FW: Contact Form Submission - Turned away from Polls told to reverse shirt

Eric/Janine/David, FYI. Thanks. Tanner

From: webmaster@azsos.gov [<mailto:webmaster@azsos.gov>]
Sent: Tuesday, November 6, 2018 2:39 PM
To: Elections
Subject: Contact Form Submission - Turned away from Polls told to reverse shirt

Submitted on Tuesday, November 6, 2018 -- 14:38

Submitted by user: Anonymous

Submitted Webform: Contact Elections

Name: Charlotte Plehn

Email: [REDACTED]

Subject: Turned away from Polls told to reverse shirt

Message: I am furious. My personal liberty was infringed today as I was told to leave or put on a different shirt in order to vote. I was wearing an american flag shirt with the words "Trump" on it in. This, is constitutionally allowed to be worn at the polls per supreme court. I was not advocating or anything simply trying to vote and get on with my day. The man at the ID check who's name was Dale Gilullian (or something similar) told me to turn it or change. After which I informed him he was wrong and he admitted he was wrong. I am furious that someone with no understanding or care for rule is allowed to work at this ballot and decide who votes or doesn't. This needs to be addressed. I will be anticipating a followup

From: Petty, Janine
To: "Kristi Passarelli - RISCX"
Subject: FW: POLLING PLACE ISSUE
Date: Tuesday, November 6, 2018 9:28:19 AM

Hi,

Might want to send someone out to check for electioneering.

Thx

From: acousticlimax [mailto: [REDACTED]@yahoo.com]
Sent: Tuesday, November 6, 2018 7:06 AM
To: Elections
Subject: POLLING PLACE ISSUE

Good Morning,

I voted this morning at the below location and there were two ladies outside, maybe 10 feet from the entrance hanging out political documents in support of a specific party. I thought that this wasn't allowed?

Either way I wanted to let someone know.

Best regards,
Scott Campbell

'AMERICAN LEGION MATTHEW B JUAN POST 35'

2240 W CHANDLER BLVD CHANDLER, AZ 85224

Sent from my T-Mobile 4G LTE Device

From: Elections
To: "Rene Larson"
Cc: Elections
Bcc: Romney, David
Subject: RE: polling place
Date: Tuesday, November 6, 2018 6:55:15 PM
Attachments: image001.jpg

Any concerns can be reported via email.

Please respond with the following information:

Polling location address
Describe any particular activities that took place
What time were you at the polls?

If this pertains to you specifically, or you are requesting follow up, please provide the following:

County of residence
Full name
Date of birth
Residence address
Phone number
Arizona driver's license number, last 4 of SSN, or voter ID number

Thank you,

Election Services Division
Arizona Secretary of State Michele Reagan
1700 W. Washington St., 7th Floor
Phoenix, AZ 85007
Office: (602) 542-8683
Toll Free: 1-877-THE-VOTE
E-mail: elections@azsos.gov
www.azsos.gov
TR

cid:image001.jpg@01D45956.88F8E720



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From: Rene Larson [mailto:██████████@gmail.com]

Sent: Tuesday, November 6, 2018 3:46 PM
To: Elections
Subject: Re: polling place

Thank you. Who do I speak to about problems at a polling place? I was in Westbrook Village and it was a total mess.

On Tue, Nov 6, 2018 at 2:24 PM Elections <elections@azsos.gov> wrote:

Hello,

Voters can still vote a provisional ballot based off of their new address today, which will update their voter registration record.

Be sure to bring a form of proof of address with you.

You can find additional forms of proof of ID here:

<https://azsos.gov/elections/voting-election>

You can confirm your polling location information below:

AZSOS search tool: <https://azsos.gov/elections/voting-election>

Voter View search tool: <https://voter.azsos.gov/VoterView/PollingPlaceSearch.do>

Voters can also contact their county recorder's office for further assistance finding their polling location today.

<https://azsos.gov/elections/voting-election/contact-information-county-election-officials>

Thanks again for reaching out.

Sincerely,

Election Services Division
Arizona Secretary of State Michele Reagan
1700 W. Washington St., 7th Floor
Phoenix, AZ 85007
Office: (602) 542-8683
Toll Free: 1-877-THE-VOTE
E-mail: elections@azsos.gov
www.azsos.gov
TR

cid:image001.jpg@01D45956.88F8E720

Public Disclosure Notice: This message and any messages in response to the sender of this message may be subject to a public records request.

From: Rene Larson [mailto: [REDACTED]@gmail.com]
Sent: Tuesday, November 6, 2018 11:30 AM
To: Elections
Subject: polling place

Hello, I updated my voter registration with my new address back in July. I did not receive my voter id card and am unable to locate my polling place online. Please advise whether I should go to the polling place for my old address or my new one. Thanks

EXHIBIT M

(Declaration of Allie McCann)

DECLARATION

I, Allie McCann, do upon oath declare as follows:

1. I am over 18 years of age and am competent to testify to the matters in this declaration.
2. I make this declaration based upon my own personal knowledge.
3. I reside and am registered to vote in Maricopa County, Arizona.
4. In approximately mid-October 2018, two individuals who did not identify themselves by name knocked on the door of my apartment residence at 1133 West Baseline Road in Tempe, Arizona.
5. The individuals handed me a flyer that appears to have been published by an organization called "Arizona Wins" and asked whether I would be interested in helping them get out the vote for Democrat candidates in the upcoming election. When I asked what kind of work these individuals do, one of them stated that he rummages through dumpsters to find discarded unvoted early ballots, which he then completes. I then indicated that I am a Republican, which prompted the individuals to abruptly end the conversation and leave my doorstep. I later observed the same individuals knocking on other doors in the apartment complex.
6. A true and correct copy of the flyer provided to me by these individuals is attached to this declaration.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 11 day of November, 2018.



Signature

Allie McCann

Printed Name

**Arizona needs leaders who
will support our families.**

***Arizona necesita líderes que
respalden a nuestras familias.***



Voting has never been easier.
Return your ballot
promptly or vote in person on:

Votar nunca ha sido tan fácil.
Devuelve tu boleta
puntualmente o vote en persona:

Election Day
Tuesday, November 6

Día de Elecciones
Martes, 6 de Noviembre

Paid for by Arizona Wins, www.az-wins.org.
Not authorized by any candidate or candidate's committee.

Choose candidates that put Arizona families and students first.

Elije a candidatos que pongan primero a nuestras familias y estudiantes.



FOR U.S. SENATE



KYRSTEN SINEMA (D)

- Supports shielding people with pre-existing health conditions from insurance hikes
- Endorsed by Arizona teachers
- Supports a path to citizenship for DREAMers
- *Apoya la protección de personas con condiciones de salud preexistentes contra aumentos de seguros*
- *Apoyada por los maestros de Arizona*
- *Apoya un camino hacia la ciudadanía para los DREAMers*



MARTHA MCSALLY (R)

- Voted to cut protections for people with pre-existing health conditions
- Voted to cut funding for AHCCCS (Medicaid)
- Supports Trump's immigration policies and opposes a path to citizenship for DREAMers
- *Votó por cortar protecciones para personas con condiciones preexistentes*
- *Votó por el corte de fondos para AHCCCS (Medicaid)*
- *Apoya las políticas de inmigración de Trump y se opone a un camino hacia la ciudadanía para los DREAMers*

FOR GOVERNOR



DAVID GARCIA (D)

- Educator endorsed by Arizona teachers and supports fully funding Arizona public schools
- Supports expanding AHCCCS (Medicaid)
- Opposes Trump's immigration policies and supports DREAMers
- *Educador respaldado por maestros de Arizona. Apoya el financiamiento completo de las escuelas públicas de Arizona*
- *Apoya la expansión de AHCCCS (Medicaid)*
- *Se opone a las políticas de inmigración de Trump y apoya a los DREAMers*



DOUG DUCEY (R)

- Failed to address our education crisis, leaving our schools nearly a billion dollars short
- Supported cutting funding from AHCCCS (Medicaid)
- Has stood with Trump and praised his immigration policies
- *No hizo nada para arreglar la crisis educativa, dejando a nuestras escuelas sin casi mil millones de dólares*
- *Apoyó el corte de fondos para AHCCCS (Medicaid)*
- *Se unió a las fuerzas de Trump y apoya sus políticas de inmigración*

