



MARK BRNOVICH
ATTORNEY GENERAL

OFFICE OF THE ARIZONA ATTORNEY GENERAL

September 28, 2021

The Honorable Kelly Townsend
Arizona State Senate
1700 West Washington Street, Suite 301
Phoenix, Arizona 85007
ktownsend@azleg.gov

VIA EMAIL

**Re: Legislator Request for Investigation regarding Arizona State Senate
Audit of Maricopa County 2020 Election**

Dear Senator Townsend:

The Attorney General's Office ("Office") is in receipt of your Legislator Request for the Attorney General to investigate issues related to the Senate audit submitted to the Office on September 27, 2021. As you know, Senate President Fann has referred the audit report to the Office for further investigation.

The Office has been closely following the issues related to the Senate audit, and Attorney General Brnovich has made it clear that the Office will take all necessary actions that are supported by the evidence and where it has legal authority. Arizonans deserve to have their votes accurately counted and protected.

Given that the Office has already received a referral, and given that the investigation involved will be highly factual, an S.B. 1487 investigation is an inappropriate vehicle to enable the Office to thoroughly investigate the issues contained in the reports. Notably, A.R.S. § 41-194.01 provides no opportunity for the Office to take factual discovery and provides only a limited 30-day window for the Office to issue a *legal* report.

In contrast, to fully investigate the issues raised by the Senate audit, the Office will need to engage in a highly fact-intensive investigation, not make purely legal determinations.

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The Office must therefore respectfully deny your request to treat its investigation as an S.B. 1487 investigation—which could seriously and unnecessarily hamper the Office’s investigative process. Instead, the Attorney General will use all appropriate statutory authority, including his authority under A.R.S. § 16-1021.

Please note, the Office, through our Elections Integrity Unit (“EIU”), is in the process of beginning its review and has already sent an initial letter to Maricopa County, as well as requesting additional information from the Senate. *See* <https://www.azag.gov/press-release/attorney-general-mark-brnovich-requests-additional-information-2020-general-election>. This is the first step in our Office’s investigation. Rest assured, the EIU will conduct the investigation as expeditiously as possible, while thoroughly and responsibly considering all of the facts and evidence.

The Office appreciates the opportunity to partner with you and other legislators, as appropriate, including taking into consideration all of the questions you raised in your request. As General Brnovich has made clear, the Office will take all necessary actions that are supported by the evidence and where it has legal authority.

Sincerely,

Arizona Attorney General’s Office