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October 14, 2021

Via Email

Maricopa County Board of Supervisors
Maricopa County Recorder's Office
c/o Edward F. Novak
enovak@polsinelli.com

Re: November 2021 Jurisdictional Elections Administered by Maricopa County

Dear Mr. Novak:

The Elections Integrity Unit ("EIU") understands that the Maricopa County Elections Department ("Maricopa") is currently administering more than two dozen all mail ballot jurisdictional elections under A.R.S. §§ 16-205(C), -409(A). The Attorney General's Office is authorized to enforce Title 16 of the Arizona Revised Statutes through civil and criminal actions. A.R.S. § 16-1021.

While the EIU continues to review the findings and evidence submitted by the Arizona Senate related to the forensic audit of the 2020 General Election, the EIU notes that there were several concerns raised regarding Maricopa's compliance with A.R.S. § 16-621. In particular, according to Cyber Ninjas Report Volume III, section 5.6.2 and 5.6.14, duplicated early ballots from the November 2020 General Election had missing, reused, or illegible serial numbers on either the original or duplicate ballot. Given that Maricopa is currently administering dozens of elections, the EIU requests Maricopa provide the administrative procedures implemented in response to the audit's findings to ensure Maricopa assigns and clearly records serial numbers on duplicated and electronically adjudicated ballots. *See* A.R.S. § 16-621(A), (B)(3)(a).

In the last legislative session, Arizona law was amended to permit Maricopa to begin tabulation upon receipt; accordingly, tabulation is likely underway. As such, the EIU requests Maricopa provide confirmation that adequate procedures have been implemented to ensure compliance with A.R.S. § 16-621 for the elections being currently administered. If procedures have not been implemented, the EIU requests that Maricopa delay tabulation until such procedures can be promulgated. Notably, tallying of ballots until very recently did "not begin any earlier than fourteen days before election day[.]" therefore delaying tabulation until appropriate procedures are implemented should not cause undue hardship. A.R.S. § 16-550(B)(2020).

Please respond by 5:00pm on Friday, October 15, 2021 to confirm that procedures have been promulgated or will be promulgated. The EIU also requests a copy of the procedures implemented and an accounting of any corrective actions taken to ensure Maricopa is in compliance with A.R.S. § 16-621.

Sincerely,

Jennifer Wright
Assistant Attorney General