



MARK BRNOVICH
ATTORNEY GENERAL

OFFICE OF THE ARIZONA ATTORNEY GENERAL
SOLICITOR GENERAL'S OFFICE

JENNIFER WRIGHT
ASSISTANT ATTORNEY GENERAL

January 14, 2022

Via Email

Sambo "Bo" Dul
General Counsel & Sr. Election Policy Advisor
Arizona Secretary of State
1700 West Washington Street, 7th Floor
Phoenix, Arizona 85007

Re: Availability of E-Qual for 2022 Legislative & Congressional Candidates

Dear Ms. Dul:

We have received numerous complaints regarding the Secretary of State's Office ("SOS") recent communication to congressional and legislative candidates regarding the E-Qual online system. An email sent from the SOS dated January 11, 2022, informed candidates that the system would be suspended when the new redistricting maps are finalized and likely remain unavailable through the remainder of the filing period. The purpose of this letter is to inform you that any such action would be contrary to law. The SOS must therefore take all steps necessary to continue the E-Qual system during the remainder of the candidate filing period in order for the Secretary of State to comply with the law and her legal duties.

The law requires the Secretary of State to provide an online system for congressional and legislative candidates to gather nomination signatures: "Notwithstanding any other statute in this title, the secretary of state *shall* provide a system for qualified electors to sign a nomination petition ... for [candidates for statewide and legislative offices] by way of a secure internet portal." A.R.S. § 16-316(A), (B) (emphasis added); *see also* A.R.S. § 16-318 (same for congressional candidates). Furthermore, the "system shall allow only those qualified electors who are eligible to sign for a particular candidate to sign the petition[.]" *Id.*

Moreover, as you are aware, a public officer upon whom a duty is imposed by Title 16, who knowingly fails or refuses to perform that duty in the manner prescribed by law or knowingly acts in violation of any provision of such law, is guilty of either a class 6 felony or class 3 misdemeanor. A.R.S. §§ 16-1009, -1010. The Attorney General is required to enforce the provisions of Title 16 through civil and criminal actions in any election for members of the legislature. A.R.S. § 16-1021.

As it is clear that no action yet has been taken to deprive candidates of their statutory right to obtain online nomination signatures, we urge the Secretary of State to fix the system without delay.

Sincerely,

Jennifer Wright
Assistant Attorney General