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ATTORNEY GENERAL

OFFICE OF THE ARIZONA ATTORNEY GENERAL  
SOLICITOR GENERAL'S OFFICE

JENNIFER WRIGHT  
ASSISTANT ATTORNEY GENERAL

March 9, 2022

*Via Email*

**Maricopa County Recorder**  
**Maricopa County Board of Supervisors**  
c/o Edward F. Novak  
Polsinelli PC  
One East Washington St., Suite 1200  
Phoenix, Arizona 85004-2568  
enovak@polsinelli.com

**Re: THIRD REQUEST FOR RECORDS OR INFORMATION**  
Voter Registration Records, Ballot Affidavit Signature Batching, & Renewed Request

Dear Mr. Novak:

The Elections Integrity Unit of the Arizona Attorney General's Office ("EIU") is in receipt of two pilot studies conducted by Dr. Shiva Ayyadurai, MIT Ph.D that reviewed over 2,000 ballot affidavits of voters who cast ballots in Maricopa County for the 2020 Statewide General Election. In the study, it is alleged that over 250 of those sampled ballot affidavits contained signatures that did not appear to match the voter's signature. Notably, the pilot study compared the ballot affidavit signatures with signatures found on publicly accessible and notarized deeds available through the Maricopa County Recorder Office's (MCRO) website, not against the signatures used by elections officials as contained in the voter's registration records.

**Request For Voter Registration Records**

In order to accurately assess the issues raised in the report, the EIU hereby requests copies of the voter registration records of the people listed in the attached confidential exhibit who are purported to have signatures that did not match publicly available records. Specifically, the EIU is requesting MRCO provide:

- Copies of all signature exemplars in the voter's registration file;
- All notations in the voter's record that relate to dispositions recorded in the EVRT/EV26 system;
- Records and/or documents (including call logs or notations made in the voter's record) related to all attempts to contact the voter to correct or confirm any inconsistent signatures for any election cycle, including the disposition of those calls; and
- Identify the signature used as the primary point of comparison for the 2020 Statewide General Election.

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**Request For Documentation and Communication Regarding Ballot Affidavit Signature Batching**

Furthermore, in reviewing the responses to the EIU's previous request for records, the document entitled "EV17 SIGVER Standard Work Signature Verification VRAS high and low confidence.pdf" indicates that MCRO employees will have four options when reviewing signatures, "High confidence, Low Confidence, Manager and Audit" and that the user is to select the mode "as directed by the supervisor." However, in a careful review of the documents disclosed to the EIU, there are no written procedures describing how signatures are batched, and specifically what constitutes high or low confidence signatures. Accordingly, please provide:

- All written procedures regarding how signatures are batched into these four modes for signature verification;
- If confidence levels are generated at any point by a computerized system, such as Runbeck's "Versus Pro™ Automated Signature Verification" system (or any prior branded systems or technology employed for signature verification through Runbeck or any other vendor contracted for signature verification systems), please provide all related technical specifications, including any contracts or agreements between MCRO and Runbeck regarding signature verification, including any agreed upon specifications regarding the signature matching sensitivity;
- Emails or other written communications between Runbeck (@runbeck.net) and any past or current employee, volunteer, or elected official acting on behalf of MCRO that discusses use of electronic signature validation systems from the period of January 1, 2018 through present;
  - o Key word searches should include, but need not be limited to, "signature validation", "signature verification", "signature comparison", "signature evaluation";
  - o If there was an algorithm used to adjust the sensitivity to determine what constitutes a high or low confidence signature, please provide all related emails and communication; and
- All contracts, including any addendums or technical specifications, between MCRO and Runbeck.

**Renewed Request For Public Records**

In the EIU's October 7<sup>th</sup> Second Request for Information, the EIU requested:

[A]ll written procedures, policies, guidelines, and manuals (excluding the 2019 Elections Procedures Manual and the related Addendum) used by Maricopa County to conduct the 2020 General Election, whether official or unofficial, whether issued or written by Maricopa County or another county, agency, vendor, or third-party, including the original and subsequent updates to those documents.

Based on our initial review of the materials submitted to the EIU on or after February 1, 2022, the EIU was unable to locate a number of policies referenced within the documents provided and known to exist from prior litigation.

Specifically, the document entitled "VR-001 Voters Unable to Make a Mark – Final.pdf" references ballot curing procedures designated as policy EV-001. The EIU was unable to find Policy EV-001 within the document set, nor were we able to find any documents purporting to be policies that use that numbering system. Although the disclosures included EV1, and a series of documents thereafter, EV1 is the UOCAVA Process Guide, and does not appear to be a policy related to curing procedures. In fact, no documents describe policies on how to cure inconsistent or missing signatures, instead, there are technical documents



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on how to use the signature verification program, scripts for calling individuals whose ballots were identified as having signatures that were inconsistent with the signature on file, and signature verification training materials. But there are no policies that resemble the policy referenced in VR-001, nor any policy number EV-001.

Surprisingly, the materials also do not include any documentation regarding policies and procedures surrounding Early Voting Special Election Boards that was provided as an exhibit in then Recorder Fontes' complaint for declaratory relief. *See Fontes v. State*, CV2020-011845. Nor any policies or guidelines on how special election boards should lawfully discharge their duties. Further, many of the documents provided in Maricopa's February 1 disclosure reference Maricopa County's "Household Exchange" program, but there does not appear to be a written policy that describes the program. *See* EV1, EV16. As such, the EIU renews our request for *all* written policies, guidelines, and manuals used by Maricopa County to conduct the 2020 General Election. This should include unofficial emails that communicated election-related policies to county staff and volunteers (such as pens used for marking ballots), as well as official policies and procedures.

Please promptly provide the materials requested electronically. The EIU makes this request pursuant to Arizona Public Records Law, A.R.S. § 39-121 *et seq.* Further, the EIU is acting as "an authorized government official in the scope of the" Attorney General's official duties as permitted under A.R.S. § 16-168(F) and under the Attorney General's enforcement authority delineated in A.R.S. § 16-1021. If any documents are withheld, the EIU requests that you furnish an index of records or categories of records that have been withheld and the reasons for withholding. If costs are expected to exceed \$50, please provide advance notification.

Sincerely,



Jennifer Wright  
Assistant Attorney General