



MARK BRNOVICH
ATTORNEY GENERAL

OFFICE OF THE ARIZONA ATTORNEY GENERAL
SOLICITOR GENERAL'S OFFICE

JENNIFER WRIGHT
ASSISTANT ATTORNEY GENERAL

May 4, 2022

Via Email

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

Re: Response to Maricopa County Recorder Stephen Richer's Emails

Dear Mr. Novak:

Attorney General Brnovich asked me to respond to Recorder Stephen Richer's recent email regarding our interim report to the Arizona State Senate. It's important for Arizona's leaders to move beyond name calling and defensive postures and instead work to ensure that collectively we are appropriately prepared for the 2022 elections. To that end, our initial report identifies serious concerns about early ballot signature processing, chain of custody issues, and ballot drop boxes. Moreover, Maricopa County's admitted use of Runbeck's Verus Pro, which employs artificial intelligence during the signature verification process, is problematic.

With regard to early ballot signature verification, Maricopa's system has not kept pace to meet the increased use of early ballots and the high volume of early ballots arriving on or just prior to Election Day. Signature verification is the only safeguard to assure each early ballot is cast by an eligible voter. The time your staff spends analyzing signatures does not appear sufficient given the hundreds of thousands of signatures that need to be processed in a short period.

It is not clear to either lawmakers or voters how your staff and temporary employees (with limited training and who are expected to process 500 signatures each hour), can perform this task without error or fatigue, and why the percentage of rejected signatures varies from election to election. Whether it's four, six, or ten seconds per signature, **please explain** how that is enough time to perform a meaningful analysis and how the current system provides sufficient safeguards to assure that only lawful ballots are counted.¹

¹ To be clear, our calculations are based off of 206,648 ballots processed in *one* day based off the list of workers your office provided. If, as you claim, our calculation was based off of one person working a 12-hour shift, that one person would have to verify over 17,000 signatures per hour – and more than 280 signatures per minute. We've never made such a claim.

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We also aware that Maricopa conducts an audit of 2 percent of the approved signatures, but to date, we have not been provided the results of any such audit for the 2020 elections. **Please do so without delay.**

With regard to artificial intelligence (AI) during the 2020 elections, Maricopa contracted to use Runbeck's "Verus Pro" system. According to Runbeck's website, Verus Pro "will evaluate your current signature images from the sorter folder and compare them to your reference images from the Voter Registration database." And in fact, based on internal emails, Runbeck has been provided with exemplars from Maricopa's voter registration files to be used as reference signatures to compare against ballot affidavits. From those comparisons, emails reveal Verus Pro assigns confidence levels from 0 to 100. Undoubtedly, this process injects a controversial element into signature verification by assigning confidence levels and then automatically batching each signature into either "high" or "low" confidence batches based off of an undisclosed criterion. It's hard to believe human verifiers disregard batch assignments, despite Maricopa's assertions to the contrary. Notably, internal emails specify that staff was actually trained to analyze low and high confidence batches *differently*.

Although Maricopa continues to suggest that signature verification was not done exclusively using the AI technology, it is a procedure that was integrated into Maricopa County's signature verification process in June of 2020 without either approval from the Secretary of State or public discussion (either at the county or state level) regarding its intended use or veracity.

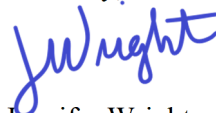
In reviewing Maricopa County Election Department's 2022 Election Plan, there is no reference to Verus Pro. However, the plan states Runbeck "conducts an inbound scan of the affidavit envelope to capture a digital binary image of the voter signatures from that packet and *places those images into an automated batch system* for Elections Department staff review." (emphasis added). This seems to suggest that Maricopa intends to continue to use Verus Pro during the 2022 primary and general elections.

On or before May 13, 2022, please provide me with written responses to the issues identified above, as well as notify me if Maricopa intends to use Verus Pro during the 2022 elections.

We raise these issues now rather than waiting for our investigation to become final because there are policy matters that can and should be addressed before the 2022 elections. I urge you to correct these deficiencies without delay and thus assist in maintaining accuracy and public confidence in our electoral process.

Thank you again for taking the time to write.

Sincerely,



Jennifer Wright
Assistant Attorney General