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d. Voter Verification of Provisional Ballot Status

The County Recorder shall create a provisional ballot record for the voter that contains the following information:

1. Provisional ballot receipt number;
2. Name of the voter;
3. Precinct/polling location where the provisional ballot was cast;
4. Provisional ballot status;
5. Provisional ballot status reason;
6. Address (optional)
7. Date of Birth (optional)
8. Political Party (optional).

[A.R.S. § 16-584\(E\)](#).

This information will be used for online verification of a voter's provisional ballot. The information shall be available online for one month after posting.

As soon as possible after verification of the provisional ballots is complete, a notice informing the voter whether their vote was counted or not counted, and the reason for not counting if applicable, shall be provided to the voter. This may be in the form of a notice mailed to the voter, or the voter may access the information pursuant to the instructions on the receipt that was issued to the voter at the time they voted the provisional ballot. The receipt will provide the voter with clear instructions on how to determine the status of their vote.

The County Recorder or other officer in charge of elections shall provide to provisional voters a toll-free number or other method of verifying the status of their votes. Reasonable restrictions will be employed to limit transmittal of the information only to the voter, such as verifying the date of birth, state or country of birth, or other information that could confirm the voter's identity if compared with the voter registration information on file. The officer in charge of elections will request verification of identity with information from the voter's registration record or provisional ballot envelope. [A.R.S. § 16-584\(F\)](#).

e. Challenges to Provisional Ballots

Challenges of provisional ballots will be determined by the Provisional Ballot Board using the procedure outlined for counting early ballots in [Chapter 2, Section V](#). If the voter is found to be not registered, the ballot shall remain unopened and be retained in the same manner as voted

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ballots. Party representatives and alternates may be appointed to be present during provisional ballot processing and to challenge the disposition of provisional ballots.

2. Provisional Ballot Board Responsibilities

The Board of Supervisors shall appoint one or more Provisional Ballot Boards, consisting of two elections officials not of the same political party, for the processing of provisional ballots.

Provisional Ballot Boards may convene and begin ballot processing any time after provisional ballots are delivered to the officer in charge of elections.

The inspector on the Provisional Ballot Board shall be in charge of processing. The inspector shall receive the provisional ballot envelopes from the verification staff and record the precinct identification data on the transmittal form if that data is not already pre-printed.

3. Provisional Ballot Board Procedures for Specific Scenarios

The Provisional Ballot Board at the central counting place must follow the following procedures in the specified scenarios below.

a. Provisional Ballots Cast by Federal-Only Voters

The Provisional Ballot Board must examine the outside of the provisional ballot envelope to determine if the Recorder's Office has identified the voter as a "federal-only" voter. If that indicator is present and the Recorder's Office has indicated that the ballot is otherwise verified, the board will open the provisional ballot envelope and confirm whether the ballot inside is a "full-ballot" or "federal-only" ballot.

- If the ballot in the provisional ballot envelope is a "federal-only" ballot, the ballot shall be removed and processed for tabulation.
- If the ballot in the provisional ballot envelope is a "full-ballot," the board will remove the ballot from the envelope and send the ballot to the Ballot Duplication Board for duplication of the races for President of the United States (Presidential Electors), United States Senator, and United States House of Representatives only. No other race or ballot measure will be duplicated from that ballot.

b. Provisional Ballots Voted on an Accessible Voting Device that Independently Tabulates Votes

The Provisional Ballot Board must examine the provisional ballot affidavit to determine if the Recorder's Office has identified the voter as a "federal-only" voter. If that indicator is present and the Recorder's Office has indicated that the ballot is otherwise verified, the verification staff will print a copy of the voted ballot or pull the voter-verifiable paper audit trail to confirm whether the ballot is a "full-ballot" or a "federal-only" ballot.

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- If the ballot is a “federal-only” ballot, the ballot shall be marked “accepted” on the EMS and processed for tabulation.
- If the ballot is a “full-ballot,” the verification staff will mark the ballot “Fed-Only” and send the ballot to the Ballot Duplication Board for duplication of the offices of President of the United States (Presidential Electors), United States Senate, and United States House of Representatives only. No other race or ballot measure will be duplicated from that ballot. The provisional ballot shall be marked “rejected” on the EMS and the duplicated ballot shall be counted with the rest of the provisional paper ballots.

c. Damaged Ballots

If there are damaged provisional ballots, the verification staff must:

1. Count the number of damaged ballots in each precinct;
2. Initiate a transmittal slip to accompany the ballot to the Ballot Duplication Board;
3. Record the number on the slip; and
4. Forward the ballots, with the transmittal slip, to the Ballot Duplication Board.

d. Ballots Ready for Counting

The number of ballots ready to be counted must be recorded on a transmittal slip. The ballots and transmittal slip are forwarded to the Central Counting Place Board.

e. Ballots to Be Duplicated

If any provisional ballots require duplication, the verification staff must forward those ballots to the Ballot Duplication Board in a proper transmittal envelope or container.

f. Write-In Votes

After the provisional ballots have been counted on a tabulation unit, any ballots containing write-in votes shall be separated from the other ballots and forwarded to the Write-in Tally Board or Electronic Write-in Tally Board.

H. Write-In Tally Board

1. Write-In Tally Board Procedures

The Write-In Tally Board is comprised of one inspector and two judges, who are members of the two political parties which cast the highest number of votes in the state at the last general election. At least one of the judges must be of a different political party than the inspector. At least 90-days before an election, the county chairperson of the two largest political parties may designate qualified electors to serve on the Write-In Tally Board. When the list is timely submitted, it shall be used to appoint board members. Without a nomination from a party chairperson, the Board of Supervisors (or designee) may fill the position with a member of the appropriate party. [A.R.S. §](#)

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[16-531\(A\), \(E\)](#). The Write-In Tally Board may manually tally write-in votes or do so through an electronic voting system pursuant to [Chapter 10, Section II\(H\)\(2\)](#) below. [A.R.S. § 16-531\(E\)](#).

Write-in votes are tallied only if the ballot is properly marked by the voter. This is done by writing in the name of a qualified write-in candidate *and* by filling in the oval or connecting the arrow (or other method of properly marking the vote as indicated in the instructions for the particular optical scan or digital scan ballot). [A.R.S. § 16-448](#).

If a write-in vote is declared to be invalid, the Write-In Tally Board manually tallying write-in votes must disqualify the vote. The Write-In Tally Board must not count any write-in vote that an election official has identified as disqualified.

2. Electronic Tallying of Write-In Votes

As an alternative to manual tallying of write-in votes, the Write-In Tally Board may utilize an electronic program to tally write-in votes for qualified write-in candidates. Any electronic tallying of write-in votes shall be done pursuant to the requirements in this Section unless the Secretary of State has granted a jurisdiction written approval to use alternate procedures. A jurisdiction wishing to deviate from the procedures in this Section must make a request in writing no later than 90 days prior to the election for which the exception is requested.

a. EMS Requirements

To utilize an electronic program to tally write-in votes, the following minimum system and application requirements must be met:

1. The application must be part of an EMS that has received federal and state certification and is authorized for use in elections in Arizona.
 - The application must be installed with the EMS on a secure, isolated, closed network and shall not be connected to the internet or an external network.
2. The application shall provide distinct security roles, with separate usernames and secure passwords for each user or station. These security roles must have different functions. Each election worker shall be given access to only the components of the application necessary to perform their duties. If a secured username and password are used for each station rather than each user, a detailed log of who utilized each station and at what time(s) shall be maintained.
3. Users (and, if applicable, stations) shall have unique usernames and secure passwords. Vendor-supplied generic passwords may not be used.
4. Log-in must be required each time the application is started. The application and/or tabulation system shall be capable of identifying ballots that contain write-in votes.
5. The application shall provide comprehensive logging of any changes to the ballot record for audit purposes, as well as validation of all changes through the use of multiple electronic “signatures” before committing any changes to the EMS results.

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6. The application shall include electronic review, attribution of eligible write-in votes, and tallying of official write-in votes within the application.
7. The application shall allow for each transaction to be reviewed and approved by at least two election officials of different political party affiliation.
8. There must be an efficient and reliable means of identifying and locating the physical ballots that have been electronically tallied, if needed, for auditing. For example, the tabulation machine may be programmed to out-stack (physically or digitally) the ballots with write-in votes to be electronically tallied and/or print identification numbers on the ballots.

The tabulation equipment may be programmed to stop on, sort, or flag write-in votes for races with official write-in candidates. Official write-in candidates may be entered into the EMS after the write-in filing deadline to facilitate this process as long as doing so does not modify the election programming if L&A testing has been completed.

b. L&A Testing Requirements

If write-in votes will be electronically tallied, that functionality of the tabulation system will also be tested during the L&A test for that election to ensure proper and secure functioning. In addition, a paper audit log must be produced, verified, and signed off on by the Write-In Tally Board members *before* committing their selections to the EMS (see [Chapter 10, Section II\(G\)\(2\)\(c\)](#) below).

c. Electronic Tallying Procedures

Prior to electronically tallying any ballots with write-in votes, the Write-In Tally Board must be trained in their duties and application functionality.

1. The electronic tallying of write-in votes must be performed in a secure location, preferably in the same location as the EMS system, but open to public viewing.
2. A Write-In Tally Board that electronically tallies write-in votes must use the EMS and electronic adjudication/tallying application to: (i) electronically filter and review ballots with write-in votes; and (ii) determine voter intent and attribute votes to official write-in candidates according to the procedures specified in [Chapter 10, Section II\(G\)\(1\)](#). Write-in votes for unofficial write-in candidates are invalid and shall not be tallied electronically.
3. If the Write-In Tally Board cannot agree on the resolution of a vote, that vote shall be flagged and referred to the officer in charge of elections (or designee) for final determination.
4. The EMS and/or electronic adjudication/tallying application shall provide a report on the official write-in votes tallied, the names of the members of the Write-In Tally Board that processed the votes on the report, and the date of processing.
5. The electronic write-in tally process shall include production of a paper audit log of the Write-In Tally Board's decisions as to each ballot/vote electronically tallied. The paper

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audit log must be verified and signed off on by the board members, who shall verify that the paper audit log accurately reflects the board's selections and that those selections are accurately reflected in the electronic adjudication/tallying application prior to committing the selections to the EMS.

6. To meet the requirement of a board-verified paper audit log, the Write-In Tally Board shall either:
 - a. Maintain a manual, hard-copy log of its selections for the official write-in votes tallied by batch; or
 - b. Print a log of its selections by batch from the application, verify that the printed log accurately reflects the board's selections, and confirm that those selections are accurately reflected in the electronic adjudication/tallying application prior to committing the selections for that batch to the EMS.

I. Audit Board

The officer in charge of elections is responsible for overseeing a post-election audit of each voting location using an Audit Board.

The officer in charge of elections shall ensure that all election board logs, the Official Ballot Report, tabulation units, accessible voting device tapes/printouts, and a copy of the downloaded precinct results are delivered to an Audit Board upon the completion of each election board's function.

The Audit Board:

1. Receives the Official Ballot Reports for each voting location and any supplemental information from the election boards that could explain any discrepancies;
2. Receives the signature rosters, poll lists (or scanned copies), or reports from e-pollbooks that show voter check-ins and signatures;
3. Receives the tabulation unit and accessible voting device precinct paper tape;
4. Receives a copy of the transmitted precinct results from the election management system;
5. Verifies the counts on the Official Ballot Report;
6. Verifies that the count from the tabulation unit and accessible voting device precinct paper tapes is the same as the count from the transmitted precinct results on the election management system;
7. Produces a written record that the correct vote totals for each candidate and issue were transmitted from the polling place to the election management system;
8. Has access to all voting locations' ballot statements contained in the unofficial return envelope;
9. Identifies discrepancies in the reports following final tabulation of duplicated ballots and provisional ballots;

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10. Resolves problems that appear to be of major significance in the presence of political party observers; and
11. Resolves and documents all discrepancies.

The functions of the Audit Board must be completed prior to the acceptance of the canvassing results in order to ensure the integrity of the canvass results.

J. Snag Board

The Snag Board is comprised of at least three members who are knowledgeable about the entire elections process. Where possible, its members should have experience working as board members in several previous election cycles. The Snag Board is appointed by the Board of Supervisors or officer in charge of elections and should have members of at least two political parties.

The function of the Snag Board is to resolve any problem brought to its attention by any of the other election boards.

CHAPTER 11: HAND COUNT AUDIT

A limited precinct hand count and early ballot hand count audit must be conducted after each countywide primary, special, general, and PPE election and compared against the results from the electronic tabulation system, unless applicable exceptions apply. The purpose of the hand count audit is to compare the results of the machine count to the hand count to assure that the machines are working properly and accurately counting votes. Those conducting the hand count shall not be provided the machine count results of the batches of ballots they are hand counting prior to completion of the hand count of that batch. If the results from the hand count audit are within the “designated margin” of the electronic results for selected ballots, the hand count is deemed to have confirmed the accuracy of the electronic tabulation equipment, the hand count may cease, and the countywide electronic results are deemed the official results of the election. If the results from the hand count audit are outside of the “designated margin,” a second hand count of the same ballots is required, potentially followed by an expanded hand count and one or more jurisdiction-wide hand counts depending on the results. [A.R.S. § 16-602\(C\)-\(F\)](#).

I. DESIGNATION OF HAND COUNT BOARD MEMBERS

At least 14 days prior to a countywide primary, special, general, or PPE election, the officer in charge of elections must notify the county chairpersons of each political party entitled to continued representation on the state ballot of the requirement to designate Hand Count Board members, who will perform the hand count audits under the supervision of the officer in charge of elections. The officer in charge of elections should forecast the requisite number of board members (including alternate board members) based on the number of precincts/vote centers included in the hand count and/or the total number of ballots to be hand counted.

The political party county chairpersons (or designee) must designate Hand Count Board members and alternates at least seven days before the election (*i.e.*, by 5:00 p.m. on the Tuesday before the election). The designation must be submitted as prescribed by the officer in charge of elections, who may require or permit electronic submission. If the political party is not represented by a county chairperson, the chairperson of the applicable state political party (or designee) may appoint the Hand Count Board members.

The proposed board members and alternates must be registered to vote in Arizona but need not be registered members of the political party that designated them. Candidates appearing on the ballot, except for the office of precinct committeeman, may not serve as Hand Count Board members. Board members are entitled to receive compensation, but not for lodging, meals, or travel.

The officer in charge of elections must notify a political party county chairperson by 9:00 a.m. on the Wednesday before the election if there is a shortage of required board members (*i.e.*, the total number of proposed board members provided by all parties is less than four times the number of

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precincts to be audited). The chairperson must provide additional board member names by the next business day (5:00 p.m. on the Thursday before the election).

The hand count shall not proceed unless a sufficient number of Hand Count Board members have been designated by 5:00 p.m. on the Thursday preceding the election and appear at the designated time and location to perform the hand count. Further, for the hand count to proceed, not more than 75% of the persons performing the hand count shall be from the same political party. The hand count may also be canceled (and the electronic tabulation of ballots will constitute the official count) if the officer in charge of elections removes enough board members (due to disruption or members being unable to perform their duty) such that there is an insufficient number of board members and the shortage cannot be remedied with substitutions.

The officer in charge of elections must notify the Secretary of State if the hand count will be canceled. Among other information, the notification to the Secretary of State must outline the steps taken by the officer in charge of elections to secure sufficient participation in the hand count.

If a sufficient number of members are present for the hand count, the officer in charge of elections must create boards by selecting at least two judges and one inspector per board. Each Hand Count Board must be comprised of designees from at least two recognized political parties and no more than 75% of the members may be from the same political party. Typically, for a three-member Hand Count Board, no more than two board members may be members of the same political party entitled to continued representation on the ballot. All board members must take the oath specified in [A.R.S. § 38-231\(E\)](#).

Board members may not bring any electronic devices, black pens, blue pens, or cell phones into the designated location of the hand count.

[A.R.S. § 16-602\(B\)\(7\)](#).

II. OBSERVATION OF THE HAND COUNT AUDIT

The hand count is not subject to the live video requirements of [A.R.S. § 16-621\(D\)](#). However, political party representatives who are observing the hand count may bring their own video cameras to record the hand count. The sole act of recording the hand count does not constitute sufficient grounds for the officer in charge of elections to prohibit observers from recording or to remove them from the facility. However, the observation or recording may not interfere with the hand count. In addition, to preserve the right to a secret ballot, no recording of ballot content shall be allowed. If either situation occurs, the officer in charge of elections may remove the observers or board members from the facility or further restrict video recording. [A.R.S. § 16-602\(B\)](#).

III. TYPES AND QUANTITIES OF BALLOTS TO HAND COUNT

A post-election hand count audit includes a precinct hand count, which involves a manual count of regular ballots from selected precincts, and an early ballot hand count, which involves a manual count of a percentage of early ballots cast in the election.

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A. Ballots Included in the Precinct Hand Count

For the precinct hand count, the officer in charge of elections must conduct a hand count of regular ballots from at least 2% of the precincts, or 2 precincts, whichever is greater. Provisional and conditional provisional ballots are not included in the hand count. [A.R.S. § 16-602\(B\)\(1\)](#).

In counties that utilize vote centers, each vote center is considered to be a precinct/polling location and the officer in charge of elections must conduct a hand count of regular ballots from at least 2% of the vote centers, or 2 vote centers, whichever is greater.

In a PPE, the officer in charge of elections must conduct a hand count of regular ballots from 2% of the polling places or vote centers established pursuant to [A.R.S. § 16-248](#), [A.R.S. § 16-602\(B\)\(3\)](#).

B. Ballots Included in the Early Ballot Hand Count

The officer in charge of elections is required to conduct a hand count of 1% of the total number of early ballots cast, or 5,000 early ballots, whichever is less. [A.R.S. § 16-602\(F\)](#). Counties may elect to audit a higher number of ballots at their discretion.

At least one batch of up to 400 early ballots from each central count machine used to tabulate early ballots and at least one accessible voting machine (if those machines independently tabulate votes) used during on-site early voting shall be selected for the early ballot hand count process. The officer in charge of elections must securely sequester those selected ballots along with their unofficial electronically tabulated results for use in the early ballot hand count.

IV. SELECTING PRECINCTS/POLLING PLACES TO BE HAND COUNTED

The county political party chairpersons (or designees) shall take turns randomly drawing the precincts, vote centers, or consolidated polling places for the hand count. If a chairperson appoints a designee, the appointment must be in writing with the signature of the chairperson. The officer in charge of elections may prescribe the method for submitting the appointment and may require or permit electronic submission. The precincts/polling places shall be selected by lot without the use of a computer and the order of selection by the county political party chairpersons (or designees) shall also be by lot.

The selection of the precincts/polling locations shall not begin until all ballots voted in the precinct polling places have been delivered to the central counting facility. The unofficial vote totals from all precincts/polling locations shall be made public before selecting the precincts/polling locations to be hand counted. The selection of precincts/polling locations shall occur prior to the selection of the races to be counted.

At least 2% of the precincts/polling locations in the county (rounded to the nearest whole number) or two precincts/polling locations, whichever is greater, shall be selected at random from a lot

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consisting of every precinct/polling location in that county. For any election where there are consolidated polling locations, the number of precincts to hand count should be calculated based on the number of active polling locations for that election.

For counties utilizing vote centers, each vote center shall be considered to be a precinct/polling location during the selection process and the officer in charge of elections must conduct a hand count of regular ballots from at least 2% of the vote centers, or two vote centers, whichever is greater.

The process for selecting the precincts for Primary and General Elections is:

1. **Determine Selection Order:** Select, by lot, the order in which the county political party chairpersons (or designees) shall draw precincts/polling locations. The selection order will apply for the entire hand count process.
2. **Create Lot:** Create a lot containing all precincts/polling locations in the county.
3. **Select Precincts:** Draw the required 2% or two precincts/polling locations to be counted from a lot containing every precinct/polling location in the county. Precincts/polling locations without any registered voters shall be excluded from the pool of available precincts/polling locations in the county. The county political party chairpersons (or designees) shall alternate selecting precincts/polling locations based on the order defined in Step 1 from the lot until the required number of precincts/polling locations is selected.
 - a. If a tabulation unit from a vote center was selected as a precinct/polling location to be hand counted, a subsequent selection shall be conducted to select a touchscreen voting machine (if they independently tabulate votes, and if there are more than one) utilized at that vote center:
 - **Create Lot:** Create a lot containing all touchscreen voting machines used at the same vote center in which a tabulation unit was previously selected.
 - **Select Touchscreen Voting Machines:** Draw a corresponding number of touchscreen voting machines to be hand counted for each tabulation unit from a vote center that was previously selected, from a lot containing every touchscreen voting machine utilized at a vote center from which a tabulation unit was selected during the selection of the precincts/polling locations.
4. **Record Precincts:** The officer in charge of elections shall record the precincts/polling locations to be hand counted in the Master Precinct and Race Selection Worksheet. The precincts/polling locations shall be listed in the order selected. The order of the precincts/polling locations shall be used when selecting the contested races in [Section V](#) of this Chapter.

[A.R.S. § 16-602\(B\)\(1\), \(B\)\(2\), \(B\)\(2\)\(e\), \(C\).](#)

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V. RACES ELIGIBLE TO BE HAND COUNTED

A. Eligible Races Generally

The races to be counted in the hand count audit includes up to five contested races, which shall include:

- One statewide candidate race;
- One statewide ballot measure (if the election has a statewide ballot measure on the general election ballot);
- One legislative candidate race (Arizona House of Representatives or Arizona Senate);
- One federal candidate race (United States House of Representatives or United States Senate); and
- One presidential elector race (only in general elections with a race for President of the United States).

[A.R.S. § 16-602\(B\)\(2\), \(5\).](#)

A candidate race within one of the above-referenced categories is eligible for inclusion in the hand count only if the race is “contested,” meaning there are more candidates seeking election or nomination than the number of seats available. [A.R.S. § 16-602\(B\)\(2\)\(f\)](#). Write-in candidacies do not create contested races if the race is not otherwise contested. [A.R.S. § 16-602\(B\)\(4\)](#).

If there are no contested races within one of the above-referenced categories, one or more additional contested races from one of the other categories must be selected by lot until the required number of contested races are selected for the hand count. [A.R.S. § 16-602\(B\)\(2\)\(e\)](#). For example, because a statewide ballot measure will not appear on the ballot during a primary election, an additional contested race from one of the other categories of eligible races must be drawn to make up the required four races.

For a primary election, each political party primary is considered a separate race. For example, the requirement to select one contested legislative race is satisfied by selecting either the Democratic or Republican primary election race. [A.R.S. § 16-602\(B\)](#).

For federal and legislative candidate races, only the type of office (House or Senate) must be selected, not any particular district. [A.R.S. § 16-602\(B\)\(2\)\(c\)-\(d\)](#). Therefore, if, for example, the race for U.S. House of Representatives has been selected to satisfy the federal candidate race category, and the county encompasses parts of three Congressional districts, ballots cast in any of the Congressional districts are eligible for the hand count audit as long as those races are contested.

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B. Eligible Races in Special Elections

For a special election to vote on a statewide ballot measure, all statewide ballot measures should be selected for the hand count audit (assuming there are four or fewer statewide ballot measures on the special election ballot).

For a special election to fill a Congressional vacancy:

- If a Congressional primary is contested, all contested political party races should be selected for the hand count audit for that special primary election (assuming there are four or fewer contested primaries);
- Regardless of whether a Congressional primary was contested, a contested special general election must be selected for the hand count.

C. Eligible Races in PPEs

A hand count must be conducted following a PPE. [A.R.S. § 16-602\(B\)\(3\)](#). Since no other races may appear on a PPE ballot, all contested political party preference races should be selected for the hand count audit (assuming there are four or fewer contested preference races). [A.R.S. § 16-241\(A\)](#).

VI. SELECTING RACES TO BE HAND COUNTED

The county political party chairpersons (or designees) must randomly select the particular contested races to be hand counted, continuing with the order determined at the beginning of the hand count process and used to select precincts/polling locations.

If there are fewer than four contested races on the ballot, only the contested races on the ballot that fall within one of the four categories shall be included in the hand count audit. If there are no contested races in any of the designated categories in an election, no hand count will take place. [A.R.S. § 16-602\(B\)\(2\)\(f\)](#).

A. Selecting Races for Primary and General Elections

The following process shall be used to select the races to be counted for both the precinct hand count and early ballot hand count for primary and general elections:

1. **Determine the race categories available for this election.** The possible race categories shall be statewide candidate, federal candidate, state legislative candidate, and ballot measure, and, in a presidential election year, presidential elector. Some categories may not appear on the ballot for a particular election. [A.R.S. § 16-602\(B\)\(2\)](#).
2. **Create a master list of all contested races.** Create a list by race category of all possible contested races. This list will be referenced when creating the lots of possible races to count. The entries on this list shall be specific. Examples for the Primary would include Governor/Democrat or State House/Republican. Examples for the General would include State Treasurer or State Senate.

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3. Determine the required number of races that will be counted from each category.
There should be one race for each required category unless a category does not have an eligible race.

a. Determine if there is a contested presidential elector race.

- Indicate if there is no contested presidential elector race on the ballot, for example, by placing a zero in the “Presidential Elector” line of Section B of the Master Precinct and Race Selection Worksheet, *see* sample form in [Chapter 17](#).
- Indicate if there is a contested presidential elector race, for example, by placing a tick mark in the “Presidential Elector” line.

b. Determine if there is a contested statewide candidate race.

- Indicate if there is no contested statewide candidate race on the ballot, for example, by placing a zero in the “Statewide Candidate” line of Section B of the Master Precinct and Race Selection Worksheet and placing a tick mark in the “Additional Races Needed” line.
- Indicate if there is a contested statewide candidate race, for example, by placing a tick mark in the “Statewide Candidate” line.

c. Determine if there is a statewide ballot measure race.

- Indicate if there is no statewide ballot measure on the ballot, for example, by placing a zero in the “Statewide Ballot Measure” line of Section B of the Master Precinct and Race Selection Worksheet and placing a tick mark in the “Additional Races Needed” line.
- Indicate if there is a statewide ballot measure race, for example, by placing a tick mark in the “Statewide Ballot Measure” line.

d. Determine if there is a contested federal candidate race on any of the ballots in the precincts/polling locations selected.

- Indicate if there is no contested federal candidate race in any of the selected precincts/polling locations, for example, by placing a zero in the “Federal Candidate” line of Section B of the Master Precinct and Race Selection Worksheet and placing a tick mark in the “Additional Races Needed” line.
- Indicate if there is a contested federal candidate race, for example, by placing a tick mark in the “Federal Candidate” line.

e. Determine if there is a contested state legislative race on any of the ballots in the precincts/polling locations selected.

- Indicate if there is no contested state legislative race in any of the selected precincts/polling locations, for example, by placing a zero in the “State Legislative” line of Section B of the Master Precinct and Race Selection Worksheet and placing a tick mark in the “Additional Races Needed” line.

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- Indicate if there is a contested state legislative race, for example, by placing a tick mark in the “State Legislative” line.
- f. If additional races are needed, determine if the number of races can be satisfied by an additional race(s) in another category.**
- The priority for selecting other categories, if needed, is as follows: statewide candidate, statewide ballot measure, federal candidate and then state legislative. All additional races shall be fulfilled with the highest priority race category possible. For example, if two additional races are needed and there are two additional contested statewide races, both additional races shall be statewide races. The categories of races to be hand counted and the number per category shall be recorded on the Master Precinct and Race Selection Worksheet.
- 4. Separate out the contested races by category and create selection lots for each category from which a race or races will be selected.**
- a.** For the statewide candidate lot in a primary election, each contested party race shall be placed in the lot (*e.g.*, Governor/Republican, State House/Democrat).
 - b.** For the federal candidate lot, the officer in charge of elections shall determine the possible federal candidate race types for the lot. If one or more precincts/polling locations have a contested federal candidate race, that race type shall be placed in the lot. In a primary election, each contested party race type shall be placed in the lot. The selections for U.S. House of Representative shall not contain the specific district since the names of the candidates may vary among the sampled precincts/polling places (*e.g.*, U.S. House/Republican and U.S. House/Democrat).
 - c.** For the state legislative lot, the officer in charge of elections shall determine the possible contested state legislative race types for the lot. If one or more precincts/polling locations have a contested state legislative race, that race type shall be placed in the lot. In a primary election, each contested party race type shall be placed in the lot. The selections for state legislative race shall not contain the specific district since the names of the candidates may vary among the sampled precincts/polling locations (*e.g.*, State House/Democrat, State House/Republican, State House/Libertarian).
 - If any candidate race is for a vacancy, the vacancy race shall be treated as a separate race for creating lots. For example, if an AZ Corporation Commission seat is vacant and the term ends in 2010 and there is also a race for the seat with a term that ends in 2012, the Corporation Commission Term Ending 2010 and Corporation Commission Term Ending 2012 will be two separate races when creating the Statewide Candidate lot.
- 5. Select the contested races to be hand counted.** The county political party chairpersons (or designees) shall alternate selecting races continuing with the order defined when selecting precincts/polling locations. The races will be selected by lot until the required number of races is selected. Document any selected race(s) in Section C of the Master Precinct and Race Selection Worksheet.

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- If a selected candidate race does not have a contested race in each of the selected precincts/polling locations, only the precincts/polling locations where there is a contested candidate race shall be hand counted for that race. The machine counts of the races in this category shall be added together and measured against the hand counts of the races in this category to determine if the total difference falls within the designated margin.
6. **The races selected for the precinct hand count shall be the same used for the early ballot hand count.** Because the batches used for the early ballot hand count do not correspond to the precincts/polling locations selected for the precinct hand count, the names of candidates for the selected races may differ among the various early ballot batches selected for the audit. The machine counts of the races in such categories shall be added together and measured against the hand counts of the races in those categories to determine if the total difference falls within the designated margin.
 7. **Create Hand Count Board Worksheets.** The officer in charge of elections shall create a Hand Count Board Worksheet for each Hand Count Board. The worksheet documents the members of the Hand Count Board and what races they will be hand counting.

B. Selecting Races for a PPE

The following process shall be used to select the races to be hand counted for a PPE:

1. **Determine Selection Order.** Select by lot the order in which the county political party chairpersons (or designees) shall choose from the pool of available precincts.
2. **Create Lot of Polling Locations.** Create a lot of available polling locations. A county may consolidate precincts in a PPE. Only actual polling locations will be placed in the lot of available polling locations.
3. **Select Precincts.** Draw the required 2% or two polling locations to be counted among a lot containing every actual polling location for the PPE.
4. **Record Precincts.** The officer in charge of elections shall record the polling locations to be hand counted in Section A of the Master Precinct and Race Selection Worksheet.
5. **Create Lot of Contested Races.** Create a lot of the contested races available for the PPE. Each political party that is participating in the PPE will count as a contested race.
6. **Select Race(s).** If there are four contested races or less, all possible races will be hand counted. If there are more than four contested races, the county political party chairperson (or designee) who is next (from Step 1), shall choose a contested PPE race to be hand counted. The political party chairpersons (or designees) will alternate until four contested races are selected.
7. **Record Race.** The officer in charge of elections shall record the PPE race(s) to be hand counted in Section B of the Master Precinct and Race Selection Worksheet.

[A.R.S. § 16-602\(B\)\(3\).](#)

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VII. HAND COUNT TABULATING METHODS

There are two approved methods of hand counting votes:

- Stacking method: used for hand counting optical/digital scan ballots; and
- Three-person call-out method: used for hand counting votes from the VVPAT of an accessible voting machine.⁸⁰

For either method, each judge shall be given a tally sheet that shall be marked with the precinct/polling location, the race, and the names of the candidates for that particular race. See Sample Hand Count Tally Sheet in [Chapter 17](#).

A. Stacking Method for Optical/Digital Scan Ballots

The stacking method is used for hand counting optical/digital scan ballots and may also be used to hand count paper ballots printed by accessible ballot marking devices. For the stacking method, ballots are sorted into piles by the three board members (the inspector and two judges) and the number of votes for each candidate in the particular race being hand counted are tallied using the process below.

1. Processing Ballots with Write-In Votes

1. If write-in votes have not been tabulated yet, it is very important to keep ballots with write-in votes segregated from ballots without write-in votes. To do so, the first judge counts the total number of ballots with write-in votes. The second judge shall recount the total number of ballots with write-in votes. If the totals from both judges match, the result shall be documented in the Hand Count Tally Sheet.
2. The inspector shall announce the specific race to be counted, identify that race on the ballot, and separate out ballots with over-votes or no selection for that race. The two judges shall confirm that the inspector performs this step correctly.
3. The inspector shall announce the first candidate/selection listed in the race and begin the **stacking process** for that candidate/selection:
 - The Hand Count Board members shall hold up the ballots one at a time and declare the voter's choice for the specific candidate/selection in the race. All ballots with a vote for that candidate/selection shall be placed in one stack (the "yes" stack) and all ballots with a vote for any other candidate/selection in the

⁸⁰ Because no Arizona counties currently use accessible voting machines that independently tabulate votes or produce a VVPAT rather than a paper ballot for tabulation, the three-person call-out method used in that circumstance is not addressed in detail in this version of the Elections Procedures Manual. Interested persons may consult Chapter 11, Section VII of the 2019 Elections Procedures Manual for a description of the three-person call-out method previously used in Arizona by applicable counties. Should any county revert to using accessible voting machines that independently tabulate votes or produce a VVPAT, the county must follow the three-person call-out method described in the 2019 Elections Procedures Manual when conducting the post-election hand count audit.

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race shall be placed in a separate stack (the “no” or “other” stack). The judges and inspector shall view each ballot and ensure that the ballot was placed in the right stack.

- After the sorting process is complete, one judge shall count each pile in stacks of 10 or 25 (or another agreed-upon, pre-determined number) and then the other judge shall recount each stack. The inspector shall enter the number of ballots in each stack onto the Hand Count Tally Sheet.
 - The inspector shall move the “yes” stack aside, perform the stacking process for the next candidate/selection in the race using the ballots in the “no” or “other” stack, and repeat until done recording totals for all candidates/selections on the Hand Count Tally Sheet.
 - If the race being counted is for multiple seats (*e.g.*, vote for two), it will be necessary to go through entire set of ballots for each candidate, without the option of setting aside the “yes” stack as described in the prior step.
 - If there is any question about the intent of the voter, the determination of voter intent must be made by unanimous consent of all three Hand Count Board members using the standards established in [Chapter 11, Section IX](#). If a unanimous decision cannot be reached by the Hand Count Board, the officer in charge of elections shall make the final decision regarding the voter’s intent. A notation of the final decision shall be logged on the tally sheet and the inspector shall place the ballot into the proper stack for counting.
4. After completing the stacking process, the inspector shall place the ballots with write-in votes back in the write-in envelope and keep those ballots separated from the regular ballots if write-in votes were not already tabulated and ballots with write-in votes were segregated from ballots without write-in votes.

2. Processing Regular Ballots

1. The first judge shall count the total number of regular ballots. The second judge shall recount the total number of regular ballots. If the totals from both judges match, the result shall be documented in the Hand Count Tally Sheet.
2. The inspector announces the specific race to be counted, identifies that race on the ballot, and separates out ballots with over-votes or no selection for that race. The two judges shall confirm that the inspector performs this step correctly.
3. The inspector announces the first candidate/selection listed in the race and begins the **stacking process** for that candidate/selection, using the same procedure described above for ballots with write-in votes. The stacking process is repeated for each race to be hand counted.
4. After completing the stacking process, the inspector shall place the regular ballots back in the regular ballot envelope and keep those ballots separated from the ballots with write-in votes.

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VIII. PROCEDURES FOR CONDUCTING THE HAND COUNT

The officer in charge of elections must commence the hand count with a public announcement and explanation of the procedure. The hand count must begin within 24 hours after the polls close on Election Day and must be completed before the county canvass. [A.R.S. § 16-602\(I\)](#). The start of the hand count can be defined as the official training of the Hand Count Board members, selection of the precincts and races, coordinating the hand count with the party leaders, or any other activity that furthers the progress of the hand count for that election.

Hand count board members shall not bring cellular phones, other electronic devices, or pens with black or blue ink into the official hand counting area.

Throughout the hand count, the officer in charge of elections must retain custody and control of all hand counted ballots. [A.R.S. § 16-602\(H\)](#).

A. Precinct Hand Count

1. Precinct Hand Count Process

The initial precinct hand count must be conducted according to the following procedure for each race selected for the hand count.

1. The officer in charge of elections: (i) ensures each board is properly assembled and has been provided all necessary forms and supplies; (ii) apportions ballots to the Hand Count Boards; and (iii) announces which specific race will be hand counted. The boards are not provided with the electronically tabulated results for any race at this time.
2. The inspector or one of the judges fills out a **Hand Audit Tally Sheet** (see sample forms in [Chapter 17](#)) for each race to be hand counted.⁸¹ The inspector signs each Hand Audit Tally Sheet. All Hand Audit Tally Sheets from the precinct hand count shall be provided to the officer in charge of elections after completion.
 - a. Each judge shall fill out the top of the Hand Audit Tally Sheet, listing the precinct/polling location name, precinct/polling location number, inspector name and their name as the judge. Each judge shall also check the box for the proper election type.
 - b. For a candidate race, list each candidate's name on a separate counting line of the Hand Audit Tally Sheet. For ballot measures, list "Yes" on the first counting line and "No" on the second counting line.
3. The Hand Count Board shall hand count each group of ballots using the stacking method described in Section VII(A) above.

⁸¹ See Sample Count Tally Sheet – Stacking Method, and Hand Count Tally Sheet – Three-Person Call Out Method, in [Chapter 17](#).

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4. The Hand Count Board shall list the totals for each candidate on the appropriate Hand Audit Tally Sheet. Each precinct/polling location shall have one Hand Audit Tally Sheet for the optical/digital scan ballots and one for the accessible voting devices, unless the accessible voting device produces a paper ballot read by a tabulation unit and those paper ballots were hand counted using the stacking method. At this point, the hand count results for the batch is compared to the machine count results and the inspector initials the Hand Count Tally Sheet to indicate that there are no discrepancies in the batch totals.
5. The officer in charge of elections shall create a Precinct Hand Count Margin Worksheet (see sample form in [Chapter 17](#)) for each race that was hand counted and calculate the hand count margin using the Precinct Hand Count Margin Worksheet and following the steps below in the presence of the county political party chairpersons (or designees):
 - a. **Fill out Top of Form.** Fill out the date of the election. Indicate the proper election (general, special, primary, or PPE). State the race category that the worksheet is for (presidential elector, statewide candidate, statewide ballot, federal candidate, or state legislative candidate). List the specific race (e.g., State Senator, Corporation Commission/Democrat). List the hand count round (1st hand count, 2nd hand count, expanded hand count, or full hand count).
 - b. **Enter Hand Count Totals.** For each precinct/polling location that was hand counted, enter separately the hand count totals for the optical/digital scan ballots and the hand count totals for the accessible voting devices. These totals will come directly from the Hand Count Tally Sheets. Each candidate's counts or yes/no counts for ballot measures from the Hand Count Tally Sheet must be listed in the table. The total number of hand counted votes shall be calculated and noted in the worksheet.
 - c. **Enter Machine Count Totals.** For each precinct/polling location that was hand counted, enter separately the machine totals for the optical/digital scan ballots and the machine totals for the accessible voting devices. These totals will come directly from Election Management Systems. Each candidate's counts or yes/no counts for ballot measures from the Hand Count Tally Sheet must be listed in the table. The total number of machine counted votes shall be calculated and noted in the worksheet.
 - d. **Calculate Absolute Difference.** For each candidate's total or ballot measure's yes/no total, calculate the absolute difference between the hand count and the machine count. The absolute difference is the difference between the two numbers listed as a positive value (e.g., [100 – 99] or [99 – 100] will both have an absolute value of one). The total absolute value for each precinct/machine type shall be calculated and noted in the worksheet.
 - e. **Calculate Grand Totals.** Add up all the machine count totals for a particular race category to calculate the "Grand Total Machine Count." Add up all the absolute differences for a particular race category to calculate the "Grand Total Absolute Difference."

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- f. **Calculate Hand Count Margin.** Divide the “Grand Total Absolute Difference” by the “Grand Total Machine Count” and multiply the result by 100 to calculate the margin in a percentage form.
6. Compare the hand count margin for each race to the designated margin established by the Vote Count Verification Committee (established by the Secretary of State pursuant to [A.R.S. § 16-602\(K\)](#)) to determine if it is in the acceptable range or if a second or expanded precinct hand count is required. The applicable designated margin is available on the Secretary of State’s website at <https://www.azsos.gov/elections/voting-election/voting-equipment>.
7. If the calculated margin for the specific race from the Precinct Hand Count Margin Worksheet is less than the designated margin for the precinct hand count established by the Vote Count Verification Committee, the precinct hand count will be deemed concluded and the results of the electronic tabulation will constitute the official count for that race. The officer in charge of elections shall indicate on the Hand Count Cumulative Sheet that the count is complete, and the officer in charge of elections and the chairperson (or designee) from each political party present shall sign the sheet.

2. Second Precinct Hand Count

If any hand counted race results in a calculated margin that is equal to or greater than the designated margin for the precinct hand count, a second precinct hand count of that race and of those same ballots shall be performed. A new Precinct Hand Count Margin Worksheet shall be created for the second precinct hand count for the race in question.

If the second precinct hand count results in a calculated margin that is less than the designated margin, the precinct hand count will be concluded and the results of the electronic tabulation will constitute the official count for that race, [A.R.S. § 16-602\(C\)](#). The officer in charge of elections shall indicate on the Hand Count Cumulative Sheet that the count is complete, and the officer in charge of elections and the chairperson (or designee) from each political party present shall sign the sheet.

3. Expanded Precinct Hand Count

If the second precinct hand count results in a margin that is equal to or greater than the designated margin, the precinct hand count shall be expanded to include a total of twice the original number of randomly selected precincts/polling locations. Those additional precincts/polling locations (equal to the original number of randomly selected precincts/polling locations, so that the total number of ballots hand counted is twice the original number) shall be selected in accordance with the process set forth in Section IV. If the remaining number of precincts/polling locations for a race is less than the original number of precincts/polling locations selected for the first hand count, then the total remaining precincts/polling locations shall be included in the expanded hand count. [A.R.S. § 16-602\(C\)](#). A new Precinct Hand Count Margin Worksheet shall be created for the expanded Precinct Hand Count race in question.

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If the calculated margin for the expanded precinct hand count (as calculated based on the results of the original hand count plus the expanded hand count) is less than the designated precinct hand count margin, the precinct hand count will be concluded and the results of the electronic tabulation will constitute the official count for that race. [A.R.S. § 16-602\(D\)](#). The officer in charge of elections shall indicate on the Hand Count Cumulative Sheet that the count is complete, and the officer in charge of elections and the chairperson (or designee) from each political party present shall sign the sheet.

4. Full Precinct Hand Count

If the expanded precinct hand count results in a calculated margin that is equal to or greater than the designated precinct hand count margin, the precinct hand count shall be extended to include the entire jurisdiction for that race. If the jurisdictional boundary for that race includes any portion of more than one county, the full precinct hand count shall not be extended into the precincts/polling locations that are outside of the county that is conducting the full precinct hand count. A new Precinct Hand Count Margin Worksheet shall be created for the full precinct hand count race.

If necessary, the officer in charge of elections may work with the county political party chairpersons (or designees) to select additional Hand Count Board members using the same selection procedure for the initial Hand Count Board members.

The full hand count must be repeated for a particular race until the results of a full hand count are identical to the results of another full hand count for that race. When an identical hand count result is achieved, the hand count (not the electronic tabulation) constitutes the official result for the race in that county. The precinct hand count totals shall be added to the total count of early ballots, provisional ballots, conditional provisional ballots, and write-in votes to determine the final count and the officer in charge of elections shall report that final count to the Secretary of State. [A.R.S. § 16-602\(D\)-\(E\)](#).

B. Early Ballot Hand Count

The early ballot hand count is a hand count of a percentage of early ballots actually voted. The number of early ballots to be counted is 1% of the total number of early ballots cast or 5,000 early ballots, whichever is less. Each machine used for early ballot tabulation shall have at least one batch included in the early ballot hand count, and batch sizes may not exceed 400 ballots. [A.R.S. § 16-602\(F\)](#).

1. Early Ballot Hand Count Process

The selected early ballots shall be hand counted according to the following procedure for each race selected for the early ballot hand count.

1. Prior to beginning the tabulation of early ballots, the officer in charge of elections shall determine the total number of early ballots sent for the election. From this number the officer in charge of elections shall calculate a number that equals 1% of the number or

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5,000, whichever is less. Because the number of early ballots voted (including in-person early voting) will generally be lower than the number of early ballots sent, this calculation should yield a number of ballots that meets or exceeds the number of early ballots required to be hand counted.

2. The officer in charge of elections shall then determine the number and size of the batches. The number of batches must be enough to include at least one batch per machine used for early ballot tabulation. That number must then be doubled to account for the possibility of an expansion from 1% to 2% of early ballots required to be hand counted. The batch size can be any amount up to 400 ballots. The size of the batch should start with the 1% number divided by the number of machines used for early ballot tabulation. The table below provides some examples.

	County A	County B	County C
Number of early ballots sent to voters	4,000	60,000	800,000
Number of machines used for early ballot tabulation	2	4	3
1% of early ballots sent to voters, or 5,000, whichever is less	40	600	5,000
2% of early ballots sent to voters, or 10,000, whichever is less (in case expansion is needed)	80	1,200	10,000
Size of Batches	20	150	400 (max)
Number of Batches Required to Meet 1%	$(40/20) = 2$	$(600/150) = 4$	$(5,000/400) = 13$
Number of Batches Required to Meet 2%	$(80/20) = 4$	$(1,200/150) = 8$	$(10,000/400) = 25$

3. The county political party chairpersons (or designees) will work with the officer in charge of elections to randomly select one or more batches of early ballots included in the initial tabulation, including at least one batch from each machine used to tabulate early ballots. The officer in charge of elections shall securely sequester those ballots, along with their unofficial tally reports, for use in the early ballot hand count.
 - a. Every precaution should be taken to ensure that no partial or complete tallies of the early election board be released or divulged before all precincts have reported or one hour after the closing of the polls on Election Day, whichever occurs first.
4. From the sequestered early ballots, the officer in charge of elections will randomly select the required number of early ballots with which to conduct a hand count of the same races that are being hand counted in the precinct hand count and create batches consisting of up to 400 ballots per batch. The total number of ballots divided into batches shall satisfy the total number of early ballots required to be hand counted. At least one batch shall be created from early ballots tabulated on each machine used for tabulating early ballots. The batches may be selected from any presorted early ballot returns from Step 3 above. The batches

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used for the early ballot hand count need not correspond to the precincts/polling locations selected for the precinct hand count. The names of the candidates may vary among the batches if necessary. The machine counts of the races in this category shall be added together and measured against the hand counts of the races in this category to determine if the total margin of difference falls within the designated margin.

5. If a county has an EMS that can produce sub-reports of results, then the officer in charge of elections will complete the steps necessary to create a batch report for each batch and print out the sub-report.
6. The ballots included in a batch, as well as the baseline and batch tally reports, will be clearly labeled and sequestered separate from any other ballots or batches. The machine that the batches of early ballots were counted on shall be identified and listed with the batch. Each batch may include a stack of regular ballots and a stack of ballots with write-in votes.
7. This process shall continue until a sufficient number of batches have been created.
8. On Election Day, the officer in charge of elections shall calculate the exact number of early ballots tallied up to that point in time plus the estimated number of additional early ballots expected to be received by 7:00 p.m. on Election Day. From this number, the officer in charge of elections shall calculate a number equaling 1% of the estimated total early ballots. This number (or 5,000, whichever is less) shall serve as the minimum number of ballots to audit.
9. The political party chairpersons shall randomly select one or more batches until enough ballots have been selected to equal the number of ballots to audit.
10. If needed, for each race selected for audit, the officer in charge of elections shall calculate the electronic total for the race by subtracting the batch tally total for that race from the baseline tally total for that race. This shall be done for all selected batches. All races selected for the precinct hand count shall also be hand counted in the early ballot hand count. For the early ballot hand count, the races shall be listed in Section C of the Master Precinct and Race Selection Worksheet.
11. A Hand Count Tally Sheet shall be created for each selected contested race listed on the Master Precinct and Race Selection Worksheet.
12. The Hand Count Board members shall then perform a hand count of the optical/digital scan ballots using the stacking method.
13. The officer in charge of elections shall add all hand count results together for each race, including any accessible voting device results, add all electronic results together for each race, including any accessible voting device, and calculate the margin of difference using the Early Ballot Hand Count Margin Worksheet as follows:
 - a. **Fill out Top of Form.** Fill out the date of the election. Indicate the proper election (general, special, primary, or PPE) and the race category that the worksheet is for (presidential elector, statewide candidate, statewide ballot, federal candidate, or state legislative candidate). List the specific race (e.g., State Senator, Corporation

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Commission/Democrat). List the hand count round (1st hand count, 2nd hand count, expanded hand count or full hand count).

- b. **Enter Hand Count Totals.** Enter separately the hand count totals for the optical/digital scan ballots and the hand count totals for the accessible voting devices. These totals will come directly from the Hand Count Tally Sheets. Each candidate's counts or yes/no counts for ballot measures from the Hand Count Tally Sheet must be listed in the table. The total number of hand counted votes shall be calculated and noted in the worksheet.
- c. **Enter Machine Count Totals.** Enter separately the machine totals for the optical/digital scan ballots and the machine totals for the accessible voting devices. These totals will come directly from Election Management Systems. Each candidate's counts or yes/no counts for ballot measures from the Hand Count Tally Sheet must be listed in the table. The total number of machine counted votes shall be calculated and noted in the worksheet.
- d. **Calculate Absolute Difference.** For each candidate's total or ballot measure yes/no total, calculate the absolute difference between the hand count and the machine count. The absolute difference is the difference between the two numbers listed as a positive value (e.g., [100 – 99] or [99 – 100] will both have an absolute value of one).
- e. **Calculate Grand Totals.** Add up all the machine count totals for a particular race category to calculate the "Grand Total Machine Count." Add up all the absolute differences for a particular race category to calculate the "Grand Total Absolute Difference."
- f. **Calculate Hand Count Margin.** Divide the "Grand Total Absolute Difference" by the "Grand Total Machine Count" and multiply the result by 100 to calculate the margin in a percentage form.

If the margin of difference between the manual count of early ballots compared to the electronic tabulation of those ballots is less than the designated early ballot hand count margin, the electronic tabulation shall be the official count of the race and included in the canvass. No further hand count of the early ballots shall be conducted. [A.R.S. § 16-602\(F\)](#). The officer in charge of elections shall indicate on the Early Ballot Hand Count Margin Worksheet that the count is complete, and the officer in charge of elections and the chairperson (or designee) from each political party present shall sign the sheet.

2. Second Early Ballot Hand Count

If the margin of difference is equal to or greater than the designated early ballot hand count margin for any race, the Hand Count Board shall repeat the hand count of the same early ballots for that race.

If the second early ballot hand count results in a margin that is less than the designated margin, the early ballot hand count will be concluded, and the results of the electronic tabulation will constitute

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the official count for that race. No further hand count of the early ballots shall be conducted. [A.R.S. § 16-602\(F\)](#). The officer in charge of elections shall indicate on the Hand Count Cumulative Sheet that the count is complete, and the officer in charge of elections and the chairperson (or designee) from each political party present shall sign the sheet.

3. Expanded Early Ballot Hand Count

If the margin is equal to or greater than the designated early ballot hand count margin for any race, the Hand Count Board shall conduct an expanded early ballot hand count for that race, to include a number of additional early ballots equal to 1% of the total early ballots cast or an additional 5,000 ballots, whichever is less, to be randomly selected from the batch or batches of sequestered early ballots. The Hand Count Board shall hand count the additional early ballots using the steps spelled out in [Chapter 11, Section VIII\(B\)\(1\)](#) above. [A.R.S. § 16-602\(F\)](#).

To calculate the hand count margin for the expanded early ballot hand count, add the first and expanded electronic count and add the first and expanded hand count together and then calculate the margin using the equation in Step 13 in [Chapter 11, Section VIII\(B\)\(1\)](#) above.

If the expanded early ballot audit results in a difference for that race that is equal to or greater than the designated early ballot hand count margin, the manual counts shall be expanded for that race until a manual count results in a margin that is less than the designated margin, or until all early ballots for that race have been hand counted, whichever occurs first.

All results shall be documented in writing and signed by the officer in charge of elections and the chairperson (or designee) from each political party present. The officer in charge of elections shall label the ballots used for the early ballot hand count and preserve them separately. [A.R.S. § 16-602\(F\)](#).

C. Review of Election Program by a Special Master

If a full jurisdiction-wide hand count is necessary, the Secretary of State must make available the escrowed election program source code for that county's election equipment to the superior court for that county. The superior court for that county must then appoint a special master to review the election program.

The special master must:

1. Have expertise in software engineering;
2. Not be affiliated with an election equipment or software vendor;
3. Not be affiliated with a candidate who appeared on the ballot in that county;
4. Be bound by a signed nondisclosure agreement with respect to the contents of the election program.

The special master must prepare a public report to the superior court and to the Secretary of State with their findings on any discrepancies found in the election program.

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The Secretary of State's Election Equipment Certification Committee must review this report when considering the continued certification of that election equipment and software. [A.R.S. § 16-602\(J\)](#).

IX. STANDARD FOR DETERMINING VOTER INTENT IN HAND COUNT

Ballots with vote choices that were marked improperly, corrected or erased, or otherwise read as blank or unclear by the electronic tabulation machine have likely been duplicated using the procedures in [Chapter 10, Section II\(D\)](#) prior to being tabulated and/or committed to the EMS. Where necessary, the Hand Count Board members must also determine the voter's intent on such ballots, using the following standards:

1. If the voter selected more than the allowed number of selections for a particular race and the voter's intended choice(s) cannot be positively determined, then no vote is counted for any candidate for that race or for or against that ballot measure.
2. If the voter did not select any choice for a particular race or ballot question, then no vote is counted for any candidate for that race or for or against that ballot measure.
3. If the voter clearly and unambiguously indicated their intended vote choice on the face of the ballot in a manner consistently used throughout the rest of the ballot but the vote choice was nonetheless unreadable by the electronic tabulation equipment, either due to the voter marking the ballot using an improper method or for other reasons, the Hand Count Board must count the voter's intended choice in the hand count.
 - If the voter properly marked the ballot (for example, filled in the oval or connected the arrow) but the ballot face includes other extraneous marks, the extraneous marks should be disregarded and the Hand Count Board must consider the properly marked vote choice as the voter's intended selection.
4. If the voter attempted to erase or undo their original vote choice, the Hand Count Board must determine which mark is clearest and count it as the proper vote choice.
5. If the voter marked the ballot using an improper method (for example, circling a vote choice rather than filling an oval) such that the selections were unreadable by the electronic tabulation equipment, but the markings indicate the clear and unambiguous intent of the voter and the improper method is consistently used throughout the rest of the ballot, the Hand Count Board must count the voter's selections in the hand count, even if a ballot is slightly defaced or soiled.

The Hand Count Board members must reach a unanimous decision as to voter intent. If the Hand Count Board members are unable to reach a unanimous decision in a particular race, the officer in charge of elections shall make the final determination of voter intent. [A.R.S. § 16-602\(G\)](#).

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X. HAND COUNT OF RECOUNTED ELECTIONS

A precinct hand count audit must also be conducted following a court-ordered recount pursuant to [A.R.S. § 16-661](#) through [A.R.S. § 16-663\(B\)](#). This means any ballots that have been electronically re-tabulated for purposes of a recount are treated as if a new election took place and therefore are again subject to hand count audit requirements.

The same procedures for a precinct hand count shall be followed except that the officer in charge of elections and the political parties must conduct a hand count of at least 5% of precincts for the recounted race. [A.R.S. § 16-663\(B\)](#). In counties that conduct vote center-based elections, the officer in charge of elections and the political parties must conduct a hand count of at least 2% of the total number of ballots that were subject to the recount.

XI. REPORTING RESULTS OF THE HAND COUNT

Within two business days of the completion of the precinct hand count and early voting hand count, and prior to the county canvass, the officer in charge of elections must electronically submit a report to the Secretary of State that includes the following information:

- Dates of the precinct and early ballot hand counts;
- Precincts or vote centers selected for the precinct hand count;
- Races selected, as well as a Master List of All Contested Races;
- Summary of the results by precinct/voting location and race for both the electronically tabulated vote totals and the hand counted totals; and
- The margins from the hand count when compared to the electronically tabulated results.

County-appropriate versions of the following sample forms, available in [Chapter 17](#), may be submitted to the Secretary of State's Office for reporting purposes:

- Master Precinct and Race Selection Worksheet
- Master List of All Contested Races
- Precinct Hand Count Report
- Early Ballot Audit Hand Count Report
- Aggregate Precinct Hand Count Report
- Aggregate Early Ballot Audit Hand Count Report
- Hand Count/Early Ballot Audit Report

The Secretary of State must post the results submitted by the counties on the Secretary of State's website. [A.R.S. § 16-602\(I\)](#).

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CHAPTER 12: OTHER POST-ELECTION DAY PROCEDURES

I. REPORTING ELECTION RESULTS

The officer in charge of elections may publicly release partial or complete results of the early ballot tabulation at the earlier of:

- The time when all ballots cast on Election Day at voting locations have been tabulated and publicly reported; or
- One hour after all polls under the jurisdiction of the officer in charge of elections have closed on Election Day.

Polls presumptively close at 7:00 p.m. on Election Day unless extended by court order. [A.R.S. § 16-551\(C\)](#); [A.R.S. § 16-565\(A\)](#).

For elections involving a federal, statewide, or legislative candidate race or a statewide ballot measure, the officer in charge of elections must promptly transmit those election results to the Secretary of State, prior to or immediately after making those results public. For the initial transmission of election results on Election Day, and as additional results are tabulated prior to the county canvass, the officer in charge of elections must transmit election results to the Secretary of State in the required electronic format using an application specified by the Secretary of State. [A.R.S. § 16-622\(B\)](#).

II. CONDUCTING POST-ELECTION LOGIC & ACCURACY TEST

A post-election logic and accuracy (L&A) test of tabulation equipment must be performed by the officer in charge of elections after the official count has been completed but before the county canvass.

The post-election L&A test must be performed using the same election program and tabulation equipment used for the pre-election L&A test and the election. The same test ballots and test script from the pre-election L&A test must be utilized.

The post-election L&A test should generate the same results as the pre-election L&A test, after which the officer in charge of elections shall execute a certification of accuracy or otherwise document the results. If the post-election L&A test does not yield the same results, the officer in charge of elections should visually assess the test ballots and/or voting equipment for errors or

Commented [A76]: The proposed regulation exceeds the scope of the Secretary's statutory authorization or contravenes an election statute's purpose, and therefore cannot be approved. *See Leach v. Hobbs*, 483 P.3d 194, 198 ¶ 21 (Ariz. 2021) ("[A]n EPM regulation that exceeds the scope of its statutory authorization or contravenes an election statute's purpose does not have the force of law."); *McKenna v. Soto*, 481 P.3d 695, 699 (2021).

⁸² Although Arizona does not observe Daylight Savings Time (DST), the Navajo Nation, including those portions in Arizona, does. Therefore, when DST is in effect in the Navajo Nation, voting locations in the Navajo Nation presumptively close at 7:00 p.m. DST unless extended by court order.

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malfunctions and run the test again. If the problem still cannot be resolved, the officer in charge of elections should contact the Secretary of State and/or the County Attorney for further assistance.

III. FILING FEDERAL POST-ELECTION REPORTS

A. Election Assistance Commission Reporting

Within 90 days after a federal general election (or any later date established by the federal Election Assistance Commission (EAC)), the Secretary of State must submit a comprehensive post-election report to the EAC in accordance with the format prescribed by the EAC. The report must be prepared in conjunction with, and based on data from, County Recorders and/or the other officers in charge of elections. [A.R.S. § 16-142\(B\)](#).

B. Department of Justice UOCAVA Reporting

At the request of the United States Department of Justice, the Secretary of State must report the following information following a federal election:

- The number of UOCAVA ballots requested for the election;
- The number of UOCAVA ballots timely transmitted; and
- The number of UOCAVA ballots that were not timely transmitted.

If the County Recorder believes that UOCAVA ballots will be transmitted late, the County Recorder should notify the Secretary of State as soon as practicable.

County Recorders must provide the required data to the Secretary of State in order to meet the federal reporting requirements. [52 U.S.C. § 20308](#).

IV. POST-ELECTION REIMBURSEMENT REQUESTS

A. Reimbursement for Conducting Local Election

Within 90 days after conducting an election on behalf of a local jurisdiction, the County Recorder or other officer in charge of elections must prepare an accounting report which itemizes all expenditures incurred by the county in administering the election. The report must include the specific charges for each local jurisdiction which participated in the election. Local jurisdictions that participated in the election may request and receive a copy of the report. [A.R.S. § 16-205\(D\)](#).

B. Reimbursement for PPE Expenses

Within 90 days after a PPE, the County Recorder or other officer in charge of elections should submit a proper claim to the Secretary of State for reimbursement of expenses incurred in conducting the election. The claim must include the number of registered voters in the county as of January 2 of the PPE year.

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The Secretary of State must reimburse each county that submitted a claim at the specified statutory rate per active registered voter in the county as of January 2. [A.R.S. § 16-250\(B\)](#).

The Secretary of State may reimburse a county at a rate greater than \$1.25 per active registered voter, in the Secretary of State's discretion, if the County Recorder or other officer in charge of elections: (1) submitted a proper claim that outlined the county's actual expenses to conduct the PPE; and (2) demonstrates that reimbursement at the statutory rate would significantly jeopardize the county's ability to comply with federal and state law. [A.R.S. § 16-250\(B\)](#).

C. Reimbursement for Sample Ballots

The Board of Supervisors or officer in charge of elections shall seek reimbursement from the Secretary of State for each sample ballot mailed to a county household. The Board of Supervisors or officer must present a certified claim that specifies the actual cost for printing, labeling and postage, along with supporting documentation. The Secretary of State shall direct payment of such authenticated claims from funds of the Secretary of State's Office. [A.R.S. § 16-510\(C\)](#).

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CHAPTER 13: CERTIFYING ELECTION RESULTS

I. DETERMINING ELECTION RESULTS

In a partisan primary election:

- The candidate who receives the largest number of votes must be declared the party nominee for that office and issued a certificate of nomination by the Board of Supervisors (or designee).
 - If more than one candidate may be nominated, the candidates who receive the largest number of votes will be declared nominees and issued certificates of nomination in accordance with the number to be nominated. Nomination entitles the candidate to be placed on the general election ballot.

[A.R.S. § 16-645\(A\), \(F\).](#)

- In order for a write-in candidate to become the nominee of a party with continued representation on the ballot, the candidate:
 - Must receive the largest number of votes; and
 - Must receive at least as many votes as the number of nomination petition signatures required to appear on the primary election ballot for that office.

At the general election:

- Unless otherwise specified in law, the candidate who receives the largest number of votes must be declared elected to that office and issued a certificate of election by the Board of Supervisors (or designee), [A.R.S. § 16-647](#); [A.R.S. § 16-650](#); and
- A ballot measure that is approved by a majority of votes cast for the measure will be declared to be law, [Ariz. Const. Art. IV, Pt. 1, § 1\(13\)](#).
 - If two or more conflicting measures (in whole or in part) are approved by voters at the same election, the measure with the most votes will prevail with respect to any provisions that are in conflict. [Ariz. Const. Art. IV, Pt. 1, § 1\(12\)](#).

Upon completion of the canvass by the Secretary of State, the Governor will issue a proclamation of the votes cast for and against any constitutional amendments, initiatives, and referenda, and declare those approved by a majority to be law. [A.R.S. § 16-651](#).

[A.R.S. § 16-649](#) specifies the result of the election in the event of a tie.

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II. CANVASSING THE ELECTION

The governing body conducting an election must meet and canvass the election results of each precinct or election district. The purpose of the canvass is to officially certify the election. The canvass includes vote totals for all races tabulated by voting equipment (including early ballots, regular ballots, and provisional ballots) and write-in votes.

A canvass must be conducted by the statutory deadline, but should not be conducted until all necessary audits by the Audit Board have been completed to verify the accuracy and integrity of the election results. *See* Chapter 10, Section II(I).

A. County Board of Supervisors Canvassing Duties

A Board of Supervisors must canvass the official election results in a public meeting. The official election results must include the following information:

1. A Statement of Votes Cast, which includes:
 - a. The number of ballots cast in each precinct and in the county;
 - b. The number of ballots rejected in each precinct and in the county;
 - c. The titles of the offices up for election and the names of the persons (along with the party designation, if any, of each person) running to fill those offices;
 - d. The number of votes for each candidate by precinct and in the county;
 - e. The number and a brief title of each ballot measure; and
 - f. The number of votes for and against each ballot measure by precinct and in the county.
- [A.R.S. § 16-646.](#)
2. A cumulative Official Final Report, which includes:
 - a. The total number of precincts;
 - b. The total number of ballots cast;
 - c. The total number of registered voters eligible for the election;
 - d. The number of votes for each candidate by district or division, including a designation showing which candidate received the highest number of votes;
 - In a PPE, the number of votes for each candidate by congressional district;
 - In a primary election, the report must contain the party designation for each office; whereas in a general election, the report must contain the party designation for each candidate;
 - e. The number of votes for and against each ballot measure by district, including a designation of which choice received the highest number of votes; and
 - f. The total number of votes in each district or division.

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3. A Write-In Votes Report, which includes the name and number of votes for each authorized write-in candidate by precinct (if not already included in the reports above).

1. Deadline to Canvass Results

The Board of Supervisors should canvass the election results only after all necessary audits have been performed and any discrepancies have been addressed by the County Recorder or other officer in charge of elections.

Assuming all prerequisites have been met, the Board of Supervisors must canvass the election by the required deadline, which varies by type of election.

- For primary elections and PPEs, the Board of Supervisors must canvass the results within 14 days after the election. [A.R.S. § 16-241\(C\)](#); [A.R.S. § 16-645\(B\)](#).
- For all other elections held on a consolidated election date (including general elections), the Board of Supervisors must canvass between six and 20 days after the election. [A.R.S. § 16-642\(A\)](#).
- For special elections, the Board of Supervisors must canvass the election according to the deadline established in the order calling the election.

2. Scope of Duty to Canvass

The Board of Supervisors may postpone the canvass on a day-to-day basis if the results from any precinct are missing. If precinct results are still missing after six postponements, the Board of Supervisors must canvass the remaining election results. [A.R.S. § 16-642\(C\)](#).

The Board of Supervisors has a non-discretionary duty to canvass the returns as provided by the County Recorder or other officer in charge of elections and has no authority to change vote totals or reject the election results.

3. Preserving and Transmitting Canvass Results

Once the Board of Supervisors has certified the election results, the Official Final Report and Statement of Votes Cast from the canvass must be published on the website of the officer in charge of elections. An original signed canvass should be preserved as a permanent record by the Board of Supervisors.

For any elections that include a federal, statewide, or legislative office, or a statewide ballot measure, the Board of Supervisors or officer in charge of elections must transmit the official canvass to the Secretary of State (in an electronic format determined by the Secretary of State) within the applicable statutory deadline. [A.R.S. § 16-645\(B\)](#). In addition, a certified copy must be promptly mailed to the Secretary of State to be preserved as a permanent record.

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If the county conducted an election on behalf of a local jurisdiction, the Board of Supervisors or officer in charge of elections should promptly transmit a copy of the official canvass to those jurisdictions as well.

4. Post Canvass Reports

a. Provisional Ballot Report

~~The County Recorder or other officer in charge of elections must submit a provisional ballot report to the Secretary of State with the primary and general election canvasses. The Secretary of State may require the counties to use a uniform electronic media format provided by the Secretary of State for the report. The report must contain the following information about provisional ballots cast at that election:~~

- ~~1. The number of voters in each precinct;~~
- ~~2. The number of provisional ballots cast in each precinct;~~
- ~~3. The number of provisional ballots verified/counted in each precinct;~~
- ~~4. The number of provisional ballots not verified/counted in each precinct, along with the reason for not doing so;~~
- ~~5. The number of conditional provisional ballots cast in each precinct;~~
- ~~6. The number of conditional provisional ballots verified/counted in each precinct; and~~
- ~~7. Whether the uniform procedures were followed for determining whether a provisional ballot is counted or not counted.~~

b. Accessibility Report

~~The County Recorder or other officer in charge of elections must submit an accessibility report to the Secretary of State within 30 days of the general election canvass (which includes information for both the primary and general election). The Secretary of State may require the counties to use a uniform electronic media format provided by the Secretary of State for the report. The report must contain the following information about the recently conducted elections:~~

- ~~1. The number of early voting and Election Day voting locations in the county;~~
- ~~2. The number of early voting and Election Day voting locations that were fully handicap accessible under the Americans with Disabilities Act (ADA);~~
- ~~3. The number of early voting and Election Day voting locations that were not fully handicap accessible under the ADA. If some locations were not fully handicap accessible, the report must identify:~~
 - ~~• The address or description of the voting location;~~
 - ~~• The number of voters registered in the precinct(s) in question (if the county conducts polling place assigned elections); and~~
 - ~~• The number of ballots cast at the voting location;~~

Commented [A77]: The proposed regulation exceeds the scope of the Secretary's statutory authorization or contravenes an election statute's purpose, and therefore cannot be approved. *See Leach v. Hobbs*, 483 P.3d 194, 198 ¶ 21 (Ariz. 2021) ("[A]n EPM regulation that exceeds the scope of its statutory authorization or contravenes an election statute's purpose does not have the force of law."); *McKenna v. Soto*, 481 P.3d 695, 699 (2021).

Discuss with Governor's staff.

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4. ~~If some locations were not fully handicap-accessible prior to use during the early voting period or on Election Day, the efforts undertaken prior to the election to either make the voting location fully accessible or identify an alternative location that was fully accessible;~~
5. ~~The measures being undertaken to bring inaccessible voting locations into compliance or to replace inaccessible voting locations with accessible locations;~~
6. ~~The alternative language accessibility provided for ballots, publicity pamphlets, voter registration forms and voter education materials, if applicable; and~~
7. ~~If the jurisdiction is covered under Section 203 of the Voting Rights Act, a summary of the steps taken to provide language assistance to voters, including appointment of bilingual poll workers, access to on site or remote interpretation services, and the availability of an Election Terminology Glossary in the covered language(s).~~

c. Voter Education Report

~~The County Recorder or other officer in charge of elections must submit a voter education report to the Secretary of State within 30 days of the general election canvass (which includes information for both the primary and general election). The Secretary of State may require the counties to use a uniform electronic media format provided by the Secretary of State. The report must contain the following information about the recently conducted elections:~~

1. ~~The percentage of voter turnout;~~
2. ~~The number of public service announcements about the election prior to the election, including during the 90-day period prior to election day, including a summary of media outreach (such as paid advertising, social media posts, public events, interviews, etc.);~~
3. ~~The number of voter education and outreach events, including seminars or community meetings that provided voter education;~~
4. ~~The number of locations where the County Recorder or officer in charge of elections provided voter information or equipment for public display and the length of time such information was on public display; and~~
5. ~~A comparison of all of the statistics referenced above with the same statistics from the previous equivalent federal election.~~

d. Early Voting Report

~~The County Recorder or other officer in charge of elections must submit an early voting report to the Secretary of State within 30 days of the general election canvass (which includes information from both the primary and general election). The Secretary of State may require the counties to use a uniform electronic format provided by the Secretary of State. The report must contain the following information about the recently conducted elections:~~

1. ~~The number of locations where the County Recorder established in-person early voting locations, including:~~
 - ~~The physical address or location description of each early voting location;~~

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- ~~1. The number of early ballots cast at each early voting location; and~~
- ~~2. The total number of early ballots cast in person at all early voting locations;~~
- 2. The number of early ballots transmitted to voters by mail;
- 3. The number of replacement early ballots transmitted to voters by mail;
- 4. The number of mailed early ballots returned by voters;
- 5. The number of mailed and in-person early ballots that were verified and tabulated;
- 6. The number of early ballots returned by voters that were not verified and tabulated, with the corresponding reason, including:
 - ~~1. Received after 7:00 p.m. on Election Day;~~
 - ~~2. Missing signature;~~
 - ~~3. Signature not verified;~~
 - ~~4. Returned in an unofficial envelope with no early ballot affidavit; and~~
 - ~~5. Returned by a voter that already voted in person.~~

e. Poll Worker Training Report

The County Recorder or other officer in charge of elections must submit a poll worker report to the Secretary of State within 30 days of the general election canvass (which includes information for both the primary and general election). The Secretary of State may require the counties to use a uniform electronic media format provided by the Secretary of State. The report must contain the following information about the recently conducted elections:

- 1. The number of poll workers trained;
- 2. A description of the types of election board workers assigned to each voting location, including:
 - ~~1. The number of inspectors, marshals, judges, and clerks assigned to each voting location;~~
 - ~~2. The number of "premium" poll workers (if any) assigned to each voting location or other area;~~
 - ~~3. The number of "troubleshooters" (if any) assigned to each voting location or other area; and~~
 - ~~4. The number of student poll workers (if any) assigned to each voting location or other area.~~
- 3. A summary of the mechanism used to assess individual poll workers' performance following the election;
- 4. The number of provisional ballots cast at each voting location; and
- 5. The number of signature rosters or e pollbooks used at each voting location.

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f. Political Party Ballot Report

Concurrently with submitting its primary election canvass, the County Recorder or other officer in charge of elections must file a report with the Secretary of State that identifies the total number of partisan ballots, by party, selected by voters registered as no party preference, independent, or any political party not recognized for continued representation on the ballot. [A.R.S. § 16-645\(B\)](#).

B. Secretary of State's Canvassing Duties

The Secretary of State must canvass the results for any elections that include a federal, statewide, or legislative office, state appellate court judges, and statewide ballot measures.

1. Deadline to Canvass Results

For primary elections and PPEs, the Secretary of State must canvass the results on or before the third Monday after the election. [A.R.S. § 16-241\(C\)](#); [A.R.S. § 16-645\(B\)](#). In the case of a PPE, the Secretary of State must promptly transmit the results to the state chairpersons of any political party that had candidates on the ballot.

For a general election, the Secretary of State must canvass the results on the fourth Monday following the election. [A.R.S. § 16-648\(A\)](#). The Secretary of State must conduct the general election canvass at a public meeting and in the presence of the Governor and Attorney General. [A.R.S. § 16-648\(A\)](#). If any statewide ballot measures appeared on the ballot, the Secretary of State must canvass the results in the presence of the Governor and Chief Justice of the Arizona Supreme Court. [A.R.S. § 16-648\(B\)](#).

2. Scope of Duty to Canvass

The Secretary of State may postpone the canvass on a day-to-day basis if the results from any county are missing. [A.R.S. § 16-648\(C\)](#). All counties must transmit their canvasses to the Secretary of State, and the Secretary of State must conduct the statewide canvass, no later than 30 days after the election. [A.R.S. § 16-648\(C\)](#).

The Secretary of State has a non-discretionary duty to canvass the returns as provided by the counties and has no authority to change vote totals or reject the election results.

3. Preserving and Transmitting Canvass Results

Once the Secretary of State has certified the election results, the official canvass (along with the official final precinct level results files from each county) must be published on the Secretary of State's website. An original signed canvass must be preserved as a permanent record.

Following a general election with at least one statewide ballot measure, the Secretary of State must promptly transmit the results of each ballot measure to the Governor. [A.R.S. § 16-648\(B\)](#).

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Following an electoral college to select the President of the United States, the Secretary of State must transmit Certificates of Ascertainment and Certificates of Vote to the Archivist of the United States, President of the United States Senate, and the Chief Judge of the United States District Court for the District of Arizona by the deadline provided under federal law. *See* <https://www.archives.gov/electoral-college/state-officials.html>.

C. City and Town Canvassing Duties

A city or town council must canvass the official election results of city or town elections in a public meeting. [A.R.S. § 16-403](#).

A certified copy of the official canvass must be filed with the city or town clerk, which must be preserved as a permanent record. [A.R.S. § 16-646\(D\)](#).

D. Special Taxing District Canvassing Duties

A special taxing district must canvass the official results for its elections in a public meeting and present the canvass results to the applicable Board of Supervisors at the Board's next regularly scheduled meeting. [A.R.S. § 16-642\(B\)](#).

For the purposes of an election contest pursuant to [A.R.S. § 16-673](#), the canvass is not complete until the special taxing district results have been presented to the Board of Supervisors. [A.R.S. § 16-642\(B\)](#). The clerk of the Board of Supervisors is responsible for maintaining and preserving the certified permanent copy of the official canvass. [A.R.S. § 16-646\(D\)](#).

E. County School Superintendent Canvassing Duties

Within 30 days following the date of any school election, the County School Superintendent must meet with the Chairperson of the Board of Supervisors or designee to canvass the returns in accordance with procedures for the canvass of returns in a general election. [A.R.S. § 15-426\(B\)](#); [A.R.S. § 15-302\(A\)\(8\)](#).

Within 14 days following the date of any community college district board election, the County School Superintendent must meet with the Chairperson of the Board of Supervisors or designee to canvass the returns in accordance with procedures for the canvass of returns in a general election. Any canvass conducted by the County School Superintendent in November of an even-numbered year shall be conducted as part of the county's general election canvass. [A.R.S. § 15-1442\(C\)](#).

III. CONDUCTING AN AUTOMATIC RECOUNT

A. Vote Margins that Trigger Recount

A recount must be performed following a general, primary, special, or recall election if the margin of votes, based on the official canvass, between the two candidates receiving the highest number

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of votes for a particular office, or the votes cast for and against a ballot measure, are equal to the lesser of:

1. 1/10 of 1% or less of the total number of votes cast for the top two candidates or the ballot measure in question; or
2. One of the following margins:
 - 200 votes for statewide or federal office where the total number of votes cast exceeded 25,000;
 - 200 votes for a ballot measure;
 - 50 votes for statewide or federal office where the total number of votes cast was 25,000 or less;
 - 50 votes for state legislative office; or
 - 10 votes for county, city, or town office.

[A.R.S. § 16-661\(A\)](#).⁸³

The automatic recount requirements do not apply for the following offices:

- Precinct committeemen;
- School district or joint technical education district board member;
- Community college district board member;
- Special taxing district board member; or
- Presidential candidate in a PPE.

[A.R.S. § 16-249\(B\)](#); [A.R.S. § 16-661\(B\)](#).

B. Method of Initiating a Recount

If the official canvass demonstrates that a recount is required, the recount is automatically triggered but must be initiated by court order. [A.R.S. § 16-662](#).

Promptly following the canvass, the applicable filing officer must:

- File a lawsuit in the appropriate superior court, citing to the applicable vote margin that triggered the automatic recount and including the canvass;

⁸³ See also [A.R.S. § 16-537](#) (“The powers and duties conferred or imposed by law upon any public officer with respect to regular elections are conferred and imposed upon such officers with respect to special elections.”); [A.R.S. § 19-215](#) (“The powers and duties conferred or imposed by law upon boards of election, registration officers, canvassing boards and other public officials who conduct general elections, are conferred and imposed upon similar officers conducting recall elections under the provisions of this article together with the penalties prescribed for the breach thereof.”)

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- Consult with the applicable officer(s) in charge of elections and estimate the time period it will take to recount the affected ballots; and
- Obtain a signed court order that initiates the recount and sets a court hearing to announce the results, and then distribute the order to the applicable officer(s) in charge of elections.

[A.R.S. § 16-662](#); [A.R.S. § 16-663\(A\)](#). A third-party may not request a recount as a matter of right.

C. Method of Conducting the Recount

For any race other than the Secretary of State's race, the Secretary of State is responsible for ensuring that the electronic voting equipment to be used for the recount is available and properly programmed. Unless the Board of Supervisors race is subject to an automatic recount, the Secretary of State may delegate this duty to the Board of Supervisors, who in turn may delegate this duty to the officer in charge of elections. If a Board of Supervisors race is subject to an automatic recount, the Secretary of State may directly delegate this responsibility to the officer(s) in charge of elections. [A.R.S. § 16-664\(A\)](#).

If the Secretary of State's race is the race to be recounted, the Governor is responsible for performing the oversight duties normally performed by the Secretary of State in a recount. [A.R.S. § 16-664\(B\)](#).

If the Secretary of State delegates oversight to the Board of Supervisors, ballots from the race to be recounted will be tabulated using the same electronic voting equipment that was used during the election, except the equipment must be reconfigured to only tabulate the race(s) to be recounted. This reconfiguration constitutes a different "program" from the program used to initially tabulate votes. [A.R.S. § 16-664\(C\)](#).

Regardless of which electronic voting equipment is used for the recount, the equipment must be L&A tested by the officer in charge of elections (and, in the case of a legislative, statewide, or federal office or statewide ballot measure, by the Secretary of State as well).

The recount must be conducted by running paper ballots from the applicable race through the designated electronic voting equipment.⁸⁴

While the recount is in progress, the officer(s) in charge of elections may not publicly release vote totals from the recount.

At the conclusion of the recount, the officer(s) in charge of elections must provide the official results to the filing officer who initiated the recount. Once the filing officer has collected all the recount results, the filing officer must appear at the scheduled court hearing and provide the sealed results to the court. The court must declare the winner in open court. The court announcement

⁸⁴ A recount conducted in accordance with this section is deemed to be "conducted in the accordance with the laws pertaining to contests of elections." [A.R.S. § 16-663\(A\)](#).

Commented [A78]: The proposed regulation exceeds the scope of the Secretary's statutory authorization or contravenes an election statute's purpose, and therefore cannot be approved. See *Leach v. Hobbs*, 483 P.3d 194, 198 ¶ 21 (Ariz. 2021) ("[A]n EPM regulation that exceeds the scope of its statutory authorization or contravenes an election statute's purpose does not have the force of law."); *McKenna v. Soto*, 481 P.3d 695, 699 (2021).

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and/or order constitute the official result for the recounted race, making it unnecessary to re-canvass the race.

Where there are discrepancies between the initial result and the result from the automatic recount, the officer in charge of elections shall undertake reasonable efforts to reconcile the discrepancy and provide a report to the Secretary of State explaining the reasons for any discrepancy.

In a candidate race, the prevailing candidate must be issued a Certificate of Nomination or Certificate of Election at the conclusion of the court proceedings by the Clerk of Board of Supervisors. [A.R.S. § 16-647](#).

IV. ISSUING CERTIFICATES OF NOMINATION AND ELECTION

Upon completion of the applicable canvass or recount process, a city or town council (or designee) must promptly issue a Certificate of Nomination (following a primary or first election) or Certificate of Election (following a general or second election) to each candidate who received the highest number of votes for each office at the election.

Likewise, upon completion of the county's canvass or recount process, the Clerk of the Board of Supervisors must promptly issue a Certificate of Nomination (following a primary election) or Certificate of Election (following a general election) to each candidate who received the highest number of votes for the following offices:

- All county offices;
- Precinct committeemen;
- Community college district board member; and
- Special taxing district board member. [A.R.S. § 16-645\(A\)](#).

Certificates of election for school district board members must be issued by the county school superintendent following the applicable canvass. [A.R.S. § 15-426](#).

However, a certificate may not be issued under the following conditions:

- A Certificate of Nomination may not be issued to a write-in candidate for a city or town office, and that candidate may not advance to the general or run-off election if the write-in candidate did not receive a number of votes equivalent to at least the number of signatures required by [A.R.S. § 16-322](#) for nominating petitions for the same office, [A.R.S. § 9-821.01\(F\)](#);
- A Certificate of Nomination may not be issued to a write-in candidate from a political party recognized for continued representation who did not receive at least as many votes as the number of signatures required to appear on the primary election ballot, [A.R.S. § 16-645\(E\)](#);
- A Certificate of Nomination may not be issued to a write-in candidate of a political party not recognized for continued representation who did not receive a plurality of the votes of the party for the office for which the candidate is a candidate, [A.R.S. § 16-645\(D\)](#); and

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- A Certificate of Election may not be issued to a write-in candidate for precinct committeemen or nonpartisan office who did not receive at least as many votes as the number of signatures required to appear on the ballot, [A.R.S. § 16-322\(A\)\(6\), \(8\)-\(10\)](#), [A.R.S. § 16-645\(C\)](#).

Following completion of the statewide canvass or recount process (and subject to the same exception for write-in candidates from a political party not recognized for continued representation), the Secretary of State must promptly issue a Certificate of Nomination or Certificate of Election to each legislative, statewide, and federal candidate who received the highest number of votes for each office at the election. The Certificate of Election must be signed by the Secretary of State and authenticated with the Great Seal of the State of Arizona. [A.R.S. § 16-645\(B\)](#); [A.R.S. § 16-650](#).

V. ISSUING BALLOT MEASURE PROCLAMATIONS

At the conclusion of a statewide canvass that contains a ballot measure, the Governor must issue a proclamation that:

- Proclaims the number votes cast for and against each proposed constitutional amendment;
- Proclaims the number of votes cast for and against each proposed initiative or referendum; and
- Declares which measures were approved by a majority of those voting on the measures.

[A.R.S. § 16-651](#); [A.R.S. § 19-126\(A\)](#). If there are two or more conflicting measures approved at the same election, the Governor must proclaim which measure received the greatest number of affirmative votes. [A.R.S. § 19-126\(B\)](#). If two or more conflicting measures (in whole or in part) are approved by voters at the same election, the measure with the most votes will prevail with respect to any provisions that are in conflict. [Ariz. Const. Art. IV, Pt. 1, § 1\(12\)](#).

For any approved measure, the Secretary of State must cause the measure to be printed with the general laws enacted by the next ensuing session of the Arizona Legislature, along with the date of the Governor's proclamation declaring the measure to be approved. [A.R.S. § 19-127\(B\)](#).

VI. STORAGE OF BALLOTS AND RETURNS OF THE ELECTION

After the county canvass is complete, the officer in charge of elections must seal the voted ballots and deliver these ballots and official returns to the County Treasurer (or a secure facility contracted by the County Treasurer) for secure storage. [A.R.S. § 16-624\(A\)](#). If voting equipment produces digital ballot images, the digital ballot images must be retained and preserved in the same manner. [A.R.S. § 16-625](#). Unused ballots are not subject to retention.

The County Treasurer must keep the ballots and official returns unopened and unaltered for a period of 24 months following an election for federal office and six months for all other elections. During these retention periods, ballots and official returns may only be opened pursuant to a court order (including for the purpose of a recount or election contest). In the absence of any recount or

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election contest, the County Treasurer must dispose of the ballots and official returns after the applicable retention period without opening or examining the contents. [A.R.S. § 16-624\(A\), \(D\)](#).

If a county conducts an election on behalf of a local jurisdiction, the county officer in charge of elections may transfer the official returns to the local jurisdiction (which thereafter must be preserved by the local jurisdiction in lieu of the County Treasurer).

~~To ensure the security and integrity of ballots, and protect against inadvertent or intentional tampering or damage to ballots during the required retention period, in the rare circumstances in which election officials or any other officials must, pursuant to court order or other compulsory process, access and/or otherwise handle ballots after they have been securely stored for retention, those officials shall implement adequate procedures to maintain the security, integrity, and chain of custody of the ballots, including, at minimum, the requirements that apply to election officials' handling of voted ballots described in this Elections Procedures Manual. See, e.g., Chapter 2, Sections I(D) and VI(B); Chapter 8, Section V(E); Chapter 9, Section VIII(B)-(C); Chapter 10, Sections I and II; and Chapter 13, Section VI.⁸⁵~~

Commented [A79]: The proposed regulations exceed the scope of the Secretary's statutory authorization or contravene an election statute's purpose, and therefore cannot be approved. See *Leach v. Hobbs*, 483 P.3d 194, 198 ¶ 21 (Ariz. 2021) ("[A]n EPM regulation that exceeds the scope of its statutory authorization or contravenes an election statute's purpose does not have the force of law."); *McKenna v. Soto*, 481 P.3d 695, 699 (2021).

⁸⁵ The U.S. Department of Justice interprets the Civil Rights Act of 1960, 52 U.S.C. § 20701, to require that federal election records, including ballots, must "be retained either physically by election officials themselves, or under their direct administrative supervision." If election officials are required to hand over election records to other officials, "administrative procedures [must] be in place giving election officials ultimate management authority over the retention and security of those election records, including the right to physically access" the records. In other words, in addition to the requirements imposed by state law, federal law requires retention and preservation of federal election records, including maintaining the security, integrity, and chain of custody of ballots, regardless of who has physical possession of those records. See U.S. Dept. of Justice, *Federal Law Constraints on Post-Election "Audits"* (July 28, 2021), available at <https://www.justice.gov/opa/press-release/file/1417796/download>; U.S. Dept. of Justice, *Federal Prosecution of Election Offenses*, at 75-80 (Dec. 2017), available at <https://www.justice.gov/criminal/file/1029066/download>.

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CHAPTER 14: REGULATION OF PETITION CIRCULATORS

Arizona law prescribes certain requirements for circulators and signers regarding the gathering of petition signatures. Failure to adhere to these requirements may result in petition signatures being invalidated. More information regarding the regulation and registration of circulators, including the Secretary of State's recommended best practices for circulating petition sheets, is available on the Secretary of State's website at www.azsos.gov/elections.

I. QUALIFICATIONS FOR PETITION CIRCULATORS

Any person who is qualified to register to vote in Arizona, or who would be qualified to register to vote in Arizona if they were an Arizona resident, may circulate petitions for a candidate, ballot measure, or political party recognition. [A.R.S. § 16-321\(D\)](#); [A.R.S. § 16-801\(A\)\(2\)](#); [A.R.S. § 19-114\(A\)](#).

Certain individuals are prohibited from circulating initiative, referendum, or recall petitions due to perceived conflict of interest. No County Recorder or Justice of the Peace may circulate petitions for an initiative, referendum, or recall. Any signatures gathered on petitions circulated by prohibited individuals are void. [A.R.S. § 19-114\(A\)](#); [A.R.S. § 19-205.02](#).

In addition, the following individuals may not circulate recall or statewide initiative or referendum petitions:

- Those who have had a civil or criminal penalty imposed for a violation of Title 16 or Title 19 within the last five years;
- Those who have been convicted of treason or a felony and have not had their civil rights restored; and
- Those who have been convicted of any crime involving fraud, forgery, or identity theft.

[A.R.S. § 19-118\(D\)](#).

II. CIRCULATOR REGISTRATION AND DISCLOSURE REQUIREMENTS

A petition circulator must register with the Secretary of State's Office if the circulator:

- is *paid* to circulate any recall or statewide initiative or referendum petitions (whether or not the circulator is a resident of this state); or
- is *not a resident* of this state (whether or not the circulator is paid) and will circulate: (i) a *statewide* initiative or referendum petition, (ii) a recall petition in any Arizona jurisdiction, or (iii) a candidate petition in any Arizona jurisdiction (statewide, county, city, or town).

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[A.R.S. § 19-118\(A\)](#); [A.R.S. § 19-205.01\(A\)](#); [A.R.S. § 16-321\(D\)](#).

A. Paid Circulators

A circulator may be paid or act as a volunteer.

- A volunteer circulator is an individual who does not receive any compensation for circulating petitions.
- A “paid circulator” is defined as an individual who receives compensation for circulating a statewide initiative or referendum petition, but does not include a paid employee of a political committee unless that employee has or will obtain 200 or more signatures on a statewide initiative, referendum, or recall petition in an election cycle. [A.R.S. § 19-118\(D\)\(1\)-\(2\)](#).
 - Statewide initiative and referendum petition circulators may not be paid based on the number of signatures collected. Signatures collected by circulators who are paid per-signature are void. [A.R.S. § 19-118.01](#).⁸⁶

Any paid circulator, whether a resident or non-resident of Arizona, is required to register with the Secretary of State prior to circulating: (i) a statewide initiative or referendum petition; or (ii) a recall petition in any Arizona jurisdiction. Failure to do so invalidates the petition signatures collected by the circulator prior to registration. [A.R.S. § 19-118\(A\)](#); [A.R.S. § 19-102\(E\)](#); [A.R.S. § 19-205.01\(A\)](#).

All initiative, referendum, and recall petition circulators, whether or not they are required to register with the Secretary of State, must indicate their paid or volunteer status by checking the appropriate box on each petition sheet prior to circulation. Failure to indicate on an initiative or referendum petition sheet whether the circulator is paid or acting as a volunteer invalidates any signatures collected on that petition sheet. [A.R.S. § 19-101\(C\)-\(E\)](#); [A.R.S. § 19-102\(C\)-\(E\)](#); [A.R.S. § 19-204\(C\)-\(E\)](#).⁸⁷

B. Non-Resident Circulators

Circulators who are not residents of Arizona must register with the Secretary of State prior to circulating: (i) a statewide initiative or referendum petition; (ii) a recall petition in any Arizona jurisdiction; or (iii) a candidate petition in any Arizona jurisdiction (statewide, county, city, or town). Failure to do so invalidates the signatures collected by the circulator prior to registration. [A.R.S. § 19-118\(A\)](#); [A.R.S. § 19-205.01\(A\)](#); [A.R.S. § 16-321\(D\)](#).

⁸⁶ [A.R.S. § 19-118.01](#) does not prohibit circulators from being paid per signature collected for local initiatives. See *Ariz. Chapter of the Associated Gen. Contractors of Am. v. City of Phoenix*, 247 Ariz. 45, 445 P.3d 2 (2019).

⁸⁷ The “paid circulator” or “volunteer” status boxes may be pre-marked by the circulator or, with the consent and knowledge of the circulator, the committee or petition circulating organization may pre-mark the correct box on behalf of the circulator.

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A circulator who lists an out-of-state address on the back side of a petition sheet is deemed to be a non-resident circulator.

C. Circulator Registration Procedures

Circulator registration must be conducted as prescribed by the Secretary of State through the electronic Circulator Portal (<https://apps.azsos.gov/apps/election/circulatorportal/>). A circulator registration is not complete until the Secretary of State confirms the registration in writing. [A.R.S. § 19-118\(A\)](#); [A.R.S. § 19-205.01\(A\)](#); [A.R.S. § 16-452\(A\)](#). Once a circulator is properly registered, the circulator must select in Circulator Portal the petition(s) they will circulate (by serial number and/or candidate name).

Circulators must satisfy the following requirements when registering with the Secretary of State through the Circulator Portal:

- Provide his/her name, residential address, telephone number, and email address;
- Consent to the jurisdiction of Arizona courts in resolving any disputes concerning the circulation of petitions by that circulator;
- Indicate the committee's address in Arizona (for statewide initiative or referendum petitions) or a designated address in Arizona (for candidate petitions) at which the circulator will accept service of process related to disputes concerning circulation of that circulator's petitions;
- Indicate the circulating organization at which the circulator is employed (if applicable); and
- For circulators of recall or statewide initiative or referendum petitions, provide a notarized circulator affidavit declaring that the circulator is eligible to register, that all information contained in the registration is true and correct, and that the circulator has read and understands Arizona election laws applicable to the collection of signatures for a recall or statewide initiative or referendum. Exact language to be included in the affidavit can be found at [A.R.S. § 19-205.01\(B\)\(5\)](#) (for recalls) and [A.R.S. § 19-118\(B\)\(5\)](#) (for statewide initiatives and referenda).

Circulators registering through Circulator Portal will be prompted to upload an electronic copy of the notarized circulator affidavit, which must first be accepted by the Secretary of State's Office before the circulator is permitted to register to circulate a recall or statewide initiative or referendum petition. The circulator, committee, or circulating organization should retain the original notarized circulator affidavit in case it is necessary for a court challenge.

[A.R.S. § 19-118\(B\)](#); [A.R.S. § 19-205.01\(B\)](#).

The applicable committee and/or the circulating organization that employs petition circulators, at the direction of the applicable committee, may coordinate with their circulators to gather the

CHAPTER 14:

Regulation of Petition Circulators — II. Circulator Registration and Disclosure Requirements

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necessary information, including, if applicable, notarized circulator affidavits, and facilitate submission of registration applications through Circulator Portal.

The Secretary of State's Office has no obligation to review the substance of circulator registrations to ensure that accurate or proper information has been provided. The circulator remains solely responsible for compliance with all legal provisions.

1. Issuance of Circulator ID Number

Within five business days after submission of a circulator registration application, the Secretary of State will assign a random circulator ID number to each such circulator. [A.R.S. § 19-118\(C\)](#); [A.R.S. § 19-205.01\(C\)](#). The circulator ID number is permanently assigned to the circulator and must be used for all petitions being circulated by that particular individual (regardless of the election cycle or which petition is being circulated).

The circulator ID number of registered circulators must be printed on the front and back of each recall or statewide initiative or referendum petition sheet. [A.R.S. § 19-121\(A\)\(2\)](#); [A.R.S. § 19-121.01\(A\)\(1\)\(c\)](#); [A.R.S. § 19-208.01\(A\)\(1\)\(c\)](#). In contrast to the petition serial number, the circulator ID number may be placed on the petition sheet at any time prior to submitting the petition sheets to the Secretary of State. The circulator ID number may be pre-printed on petition sheets and need not be written on the petition sheet by the circulator personally.

2. Updating or Canceling Circulator Registrations

An individual circulator may update or cancel their circulator registration for any or all measures directly through the Secretary of State's Circulator Portal.

In addition, an authorized representative of the committee serving as an initiative or referendum proponent (*i.e.*, the committee designated on the initiative or referendum serial number application) may cancel the registration of circulators for its measure by providing to the Secretary of State's Office, in writing, a list of circulator names and identification numbers and a request that those circulators' registration for the specific measure be canceled. The committee must also provide notice of the cancellation request to each affected circulator.

Such cancellation does not affect the validity of signatures collected by those circulators before the cancellation, but any signatures collected by canceled circulators thereafter are invalid if circulator registration was otherwise required.

D. Service of Process on Registered Circulators

Circulators who are required to register must provide an address in Arizona at which the circulator will accept service of process related to disputes concerning circulation of that circulator's petitions. For circulators of recall or statewide initiative or referenda petitions, this address must be the address of the committee in this state for which the circulator is gathering signatures. In the

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event of litigation regarding the petition circulated, service of process on the circulator is effected by delivering a copy of the subpoena to that person individually, by leaving a copy of the subpoena with a person of suitable age, or by mailing a copy of the subpoena to the committee or circulator by certified mail to the address provided on the circulator's registration application. [A.R.S. § 19-118\(B\)\(3\)-\(4\), \(E\)](#); [A.R.S. § 19-205.01\(B\)\(3\)-\(4\), \(E\)](#); [A.R.S. § 16-315\(D\)](#).

III. ~~SIGNATURE GATHERING AND VERIFICATION REQUIREMENTS~~

~~Every person who signs a paper petition must do so in the presence of a circulator; therefore a circulator must personally witness each collected signature.~~

- ~~• For an initiative, referendum, or recall petition, the circulator must execute the circulator affidavit of verification on the back of the petition before a notary after collecting signatures on a paper petition sheet. [A.R.S. § 19-112\(A\), \(C\) \(D\)](#); [A.R.S. § 19-205](#); [A.R.S. § 19-204](#).~~
- ~~• For a candidate petition or petition for new party recognition, the circulator must sign the circulator verification statement on the back of the petition sheet, but notarization is not required. [A.R.S. § 16-321\(D\)](#).~~

~~Additionally, an initiative, referendum, or recall petition must have a copy of the official and correct title and text attached to the petition sheet before any signatures are obtained on that sheet. [A.R.S. § 19-112\(B\) \(C\)](#); [A.R.S. § 19-202.01\(D\)](#); [A.R.S. § 19-203\(D\)](#). For statewide measures, the political committee or circulator must ensure that the staple is placed within the designated area in the upper left corner of the petition sheet.~~

~~Qualified electors who require assistance in completing and/or signing a petition due to a physical disability or medical condition shall not be prevented from signing a petition solely on that basis. If a petition circulator assists a qualified elector in signing a petition, as a best practice, the circulator should execute a supplemental affidavit (in addition to the circulator affidavit on the petition sheet) specifying that the voter required, and asked for, assistance.~~

More information regarding signature collection requirements and circulator verification, including the Secretary of State's recommended best practices, is available on the Secretary of State's website at www.azsos.gov/elections.

Commented [A80]: The proposed regulations exceed the scope of the Secretary's statutory authorization or contravene an election statute's purpose, and therefore cannot be approved. *See Leach v. Hobbs*, 483 P.3d 194, 198 ¶ 21 (Ariz. 2021) ("[A]n EPM regulation that exceeds the scope of its statutory authorization or contravenes an election statute's purpose does not have the force of law."); *McKenna v. Soto*, 481 P.3d 695, 699 (2021).

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CHAPTER 15: POLITICAL PARTY RECOGNITION

~~A recognized political party is entitled to representation on a partisan primary election ballot and subsequent placement of the prevailing candidate on the general election ballot. This chapter describes the process by which a political party achieves or maintains official recognition.~~

~~A political party may obtain first time or new party recognition by submitting a sufficient number of valid petition signatures to the appropriate filing officer. A.R.S. § 16-801(A); A.R.S. § 16-802. Alternatively, an existing political party maintains its recognition by either receiving a sufficient number of votes in the last general election or by achieving a sufficient number of registered voters. A.R.S. § 16-801(B); A.R.S. § 16-804(A) (B).~~

~~I. NEW PARTY RECOGNITION~~

~~A group of qualified electors seeking to form a new political party is not required to establish a political committee unless the group raises or spends at least the current adjusted registration threshold pursuant to A.R.S. § 16-931(A)(1) in connection with the effort to seek new party recognition. A.R.S. § 16-905. If the group is required to register as a committee (or decides to voluntarily register), the group must register as a political action committee. A.R.S. § 16-905(C). A group may only register as a political party committee after the filing officer has granted new party recognition pursuant to A.R.S. § 16-803. A.R.S. § 16-905(G).~~

~~Qualified electors seeking to form a new political party must comply with the following requirements, depending on the jurisdiction.~~

~~A. Requirements for Seeking New Party Recognition~~

~~1. Statewide Recognition~~

~~To qualify for statewide recognition, qualified electors must timely submit the following documents to the Secretary of State:~~

- ~~• An affidavit signed by 10 qualified electors, requesting that a new political party be formed; and~~
- ~~• Petition signatures equal to at least 1 1/3 percent of the total votes cast for Governor at the last preceding general election at which a Governor was elected. The number of votes cast for Governor are determined based upon the applicable statewide canvass, calculated by the Secretary of State and published on the Secretary of State's website.~~

~~A.R.S. § 16-801(A).~~

Commented [A81]: The proposed regulations exceed the scope of the Secretary's statutory authorization or contravene an election statute's purpose, and therefore cannot be approved. See *Leach v. Hobbs*, 483 P.3d 194, 198 ¶ 21 (Ariz. 2021) ("[A]n EPM regulation that exceeds the scope of its statutory authorization or contravenes an election statute's purpose does not have the force of law."); *McKenna v. Soto*, 481 P.3d 695, 699 (2021).

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The new party affidavit must be completed on a form prescribed by the Secretary of State. Within seven business days of filing, the Secretary of State must send the affidavit to the applicable County Recorders to verify that each signer is a qualified elector. A.R.S. § 16-801(A)(1). The Secretary of State must transmit the affidavit to the County Recorders, and the County Recorders must verify that the affidavit signers are qualified electors, in accordance with the deadlines outlined in A.R.S. § 16-803(B) and A.R.S. § 16-803(E). The Secretary of State may deny party recognition if the County Recorders determine there are less than 10 qualified electors who signed the new party affidavit.

The new party petitions must be substantially in the form of candidate petitions but must be captioned “Petition for Political Party Recognition.” A.R.S. § 16-801(A)(2)(3). Petitions for statewide recognition must be printed on a form prescribed by the Secretary of State. Petition signatures must be gathered from registered voters in at least five different counties, and at least 10% of the required total of qualified signers must be registered in counties with populations of less than 500,000 persons. A.R.S. § 16-801(A)(1).

Both the new party affidavit and new party petitions must be filed with the Secretary of State at least 250 days before the primary election for which the party seeks recognition. A.R.S. § 16-803(A). However, in order to be eligible to participate in the PPE, new parties must have filed their petition for recognition with the Secretary of State between 180 and 150 days before the PPE. A.R.S. § 16-244(A)(2).

The Secretary of State may require electronic filing for the affidavit and new party petitions.

2. County Recognition

To qualify for county recognition, qualified electors must timely submit petition signatures equal to at least 2% percent of the total votes cast for County Attorney at the last preceding general election at which the County Attorney was elected. The number of votes cast for County Attorney is determined based upon the applicable county canvass. The petitions must be filed with the officer in charge of elections. A.R.S. § 16-802.

The new party petitions must be substantially in the form of candidate petitions but must be captioned a “Petition for Political Party Recognition.” A.R.S. § 16-801(A)(2)(3). Petitions for county recognition must be printed on a form prescribed by the officer in charge of elections.

New party petitions must be filed with the officer in charge of elections at least 250 days before the primary election for which the party seeks recognition. A.R.S. § 16-803(A).

The County Recorder shall review new party petitions in the same manner as prescribed by A.R.S. § 16-803 for petitions for new party recognition at the state level, including:

- Selecting a random sample of 20% of the total signatures eligible for verification, which shall be individually verified and certified;
- Performing a calculation and projection of the total number of valid signatures; and

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- Making a determination whether the new party will be recognized, as prescribed by A.R.S. § 16-803(1).

A.R.S. § 16-802.

3. Simultaneous Statewide and County Recognition

Qualified electors may simultaneously seek statewide and county recognition by filing the original petitions with the county officer in charge of elections and filing a certified copy with the Secretary of State. Petitions must be in the form prescribed by the Secretary of State. A.R.S. § 16-803(A).

Both filing officers must process the petitions in accordance with the procedures applicable to their jurisdiction. Accordingly:

- The electors must file the required affidavit with the Secretary of State; and
- The electors must submit petition signatures equal to at least:
 - 1½ percent of the total votes cast for Governor at the last preceding general election for statewide recognition; and
 - 2% of the total votes cast for applicable County Attorney at the last preceding general election for county recognition.

A.R.S. § 16-801(A); A.R.S. § 16-802.

If the petitions do not meet the requirements for certification at the statewide or county level, the political party will not be recognized in that jurisdiction.

4. City or Town Recognition

To qualify for city or town recognition, qualified electors must timely submit petition signatures equal to at least 2% of the total votes cast for Mayor at the last preceding election at which the Mayor was elected.

If a Mayor is not elected by voters (for example, the Mayor is appointed or elected by other councilmembers, not the city's or town's electorate), qualified electors must timely submit petition signatures equal to at least 2% of the highest total votes cast for any councilmember at the last preceding election at which a councilmember was elected. A.R.S. § 16-802. The number of votes cast for Mayor or councilmember are determined based upon the applicable city or town canvass.

New party petitions must be filed with the applicable city or town clerk. A.R.S. § 16-802.

The new party petitions must be substantially in the form of candidate petitions, but must be captioned "Petition for Political Party Recognition." A.R.S. § 16-801(A)(2) (3). Petitions for municipal recognition must be printed on a form prescribed by the city or town clerk.

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New party petitions must be filed with the city or town at least 250 days before the primary (or first) election for which the party seeks recognition. A.R.S. § 16-803(A).

B. Processing Statewide New Party Petitions

1. Secretary of State Processing

a. Out-of-County Signature Eliminations

~~Signatures must be grouped by county on the petition sheets. Signatures collected outside the county of the majority of signers must be eliminated from a petition sheet. A.R.S. § 16-803(B)(1).~~

~~The Secretary of State must initially assume that the signers of a petition sheet reside in the county listed in the caption of the petition sheet. The Secretary of State prints a three letter code in the upper right corner of each petition image that corresponds to this county. A.R.S. § 16-803(B)(1)(a).~~

~~The Secretary of State must then review each signature line to verify the signer resides in the county designated at the top of the petition sheet. Any signature line printed by a signer who appears to reside in a different county will be eliminated. A.R.S. § 16-803(B)(1)(b).~~

~~The Secretary of State does not have a duty to verify that each individual address falls within the designated county's boundary but must verify that the signer's city or town falls within the designated county. If the city or town is missing, the Secretary of State must verify that the signer's zip code falls within the county. For cities or towns that cross county lines, the Secretary of State may assume the signer resides in the county designated at the top of the petition sheet.~~

~~If a majority of signers on the petition sheet reside (based on the city or town listed) in a different county than what was designated at the top of the petition sheet, the Secretary of State must change the county code for that petition sheet to the majority county and eliminate signature lines printed by signers who do not reside in the majority county. A.R.S. § 16-803(B)(1).~~

~~Petition sheets must be organized by county prior to transmitting any petition sheets to a County Recorder. A.R.S. § 16-803(B)(1)(c).~~

b. Individual Signature Eliminations

~~In addition to striking signatures outside the county of the majority of signers, the Secretary of State must eliminate petition signatures for any of the following reasons:~~

- ~~1. The signature of the petition signer is missing. A.R.S. § 16-803(B)(2)(a).~~

- ~~• However, the Secretary of State should not eliminate a signature line if the signature is illegible, if the first and last names are switched and printed in the wrong columns or if the printed name and signature are switched and printed in the wrong columns.~~

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~~2. The signer did not provide a residence address or description of the signer's residence location, or provided a P.O. Box without a town, city, or zip code, A.R.S. § 16-803(B)(2)(b):~~

- ~~• If the signer provided any information that could be reasonably construed as a street name or street number, the Secretary of State should not eliminate the signature line.~~
- ~~• The Secretary of State should not eliminate a signature line if the street type (such as "lane," "boulevard," or "circle") is missing. See *Jenkins v. Hale*, 218 Ariz. 361, 564, 190 P.3d 175, 178 (2008).~~
- ~~• The Secretary of State may not eliminate a signature line that uses quotation marks or "ditto" marks to incorporate the address from the signature line immediately above.~~

~~3. The petition signature date is missing, A.R.S. § 16-803(B)(2)(c):~~

- ~~• The Secretary of State should eliminate a signature line if it is missing the day or month of signing. See *Meyers v. Bayless*, 192 Ariz. 376, 378, 965 P.2d 768, 770 (1998).~~
- ~~• The Secretary of State may not eliminate a signature line that is only missing the year of signing. See *Energy Fuels Nuclear, Inc. v. Coconino County*, 159 Ariz. 210, 213, 766 P.2d 83, 86 (1988).~~
- ~~• The Secretary of State may not eliminate a signature line that uses quotation marks or "ditto" marks to incorporate the date from the signature line immediately above.~~

~~The Secretary of State does not have authority to reject petition sheets or signatures based on the following legal deficiencies:~~

- ~~1. A missing petition caption, modified petition caption, or a caption that contains inaccurate information; or~~
- ~~2. A missing county in the petition caption.~~

~~The foregoing legal deficiencies are not explicitly or implicitly referenced in A.R.S. § 16-803(B)(2), therefore these legal deficiencies must be reviewed by a court.~~

c. Preparing Signatures for County Recorder Verification

~~Within seven business days after receipt of a petition for statewide recognition, the Secretary of State must perform the following steps to determine whether signatures may be transmitted for County Recorder verification:~~

- ~~1. Count the number of signature lines on each valid petition sheet that have not been stricken, and place the total number on the upper right hand corner on the front side of each petition sheet.~~
- ~~2. Count the total number of petition sheets and signatures eligible for County Recorder verification. Each petition sheet has been labeled upon being scanned, therefore the petition~~

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~~sheets are not re-numbered after the Secretary of State has completed the sheet and signature count.~~

~~3. Determine whether the signatures eligible for verification exceed the required minimum:~~

- ~~• If the minimum has been met, the Secretary of State must conduct a 20% random sample and should issue a receipt to the applicant that includes the following information:~~
 - ~~— The total number of signatures eliminated by the Secretary of State;~~
 - ~~— The total number of signatures that remain eligible for County Recorder verification (this number must exceed the required minimum);~~
 - ~~— The total number of signatures that have been randomly sampled and transmitted to one or more County Recorders; and~~
 - ~~— The deadline for County Recorder review.~~
- ~~• If the minimum has not been met, the Secretary of State must issue a receipt to the applicant, stating that the political party is not eligible for recognition, and cease further processing of the petition.~~

~~A.R.S. § 16-803(B)(3)-(5), (C).~~

~~The Secretary of State's selection of a random sample to transmit to County Recorders must also be conducted within seven business days after receipt of a petition for statewide recognition:~~

- ~~1. The Secretary of State must randomly select (whether manually or electronically) 20% of eligible signatures across all petition sheets that have not been eliminated;~~
- ~~2. The Secretary of State must mark the petition signature lines that have been randomly selected in a clear manner; and~~
- ~~3. The Secretary of State must transmit the front sides of any petition sheet containing a randomly sampled signature to the applicable County Recorder(s). This may be done electronically.~~

~~A.R.S. § 16-803(C).~~ ~~Although there is no deadline for transmitting the random sample to the applicable County Recorders, the Secretary of State should do so within a reasonable timeframe.~~

~~2. County Recorder Processing~~

~~Following receipt from the Secretary of State, a County Recorder shall determine which signatures of individuals whose names were transmitted shall be disqualified for any of the following reasons:~~

- ~~1. No residence address or description of residence location is provided.~~

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- ~~2. No date of signing is provided.~~
- ~~3. The signature is illegible and the signer is otherwise unidentifiable.~~
- ~~4. The address provided is illegible or nonexistent.~~
- ~~5. The individual was not a qualified elector on the date of signing the petition.~~
- ~~6. The individual was a registered voter but was not at least eighteen years of age on the date of signing the petition or affidavit.~~
- ~~7. The signature was disqualified after comparison with the signature on the affidavit of registration.~~
- ~~8. If a petitioner signed more than once, all but one otherwise valid signature shall be disqualified.~~
- ~~9. For the same reasons any signatures could have been removed by the secretary of state pursuant to this section.~~

~~A.R.S. § 16-803(E).~~

~~The County Recorder must issue a certification and transmit this certification to the Secretary of State and the electors within 10 business days of receiving the signatures. A.R.S. § 16-803(E). The County Recorder's certification must include:~~

- ~~• The total number of signatures that were transmitted to the County Recorder for verification;~~
- ~~• The total number of random signatures that were disqualified by the County Recorder; and~~
- ~~• The name of any signer whose petition signature was eliminated, including the petition page number and signature line number where the signature was eliminated.~~

~~A.R.S. § 16-803(F). The County Recorder must transmit this certification to the Secretary of State in the manner specified by the Secretary. If the Secretary of State electronically transmitted petition sheets to the County Recorder, it is unnecessary for the County Recorder to return the petition sheet images to the filing officer. See A.R.S. § 16-803(G)(1).~~

~~The Secretary of State should also transmit the County Recorder certifications to the chairperson or other representative of the party seeking new party recognition.~~

~~3. Final Certification by Secretary of State~~

~~Within three calendar days of receiving the last County Recorder's certification, the Secretary of State must determine whether there are sufficient valid signatures for the party to qualify for the ballot:~~

- ~~• The Secretary of State calculates the total number of petition signatures verified by County Recorders, including the percentage of verification.~~
- ~~• The Secretary of State then multiplies the total number of eligible signatures by the verification percentage.~~

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~~A.R.S. § 16-803(H). The Secretary of State must also review the certification(s) regarding the affidavit of electors. See A.R.S. § 16-801(A)(1).~~

~~The new party qualifies for recognition if the number of presumed valid signatures exceeds the required minimum and all 10 electors were found to be qualified electors by the County Recorder(s). If the new party petition qualifies, the Secretary of State issues a certification and receipt to the electors and notifies the Boards of Supervisors, County Recorders, and officers in charge of elections. A.R.S. § 16-803(I).~~

~~If the new party petition does not qualify for recognition, the Secretary of State issues a certification and receipt to the electors explaining why the petition did not qualify for recognition and returns the original petition sheets to the electors. A.R.S. § 16-803(I).~~

C. Duration of New Party Recognition

~~A new political party that receives statewide recognition is entitled to recognition through the next two general elections for federal office immediately following recognition of the party. A.R.S. § 16-801(B). For example, if a new political party achieves statewide recognition in March 2020, the party is entitled to recognition through the 2022 general election.~~

D. Recognition Following Expiration of New Party Status

~~Following the expiration of new party status, the party may maintain recognition by:~~

- ~~• Qualifying for continued representation based upon votes cast at the election preceding the expiration of new party status or a requisite number of active registered voters; or~~
- ~~• Timely filing a new petition for new party recognition.~~

~~A.R.S. § 16-801(B); A.R.S. § 16-804.~~

~~A political party that qualifies for continued representation is treated differently from a political party that files a new petition for new party recognition. For example, a member of a political party with continued representation may not sign a nomination petition for a candidate seeking a nomination from a different party with continued recognition. A.R.S. § 16-321(F). Thus, a voter registered with the Democratic Party—a party with continued representation—may sign a nomination petition for Democratic candidates, new party candidates, or independent candidates, but not for Republican candidates—another party with continued representation. Whereas a voter registered with a new party may sign any candidate's petition.~~

~~As a corollary, members of a political party with continued representation are not included when calculating other continuously represented parties' signature totals to run for office. For example, the number of signatures needed to run for the U.S. Senate as a Republican—a party with continued representation—are determined by calculating ¼ of one percent of all Republicans, new party registrants, independents, and registrants with no party designation. In contrast, the number of signatures needed to run for the U.S. Senate as a new party candidate excludes Republicans;~~

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~~Democrats, and any other recognized parties with continued representation. A.R.S. § 16-322(A)(1); A.R.S. § 16-321(F).~~

~~E. Expiration of New Party Status~~

~~If a new political party does not re-qualify for recognition as a new party, new party status expires when the Secretary of State, County Recorder, or city or town clerk (as applicable) issues their announcement regarding continued representation. See A.R.S. § 16-804(C) (E).~~

H. QUALIFYING FOR CONTINUED RECOGNITION

~~To qualify for continued representation, a political party must meet one of two baseline levels of support: number of votes cast for the party's candidate or the number of active registered voters in the jurisdiction. A.R.S. § 16-804(A) (B); see also A.R.S. § 16-193(5).~~

~~A. Statewide Continued Representation~~

~~To qualify for statewide continued representation:~~

- ~~• The new party's candidate for Governor or President must receive at least 5% of the votes cast at the federal general election immediately preceding the expiration of new party status; or~~
- ~~• The new party must have at least 2/3 of 1% of active registered voters statewide as of October 1st of the year preceding expiration of new party status.~~

~~The Secretary of State must determine the political parties qualified for continued representation by December 1st of the appropriate year. A.R.S. § 16-804(A) (C).~~

~~Promptly thereafter, the Secretary of State must notify the political party, county election officials, and the public about whether the party qualified for continued representation.~~

~~B. County Continued Representation~~

~~To achieve continued representation at the county level:~~

- ~~• The new party's candidate for County Attorney must receive at least 5% of the votes cast at the federal general election immediately preceding the expiration of new party status; or~~
- ~~• The new party must have at least 2/3 of 1% of active registered voters in the county as of October 1st of the year preceding expiration of new party status.~~

~~A.R.S. § 16-804(A). The County Recorder must determine the political parties qualified for continued representation by December 1st of the appropriate year. A.R.S. § 16-804(D). Promptly thereafter, the County Recorder must notify the political party, county election officials, and the public about whether the party qualified for continued representation.~~

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C. City or Town Continued Representation

To achieve continued representation in a city or town that conducts partisan elections:

- The new party's candidate for Mayor must receive at least 5% of the votes cast at the general election (or second or runoff election) immediately preceding the expiration of new party status; or
- The new party must have at least 2% of 1% of active registered voters in the city or town (as determined by the applicable County Recorder) as of 155 days prior to the primary election (or first election) that will be conducted in the year new party status expires.

A.R.S. § 16-804(A):

The city or town clerk must determine the political parties that qualify for continued representation 140 days prior to the primary election (or first election) that will be conducted in the year new party status expires. A.R.S. § 16-804(E):

Promptly thereafter, the city or town clerk must notify the political party, county election officials, and the public about whether the party qualified for continued representation.

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CHAPTER 16: CAMPAIGN FINANCE

I. CAMPAIGN FINANCE REPORTING

The Secretary of State is required to prescribe the format for all campaign finance reports and statements. [A.R.S. § 16-926\(A\)](#). Sample forms are included in [Chapter 17](#) for reference by local jurisdictions. Candidates who file their campaign finance reports and statements with the Secretary of State's Office must use the Secretary of State's online campaign finance reporting system, available at beacon.arizona.vote.

Additional campaign finance guidance is available on the Secretary of State's website at www.azsos.gov/elections. All candidates and campaign finance committees (which include candidate committees, political party committees, and political action committees) are encouraged to read the Secretary of State's campaign finance guides for additional information. In addition, candidates should be aware of the requirements in the Clean Elections Act and may contact the Citizens Clean Elections Commission (CCEC) or visit their website at www.azcleelections.gov for further information.

II. CAMPAIGN FINANCE ENFORCEMENT

Campaign finance enforcement may be initiated through the filing officer.⁸⁸ In addition, any person may file a complaint with CCEC if they believe a violation of the Clean Elections Act or CCEC rules has occurred. CCEC staff may also initiate an internally generated complaint against a person for violation of the Clean Elections Act. See [A.R.S. § 16-957](#). More details about CCEC enforcement procedures are available at <https://www.azcleelections.gov/campaign-finance-enforcement>.⁸⁹

Adjudication of third-party campaign finance complaints filed with the filing officer follows a bifurcated structure, relying on an initial determination by a filing officer followed by the final

⁸⁸ The Secretary of State is the filing officer for statewide and legislative elections. The county officer in charge of elections is the filing officer for county, school district, community college district and special taxing district elections, including retention elections for superior court judges. The city or town clerk is the filing officer for city and town elections. [A.R.S. § 16-938\(A\)](#).

⁸⁹ [A.R.S. § 16-938\(A\)](#) states “. . . a filing officer is the sole public officer who is authorized to initiate an investigation into alleged violations of . . . [Articles 1, 1.1, 1.2, 1.3, 1.4, 1.5, 1.6 and 1.7 of Title 16, Chapter 6 of the Arizona Revised Statutes], including the alleged failure to register as a committee.” However, the phrase “is the sole public officer” has been invalidated by the Arizona Court of Appeals. See *Arizona Advocacy Network et al., v. State of Arizona*, 250 Ariz. 109, 475 P.3d 1149 (Ct. App. 2020).

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decision of an enforcement officer. The overall process is summarized as follows and is covered in more detail in this Section:

- The filing officer will make a preliminary determination whether a campaign finance violation has occurred, known as a “reasonable cause” finding. [A.R.S. § 16-938\(C\)](#).
- If the filing officer makes a reasonable cause finding, the filing officer generally will refer the matter to the appropriate enforcement officer. [A.R.S. § 16-938\(C\)](#).
- The enforcement officer makes the final determination whether a legal violation occurred, which may require an additional investigation beyond the information provided by the filing officer. [A.R.S. § 16-938\(C\), \(E\)](#).
- If the enforcement officer concludes that a campaign finance violation occurred, the enforcement officer may issue a notice of violation to the alleged violator. If the violation has not been timely remedied, the enforcement officer may initiate legal action to secure compliance with campaign finance law. [A.R.S. § 16-938 \(E\)-\(G\)](#).

A. Initiation of Campaign Finance Complaints

1. Third Party Complaints

Any person may file a complaint with the appropriate filing officer if they believe a violation of Arizona campaign finance laws has occurred, including but not limited to:

- Failure to register as a campaign finance committee when required;
- Unlawful commingling of money;
- Violation of campaign contribution limits;
- Making or accepting unlawful contributions;
- Failure to include proper advertising disclaimers;
- Failure to file campaign finance reports (if the filing officer has not already initiated an enforcement action);
- Improper or unreported expenditures; or
- Filing incomplete or inaccurate campaign finance reports.

The complaint must be made in writing and submitted to the applicable filing officer for campaign finance reports. Email submissions are acceptable. See [A.R.S. § 16-938\(B\)](#).

Regardless of whether a complainant is represented by counsel, a complaint must contain the full name, email address, and mailing address of the complainant. A complaint should also:

- Clearly recite the facts that describe a violation of Arizona campaign finance law under the filing officer’s jurisdiction as specifically as possible (citations to the law are highly encouraged);

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- Clearly identify each person, committee, organization or group that is alleged to have committed a violation;
- Include any supporting documentation (such as sworn affidavits from persons with first-hand knowledge, media reports, advertisements, website links, etc.) supporting the alleged violation, if available; and
- Differentiate between statements based on a complainant's personal knowledge and those based on information and belief. Statements not based on personal knowledge should identify the source of the information.

Complaints should be filed as soon as possible after the alleged violation becomes known to the complainant in order to preserve available evidence and initiate the enforcement process within the four-year statute of limitations period. See [A.R.S. § 12-550](#). A filing officer must retain candidate filings, including campaign finance filings, based on the applicable retention schedule. See [Chapter 17](#) for the latest retention schedules.

The filing officer must review the complaint for compliance with the required criteria outlined above, including confirmation that the complaint falls within the filing officer's jurisdiction. If the complaint does not meet the criteria, the filing officer should notify the complainant of the deficiencies and that no action will be taken on the complaint. If the complaint is deemed sufficient, the filing officer will:

- Assign the complaint a complaint number (in a format determined by the filing officer);
- Confirm in writing that the complaint has been received;
- Inform the complainant that the respondent will be provided an opportunity to submit a response and the complainant may submit a reply within specified time periods; and
- Inform the complainant that the filing officer will notify all parties once a preliminary decision has been made.

Before a reasonable cause determination is made, a filing officer may not order a person to register as a committee, and do not have audit or subpoena powers to compel the production of evidence or the attendance of witnesses concerning a potential campaign finance violation. However, a filing officer may request the voluntary production of evidence or attendance of witnesses in making a reasonable cause determination. [A.R.S. § 16-938\(D\)](#); see also *Arizona Advocacy Network et al., v. State of Arizona*, 250 Ariz. 109, 475 P.3d 1149 (Ct. App. 2020).

2. Mitigating Conflicts of Interest

A filing officer and enforcement officer should avoid actual or perceived conflicts of interest when adjudicating campaign finance complaints. A conflict analysis should be undertaken promptly after a complaint is filed and before the respondent is directed to submit a response. [A.R.S. § 38-503\(B\)](#).

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If a filing officer determines that a conflict of interest exists, the filing officer should refer a campaign finance complaint to another filing officer in the state who accepts the referral.⁹⁰ The receiving officer has the same jurisdiction to make a reasonable cause determination as the original officer. [A.R.S. § 16-938\(A\)](#). If the receiving officer ultimately does find reasonable cause, they may: (i) refer the matter directly to an appropriate enforcement officer, if permitted by the enforcement officer, or; (ii) refer the matter back to the original filing officer, and the original filing officer must refer the matter to the enforcement officer for that jurisdiction.

If a filing officer makes a reasonable cause finding but believes the corresponding enforcement officer will have a conflict of interest, the filing officer nonetheless must make the referral to that enforcement officer. *Winn v. Maricopa County Attorney's Office*, No. CV2013-003007, Minute Entry pg. 5 (Ariz. Super. Ct. May 2, 2013); see also *Comm. for Justice & Fairness v. Arizona Sec'y of State's Office*, 235 Ariz. 347, 350, 332 P.3d 94, 97 (Ct. App. 2014). The enforcement officer must then determine whether a conflict of interest exists and, if so, refer the matter to another enforcement officer.

B. Notice of Complaint and Opportunity for Response and Reply

1. Notice to Respondents

A “respondent” is the person who is the subject of the campaign finance complaint or referral.

Within ten business days after receiving a properly filed complaint, the filing officer will send the respondent a copy of the complaint and a letter describing the filing officer’s campaign finance processing procedures. The notification letter reflects no judgment about the accuracy of the allegations, but simply: (i) informs the respondent that the filing officer has received allegations as to possible violations of campaign laws by the respondent; (ii) provides a copy of the complaint or referral document, or in limited circumstances, a summary of the complaint; and (iii) gives the respondent an opportunity to respond in writing in a timely manner.

2. Submitting a Response

The response is the respondent’s opportunity to demonstrate to the filing officer why the filing officer should not pursue an enforcement action, or to clarify, correct, or supplement the information in the complaint or referral. Respondents are not required to respond to the allegations. Respondents must be provided an opportunity to respond to both a third-party complaint and an internally initiated investigation.

⁹⁰ If the original filing officer cannot promptly identify another filing officer who will accept the referral, the original filing officer should promptly notify the complainant and respondent after the complaint was filed that: (i) the filing officer has a conflict of interest; and (ii) the new filing officer (once identified) will contact the parties and formally initiate the enforcement proceedings.

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Respondents, if they choose, may be represented by counsel. Once the filing officer receives a notification that the respondent is represented by counsel, the filing officer will communicate only with the counsel unless otherwise authorized by the respondent.

There is no prescribed format for responses. While not required, providing documentation, including sworn affidavits or declarations under penalty of perjury from persons with first-hand knowledge of the facts, is helpful. It is also helpful for a respondent to specifically address each allegation in the complaint. The response may be submitted by email, and the respondent need not copy the complainant on the response.

The filing officer may set a response deadline not to exceed 30 calendar days. Upon request by the respondent and for good cause shown, the filing officer may grant a reasonable extension of the response deadline. The respondent must make the request to the filing officer in writing, and the filing officer must copy the complainant on the filing officer's decision on the extension request.

3. Submitting a Reply

Within ten business days after receiving a response, the filing officer will send the complainant a copy of the response and a letter that explains the opportunity for the complainant to submit a reply.

There is no prescribed format for replies and complainants are not required to file a reply. However, the reply is the complainant's opportunity to address issues raised in the response and/or buttress the complaint's original allegations. The reply may not raise new issues that were not addressed in the original complaint.

The filing officer may set a reply deadline not to exceed 14 calendar days. The filing officer may not take any action on the complaint or referral (other than dismiss the matter) until this time period has passed. Upon request by the complainant and for good cause shown, the filing officer may grant a reasonable extension of the reply deadline.

C. Decision by Filing Officer

After the reply period (and any extension, if granted) has passed, the filing officer will evaluate the complaint, response, and reply (if any) to determine whether there is reasonable cause to believe a violation occurred. The filing officer should also consider any relevant campaign finance reports or documents on file with the filing officer and any other information available in the public record. The filing officer does not possess subpoena powers to compel production of evidence or attendance of witnesses concerning a potential campaign finance violation (nor may any party to the proceeding conduct discovery). However, the filing officer may request voluntary production of information to assist in evaluating the complaint or response. [A.R.S. § 16-938\(D\)](#).

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1. Determining Whether a Violation Occurred

A filing officer may take one of three courses of action: find reasonable cause, dismiss the matter, or find no reasonable cause.

a. Finding Reasonable Cause

To refer a matter to an enforcement officer, a filing officer must find “reasonable cause to believe a person violated” campaign finance law. [A.R.S. § 16-938\(C\)](#). A reasonable cause finding is not a definitive finding that the respondent violated campaign finance law but simply means that the filing officer believes a violation may have occurred.

In determining whether there is reasonable cause, the standard of review is akin to “probable cause” to support the complainant’s allegations, which generally means there is reasonably trustworthy information and circumstances that would lead a reasonable person to conclude there is substantial likelihood that the respondent committed a violation. *See In re Shaheen Tr.*, 236 Ariz. 498, 501, 341 P.3d 1169, 1172 (Ct. App. 2015); *State v. Keener*, 206 Ariz. 29, 32, 75 P.3d 119, 122 (Ct. App. 2003).

b. Dismissal of Complaint

In their discretion, a filing officer may dismiss a matter that does not merit further use of government resources. The filing officer may take into account the following factors when deciding whether to dismiss a complaint:

- Whether there is a small dollar amount at issue;
- The insignificance of the alleged violation;
- The vagueness or weakness of the evidence;
- Whether the alleged violation has been remedied and not likely to be repeated; and
- Whether the alleged violation was unintentional.

If dismissal is warranted, the filing officer may send a letter cautioning or reminding the respondent regarding the relevant legal obligations going forward.

c. Finding No Reasonable Cause

A filing officer should find “no reasonable cause” if a violation occurred when the complaint, response, and reply (if any), along with any publicly available information, taken together, fail to give rise to a reasonable inference that a violation has occurred (or even if the allegations were true, would not constitute a violation of the law).

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2. Issuance and Notification of Decision

A filing officer should issue a reasoned decision explaining the basis for the filing officer's determination. Absent extenuating circumstances, a filing office shall render a decision within 150 days after the deadline for submitting a reply if a response was submitted, or within 150 days after the deadline for a response if no response was submitted. However, if the filing officer's deadline to issue a decision falls within 30 days of an election in the filing officer's jurisdiction, the decision shall be issued within 60 days after the election. The filing officer should keep the parties reasonably apprised of the projected decision timetable and shall notify all parties in writing of the decision.

If the filing officer dismisses the complaint or finds no reasonable cause, the matter is closed and no notification is given to the enforcement officer. A dismissal or finding of no reasonable cause are not considered appealable actions.

If the filing officer finds reasonable cause, the filing officer must notify the enforcement officer and provide all relevant documentation from the case:

- For matters investigated by the Secretary of State as filing officer, the Secretary must notify the Attorney General;
- For matters investigated by a county filing officer, the county filing officer must notify the county attorney; or
- For matters investigated by a city or town filing officer, the city or town filing officer must notify the city or town attorney.

[A.R.S. § 16-938\(C\)\(1\)-\(3\).](#)

If the filing officer determines there is reasonable cause to believe that knowing and intentional misrepresentations were made, the filing officer may refer the matter to the enforcement officer for possible criminal prosecution as well. [A.R.S. § 16-1021.](#)

~~D. Decision by Enforcement Officer~~

~~Upon receipt of a reasonable cause finding from a filing officer, an enforcement officer must:~~

- ~~• Review the matter for potential conflicts of interest;~~
- ~~• If necessary, conduct an investigation and/or compel discovery through the enforcement officer's subpoena powers; and~~
- ~~• Reach a final decision whether a campaign finance violation occurred.~~

~~Nonpublic information independently gathered during the investigation (other than the complaint, response, reply and accompanying exhibits, which may be disclosed) must be kept confidential until after the final disposition of any appeal of the enforcement order. [A.R.S. § 16-938\(E\)\(3\).](#)~~

Commented [A82]: The proposed regulations exceed the scope of the Secretary's statutory authorization or contravene an election statute's purpose, and therefore cannot be approved. See *Leach v. Hobbs*, 483 P.3d 194, 198 ¶ 21 (Ariz. 2021) ("[A]n EPM regulation that exceeds the scope of its statutory authorization or contravenes an election statute's purpose does not have the force of law."); *McKenna v. Soto*, 481 P.3d 695, 699 (2021).

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If the enforcement officer determines a violation occurred, the enforcement officer may serve a notice of violation on the respondent. The notice must:

- State with reasonable particularity the nature of the violation;
- Specify the fine or penalty imposed, and any other corrective action required to be undertaken; and
- Require compliance within 20 calendar days after the date of issuance of the notice.

A.R.S. § 16-938(E)(2).

1. Late Campaign Finance Reports

In the case of a registered committee's failure to file campaign finance reports, no further investigation or discovery is generally necessary and the enforcement officer may proceed to issue a notice of violation. The notice should include a calculation of the penalties that have accrued between the filing deadline and the date of the notice of violation, and state that penalties will continue to accrue until paid in full or corrective action is taken. A.R.S. § 16-938(E)(2); see also A.R.S. § 16-937(B).

2. Other Campaign Finance Violations

In the case of any other campaign finance violation, the notice of violation should include a presumptive financial penalty equal to the amount of money improperly received, spent, or promised in violation of the law. In special circumstances, based on the severity, extent, or willful nature of the violation, the enforcement officer may issue a financial penalty up to three times the amount of money improperly received, spent, or promised. The enforcement officer should outline the special circumstances in the notice of violation.

A notice of violation also may require the respondent to form a campaign finance committee and thereafter file campaign finance reports for past and future political activity. However, if the respondent timely appeals this ruling, the respondent need not file the campaign finance reports unless and until the enforcement officer's notice of violation has been upheld.

A.R.S. § 16-938(E)(2).

E. Response to Notice of Violation

1. Respondent Takes Corrective Action

If a notice of violation requires corrective action and payment of a fine or financial penalty, but the respondent takes the specified corrective action within 20 days of being served with the notice, the respondent is not subject to any fine or financial penalty. A.R.S. § 16-938(G)(1). The enforcement officer should close the matter and issue a confirmation in writing.

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~~2. Respondent Takes No Corrective Action~~

~~If the respondent fails to timely comply with a notice of violation, the enforcement officer may impose the fine or financial penalty (if any) and provide the respondent a final notice stating that the fine or penalty may be appealed to the Superior Court. A.R.S. § 16-938(G)(2).~~

~~3. Respondent Appeals to Superior Court~~

~~If the respondent fails to comply with a final notice but timely files an appeal, the final notice is stayed until the appeal is resolved. A respondent must file an appeal in superior court within 30 days after receiving the final decision and provide a copy of the appeal to the enforcement officer. A.R.S. § 16-938(H).~~

~~At the hearing, the Superior Court must conduct a trial de novo and the enforcement officer has the burden of proving any alleged violations by a preponderance of the evidence. A.R.S. § 16-938(I).~~

CHAPTER 17: APPENDICES AND SAMPLE FORMS

The sample forms contained in this manual are subject to revisions. Please contact the Secretary of State's Office, Election Services Division, for the most current version.

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Exhibit C



KATIE HOBBS
SECRETARY OF STATE

The Honorable Mark Brnovich
Attorney General
2005 North Central Avenue
Phoenix, AZ 85004

December 17, 2021

Re: Response to AGO Review of the 2021 Elections Procedures Manual

Mr. Brnovich,

My Office has reviewed your proposed edits to the draft Election Procedures Manual that I submitted on October 1.

In total, your demands slash close to a third of the Manual—deleting large swaths, the vast majority of which you and the Governor approved in 2019 and most of which have been part of the Manual for much longer than that. There is no legal basis for these wholesale deletions, and they contravene the purpose of the Manual itself, leaving large gaps in election procedures, introducing inconsistency to longstanding processes, and creating unnecessary uncertainty and risk for election officials on the cusp of an election year that will already be challenging due to redistricting. Appendix A identifies just some examples of the most problematic deletions.

While I can't agree to all these edits, I am willing to accept some of your suggestions in an effort at compromise, even though I do not agree that the provisions "exceed the scope of the Secretary's statutory authorization or contravene an election statute's purpose." Examples are described in Appendix B. Your remaining edits require additional discussion.

The Manual is an important component of election integrity in Arizona—one that ensures that elections across our state are run uniformly and efficiently. An up-to-date Manual protects the integrity of our elections.

The statutory deadline for your approval of the Manual is December 31, two weeks from today. While it's unfortunate that your participation thus far has been both late and lacking in substance, it's my hope that we can spend the next two weeks productively working together to reach agreement on an updated Manual. Even as the holidays quickly approach, my Office is prepared to get the job done on behalf of Arizona's voters and election officials. Please let me know when you are prepared to discuss these issues further.

Sincerely,

A handwritten signature in black ink, appearing to be "KH" followed by a long, sweeping horizontal line.

Katie Hobbs
Arizona Secretary of State

December 17, 2021

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APPENDIX A

EXAMPLES OF UNACCEPTABLE DELETIONS

1. Voter Registration (Chapter 1)

You demand deletion of the majority of Chapter 1, which covers the voter registration process. While you repeatedly claim that the struck provisions “exceed the scope of the Secretary’s statutory authorization or contravene an election statute’s purpose,” this assertion is meritless.

First, voter registration is plainly within the Secretary’s statutory authorization, and you provide no meaningful explanation of why you believe this topic is unsuitable for inclusion in the EPM, nor do you cite any statute with which the provisions conflict. A.R.S. § 16-452(A) states that the Secretary “shall prescribe rules to achieve and maintain the maximum degree of correctness, impartiality, uniformity and efficiency on the procedures for early voting and voting, and of producing, distributing, collecting, counting, tabulating and storing ballots.” Because voter registration is a prerequisite to voting for every Arizonan, pursuing the statutory goals of the EPM necessarily begins with the registration process. Promulgating rules for consistent voter registration across the state promotes consistent voting opportunities and procedures. Indeed, voter registration has long been a significant part of the EPM, at least as far back as 2006, when your Chief Deputy, Joe Kanefield, was the State Elections Director under then-Secretary of State Jan Brewer.

Even if voter registration procedures did exceed the scope of the Secretary’s rulemaking authority (they do not), your comments misconstrue *McKenna v. Soto*, 481 P.3d 695 (Ariz. 2021) and *Leach v. Hobbs*, 483 P.3d 194 (Ariz. 2021). You imply that anything within the EPM that does not fall within the Secretary’s express statutory authorization must be removed. But neither *McKenna* nor *Leach* support this conclusion. *Leach* merely reiterated the rule from *McKenna* that “an EPM regulation that exceeds the scope of its statutory authorization or contravenes an election statute’s purpose does not have the force of law.” 483 P.3d at 198. In *McKenna*, the Arizona Supreme Court explicitly noted that the EPM may contain guidance outside of the topics outlined in A.R.S. § 16-452(A). 481 P.3d at 699. And while such an EPM provision lacks the force of law, it “acts as guidance.” *Id.*

The role of such guidance should not be understated. One of the principal functions of the EPM is to serve as a reference for the 15 counties in administering elections. Accordingly, the EPM is organized in a manner that instructs election officials on their duties in a logical and comprehensible format. For example, much of Chapter 1 simply restates the statutory requirements for voter registration. The EPM does not need to give these provisions the force of law, because the Arizona Revised Statutes already do. Striking these sections from the EPM therefore does nothing to change election officials’ obligations, but instead robs them of the efficiency and convenience of having the rules laid out clearly within the practical framework of election administration. The EPM provides election officials with important context for election provisions, even when that context includes nonbinding guidance. Similarly, it contains numerous “best practices” that it never attempts to give the full force of law. It deliberately does so through the use of permissive language such as “should” and “may.” This allows the counties to consider whether and how to integrate these practices into their duties, thereby fostering better election administration.

Your wholesale deletions from Chapter 1 would also interfere with duties imposed by the courts

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and by federal law. The sections you have identified for removal include those created by the consent decree in *League of United Latin American Citizens of Arizona (LULAC) v. Reagan*, 2:17-cv-04102-DGC, Doc. 37 (D. Ariz. June 18, 2018) (the “LULAC Consent Decree”). The LULAC Consent Decree mandated that its terms be incorporated into the EPM. LULAC Consent Decree at 7–8. Those terms require processing the state and federal voter registrations consistently, including registering applicants who do not provide DPOC but are otherwise qualified as “federal only” voters, searching AZMVD records for DPOC of such registrants, and allowing voters to become “full ballot” voters by submitting DPOC by the Thursday before the election. *Id.* at 8–12. Removing these provisions from the EPM would violate the LULAC Consent Decree and invite further litigation on the matter. You should be well aware of this problem: you represented then-Secretary of State Michele Reagan in this litigation and in negotiating the Consent Decree, and you subsequently approved the required EPM provisions twice: in a 2019 addendum to the 2014 EPM, and in the 2019 EPM. Reversing course now shows a reckless disregard for the rules that you helped create and that election officials have dutifully observed since their enactment in the EPM.

The sections you have identified for removal also include provisions relating to the Secretary’s duties as Arizona’s chief election official under federal law. A.R.S. § 16-142(A) designates the Secretary as the chief state election officer responsible for administering the National Voter Registration Act (NVRA) and Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). For example, the NVRA requires the Secretary to coordinate with local jurisdictions and ensure compliance with its voter registration list maintenance provisions. *See* 52 U.S.C. § 20507(a)–(g). Chapter 1, Section VIII of the EPM details the corresponding process. To a broader extent, the EPM explains what federal law requires of the counties for voter registration under the NVRA, UOCAVA, and the Help America Vote Act (HAVA). It promotes uniformity by integrating these requirements with the state process. As a result, the counties receive a comprehensive guide upon which they can rely. Therefore, widescale deletions within Chapter 1 will result in inconsistency in voter registration procedures that unacceptably contravenes state and federal law, as well as the purpose of the EPM.

2. Voting Equipment Certification (Chapter 4, Section I)

You demand deletion of all of Chapter 4, Section 1 on Voting Equipment Certification, again stating “[t]he proposed regulations exceed the scope of the Secretary’s statutory authorization or contravene an election statute’s purpose.” Again, it is unclear whether you believe the Secretary has no authority to address voting equipment certification in the EPM at all, or whether you agree it can be addressed in the EPM, but believe the content of the entire section violates some statute (even though you cite none). In any case, neither objection has merit.

The procedures for state certification of voting and tabulation equipment fall squarely within the statutory authorization for the EPM. In addition to the authorization in A.R.S. § 16-452(A) for procedures to ensure “the maximum degree of correctness, impartiality, uniformity and efficiency” for voting, counting, and tabulating ballots, A.R.S. § 16-449(B) specifically states that the EPM “shall include procedures for . . . the electronic scanning of ballots and any other matters necessary to ensure the maximum degree of correctness, impartiality and uniformity in the administration of an electronic ballot tabulation system.” This necessarily includes procedures for certification, which ensures that only electronic tabulation systems that comply with federal and state law are used in Arizona elections. Indeed, the original iteration of what eventually became the current statutory mandate for the EPM required “supplementary instructions and procedures for the safe and efficient use of electronic voting systems . . .” H.B. 204, 27th Leg., 2d Reg. Sess. (Ariz. 1966), 1966 Session Laws Ch. 92, § 1. And EPMs at least as

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far back as 2006 included procedures on voting equipment certification.

As to the content of the section, while minor clarifying edits were made in the 2021 draft, the section is almost entirely identical to what you and the Governor approved in the 2019 EPM.¹ I trust that you did not believe the section violated Arizona law or “contravened an election statute’s purpose” when you approved it in 2019. There has been no change in law as to voting equipment certification that would render the section unlawful now when it wasn’t in 2019. Indeed, in addition to being legally indefensible, your demand to delete this section will create unnecessary uncertainty and pose a threat to the security and integrity of the voting systems used in Arizona elections. Having clear, enforceable procedures in place for certifying voting and ballot tabulation systems is a critical component of how we secure Arizona’s elections and there is no justifiable reason for suddenly discarding these procedures now.

3. Implementation of S.B. 1485 and S.B. 1530 (Chapter 2, Sections I(B) and (C))

A.R.S. § 16-452(A) clearly states that the EPM shall include rules relating to, among other things, early voting and the distribution of ballots. And ensuring efficient and consistent implementation of new statutory requirements is one of the most important functions of an updated EPM. Nonetheless, you demand deletion of provisions in Chapter 2 relating to two new early voting laws enacted in the last legislative session: S.B. 1485 and S.B. 1530. You cite no specific statute that you believe these provisions violate and you’ve provided no meaningful explanation of why or how these provisions “contravene an election statute’s purpose.” Indeed, none exists. Deleting these provisions contravenes the EPM’s purpose and would simply hinder Arizona election officials’ ability to effectively and consistently implement the new statutory requirements.

4. AEVL Request Forms and Minimum Requirements (Chapter 2)

You demand removal of provisions in Chapter 2, Section I(B) specifying that a voter may request to be placed on the Active Early Voting List (AEVL) by “[m]aking any other written request that contains the minimum required information for an AEVL request,” and that “[i]n addition to the County Recorder’s or Secretary of State’s official AEVL request form, a voter may use any other substantially similar written document to request AEVL status.” However, while your comment for these deletions says “See A.R.S. § 16-544(B),” the provisions track the requirements in that statute exactly. A.R.S. § 16-544(B) specifies what must be included in an application to be placed on the AEVL, and then goes on to say: “In lieu of the application, the applicant may submit a written request that contains the required information.” Deleting the provisions at issue suggests that voters must use a formal AEVL request form to enroll, which directly contradicts what the statute actually says.

¹ One substantive update to the equipment certification section is the addition of “[l]oss of physical custody and control to an unauthorized or untrusted source” to the list of factors the Secretary may consider in reaching a preliminary decision to decertify voting equipment (see page 92 of your redline). This addition is based on new guidance from the Cyber and Infrastructure Security Agency (CISA). See Dept. of Homeland Security, CISA Insights, *Chain of Custody and Critical Infrastructure Systems*, available at <https://www.cisa.gov/publication/chain-custody-and-critical-infrastructure-systems> (“A break in the chain of custody occurring due to a non-validated organization or bad actor gaining custody or access increases the risk that the integrity or reliability of the asset cannot be restored.”). Any suggestion that this addition renders the entire certification section unlawful is absurd. There is no election statute whose purpose is to protect voting equipment from potential decertification despite the loss of physical custody and control to an unauthorized or untrusted source.

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You also demand deletion of the provision stating that AEVL request forms distributed by third parties, such as candidates, political parties, or nonprofit organizations, “must seek all the information required under Chapter 2, Section (1)(B)(4).” Chapter 2, Section (1)(B)(4) in turn lists the required information specified in A.R.S. § 16-544(B). Further, A.R.S. § 16-544(B) expressly states: “An early voter request form shall conform to the requirements prescribed in the [EPM].”

These deletions contravene express statutory provisions and are already causing confusion among county election officials. The deletions are even more inexplicable given that you and the Governor approved the exact same provisions for PEVL enrollment in 2019 and no relevant portion of the applicable law has changed since then to warrant these deletions. The deletions are unacceptable.

5. Challenges to Early Ballots (Chapter 2, Section V)

You demand deletion of the provision stating that a challenge to an early ballot must be submitted prior to the opening of the early ballot affidavit envelope. Although you cite to A.R.S. § 16-552(D), your opposition to this provision is not only contrary to the administrability of early ballot challenges but also contravenes statute and the constitutional right to a secret ballot. A.R.S. § 16-552(D) states that an early ballot challenge must be made “before the early ballot is placed in the ballot box.” Subsections (F) and (G) clarify that an early election board opens the affidavit envelope after determining that a challenged vote is allowed, but leaves the envelope sealed if the challenged vote is not allowed. A challenge must therefore be raised before the affidavit envelope is opened, as the early election board would be unable to comply with A.R.S. § 16-552(F) and (G) if a challenge were raised after. Additionally, once the affidavit envelope is opened, there is no way to tie the ballot back to a particular voter. Indeed, it would be unconstitutional for the ballot to contain any information that can link it to the voter. *See* Ariz. Const. art. VII, § 1 (noting the right to a secret ballot). As a result, attempting to match a ballot to its affidavit envelope after the two have been separated raises the distinct possibility of identifying (and possibly rejecting) the wrong ballot. This would threaten the votes of persons other than those being challenged. And, to the extent it’s possible, connecting a loose ballot to a particular voter jeopardizes the right to a secret ballot, threatening voters and election officials alike. *See* Ariz. Const. art. VII, § 1; A.R.S. § 16-1007(2). Therefore, striking this particular EPM provision contravenes A.R.S. § 16-552 and the Arizona Constitution, and is unacceptable.

6. Date and Time Calculations (Chapter 2, Section VI (Signature Cure); Chapter 12 (Navajo Nation/Daylight Savings Time))

You demand deletion of provisions in Chapter 2, Section VI specifying that, for the purposes of determining the applicable early ballot signature cure deadline in A.R.S. § 16-550(A): “(i) the PPE is considered a federal election; and (ii) for counties that operate under a four-day workweek, only days on which the applicable county office is open for business are considered business days.” You also demand deletion of a footnote in Chapter 12, Section I specifying that, “[a]lthough Arizona does not observe Daylight Savings Time (DST), the Navajo Nation, including those portions in Arizona, does. Therefore, when DST is in effect in the Navajo Nation, voting locations in the Navajo Nation presumptively close at 7:00 p.m. DST unless extended by court order.”

These provisions clearly fall within the scope of A.R.S. § 16-452(A), because they create consistency in voting and early voting. By establishing rules for the early ballot signature cure

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deadline, the EPM aims to provide all voters the same opportunity to cure their early ballot after an election, regardless of their county of residence. Similarly, clarifying that voting locations on the Navajo Nation operate on their local time guarantees that voters within the Navajo Nation have the same opportunity for polling hours as voters in the rest of the state.

In fact, the signature cure period clarifications were specifically discussed at some length when you approved the 2019 EPM. Initially, your office sought to delete them but reconsidered after further discussion on the need to address these questions and the importance of establishing consistent practices within the state. There has been no change in law or facts that warrant discarding these provisions now. And while the Daylight Savings Time provision is new to the EPM, it simply codifies the current practice of the three affected counties—Coconino, Navajo, and Apache. Because of the ambiguity created by the differing time zones, removing the EPM provision would needlessly risk inconsistency, uncertainty, and confusion for election officials and voters alike.

This is precisely the situation the EPM is intended to address; it fills gaps and clarifies ambiguities so that election officials and voters receive a singular interpretation and application of election rules. Given the threat of prosecution over modifying election dates and deadlines, it is more important than ever that election officials have uniform rules for calculating dates and deadlines when specific circumstances raise ambiguities. *See* A.R.S. § 16-407.03. Therefore, these deletions are unacceptable.

7. Ballot Security and Chain of Custody (Chapter 13)

Despite A.R.S. § 16-452(A)'s clear directive that the EPM include rules relating to the storage and retention of ballots, you demand removal of an update in the 2021 EPM that: (a) clarifies that the EPM's ballot security and chain of custody requirements—which you and the Governor already approved in 2019 and which you apparently take no issue with now—apply whenever ballots are handled, including after the official canvass; and (b) includes a footnote referencing the U.S. Department of Justice's guidance regarding federal law requirements as to ballot retention, security, and chain of custody. These updates provide important clarification and guidance to protect the security and integrity of Arizonans' ballots and ensure compliance with state and federal laws. Though your cut-and-paste comment states that the updates may "contravene an election statute's purpose," you've cited none and there is no election statute whose purpose is to undermine ballot security and chain of custody. This deletion is inexplicable and unacceptable.

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APPENDIX B

EXAMPLES OF ACCEPTABLE DELETIONS

1. Emergency UOCAVA Procedures (Chapter 2, Section I(F))

A.R.S. § 16-543(C) states that the Secretary “shall provide in the [EPM] for emergency procedures regarding the early balloting process for [UOCAVA voters],” which are to be implemented only in the event of a “national or local emergency that makes substantial compliance with [UOCAVA] impracticable, including occurrences of natural disasters or armed conflict.” There can be no dispute as to the Secretary’s authority to include emergency UOCAVA procedures in the EPM, but you demand deletion of the following provision:

Should such an event cause insufficient time to receive, execute, and return a ballot, the deadline for the receipt of the early ballots mailed, emailed, or faxed back to the County Recorder will be 5:00 p.m. on the third business day after the election.

This identical provision was in the 2019 EPM that you and the Governor approved, as well as EPMs going as far back as 2006 and 2007. Removing this provision will make it needlessly harder for UOCAVA voters—including overseas military voters risking their lives for our country—to exercise their right to vote during a national or local emergency. There is no statutory deadline for UOCAVA voters to return early ballots in times of emergency. Instead, A.R.S. § 16-543(C) expressly directs the Secretary to spell out such emergency procedures and we believe these longstanding procedures remain lawful. In any case, we can agree to accept this deletion in an effort at compromise and to avoid any allegation of conflict with A.R.S. § 16-407.03. But I invite you to join my Office in urging the legislature to codify this longstanding EPM provision into law to prevent an unjustified regression in access to the right to vote for our service members in times of emergency.

2. Candidate Nomination (Chapter 6)

You demand deletion of all of Chapter 6 on Candidate Nomination, stating that “[t]he proposed regulations exceed the scope of the Secretary’s statutory authorization or contravene an election statute’s purpose,” but again citing no statute that is being contravened. We agree that there is no express statutory authorization for rulemaking on candidate nomination in the EPM. However, based on the Arizona Supreme Court’s decision in *McKenna v. Soto*, any such provisions that “do not have any other basis in statute,” *i.e.*, they expand upon, rather than simply state, existing statutory requirements, “do[] not have the force of law, and simply acts as guidance.” *McKenna v. Soto*, 481 P.3d 695, 699 (Ariz. 2021). No authority requires these sections be removed. Indeed, the Court in *McKenna* expressly contemplates such provisions being in the EPM—as nonbinding guidance. In any case, the vast majority of what is in Chapter 6 simply describes, often verbatim, what is required by the cited statutory provision, and after the *McKenna* decision, my Office went through the chapter to ensure that any statements not expressly required by statute are clearly phrased as recommendations rather than requirements. The chapter contains useful information for filing officers and candidates alike, and because no authority requires removal of these provisions and the content of the chapter was already approved by you and the Governor in 2019, we would prefer to keep the chapter. But again, in an effort towards compromise, we can agree to accept this deletion.

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3. Signature Gathering and Verification Requirements (Chapter 14, Section III)

You demand deletion of Chapter 14, Section III on Signature Gathering and Verification Requirements, but again cite no statute that is being contravened. This section was approved by you and the Governor in 2019. In the 2021 draft, only minor modifications were made to the paragraph discussing qualified electors who require assistance in completing and/or signing a petition due to a physical disability, and these updates were based on recommendations from the Center for Disability Law. We believe this section provides useful guidance consistent with the cited statutes. But again, in an effort towards compromise, we can agree to accept this deletion.

4. Political Party Recognition (Chapter 15)

You demand deletion of all of Chapter 15 on Political Party Recognition, but again cite no statute that is being contravened. As with Chapter 6 on Candidate Nomination, we agree that there is no express statutory authorization for rulemaking on political party recognition in the EPM. As with Chapter 6, because no authority requires removal of the provisions, the chapter simply describes existing statutory requirements or makes clear when a provision is nonbinding guidance, and the content of the chapter was already approved by you and the Governor in 2019, we would prefer to keep the chapter. But again, in an effort towards compromise, we are willing to accept this deletion.

5. Campaign Finance Enforcement (Chapter 16, Section II(D)-(E))

You demand deletion of Chapter 16, Section II(D) and (E) on Decision by the Enforcement Officer and Response to Notice of Violation, but again cite no statute that is being contravened. Sections essentially identical to these were approved by you and the Governor in 2019. We believe this section provides useful guidance consistent with the cited statutes, but again, in an effort towards compromise, can agree to accept this deletion.

Exhibit D



MARK BRNOVICH
ATTORNEY GENERAL

OFFICE OF THE ATTORNEY GENERAL
STATE OF ARIZONA

December 22, 2021

The Honorable Katie Hobbs
Arizona Secretary of State
1700 W. Washington, 7th Floor
Phoenix, Arizona 85007

Dear Secretary Hobbs:

I am in receipt of your letter dated December 17, 2021, regarding the Elections Procedures Manual (EPM). I previously set forth my position to you in my letter to you dated December 9, 2021. In that letter I made clear what changes need to be made to assure the EPM complies with the law and does not unnecessarily expose election officials and workers to criminal penalties. I appreciate that you agree with many of these changes.

However, in accordance with my independent statutory obligation to review the manual as Arizona's chief legal officer, I reiterate once again that I will only approve the EPM with the changes outlined in my December 9, 2021 correspondence.

Finally, because of your unprecedented decision to file a bar complaint against me and many attorneys in our office, I must refrain from addressing your legal arguments and discussing this matter further with you. Once again, I hope you have a Merry Christmas and a Happy New Year.

Sincerely,

A handwritten signature in blue ink that reads "Mark Brnovich". The signature is fluid and stylized, with a long horizontal flourish extending to the right.

Mark Brnovich
Attorney General

Exhibit E



KATIE HOBBS
SECRETARY OF STATE

December 23, 2021

To: County Recorders and County Election Directors
Re: 2021 Elections Procedures Manual

Colleagues,

Thank you for your work on the 2021 Elections Procedures Manual (EPM). Officials from all 15 counties spent countless hours working to ensure we had an EPM that maintained the “the maximum degree of correctness, impartiality, uniformity and efficiency on the procedures for early voting and voting, and of producing, distributing, collecting, counting, tabulating and storing ballots,” among many other topics required by law to be addressed in the EPM. A.R.S. § 16-452(A).

Unfortunately, Attorney General Mark Brnovich informed me last night that he has no intention of working in good faith to approve a new Manual this year. In fact, the Attorney General seems comfortable blaming his prior unethical behavior for his current unwillingness to fulfill his statutory obligation as to the EPM, even though the two have no rational connection to each other. And though statute requires my Office to “consult...with each county board of supervisors or other officer in charge of elections” as part of this process, it places no similar requirement on the Attorney General to consider the expertise of election officials. His comments make it clear that he would benefit greatly from such expertise. Nevertheless, I’m grateful that many of you tried to open a productive dialogue with Mr. Brnovich.

While this setback is unfortunate, the past election cycle taught us that, working together, we can overcome any obstacle—including the intransigence of politicians—and administer free and fair elections pursuant to Arizona laws and procedures. Indeed, it was our hard work during 2019 that gave us an EPM that remains relevant, though now not fully up-to-date. I look forward to continued discussions over the coming months about how we can work together to ensure that all voters in Arizona can participate in elections that are uniform, efficient, and faithful to Arizona law despite the Attorney General’s refusal to fulfill his statutory duties in good faith.

I told Mr. Brnovich last week that my Office was prepared to work through the holidays to “get the job done on behalf of Arizona’s voters and election officials.” As it’s now clear his Office is not prepared or willing to do the same, I wish you all Happy Holidays and hope you get some rest ahead of the election year that approaches. I know we all need it.

Sincerely,

Katie Hobbs
Arizona Secretary of State

Exhibit F



STATE OF ARIZONA
OFFICE OF THE GOVERNOR

DOUGLAS A. DUCEY
GOVERNOR

EXECUTIVE OFFICE

December 31, 2021

The Honorable Katie Hobbs
Arizona Secretary of State
1700 West Washington Street, 7th Floor
Phoenix, AZ 85007

Dear Secretary Hobbs:

The Governor's office has reviewed the 2021 version of the Arizona Secretary of State Elections Procedures Manual (2021 EPM) that you submitted for approval on October 1, 2021. Due to the lack of agreement on proposed revisions between you and the Attorney General, there is no action for the Governor to take at this time.

After completing his legal review of the EPM, the Attorney General submitted edits of the EPM to your office on December 9, 2021 and subsequently correspondence between the two of you have not resulted in agreement on whether certain revisions should be included or not.

The Governor believes election integrity is paramount. An accurate and updated EPM ensures both consistency throughout our 15 counties and predictability for our electorate. However, given that the EPM carries with it the force of law, the first objective must always be compliance with the law by ensuring that the executive branch is not straying into the responsibilities of the legislature.

In 2021, the historic landscape under which the EPM has been implemented was changed following the decision by the Arizona Supreme Court in *Leach v. Hobbs*, 483 P.3d 194 (Ariz. 2021). As the court clearly articulated in that case, "an EPM regulation that exceeds the scope of its statutory authorization or contravenes an election statute's purpose does not have the force of law," *Id.* at 198. It is through this lens that any approval of the EPM must be viewed.

Our office recognizes that there were positive additions made to the 2019 EPM in the 2021 draft EPM, and we were encouraged to see new provisions related to security procedures and ballot chain-of-custody procedures. For that reason, the Governor encourages the legislature to address any policy matters that exist as the result of the inability to gain approval of the 2021 EPM to ensure the continued integrity of Arizona's elections and assist our local officials in providing consistency throughout the state in the operation of elections.

Sincerely,

A handwritten signature in black ink, appearing to read "Anni L. Foster".

Anni L. Foster
General Counsel
Office of Governor Douglas A. Ducey

Exhibit G

		2016 ¹								
		Total Mailed	Total Returned	Total Counted	Total Rejected	% Rejected	Late	No Sigs	Bad Sigs	Dead
Coconino	(Flagstaff)	50627	40523	40220	303	0.75%	124	64	102	0
Maricopa	(Phoenix)	1532341	1249932	1245795	4137	0.33%	358	2209	1451	119
Pima	(Tucson)	382130	321737	320867	870	0.27%	0	34	472	37
Pinal	(San Tan Valley)	122262	90630	89803	827	0.91%	0	530	7	0
Yavapai	(Prescott)	106915	94111	91566	2545	2.70%	147	93	300	0

		2018 ²								
		Total Mailed	Total Returned	Total Counted	Total Rejected	% Rejected	Late	No Sigs	Bad Sigs	Dead
Coconino	(Flagstaff)	54265	37398	37112	286	0.76%	227	92	40	0
Maricopa	(Phoenix)	1689491	1184791	1181093	3698	0.31%	1535	1856	307	0
Pima	(Tucson)	411900	304048	302770	1278	0.42%	0	75	488	36
Pinal	(San Tan Valley)	136080	87228	87228	0	0.00%	163	131	41	0
Yavapai	(Prescott)	93276	91493	91176	317	0.35%	0	74	213	0

		2020 ³								
		Total Mailed	Total Returned	Total Counted	Total Rejected	% Rejected	Late	No Sigs	Bad Sigs	Dead
Coconino	(Flagstaff)	65520	54965	54809	335	0.61%	40	31	230	1
Maricopa	(Phoenix)	2258790	1908067	1905091	2976	0.16%	934	1455	587	0
Pima	(Tucson)	510197	427556	425705	1851	0.43%	337	81	572	37
Pinal	(San Tan Valley)	178468	148524	148208	316	0.21%	81	169	46	0
Yavapai	(Prescott)	142240	116671	116522	149	0.13%	46	8	68	0

¹ Data compiled from county responses to Section C of the 2016 Election Administration and Voting Survey available at <https://www.eac.gov/research-and-data/datasets-codebooks-and-surveys>.

² Data compiled from county responses to Section C of the 2018 Election Administration and Voting Survey available at <https://www.eac.gov/research-and-data/datasets-codebooks-and-surveys>.

³ Data compiled from county responses to Section C of the 2020 Election Administration and Voting Survey available at <https://www.eac.gov/research-and-data/datasets-codebooks-and-surveys>.

Exhibit H



CityScape, One E. Washington St., Ste. 1200, Phoenix, AZ 85004 • (602) 650-2000

March 31, 2022

Edward F. Novak
(602) 650-2020
(602) 532-7128 Fax
enovak@polsinelli.com

VIA EMAIL ONLY

Jennifer Wright
Assistant Attorney General
Arizona Attorney General's Office
2005 N. Central Avenue
Phoenix, AZ 85004

Re: Third Response to March 9 letter

Dear Ms. Wright:

This is a follow up to the responses provided to you on March 23 and 24, to your letter of March 9, 2022. The Recorder and the Elections Department have no additional policies or procedures related to signature verification that have not already been provided. Three documents which were produced previously are attached to the letter. The Recorder's office thought an explanation of how the Recorder utilizes the Verus Pro system as part of the signature verification process, would be beneficial to your understanding by supplementing the written materials provided.

There are no written procedures provided to or created for staff as it relates to batching into high or low confidence because Runbeck does the batching with Verus Pro. The low confidence batch are those envelopes with insufficient pixels or no signatures. Where there is a signature that is sufficient for the software to read and match to, it goes into the high confidence batch. Importantly, every envelope in both batches is reviewed by signature verification staff members. The staff level review is limited to designating a good signature or "exception" meaning it needs manager review. The staff members are trained to ignore the high and low confidence labeling and work these queues equally, with the same protocols established for all signature review, as noted in work documents already provided.

The exceptions go to managers who are high level staff with additional training. Restricted access is in place for the manager review function, so only the higher-level staff can perform this review. There are both manager and user job aid documents, which outline the process for the manager to follow.

The audit function is restricted to specific limited manager level staff. The audit queue is populated by a random 2% sampling of all records set with a disposition, regardless of the disposition designated. This audit function occurs prior to further sorting of the envelopes.

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Phoenix St. Louis San Francisco Seattle Silicon Valley Washington, D.C. Wilmington
Polsinelli PC, Polsinelli LLP in California



March 31, 2022

Page 2

This process has been explained to agents from your office but has not been provided to you specifically. If you need further explanation, please ask.

The Recorder and the Elections Department are continuing the search for Runbeck contract documents and emails. That search should be completed this week or early next week. With regard to the email search, we will advise on the volume and seek some guidance if the volume is too great for review purposes.

Sincerely,

A handwritten signature in black ink, appearing to read "E. Novak", written over a horizontal line.


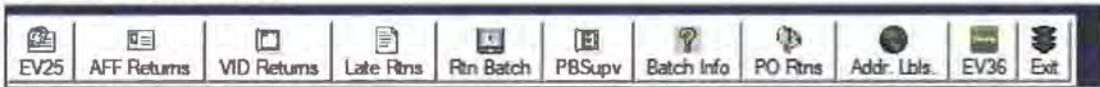
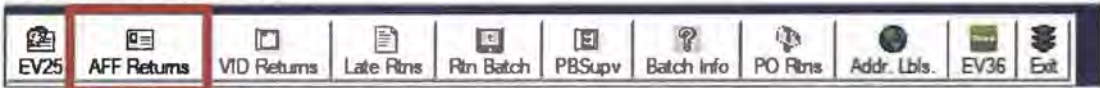
Edward F. Novak

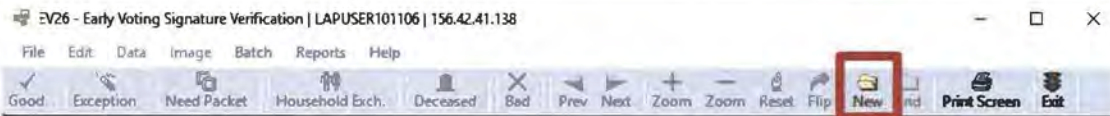


EFN:dmc

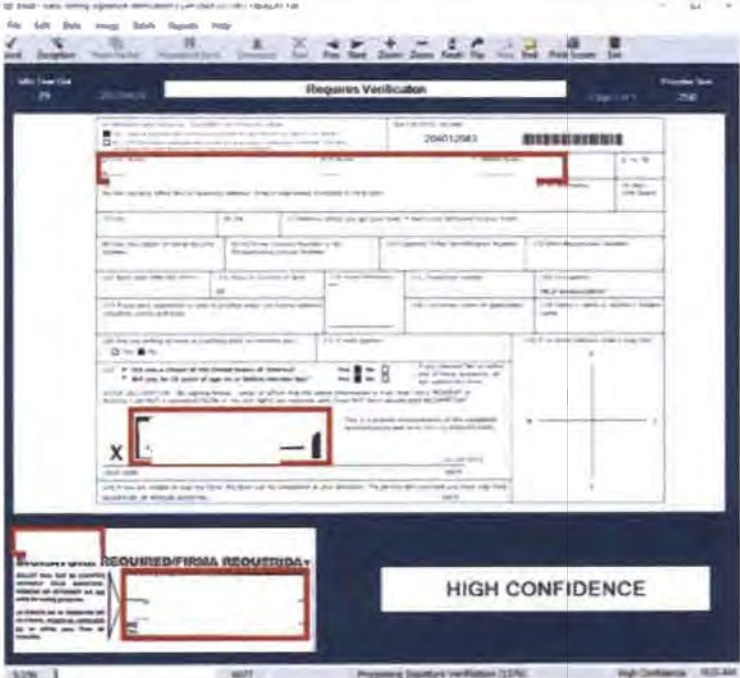
Maricopa County Elections Department-Early Voting Division

Standard Work-Signature Verification in Early Voting Returns (EVRT) Module

Purpose: This document outlines the user level role working in the low and high confidence queues of the EVRT module.

Important Steps	Key Points	Notes:
Access the Early Voting Returns (VB10) (32) module. This system is referred to as the EVRT system.	<ul style="list-style-type: none"> Open the ShortCutsVRAS folder on your desktop. Double click the EVRT shortcut. A box "We can't verify who created this file. Are you sure you want to open this file" appears. Select the 'Open' or 'Run' button The EVRT system will open and the screen will appear. 	 <p>EVRT-Early Ballot Returns Processing (.NET) Database: VRASPROD User ID: NABORC (32) Build: 2020.05.28.0626 Functions 7/7/2020 10:38:07 AM</p> 
Select the 'AFF returns' button.	<ul style="list-style-type: none"> A pop-up screen will appear allowing you to open a batch. 	<p>EVRT-Early Ballot Returns Processing (.NET) Database: VRASPROD User ID: NABORC (32) Build: 2020.05.28.0626 Functions 7/7/2020 10:38:07 AM</p> 

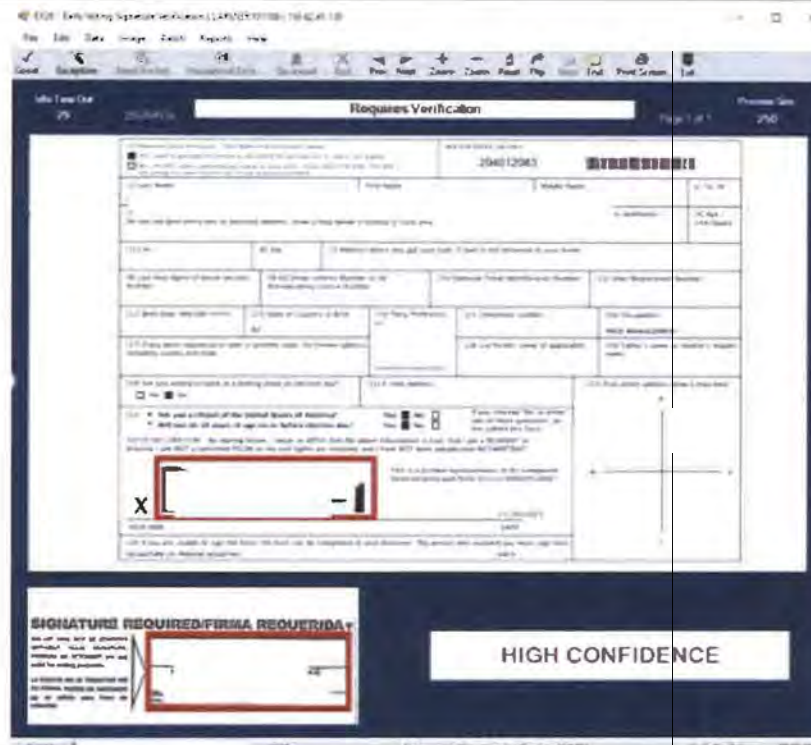
Important Steps	Key Points	Notes:
Open a signature verification batch.	<ul style="list-style-type: none"> Select the 'New' folder (yellow folder icon). Selecting this button will assign a batch of signatures to the user for verification. 	
Viewing the batch screens	<ul style="list-style-type: none"> The batch screen contains two images. The larger image is an historical affidavit with a known approved signature. The smaller image is a clipping of the signature on the green affidavit envelope (current election). 	
Selecting the mode	<ul style="list-style-type: none"> The mode includes four options: High confidence, Low Confidence, Manager and Audit. Select the file option at the top of the screen. Navigate to mode, hover the mouse over the mode. Select the mode as directed by the supervisor 	

Important Steps	Key Points	Notes:
Verifying the voter	<ul style="list-style-type: none"> Review four key points on the screen to ensure the historical affidavit and the ballot affidavit belong to the same person. Use the check mark method in the following order: preprinted name on the affidavit envelope on the lower left part of the screen (current election), signature on the affidavit envelope (current signature), signature on the historical affidavit, and name on the historical affidavit. If the four points do not match, click the exception button at the top. <u>Be aware of family members in the same household signing the other family members affidavit envelope. This is an exception.</u> Tip: Right click the mouse to magnify 	 <p>The screenshot shows a web application interface for voter verification. The title bar at the top indicates 'Requires Verification'. The main content area contains a form with several sections. A red rectangular box is drawn around the 'Signature' field on the left side of the form. Another red rectangular box is drawn around the 'Name' field on the right side of the form. The bottom of the screen displays a status bar with the text 'HIGH CONFIDENCE' in a white box on a dark background. The status bar also shows 'Processing Signature Verification (11%)' and 'High Confidence (100%)'.</p>

Comparing the signatures

- Analyze the broad, local characteristics, and letterforms
- If the signature on the historical affidavit and the signature on the affidavit envelope (current election) match, click the good button.
- If the signatures can not be verified click the exception button.
- If the affidavit is not signed by the voter click the exception button.
- Refer to the signature verification job aid.


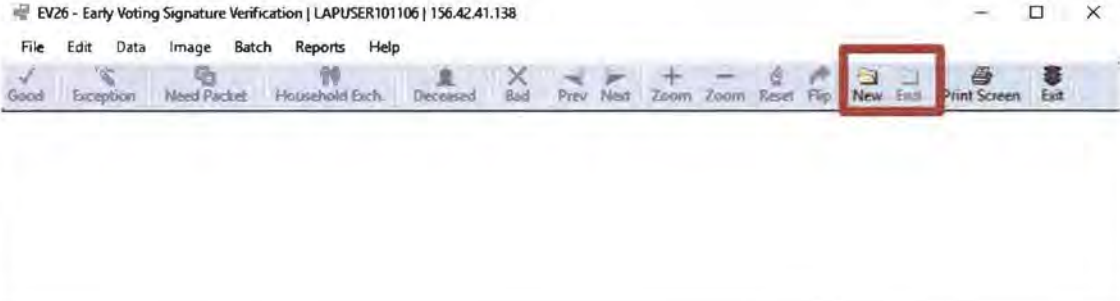
NOTE: All signatures that cannot be verified will go through a second level review in the manager queue.



Reviewing the batch before ending.

- Use the **PREV** and **NEXT** buttons to review signature dispositions. You can change the disposition if necessary BEFORE you complete the batch.
- This review step is critical to ensure the correct disposition was selected.

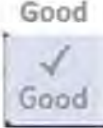
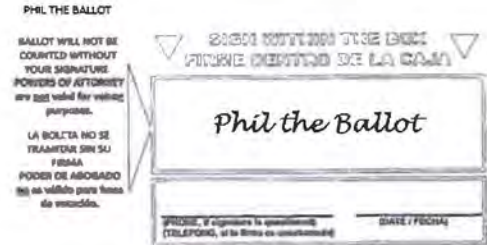
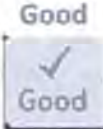
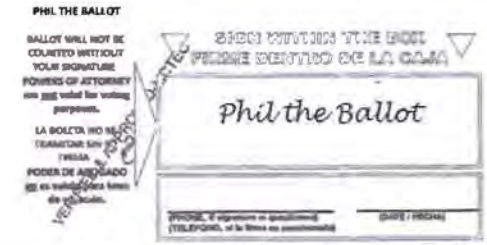

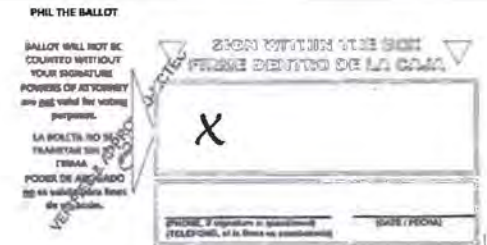


<p>Closing a batch before completing all signatures.</p>	<ul style="list-style-type: none"> • If you cannot complete the full batch of all signatures, select the 'End' folder (Yellow Folder) the close batch. This is critical to ensure batches do not prevent a file from being completed. Another user can then complete the remaining images in the batch. 	 <p>The screenshot shows the software window titled "EV26 - Early Voting Signature Verification LAPUSER101106 156.42.41.138". The menu bar includes File, Edit, Data, Image, Batch, Reports, and Help. The toolbar contains various icons for signature verification, including "Good", "Exception", "Need Packet", "Household Exch.", "Deceased", "Bad", "Prev", "Next", "Zoom", "Zoom", "Reset", "Flip", "New", "End", "Print Screen", and "Exit". The "End" button, represented by a yellow folder icon, is highlighted with a red rectangular box.</p>
<p>End the batch after successfully dispositioning all signatures.</p>	<ul style="list-style-type: none"> • Once the review process is complete, select the 'End' folder (Yellow Folder). • Select the 'New' folder (yellow folder icon) to begin working on another batch. 	 <p>This screenshot is similar to the one above, showing the same software window. In this instance, the "New" button, also represented by a yellow folder icon, is highlighted with a red rectangular box.</p>



Signature Verification (User Level) Job Aid

Purpose: The job aid is designed to provide guidance on examples staff may see on the affidavit envelope (electronic) when performing signature verification.




EXAMPLE ON THE AFFIDAVIT SIGNATURE IMAGE	DISPOSITION IN EVRT/EV26 SCREEN	COMMENTS
Signature can be Verified when Compared to the Historical Record		
"Verified and Approved MCTEC" Stamp		
Mark, such as an X (Not on Historical Record being Compared) with a "Verified and Approved MCTEC" Stamp		



MARICOPA COUNTY

Elections Department



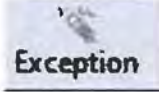


EXAMPLE ON THE AFFIDAVIT SIGNATURE IMAGE	DISPOSITION IN EVRT/EV26 SCREEN	COMMENTS
Printed Name (Not on Historical Record being Compared)		<p>PHIL THE BALLOT</p> <p>BALLOT WILL NOT BE COUNTED WITHOUT YOUR SIGNATURE POWERS OF ATTORNEY are not valid for voting purposes.</p> <p>LA BOLETA NO SE TRANSMITE SIN SU FIRMA PODER DE ABOGADO no es válido para fines de votación.</p> <p>SIGN WITHIN THE BOX FIRMEN DENTRO DE LA CAJA</p> <p>Phil the Ballot</p> <p>SIGNATURE (if applicable) (FIRMA, si la tiene en su poder)</p> <p>DATE / FECHA</p>
Deceased noted by Household Member		<p>PHIL THE BALLOT</p> <p>BALLOT WILL NOT BE COUNTED WITHOUT YOUR SIGNATURE POWERS OF ATTORNEY are not valid for voting purposes.</p> <p>LA BOLETA NO SE TRANSMITE SIN SU FIRMA PODER DE ABOGADO no es válido para fines de votación.</p> <p>SIGN WITHIN THE BOX FIRMEN DENTRO DE LA CAJA</p> <p>Deceased</p> <p>SIGNATURE (if applicable) (FIRMA, si la tiene en su poder)</p> <p>DATE / FECHA</p>
Wrong Name is Signed in the Signature Box		<p>PHIL THE BALLOT</p> <p>BALLOT WILL NOT BE COUNTED WITHOUT YOUR SIGNATURE POWERS OF ATTORNEY are not valid for voting purposes.</p> <p>LA BOLETA NO SE TRANSMITE SIN SU FIRMA PODER DE ABOGADO no es válido para fines de votación.</p> <p>SIGN WITHIN THE BOX FIRMEN DENTRO DE LA CAJA</p> <p>Mark the Ballot</p> <p>SIGNATURE (if applicable) (FIRMA, si la tiene en su poder)</p> <p>DATE / FECHA</p>



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Elections Department






EXAMPLE ON THE AFFIDAVIT SIGNATURE IMAGE	DISPOSITION IN EVRT/EV26 SCREEN	COMMENTS
Moved noted on Packet	 Exception	<p>PHIL THE BALLOT</p> <p>YOUR SIGNATURE POWERS OF ATTORNEY are <u>not</u> valid for voting purposes.</p> <p>LA BOLTA NO SE TRANSMITE SIN SU FIRMA</p> <p>PODER DE ABOGADO no es válido para fines de votación.</p> <p>SIGN WITHIN THE BOX FIRMAR DENTRO DE LA CAJA</p> <p>MOVED</p> <p><small>(PHONE, if signature is questioned) (TELÉFONO, si la firma es cuestionada)</small></p> <p><small>DATE / FECHA</small></p>
Power of Attorney (POA)	 Exception	<p>PHIL THE BALLOT</p> <p>BALLOT WILL NOT BE COUNTED WITHOUT YOUR SIGNATURE POWERS OF ATTORNEY are <u>not</u> valid for voting purposes.</p> <p>LA BOLTA NO SE TRANSMITE SIN SU FIRMA</p> <p>PODER DE ABOGADO no es válido para fines de votación.</p> <p>SIGN WITHIN THE BOX FIRMAR DENTRO DE LA CAJA</p> <p><i>Mark the Ballot, POA</i></p> <p><small>(PHONE, if signature is questioned) (TELÉFONO, si la firma es cuestionada)</small></p> <p><small>DATE / FECHA</small></p>
Signing on Behalf of the Voter (i.e., Joe Doe signing for Sally Doe)	 Exception	<p>PHIL THE BALLOT</p> <p>BALLOT WILL NOT BE COUNTED WITHOUT YOUR SIGNATURE POWERS OF ATTORNEY are <u>not</u> valid for voting purposes.</p> <p>LA BOLTA NO SE TRANSMITE SIN SU FIRMA</p> <p>PODER DE ABOGADO no es válido para fines de votación.</p> <p>SIGN WITHIN THE BOX FIRMAR DENTRO DE LA CAJA</p> <p><i>Mark the Ballot for Phil the Ballot</i></p> <p><small>(PHONE, if signature is questioned) (TELÉFONO, si la firma es cuestionada)</small></p> <p><small>DATE / FECHA</small></p>



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EXAMPLE ON THE AFFIDAVIT SIGNATURE IMAGE	DISPOSITION IN EVRT/EV26 SCREEN	COMMENTS
Incapacitated noted on Packet	<p>Exception</p> 	<p>PHIL THE BALLOT</p> <p>BALLOT WILL NOT BE COUNTED WITHOUT YOUR SIGNATURE POWERS OF ATTORNEY are not valid for voting purposes.</p> <p>LA BOLTA NO SE TRANSMITE SIN SU FIRMA PODER DE ABOGADO no es válido para fines de votación.</p> <p>SIGN WITHIN THE BOX FIRMEN DENTRO DE LA CAJA</p> <p>INCAPACITATED</p> <p>(PHONE, if signature is questioned) (TELÉFONO, si la firma es cuestionada)</p> <p>(DATE / FECHA)</p>
Initials Only (Not on Historical Record being Compared)	<p>Exception</p> 	<p>PHIL THE BALLOT</p> <p>BALLOT WILL NOT BE COUNTED WITHOUT YOUR SIGNATURE POWERS OF ATTORNEY are not valid for voting purposes.</p> <p>LA BOLTA NO SE TRANSMITE SIN SU FIRMA PODER DE ABOGADO no es válido para fines de votación.</p> <p>SIGN WITHIN THE BOX FIRMEN DENTRO DE LA CAJA</p> <p>PTB</p> <p>(PHONE, if signature is questioned) (TELÉFONO, si la firma es cuestionada)</p> <p>(DATE / FECHA)</p>
A Mark such as an X (Not on Historical Record being Compared)	<p>Exception</p> 	<p>PHIL THE BALLOT</p> <p>BALLOT WILL NOT BE COUNTED WITHOUT YOUR SIGNATURE POWERS OF ATTORNEY are not valid for voting purposes.</p> <p>LA BOLTA NO SE TRANSMITE SIN SU FIRMA PODER DE ABOGADO no es válido para fines de votación.</p> <p>SIGN WITHIN THE BOX FIRMEN DENTRO DE LA CAJA</p> <p>X</p> <p>(PHONE, if signature is questioned) (TELÉFONO, si la firma es cuestionada)</p> <p>(DATE / FECHA)</p>



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EXAMPLE ON THE AFFIDAVIT SIGNATURE IMAGE	DISPOSITION IN EVRT/EV26 SCREEN	COMMENTS
The Name <u>Printed</u> on the Affidavit does not Match the Signature or Historical Record		<p>PHIL THE BALLOT <i>Mark the Ballot</i></p> <p>BALLOT WILL NOT BE COUNTED WITHOUT YOUR SIGNATURE. POWERS OF ATTORNEY are not valid for voting purposes.</p> <p>LA BOLTA NO SE TRANSMITE SIN SU FIRMA. PODER DE ABOGADO no es válido para fines de votación.</p> <p>SIGN WITHIN THE BOX FIRME DENTRO DE LA CAJA</p> <p><i>Mark the Ballot</i></p> <p><small>SIGNATURE, if signature is questioned (TELEPHONE, if in firm or unrepresented)</small> <small>DATE / FECHA</small></p>
Stamped Signature (Not on Historical Record being Compared)		<p>PHIL THE BALLOT</p> <p>BALLOT WILL NOT BE COUNTED WITHOUT YOUR SIGNATURE. POWERS OF ATTORNEY are not valid for voting purposes.</p> <p>LA BOLTA NO SE TRANSMITE SIN SU FIRMA. PODER DE ABOGADO no es válido para fines de votación.</p> <p>SIGN WITHIN THE BOX FIRME DENTRO DE LA CAJA</p> <p>PHIL THE BALLOT</p> <p><small>SIGNATURE, if signature is questioned (TELEPHONE, if in firm or unrepresented)</small> <small>DATE / FECHA</small></p>
"Unable to Sign due to Disability"		<p>PHIL THE BALLOT</p> <p>BALLOT WILL NOT BE COUNTED WITHOUT YOUR SIGNATURE. POWERS OF ATTORNEY are not valid for voting purposes.</p> <p>LA BOLTA NO SE TRANSMITE SIN SU FIRMA. PODER DE ABOGADO no es válido para fines de votación.</p> <p>SIGN WITHIN THE BOX FIRME DENTRO DE LA CAJA</p> <p>Unable to sign due to disability</p> <p><small>SIGNATURE, if signature is questioned (TELEPHONE, if in firm or unrepresented)</small> <small>DATE / FECHA</small></p>



MARICOPA COUNTY

Elections Department



Signature Verification (Manager level) Job Aid

Purpose: The job aid is designed to provide guidance on examples staff may see on the affidavit envelope (electronic) when performing signature verification in the manager queue. The manager queue role reviews all records marked as an exception by the user.

EXAMPLE ON THE AFFIDAVIT SIGNATURE IMAGE	DISPOSITION IN EVRT/EV26 SCREEN	COMMENTS
Signature can be Verified when Compared to the Historical Records		
A Mark can be Verified when Compared to the Historical Records		
"Verified and Approved MCTEC" Stamp		



MARICOPA COUNTY

Elections Department






EXAMPLE ON THE AFFIDAVIT SIGNATURE IMAGE	DISPOSITION IN EVRT/EV26 SCREEN	COMMENTS
Mark, such as an X (Not on Historical Records being Compared) with a "Verified and Approved MCTEC" Stamp		
No Signature		
Signature is Flipped Upside Down (to purposely add to smaller NS review queue)		



MARICOPA COUNTY

Elections Department






EXAMPLE ON THE AFFIDAVIT SIGNATURE IMAGE	DISPOSITION IN EVRT/EV26 SCREEN	COMMENTS
Signature Cannot be Verified with the Historical Records being Compared	Need Packet  Need Packet	<p>PHIL THE BALLOT</p> <p>BALLOT WILL NOT BE COUNTED WITHOUT YOUR SIGNATURE POWERS OF ATTORNEY are not valid for voting purposes.</p> <p>LA BOLTA NO SE TRANSMITE SIN SU FIRMA PODER DE ABOGADO no es válida para fines de votación.</p> <p>SIGN WITHIN THE BOX FIRME DENTRO DE LA CAJA</p> <p><i>Phil the Ballot</i> → <i>Phil the Ballot</i></p> <p><small>PRINTED, if signature is questionable (TELEPHONE, si la firma es cuestionable)</small></p> <p><small>DATE / FECHA</small></p>
Part of the Signature Missing Not on Historical Record being Compared)	Need Packet  Need Packet	<p>PHIL THE BALLOT</p> <p>BALLOT WILL NOT BE COUNTED WITHOUT YOUR SIGNATURE POWERS OF ATTORNEY are not valid for voting purposes.</p> <p>LA BOLTA NO SE TRANSMITE SIN SU FIRMA PODER DE ABOGADO no es válida para fines de votación.</p> <p>SIGN WITHIN THE BOX FIRME DENTRO DE LA CAJA</p> <p><i>Phil</i></p> <p><small>PRINTED, if signature is questionable (TELEPHONE, si la firma es cuestionable)</small></p> <p><small>DATE / FECHA</small></p>
Printed Name (Not on Historical Records being Compared)	Need Packet  Need Packet	<p>PHIL THE BALLOT</p> <p>BALLOT WILL NOT BE COUNTED WITHOUT YOUR SIGNATURE POWERS OF ATTORNEY are not valid for voting purposes.</p> <p>LA BOLTA NO SE TRANSMITE SIN SU FIRMA PODER DE ABOGADO no es válida para fines de votación.</p> <p>SIGN WITHIN THE BOX FIRME DENTRO DE LA CAJA</p> <p>Phil the Ballot</p> <p><small>PRINTED, if signature is questionable (TELEPHONE, si la firma es cuestionable)</small></p> <p><small>DATE / FECHA</small></p>



MARICOPA COUNTY

Elections Department






EXAMPLE ON THE AFFIDAVIT SIGNATURE IMAGE	DISPOSITION IN EVRT/EV26 SCREEN	COMMENTS
Deceased noted by Household Member	<p>Deceased</p> 	<p>PHIL THE BALLOT</p> <p>BALLOT WILL NOT BE COUNTED WITHOUT YOUR SIGNATURE POWERS OF ATTORNEY are not valid for voting purposes.</p> <p>LA BOLETA NO SE TRANSFERIR SIN SU FIRMA PODER DE ABOGADO no es válido para fines de votación.</p> <p>SIGN WITHIN THE BOX FIRMAR DENTRO DE LA CAJA</p> <p>Deceased</p> <p>(PHONE, if signature is questioned) (TELÉFONO, si la firma es cuestionada)</p> <p>DATE / FECHA</p>
Wrong Name is Signed in the Signature Box. The last names are identical.	<p>Household Exchange</p> 	<p>PHIL THE BALLOT</p> <p>BALLOT WILL NOT BE COUNTED WITHOUT YOUR SIGNATURE POWERS OF ATTORNEY are not valid for voting purposes.</p> <p>LA BOLETA NO SE TRANSFERIR SIN SU FIRMA PODER DE ABOGADO no es válido para fines de votación.</p> <p>SIGN WITHIN THE BOX FIRMAR DENTRO DE LA CAJA</p> <p>Mark the Ballot</p> <p>(PHONE, if signature is questioned) (TELÉFONO, si la firma es cuestionada)</p> <p>DATE / FECHA</p>
Wrong Name is Signed in the Signature Box. The last names are different	<p>Need Packet</p> 	<p>PHIL THE BALLOT</p> <p>BALLOT WILL NOT BE COUNTED WITHOUT YOUR SIGNATURE POWERS OF ATTORNEY are not valid for voting purposes.</p> <p>LA BOLETA NO SE TRANSFERIR SIN SU FIRMA PODER DE ABOGADO no es válido para fines de votación.</p> <p>SIGN WITHIN THE BOX FIRMAR DENTRO DE LA CAJA</p> <p>John the Voter</p> <p>(PHONE, if signature is questioned) (TELÉFONO, si la firma es cuestionada)</p> <p>DATE / FECHA</p>



MARICOPA COUNTY

Elections Department






EXAMPLE ON THE AFFIDAVIT SIGNATURE IMAGE	DISPOSITION IN EVRT/EV26 SCREEN	COMMENTS
Moved noted on Packet	Need Packet  Need Packet	<p>PHIL THE BALLOT</p> <p>YOUR SIGNATURE POWERS OF ATTORNEY are not valid for voting purposes.</p> <p>LA BOLTA NO SE TRANSMITE SIN SU FIRMA PODER DE ABOGADO no es válida para fines de votación.</p> <p>SIGN WITHIN THE BOX FIRMAR DENTRO DE LA CAJA</p> <p>MOVED</p> <p>(PHIL, if signature is questioned) (TELSPOND, si la firma es cuestionada)</p> <p>(DATE / FECHA)</p>
Power of Attorney (POA)	Need Packet  Need Packet	<p>PHIL THE BALLOT</p> <p>BALLOT WILL NOT BE COUNTED WITHOUT YOUR SIGNATURE POWERS OF ATTORNEY are not valid for voting purposes.</p> <p>LA BOLTA NO SE TRANSMITE SIN SU FIRMA PODER DE ABOGADO no es válida para fines de votación.</p> <p>SIGN WITHIN THE BOX FIRMAR DENTRO DE LA CAJA</p> <p><i>Mark the Ballot, POA</i></p> <p>(PHIL, if signature is questioned) (TELSPOND, si la firma es cuestionada)</p> <p>(DATE / FECHA)</p>
Signing on Behalf of the Voter (i.e., Joe Doe signing for Sally Doe)	Need Packet  Need Packet	<p>PHIL THE BALLOT</p> <p>BALLOT WILL NOT BE COUNTED WITHOUT YOUR SIGNATURE POWERS OF ATTORNEY are not valid for voting purposes.</p> <p>LA BOLTA NO SE TRANSMITE SIN SU FIRMA PODER DE ABOGADO no es válida para fines de votación.</p> <p>SIGN WITHIN THE BOX FIRMAR DENTRO DE LA CAJA</p> <p><i>Mark the Ballot for Phil the Ballot</i></p> <p>(PHIL, if signature is questioned) (TELSPOND, si la firma es cuestionada)</p> <p>(DATE / FECHA)</p>



MARICOPA COUNTY

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EXAMPLE ON THE AFFIDAVIT SIGNATURE IMAGE	DISPOSITION IN EVRT/EV26 SCREEN	COMMENTS
Incapacitated noted on Packet	<p>Need Packet</p> 	<p>PHIL THE BALLOT</p> <p>BALLOT WILL NOT BE COUNTED WITHOUT YOUR SIGNATURE POWERS OF ATTORNEY are not valid for voting purposes.</p> <p>LA BOLTA NO SE TRANSMITA SIN SU FIRMA PODER DE ABOGADO no es válido para fines de votación.</p> <p>SIGN WITHIN THE BOX FIRME DENTRO DE LA CAJA</p> <p>INCAPACITATED</p> <p>(PRINT, if signature is questioned) (TELÉFONO, si la firma es cuestionada)</p> <p>(DATE / FECHA)</p>
Initials Only (Not on Historical Records being Compared)	<p>Need Packet</p> 	<p>PHIL THE BALLOT</p> <p>BALLOT WILL NOT BE COUNTED WITHOUT YOUR SIGNATURE POWERS OF ATTORNEY are not valid for voting purposes.</p> <p>LA BOLTA NO SE TRANSMITA SIN SU FIRMA PODER DE ABOGADO no es válido para fines de votación.</p> <p>SIGN WITHIN THE BOX FIRME DENTRO DE LA CAJA</p> <p>PTB</p> <p>(PRINT, if signature is questioned) (TELÉFONO, si la firma es cuestionada)</p> <p>(DATE / FECHA)</p>
A Mark such as an X (Not on Historical Records being Compared)	<p>Need Packet</p> 	<p>PHIL THE BALLOT</p> <p>BALLOT WILL NOT BE COUNTED WITHOUT YOUR SIGNATURE POWERS OF ATTORNEY are not valid for voting purposes.</p> <p>LA BOLTA NO SE TRANSMITA SIN SU FIRMA PODER DE ABOGADO no es válido para fines de votación.</p> <p>SIGN WITHIN THE BOX FIRME DENTRO DE LA CAJA</p> <p>X</p> <p>(PRINT, if signature is questioned) (TELÉFONO, si la firma es cuestionada)</p> <p>(DATE / FECHA)</p>



MARICOPA COUNTY

Elections Department



EXAMPLE ON THE AFFIDAVIT SIGNATURE IMAGE	DISPOSITION IN EVRT/EV26 SCREEN	COMMENTS
The Name <u>Printed</u> on the Affidavit does not Match the Signature or Historical Records. The last names are identical.	Household Exchange  Household Exch.	<p>PHIL THE BALLOT Mark the Ballot</p> <p>BALLOT WILL NOT BE COUNTED WITHOUT YOUR SIGNATURE POWERS OF ATTORNEY are not valid for voting purposes.</p> <p>LA BOLTA NO SE TRANSMITE SIN SU FIRMA PODER DE ABOGADO no es válido para fines de votación.</p> <p>SIGN WITHIN THE BOX FIRMAR DENTRO DE LA CAJA</p> <p>Mark the Ballot</p> <p>SIGNATURE, if signature is questioned (FIRMA, si la firma es cuestionada)</p> <p>DATE / FECHA</p>
The Name <u>Printed</u> on the Affidavit does not Match the Signature or Historical Records. The last names are different.	Need Packet  Need Packet	<p>PHIL THE BALLOT John the Voter</p> <p>BALLOT WILL NOT BE COUNTED WITHOUT YOUR SIGNATURE POWERS OF ATTORNEY are not valid for voting purposes.</p> <p>LA BOLTA NO SE TRANSMITE SIN SU FIRMA PODER DE ABOGADO no es válido para fines de votación.</p> <p>SIGN WITHIN THE BOX FIRMAR DENTRO DE LA CAJA</p> <p>John the Voter</p> <p>SIGNATURE, if signature is questioned (FIRMA, si la firma es cuestionada)</p> <p>DATE / FECHA</p>
Stamped Signature (Not on Historical Records being Compared)	Need Packet  Need Packet	<p>PHIL THE BALLOT</p> <p>BALLOT WILL NOT BE COUNTED WITHOUT YOUR SIGNATURE POWERS OF ATTORNEY are not valid for voting purposes.</p> <p>LA BOLTA NO SE TRANSMITE SIN SU FIRMA PODER DE ABOGADO no es válido para fines de votación.</p> <p>SIGN WITHIN THE BOX FIRMAR DENTRO DE LA CAJA</p> <p>PHIL THE BALLOT</p> <p>SIGNATURE, if signature is questioned (FIRMA, si la firma es cuestionada)</p> <p>DATE / FECHA</p>



MARICOPA COUNTY
Elections Department




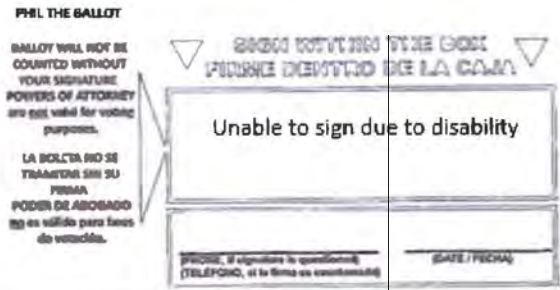
EXAMPLE ON THE AFFIDAVIT SIGNATURE IMAGE	DISPOSITION IN EVRT/EV26 SCREEN	COMMENTS
"Unable to Sign due to Disability" not on the historical records. (to purposely add to smaller NS review queue)		

Exhibit I-1



May 5, 2020 (Revised proposal on May 29, 2020 with two (2) additional pricing options for the county to choose from)

Mr. Gary Bilotta
 Director of IT and GIS
 Maricopa County
 111 S. 3rd Avenue
 Phoenix, AZ 85003

Re: Revised Quote for Verus Pro. Automated Signature Verification with custom development and annual processing of two (2) million signature reads per year. Additional options have been added for the county to select from; Option B with three (3) million signature reads per year or Option C with four (4) million signature reads per year.

Verus Pro exchanges files with the inbound mail sorter by evaluating signature images captured from the mail packets and compares them to the reference images from the voter registration database. This solution consists of a server running the Verus Pro application while exchanging files with your voter registration system. Verus Pro is built to save time and ultimately move the ballots from the mail packets to tabulation.

The automated signature verification takes place by using the extracted signature image from the mail sorter and comparing it with the reference signature image from the voter registration system. For Verus Pro to perform, it is important the reference images in the voter registration database are 200 dpi or higher. It is understood the average dpi of signatures in the voter registration system maybe 150 dpi. It has also been discussed using previous mail packet images as updated reference images to achieve the 200-dpi specification in the voter registration database.

Some of the benefits to the County

- Integration with your Voter Registration system
- Audit reports of the signature match
- Faster signature verification processing (200 dpi or higher of the reference image is required) of approximately 1,200 per minute with a single Zeon 3.2 GHz processor
- Integrates with current sorting system used by the County and Runbeck
- Provides faster ballot preparation and earlier tabulation reporting
- Runbeck support



Note: This assumes images of signatures from the mail packets are captured by RES. It also assumes the reference image of the digital signature in the voter registration database is 200 dpi or higher.

Version 2.0

Flat file export with a UI button to start STP

STP collects confidence level and piece IDs and writes to CSV and streams to a browser download

Service detects scanned files, looking at a hot folder and recognizes when signature files are loaded

Password robustness, harden password

XPBD template creation by enabling signature identification for specific envelope layout

"End to end" test from June 12 to June 27

Acceptance: 6/29/2020

Version 2.5

Service Wrapper, enables background processing to run invisible to the user

New Election Patterns, enables independent election setup through simplified configuration of new signatures

Refactor code and accessibility code refinement and accessibility fixes

"End to end" test from August 17 to August 28

Acceptance: 8/31/2020

We had a productive conference call on Wednesday, May 6, 2020. The proposal for development work has been accepted by the county on May 6th, 2020, and development has started. As of May 29, 2020, the county needs to select which pricing option to move forward with as it applies to signature reads (clicks) per year. Planned testing will occur during the month of June with acceptance of Version 2.0 by June 29, 2020 for use during the August Primary election season. Version 2.5 will be tested in August with acceptance by August 31, 2020 for use during the November General election season. The basic functionality in each version is described above.

The county will select pricing Option A, Option B or Option C based on their needs for annual signature (clicks) reads.



OPTION A - two (2) million attempted signature reads (clicks), per year

Initial purchase, first year

Verus Pro software with custom development for Maricopa's specific environment
for license of two (2) million attempted signature reads (clicks) per year
for annual license of two (2) million reads (clicks)

Hardware/workstations/server are provided by the county

Shipping

Install and Training (2-3 days on site)

Runbeck support, provided by local proximity to the County

=====

taxes are not included

Annual Licensing and Support, starting year two

Stand-alone automated signature verification solution – annual rates, starting in year 2

annual Verus Pro Software License and Support

annual software license of signature reads (clicks) per year (up to 2 million)

All hardware is provided by the County

Provided a contract is in place, signature reads (clicks) fully renew at two (2) million clicks, annually. At the end of the contract, any remaining clicks expire.

Runbeck support, provided by local proximity to the County

=====

taxes are not included

Note: This above model is based on two (2) million signature reads (clicks) per year. If two (2) million signature reads (clicks) are not enough in a single year, additional clicks can be purchased and will need to be quoted to the county after June 1, 2020.



OPTION B - three (3) million attempted signature reads (clicks), per year

Initial purchase, first year

Verus Pro software with custom development for Maricopa's specific environment
for license of three (3) million attempted signature reads (clicks) per year
for annual license of three (3) million reads (clicks)

Hardware/workstations/server are provided by the county

Shipping

Install and Training (2-3 days on site)

Runbeck support, provided by local proximity to the County

=====

taxes are not included

Annual Licensing and Support, starting year two

Stand-alone automated signature verification solution – annual rates, starting in year 2

annual Verus Pro Software License and Support

annual software license of signature reads (clicks) per year (up to 3 million)

All hardware is provided by the County

Provided a contract is in place, signature reads (clicks) fully renew at three (3) million clicks, annually. At the end of the contract, any remaining clicks expire.

Runbeck support, provided by local proximity to the County

=====

taxes are not included

Note: This above model is based on three (3) million signature reads (clicks) per year. If three (3) million signature reads (clicks) are not enough in a single year, additional clicks can be purchased and will need to be quoted to the county after June 1, 2020.



OPTION C four (4) million attempted signature reads (clicks), per year

Initial purchase, first year

Verus Pro software with custom development for Maricopa's specific environment
for license of four (4) million attempted signature reads (clicks) per year
for annual license of four (4) million reads (clicks)

Hardware/workstations/server are provided by the county

Shipping

Install and Training (2-3 days on site)

Runbeck support, provided by local proximity to the County

=====

taxes are not included

Annual Licensing and Support, starting year two

Stand-alone automated signature verification solution – annual rates, starting in year 2

annual Verus Pro Software License and Support

annual software license of signature reads (clicks) per year (up to 4 million)

All hardware is provided by the County

Provided a contract is in place, signature reads (clicks) fully renew at four (4) million clicks, annually. At the end of the contract, any remaining clicks expire.

Runbeck support, provided by local proximity to the County

=====

taxes are not included

Note: This above model is based on four (4) million signature reads (clicks) per year. If four (4) million signature reads (clicks) are not enough in a single year, additional clicks can be purchased and will need to be quoted to the county after June 1, 2020.

Please advise if you have any questions. Thank you.

Best regards,

Jim –

James Suver

Vice President of Business Development

Runbeck Election Services

2800 S. 36th Street

Phoenix, AZ 85034

jsuver@runbeck.net

Jim Suver

From: Richard Greene - RISCX <rgreene@risc.maricopa.gov>
Sent: Monday, June 1, 2020 2:04 PM
To: Jim Suver
Cc: Scott Hadley - RISCX; Joseph Rodenback - RISCX
Subject: RE: current click pricing and after June 1, 2020

Option C 4 million.

"OPTION C" SELECTED

Richard Greene, Director of Budget and Administrative Services
Office of Maricopa County Recorder Adrian Fontes
 111 South 3rd Avenue, Suite 102
 Phoenix, Arizona 85003
 Phone: 602.506.2471
 Mobile: 602.506.2471



From: Jim Suver <jsuver@runbeck.net>
Sent: Monday, June 1, 2020 1:52 PM
To: Richard Greene - RISCX <rgreene@risc.maricopa.gov>

Cc: Scott Hadley - RISCX <shadley@risc.maricopa.gov>; Joseph Rodenback - RISCX <jrodenback@risc.maricopa.gov>
Subject: Re: current click pricing and after June 1, 2020

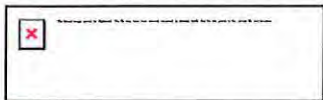
Sorry to press you on this final step.

Before we make our order, I just need a final decision by your team if you want option A (2 million), option B (3 million) or option C (4 million)???

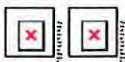
Thanks,
 Jim-

James Suver

Vice President, Business Development



a: 2800 S. 36th Street, Phoenix, AZ 85034
d: 480-455-1047
o: 602-230-0510



On Jun 1, 2020, at 9:08 AM, Jim Suver <jsuver@runbeck.net> wrote:

Richard:

As you know, Joey and I spoke on Friday afternoon and he issued the PO to cover up to 4 million.



PURCHASE ORDER

PO NUMBER #:
DO,200000021627-1TRACKING CODE:
10124SS-PISSUE DATE:
(MST)COUNTY CONTACT:
JOSEPH RODENBACK
602-506-2268

VENDOR:

RUNBECK ELECTION SERVICES INC
VC0000001910
2800 S 36TH ST
PHOENIX AZ 85034
Bob Shepler
602-230-0510

REFERENCE NUMBER:

MA10124SS-P

MODIFICATION NAME & DATE:

rodenbackj 05/29/2020

F.O.B FREIGHT:

FOB Destination, Freight Prepaid

DOCUMENT DESCRIPTION:

Verus Pro Signature Verification

COMM CODE #	SUPPLIER PART #	DESCRIPTION	DELIVERY DATE	QTY	UNIT	UNIT PRICE	EXTENDED TOTAL	TAX	COMM LINE	TOTAL
70069		Paper Production and Processing Equipment and Supplies (Not			EA				1	
BILL TO: ELECTIONS 111 S 3RD AVE STE 102 PHOENIX AZ 85003			SHIP TO: ELECTIONS WAREHOUSE 315 W BUCHANAN ST PHOENIX AZ 85003			SPECIAL INSTRUCTIONS			PAYMENT TERMS	
									0.0000% 30 Days	
FUND	DEPT	UNIT	APPR UNIT	OBJECT	SUB OBJ	DEPT OBJ	ACTIVITY	PROGRAM	ACTG LINE	LINE TOTAL
100	D210	2130	1000	8123			ELEC		1	
ADDITIONAL LINE ITEM INFO: Verus Pro Signature Verification										

VENDORS MAY USE THE COUNTY'S VSS PORTAL TO SUBMIT AN INVOICE

<https://azdom-vss.hostams.com/webapp/PRDVSS1X1/AltSelfService>

GRAND TOTAL

"OPTION C"
WAS SELECTED

YEAR 1

YEAR 2

**MARICOPA COUNTY
PURCHASE ORDER TERMS & CONDITIONS**

A. GENERAL TERMS**1. Acknowledgement and Acceptance**

If any of Seller's terms of sale are not in agreement with the terms of this purchase order, the terms hereon shall govern unless Seller's terms are accepted in writing by the Buyer. Terms and conditions contained in a contract under which this purchase order is issued shall prevail in the event of a conflict. No oral agreement or other understanding shall in any way modify this order or the terms or conditions hereon. Seller's actions in (a) accepting this order (b) delivering materials or (c) performing services called for hereunder shall constitute an unqualified acceptance of the terms and conditions hereon.

2. Price Warranty

Seller shall give buyer the benefit of any price reductions before actual time of shipment, except that should buyer permit shipment to be made prior to specified shipping date that he shall never have advantage of any price reduction before specified shipping date.

3. Indemnity

Seller agrees to indemnify and save Maricopa County harmless from any loss, damage or expense whatsoever resulting to Maricopa County from any and all claims and demands on account of infringement or alleged infringement of any patent, copyright, trademark, tradename or any other intellectual property right in connection with the manufacture or use of any product included in this purchase order and upon written request Seller will defend at its own cost and expense any legal action or suit against Maricopa County involving any such alleged infringement, and will pay and satisfy any and all judgments or decrees rendered in any such legal actions or suits. Seller will indemnify Buyer against all claims for damages to person or property resulting from defects in materials or workmanship. Seller further agrees to indemnify and save Maricopa County harmless from any loss, damage or expense whatsoever from any and all claims or demands arising as a result of injuries to persons or damage to property in respect to delivery of goods or performance of service, hereunder by Seller, including, but not limited to claims or demands arising from accidents occurring on the premises of Maricopa County whether or not caused by the negligence of the Seller, its agents or employees or the negligence other than the sole negligence, of Maricopa County, its agents or employees or that of any person, firm or entity.

4. Waiver

Waiver by Buyer of a condition in any shipment shall not be considered a waiver of that condition for subsequent shipments.

B. BILLING, SHIPPING, AND MATERIAL SPECIFICATIONS**1. Billing**

Send a copy of each invoice showing purchase order number of the purchase order authorizing the transaction to the Maricopa County address indicated on the purchase order. All transportation charges must be prepaid by the vendor.

Applicable to Open Purchase Order

Only invoices as listed by the using activity will be paid against the claim for purchase order. (Note: To ensure payment of any invoices applicable to purchase order, Vendor should check with the using department prior to filing of claim.)

2. Packing

No extra charges shall be made for packaging or packaging material unless authority is expressly incorporated in this order. Seller shall be responsible for safe packing which must conform to requirements of carrier's tariffs. All shipments must carry the correct quantity, product indemnification, purchase order number, receiving dock and product department plainly marked on all packages. Cars or trucks must be loaded to minimum weight requirements to assure lowest rate unless otherwise specified or shipper will be charged with excess freight Buyer is required to pay. Each car must be tagged with the name of the shipper, description of goods, purchase order number, receiving dock and product department.

3. Deliveries

Time is of the essence in placing this order. Buyer reserves the right to cancel and reject the goods upon default by Seller in time, rate or manner of delivery. Buyer also reserves the right to refuse shipments made in advance of the scheduled deliveries appearing on the face of this order.

4. Quantity

The quantity of good ordered must not be exceeded or reduced without Buyer's permission in writing except in conformity with acknowledged industry tolerances.

5. Inspection

All articles are subject to inspection and test at place of manufacture, the destination or both places by Buyer's representative. Materials failing to meet the requirement of this order will be held at Seller's risk and may be returned to Seller with costs of transportation unpacking, inspection, repacking, reshipping or other like expenses to the responsibility of the Seller.

6. Specification Changes

Buyer shall have the right by a written order to make changes from time to time in the work to be performed on the materials to be furnished by Seller hereunder. If such changes cause an increase or decrease in the amount due under this order or in the time required for its performance, an acceptable adjustment shall be made and the order shall be modified in writing accordingly. Any agreement for adjustment must be asserted in writing within 10 days from when the change is ordered. Nothing in this clause shall relieve Seller from proceeding without delay in the performance of this order as changed.

7. Liens

All goods delivered and labor performed under this order shall be free of all liens and, if the Buyer requests, a formal release of all liens will be delivered to the Buyer.

8. Invoice and Shipments

Invoice must contain purchase order numbers and should be mailed at the time of each shipment unless otherwise specified. If invoice is subject to cash discount, the discount period will be calculated from the date of receipt of a correct invoice.

9. F.O.B.

Unless otherwise agreed in writing, all delivered terms are FOB Destination and are to be prepaid. All other freight charges are to be prepaid and charged on the invoice. If cash discount is not permitted on freight charges, then specific notation of this must be shown on the invoice.

10. Federal Tax Exemption

As a political subdivision of the State of Arizona, Maricopa County is exempt from federal excise tax.

Exhibit I-2

RES_BWP_sig

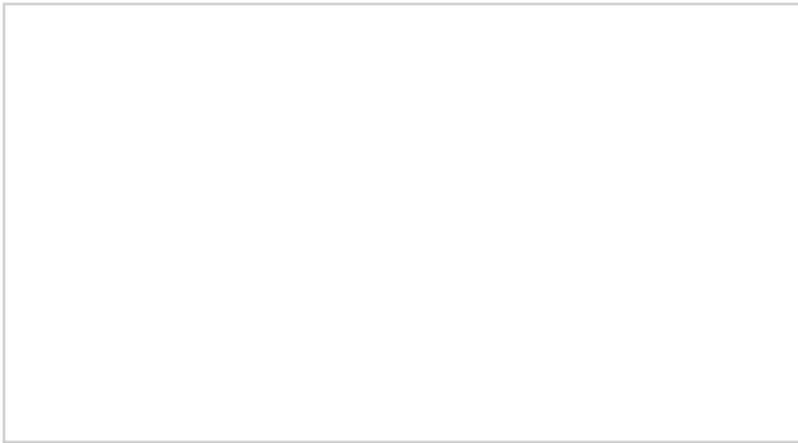
From: Rey Valenzuela - RISCX <rvalenzuela@risc.maricopa.gov>
Sent: Tuesday, March 3, 2020 1:28 PM
To: Erin Delany <edelany@runbeck.net>
Cc: Ann Bakker <abakker@runbeck.net>; Barb Deye <bdeye@runbeck.net>
Subject: RE: Primary & General EV Envelopes?

Yes, all is the same for the current red stripe Affidavit Envelope.

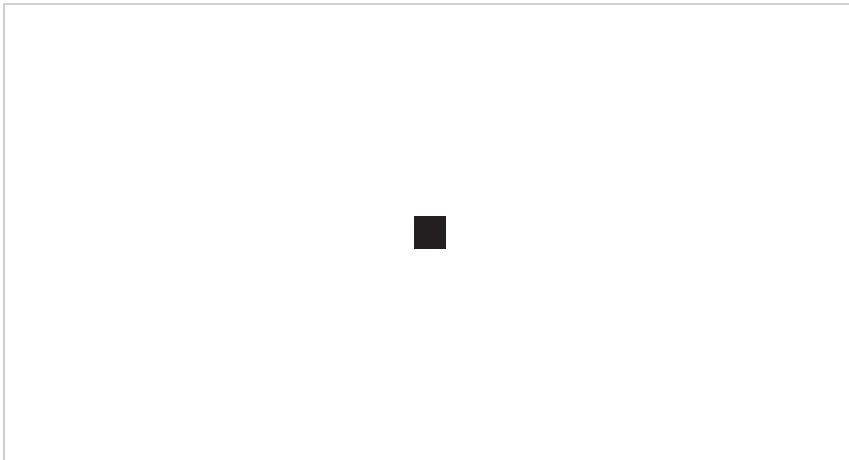
The only change we want is to the "Signature" section. We wanted to break apart the signature box from the "Phone & Date" box so that if and when we go to the AI Signature process, we would have a very clean target area to focus in on that is free of the black signature line and free of the text (**SIGNATURE REQUIRED / FIRMA REQUERIDA**).

Is it possible to work on that signature box section to conform to what would be best for that AI process?

OLD:



NEW (draft):



Reynaldo Valenzuela Jr., CERA



Are you ready for 2020? Visit BeBallotReady.Vote

From: Erin Delany <edelany@runbeck.net>

Sent: Tuesday, March 3, 2020 1:03 PM

To: Rey Valenzuela - RISCX <rvalenzuela@risc.maricopa.gov>

Cc: Ann Bakker - Runbeck <abakker@runbeck.net>; Barb Deye - Runbeck <bdeye@runbeck.net>

Subject: RE: Primary & General EV Envelopes?

Great! Do you want it to continue to have the red stripe?

Exhibit I-3

Reference file:
<image002.png>

Current election file:
<image004.png>

Looks like this is the problem, Verus Pro clipped the wrong area of the reference file:
<image006.png>

Another reference clip from Verus Pro that looks **good**:
<image007.png>

That reference matched this signature with a score of **93**:
<image008.png>

Mike Johnson
[REDACTED]

From: Mike Johnson - RISCX
Sent: Sunday, July 19, 2020 6:47 AM
To: Rey Valenzuela - RISCX <rvalenzuela@risc.maricopa.gov>
Cc: Chris Schiffhauer <cschiffhauer@runbeck.net>; Gary Bilotta - RISCX <gbilotta@risc.maricopa.gov>
Subject: RE: Verus Pro

Rey, I know that we are paying per signature/click, but I'm not sure if we are paying per-signature that we actually submit or if we've purchased a block of signatures and it's use it or lose it. In my opinion, if it is use it or lose it, we might as well gather more data on what Verus Pro can do so that we can make an accurate decision on how to use its output, and, if we don't, then aren't we wasting money by NOT submitting signatures? Of course if we are paying as we go, then we are wasting money in the other direction.

Chris, a couple of questions:

1. Are we paying "per click" or did we buy a block of "clicks" that we use up? If it is a block, how many "clicks" did we purchase?
2. The "unrecognized" signatures:
 - a. The "unrecognized" signatures are neither good nor bad, correct? They are unprocessed do to Verus Pro not understanding the signature for some reason, correct?
 - b. This is a "training issue" for Verus Pro, correct?
 - c. Will this issue go away or be minimized as it "learns" or is this going to be an ongoing problem?
 - d. Is there something MCED can do to help minimize this issue?
3. I have a list of about 1000 signatures that did not make it into the Confidences files at all can you look into why? File attached

FYI, here are the current scores returned by Verus Pro. Anything lower than 10 is not marked as Accepted by Verus Pro.

Total	No Response	Unrecognized	0	1	2	3	4	5	6	7	8	9	10 to 19	20 to 29	30 to 39	40 to 49	50 to 59	60 to 69	70 to 79	80 to 89	90 to 100
36129	1065	49	3360	2057	1493	1100	850	824	635	572	538	506	3573	2656	2221	2017	2035	1967	2440	2507	3664

Mike Johnson
[REDACTED]

From: Rey Valenzuela - RISCX
Sent: Saturday, July 18, 2020 8:16 PM
To: Mike Johnson - RISCX <mjohnson@risc.maricopa.gov>
Cc: Chris Schiffhauer <cschiffhauer@runbeck.net>; Gary Bilotta - RISCX <gbilotta@risc.maricopa.gov>
Subject: Re: Verus Pro

The issue is there is no need for us to gather data that we're not going to utilize.

So I would rather not pay a fee for Verus Pro to look at the signatures, put them in these confidence queues that we are not going to use.

So I'd rather hold and build out our EV 26 system to add that new "Low Confidence Sigs" mode, then test Verus Pro as far as putting each into their proper queue. Then allow staff to work those modes to see data and track stats as to how many of the, as an example 11,300 rejects in "Low Confidence Sigs" queue did we maintain as rejected versus how many did we say were good.

Then we can test how well the confidence level settings are for both the matched USER or "High Confidence Sigs" and the reject "Low Confidence Sigs" are.

Reynaldo Valenzuela Jr., CERA
 Director of Elections (Election Services & Early Voting)
 Office of Maricopa County Recorder Adrian Fontes

[REDACTED]
 [REDACTED]
 [REDACTED]
 [REDACTED]

On Jul 18, 2020, at 7:55 PM, Mike Johnson - RISCX <mjohnson@risc.maricopa.gov> wrote:

What I'm saying is that we can run the sigs though and get the confidences back and then do nothing with the data. Run sigver as is. This is the mode it is in now. It doesn't move anything to any different queue, but we still gather the data.

Mike Johnson
[REDACTED]

Exhibit I-4

510 South 3rd Avenue


On Jul 18, 2020, at 5:22 PM, Mike Johnson - RISCX <mjohnson@risc.maricopa.gov> wrote:

I can look into adding a new queue type to EV26 on Monday, but I don't think it is something that can happen easily due to the way that program was written. If it was written in our new Shell it would be super easy, but that legacy app isn't very flexible. User, Manager and Audit are *almost* 3 entirely separate programs. I'm not saying it is impossible, but it isn't something that will happen on Monday, and possibly not something that will happen next week.

Mike Johnson


From: Rey Valenzuela - RISCX
Sent: Saturday, July 18, 2020 4:06 PM
To: Mike Johnson - RISCX <mjohnson@risc.maricopa.gov>; Chris Schiffhauer <cschiffhauer@runbeck.net>
Cc: Gary Bilotta - RISCX <gbilotta@risc.maricopa.gov>
Subject: RE: Verus Pro
Importance: High

Yes and no. By that I means we can be less restrictive to lower that 11.3K total but do not want to sacrifice quality to reduce quantity.

So let's adjust the confidence level a bit to get 11.3K down, and that is too high of a load to go directly into the managers queue.

Instead, we need to look at adding another "Mode" or User Queue that is specific for "**LOW Confidence Sigs**" and renaming the current USER queue as "**HIGH Confidence Sigs**".

Then we would have 4 modes to work or select from in Sig Verification or EV26. Right now we have three modes (See snippet below: User, Manager, Audit). So add the 4th "Mode" titled "**LOW Confidence Sigs**" that the current 11.3K would go into, rename the current "User" mode to "**HIGH Confidence Sigs**" and leave the "Manager" and "Audit" modes alone.

<image001.jpg>

With that new queue added, staff can toggle into any of these as their permission setting allow. So the below then would be as follows with a newly added "**LOW Confidence Sigs**" mode:

- 21.8K would go straight to the **USER** queue titled "**HIGH Confidence Sigs**".
- 11.3K would go straight to the **MANAGER (new) USER** queue titled "**LOW Confidence Sigs**".
- 1.8K were unrecognized and go straight to the **MANAGER** queue as well.

Mike, by creating that new "**LOW Confidence Sigs**" mode, that allows us to still have Tier 1 temp staff users review those without forcing the limited SME Managers to have to do that initial review of 11.3K records. We only want that last "unrecognized" group to go straight to the MANAGER mode or queue.

This is the only solution I see without compromising the integrity of the current 11.3K rejects. If we can do this we may even be okay with leaving the confidence setting where it is since under this mode and model, 11.3K is not bad as long as we have the ability to let the Tier 1 Tempe Staff work them.

Reynaldo Valenzuela Jr., CERA
 Director of Elections (Election Services & Early Voting)



<image002.png>

Are you ready for 2020? Visit BeBallotReady.Vote

From: Mike Johnson - RISCX <mjohnson@risc.maricopa.gov>
Sent: Saturday, July 18, 2020 11:14 AM
To: Chris Schiffhauer <cschiffhauer@runbeck.net>; Rey Valenzuela - RISCX <rvalenzuela@risc.maricopa.gov>
Cc: Gary Bilotta - RISCX <gbilotta@risc.maricopa.gov>
Subject: RE: Verus Pro

Sorry, I was away from my computer. When they run through again will they generate a new file in the confidences folder? If so, that would be great. If not, that's OK too, just not as good. When this is running live we won't wait for a second run through on any signature, but we WILL store off the second result.

Rey the end result of this test is that of ~35K signatures:

- 21.8K would go straight to the **USER** queue
- 11.3K would go straight to the **MANAGER** queue
- 1.8K were unrecognized and go straight to the **MANAGER** queue as well

I feel like this is a REALLY high load for the manager queue. Do we want to adjust the system to be less restrictive?

Mike Johnson


From: Chris Schiffhauer <cschiffhauer@runbeck.net>
Sent: Saturday, July 18, 2020 10:38 AM
To: Rey Valenzuela - RISCX <rvalenzuela@risc.maricopa.gov>; Mike Johnson - RISCX <mjohnson@risc.maricopa.gov>
Cc: Gary Bilotta - RISCX <gbilotta@risc.maricopa.gov>

Exhibit I-5

Mike Johnson
[REDACTED]

From: Rey Valenzuela - RISCX

Sent: Monday, July 27, 2020 12:33 PM

To: Mike Johnson - RISCX <mjohnson@risc.maricopa.gov>; Chris Schiffhauer <cschiffhauer@runbeck.net>

Cc: Gary Bilotta - RISCX <gbilotta@risc.maricopa.gov>; Jeff Ellington <jellington@runbeck.net>; David Siegel <dsiegel@runbeck.net>; Jim Suver <jsuver@runbeck.net>; Mike Jacobson <mjacobson@runbeck.net>; Jonathan Wright <jwright@runbeck.net>; Dyson Dandurand <ddandurand@runbeck.net>

Subject: RE: Verus Pro

And we cannot hold the Sig Ver process because we have 20+ staff assigned to do that and cannot get backlogged

Mike, are then all of these records going into the "High Confidence" even ones that would otherwise go into the "Low Confidence"?

We trained staff to look at High Confidence one way and Low Confidence another, so I need to have them made aware that the "High Confidence" is not really true and there can and will be a mix of all types (match, no match, no signature, etc) in the High Confidence queue, correct?

Reynaldo Valenzuela Jr., CERA

Director of Elections (Election Services & Early Voting)

Office of Maricopa County Recorder Adrian Fontes

510 South 3rd Avenue, Phoenix, Arizona 85003

Phone [REDACTED] | Fax [REDACTED]



Are you ready for 2020? Visit [BeBallotReady Vote](#)

From: Mike Johnson - RISCX <mjohnson@risc.maricopa.gov>

Sent: Monday, July 27, 2020 12:27 PM

To: Chris Schiffhauer <cschiffhauer@runbeck.net>; Rey Valenzuela - RISCX <rvalenzuela@risc.maricopa.gov>

Cc: Gary Bilotta - RISCX <gbilotta@risc.maricopa.gov>; Jeff Ellington <jellington@runbeck.net>; David Siegel <dsiegel@runbeck.net>; Jim Suver <jsuver@runbeck.net>; Mike Jacobson <mjacobson@runbeck.net>; Jonathan Wright <jwright@runbeck.net>; Dyson Dandurand <ddandurand@runbeck.net>

Subject: RE: Verus Pro

No, they are processed immediately

Mike Johnson
[REDACTED]

From: Chris Schiffhauer <cschiffhauer@runbeck.net>

Sent: Monday, July 27, 2020 12:05 PM

To: Mike Johnson - RISCX <mjohnson@risc.maricopa.gov>; Rey Valenzuela - RISCX <rvalenzuela@risc.maricopa.gov>

Cc: Gary Bilotta - RISCX <gbilotta@risc.maricopa.gov>; Jeff Ellington <jellington@runbeck.net>; David Siegel <dsiegel@runbeck.net>; Jim Suver <jsuver@runbeck.net>; Mike Jacobson <mjacobson@runbeck.net>; Jonathan Wright <jwright@runbeck.net>; Dyson Dandurand <ddandurand@runbeck.net>

Subject: RE: Verus Pro

Mike,

Verus Pro began failing to verify signatures at 11:24am this morning I've stopped Verus Pro from automatically verifying new signatures, and am researching the cause of the failure now, I will reply back with more information shortly

The issue began while processing the set of signatures that was exported to ConfidenceExport20200727112730.csv. The confidences on lines 1-352 have valid scores, then the rest are blank. The confidences are also blank in each of these subsequent exports:

ConfidenceExport20200727114732.csv

ConfidenceExport20200727114232.csv

ConfidenceExport20200727113731.csv

ConfidenceExport20200727113231.csv

Are you able to not import these confidences into your system so that we can re-process them when we resolve the problem?

Thank you,
Chris

From: Mike Johnson - RISCX <mjohnson@risc.maricopa.gov>

Sent: 27 July, 2020 10:29

To: Chris Schiffhauer <cschiffhauer@runbeck.net>; Rey Valenzuela <rvalenzuela@risc.maricopa.gov>

Cc: Gary Bilotta - RISCX <gbilotta@risc.maricopa.gov>; Jeff Ellington <jellington@runbeck.net>; David Siegel <dsiegel@runbeck.net>; Jim Suver <jsuver@runbeck.net>; Mike Jacobson <mjacobson@runbeck.net>; Jonathan Wright <jwright@runbeck.net>; Dyson Dandurand <ddandurand@runbeck.net>

Subject: RE: Verus Pro

Looks like 221 are still in Verus Pro. Chris can you see what is happening with those?

Mike Johnson
[REDACTED]

From: Chris Schiffhauer <cschiffhauer@runbeck.net>

Sent: Monday, July 27, 2020 9:59 AM

To: Mike Johnson - RISCX <mjohnson@risc.maricopa.gov>; Rey Valenzuela - RISCX <rvalenzuela@risc.maricopa.gov>

Cc: Gary Bilotta - RISCX <gbilotta@risc.maricopa.gov>; Jeff Ellington <jellington@runbeck.net>; David Siegel <dsiegel@runbeck.net>; Jim Suver <jsuver@runbeck.net>; Mike Jacobson <mjacobson@runbeck.net>; Jonathan Wright <jwright@runbeck.net>; Dyson Dandurand <ddandurand@runbeck.net>

Subject: RE: Verus Pro

Thanks Mike, 8939 new signatures processed this morning and are now exported. Here are our updated statistics for the Primary:

Accepted: 29,186

Rejected: 15,565

Failed to Verify: 67

Total: 44,818

Exhibit I-6

From: Mike Johnson - RISCX <mjohnson@risc.maricopa.gov>

Sent: Tuesday, July 21, 2020 9:22 AM

To: Rey Valenzuela - RISCX <rvalenzuela@risc.maricopa.gov>; Chris Schiffhauer <cschiffhauer@runbeck.net>

Cc: Gary Bilotta - RISCX <gbilotta@risc.maricopa.gov>; Jeff Ellington <jellington@runbeck.net>; David Siegel <dsiegel@runbeck.net>; Jim Suver <jsuver@runbeck.net>; Mike Jacobson <mjacobson@runbeck.net>; Jonathan Wright <jwright@runbeck.net>; Dyson Dandurand <ddandurand@runbeck.net>

Subject: RE: Verus Pro

We supply the initial clipped image, and then Runbeck further crops it down to just the signature. I've attached samples. We provided 10001.tif, Runbeck created 10001_Document_Alpha.tif and that is what they use to do the actual signature verification.

Mike Johnson
[REDACTED]

From: Rey Valenzuela - RISCX

Sent: Tuesday, July 21, 2020 9:16 AM

To: Mike Johnson - RISCX <mjohnson@risc.maricopa.gov>; Chris Schiffhauer <cschiffhauer@runbeck.net>

Cc: Gary Bilotta - RISCX <gbilotta@risc.maricopa.gov>; Jeff Ellington <jellington@runbeck.net>; David Siegel <dsiegel@runbeck.net>; Jim Suver <jsuver@runbeck.net>; Mike Jacobson <mjacobson@runbeck.net>; Jonathan Wright <jwright@runbeck.net>; Dyson Dandurand <ddandurand@runbeck.net>

Subject: RE: Verus Pro

Can I ask a lay question, but **who is creating the "clipped" or "cropped" REFERENCE IMAGES that Verus Pro is using to compare to?**

Is it the Verus Pro software or us?

I know we have the full affidavit and some clipped affidavit images but the "clipped" or "cropped" REFERENCE IMAGES that appear to be bad or not clean reference images can't be from us since we do not have those and have to be created somehow for this Verus Pro compare process.

Those then seem to be the cause for so many low confidence comparison or rejected packets.

Reynaldo Valenzuela Jr., CERA

Director of Elections (Election Services & Early Voting)

Office of Maricopa County Recorder Adrian Fontes

510 South 3rd Avenue, Phoenix, Arizona 85003

Phone [REDACTED] | Fax [REDACTED]

<image071.png>

Are you ready for 2020? Visit BeBallotReady.Vote

From: Mike Johnson - RISCX <mjohnson@risc.maricopa.gov>

Sent: Tuesday, July 21, 2020 9:09 AM

To: Chris Schiffhauer <cschiffhauer@runbeck.net>; Rey Valenzuela - RISCX <rvalenzuela@risc.maricopa.gov>

Cc: Gary Bilotta - RISCX <gbilotta@risc.maricopa.gov>; Jeff Ellington <jellington@runbeck.net>; David Siegel <dsiegel@runbeck.net>; Jim Suver <jsuver@runbeck.net>; Mike Jacobson <mjacobson@runbeck.net>; Jonathan Wright <jwright@runbeck.net>; Dyson Dandurand <ddandurand@runbeck.net>

Subject: RE: Verus Pro

That's odd. Our database shows that there should be 1,850,318 signatures in those folders. Can you check again? Looking in the first folder (00010000) I can spot several images that appear to not have a clip by just scrolling the file list:

\\reveruspro\mcimages\SignatureRepository\00010000\10007.tif

\\reveruspro\mcimages\SignatureRepository\00010000\10030.tif

\\reveruspro\mcimages\SignatureRepository\00010000\10007.tif

\\reveruspro\mcimages\SignatureRepository\00010000\10108.tif

\\reveruspro\mcimages\SignatureRepository\00010000\10109.tif

Additionally, I show 355 signatures from the original batch as not having been evaluated still. I've attached those tracking numbers.

Mike Johnson
[REDACTED]

From: Chris Schiffhauer <cschiffhauer@runbeck.net>

Sent: Tuesday, July 21, 2020 7:53 AM

To: Mike Johnson - RISCX <mjohnson@risc.maricopa.gov>; Rey Valenzuela - RISCX <rvalenzuela@risc.maricopa.gov>

Cc: Gary Bilotta - RISCX <gbilotta@risc.maricopa.gov>; Jeff Ellington <jellington@runbeck.net>; David Siegel <dsiegel@runbeck.net>; Jim Suver <jsuver@runbeck.net>; Mike Jacobson <mjacobson@runbeck.net>; Jonathan Wright <jwright@runbeck.net>; Dyson Dandurand <ddandurand@runbeck.net>

Subject: RE: Verus Pro

Mike,

Yesterday we cropped an additional 73,071 reference signatures, taking the signature repository from 1,561,923 to 1,634,994 cropped reference signatures.

A new confidence export was produced at 7:05am for 710 incoming pieces that were all recognized from adding a new layout to our recognition template. Here is a confidence report for the full election so far, and one for just today's set of signatures:

<image072.png>

I noted that today's signatures had more rejections than accepted signatures, so I reviewed five of the low scores manually. I found some whose crop were imperfect but nothing that stands out:

Tracking Number 137600262467901, Score 0:

<image073.png>

Tracking Number 137604108716801, Score 0:

<image074.jpg>

Tracking Number 137600346047101, Score 2:

<image075.png>

Tracking Number 137612003873201, Score 0:

Exhibit I-7

From: Chris Schiffhauer
To: Mike Johnson; Rey Valenzuela
Cc: Gary Bilotta - RISCX; Jeff Ellington; David Siegel; Jim Suver; Mike Jacobson; Jonathan Wright; Dyson Dandurand
Subject: Re: Verus Pro
Date: Wednesday, July 22, 2020 1:35:47 PM
Attachments: image004.png
 image005.png
 image006.png
 image007.png

Thanks Rey, we're also excited to improve the product with you to increase the accuracy of the results. I really appreciate the changes Mike is developing, and what a great partner he's been to work with!

From: Rey Valenzuela - RISCX <rvalenzuela@risc.maricopa.gov>

Sent: Wednesday, July 22, 2020 1:26:21 PM

To: Chris Schiffhauer <cschiffhauer@runbeck.net>; Mike Johnson <mjohnson@risc.maricopa.gov>

Cc: Gary Bilotta - RISCX <gbilotta@risc.maricopa.gov>; Jeff Ellington <jellington@runbeck.net>; David Siegel <dsiegel@runbeck.net>; Jim Suver <jsuver@runbeck.net>; Mike Jacobson <mjacobson@runbeck.net>; Jonathan Wright <jwright@runbeck.net>; Dyson Dandurand <ddandurand@runbeck.net>

Subject: RE: Verus Pro

And Chris, I am more than aware that these are not the best reference signature since they have that line causing that reference signature to be degraded a bit, so the results are expected for High Confidence matches to not be as high, had those reference signatures been better quality (without that line going through the signature)

So when I say "disappointed", I do not mean to say I was not expecting this due to those "not so great" reference signatures nor did I want that to be taken as a disappointment or bashing of Verus Pro. I was just overly optimistic and fingers crossed that the reference signatures would work better than they did.

What I am now looking forward to is our new "no line" signature box on the current affidavit that I am hoping will increase the match rate for the General, when we get to use those as reference signatures for some of the General returned packets.

As for the Primary, we still have to look at 100% of the signatures so not a major issue, but do need to wait for that added low confidence queues that Mike is working on, so we can at least have a pocket for those for Tier 1 temp staff to be able to access, rather than moving those straight to the Managers queue.

So excited as we move forward.

Thanks you all for your efforts.

Reynaldo Valenzuela Jr., CERA

Director of Elections (Election Services & Early Voting)

Office of Maricopa County Recorder Adrian Fortes

510 South 3rd Avenue, Phoenix, Arizona 85003

Phone [REDACTED] | Fax [REDACTED]



Are you ready for 2020? Visit [BeBallotReady.Vote](https://www.maricopa.gov/BeBallotReadyVote)

From: Chris Schiffhauer <cschiffhauer@runbeck.net>

Sent: Wednesday, July 22, 2020 1:16 PM

To: Rey Valenzuela - RISCX <rvalenzuela@risc.maricopa.gov>; Mike Johnson - RISCX <mjohnson@risc.maricopa.gov>

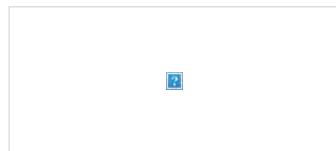
Cc: Gary Bilotta - RISCX <gbilotta@risc.maricopa.gov>; Jeff Ellington <jellington@runbeck.net>; David Siegel <dsiegel@runbeck.net>; Jim Suver <jsuver@runbeck.net>; Mike Jacobson <mjacobson@runbeck.net>; Jonathan Wright <jwright@runbeck.net>; Dyson Dandurand <ddandurand@runbeck.net>

Subject: RE: Verus Pro

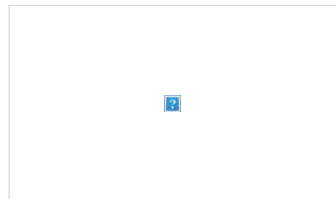
Rey,

Thank you for voicing your concern about the number of rejects being so high, which Jeff also expressed based on my last email. I apologize for not replying sooner while we're actively supporting a production system.

I'm still very confident we'll see an accept rate well above 50% across the primary election. The low rate this morning was based on a small set of 105 signatures whose reference images hadn't yet been recognized, and finally were by adding the below layout to our template. I'm confident that sample set's accept rate is skewed by being verified against those reference images that matched only this layout:



As a larger test of real materials, we copied a random set of 9,493 signatures from our sorter that were scanned this morning, and the necessary cropped reference images from your repository, to our QA environment and verified them. A total of 6029 (63.5%) were accepted, and 3464 were rejected. Here is the full distribution of confidences:



For a complete picture of your primary so far, of 35,829 signatures, 23,005 (64.2%) are accepted, and 12,824 are rejected in your production environment:

Exhibit I-8

From: [Chris Schiffhauer](#)
To: [Mike Johnson](#); [Rey Valenzuela](#)
Cc: [Gary Bilotta](#) - RISCX; [Jeff Ellington](#); [David Siegel](#); [Jim Suver](#); [Mike Jacobson](#); [Jonathan Wright](#); [Dyson Dandurand](#)
Subject: RE: Verus Pro
Date: Monday, July 27, 2020 12:04:58 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)

Mike,

Verus Pro began failing to verify signatures at 11:24am this morning. I've stopped Verus Pro from automatically verifying new signatures, and am researching the cause of the failure now, I will reply back with more information shortly.

The issue began while processing the set of signatures that was exported to ConfidenceExport20200727112730.csv. The confidences on lines 1-352 have valid scores, then the rest are blank. The confidences are also blank in each of these subsequent exports:

ConfidenceExport20200727114732.csv
ConfidenceExport20200727114232.csv
ConfidenceExport20200727113731.csv
ConfidenceExport20200727113231.csv

Are you able to not import these confidences into your system so that we can re-process them when we resolve the problem?

Thank you,
Chris

From: Mike Johnson - RISCX <mjohnson@risc.maricopa.gov>
Sent: 27 July, 2020 10:29
To: Chris Schiffhauer <cschiffhauer@runbeck.net>; Rey Valenzuela <rvalenzuela@risc.maricopa.gov>
Cc: Gary Bilotta - RISCX <gbilotta@risc.maricopa.gov>; Jeff Ellington <jellington@runbeck.net>; David Siegel <dsiegel@runbeck.net>; Jim Suver <jsuver@runbeck.net>; Mike Jacobson <mjacobson@runbeck.net>; Jonathan Wright <jwright@runbeck.net>; Dyson Dandurand <ddandurand@runbeck.net>
Subject: RE: Verus Pro

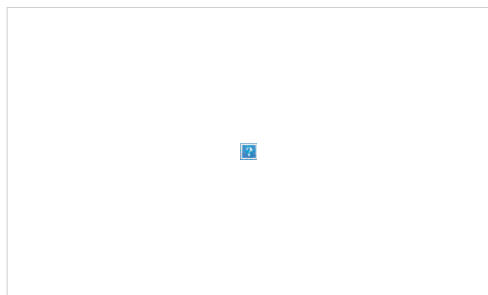
Looks like 221 are still in Verus Pro. Chris, can you see what is happening with those?

Mike Johnson


From: Chris Schiffhauer <cschiffhauer@runbeck.net>
Sent: Monday, July 27, 2020 9:59 AM
To: Mike Johnson - RISCX <mjohnson@risc.maricopa.gov>; Rey Valenzuela - RISCX <rvalenzuela@risc.maricopa.gov>
Cc: Gary Bilotta - RISCX <gbilotta@risc.maricopa.gov>; Jeff Ellington <jellington@runbeck.net>; David Siegel <dsiegel@runbeck.net>; Jim Suver <jsuver@runbeck.net>; Mike Jacobson <mjacobson@runbeck.net>; Jonathan Wright <jwright@runbeck.net>; Dyson Dandurand <ddandurand@runbeck.net>
Subject: RE: Verus Pro

Thanks Mike, 8939 new signatures processed this morning and are now exported. Here are our updated statistics for the Primary:

Accepted: 29,186
Rejected: 15,565
Failed to Verify: 67
Total: 44,818



Please let me know if I can provide any further information.

Thanks again,
Chris

From: Mike Johnson - RISCX <mjohnson@risc.maricopa.gov>
Sent: 27 July, 2020 08:27
To: Chris Schiffhauer <cschiffhauer@runbeck.net>; Rey Valenzuela <rvalenzuela@risc.maricopa.gov>
Cc: Gary Bilotta - RISCX <gbilotta@risc.maricopa.gov>; Jeff Ellington <jellington@runbeck.net>; David Siegel <dsiegel@runbeck.net>; Jim Suver <jsuver@runbeck.net>; Mike Jacobson <mjacobson@runbeck.net>; Jonathan Wright <jwright@runbeck.net>; Dyson Dandurand <ddandurand@runbeck.net>
Subject: RE: Verus Pro

FYI, the integration has been turned on again. A new VR file was exported this morning and all new signatures will be exported as we receive them.

Mike Johnson


From: Chris Schiffhauer <cschiffhauer@runbeck.net>
Sent: Wednesday, July 22, 2020 1:36 PM

Exhibit I-9

From: [Chris Schiffhauer](#)
To: [Rey Valenzuela](#); [Mike Johnson](#)
Cc: [Gary Bilotta - RISCX](#); [Jeff Ellington](#); [David Siegel](#); [Jim Suver](#); [Mike Jacobson](#); [Jonathan Wright](#); [Dyson Dandurand](#); [Andriy Podolnikov - RISCX](#)
Subject: RE: Verus Pro
Date: Tuesday, July 28, 2020 1:00:46 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.png](#)
[image007.png](#)
[image008.png](#)
[image009.png](#)
[image010.png](#)
[image011.png](#)
[image012.png](#)
[image013.png](#)

Hi Mike, the 16,528 remaining pieces are now exported Thanks

From: Chris Schiffhauer

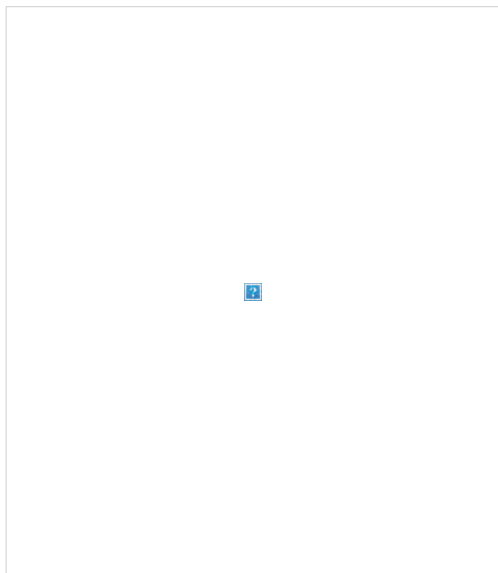
Sent: 28 July, 2020 12:59

To: [Rey Valenzuela <rvalenzuela@risc.maricopa.gov>](#); [Mike Johnson <mjohnson@risc.maricopa.gov>](#)

Cc: [Gary Bilotta - RISCX <gbilotta@risc.maricopa.gov>](#); [Jeff Ellington <jellington@runbeck.net>](#); [David Siegel <dsiegel@runbeck.net>](#); [Jim Suver <jsuver@runbeck.net>](#); [Mike Jacobson <mjacobson@runbeck.net>](#); [Jonathan Wright <jwright@runbeck.net>](#); [Dyson Dandurand <ddandurand@runbeck.net>](#); [Andriy Podolnikov - RISCX <apodolnikov@risc.maricopa.gov>](#)

Subject: RE: Verus Pro

The incoming signatures from this morning are finished verifying, here is the current snapshot:



We are still working on answers to the following and will reply with them:

- Identification and fix for recognition failures from Monday, July 27
- Identification of cause for crop change and solution to prevent going forward

Thank you,
Chris

From: Chris Schiffhauer <cschiffhauer@runbeck.net>

Sent: 28 July, 2020 12:27

To: [Rey Valenzuela <rvalenzuela@risc.maricopa.gov>](#); [Mike Johnson <mjohnson@risc.maricopa.gov>](#)

Cc: [Gary Bilotta - RISCX <gbilotta@risc.maricopa.gov>](#); [Jeff Ellington <jellington@runbeck.net>](#); [David Siegel <dsiegel@runbeck.net>](#); [Jim Suver <jsuver@runbeck.net>](#); [Mike Jacobson <mjacobson@runbeck.net>](#); [Jonathan Wright <jwright@runbeck.net>](#); [Dyson Dandurand <ddandurand@runbeck.net>](#); [Andriy Podolnikov - RISCX <apodolnikov@risc.maricopa.gov>](#)

Subject: Re: Verus Pro

We are notifying you as quickly as possible when there is a production incident. Our communications are slowed a bit while supporting Verus Pro as we lose our network connectivity when connected to the shared VPN account. I apologize for the window in which you were unaware what was happening.

From: Mike Johnson - RISCX <mjohnson@risc.maricopa.gov>

Sent: Tuesday, July 28, 2020 12:22:35 PM

To: [Chris Schiffhauer <cschiffhauer@runbeck.net>](#); [Rey Valenzuela <rvalenzuela@risc.maricopa.gov>](#)

Cc: [Gary Bilotta - RISCX <gbilotta@risc.maricopa.gov>](#); [Jeff Ellington <jellington@runbeck.net>](#); [David Siegel <dsiegel@runbeck.net>](#); [Jim Suver <jsuver@runbeck.net>](#); [Mike Jacobson <mjacobson@runbeck.net>](#); [Jonathan Wright <jwright@runbeck.net>](#); [Dyson Dandurand <ddandurand@runbeck.net>](#); [Andriy Podolnikov - RISCX <apodolnikov@risc.maricopa.gov>](#)

Subject: RE: Verus Pro

OK, thanks for the update. In the future, if you stop the process from operating in the middle of the day, please inform us ASAP so that we know what is happening.

Mike Johnson


From: Chris Schiffhauer <cschiffhauer@runbeck.net>

Sent: Tuesday, July 28, 2020 12:17 PM

To: [Mike Johnson - RISCX <mjohnson@risc.maricopa.gov>](#); [Rey Valenzuela - RISCX <rvalenzuela@risc.maricopa.gov>](#)

Exhibit I-10

Cc: Celia Nabor - RISCX <cnabor@risc.maricopa.gov>

Subject: Re: Verus Pro

I'm adding David Siegel from Runbeck to the thread.

From: Chris Schiffhauer <cschiffhauer@runbeck.net>

Sent: Friday, October 9, 2020 16:26

To: Rey Valenzuela - RISCX; Gary Bilotta - RISCX; Mike Johnson

Cc: Celia Nabor - RISCX

Subject: RE: Verus Pro

Rey and team,

I fell behind schedule on this and need to set up the General Election on the server. It will take a few hours to set up. Until then the system won't deliver confidences. I'm working on the election set up now, is there anything I should do to help you work around the delay in the meantime?

Thank you,

Chris

From: Rey Valenzuela - RISCX <rvalenzuela@risc.maricopa.gov>

Sent: 9 October, 2020 16:22

To: Gary Bilotta - RISCX <gbilotta@risc.maricopa.gov>; Mike Johnson

<mjohnson@risc.maricopa.gov>; Chris Schiffhauer <cschiffhauer@runbeck.net>

Cc: Celia Nabor - RISCX <cnabor@risc.maricopa.gov>

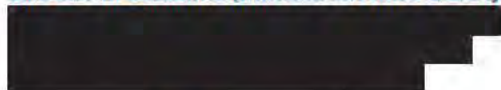
Subject: RE: Verus Pro

Since Celia is busy and to not hold on a reply... The answers is we are stating now.

Can you elaborate as to why that is being asked and instead, are you trying to tell us to hold?

Reynaldo Valenzuela Jr., CERA

Director of Elections (Election Services & Early Voting)



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Exhibit I-11

From: [David Siegel](#)
To: [Rey Valenzuela](#); [Chris Schiffhauer](#)
Cc: [Celia Nabor - RISCX](#); [Gary Bilotta - RISCX](#); [Mike Johnson](#)
Subject: RE: Verus Pro
Date: Friday, October 9, 2020 5:07:39 PM
Attachments: [image001.png](#)
[image002.png](#)

Rey, I understand. This is our absolute to priority now. We will get this to you ASAP.

From: Rey Valenzuela - RISCX <rvalenzuela@risc.maricopa.gov>
Sent: Friday, October 9, 2020 4:48 PM
To: David Siegel <dsiegel@runbeck.net>; Chris Schiffhauer <cschiffhauer@runbeck.net>
Cc: Celia Nabor - RISCX <cnabor@risc.maricopa.gov>; Gary Bilotta - RISCX <gbilotta@risc.maricopa.gov>; Mike Johnson <mjohnson@risc.maricopa.gov>
Subject: RE: Verus Pro

David, the impact is that you will lose then contract and we will NOT being using Verus Pro for the General.

We need these ready to work now. So much for using Verus Pro for the General and me stating early on to proceed, noting we should not see any major issues.

As noted by Celia below, “Working the packets tomorrow morning **is critical to ironing out the details for the Monday training**” so we need those signature verified today to pick those up tomorrow.

I do NOT see why we are not ready to use Verus Pro now when RES ran the packets for us, so RES knew we are getting Sig Ver files.

Excuse my French but **this shit show needs to be improved on post haste from RES side**. First is our M file code issue that substantially delayed our text message “ballot status” issuance that we still have not completely lived down and now we can’t do signature verification FOR A COUPLE OF HOURS – you realize it is 4:34pm and a couple of hours has puts our staff sitting and waiting until the late evening.

I know it is not a lot in the queue but we need those done now so we can have the packets tomorrow, and to ask us at last minute to hold staff for a couple of hours is not welcomed at all.

WE NEED A WORK AROUND NOW so that Signature Verification can be done now without harming our staff.

Again, I am regretting my decision to proceed with using Verus Pro for the General and to be proven

wrong "that we won't have any issues, and to put my name to that decision and have it be a first file issue is beyond frustrating.

So again, we need a work around now and remove Verus Pro from the equation now so we can work the files.

We will be watching this program very closely and Mike, I need to know if we can shut Verus Pro down and go back to our former process after this first file?

Hi Brian,

Can I get status on this file? We were planning to complete the sig ver file so we can pick up the ballots in the morning. Working the packets tomorrow morning is critical to ironing out the details for the Monday training.

Celia

Reynaldo Valenzuela Jr., CERA



Are you ready for 2020? Visit BeBallotReady.Vote

From: David Siegel <dsiegel@runbeck.net>

Sent: Friday, October 9, 2020 4:37 PM

To: Chris Schiffhauer <cschiffhauer@runbeck.net>; Rey Valenzuela - RISCX <rvalenzuela@risc.maricopa.gov>

Cc: Celia Nabor - RISCX <cnabor@risc.maricopa.gov>; Gary Bilotta - RISCX <gbilotta@risc.maricopa.gov>; Mike Johnson - RISCX <mjohnson@risc.maricopa.gov>

Subject: RE: Verus Pro

Rey, as Chris mentioned he is working this right now. What is the impact if this is not available until Monday morning?

From: Chris Schiffhauer <cschiffhauer@runbeck.net>

Sent: Friday, October 9, 2020 4:34 PM

To: Gary Bilotta - RISCX <gbilotta@risc.maricopa.gov>; Mike Johnson <mjohnson@risc.maricopa.gov>; David Siegel <dsiegel@runbeck.net>; Rey Valenzuela <rvalenzuela@risc.maricopa.gov>

Cc: Celia Nabor - RISCX <cnabor@risc.maricopa.gov>

Subject: Re: Verus Pro

I'm adding David Siegel from Runbeck to the thread.

From: Chris Schiffhauer <cschiffhauer@runbeck.net>

Sent: Friday, October 9, 2020 16:26

To: Rey Valenzuela - RISCX; Gary Bilotta - RISCX; Mike Johnson

Cc: Celia Nabor - RISCX

Subject: RE: Verus Pro

Rey and team,

I fell behind schedule on this and need to set up the General Election on the server. It will take a few hours to set up. Until then the system won't deliver confidences. I'm working on the election set up now, is there anything I should do to help you work around the delay in the meantime?

Thank you,

Chris

From: Rey Valenzuela - RISCX <rvalenzuela@risc.maricopa.gov>

Sent: 9 October, 2020 16:22

To: Gary Bilotta - RISCX <gbilotta@risc.maricopa.gov>; Mike Johnson

<mjohnson@risc.maricopa.gov>; Chris Schiffhauer <cschiffhauer@runbeck.net>

Cc: Celia Nabor - RISCX <cnabor@risc.maricopa.gov>

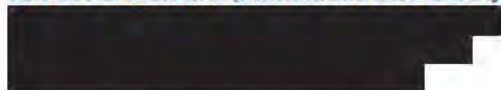
Subject: RE: Verus Pro

Since Celia is busy and to not hold on a reply... The answers is we are stating now.

Can you elaborate as to why that is being asked and instead, are you trying to tell us to hold?

Reynaldo Valenzuela Jr., CERA

Director of Elections (Election Services & Early Voting)



Are you ready for 2020? Visit BeBallotReady.Vote

Exhibit J



MARK BRNOVICH
ATTORNEY GENERAL

OFFICE OF THE ARIZONA ATTORNEY GENERAL
SOLICITOR GENERAL'S OFFICE

JENNIFER WRIGHT
ASSISTANT ATTORNEY GENERAL

April 11, 2022

Via Email

Amy Chan
General Counsel
Arizona Secretary of State
1700 West Washington Street, 7th Floor
Phoenix, Arizona 85007
achan@azsos.gov

**Re: Promulgation of Valid Elections Procedures Manual for Use in 2022
Statewide Elections**

Dear Ms. Chan:

I write regarding the Elections Procedures Manual ("EPM"). Arizona law imposes a non-discretionary duty on the Secretary of State ("Secretary") to "prescribe rules to achieve and maintain the maximum degree of correctness, impartiality, uniformity and efficiency on the procedures for early voting and voting, and of producing, distributing, collecting, counting, tabulating and storing ballots" in "an official instructions and procedures manual" that shall "be issued not later than December 31 of each odd-numbered year immediately preceding the general election." A.R.S. § 16-452(A),(B). The law further requires the Secretary to "submit the manual to the governor and the attorney general not later than October 1 of the year before each general election." A.R.S. § 16-452(B).

On October 1, 2021, the Secretary sent a Draft 2021 Elections Procedures Manual ("Draft 2021 EPM") to the Attorney General and Governor containing provisions that exceed the Secretary's authority and contravened the purpose of Arizona election laws. Despite being twice notified that the Draft 2021 EPM failed to conform to Arizona law, the Secretary refused to make all changes necessary for the Attorney General to approve the Draft 2021 EPM. Consequently, Arizona county election officials currently lack a legally binding set of uniform rules necessary to administer the 2022 statewide elections.

Entering into the 2022 statewide elections without a legally compliant and uniform set of rules for counties to administer the elections will negatively impact the "correctness, impartiality, uniformity, and efficiency" of those elections. To avoid that result, it is imperative that the

Amy Chan, General Counsel for the Arizona Secretary of State
Re: Promulgation of Valid Elections Procedures Manual for Use in 2022 Statewide Elections
April 11, 2022
Page 2

Secretary submit a *legally compliant* EPM to the Attorney General and Governor for approval and that she do so on or before Monday, April 18, 2022. Although the statutory deadline for the Secretary to provide a legally-compliant draft passed months ago, an EPM can and must be issued for use in the 2022 statewide elections.

To be legally compliant, the Draft 2021 EPM must incorporate the changes that the Attorney General provided to the Secretary on December 9, 2021.

Furthermore, to achieve the *maximum degree* of correctness, impartiality, uniformity and efficiency in early voting procedures as required by law, the submitted EPM must also include legally enforceable signature verification standards to ensure that all counties provide the necessary level of scrutiny to early ballot affidavits to confirm the voter's identity. Notably, the procedures should clarify that nothing in article 4 or article 8 of chapter 4 of Title 16 contemplates or authorizes a county to outsource signature verification to a non-governmental third party or to use artificial intelligence or computerized programs to verify whether a ballot affidavit signature matches the signature in the voter registration record. Absent statutory oversight, allowing third-parties to conduct signature verification and the use of computerized technology to compare signatures risks ballot security and secrecy and could result in application of imprecise and manipulatable comparison standards.

The Draft 2021 EPM should also update Chapter 2, Section I to prohibit the use of unstaffed drop boxes to prevent counties from violating A.R.S. § 16-1005(E) and its statutory purpose of preventing ballot harvesting.

The Attorney General's Office looks forward to receiving a legally compliant and updated EPM on or before April 18, 2022. The EPM is a critical tool to restore Arizonans' confidence in Arizona's electoral process; as such, the Attorney General reserves the right to take legal action to compel such a manual should the Secretary continue to fail to perform this mandatory, statutory duty.¹

Sincerely,



Jennifer Wright
Assistant Attorney General

¹ Furthermore, this letter also serves as notice pursuant to Section 3.0 of the Attorney General's Office Conflicts Manual, that the Attorney General's Office will argue that special action relief is an appropriate method to compel issuance of an Election Procedures Manual, including the specific provisions related to signature verification and drop boxes discussed above.

Exhibit K

From: [Allie Bones](#)
To: [Wright, Jennifer](#)
Cc: [Katie Hobbs](#)
Subject: Response to letter regarding Elections Procedures Manual use in 2022 Elections
Date: Monday, April 18, 2022 3:52:20 PM
Attachments: [image001.png](#)
[2021 Elections Procedures Manual Submission.msg](#)
[Elections Procedures Manual.msg](#)

Ms. Wright,

I write in response to your letter dated April 11, 2022, which demands the Secretary re-submit a draft EPM to the AG. Further, based on your letter:

1. The AG is demanding that the Secretary remove the security procedures regarding unstaffed ballot drop boxes—even though he approved those exact procedures in 2019. In fact, attorneys from his Office (yourself included) helped to draft and add those exact procedures to the 2019 EPM and there’s been no change in the applicable law since.
2. The AG is demanding that the Secretary, “after consultation with each county board of supervisors or other officer in charge of elections” as required by law, develop new signature verification procedures in less than a week.
3. The AG is demanding that a new EPM—with significant, unwarranted, and unlawful changes—be issued now, while some counties are actively administering May elections and while all counties are on the verge of administering the August primary election.
4. The AG is demanding issuance of a new EPM now—contrary to clear statutory deadlines intended to ensure a new manual is not adopted in the middle of an election year.

As you know, in compliance with her duties under A.R.S. § 16-452, the Secretary submitted a legally compliant 2021 EPM to the AG and Governor on October 1, 2021 (attached). She also urged the AG to work in good faith with our Office and counties to finalize the EPM by the December 31, 2021 deadline. Instead of working with us in good faith, however, the AG waited until the eleventh hour to demand wholesale changes to the draft—deleting a third of the Manual (including entire chapters he approved just two years earlier) and demanding changes and new procedures that were directly contrary to existing law.

Despite the AG’s unprecedented and, frankly, authoritarian, approach, the Secretary responded in an effort to reach compromise (attached). She explained why certain of the AG’s proposed changes could not be implemented under current law, identified certain changes that were acceptable to her, and requested an opportunity to discuss other proposed changes that warranted further discussion. Unfortunately, the AG refused to come to the table or work in good faith to fulfill his statutory duty to approve an updated Manual by December 31.

The AG’s conduct and demands now, like his conduct and demands in 2021, are politically motivated, inconsistent with Arizona law, and unworkable. They are the opposite of what is necessary to ensure successful and secure election administration and strengthen voter confidence in our democratic processes.

The Secretary remains committed to and focused on ensuring free, fair, and secure elections in

Arizona in 2022. She will not accede to the AG's new round of legally baseless and nonsensical demands that would undermine that effort.

Best,

Allie Bones



Allie Bones (She | Her | Hers)
Assistant Secretary of State
Arizona Secretary of State
Email: abones@azsos.gov
Office: 602-542-4919
Cell: 602-540-5348

1700 W. Washington St., 7th Fl. | Phoenix, AZ | 85007

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