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12 **SUPERIOR COURT OF THE STATE OF ARIZONA**
13 **IN AND FOR THE COUNTY OF YAVAPAI**

14 ARIZONA FREE ENTERPRISE CLUB,
15 an Arizona nonprofit corporation; et al.,
16 RESTORING INTEGRITY AND TRUST
17 IN ELECTIONS, a Virginia nonprofit
18 corporation; REPUBLICAN PARTY OF
ARIZONA, LLC, a statewide political
party committee; and DWIGHT KADAR,
an individual,

19 Plaintiffs,

20 v.

21 ADRIAN FONTES, in his official
22 capacity as the Secretary of State of
Arizona,

23 Defendant,

24 and

25 ARIZONA ALLIANCE FOR RETIRED
26 AMERICANS; and MI FAMILIA VOTA,

27 Intervenor-Defendants.
28

No: S-1300-CV-202300202

**JOINT STATEMENT OF
FACTS REGARDING
SIGNATURE VERIFICATION**

1 Pursuant to this Court’s request during the January 18, 2024 hearing in this matter,
2 Plaintiffs Arizona Free Enterprise Club, Restoring Integrity and Trust in Elections,
3 Republican Party of Arizona, LLC, and Dwight Kadar, Defendant Arizona Secretary of
4 State Adrian Fontes, and Intervenor-Defendants Arizona Alliance for Retired Americans
5 and Mi Familia Vota (collectively, the “Parties”) hereby stipulate to and submit the
6 following materials to assist the Court’s fact-finding regarding signature verification.¹

7 **Signature Verification in Yavapai and Other AVID Counties**

8 1. All persons engaged in signature verification in Yavapai County undergo a
9 three-hour signature verification training sponsored by the Secretary of State. The
10 training involves instruction on broad and local characteristics of signatures and
11 reviewing examples of signatures, including features that could indicate that a signature
12 may be a forgery. (*See* Ex. A, Declaration of Michelle Burchill, ¶¶ 7-8).²

13 2. Broad and local characteristics include those signature characteristics
14 described in A.R.S. § 16-550.01(G)(1), (3), which codified the Secretary of State’s
15 Signature Verification Guide. (*See id.* ¶¶ 9-10; *see also* Ex. B, 2023 Ariz. Sess. Laws,
16 ch. 1, § 7 (56th Leg. 2d Reg. Sess.) (adding A.R.S. § 16-550.01); Ex. C, Secretary of
17 State’s Signature Verification Guide, July 2020, at 2).

18 3. When conducting signature verification, the signature verifier scans the bar
19 code on an early ballot envelope, which brings up on the verifier’s computer screen all
20 available signatures from a variety of documents, including voter registration forms,
21 Active Early Voter List request forms, polling place sign-ins, and previous early ballot
22 affidavits that the county recorder previously associated with the voter in question
23

24 _____
25 ¹ While Plaintiffs stipulate to the accuracy of the following facts, Plaintiffs do not
26 believe they are material to the resolution of Plaintiffs’ legal claims.

27 ² The parties have agreed that paragraphs 18 and 19 of Exhibit A should not be
28 considered by this Court in resolving this case.

1 (“Signature Exemplars”). The signature reviewer can “mouse-over” each signature on
2 the screen to enlarge it while conducting signature verification. (Ex. A, ¶¶ 11-13, 20-21).

3 4. The Yavapai County Recorder is informed and believes that the twelve
4 other Arizona counties that solely use the Arizona Voter Information Database (“AVID”)
5 to maintain signature records conduct signature verification in the same way that Yavapai
6 County does, including seeing all available Signature Exemplars at one time when
7 comparing to the signature on an early ballot affidavit. (*Id.* ¶ 14).

8 5. In Yavapai County, if the person verifying signatures concludes that the
9 signature on the early ballot affidavit is not consistent with the available Signature
10 Exemplars, two other signature verifiers will review the signature on the affidavit and the
11 available Signature Exemplars. If a majority of the signature verifiers who conduct this
12 review agree that none of the available Signature Exemplars are consistent with the
13 signature on the early ballot affidavit, the early ballot affidavit will be sent for curing
14 pursuant to A.R.S. § 16-550. (*Id.* ¶ 16).

15 6. If during the curing process the voter provides information explaining a
16 change in the voter’s signature, such as a newly-acquired health condition, a note
17 regarding that explanation may be added to the information associated with that voter in
18 AVID. (*Id.* ¶ 17).

19 7. Many of the voter signatures in AVID that are not from early ballot
20 affidavits are signatures signed on an electronic pad with a stylus or finger. This includes
21 signatures obtained from voter registration transactions conducted through the Arizona
22 Motor Vehicle Division or those signatures of in-person voters who sign in at a vote
23 center using Yavapai County’s e-pollbooks. (*Id.* ¶ 20).

24 8. Voting-related transactions conducted online through the MVD portal, such
25 as an address change, party change, or Active Early Voter List status change, do not
26 require a new signature from the voter. Instead, the original signature provided to MVD,
27 whether a wet signature or electronic, is used. (*Id.* ¶ 21).

Signature Verification in Maricopa County

9. As in Yavapai County, signature reviewers in Maricopa County receive Secretary of State-sponsored training in signature verification. For the 2022 general election, Maricopa County had more than 150 employees engaged in signature verification. Forty-three of those employees were able to do higher level (called level two or manager-level) review.

10. Maricopa County's signature verification process has multiple levels. At level one, a signature reviewer views an image of the early ballot affidavit signature and has up to three Signature Exemplars available for comparison to the early ballot affidavit at this first stage.

11. Consistent with best practices and the Signature Verification Guide, the multiple Signature Exemplars appear in reverse chronological order, such that the first signature available for review is the most recent one.

12. A level one signature reviewer may determine that the signature on the early ballot affidavit is consistent with the Signature Exemplars in the County's database by comparing the signature on the early ballot affidavit to the most recent Signature Exemplars, to two of the most recent Signature Exemplars, or to all three of the Signature Exemplars available to that level one reviewer.

13. If a level one reviewer does not determine that the signature on the early ballot affidavit is consistent with the Signature Exemplars available to the reviewer, it is marked as an exception and is elevated to level two, also called manager-level, review.

14. Level two reviewers are more experienced and have access to all Signature Exemplars to compare against the early ballot affidavit.

15. In addition to level one and level two review, Maricopa County has two levels of auditing of the signature verification process. These audits are not comprehensive but are an attempt to ensure that all employees conducting signature verification have a random sample of their work reviewed by another experienced

1 signature reviewer, to ensure another election official also finds those signatures are
2 consistent with the Signature Exemplars.

3 16. Included in Maricopa County’s database and available for signature
4 reviewers to use to compare to the signature on an early ballot affidavit are previous early
5 ballot affidavit envelopes, as well as signatures provided when requesting changes to
6 voter registration, requesting to be added to the Active Early Voting List, or responding
7 to a 90-day notice sent in advance of a primary election. This is consistent with the
8 practice of most, if not all, of the fifteen Arizona county recorders.

9 17. If a level-two reviewer determines that the signature on an early ballot
10 affidavit envelope is not consistent with the Signature Exemplars in the County’s
11 database, that early ballot is sent to the curing process.

12 **Secretary of State’s 2020 Signature Verification Guide**

13 18. On February 9, 2024, Governor Hobbs signed HB2785, which the
14 Legislature passed as an emergency measure with immediate effect. (Ex. B). House Bill
15 2785 added a new statutory section, A.R.S. § 16-550.01. (*Id.* § 7).

16 19. HB2785 also amended A.R.S. §16-550(A) to require *inter alia* that “the
17 county recorder or other officer in charge of elections shall compare the signature on the
18 envelope with the signature of the elector on the elector’s registration record as
19 prescribed by section 16-550.01.” (*Id.* § 6).

20 20. A.R.S. § 16-550.01(G)(4) states: “‘Signature Verification’ means the
21 process of manually comparing the signature on a voter’s affidavit envelope or ballot
22 affidavit with the voter’s signature in the voter’s registration record.” (*Id.* § 7).

23 21. A.R.S. § 16-550.01(H) provides that it is intended to “codify procedures
24 based on the 2020 Secretary of State Signature Verification Guide.” (*Id.*).

1 RESPECTFULLY SUBMITTED this 16th day of February, 2024:

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1 **ORIGINAL** of the foregoing filed
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