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2 Firm State Bar No. 14000

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11 *Attorneys for Defendant Arizona*
Secretary of State Adrian Fontes

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

15
16 ARIZONA FREE ENTERPRISE CLUB,
an Arizona nonprofit corporation, and
17 MARY KAY RUWETTE, individually,
18
19 Plaintiffs,

20 v.

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

23 Defendant,

24 and

25 ARIZONA ALLIANCE FOR RETIRED
26 AMERICANS, and VOTO LATINO,

27 Intervenor-Defendants.
28

No: S-1300-CV-202300872

**SECRETARY OF STATE'S
SEPARATE STATEMENT OF FACTS**

1 Pursuant to Ariz. R. Civ. P. 56(c)(3)(A) and the Court’s October 27, 2023 Order,
2 defendant Adrian Fontes, in his official capacity as Arizona Secretary of State
3 (“Defendant” or the “Secretary”), hereby submits this Separate Statement of Facts in
4 support of the Secretary of State’s Motion for Summary Judgment.

5 1. From the earliest days of Arizona statehood, some voters were able to vote
6 absentee by completing a ballot and delivering it to the County Recorder or other officer
7 in charge of elections. *See* 1918 Ariz. Sess. Laws ch. 11 (3d Leg. 1st Spec. Sess.).

8 2. Beginning in 1991, any Arizona voter has been able to vote by absentee
9 ballot. *See* 1991 Ariz. Sess. Laws, ch. 51, § 1 (40th Leg. 1st Reg. Sess.) (amending § 16-
10 541). In 1997, the term “absentee ballot” was replaced with “early ballot.” 1997 Ariz.
11 Sess. Laws, ch. 5, § 17 (43d Leg. 2d Spec. Sess.).

12 3. Voters may take advantage of early voting in several ways. They may join
13 the Active Early Voter List (“AEVL”), and receive an early ballot in the mail for every
14 election in which they are entitled to vote. A.R.S. § 16-544(A). Voters not on AEVL
15 may request a ballot be mailed to them for a particular election. A.R.S. § 16-542(A).
16 Voters may also go to an early voting location where they are issued an early ballot in
17 person, complete it, and deposit it at the early voting location. *Id.*

18 4. Early voting has proven immensely popular in Arizona. For the 2020
19 general election, more than three million Arizona voters—88% of those who voted—voted
20 by early ballot. No county had fewer than 60% of its voters vote early, and more than
21 half the counties had 80% or more of their voters use early ballots.¹

22 5. For the 2022 general election, Arizona voters continue to vote
23 overwhelmingly by early ballot—82% of those who voted—voted by early ballot. No
24
25

26 ¹ 2020 total votes and early votes are derived from the county canvasses available here:
27 <https://azsos.gov/2020-general-election-county-canvass-returns>. Santa Cruz County’s
28 19,807 votes are excluded from this calculation because it did not separately report early
ballots.

1 county had fewer than 51% of its voters vote early, and more than half the counties had
2 74% or more of their voters use early ballots.²

3 6. In the early 2000s, some counties began providing secure ballot drop boxes
4 that permit voters to deliver their voted early ballot packets to their County Recorder
5 without using the U.S. Mail or visiting a polling place. (*See* Exhibit 1, Declaration of
6 Michelle Burchill, ¶ 6.)

7 7. Within the last decade, more counties began to use or expand their use of
8 drop boxes. (*See id.*, ¶ 7; Exhibit 2, Declaration of Karen J. Hartman-Tellez, ¶¶ 2-3, Ex.
9 A.)

10 8. In 2019, for the first time, the Secretary included rules governing drop
11 boxes in the Elections Procedures Manual (the “Drop Box Rules”). (Hartman-Tellez
12 Decl., ¶ 4, Ex. B.)

13 9. The Drop Box Rules require that all “drop-boxes shall be approved by the
14 Board of Supervisors (or designee).” (*Id.*)

15 10. The Drop Box Rules require counties to “develop and implement
16 procedures to ensure the security of . . . drop-boxes.” (*Id.* at 60.) Among the required
17 security measures are:

- 18 a. securely fastening the box in a manner to prevent moving or
19 tampering (for example, securing the drop-box to concrete or an immovable
20 object);
- 21 b. clearly and visibly marking as an official ballot drop-box and
22 securing the box by a lock and/or tamper-evident seal;
- 23 c. limiting access to the keys and/or combination of the lock to remove
24 the deposited ballots to election officials or their designees;

25
26 ² Total votes and early votes are derived from the county canvasses available here:
27 [https://azsos.gov/elections/results-data/voter-registration-statistics/2022-general-election-](https://azsos.gov/elections/results-data/voter-registration-statistics/2022-general-election-canvass)
28 [canvass](https://azsos.gov/elections/results-data/voter-registration-statistics/2022-general-election-canvass). Santa Cruz County’s 13,308 votes are excluded from this calculation because it
did not separately report early ballots.

1 d. an opening slot that is not large enough to allow deposited ballots to
2 be removed through the opening slot;

3 e. making drop boxes unavailable to the public until the 27th day prior
4 to an election to ensure that no ballots or any other materials may be deposited
5 before the early voting period begins;

6 f. inspecting for damage and to ensure drop boxes are empty on the
7 first day of early voting;

8 g. requiring that all drop boxes be locked and covered or otherwise
9 made unavailable after the polls have closed on election day;

10 h. requiring at least two designated ballot retrievers (from different
11 political parties if the election includes partisan races) to remove ballots from drop
12 boxes;

13 i. completion of forms to document chain of custody, including
14 location of the drop box and the date and time of arrival and departure from the
15 drop box location and arrival at the county recorder's office or other designated
16 receiving site; and

17 j. placing voted ballots in a secure ballot transfer container. (*Id.* at 60-
18 62).

19 11. Implementing the Drop Box Rules, Yavapai County's drop boxes have
20 many security features, including narrow insert slots to prevent unauthorized removal of
21 ballots, fire suppression systems inside the boxes, two separate locks with different keys
22 that are unique to each drop box, cameras, and exterior lighting. (Burchill Decl. ¶¶ 9-10.)

23 12. Counties use bi-partisan teams of county employees, who have been
24 background checked and taken an oath to uphold the law, to retrieve early ballot packets.
25 (*Id.* ¶ 11; Hartman-Tellez Decl. ¶ 5, Ex. C.)
26
27
28

1 13. The ballot retrievers place the early ballot packets in transport containers
2 that they seal with tamper-evident, numbered seals. (Burchill Decl., ¶ 13; Hartman-
3 Tellez Decl. ¶ 5, Ex. C.)

4 14. The ballot retrievers also complete chain of custody documentation.
5 (Burchill Decl., ¶ 14, Ex. E; Hartman-Tellez Decl. ¶ 5, Ex. C.)

6 15. Use of drop boxes has significant advantages over mail delivery. Mail
7 delivery can take five or more days, especially outside of Maricopa County, where even
8 intra-county mail is routed to distribution centers in Phoenix or outside of Arizona.
9 (Burchill Decl., ¶¶ 15-17.)

10 16. By eliminating the cost of return postage, drop box usage can save counties
11 money. Yavapai County saved more than \$ 45,000 in the 2022 General Election due to
12 voters using drop boxes instead of the U.S. Mail to deliver their early ballot packets. (*Id.*,
13 ¶ 18.)

14 17. The Yavapai County Recorder is not aware of any tampering with drop
15 boxes that has damaged ballots such that they could not be tabulated or duplicated for
16 tabulation. (*Id.*, ¶ 19.)

17 18. Drop boxes improve the efficiency of election administration, leading to
18 faster unofficial results. By eliminating the several extra days necessary for mailing, use
19 of drop boxes allows counties more time meet their statutory obligations to conduct
20 signature verification and contact voters to cure missing or inconsistent signatures. See
21 A.R.S. § 16-550(A). In addition, political parties and candidates have access to more
22 information about which early voters have not yet returned their ballots to better target
23 their get out the vote efforts. (Burchill Decl., ¶ 20.)

24 19. If drop boxes are eliminated as a means for Arizona voters to return their
25 early ballot packets, voters will certainly be harmed. If all of the early ballots presently
26 delivered using drop boxes were mailed, there would very likely be greater incidence of
27 late ballots, which then cannot be counted. (*Id.*, ¶ 21.)

1 20. If unstaffed drop boxes are not available, many more voters are likely to
2 choose to vote in-person, requiring more taxpayer resources to be expended for voting
3 location rental and staff throughout the early voting period and on election day. (*Id.*, ¶¶
4 22-23.)

5 21. With little information about how voters who have been using drop boxes
6 will choose to vote if the drop box option is eliminated, county elections departments,
7 which are responsible for election day voting, will have difficulty determining how many
8 voters may vote in person, and therefore will be unable to accurately plan for in-person
9 turnout, potentially leading to long wait times and other issues on election day. (*Id.*, ¶
10 23.)

11 22. Eliminating drop boxes as a means for voters to return their early ballot
12 packets is very likely to cause voter confusion for those voters who have used the drop
13 boxes for many years. Counties will need to invest substantial resources in providing
14 new information about how voters can return their ballots, including rewriting
15 instructions provided with early ballots, updating information on their websites, and
16 conducting informational campaigns. (*Id.*, ¶ 24.)

17
18 RESPECTFULLY SUBMITTED this 17th day of November, 2023:

19 Kristin K. Mayes
20 Attorney General

21 /s/Karen J. Hartman-Tellez

22 Kara Karlson
23 Karen J. Hartman-Tellez
24 Senior Litigation Counsel
25 Kyle Cummings
26 Assistant Attorney General
27 Attorneys for Defendant Arizona Secretary of
28 State Adrian Fontes

1 **ORIGINAL** of the foregoing filed
2 this 17th day of November, 2023, with:

3 Yavapai County Superior Court
4 120 South Cortez Street
5 Prescott, Arizona 86303

6 **COPIES** e-mailed this 17th day of
7 November, 2023, to:

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15 *Attorneys for Intervenor-Defendants*

16 By: /s/ Monica Quinonez
17 Monica Quinonez, Legal Assistant

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Exhibit 1

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Secretary of State Adrian Fontes

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

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15 ARIZONA FREE ENTERPRISE CLUB,
16 an Arizona nonprofit corporation, and
17 MARY KAY RUWETTE, individually,

18 Plaintiffs,

19 v.

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

23 Defendant,

24 and

25 ARIZONA ALLIANCE FOR RETIRED
26 AMERICANS, and VOTO LATINO,

27 Intervenor-Defendants.
28

No: S-1300-CV-202300872

**DECLARATION OF
MICHELLE BURCHILL**

1 I, Michelle Burchill, declare:

2 1. I am the Yavapai County Recorder. I make this Declaration in support of
3 the Arizona Secretary of State's Motion for Summary Judgment. Except as otherwise
4 stated, this Declaration is based on my personal knowledge and if called upon, I could
5 and would testify competently to the facts herein.

6 2. I have worked for Yavapai County since March 2020, where I served in the
7 Recorder's Office and the Elections Department in various roles including Elections
8 Manager. On July 25, 2022, the Yavapai County Board of Supervisors appointed me to
9 fill the position of County Recorder.

10 3. I am a certified election officer, having completed the Arizona Secretary of
11 State's election officer certification training program as required by A.R.S. § 16-407.

12 4. As County Recorder, I oversee early voting in Yavapai County, including
13 voters' use of drop boxes to deliver their voted early ballot packets to the County
14 Recorder.

15 5. Yavapai County presently has 19 drop boxes throughout the County. All
16 19 are on government owned or controlled property and are available for voters to use to
17 deliver their early ballot packets 24 hours a day, seven days a week during the 27-day
18 early voting period. Attached hereto as Exhibit A is a map and listing of the current
19 Yavapai County drop box locations.

20 6. Based on my research and communications with employees of my office, I
21 am informed and believe that Yavapai County purchased its first drop boxes in the early
22 2000s. By 2007, the County had installed drop boxes in six locations: Camp Verde
23 Town Hall, Yavapai-Apache Nation Community Center, Chino Valley Town Hall,
24 Sedona City Hall, Prescott Valley Town Hall, and Dewey-Humboldt Town Hall. In
25 2012, Yavapai County upgraded its drop boxes to comply with the Americans with
26 Disabilities Act, using grant funds from the United States Department of Health and
27
28

1 Human Services. Attached as Exhibit B are true and correct copies of Yavapai County
2 Board of Supervisors' agenda items regarding purchase of drop boxes.

3 7. In or around 2020, the County installed additional drop boxes in locations
4 for which the Recorder's Office had received requests from voters, including the
5 Congress Library, Yarnell Library, Black Canyon City Library, Seligman Library,
6 Village of Oak Creek Fire Station, Paulden Library, and Bagdad Justice Court. Attached
7 hereto as Exhibit C is a true and correct copy of the Yavapai County Board of
8 Supervisors' agenda item regarding the purchase of additional drop boxes.

9 8. Yavapai County voters overwhelmingly choose to use drop boxes as their
10 method of delivering their early ballot packets to the County Recorder. For the 2022
11 General Election, approximately 71,739 of the 124,871 ballots cast (57.45%) were cast
12 by voters who returned their ballots using a drop box. Three of Yavapai County's drop
13 boxes are located outside early voting locations. As such, some portion of the 71,739
14 drop box ballots may have been deposited in ballot boxes in those early voting locations.
15 In contrast, only 27,842 early ballot packets (22.29% of ballots cast) were delivered to
16 the Recorder by mail.

17 9. Following the requirement in the Elections Procedures Manual that the
18 County Recorder develop and implement procedures to ensure the security of drop boxes,
19 Yavapai County's drop boxes are protected by numerous security features. These include
20 narrow insert slots to prevent unauthorized removal of ballots, fire suppression systems
21 inside the boxes, two separate locks with different keys that are unique to each drop box,
22 cameras, and detailed retrieval protocols. In addition, before the next election, the
23 County will have upgraded exterior lighting around many of the drop boxes.

24 10. The cameras are placed at the drop boxes only during the early voting
25 period, through election day. They are motion-activated, solar-powered, and have night-
26 vision. The sim cards for the cameras are switched out every time early ballot packets
27 are retrieved from the drop box.
28

1 11. We have developed robust security protocols for retrieval of early ballot
2 packets from drop boxes. Those protocols include retrieval by County employees who
3 have been subjected to a background check and taken an oath to uphold the law. In
4 addition, we review the voter registration of the County employees who retrieve early
5 ballot packets to confirm that the teams of two ballot retrievers are from different
6 political parties, and have maintained their party affiliation for at least two years prior to
7 undertaking this work. Attached hereto as Exhibit D is a copy of the oath administered to
8 all county election workers, including those who retrieve early ballots from drop boxes.

9 12. County employees retrieving early ballot packets begin and end their route
10 at the County Recorder's Office. They do not operate on a set schedule. They use
11 County-owned vehicles when visiting the drop boxes and wear vests that identify them as
12 County employees.

13 13. The ballot retrievers place the early ballot packets in ballot bags, which
14 they seal with numbered seals. These ballot bags are the of the same type that are used to
15 collect ballots from in-person voting locations during in-person early voting and on
16 election day.

17 14. The ballot retrievers also complete chain of custody documentation that
18 includes their names, the date, the time they leave the County Recorder's Office, the time
19 they arrive at a drop box, the condition of the drop box, the time they leave the drop box,
20 the time they return to the Recorder's Office, and the signatures of the ballot retrieval
21 team and the employees who receive the ballots at the Recorder's Office. Attached
22 hereto as Exhibit E is an example of the chain of custody form.

23 15. Delivery of early ballot packets by drop box has several significant
24 advantages over delivery by mail, including certainty of timely delivery, a shorter chain
25 of custody, and cost.

26 16. Mail sent from a home or United States Postal Service location (*e.g.*, a post
27 office or a blue USPS box) is usually routed through a distribution center Phoenix, even
28

1 if sent to the Yavapai County Recorder from a location in Yavapai County. This often
2 takes five or more days. I am informed and believe that mail in some other Arizona
3 counties is routed through distribution centers located outside of Arizona. Attached
4 hereto as Exhibit F is a graphic comparing the steps in the ballot delivery process for drop
5 boxes and mail. The photograph is of ballots my office received in the mail for the 2023
6 Prescott City Council Election.

7 17. Ballot drop boxes are locked by county election workers or city or town
8 clerks at 7:00 pm on election day, and no additional early ballot packets can be deposited
9 in them after that time. Ballots mailed to the County Recorder can arrive weeks or even
10 months after the 7:00 pm election day deadline. Indeed, we have received by mail
11 approximately 250 ballots from the 2022 General Election after the deadline.

12 18. Under Arizona law, counties pay the cost of return postage when an early
13 ballot is sent through the U.S. Mail. Yavapai County saved more than \$ 45,000 in the
14 2022 General Election due to voters using drop boxes instead of the U.S. Mail to deliver
15 their early ballot packets.

16 19. I am not aware of any tampering with drop boxes that has damaged ballots
17 such that they could not be tabulated or duplicated for tabulation. Nor am I aware of any
18 instance of early ballot packets that were deposited in a drop box, but not timely received
19 by the County Recorder.

20 20. By eliminating the several extra days necessary for mailing, use of drop
21 boxes allows Yavapai County more time meet its statutory obligations to conduct
22 signature verification and contact voters to cure missing or inconsistent signatures. In
23 addition, political parties and candidates have access to more information about which
24 early voters have not yet returned their ballots to better target their get out the vote
25 efforts.

26 21. If drop boxes were eliminated as a means for Yavapai County voters to
27 return their early ballot packets, it would negatively affect Yavapai County voters for
28

1 many reasons. As described above, early ballot packets sent by mail can and do arrive
2 after the 7:00 pm election day deadline. If the 57% of Yavapai County ballots presently
3 delivered using drop boxes were mailed, I anticipate a greater incidence of late ballots,
4 which then cannot be counted.

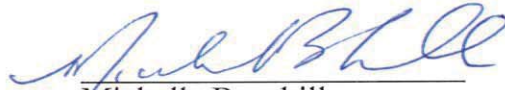
5 22. If unstaffed drop boxes are not available, many more Yavapai County
6 voters might choose to vote early in-person. Yavapai County has not previously used in-
7 person early voting locations that are open every day during the 27-day early voting
8 period, though we do provide in-person early voting at the two Recorder's Office
9 locations and in the Town of Prescott Valley when those offices are open. I anticipate
10 that it would be very difficult to find locations that can accommodate a vote center for the
11 entire early voting period, and the County has not budgeted for rental of such locations
12 and the employees necessary to staff such locations. Additionally, even if the County can
13 provide the funds for these facilities and employees, it would require additional staff that
14 the County does not presently employ.

15 23. Voters choosing not to return their early ballots by mail, including those
16 who do not get their ballots in the mail in time to be received by my office by 7:00 pm on
17 election day, may decide to vote in person on election day. The Elections Department,
18 which is responsible for election day voting, will have little information on how many
19 voters may vote in person, and therefore will be unable to accurately plan for in-person
20 turnout, potentially leading to long wait times and other issues on election day.

21 24. In addition, eliminating the current drop boxes as a means for voters to
22 return their early ballot packets is very likely to cause voter confusion for those Yavapai
23 County voters who have used the drop boxes for many years. We would need to invest
24 substantial resources in providing new information about how voters can return their
25 ballots, including rewriting instructions provided with early ballots, updating information
26 on our website, and conducting informational campaigns, especially for the many
27 Yavapai County residents who lack reliable internet access.

1 I declare under penalty of perjury under the laws of the State of Arizona that the
2 foregoing is true and correct.

3
4 Executed this 16 day of November, 2023 in Prescott, Arizona.

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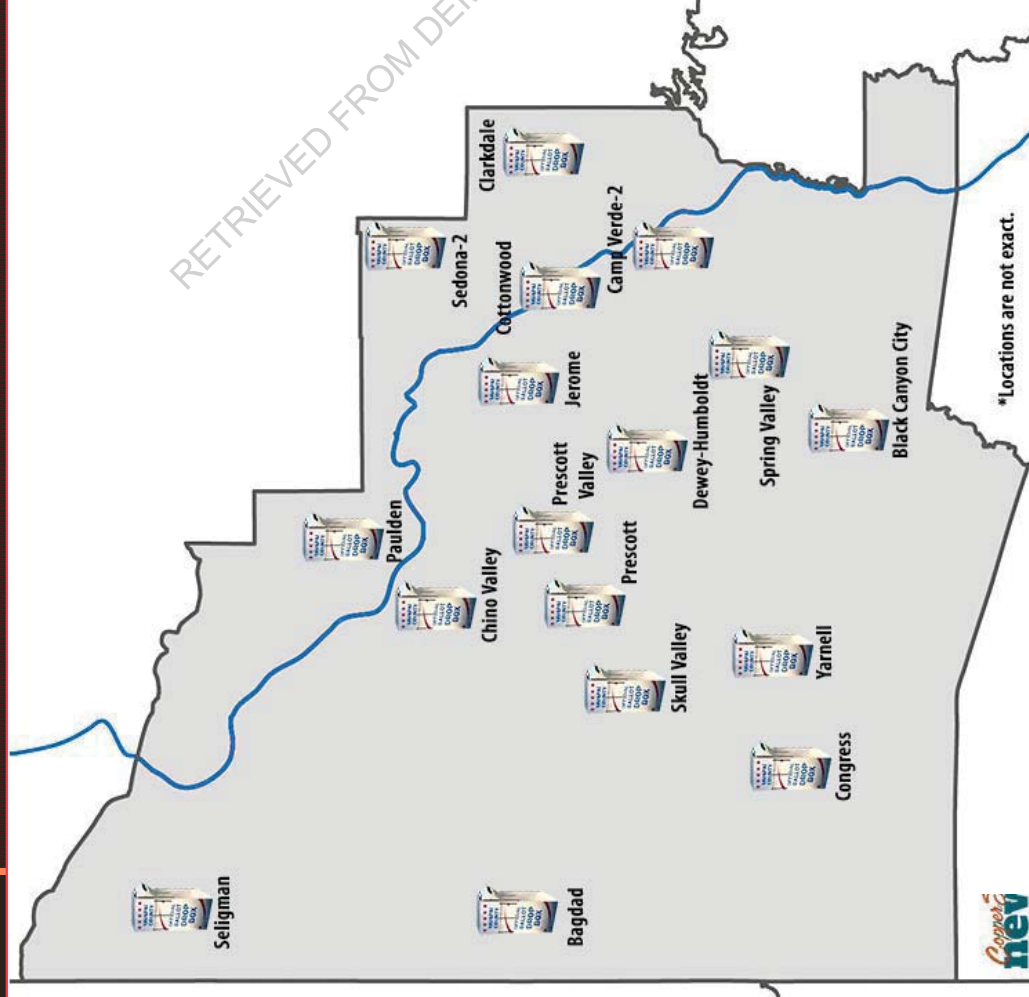
7 Michelle Burchill
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Exhibit A

CURRENT DROP BOX LOCATIONS



Bagdad, Bagdad Justice Court, 100 Main St
Black Canyon City, Black Canyon City Library, 34701 S Old Black Canyon Hwy
Camp Verde, Town Hall, 473 S Main St
Camp Verde, Yavapai-Apache Nation Community Center, 3462 Smith Ave
Chino Valley, Town Hall, 202 N State Route 89 (Now in shared police parking lot)
Clarkdale, Town Hall, 39 N 9th St
Congress, Congress Library, 26750 Santa Fe Road
Cottonwood, County Administration Building, 10 S 6th St
Dewey-Humboldt, Town Hall, 2735 S Highway 69
Jerome, Town Hall, 600 Clark St
Paulden, Public Library, 16 Big Chino Rd
Prescott, County Administration Building, 1015 Fair St
Prescott Valley, Town Hall, 7501 Skoog Blvd (Shared with Police parking lot)
Sedona, City Hall, 102 Roadrunner Dr
Sedona, Village of Oak Creek Fire Station, 125 Slide Rock Rd
Seligman, Seligman Library, 54170 N Floyd St.
Skull Valley, U.S. Post Office, 3085 S Iron Springs Rd
Spring Valley, Public Library, 17320 E Mule Deer Dr
Yarnell, Yarnell Justice Court, 22591 S Looka Way

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Exhibit B

BOARD OF SUPERVISORS AGENDA

Meeting Date: 10/15/2007
Submitted For: Karen McCracken
Department: Recorder

Action Requested - Request permission to enter into an Intergovernmental Agreement with County Jurisdictions where Ballot Drop Boxes have been installed.

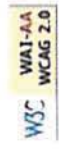
Brief Explanation of Need
The ballot boxes have been in place for some time and there should be an official agreement on file to ensure the proper use and maintenance of them. Jurisdictions are Camp Verde - Town Hall, 473 South Main, Camp Verde - Yavapai-Apache Nation Community Center, 3462 Smith Ave, Chino Valley - Town Hall, 1020 West Palomino Road, Sedona - City Hall, 102 Roadrunner Drive, Prescott Valley - Town Hall, 7501 Civic Circle, Dewey-Humboldt - Town, 2735 S Hwy 69.

Have Notice/Publication Requirements Been Met
Contract or Agreement

Fiscal/Impact
Attachments

[Ballot Box IGA](#)

[GO TO PREVIOUS PAGE](#) [GO TO THE TOP OF THE PAGE](#)



BOARD OF SUPERVISORS AGENDA

Meeting Date: 08/06/2012
Submitted For: Karen McCracken
Department: Recorder

Information

Action Requested
Viewer Registration - Consider selling one Voter Drop Box for \$1.00 to the Town of Camp Verde at 473 South Main Street.

Final Explanation of Need
The current Voter Drop Boxes are scheduled to be replaced with boxes that meet the Americans with Disabilities Act (ADA) requirements. The new drop boxes will have shoot closures that may be locked during non-election periods and will accommodate a larger amount of ballots, which is necessary due to the increase of early voters. The replacement Voter Drop Boxes will be purchased with Health and Human Services Grant Funds (HHS). General Funds will not be needed.

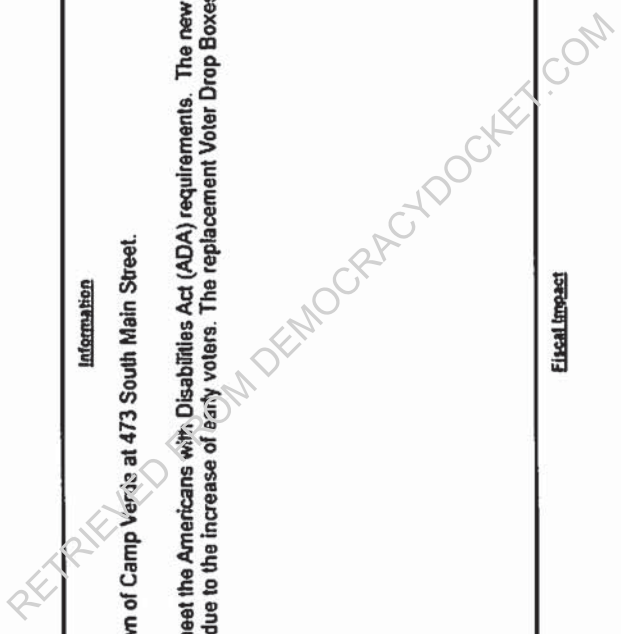
Presenter
Karen McCracken
Source of Revenue
n/a
Have Notice/Publication Requirements Been Met
n/a
Contract or Agreement

Fiscal Impact

Total Cost:
Source of Revenue:
Name of Account to be Paid From:
Number of Account to be Paid From:
Was this Item budgeted for:
Fiscal Impact:
No fiscal impact

Attachments

No file(s) attached



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Exhibit C

BOARD OF SUPERVISORS AGENDA-2020

Revision Date: 09/16/2020
Submitted For: Leslie Hoffman
Department: Recorder

Action Requested
Recorder - Approve receipt of seven ballot drop boxes from the Arizona Secretary of State's and installation locations. (District 1 - Supervisor Simmons; District 2 - Supervisor Thurman; District 4 - Supervisor Brown)

Brief Explanation of Need

With an increase in our Permanent Early Voting List, there is a need for additional Ballot Drop Boxes. With the receipt of these new boxes and the partnership with our library district we have the ability to install boxes in some of our rural communities.

Expected date of Arrival: September 28, 2020 to October 9, 2020, installation to follow.

Locations: Congress Library, Yarnell Library, Black Canyon City Library, Seligman Library, Village of Oak Creek, location to be determined
Remaining locations yet to be determined.

Presenter
N/A

Source of Revenue

Total value \$21,000.00 (All labeling included)
Cost: Installation by Yavapai County Facilities Department. Paid from CARES Grant.
No general funds used.

Have Notices/Publication Requirements Been Met
N/A

Contract or Agreement
N/A

Legal Approval/Notes
N/A

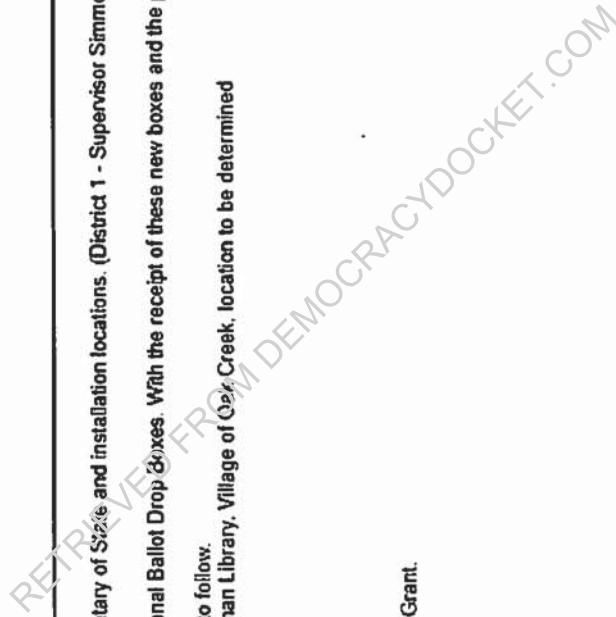
Total Cost:

TBD
CARES Grant

Source of Revenue:

Name of Account to be Paid From:
Number of Account to be Paid From: N
Was this item budgeted for: N
General Contingency Fund

Fiscal Impact



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Exhibit D

RECORDER / VOTER REGISTRATION / ELECTIONS

Oath of Office

I, _____, DO SOLEMNLY SWEAR (or AFFIRM) THAT I WILL
(Print Name)
SUPPORT THE CONSTITUTION OF THE UNITED STATES AND THE CONSTITUTION AND
LAWS OF THE STATE OF ARIZONA; THAT I WILL BEAR TRUE FAITH AND ALLEGIANCE
TO THE SAME, AND DEFEND THEM AGAINST ALL ENEMIES, FOREIGN AND DOMESTIC,
AND THAT I WILL FAITHFULLY AND IMPARTIALLY DISCHARGE THE DUTIES OF THE
OFFICE OF _____ ACCORDING TO THE BEST OF MY ABILITY,
(Department)
SO HELP ME GOD (or SO I DO AFFIRM).

Signature of Employee

Date

Subscribed and sworn before me this _____ day of _____, _____ .

Signature of Supervisor

Date

Print Name

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Exhibit E

Bi-Partisan Teams - Chain of Custody

DATE _____ NAME _____ NAME _____

TIME OF DEPARTURE FROM OFFICE _____

OFFICIAL DROP BOX	OFFICIAL DROP BOX ADDRESS	ARRIVAL TIME @ BOX	DEPARTURE TIME @ BOX	OFFICE USE ONLY	
				DROP BOX CONDITION	SEAL NUMBER # OF BALLOTS
Camp Verde	Town Hall, 473 S. Main St.				
Camp Verde	Yavapai-Apache Nation Community Center, 3462 Smith Ave.				
Chino Valley	Town Hall, 202 N. State Route 89				
Clarkdale	Town Hall, 39 N. 9th St.				
Cottonwood	County Administration Building, 10 S. 6th St.				
Dewey-Humboldt	Town Hall, 2735 S. Highway 69				
Jerome	Town Hall, 600 Clark St.				
Paulden	Public Library, 16 Big Chino Rd.				
Prescott Valley	Town Hall, 7501 E. Civic Circle				
Sedona	City Hall, 102 Roadrunner Dr.				
Skull Valley	U.S. Post Office, 3085 S Iron Springs Rd.				
Spring Valley	Public Library, 17320 E Mule Deer Dr.				

TIME OF ARRIVAL @ OFFICE _____

RETRIEVAL PERSON SIGNATURE

RETRIEVAL PERSON SIGNATURE

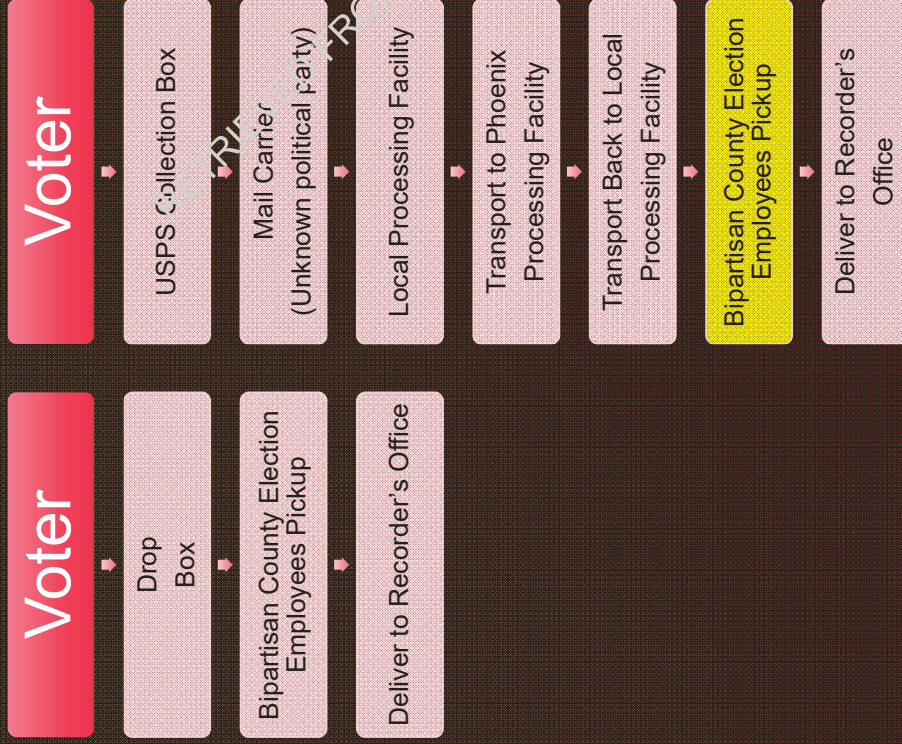
RECEIVING PERSON PRINT NAME

RECEIVING PERSON SIGNATURE

RETRIEVED FROM DEMOCRACYDOCKET.COM

Exhibit F

Ballot Handling



RETRIEVED FROM DEMOCRACYDOCKET.COM

Exhibit 2

1 KRISTIN K. MAYES
2 Attorney General
3 Firm State Bar No. 14000

4 Kara Karlson, Bar No. 029407
5 Karen J. Hartman-Tellez, Bar No. 021121
6 Senior Litigation Counsel
7 Kyle Cummings, Bar No. 032228
8 Assistant Attorney General
9 2005 North Central Avenue
10 Phoenix, AZ 85004-1592
11 Telephone (602) 542-8323
12 Facsimile (602) 542-4385
13 Kara.Karlson@azag.gov
14 Karen.Hartman@azag.gov
15 Kyle.Cummings@azag.gov
16 adminlaw@azag.gov
17 *Attorneys for Defendant Arizona*
18 *Secretary of State Adrian Fontes*

19 **SUPERIOR COURT OF THE STATE OF ARIZONA**

20 **IN AND FOR THE COUNTY OF YAVAPAI**

21 ARIZONA FREE ENTERPRISE CLUB,
22 an Arizona nonprofit corporation, and
23 MARY KAY RUWETTE, individually,

24 Plaintiffs,

25 v.

26 ADRIAN FONTES, in his official
27 capacity as the Secretary of State of
28 Arizona,

Defendant,

and

ARIZONA ALLIANCE FOR RETIRED
AMERICANS, and VOTO LATINO,

Intervenor-Defendants.

No: S-1300-CV-202300872

**DECLARATION OF
KAREN J. HARTMAN-TELLEZ**

1 I, Karen J. Hartman-Tellez, declare:

2 1. I am an attorney and member in good standing of the State Bar of Arizona.
3 I represent defendant Arizona Secretary of State Adrian Fontes in this matter. I make this
4 Declaration in support of the Secretary of State's Motion for Summary Judgment. Except
5 as otherwise stated, this Declaration is based on my personal knowledge and if called
6 upon, I could and would testify competently to the facts herein.

7 2. The Arizona Citizens Clean Elections Commission provides information to
8 voters about early voting, including how to return an early ballot. That information is
9 available from the Commission's website at: [https://www.azcleaselections.gov/how-to-](https://www.azcleaselections.gov/how-to-vote/early-voting/vote-by-mail#googlemap)
10 [vote/early-voting/vote-by-mail#googlemap](https://www.azcleaselections.gov/how-to-vote/early-voting/vote-by-mail#googlemap) (last visited Nov. 16, 2023). For the 2022
11 General Election, the Commission created a map showing all 416 ballot drop off
12 locations, including secure drop boxes, available at:
13 [https://www.google.com/maps/d/viewer?mid=1cAbCuXVizQL-](https://www.google.com/maps/d/viewer?mid=1cAbCuXVizQL-iZwLyVQBdicRFzwmpN4&femb=1&ll=34.19180204862077%2C-111.90987747777778&z=7)
14 [iZwLyVQBdicRFzwmpN4&femb=1&ll=34.19180204862077%2C-](https://www.google.com/maps/d/viewer?mid=1cAbCuXVizQL-iZwLyVQBdicRFzwmpN4&femb=1&ll=34.19180204862077%2C-111.90987747777778&z=7)
15 [111.90987747777778&z=7](https://www.google.com/maps/d/viewer?mid=1cAbCuXVizQL-iZwLyVQBdicRFzwmpN4&femb=1&ll=34.19180204862077%2C-111.90987747777778&z=7) (last visited Nov. 16, 2023).

16 3. Many Arizona Counties have used secure ballot drop boxes for many years.
17 For example, Yuma County installed its first drop box in 2012. Attached hereto as
18 Exhibit A is a true and correct copy of excerpts of the deposition of former Yuma County
19 Recorder Robyn Stallworth Pouquette in *Democratic Nat'l Comm. v. Ariz. Sec'y of*
20 *State's Office*, No. CV-16-1065-PHX-DLR (D. Ariz. June 13, 2017).

21 4. In 2019, the Secretary of State promulgated the currently operative
22 Elections Procedures Manual (the "EPM"). Included within the EPM are rules for ballot
23 drop-off locations and drop-boxes. Attached hereto as Exhibit B are the portions of the
24 2019 EPM governing ballot drop-off locations and drop-boxes (the "Drop Box Rules").

25 5. Counties that use drop boxes have developed security and chain of custody
26 protocols consistent with the Drop Box Rules. Attached hereto as Exhibit C is a true and
27 correct copy of public information provided by Maricopa County concerning its drop box
28

1 security. Exhibit C is available to the public on Maricopa County's website at:
2 [https://recorder.maricopa.gov/Elections/BeBallotReady/assets/pdf/Election%20Security](https://recorder.maricopa.gov/Elections/BeBallotReady/assets/pdf/Election%20Security%20Infographics%20ENG.pdf)
3 [%20Infographics%20ENG.pdf](https://recorder.maricopa.gov/Elections/BeBallotReady/assets/pdf/Election%20Security%20Infographics%20ENG.pdf) (last visited Nov. 16, 2023).
4

5 I declare under penalty of perjury under the laws of the State of Arizona that the
6 foregoing is true and correct.
7

8 Executed this 17th day of November, 2023 in Phoenix, Arizona.
9

10 /s/ Karen J. Hartman-Tellez
11 Karen J. Hartman-Tellez
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RETRIEVED FROM DEMOCRACYDOCKET.COM

Exhibit A

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

Democratic National)
Committee, DSCC, and Arizona)
Democratic Party,)
)
Plaintiffs,) No. CV-16-1065-PHX-DLR
)
vs.)
)
Arizona Secretary of State's)
Office, Michele Reagan, and)
Mark Brnovich,)
)
Defendants.)
)
)
)

DEPOSITION OF ROBYN STALLWORTH POUQUETTE

Phoenix, Arizona
June 13, 2017
2:26 p.m.

CERTIFIED COPY

Reported by:	CARRIE REPORTING, LLC
CARRIE A. CARIATI	Certified Reporters
Registered Professional Reporter	2415 East Camelback Road
Certified Realtime Reporter	Suite 700
Certified LiveNote Reporter	Phoenix, AZ 85016
Arizona CR No. 50355	(480)429-7573
carrie@carrierreporting.com	

1 DEPOSITION OF ROBYN STALLWORTH POUQUETTE was
2 taken on June 13, 2017, commencing at 2:26 p.m. at the
3 law offices of Perkins Coie, LLP, 2901 East Thomas Road,
4 Suite 2000, Phoenix, Arizona, before CARRIE A. CARIATI,
5 RPR, CRR, CLR, CARRIE REPORTING, LLC, 2415 East Camelback
6 Road, Suite 700, Phoenix, Arizona, a Certified Reporter in
7 the State of Arizona.

8 COUNSEL APPEARING:

9 For the Plaintiffs:

10 Perkins Coie, LLP

By: AMANDA CALLAIS

11 700 Thirteenth Street Northwest

Suite 600

12 Washington, District of Columbia 20005

13 Perkins Coie, LLP

By: SARAH R. GONSKI

14 2901 North Central Avenue

Suite 2000

15 Phoenix, Arizona 85012

16 For the Intervenor-Defendants Arizona Republican Party,
Bill Gates, Suzanne Klapp, Debbie Lesko, and Tony Rivero:

17 Snell & Wilmer, L.L.P.

18 By: SARA AGNE

One Arizona Center

19 400 East Van Buren Street

Phoenix, Arizona 85004

20 For the State Defendants:

21 Arizona Attorney General

22 By: KAREN HARTMAN-TELLEZ

JOSEPH LA RUE

23 KARA KARLSON

1275 West Washington Street

24 Phoenix, Arizona 85007

25 Also present: Isabella Campanile

1 ROBYN STALLWORTH POUQUETTE,
2 a witness herein, having been first duly sworn by the
3 Certified Court Reporter to speak the truth and nothing
4 but the truth, was examined and testified as follows:

5

6

EXAMINATION

7 BY MS. CALLAIS:

8 Q. Hi, Ms. Pouquette.

9 A. Hi.

10 Q. My name is Amanda Callais. I work with Perkins
11 Coie, and I represent the plaintiffs in this matter, which
12 is the Arizona Democratic Party, DNC, and the DSCC versus
13 Michele Reagan. We are here today for your deposition.

14 Can you please state your full name for the
15 record?

16 A. **Robyn Stallworth Pouquette.**

17 Q. What is your address?

18 A. **2401 West 5th Street, Yuma, Arizona 85364.**

19 Q. Have you ever taken a deposition before?

20 A. **No.**

21 Q. So this is your first deposition. I will just
22 go over some ground rules to start off with just so we can
23 make sure we are all on the same page. We want to make
24 sure that we create a clear record for the court today.

25 And to do that and to make Carrie's job a

1 Q. What are your duties as the recorder in Yuma
2 County?

3 A. The duties of the county recorder include
4 maintaining the public records recorded within the county,
5 most often associated with real property or transfer of
6 property and any other public -- or public records
7 recorded for public record in the office, maintaining
8 those and then properly archiving those, also include
9 recordation of plat map subdivision, parcel assignments.

10 And then the second division of the office
11 is charged with maintaining the voter registration records
12 for the county and any of the tasks associated with
13 facilitating early voting.

14 Q. What sort of tasks are associated with
15 facilitating early voting?

16 A. To begin, we maintain the voter registration
17 record. We also maintain records of any individuals
18 asking to be early voters or placed on a permanent early
19 voting list. And we prepare and distribute the early
20 ballots for all countywide and statewide elections and
21 then in addition any other jurisdictions that have
22 contracted with the county recorder's office and the
23 county elections division for elections for their
24 jurisdiction, which could include cities, towns and school
25 districts.

1 The early voting process, after
2 distribution to the voters, involves collection of the
3 ballots -- or receipt of the ballots from Postal Service
4 or any drop boxes or voters in person and processing those
5 for accepting them to move on to a tabulations process
6 with the elections department.

7 Q. As I understand it, every county works a little
8 differently in Arizona with regards to what the recorder
9 does and what the elections division does in the county.

10 Can you explain to me the breakdown of
11 those two roles in Yuma County just so I understand it?
12 And I won't ask you questions you don't know.

13 A. Yuma County maintains two different offices, so
14 the county recorder's office is -- the recorder is over
15 the recorder's office and that includes the voter
16 registration division that handles the early voting
17 processes.

18 And the elections department is a
19 department of the administration of Yuma County ultimately
20 under the Board of Supervisors. It is similar in several
21 other counties, however some of the counties have combined
22 those two and both departments are under the county
23 recorder, most often in an attempt to streamline processes
24 or make some tasks more efficient, if you will.

25 Our departments have maintained a separate

1 San Luis area are a majority Hispanic, and the outlying
2 city area -- there are some rural areas and some are
3 outside of those areas, I don't think I know, but it is
4 all P.O. box delivery.

5 Q. Has the recorder's office taken any steps to
6 assist voters who don't have home mail delivery to return
7 early ballots to receive or return early ballots in any
8 way?

9 A. Yes.

10 Q. What are those steps?

11 A. We comply with -- first of all, we are a little
12 bit different than other counties in that we mail all
13 those voters -- well, all of the voters in Yuma County
14 that are not participating in the permanent early voting
15 list, we mail them an early ballot request. That began
16 years ago. And the -- the ballots being turned in, we
17 have placed secure ballot boxes in two different areas.
18 We are working on a third for voters to place the ballot
19 in a secure ballot box in their community if they are not
20 placing it at the post office.

21 Q. Where are those secure ballot boxes located?

22 A. We have one located at the Yuma County library
23 in San Luis, Arizona. We have another located at the San
24 Luis city hall, and we have one located at the Somerton
25 parks and recreation, Heritage pool area on Main Street.

1 Q. How were they secured? Could you just describe
2 it for me? I don't have a sense of what it looks like.

3 A. It is a ballot box that looks much like a
4 mailbox. There are some inner components of the box that
5 have to -- there is a two-process unlock feature for the
6 boxes. There is an internal secure box that can be
7 removed with the ballots so they are not free flowing, and
8 we also have that -- a similar box at our location in Yuma
9 at our office to receive ballots.

10 Q. Why did you decide to place drop boxes in these
11 areas?

12 A. Originally it had been a request, not a formal
13 request, but from conversations with different voters and
14 being aware of the concern of not having the physical mail
15 delivery, it was an effort to reach out to those voters
16 and give an option if there was any concern as to the
17 Postal Service or time frames from the time that we would
18 have to receive the ballot.

19 So I send staff to those locations every
20 48 hours and up to the deadline to receive the early -- or
21 to turn the ballots in to the boxes to retrieve what has
22 been deposited.

23 Q. You mentioned a concern about when you would
24 receive the ballots. What is that in reference to?

25 A. Many of the counties print some notices on some

1 ballot envelopes to say: Must place in the mail by a
2 certain date to ensure delivery to the recorder's office
3 by 7:00 on election day.

4 We have not printed that information on the
5 ballot because it varies depending on where you are
6 placing your mail. But the ballot has to be received by
7 an election official by 7:00 p.m. on election day. So if
8 someone wanted to deposit their early ballot the Monday
9 before election day, we would advise the individual to not
10 place it in the custody of the Postal Service.

11 Q. Why is that?

12 A. There would be a risk that the ballot would not
13 be received by 7:00 p.m. on election day in our office.

14 Q. Does that happen -- are ballots received after
15 -- are early ballots received after election day at Yuma
16 County? We can use 2016 for example.

17 A. Yes, every election we receive some mail that is
18 not received by 7:00 p.m.

19 Q. If a ballot is placed in one of the secured drop
20 boxes by 7:00 p.m. on election day, is that considered a
21 ballot that could be counted?

22 A. Yes. We have staff there to pick up all those
23 ballots at 7:00 p.m. on election day.

24 Q. The specific locations that you place these
25 secure drop boxes, is there a reason that those locations

1 were chosen?

2 A. The reasons -- well, we evaluated multiple areas
3 within the community, and we arrived at locations that I
4 felt were the most secure and accessible by the community
5 members that are in those areas.

6 One of my concerns was security, and the
7 boxes themselves are quite an investment, so hoping for
8 secure areas that would deter any type of vandalism or
9 anything like that.

10 Q. Was the placement of the boxes in San Luis
11 specifically -- was there a reason for choosing that
12 community?

13 A. San Luis is one of the communities without the
14 physical mail delivery, so that was the first place I
15 placed a box.

16 Q. Do you know about how many residents there are
17 in San Luis -- maybe voters might --

18 A. I believe it is close to 10,000 now. I don't
19 know the population of the city.

20 Q. Then I may have missed this, but was there also
21 a box placed in Somerton?

22 A. Yes, there are two in San Luis and one in
23 Somerton.

24 Q. Do you know how many registered voters there are
25 in Somerton?

1 A. I do, but I can't recall right now.

2 Q. It is not a memory test. You don't have to put
3 registration rolls in front of you.

4 A. It is less than San Luis, so approximately maybe
5 40 percent less, 50 percent less.

6 Q. I think you mentioned that there was a concern
7 about whether or not mail that was dropped off at the post
8 office would arrive in time to the recorder's office. Is
9 that a specific concern in these area that you place the
10 drop boxes?

11 A. I think it is a concern countywide.

12 Q. Just why is that?

13 A. I feel that it is the perception of the voters
14 that once they place the envelope in the postal drop box
15 that it will be received by 7:00 p.m. on election day, and
16 that is not -- that is not accurate.

17 But it is a concern because I -- it is
18 difficult to communicate with voters the -- what the
19 deadline is and how to make sure we receive it. We --
20 like I said, we have a box in our office on Main Street,
21 and that is a pretty active box, and most of the city --
22 all of the city limits have physical mail delivery.

23 Q. How far is your office on Main Street -- how far
24 is it from San Luis?

25 A. 20 or 30 miles. I don't know.

1 Q. What about from Somerton?

2 A. 15 to 20 miles.

3 Q. Then the other community that you mentioned,
4 Wellton?

5 A. Wellton, about 25 miles.

6 Q. It's not walking distance, to say the least?

7 A. No.

8 Q. The drop boxes that you placed in San Luis --
9 the two drop boxes in San Luis and the one in Somerton,
10 are those boxes located in an area that is walkable or is
11 it one that has to be accessed by car?

12 MS. AGNE: Form.

13 THE WITNESS: Can I answer?

14 BY MS. CALLAIS:

15 Q. Yeah, you can answer.

16 A. All three of the boxes are placed in an area
17 that can be accessed via vehicle or walking, and the boxes
18 were also placed in consideration of the location of the
19 post office, because even if the voter deposits the ballot
20 at the post office on election day and -- it would be
21 impractical -- it wouldn't be expected we would receive it
22 by 7:00 p.m., but we work with the Postal Service to
23 obtain whatever is in their custody by 7:00 p.m. if it has
24 not gone through the process yet.

25 But some of those concerns have also

1 resulted from closures of Postal Service processing. The
2 mail in Yuma goes to Phoenix and then it is back. So the
3 Postal Service has been diligent in communicating with us
4 what they have in their custody by 7:00 p.m. so that we
5 can receive those.

6 And the boxes placed in the San Luis,
7 Somerton or in town even are opposite -- we didn't want to
8 place it next door to the post office I guess is what I am
9 saying, so we tried to identify the location in
10 consideration of someone walking to the post office versus
11 walking to this location, and if it was far from the post
12 office, perhaps the locations we chose were convenient.

13 Q. When you say "convenient," what went into the
14 decision of finding a convenient location?

15 A. Visible, not right next to a postal drop box
16 which would also be an option, and within walking distance
17 from residential areas.

18 Q. You mentioned that the mail in Yuma goes to
19 Phoenix.

20 A. Yes.

21 Q. So is that consistent throughout the county that
22 when you drop off something at the post office it gets
23 sent to Phoenix and then back --

24 A. Yes.

25 Q. -- and then to wherever it goes next?

1 **A. Yes.**

2 MS. AGNE: Form.

3 BY MS. CALLAIS:

4 Q. So if someone was sending an early ballot to the
5 recorder's office via mail and they placed it in -- let's
6 say, they went to the post office and they dropped it off
7 on the Friday before an election that took place on a
8 Tuesday, that ballot would then go to Phoenix and then it
9 would get sent back to the recorder's office?

10 MS. AGNE: Form. Foundation.

11 MS. KARLSON: Join.

12 THE WITNESS: That's my understanding.

13 BY MS. CALLAIS:

14 Q. You said you had an agreement worked out with
15 the post office for ballots that were dropped off on
16 election day --

17 MS. AGNE: Form.

18 BY MS. CALLAIS:

19 Q. -- to be -- do they notify you? Do you notify
20 them? How does that work?

21 **A. We contact them several times.**

22 Q. On election day?

23 **A. Prior to election day and on election day to ask**
24 **them to be mindful of ballot packages and to retain them**
25 **in the local facility if it is on election day to ensure**

1 we are able to pick up those prior to 7:00 p.m.

2 Q. Do you have those conversations on the days --
3 do you ask them to retain those early ballots at the local
4 facilities on the day prior to election day, let's say, on
5 the Friday and Saturday, for example, before an election
6 or the Monday before an election?

7 A. No, but I suppose I should be more clear. I ask
8 them to retain any ballots that they are unable to process
9 in a manner that would allow them to be in our custody by
10 7:00 p.m.

11 Q. Got it. Got it.

12 In the course of your work in the
13 recorder's office, do you also become aware if a voter has
14 concerns about potential fraud that has been committed in
15 connection with voter registration or early balloting?
16 Are reports of that given to your office?

17 MS. AGNE: Form.

18 THE WITNESS: Yes.

19 BY MS. CALLAIS:

20 Q. Have you received any reports of voter fraud in
21 connection with -- I am going to say -- I will use the
22 word "ballot collection," and what I mean by that is when
23 an individual picks up the early ballot -- the voted
24 ballot of another voter and then turns it into the
25 recorder's office.

1 so I guess we tried to come up with some ways that made it
2 more convenient to drop the ballots somewhere. I think
3 all of those were kind of part of our conversations.

4 Q. When you say "frustration," what are you
5 referring to?

6 A. The statements that were made to me by others
7 saying they felt ballot collection was happening
8 inappropriately or collection of ballots occurring in San
9 Luis was occurring.

10 Q. Did you have any frustrations -- did anyone
11 express frustration with regard to the placement of ballot
12 boxes?

13 A. Oh, yes.

14 Q. What were they?

15 A. The first ballot box I placed, I read on
16 Facebook that an individual in San Luis thought it was
17 stupid because you could just pick it up and take it with
18 you.

19 Q. The ballot box?

20 A. Yeah. And that it was not secure.

21 Q. Are the ballot boxes secure?

22 A. Yes. The specific ballot box -- it was the
23 first to be placed there at the library, and the
24 individual posted a comment on Facebook that we were not
25 -- that it was stupid because once it has ballots in it,

1 you could just pick it up and walk off with it or take it.
2 It was secured with concrete actually.

3 Then the other placement of ballot boxes --
4 I got phone calls from individuals just asking that it be
5 placed at their place of business or a different location
6 or a better location, so ...

7 Q. You can't please everybody?

8 A. No.

9 Q. Do people in the communities where the ballot
10 boxes are located, do they utilize those?

11 A. They are utilized. They are not utilized in
12 high volume, no. I think they are fairly new too, so --
13 they have been through a couple of election cycles.

14 Q. When did you get the first one?

15 A. 2012.

16 Q. That was in -- where was that? Which one was
17 that one?

18 A. I believe that is the one we placed in San Luis.
19 I can't recall the exact date, but it was a few years ago.

20 Q. Do you take any steps to advertise the ballot
21 boxes to individuals in those communities?

22 A. Yes.

23 Q. What steps are those?

24 A. We do a -- we do some voter outreach at schools
25 and different civic organizations, and then we placed a --

1 we put a brochure together for the last election that I
2 think listed the drop boxes and put it on our website in
3 conjunction with the list of vote centers.

4 Q. You mentioned earlier when you were talking
5 about the discussions you had with the rest of the county
6 recorders that you expressed to them about the Lara
7 allegations and the fact that there was no concrete
8 evidence. Is it your understanding there was no concrete
9 evidence -- or that you had no concrete evidence of any
10 fraud in connection with the Lara allegations or the
11 Fuentes allegations?

12 MS. AGNE: Form. Foundation.

13 THE WITNESS: I guess I was not -- in
14 regard to Mr. Lara, I was not given specific information
15 to say whether or not those were accurate.

16 BY MS. CALLAIS:

17 Q. When you say "those," do you mean his
18 allegations?

19 A. Yes.

20 Q. In the conversations that you had with the
21 county recorders that we just discussed, did you have
22 those with any other individuals, any members of the
23 legislature?

24 MS. AGNE: Form.

25 THE WITNESS: I don't believe so. I do

1 recall a conversation with Ms. Fernandez -- Charlene
2 Fernandez, only as it related to placement of ballot boxes
3 and the lack of physical mail delivery in Somerton and San
4 Luis.

5 BY MS. CALLAIS:

6 Q. What do you recall about that?

7 A. She shared some ideas that she felt were
8 appropriate for location of ballot boxes, and I did
9 communicate with her what my ultimate decision was on
10 placing them.

11 (Deposition Exhibit No. 6 was marked for
12 identification by the reporter.)

13 BY MS. CALLAIS:

14 Q. So, Ms. Pouquette -- actually, do you want to
15 take a five-minute break? We have been going for a while
16 now.

17 A. Sure.

18 Q. I don't think it will be too much longer
19 afterwards.

20 A. Okay.

21 (Recess ensued from 5:11 p.m. until
22 5:24 p.m.)

23 BY MS. CALLAIS:

24 Q. Ms. Pouquette, the court reporter has just
25 handed you what has been marked as Exhibit 6, and at the

1 CERTIFICATE

2 I HEREBY CERTIFY that the foregoing deposition
3 was taken by me pursuant to notice; that I was then and
4 there a Certified Court Reporter for the State of Arizona,
5 and by virtue thereof authorized to administer an oath;
6 that the witness before testifying was duly sworn by me to
7 testify to the whole truth and nothing but the truth;
8 pursuant to request, notification was provided that the
9 deposition is available for review and signature; that the
10 questions propounded by counsel and the answers of the
11 witness thereto were taken down by me in shorthand and
12 thereafter transcribed through computer-aided
13 transcription under my direction, and that the foregoing
14 typewritten pages contain a full, true, and accurate
15 transcript of all proceedings had upon the taking of said
16 deposition, all done to the best of my skill and ability.

I FURTHER CERTIFY that I am in no way related to
10 nor employed by any of the parties hereto, nor am I in any
11 way interested in the outcome hereof.

I FURTHER CERTIFY that I have complied with the
11 ethical obligations set forth in ACJA Sections
12 (J)(1)(g)(1) and (2).

DATED at Phoenix, Arizona, this 26th day of
13 June, 2017.

14
15 CARRIE A. CARIATI
16 Registered Professional Reporter
17 Certified Realtime Reporter
18 Certified LiveNote Reporter
19 Certificate No. 50355

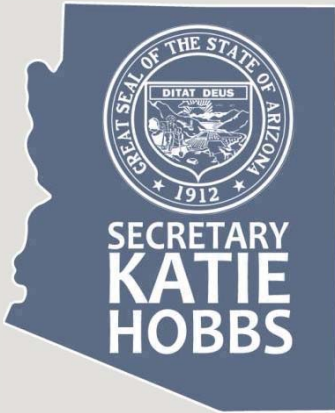
I CERTIFY that this Registered Reporting Firm
18 has complied with the ethical obligations set forth in
19 ACJA Sections (J)(1)(g)(1) and (2).

20
21 DATED at Phoenix, Arizona, this 26th day of
22 June, 2017.

23 _____
24 Registered Reporting Firm R1064
25 CARRIE A. CARIATI, Owner

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Exhibit B



STATE OF ARIZONA

2019 ELECTIONS PROCEDURES MANUAL

December 2019

www.azsos.gov



1700 W. Washington St. Phoenix, AZ 85007



1-877-THE-VOTE (343-8683)



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ARIZONA ELECTIONS PROCEDURES MANUAL

A PUBLICATION OF
THE ARIZONA SECRETARY OF STATE'S OFFICE
ELECTIONS SERVICES DIVISION

INTRODUCTION FROM SECRETARY OF STATE KATIE HOBBS

December 2019

I am pleased to provide the 2019 Elections Procedures Manual to county, city, and town election officials and other stakeholders throughout Arizona. Completing a long overdue update to the Elections Procedures Manual has been one of my Administration's highest priorities since transitioning into office in January 2019. To accomplish this, we worked in close partnership with County Recorders, Elections Directors, and their staff, and carefully considered feedback from other stakeholders and the public. With their invaluable contributions, we believe the 2019 Elections Procedures Manual will help ensure the maximum degree of correctness, impartiality, uniformity, and efficiency in election procedures across the state.

Secure, accurate, and accessible elections are at the heart of our democracy and they would not be possible without the continued dedication and vigilance of election workers across the State. Thank you for all that you do for Arizona's voters.

Sincerely,



Katie Hobbs
Arizona Secretary of State



STATE OF ARIZONA
OFFICE OF THE GOVERNOR

DOUGLAS A. DUCEY
GOVERNOR

EXECUTIVE OFFICE

December 20, 2019

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

Dear Secretary Hobbs:

My office has reviewed the 2019 version of the Arizona Secretary of State Election Procedures Manual (2019 Procedures Manual) that you submitted for approval on December 18, 2019.

Based upon review and approval submitted on December 19, 2019 by the Attorney General's Office that the 2019 Procedures Manual complies with the Arizona election laws, and my office's review, I hereby approve the 2019 Procedures Manual in accordance with A.R.S. § 16-452(B).

Sincerely,

Douglas A. Ducey
Governor
State of Arizona



MARK BRNOVICH
ATTORNEY GENERAL

OFFICE OF THE ATTORNEY GENERAL
STATE OF ARIZONA

December 19, 2019

The Honorable Katie Hobbs
Arizona Secretary of State
1700 E. Washington Street
Phoenix, Arizona 85007

Re: Approval of the 2019 Elections Procedures Manual

Secretary Hobbs:

Pursuant to A.R.S. § 16-452(B), my office has reviewed the draft Elections Procedures Manual submitted December 18, 2019. Based upon that review, we believe the submitted manual complies with Arizona's election statutes. Accordingly, I approve the Elections Procedures Manual as submitted on December 18, 2019.

Sincerely,

Mark Brnovich
Attorney General
State of Arizona

cc: Governor Doug Ducey

ABOUT THIS PUBLICATION

Published by the Arizona Department of State, Office of the Secretary of State, Election Services
Division

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(602) 542-8683 or 1-877-THE-VOTE (843-8683).

DISCLAIMER

The Office cannot offer legal advice or otherwise offer recommendations on information in this
publication. The Office advises consultation with an attorney in such cases.

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Attention: Election Services Division
1700 W. Washington St., FL 7
Phoenix, AZ 85007-2808

Telephone: (602) 542-8683

Fax: (602) 542-6172

www.azsos.gov

must include information about:

- How many UOCAVA ballots were validly requested;
- How many UOCAVA ballots were transmitted in accordance with the 45-day deadline based on valid requests received before that date; and
- How many UOCAVA ballots were transmitted after the 45-day deadline based on valid requests received before that date.

UOCAVA reports must be emailed or electronically submitted to the Secretary of State within one business day of the UOCAVA ballot transmission deadline. The reports shall not include any protected information for voters who have their records sealed pursuant to A.R.S. § 16-153 or who are enrolled in the Address Confidentiality Program.

The Secretary of State must consolidate the county reports and report Arizona's aggregated statistics to the U.S. Department of Justice following each primary and general election for federal office. See <https://www.justice.gov/crt/statutes-enforced-voting-section#uocava>.

H. Deadline to Return Ballots-by-Mail

A ballot-by-mail (with completed affidavit) must be delivered to the County Recorder, the officer in charge of elections, an official ballot drop-off site, or any voting location in the county no later than 7:00 p.m. on Election Day. [A.R.S. § 16-547\(C\)](#); [A.R.S. § 16-551\(C\)](#).

The ballot-by-mail return deadline also applies to UOCAVA ballots, regardless of the method of transmission to the election official, unless the UOCAVA return deadline is extended pursuant to emergency procedures as outlines in [Chapter 2, Section I\(F\)](#).

I. Ballot Drop-Off Locations and Drop-Boxes

Counties or municipalities that establish one or more ballot drop-off locations or drop-boxes shall develop and implement procedures to ensure the security of the drop-off location and/or drop-boxes and shall comply with the following requirements.

1. A ballot drop-off location or drop-box shall be located in a secure location, such as inside or in front of a federal, state, local, or tribal government building. All ballot drop-off locations and drop-boxes shall be approved by the Board of Supervisors (or designee).
 - a. An unstaffed drop-box (*i.e.*, not within the view and monitoring of an employee or designee of the County Recorder or officer in charge of elections) placed outdoors shall be securely fastened in a manner to prevent moving or tampering (for example, securing the drop-box to concrete or an immovable object).
 - b. An unstaffed drop-box placed inside a building shall be secured in a manner that will prevent unauthorized removal.
 - c. While a staffed drop-off location or drop-box (*i.e.*, within the view and monitoring of an employee or designee of the County Recorder or officer in

charge of elections) need not be securely fastened or locked to a permanent fixture, it must be securely located inside a government building and monitored by a properly trained employee or designee of the County Recorder or officer in charge of elections at all times that the location or drop-box is accessible by the public.

2. The County Recorder or officer in charge of elections shall publicly post a listing of designated drop-off locations and drop-boxes on the website of the County Recorder or officer in charge of elections. Where practicable, the County Recorder or officer in charge of elections shall also post a listing of drop-off locations and drop-boxes anywhere that polling places and vote centers are posted.
3. All drop-boxes shall be clearly and visibly marked as an official ballot drop-box and secured by a lock and/or sealable with a tamper-evident seal. Only an election official or designated ballot retriever shall have access to the keys and/or combination of the lock to remove the deposited ballots.
4. All drop-boxes (both staffed and unstaffed) shall have an opening slot that is not large enough to allow deposited ballots to be removed through the opening slot.
5. Ballot drop-off locations and drop-boxes shall be locked and covered or otherwise made unavailable to the public until the 27th day prior to an election to ensure that no ballots or any other materials may be deposited before the early voting period begins. Prior to use on the 27th day before the election, all drop-boxes shall be inspected for damage and to ensure they are empty.
6. All drop-boxes shall be locked and covered or otherwise made unavailable after the polls have closed on Election Day to ensure that no ballots may be dropped off after the close of the polls.
7. The County Recorder or officer in charge of elections shall develop and implement secure ballot retrieval and chain of custody procedures, which shall include the following:
 - a. Voted ballots shall be retrieved from ballot drop-off locations and/or drop-boxes on a pre-established schedule. Ballot retrieval shall be more frequent as Election Day approaches.
 - b. For any election that includes a partisan race, at least two designated ballot retrievers of at least two differing party preferences shall be assigned to retrieve voted ballots from a ballot drop-off location or drop-box. For a nonpartisan election, at least two designated ballot retrievers shall be assigned to retrieve voted ballots from a ballot drop-off location or drop-box.
 - c. Each designated ballot retriever shall wear a badge or similar identification that readily identifies them as a designated ballot retriever and/or employee of the County Recorder or officer in charge of elections.
 - d. Upon arrival at a drop-off location or drop-box, the two designated ballot retrievers shall note, on a retrieval form prescribed by the County Recorder or

- officer in charge of elections, the location and/or unique identification number of the location or drop-box and the date and time of arrival.
- e. The designated ballot retrievers shall retrieve the voted ballots by either placing the voted ballots in a secure ballot transfer container, retrieving the secure ballot container from inside the drop-box, or retrieving the staffed drop-box which also serves as a secure ballot container. If the drop-box includes a secure ballot container, the designated ballot retrievers shall place an empty secure ballot container inside the drop-box. The time of departure from the drop-off location or drop-box shall be noted on the retrieval form.
 - f. Upon arrival at the office of the County Recorder or officer in charge of elections, central counting place, or other receiving site, the designated ballot retrievers shall note the time of arrival on the retrieval form. The County Recorder or officer in charge of elections (or designee) shall inspect the secure ballot container for evidence of tampering and shall confirm receipt of the retrieved ballots by signing the retrieval form and indicating the date and time of receipt. If there is any evidence of tampering, that fact shall be noted on the retrieval form.
 - g. The completed retrieval form shall be attached to the outside of the secure ballot container or otherwise maintained in a manner prescribed by the County Recorder or officer in charge of elections that ensures the form is traceable to its respective secure ballot container.
 - h. When the secure ballot container is opened by the County Recorder or officer in charge elections (or designee), the number of ballots inside the container shall be counted and noted on the retrieval form.

Ballots retrieved from a ballot drop-off location or drop-box shall be processed in the same manner as ballots-by-mail personally delivered to the County Recorder or officer in charge of elections, dropped off at a voting location, or received via the United States Postal Service or any other mail delivery service, *see* [Chapter 2, Section VI](#).

J. Reporting Ballot-by-Mail Requests and Returns

At the request of a state or county political party chairperson before an election, a County Recorder must provide the following information at no cost to the political party:

- A listing of registrants who have requested a ballot-by-mail. This information must be provided daily Monday through Friday, beginning 33 days before the election and through the Friday before the election;
- A listing of registrants who have returned their ballot-by-mail, which must be provided daily in Maricopa and Pima Counties and weekly in all other counties.
 - Daily information in Maricopa and Pima Counties must be provided Monday through Friday, beginning the first Monday after early voting commences and ending the Monday before the election;

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Exhibit C



MARICOPA COUNTY ELECTIONS DEPARTMENT TABULATION SECURITY

Maricopa County upgraded our 25-year-old tabulation equipment in 2019. This new equipment includes features designed to improve efficiency and security over the tabulation process. It counts ballots faster and comes with a new ballot style where voters mark ovals. The equipment is federally and state certified by the U.S. Election Assistance Commission, Arizona Secretary of State, and the nationally accredited Voting System Test Laboratory.

ACCURACY & AUDITS



Prior to an election, we test 100% of all tabulators and accessible voting devices.



Before tabulation can begin, the Secretary of State performs an independent Logic & Accuracy test.



After the election, the political parties perform a hand count audit of results.



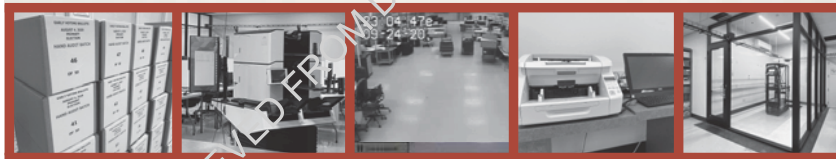
Our team performs a post-election accuracy test on equipment as a final check.

ELECTION DAY BALLOTS

PRECINCT-BASED TABULATORS

Used on Election Day at all voting locations, precinct-based tabulators count ballots onsite to keep a record of votes cast at each location. Results are printed on receipt paper and are stored on two separate, encrypted memory cards. The memory cards must be programmed together at the Ballot Tabulation Center, and the tabulator will only work if both memory cards inside are programmed together. The precinct-based tabulators only accept Election Day ballots and cannot read early ballots or provisional ballots.

TRANSPARENCY & SECURITY BALLOT TABULATION CENTER FOR EARLY AND PROVISIONAL BALLOTS



RESTRICTED ACCESS

Access is restricted to those with a job responsibility or direct oversight of tabulation.



MONITORED 24-7

Cameras stream live 24-7 at Maricopa.Vote.



POLITICAL PARTY OVERSIGHT

During tabulation, party representatives and observers are present, providing oversight.



NO INTERNET CONNECTIONS

No equipment or programs in the Ballot Tabulation Center are connected to the internet.



VISIBLE WIRING

Visible wiring shows how tabulation equipment is not connected to the internet, but instead routed directly to a secure server, which is behind glass and on display for public view.



RED PENS ONLY

Only red pens are allowed in the Ballot Tabulation center, as equipment cannot read red ink.



MARICOPA COUNTY ELECTIONS DEPARTMENT

VOTING BY MAIL

Security. Verification. Transparency.

Voting by mail in Arizona is secure and verifiable. Only registered voters may request a ballot in the mail. All ballot affidavit envelopes require a signature that is then checked against a known signature on the official voter registration file. The Elections Department and the Office of the Recorder have internal controls and tracking methods for ballot security. Our ballot processing teams conduct multiple audit checks before and after ballots are tabulated. Only verified ballots are counted, but we report all uncounted ballots. Find out more below!



1

ONLY REGISTERED VOTERS CAN REQUEST A BALLOT

The law requires that the Elections Department check the voter registration record against vital records and government systems prior to mailing a ballot to a voter. These checks verify the registration status of the voter and ensures we send the correct ballot to the correct voter.



2

VERIFICATION STARTS 90 DAYS BEFORE AN ELECTION

The law requires the Office of the Recorder mail out notices to all voters on the Permanent Early Voting List 90-days prior to an election. This mailing confirms that the voter still lives at the address on file and allows the voter the opportunity to update their record if the voter has moved. After reconciling our voter records, we mail ballots 27 days before an election.



3

TRACKING YOUR BALLOT

Every single mailed ballot is tracked upon delivery and receipt with an intelligent mail barcode so voters can have peace of mind knowing it was counted. Track your ballot by texting "JOIN" to 628-683 or online at [BeBallotReady.Vote](https://www.maricopa.gov/BeBallotReadyVote). The Elections Department also has internal controls and tracking methods for ballot security beginning from when your ballot is initially mailed, to how we transport voted ballots from the post office, to onsite security and much more.



4

ALL AFFIDAVIT ENVELOPES ARE SIGNATURE VERIFIED

All signatures are checked against a known signature on the official voter registration file and past affidavit signatures. Our signature verification process has multi-level checks to ensure only valid signatures are counted. Voters with questionable signatures are contacted by the Elections Department and have 3-5 days after an election to confirm their signature.



5

ONLY VERIFIED BALLOTS ARE COUNTED

Once the signature is verified on the affidavit envelope, it is opened by a bipartisan board and sent to be counted. All uncounted ballots are tracked and reported in the official canvass for each election.



MARICOPA COUNTY ELECTIONS DEPARTMENT

DROP BOX SECURITY

Maricopa County voters may return an early ballot by mail or drop it off at any Vote Center or secure ballot drop box. There are many layers of oversight to ensure ballots are safe and secure. All drop box locations are publicly accessible, approved by the Maricopa County Board of Supervisors and can be found at Locations.Maricopa.Vote.

Where can I find drop boxes?

[LOCATIONS.MARICOPA.VOTE](https://Locations.Maricopa.Vote)

1 VOTE CENTERS MONITORED BY TRAINED STAFF

Drop off your early ballot at any Vote Center. Locations are open for up to 28 days. Just make sure to return your ballot prior to 7 p.m. on Election Day.

2 DRIVE THROUGH DROP BOXES MONITORED BY TRAINED STAFF

Voters can drop off their completed early ballot from the comfort of their car at our drive-thru drop box locations.

3 24-HOUR DROP BOX PERMANENTLY SECURED

The drop box outside the Maricopa County Elections Department is available 24 hours a day, bolted to the ground and monitored by a security camera.

4 DROP BOX ONLY LOCATIONS INSIDE A GOVERNMENT FACILITY

Drop box locations are inside many city and town clerk's offices.

DROP BOX MATERIAL MARKED. LOCKED. LIMITED ACCESS.

All ballot drop boxes are visibly marked as an official drop box, locked, and have a small opening for envelopes. Only the Elections Department or the inspector have a key.

How is my ballot secured?



DAILY PICK UPS

Two ballot couriers of differing parties pick up the signed and sealed early ballot packets every day the location is open.



TAMPER EVIDENT SEALS

During pickup, the sealed envelopes are placed in a transport bin, which is secured by a tamper evident seal.



SERIAL NUMBERS AND LOGS

The seals have a serial number that is logged in a transport statement, which is signed by both ballot couriers and the inspector (at Vote Centers or Drive-Through Drop Boxes) or a government official (at drop box only locations in government facilities).



AUDITED NIGHTLY

All forms are reviewed and audited nightly when the transport bins are inspected at the Elections Department and sealed envelopes are removed for early ballot processing.



RETAINED FOR TRANSPARENCY

All paperwork and seals are retained and transferred to the treasurer's vault along with counted ballots and other election materials at the end of each election.