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**IN THE SUPERIOR COURT FOR THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF MARICOPA**

**ABRAHAM HAMADEH, as an
individual legally entitled to the office of
Attorney General,**

Petitioner,

v.

**KRIS MAYES, Attorney General of
Arizona,**

Respondent,

**ADRIAN FONTES, in his official
capacity as Secretary of State of Arizona,
KATIE HOBBS, in her official capacity
as Governor of Arizona, BILL GATES,
CLINT HICKMAN, JACK SELLERS,
THOMAS GALVIN, and STEVE
GALLARDO in their official capacities
as members of the Maricopa County
Board of Supervisors; the Maricopa
County Board of Supervisors, and
STEPHEN RICHER, in his official
capacity as Maricopa County Recorder,**

Defendants.

CASE NO. CV2023-054988

**VERIFIED PETITION FOR
WRIT OF QUO WARRANTO &
WRIT OF MANDAMUS
CIVIL**

(Expedited Relief Requested)

1 **INTRODUCTION**

2 1. Abraham Hamadeh, Petitioner, in his own name and pursuant to A.R.S. § 12-2043, upon
3 the information listed below and Petitioner’s verification, seeks leave from this Honorable
4 Court to file a writ of *quo warranto*, finding that Respondent, Kris Mayes, has usurped,
5 intruded into or unlawfully holds or exercises the public office of Arizona’s Attorney
6 General.¹ Accordingly, Petitioner moves this Court to issue a writ of *quo warranto* to Kris
7 Mayes directing that she cease functioning as Arizona’s Attorney General and a writ of
8 mandamus to the Maricopa County election officials to purge Maricopa County’s
9 registration records of any inappropriate signatures from vote-by-mail affidavit envelopes
10 and void Maricopa County’s canvass for the Contested Race and either: (a) order Maricopa
11 County to redo signature verification for the 2022 General Election using only “registration
12 record” signatures; (b) order a new election for the Attorney General race to be held in
13 Maricopa County with the 2023 Primary Election or at such earlier time as this Court may
14 deem appropriate; or (c) grant any other relief appropriate under law and justified under the
15 circumstances.

16 2. Kris Mayes is fully aware of the circumstances described herein regarding her usurpation,
17 intrusion or unlawful holding or exercise of the office of Arizona Attorney General
18 rendering the application of this Petition proper. Respondent was provided written notice
19 of this suit on December 27, 2023, wherein Petitioner personally asserted the lawful title to
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22 ¹ Pursuant to A.R.S. § 12-2043, Petitioner may proceed “to bring the suit in his own name,
and the court must grant the leave upon a proper showing made.” *State ex rel. Hess v. Boehringer*, 16 Ariz. 48, 56 (1914) (emphasis added).

1 the office of Arizona’s Attorney General—yet Respondent has expressly refused to vacate
2 her office. Accordingly, Petitioner has satisfied the requirements of A.R.S. § 12-2043(B).

3 3. Petitioner ran as a candidate for the office of Arizona’s Attorney General in the 2022
4 Primary Election and as a nominee for the 2022 General Election. During the 2022 General
5 Election for Arizona’s Attorney General (the “Contested Race”), Petitioner received the
6 highest number of legal votes in Arizona.

7 4. This case is about the meaning of A.R.S. § 16-550(A), which governs Arizona’s signature
8 verification process, and whether this “non-technical” and nondiscretionary law that
9 furthers Petitioner’s constitutional rights (and those of his supporters) was applied by
10 Maricopa County in a way that is consistent with its proper meaning.

11 5. This Petition asserts that by using the phrase “registration record” in A.R.S. § 16-550(A)
12 the Arizona Legislature was referring to the registration-related documents signed by voters
13 when registering to vote, or modifications thereto as required by A.R.S. §§ 16-152, 16-166,
14 and the Elections Procedures Manual (“EPM”).² As explained herein, “registration record”
15 signatures do **not** include putative voter signatures found on non-registration related
16 documents—especially signatures on early voting mail-in-ballot-affidavit-envelopes.

19 ² Petitioner believes that the decision by Judge Napper in *Ariz. Free Enter. Club, et al. v.*
20 *Fontes*, defining “registration record” as including only registration forms and amendments
21 thereto is well-reasoned. No. CV2023-00202 Under Advisement Ruling and Order Sept. 1,
22 2023, at 3–4 (Ariz., filed Mar. 6, 2023), attached hereto as Exhibit 1. For the purpose of this
case, however, Petitioner is showing that Maricopa County not only violated Arizona statutes,
but also the EPM when it allegedly verified mail-in ballot affidavit signatures in the November
2022 General Election.

1 6. Because the Maricopa County election officials allowed comparisons of signatures on mail-
2 in ballot affidavits with non-“registration record” signatures, Petitioner requests this Court
3 to set aside the election results from Maricopa County for the Contested Race; order
4 Maricopa County elections officials to decertify the Attorney General’s race for the 2022
5 General Election; and (a) order Maricopa County to redo signature verification for the 2022
6 General Election using only proper “registration record” signatures; (b) order a new election
7 for the Attorney General race to be held in Maricopa County with the 2023 Primary Election
8 or at such earlier time as this Court may deem appropriate; or (c) grant any other relief
9 appropriate under law and justified under the circumstances. Additionally, Petitioner
10 requests that this Court order Maricopa County Defendants to purge the registration records
11 of any inappropriate signatures to be used for comparisons in future elections.

12 7. Because Maricopa County clearly failed to abide by the “non-technical” and
13 nondiscretionary requirements of A.R.S. § 16-550(A) in a manner that impacted a material
14 number of votes for the Attorney General’s race, the results of the 2022 General Election
15 in Maricopa County for the Contested Race are “uncertain” as a matter of law. More
16 particularly, Petitioner “lost” the election to the Respondent by only 280 votes. If mail-in
17 ballot votes were properly rejected because the signatures on the mail-in ballot affidavits
18 were not consistent with the voters’ signatures in their “registration records,” then Petitioner
19 would have won the Contested Race but—at the very least, the Contested Race is uncertain
20 as a matter of law—requiring nullification. This lack of clarity necessitates that this Court
21 order Maricopa County elections officials to void the results for the Contested Race and (a)
22 order Maricopa County to redo signature verification for the 2022 General Election using

1 only “registration record” signatures; (b) order a new election for the Attorney General race
2 to be held in Maricopa County with the 2023 Primary Election or at such earlier time as this
3 Court may deem appropriate; or (c) grant any other relief appropriate under law and justified
4 under the circumstances.

5 NATURE OF CLAIMS

- 6 8. The foregoing allegations are incorporated as though fully set forth herein.
- 7 9. This action challenges the constitutionality of the Defendants’ use of signatures that are not
8 part of voters’ “registration records” as a violation of A.R.S. §§ 16-152, 16-166, 16-550(A),
9 the EPM, and Articles II § 21, VII §§ 7 & 12 of the Arizona Constitution.
- 10 10. Petitioner seeks the issuance of a writ of *quo warranto* to Respondent Kris Mayes, pursuant
11 to A.R.S. § 12-2043,³ directing that she cease functioning as Arizona’s Attorney General
12 and order the State Defendants to install Petitioner as the Attorney General, an office to
13 which Petitioner is personally entitled.
- 14 11. Petitioner further seeks mandamus relief, pursuant to A.R.S. § 12-2021, against State and
15 County Defendants to redress the County Defendants’ violations of the Arizona
16 Constitution. Petitioner requests that his Court issue an order to the County and State
17 Defendants to void the canvass for the Contested Race and order Maricopa County to redo
18 signature verification for the 2022 General Election. Petitioner also seeks an order directing
19 both State and County Defendants to recanvass the Contested Race based solely on legal
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22 ³ This statutory action is timely filed pursuant to A.R.S. § 12-541, as Respondent was sworn
into office on January 2, 2023.

1 votes cast in Arizona (which results in Petitioner being awarded the office of Attorney
2 General). Alternatively, if that cannot be done (as Maricopa County has contended, without
3 explanation, in other litigation⁴), then simply voiding the results from Maricopa County
4 from the state-wide canvass and conducting a new election for Maricopa County is an
5 appropriate remedy. This Court may also wish to grant Petitioner alternative relief, as it
6 deems just and proper.

7 12. Whether a recount is performed for mail-in ballot affidavit signatures being compared to
8 proper registration records, a new election is held, or other appropriate relief is granted,
9 Petitioner is entitled to attorney's fees and costs pursuant to A.R.S. §§ 12-341 & 12-2030.

10 **JURISDICTION AND VENUE**

11 13. The foregoing allegations are incorporated as though fully set forth herein.

12 14. This Court has jurisdiction to issue a writ of *quo warranto* under A.R.S. § 12-2043 and
13 jurisdiction to issue a writ of mandamus to any person for violations of Petitioner's
14 constitutional and statutory rights pursuant to A.R.S. § 12-2021 on a "verified complaint of
15 a party beneficially interested to compel, when there is not a plain, adequate and speedy
16 remedy at law, performance of an act which the law specifically imposes as a duty resulting
17 from an office, trust or station[.]"

18 **PARTIES**

19 15. The foregoing allegations are incorporated as though fully set forth herein.
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22 ⁴ See *Mast v. Mayes, et al.*, CV2023-053465, Maricopa County Defendants' Motion to Dismiss
at 6 (Ariz. Sup. Ct. Nov. 13, 2023) ("a 'recount' or 'revote' is impossible to accomplish at this
stage").

1 16. Petitioner ran for the office of Arizona’s Attorney General in the 2022 Primary and General
2 Elections. Petitioner was the Republican nominee for the General Election and was lawfully
3 elected to office of Attorney General having received the highest number of *legal votes* in
4 Arizona.

5 17. Petitioner purportedly lost by a mere 280 votes after thousands—if not hundreds of
6 thousands—of illegal ballots were counted in Maricopa County, which includes the Phoenix
7 metropolitan area and is among one of the largest voting jurisdictions in the Nation wherein,
8 for any given election, it accounts for more than sixty percent of Arizona’s registered voters,
9 as it did in 2022.⁵

10 18. Kris Mayes is named in her official capacity as the currently recognized Attorney General
11 of Arizona.

12 19. Adrian Fontes is named in his official capacity as Secretary of State of Arizona. Petitioner
13 seeks mandamus relief against Secretary Fontes to compel the recanvassing of Arizona’s
14 2022 General Election based only on lawful votes from throughout Arizona.

15 20. Katie Hobbs is named in her official capacity as the currently recognized Governor of
16 Arizona. Petitioner seeks mandamus relief against Governor Hobbs to compel the
17 proclamation of the recanvassing of Arizona’s 2022 General Election based only on lawful
18 votes pursuant to her duties under A.R.S. § 16-651.

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21 ⁵ See <https://www.maricopa.gov/5539/Voting-Equipment-Facts#:~:text=ballot%20rotation%20laws,-,Maricopa%20County%20is%20the%20second%20largest%20voting%20jurisdiction%20in%20the,percent%20of%20Arizona's%20registered%20voters> (accessed August 15, 2023).

1 21. The Maricopa County Board of Supervisors is named in its official capacity, by and through
2 its members Bill Gates, Clint Hickman, Jack Sellers, Thomas Galvin, and Steve Gallardo
3 (“County Defendants”). Pursuant to A.R.S. 16-622, the Maricopa County Board of
4 Supervisors has the final authority for certifying countywide voting results, which Petitioner
5 asserts was in error with respect to the Contested Race. Petitioner seeks mandamus relief
6 against the County Defendants to compel the complete nullification of Maricopa County’s
7 2022 General Election with respect to the Contested Race and to order the relief requested
8 herein.

9 22. Stephen Richer is named in his official capacity as the Maricopa County Recorder. In this
10 role, Defendant Richer maintains the “registration record” for signature verification of early
11 voting in Maricopa County. Petitioner seeks mandamus relief from this Court to order
12 Defendant Richer (and the County Defendants) to purge the registration records in
13 Maricopa County of any inappropriate signatures to be used for comparisons in future
14 elections.

15 **GENERAL ALLEGATIONS**

16 23. The foregoing allegations are incorporated as though fully set forth herein.

17 24. Maricopa County includes the Phoenix metropolitan area and is among one of the largest
18 voting jurisdictions in the Nation. For any given election, it accounts for more than sixty
19 percent of Arizona’s registered voters, as it did in 2022.⁶

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21 _____
22 ⁶ See <https://www.maricopa.gov/5539/Voting-Equipment-Facts#:~:text=ballot%20rotation%20laws.->

1 25. On November 28, 2022, the Maricopa County Board of Supervisors certified its canvass of
2 returns of the November 8, 2022, General Election.⁷ Of the 1,562,758 ballots cast in the
3 2022 General Election in Maricopa County, 1,311,734 were early ballots (meaning, those
4 that are “signature verified and processed before they are counted”).⁸

5 26. Upon information and belief, the vast majority of the approximately 1.3 million early ballots
6 were ballots cast by mail, as opposed to ballots cast in-person at early vote centers.

7 27. On December 5, 2005, then Secretary of State Katie Hobbs canvassed the returns of the
8 2022 General Election wherein Kris Mayes was declared the victor in the Contested Race
9 having purportedly received 1,254,613 votes from across the state as compared to 1,254,102
10 votes awarded to Petitioner.⁹ That is a difference of 511 votes. Notably, Ms. Mayes’s lead
11 has shrunk to just 280 votes following a state-wide recount.¹⁰

12 28. In Maricopa County, Ms. Mayes purportedly received 766,869 votes whereas Mr. Hamadeh
13 received 740,960 votes.¹¹

14
15
16 Maricopa County is the second largest voting jurisdiction in
17 the percent of Arizona's registered voters (accessed August 15, 2023).

18 ⁷ See Maricopa County November General Canvass Summary: November 8, 2022, attached
hereto as Exhibit 2 and incorporated herein by this reference.

19 ⁸ See [https://elections.maricopa.gov/news-and-information/elections-news/maricopa-county-](https://elections.maricopa.gov/news-and-information/elections-news/maricopa-county-november-general-election-results-posted.html)
20 [november-general-election-results-posted.html](https://elections.maricopa.gov/news-and-information/elections-news/maricopa-county-november-general-election-results-posted.html) (accessed August 16, 2023). If the term “early
ballots” includes votes other than early votes cast by mail, Maricopa County can disclose the
exact numbers for each type a proper analysis.

21 ⁹ See State of Arizona Official Canvass: 2022 General Election, attached hereto as Exhibit 3
and incorporated herein by this reference.

22 ¹⁰ See Arizona Secretary of State 2022 General Election Recount Summary Results by
County, attached hereto as Exhibit 4 and included herein by this reference.

¹¹ See Exhibit 2.

1 29. If this Court determines that more than 280 ballots which had improper signature
2 comparisons (as alleged herein) were included in the Contested Race results from Maricopa
3 County, then the proper remedy is to void all votes from Maricopa County for the Contested
4 Race. *See Reyes v. Cuming*, 952 P.2d 329 (Ariz. Ct. App. 1997). Indeed, “election statutes
5 are mandatory, not ‘advisory,’ or else they would not be law at all.” *Miller v. Picacho*
6 *Elementary Sch. Dist. No. 33*, 179 Ariz. 178, 180 (1994).

7 30. By the plain language of A.R.S. § 16-550(A), the County Recorder, or his designee, is
8 charged with verifying the identities of purported electors by comparing the signatures on
9 the affidavit submitted by the purported elector to the “signature” (singular) “on” (not, ‘in’)
10 the voter’s “registration record” (not, “historical records” or “voters’ records”).

11 31. For the 2022 General Election, Maricopa County elections officials verified hundreds of
12 thousands of mail-in-affidavit signatures utilizing an *exclusive comparison* to the most
13 recent **historical signature** submitted by the purported elector. Most of these **historical**
14 **signatures** were from prior mail-in ballot affidavits—which are not lawfully within the
15 “registration record” as defined by A.R.S. § 16-550(A). Thus, Maricopa County did not use
16 the proper criteria for a material number of verified comparisons and its election results for
17 the Contested Race are therefore “uncertain” as a matter of law—requiring nullification of
18 all votes for the Contested Race cast in Maricopa County. *Reyes*, 952 P.2d 329, *see also*
19 *Miller v. Picacho Elementary Sch. Dist. No. 33*, 179 Ariz. 178 (1994)).

20 32. Given the small margin of victory noted above, the Contested Race was unquestionably
21 impacted (“affected”) by uncertainty because Maricopa County tabulated a material number
22 of approximately 1.3 million mail-in ballots by verifying them without any reference to

1 lawful signatures on voters’ “registration records.” Put simply, far more than 280 votes cast
2 in favor of Ms. Mayes from Maricopa County were irrefutably illegal—necessitating the
3 remedies requested herein.

4 33. Contrary to the clear import of A.R.S. § 16-550(A) and the EPM, Maricopa County allowed
5 its signature verification personnel, at the first level of its review process, to verify hundreds
6 of thousands of signatures during the 2022 General Election by *exclusively comparing* them
7 to a “historical reference signature that was previously verified and determined to be a valid
8 signature for the voter.”¹² Such “historical documents” used for signature verification in the
9 Contested Race unlawfully included a material number of non-“registration record”
10 signatures from “early [*vote-by-mail*] affidavits from previous elections.”

11 34. As used in A.R.S. § 16-550, the “registration record” is a term of art that refers to prescribed
12 information obtained by the County Recorder at the time voters register to vote (e.g. name,
13 address, party affiliation, occupation, citizenship, residency, etc.).

14 35. In essence, the “registration record” primarily includes documents that the elector signs
15 *when registering to vote* or allowed amendments to information in the registration records.

16 36. A.R.S. § 16-152 explains what specific information a citizen is required to provide *when*
17 *registering to vote*. This information includes, among other things, the registrant’s state or
18 country of birth, date of birth, and other personal information. Critically, *when registering*
19 *to vote*, each registrant *is required* to provide a form of identification, *see* A.R.S. § 16-

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22 ¹² See Maricopa County Elections Department 2022 Elections Plan (“Elections Plan”) § 6.3.8,
attached hereto as Exhibit 5 and incorporated herein by this reference.

1 152(A)(12), and “evidence of United States citizenship with the application[.]” A.R.S. §
2 16-152(A)(23) (emphasis added). Indeed, absent satisfactory evidence of United States
3 citizenship (which includes a driver’s license issued after October 1, 1996) the county
4 recorder “*shall reject*” any application for registration. *Id.*, see also A.R.S. § 16-166(F).¹³

5 37. The registered voters’ signatures collected *when registering to vote* are used for the purpose
6 of signature verification relating to early voting.

7 38. Under Arizona law, every early ballot (whether cast *by mail* **or** *in person*) must be
8 accompanied by a ballot affidavit envelope. See A.R.S. § 16-547.¹⁴

9 39. Unlike electors that vote early *in-person*, voters that submit early ballots *by mail* in Arizona
10 are not required to provide any form of identification. Instead, to submit a ballot by mail, a
11 voter must sign the affidavit envelope, by which she attests under penalty of perjury that
12 she (1) is a registered voter in her county of residence, (2) has not already voted in the
13 election, and (3) will not vote again in the election in any other county or state. See A.R.S.
14 § 16-547.

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18 ¹³ Notably, proof of citizenship is not a requirement for registering to vote in Federal elections
See *Gonzalez v. Ariz.*, 677 F.3d 383 (2012).

19 ¹⁴ See also *Lake v. Richer et al.*, CV2023-051480 (Ariz. filed Apr. 25, 2023) Tr. of
20 Proceedings (Sept. 21, 2023), Day 1 at 16–17, attached hereto as Exhibit 6 and incorporated
21 herein by reference (per Defendant Richer, an elector that votes at an early voting center, by
22 law, places his or her “ballot in a return affidavit envelope. . . . So if you show up to vote in
person, you scan your ID, it would pull up your information, and then a little blinking light
would go off, and a poll worker would come over, check your ID, make sure all the
information is accurate, and then it would print on demand both a ballot for your assigned
precinct and it would print a return affidavit envelope. Now, the only difference is this return
affidavit envelope would be white[.]”), *id.* at 76–83.

1 40. To cast a ballot by mail, the voter places her ballot in the early ballot affidavit envelope,
2 seals the envelope, and mails or delivers it to the recorder. The signature on the affidavit
3 envelope for a vote-by-mail ballot acts as *the only* proof of the purported voter's
4 identification, which must be verified by the County Recorder or his designee against a
5 signature from the voter's "registration record" before the vote can be legally counted. *See*
6 A.R.S. § 16-550(A).

7 41. Although the "registration record" does not include signatures from *vote-by-mail* affidavit
8 envelopes accompanying early ballots, affidavit envelopes accompanying early ballots cast
9 *in person* are apparently included in the "registration record" according to the EPM, which
10 has the force of law. A.R.S. § 16-452. Page sixty-nine of the EPM expressly authorizes,
11 "[a]fter verifying an *in-person* [not mail-in] early ballot, a County Recorder may update the
12 signature in a voter's record by scanning the voter's affidavit signature and uploading the
13 signature image to the voter's [registration] record." This is because, "voters who cast an
14 early ballot *in-person* . . . must show identification prior to receiving a ballot."¹⁵ *Id.*

15 42. In stark contrast, in early ballots cast by mail, the purported elector's signature
16 accompanying the affidavit envelope is the sole criteria for establishing the voter's identity
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19 ¹⁵ Notably, the EPM also allows for signatures from other documents that voters sign *when*
20 *registering to vote* (*i.e.*, when providing proof of citizenship) to be included in the
21 "registration record." For instance, the EPM allows signatures from signature rosters to be
22 included in the "registration record" because voters are required to "present" enumerated
information for identification purposes before signing a signature roster and casting a ballot
(this includes an Arizona driver's license issued after October 1, 1996). *See* A.R.S. §§ 16-579
(D) & (E), 16-584.

1 and citizenship. *See* A.R.S. §§ 16-152, 16-166(F). Mail-in ballot affidavit signatures are
2 therefore inappropriate to be included in a “registration record.”

3 43. All mail-in ballots submitted by Maricopa County voters are processed by a third-party
4 contractor, Runbeck. Upon reaching Runbeck’s warehouse (either from MCTEC or USPS),
5 all mail-in ballot packets are entrusted to Runbeck employees. In the presence of Maricopa
6 County employees, the Runbeck employees are required to conduct an "inbound scan" of
7 each affidavit signature.

8 44. According to the Maricopa Elections Plan § 6.3.7, “[u]pon delivery of early ballot affidavits,
9 Runbeck conducts an inbound scan of the affidavit envelope [via mail sorter] to capture a
10 digital binary image of the voter signatures from that packet and places those images into
11 an automated batch system for Elections Department staff review.”¹⁶ This inbound scan
12 serves to capture an image of the packet for signature comparison as required by A.R.S. §
13 16-550.

14 45. During the 2022 General Election, Maricopa County signature reviewers at the first level
15 of the review process saw a digital display of a succession of only two images on a computer
16 screen.¹⁷ One part of the screen contained a scanned image of the ballot affidavit signature
17 for verification, and—as recently admitted by Maricopa County Elections Director, Rey
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21 ¹⁶ *See* Exhibit 5.

22 ¹⁷ *See Lake v. Hobbs, et al.*, CV 2022-095403 (Ariz., filed Dec. 9, 2022) Tr. of Proceedings
(May 17, 2023), Day 1 at 42–43, attached hereto as Exhibit 7 and incorporated herein by this
reference.

1 Valenzuela—the other part of the screen *contained a singular comparison signature, which*
2 *was the most recent **historical signature** submitted by the purported elector.*¹⁸

3 46. During the August 2022 Primary Election, 759,240¹⁹ Maricopa County electors cast early
4 ballots. Thus, over three-quarters of a million signatures from early affidavit envelopes
5 submitted in the 2022 Primary election—the vast majority of which, upon information and
6 belief, were from vote-by-mail affidavit envelopes—were included in Maricopa County’s
7 “historical record” for comparison purposes during the 2022 General Election.

8 47. To see any other signatures (other than the most recent historical signature) for comparison
9 (including a “registration record” signature), verifiers needed to scroll down on their
10 screens. *See* Exhibit 8 at 199–200, *see also* *Lake v. Hobbs et al.* CV 2022–095403 (Ariz.,
11 filed Dec. 9, 2022) Order at 4 (May 22, 2023), attached hereto as Exhibit 10 (“Mr.
12 Valenzuela testified that a level one signature reviewer *need not even scroll to look at other*
13 *writing exemplars (beyond the most recent one provided)* if the signatures are consistent in
14 broad strokes.” (emphasis added)). During the signature verification process for the 2022
15 General Election, Maricopa County signature reviewers failed to scroll for a proper
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18 ¹⁸ *See* *Lake v. Hobbs, et al.*, CV 2022-095403 (Ariz., filed Dec. 9, 2022) Tr. of Proceedings
19 (May 18, 2023), Day 2 at 199–200, attached hereto as Exhibit 8 and incorporated herein by this
20 reference (as Mr. Valenzuela explained: “[a]nd just for another point of clarification, it’s never
21 trained to [level one signature reviewers] that you must look at all three exemplars [of a voter’s
22 prior signatures] and scroll [down the screen to review them]. I just wanted to make sure that
– that the idea that *that is the most recent signature appearing first in front of that level 1 user.*”
(Emphasis added).

¹⁹ *See* Primary Election Maricopa County August 2, 2022, Final Official Results, attached
hereto as Exhibit 9 and incorporated herein by this reference.

1 “registration record” comparison for far more than 280 votes—rendering the Contested
2 Race in Maricopa County uncertain as a matter of law.

3 48. During the 2022 General Election, level one signature reviewers from Maricopa County
4 allegedly “compared” and, thereby, accepted hundreds of thousands of signatures (for
5 inclusion in Maricopa County’s canvass) at such a rapid rate that it was impossible for the
6 reviewers to scroll down on their screens for a comparison to a lawful “registration record”
7 signature. *See* Exhibit 8 at 126–27. In *Lake*, uncontested testimony demonstrated the speed
8 at which signatures were verified, which rendered “scrolling” for proper comparisons
9 impossible. Indeed, tens, and tens, and tens, etc. of thousands of signatures were “accepted”
10 (not rejected but, instead, approved by the reviewer for subsequent tabulation in Maricopa
11 County’s canvass) in less than two seconds and—more significantly—hundreds of
12 thousands were accepted in under three seconds such that scrolling to consider appropriate
13 signatures from the “registration record” was impossible.

14 49. Because of the application of this process, hundreds of thousands of votes were illegally
15 tabulated in Maricopa County—by comparing affidavit signatures to previously verified
16 vote-by-mail affidavit signatures—that do not lawfully qualify as a signature included on
17 the voter’s “registration record.” Such signature exemplars were not properly in the
18 “registration record” and unlawfully counted because they were not provided by the voter
19 *when registering to vote* as required by A.R.S. §§ 16-152, 16-166, and the EPM.

20 **COUNT ONE**
21 ***(Quo Warranto and Mandamus Relief)***

22 50. The preceding allegations are reincorporated as though set forth herein.

1 51. The allegations herein are sufficient to show *prima facie* that Petitioner has sustained a
2 special injury because he is the lawful winner of the Contested Race and, therefore, he “is
3 entitled to the order granting him leave to bring the action in his own name and in that name
4 maintain the same, as the real party in interest.” *State ex rel. Hess v. Boehringer*, 16 Ariz.
5 48, 54 (1914).

6 52. The Arizona Constitution, in Articles II § 21, VII §§ 7 & 12, establishes certain guarantees,
7 which respectively provide: (1) elections must be “free and equal,” with no power, whether
8 civil or military, being permitted to interfere with their free execution; (2) “the person, or
9 persons, receiving the highest number of *legal votes* shall be declared elected[;]” and (3)
10 the institution of “registration and other laws” as *necessary* to ensure the integrity of
11 elections and prevent potential abuses of the electoral franchise. These guarantees are *not*
12 *empty promises* but the most fundamental constitutional rights we possess—ensuring that
13 our Nation is one “of laws, and not of men.” *See Winsor v. Hunt*, 29 Ariz. 504, 512 (1926).

14 53. “Arizona’s constitutional right to a ‘free and equal’ election is implicated when votes are
15 not properly counted.” *Chavez v. Brewer*, 222 Ariz. 309, 320 (Ct. App. 2009).

16 54. In Arizona, procedural safeguards, such as those defined by A.R.S. §§ 12-2043, 16-152, 16-
17 166, 16-452, and 16-550, were established to ensure that the results of an election reflect
18 the electorate's will. *See* Ariz. Const. Art. II § 21, and VII §§ 7 & 12. During Arizona’s
19 2022 General Election, Maricopa County's failure to apply these safeguards led to a
20 situation where these protections were ignored. This gross oversight puts at risk the very
21 principles that our legal system and this Court have vowed to uphold because the risks of
22 fraudulent signatures being recognized as those of a putative voter are greatly increased.

1 55. For the reasons described herein, County Defendants have violated A.R.S. §§ 16-152, 16-
2 166, 16-452, and 16-550 causing the results for the Contested Race from Maricopa County
3 to be void as a matter of law. *Reyes*, 952 P.2d at 331, *Miller*, 179 Ariz. at 180.

4 56. In pertinent part, A.R.S. § 16-550(A) states that “on receipt of the envelope containing the
5 early ballot and the ballot affidavit, the county recorder or other officer in charge of
6 elections *shall* compare the signatures thereon with the signature of the elector on the
7 elector's *registration record*.” (Emphasis added). The purpose of A.R.S. § 16-550(A) is to
8 benefit all Arizona voters, including Petitioner, by ensuring the *uniform administration* of
9 fair and accurate elections across Arizona. Its requirements are “non-technical” and
10 nondiscretionary, and the law clearly acts as a constitutional safeguard. *Reyes*, 952 P.2d at
11 331. The same is true of A.R.S. §§ 16-152, 16-166, which require voters to show
12 identification *when registering to vote*, thus guaranteeing that only certain signatures are
13 utilized by the County Recorder during signature verification of early ballots. Likewise,
14 A.R.S. § 16-452 gives the signature verification provisions of the EPM the force of law.
15 These statutory provisions were passed to ensure that only lawful ballots are counted. Ariz.
16 Const. Art. VII § 7.

17 57. The most critical issue in this case is whether Maricopa County satisfied its obligation to
18 uniformly apply the signature verification standard set forth in A.R.S. § 16-550(A). This
19 statute mandates an appropriate procedure to guarantee that absentee ballots are cast only
20 by registered voters. To do this, it requires that affidavit signatures on mail-in ballot
21 envelopes be compared to each voter's “registration record” signature before that ballot can
22

1 be legally tabulated. As set forth above, A.R.S. §§ 16-152, 16-166 and the EPM clarify what
2 documents constitute the “registration record.”

3 58. A.R.S. § 16-550(A) is a “non-technical” statute because it advances the constitutional goal
4 of “setting forth procedural safeguards to prevent undue influence, fraud, ballot tampering,
5 and voter intimidation.” *Reyes*, 952 P.2d at 331. (citing Ariz. Const. Art. VII § 7).²⁰ Indeed,
6 this law is imperative to “secure the purity of elections and guard against abuses of elective
7 franchise.” *Id.* (quoting Ariz. Const. Art. VII § 12). Thus, even substantial compliance still
8 constitutes an abuse of discretion. *Id.* at 332.

9 59. To be lawful and eligible for tabulation, the signature on the affidavit accompanying a mail-
10 in ballot must be matched (by human comparison) to the signature featured on the elector's
11 "registration record." *See* A.R.S. § 16-550(A), *see also* A.R.S. § 16-152. Instead of abiding
12 by this simple requirement, Maricopa County employed an arbitrary screening system for
13 verifying affidavit signatures, which allowed reviewers to compare affidavit signatures to
14 the most recent signature submitted by the purported voter, thousands if not hundreds of
15 thousands of which came from the 2022 Primary Election via mail-in ballot affidavits.
16 Consequently, County Defendants included hundreds of thousands of illegal votes in the
17 Contested Race.

18 60. Here, Maricopa County failed, in fact, to apply uniform signature verification standards for
19 a material number of approximately 1.3 million votes cast through mail-in ballots. Unless
20 and until Maricopa County can determine what mail-in ballot affidavits were compared with
21

22 ²⁰ The same can be said for A.R.S. §§ 16-152, 16-166, and 16-452.

1 proper registration record signatures, every single one of those 1.3 million votes is tainted
2 by the fatal stain of “uncertainty,” requiring the setting aside of all ballots from Maricopa
3 County for the Contested Race as a matter of law. *Reyes*, 952 P.2d at 332.

4 61. For the reasons stated herein, it is *highly plausible* that hundreds of thousands of votes were
5 illegally tabulated in Maricopa County in favor of Ms. Mayes since the vast majority of
6 early mail-in ballots are submitted by Democrats. Here, even if there is not a precise
7 mathematical basis to determine the exact number of votes impacted, considering such a
8 small margin in the Contested Race, enough votes were clearly impacted to find that the
9 outcome not only could have been different, but was different.

10 62. The mere inclusion of a convincing number of illegal votes in violation of the plain language
11 and intent of A.R.S. § 16-550(A)—which advances numerous constitutional safeguards—
12 necessitates that this Court decertify all votes cast in Maricopa County for the Contested
13 Race and compel Maricopa County to redo signature verification for the 2022 General
14 Election. In the event that cannot be done, then the election results for the Contested Race
15 should be set aside and a new election held as soon as possible but no later than, and perhaps
16 included as part of the Primary Election set for February 12, 2024, for the commencement
17 of early voting and the March 12, 2024, Election Day. If neither of these options are the
18 appropriate remedy, then this Court should grant Petitioner leave to amend and seek any
19 other relief appropriate under the circumstances.

20 63. In short, “because A.R.S. section 16-550(A) is a “non-technical” statute and because a
21 material number of absentee ballots were counted in violation of that statute by an *exclusive*
22 *comparison* to signatures that are not a part of the “registration record,” the outcome of this

1 election is mathematically “uncertain.” *Lake v. Hobbs*, No. CV-23-0046-PR, Order, at 4–5
2 (Ariz. Sup. Ct. Mar. 22, 2023) attached hereto as Exhibit 11 and incorporated herein by
3 reference.

4 64. As addressed herein, Arizona’s Signature Verification Statute, A.R.S. § 16-550, allows for
5 signature verification to be performed exclusively against the signatures contained on each
6 voter’s “registration record.” During the 2022 General Election, Maricopa County elections
7 officials nevertheless compared signatures against signatures from prior vote-by-mail
8 affidavit envelopes, in excess of this lawful authority. A.R.S. §§ 16-152, 16-166, and 16-
9 452.

10 65. Unless this Court takes decisive action, future elections officials may be emboldened to
11 make improper signature comparisons and to induce future errors and gross negligence.
12 Thus, the issue is likely to recur warranting the extraordinary relief requested.

13 **REQUEST FOR ATTORNEYS’ FEES**

14 66. Petitioner requests his reasonable attorneys’ fees pursuant to A.R.S. §§ 12-341 & 12-2030.

15 **PRAYER AND REQUESTED RELIEF**

16 WHEREFORE, Petitioner respectfully request the following relief:

17 67. Upon the information listed above, leave to file a writ of *quo warranto*, finding that
18 Respondent, Kris Mayes, has usurped, intruded into or unlawfully holds or exercises the
19 public office of Arizona’s Attorney General;

20 68. Issue a writ of *quo warranto* to Kris Mayes directing that she cease functioning as Arizona’s
21 Attorney General;

1 69. Order County Defendants, Defendant Fontes, and Defendant Hobbs to decertify the
2 Maricopa County canvass and the state-wide Arizona canvass for the Contested Race and
3 either order Maricopa County to redo signature verification for the 2022 General Election,
4 order a new election as described herein, or grant Petitioner leave to amend his Complaint
5 to seek any other relief appropriate and just under the circumstances;

6 70. Declare impermissible and unlawful Maricopa County's failure to conform with the
7 unambiguous and "non-technical" requirements of A.R.S. § 16-550(A) by Maricopa
8 County's improper utilization of "historical record" signatures for determining the validity
9 or invalidity of signatures on mail-in ballot packets in the 2022 General Election rather than
10 signatures from the "registration record." Maricopa County's doing so violated Petitioner's
11 rights secured by Articles II § 21, VII §§ 7 & 12 of the Arizona Constitution and A.R.S. §§
12 16-152, 16-166, and 16-452;

13 71. Order the Maricopa County Defendants to purge the registration record of all improper
14 signatures that do not qualify for inclusion in the registration record;

15 72. Order the Respondent and Defendants to pay attorneys' fees and costs to Petitioner, A.R.S.
16 §§ 12-341 & 12-2030;

17 73. Grant and impose any other remedy and grant and impose such other and further relief, at
18 law or equity, that this Court deems just and proper in light of the circumstances.

19 **RESPECTFULLY SUBMITTED** this 28th day of December, 2023.

20 By: /s/ RYAN L. HEATH
21 Ryan L. Heath
22 Heath Law, PLLC
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Scottsdale, Arizona 85254

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Heath Law
PLLC.

VERIFICATION

I, Abraham Hamadeh, certify that I have read the foregoing Petition and know the contents thereof by personal knowledge. I know the allegations of the Petition to be true, except the matters therein stated on information and belief, which I believe to be true.

Executed under penalty of perjury on this 28th day of December, 2023.

Abraham Hamadeh

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