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ATTORNEY GENERAL

OFFICE OF THE ARIZONA ATTORNEY GENERAL
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November 4, 2020

Via Email and Certified Mail

Mr. Scott Jarrett
Director of Elections Day and Emergency Voting
Maricopa County Elections Department
510 S. 3rd Avenue
Phoenix, Arizona 85003
SJarrett@risc.maricopa.gov

Re: Use of Sharpie Brand Markers at Maricopa County Voting Centers

Dear Mr. Jarrett:

The Attorney General's Office ("the Office") is responsible for enforcing provisions of Title 16 of the Arizona Revised Statutes and the 2019 Elections Procedures Manual ("Manual"). *See* A.R.S. §§ 16-452(C); 16-1021. In connection with that statutory authority, the Office accepts electronic election-related complaints from voters, as well as complaints mailed to the Office. We have received hundreds of voter complaints regarding the use of Sharpie brand markers ("Sharpies") to fill out ballots on Election Day at voting centers in Maricopa County. Voters are concerned that the use of Sharpies may have caused ballots to be rejected, spoiled, or cancelled. To investigate these complaints, the Office requests the following information **in writing by noon on November 5, 2020. If you are unable to provide specific answers to the below questions by that deadline, we request a narrative explanation of what steps you are taking to obtain answers:**

- In which voting centers were Sharpies provided or made available to voters and where were those voting centers located?
- In each voting center where Sharpies were provided or made available to voters, to what extent were Sharpies used? Were other types of markers or pens provided or used and to what extent?
- How many ballots cast at each voting center were rejected? Of those ballots, how many were rejected because of over-votes? Of those ballots rejected because of over-votes, how many were rejected because ink from a marker bled through to the reverse side of the ballot?
- Were the ballot tabulation machines utilized at voting centers on Election Day programmed to reject over-voted ballots?

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- Of the ballots rejected at voting centers, how many of those ballots were spoiled on site such that the voter could choose to vote a new ballot? In the instances where ballots were spoiled on site, how many voters chose not to cast a ballot rather than voting a new ballot?
- What is the process for cancelling a voter's ballot? If a ballot is reflected as "cancelled" on the Secretary of State's website, what does that mean for the voter?

Thank you for your prompt attention to this matter.

Sincerely,



Michael S. Catlett
Deputy Solicitor General

cc: Hon. Clint Hickman, Chairman, Maricopa County Board of Supervisors
Bo Dul, Elections Services Director, Arizona Secretary of State