



MARK BRNOVICH
ATTORNEY GENERAL

OFFICE OF THE ATTORNEY GENERAL
STATE OF ARIZONA

June 2, 2016

Michele Reagan
Arizona Secretary of State
1700 West Washington Street
7th Floor
Phoenix, Arizona 85007

Dear Secretary Reagan:

On May 10, the Attorney General's Office received a citizen complaint regarding the May 2016 special election and the mailing by the Secretary of State's Office of publicity pamphlets relating to it. On May 24, we received a letter and report ("Response") from your office. The Response confirmed that the required publicity pamphlets for the special election were not timely mailed. Moreover, it confirmed that your office delayed disclosure to county election officials and the public regarding the scope of the failure for at least several days, during which time ballots were being completed and returned by voters.

Overall, the Response left some unanswered questions about how nearly 40% of the households for which the Secretary of State produced the mailing list received their pamphlets weeks after the statutory deadline and why appropriate election officials and the public were not immediately notified of the issue.

Today I have appointed Michael Morrissey as independent counsel to investigate these questions and shed additional light on the events surrounding the May 2016 special election. Mr. Morrissey's extensive experience as a federal prosecutor provides us all with confidence that he will conduct a fair, thorough investigation and pursue the answers that Arizona voters deserve.

With the next election less than 90 days away, and based on our initial review, the Attorney General's Office also recommends the voluntarily adoption of the following interim policies in carrying out duties in connection with this election:

- Upon completing any statutorily mandated electoral mailing, the Secretary of State shall notify the county recorders in writing, confirming full compliance;

- The Secretary of State shall, as soon as practicable, conduct a review upon receiving notice from a county election official that any statutorily mandated election mailing may not have been received by registered voters or households;
- Within 24 hours of determining that a substantial number of the statutorily mandated election mailings in a county, or of the total statewide mailings, were not properly mailed or received, the Secretary of State shall make a statewide announcement to inform voters and further notify the affected counties regarding the details of the failure; .
- Within 24 hours of determining an exact list of households affected by any mailing failure or error, the Secretary of State shall notify the pertinent county elected officials and take other remedial steps to minimize any harm to voters;

I hope that you will implement these recommendations forthwith out of a shared desire to ensure that the upcoming election is carried out with the utmost degree of fairness and efficiency. I also encourage your office to fully cooperate with Mr. Morrissey in his investigation. He is a fair professional who will help us all understand what happened and how we can avoid similar issues in the future.

Sincerely,

A handwritten signature in blue ink that reads "Mark Brnovich". The signature is stylized, with the first letters of the first and last names being large and prominent. A long, horizontal flourish extends from the end of the signature.

Mark Brnovich