



OFFICE OF THE ARIZONA ATTORNEY GENERAL

MARK BRNOVICH
ATTORNEY GENERAL

SOLICITOR GENERAL'S OFFICE

MICHAEL S. CATLETT
DEPUTY SOLICITOR GENERAL

August 6, 2021

By First-Class Mail and Email

Thomas P. Liddy, Esq.
Civil Services Division
Maricopa County Attorney's Office
225 West Madison Street
Phoenix, AZ 85003

**Re: Notice of Submission of Legislator Request for Investigation Pursuant to
A.R.S. § 41-194.01; Request for Written Response**

Mr. Liddy:

Enclosed with this letter is a complete copy of a Legislator Request for Investigation under A.R.S. § 41-194.01 (the "Request") containing allegations that the Maricopa County Board of Supervisors ("MCBOS") has failed "to comply with valid and enforceable legislative subpoenas that originated from the AZ State Senate." More specifically, the Request alleges that MCBOS is acting in conflict with A.R.S. §§ 41-1151, -1153, -1154, and 16-624. Section 41-194.01 provides that "[a]t the request of one or more members of the legislature, the attorney general shall investigate any ordinance, regulation, order or other official action adopted or taken by the governing body of a county, city or town that the member alleges violates state law or the Constitution of Arizona." With the Request's filing, the Office will now conduct an investigation and prepare a report that, under the statute, must be completed within 30 days. A.R.S. § 41-194.01(A), (B).

In the report, the Attorney General will reach one of three conclusions. *See id.*, § 41-194.01(B). If MCBOS has not violated any provision of state law or the Arizona Constitution, the Office will take no further action. *Id.*, § 41-194.01(B)(3). If MCBOS may have violated a provision of state law or the Arizona Constitution, the Attorney General will file an action in the Arizona Supreme Court. *See id.*, § 41-194.01(B)(2); *State ex rel. Brnovich v. City of Tucson*, 242 Ariz. 588 (2017). If MCBOS has violated a provision of state law or the Arizona Constitution, the Office will notify MCBOS in writing and state that MCBOS has 30 days to resolve the identified violation. A.R.S. § 41-194.01(B)(1). If the Attorney General determines that MCBOS failed to resolve the violation within 30 days, the Attorney General will

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notify the State Treasurer, who shall withhold and redistribute from Maricopa County state shared monies as provided by A.R.S. §§ 45-5029(L) and 43-206(F).

In light of the exigencies of the current circumstances, the Office hereby requests that MCBOS voluntarily provide a written response to the Request by **5:00 p.m. on Friday, August 20, 2021.**

Please feel free to contact me if you have any questions.

A handwritten signature in black ink, appearing to read 'Michael S. Catlett', with a stylized flourish at the end.

Michael S. Catlett
Deputy Solicitor General
Government Accountability Unit



Office of Arizona Attorney General
Mark Brnovich



Legislator Request for Attorney General Investigation of
 Alleged State-Law Violation by County, City, or Town (Continued)

*Identify the member(s) of the Legislature submitting this request for investigation (attach additional sheet if necessary):

Senator Sonny Borrelli

*Provide a contact person for communications from the Attorney General's Office regarding this request (may be a Legislator listed above or an employee of the Legislature).

*Name: Sonny Borrelli

*Email address: sborrelli@azleg.gov

*Phone number: 602.926.5051

*Mailing address: 1700 W Washington

Senate Wing

Phoenix, AZ 85007

*The specific question for the Attorney General to investigate is: MCBOS failure to comply with valid and enforceable legislative

subpoenas that originated from the AZ State Senate.

*The name of the county, city, or town that is the subject of this request: Maricopa County (Maricopa Co. Bd. of Supervisors)

*The specific ordinance, regulation, order, or other official action adopted or taken by the governing body of the county, city, or town and the date thereof: Actions taken via MCBOS executive session and the

Maricopa County Superior Ct.

*The specific Arizona statute(s) and/or constitutional provision(s) with which the action conflicts :

ARS 41-1151, 41-1153, 41-1154, ARS 16-624



Office of Arizona Attorney General

Mark Brnovich

Legislator Request for Attorney General Investigation of Alleged State-Law Violation by County, City, or Town (Continued)



*All relevant facts of which you are aware (attach separate sheet if necessary):

MCBOS non-compliance with valid and enforceable subpoenas issued by the AZ State Senate related to routers, passwords, security keys or tokens, splunk and network logs, and all precinct tabulators. (Please see attached)

*All relevant legal authority, including federal and state case law, of which you are aware (attach separate sheet if necessary):

ARS 41-1151, 41-1153, 41-1154

*Any litigation involving this issue of which you are aware (include case name, number, and court where filed):

Check this box if you are attaching supporting documentation.

NOTE: This form and other information submitted to the Attorney General's Office is subject to the public records law, A.R.S. § 39-121 et seq.

I, a current member of the Legislature, verify that I and the other Legislators listed on the previous page (if any) are submitting this request for investigation under A.R.S. § 41-194.01.

*First Name: SONNY *Last Name: BORRELLI

*Signature: [Signature] *Date: 8.3.21

Please submit the completed form to: Arizona Attorney General's Office Attn: Civil Litigation Division/A.R.S. § 41-194.01 2005 N Central Avenue Phoenix, Arizona 85004 cldinvestigations@azag.gov

* required field Rev. 8-2016

ATTACHMENT

Senator Sonny Borrelli Request for Attorney General Investigation of Alleged State-Law Violation by Maricopa County (ARS 41-194.01)

Maricopa County Board of Supervisors has failed to provide the following:

- All user names, passwords, pins and / or security keys or tokens required to access, or otherwise related to, any and all ballot tabulation devices used in connection with the November 3, 2020 general election in Maricopa County, including, but not limited to, administrator access or any other level of access required to access and print the configuration of the ICP2 devices. Any materials that the County does not possess but which it has a right to access was also requested.
- All routers used in connection with the November 3, 2020 general election, or virtual images of the same, and the public IP of each such router.
- All splunk logs, network logs, net flows, or similar data related with systems associated in any way with the administration of the November 3, 2020 general election, for the time period beginning 60 days before the election and ending 90 days after the election.