



MARK BRNOVICH
Attorney General

Office of the Attorney General
State of Arizona

JOSEPH KANEFIELD
Chief Deputy & Chief of Staff

August 19, 2020

Via Email

The Honorable Katie Hobbs
Arizona Secretary of State
1700 West Washington Street, 7th Floor
Phoenix, Arizona 85007-2808

Re: Election Complaint [2020-E00047]

Dear Secretary Hobbs:

The Attorney General is in receipt of your letter dated August 14, 2020, alleging that President Trump and others are in violation of A.R.S. § 16-1003, as a result of proposed changes to the U.S. Postal Service (“USPS”). Based on our review of your letter we are unable to substantiate a violation of A.R.S. § 16-1003, and therefore dismiss your complaint.

Your letter alleges that “President Trump, and others at his direction [] conspired to violate” A.R.S. § 16-1003, which makes it a class 3 misdemeanor for a person to knowingly delay the delivery of a ballot. Your letter asserts that “[t]he timing of [certain] changes” to the USPS operations—combined with the President’s Twitter comments and your review of certain news articles—leads to an “inescapable conclusion” that there is a “coordinated scheme” designed to interfere with Arizonans’ ability to vote by mail.

These allegations are purely speculative, and your letter contains no information or evidence establishing that the delivery of any Arizona ballot has been illegally delayed. As you aptly note, “[m]isinformation is dangerous to the electoral process and undermines voter confidence.”¹ Making accusations of criminal misconduct by the President and other federal officials based on mere conjecture undermines the integrity of our elections and does even more damage coming from a “trusted source” for election information. With tensions rising over the 2020 election, it is critical that election officials across the state work with our office to prevent,

¹ See Secretary Katie Hobbs (@SecretaryHobbs), Twitter (June 4, 2020), <https://twitter.com/SecretaryHobbs/status/1268582708348719105>; <https://azsos.gov/county-election-info>.

detect, and prosecute violations of Arizona election law, and not use the complaint process for political purposes.

Despite the conjectural nature of your letter, our Election Integrity Unit (the “EIU”) carefully reviewed your allegations and found them to be grounded in a misunderstanding about the USPS’s organizational structure. Your letter alleges that Postmaster General Louis DeJoy is coordinating with President Trump. However, “[u]nlike other executive agencies, the [USPS] is governed not by a single presidentially appointed, Senate-confirmed agency head, but rather by an entity known as the Board of Governors.”² Accordingly, Postmaster DeJoy was selected by, reports to, and is a member of a bipartisan Board of Governors, and does not report to the President.³

Additionally, the USPS cost-saving measures that you criticize were “implemented on a state-by-state basis,” and you present no evidence to the EIU that any action by the President impacted USPS operations in Arizona during the August 4, 2020 Primary Election.⁴ As you know, voter turnout reached historic levels,⁵ and you have not informed the EIU of any issues with mail-in balloting during this election. The evidence in Arizona, therefore, does not suggest that there has been or will be voter disenfranchisement as a result of any changes to the postal system.

Finally, Postmaster General DeJoy announced yesterday: “To avoid even the appearance of any impact on election mail, I am suspending these initiatives until after the election is concluded.”⁶ Given that the allegations in your letter are without merit and are now moot, we will take no further action on your complaint.

In the midst of a pandemic and within months of a major election, it is critical that election officials not spread misinformation, politicize administrative processes, or criminalize

² U.S. Congressional Research Service Report, *U.S. Postal Service Board of Governors: Background, Pending Nominees, and Issues for Congress* (Aug. 6, 2018), <https://crsreports.congress.gov/product/pdf/R/R45280/4>.

³ Press Release, U.S.P.S., *Board of Governors Announces Selection of Louis DeJoy to Serve as Nation’s 75th Postmaster General* (May 6, 2020), <https://about.usps.com/newsroom/national-releases/2020/0506-bog-announces-selection-of-louis-dejoy-to-serve-as-nations-75th-postmaster-general.htm> (last accessed Aug. 18, 2020); Press Release, U.S.P.S., *U.S. Postal Service Statement on Washington Post CARES Act Lending Authority Article* (July 20, 2020), <https://about.usps.com/newsroom/national-releases/2020/0730-usps-statement-on-washington-post-cares-act-lending-authority-article.htm>.

⁴ Jeremy Duda, *Elections Officials Sound Alarm: AZ Vote by Mail May be Harmed by USPS Changes* (Aug. 14, 2020), <https://www.azmirror.com/2020/08/14/elections-officials-sound-alarm-az-vote-by-mail-may-be-harmed-by-usps-changes/>.

⁵ See Fox 10, *Arizona Secretary of State: Over 1.4 million ballots cast in primary* (Aug. 17, 2020), <https://www.fox10phoenix.com/news/arizona-secretary-of-state-over-1-4-million-ballots-cast-in-primary>.

⁶ See Jacob Bogage, *Postmaster general announces he is ‘suspending’ policies that were blamed for causing mail delays* (Aug. 18, 2020), https://www.washingtonpost.com/politics/senate-will-hold-postal-service-hearing-with-dejoy-on-friday-as-mail-delay-fears-grow/2020/08/18/5f978e76-e14f-11ea-8dd2-d07812bf00f7_story.html.

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congressional funding issues. To the extent you may be confronted with other political issues like this one in the future, we encourage you to take steps to maintain, rather than undermine, public confidence in Arizona's election processes.

Thank you for your interest in election integrity.

Respectfully,

A handwritten signature in black ink, appearing to read 'Joseph Kanefield', written in a cursive style.

Joseph Kanefield
Chief Deputy & Chief of Staff