



Arizona House of Representatives  
Phoenix, Arizona 85007

July 30, 2024

Via Email & U.S. Mail

Kris Mayes  
Arizona Attorney General  
2005 North Central Avenue  
Phoenix, Arizona 85004

**Re: Request for S.B. 1487 Investigation of Maricopa County's E-Pollbooks**

Dear Attorney General Mayes:

Pursuant to A.R.S. § 41-194.01, and in my official capacity as a member of the Arizona House of Representatives, I respectfully request an investigation of the legality of the Maricopa County Recorder's use of e-pollbooks that are connected to the Internet. Specifically, I request an investigation of the following question:

**Do Maricopa County's e-pollbooks violate A.R.S. § 16-168(F) because they are connected to the Internet?**

Recent reports surrounding Microsoft's global IT outage have stated that Maricopa County's "sitebooks, which allow voter check-ins, were impacted by the outage." *See CrowdStrike Caused Global IT Outage Disrupts Arizona Elections Operations Prompting Concerns* (July 19, 2024), available at: <https://arizonadailyindependent.com/2024/07/19/crowdstrike-caused-global-it-outage-disrupts-arizona-elections-operations-prompting-concerns/>. A Maricopa County spokesperson also confirmed that the county's check-in system (i.e., e-pollbook) was "connected online." *Id.*

Under Arizona law, an "e-pollbook" is defined as "an electronic system in which a voter is checked in and through which a voter's signature is recorded to indicate that the voter has voted." A.R.S. § 16-444(A)(5). Notably, this definition does not expressly authorize e-pollbooks to be connected to the Internet.

Section 16-168(F) prohibits a person "in possession of information derived from voter registration forms or precinct registers" from "distribut[ing], post[ing], or *otherwise provid[ing] access to any portion of that information through the internet* except as authorized by subsection I of this section." (Emphasis added.) Subsection (I), in turn, simply requires county recorders and the Arizona Secretary of State to "protect access to voter registration information in an auditable format and method specified in the secretary of state's electronic voting system instructions and procedures manual[.]" A.R.S. § 16-168(I).

Although I am not requesting an investigation under the 2023 Elections Procedures Manual (“EPM”), it is noteworthy that the EPM indicates that “[i]f a county uses a tablet or computer terminal that has live access to the voter registration database via a secure virtual private network (VPN) connection, the system must be capable of shielding secured registrants’ information from public view (or providing view access only to the secured registrant).” *See* 2023 EPM, Page 31. The EPM also establishes “security measures for electronic voting systems,” characterized as “minimum requirements” that counties must follow. *See* EPM Chapter 4, Section II. As relevant here, e-pollbooks “shall only be connected to authorized and secured networks and resources.” EPM, Page 105. These provisions of the EPM reinforce A.R.S. § 16-168(F)’s prohibition on providing access to precinct register data “through the internet.”

As Arizona’s largest county (and the fourth largest county in the nation), it is imperative that your office determine whether Maricopa County’s e-pollbooks satisfy legal requirements—particularly in light of the recent outage. Accordingly, please investigate this matter and issue a written report of your findings and conclusions within 30 days as required by A.R.S. § 41-194.01(B).<sup>1</sup>

Respectfully,



Representative Alexander Kolodin  
Legislative District 3

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<sup>1</sup> Although a county normally has 60 days to resolve a violation of law after receiving written notification of the alleged violation from the legislator under A.R.S. § 41-194.01(C), time is of the essence to resolve this election administration and security issue.