



KRIS MAYES  
ARIZONA ATTORNEY GENERAL

OFFICE OF THE ARIZONA ATTORNEY GENERAL  
SOLICITOR GENERAL'S OFFICE  
GOVERNMENT ACCOUNTABILITY UNIT

Clinton Garrett  
Assistant Attorney General  
(602) 542-3333

July 31, 2024

**VIA EMAIL**

Representative Alexander Kolodin, c/o Ms. Linley Wilson  
Arizona House of Representatives  
1700 West Washington  
Phoenix, AZ 85007  
LWilson@azleg.gov

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

Dear Representative Kolodin:

I write regarding your July 30, 2024 request that Attorney General Mayes investigate whether Maricopa County's e-pollbooks violate A.R.S. § 16-168(F) by (reportedly) being connected to the Internet. Because this request appears to be premature—and may be deficient in an additional respect—we cannot initiate an investigation at this time.

Before asking the Attorney General to investigate “any written policy, written rule or written regulation adopted by any agency, department or other entity of [a] county,” a legislator “*shall* first provide a written notification of the alleged violation of state law ... to the chief executive officer or governing body of the county” alleged to have committed the violation. A.R.S. § 41-194.01(A), (C) (emphasis added). A legislator may then request that the Attorney General investigate the matter only “[i]f the county ... does not repeal or otherwise resolve the [alleged] violation within sixty days after receiving the notification.” *Id.* § 41-194.01(C).

The sixty-day notice requirement is mandatory, not discretionary. *See id.* And beyond being statutorily required, strict compliance with the notice requirement is critical because it affords the party accused of a violation the opportunity to either cure the violation or to otherwise respond in a manner that resolves the complaint—potentially rendering the Attorney General's involvement unnecessary.

Your letter appears to acknowledge (at 2 n.1) that you either have not sent the requisite notification to Maricopa County or have not waited the requisite sixty days before contacting the Attorney General. The timing of the public reporting you've cited (at 1) as the catalyst for the investigation request also appears to confirm that sixty days could not have elapsed since the alleged violation came to your attention.

If I am mistaken about this, please forward the relevant correspondence with Maricopa County demonstrating your compliance with A.R.S. § 41-194.01(C)'s sixty-day notice

Representative Alexander Kolodin

July 31, 2024

Page 2 of 2

requirement. Otherwise, please resubmit your request after affording Maricopa County sixty days to respond if you still contend that there is an uncured violation of Arizona law at that time.

Additionally, I note that your request appears to challenge the legality of a technical practice (connecting e-pollbooks to the Internet) without identifying any “written policy, written rule or written regulation adopted by” an agency or other entity of the county, as required for an investigation under section 41-194.01(A), (C). In the event that you resubmit the investigation request, please be sure to specify whether and on what basis your complaint implicates a statutorily enumerated action so that we may evaluate the Attorney General’s authority to investigate the matter.

Sincerely,



Clinton N. Garrett  
Assistant Attorney General  
Solicitor General’s Office