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September 27, 2021

*Via Email*

**Maricopa County Board of Supervisors**

Chairman Jack Sellers, District 1  
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Supervisor Steve Gallardo, District 5  
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Supervisor Bill Gates, District 3  
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**Maricopa County Recorder's Office**

Recorder Stephen Richer  
sricher@risc.maricopa.gov

**Re: FIRST REQUEST**

*Senate Forensic Audit of 2020 General Election (Maricopa County)*

**NOTICE: Preservation of Evidence / Litigation Hold**

Dear Sirs:

As you are aware, the Arizona Senate released the findings of the forensic audit of the 2020 General Election on Friday, September 24, 2021. The Elections Integrity Unit ("Unit") of the Arizona Attorney General's Office ("Office") has begun its review of the report and materials provided by the Arizona Senate.

Based on the information contained within the report, the Unit expects the need to obtain documents, files, and related information during the course of review that is potentially relevant to the 2020 General Election and is currently under the direct or indirect custody and care of the Maricopa County Recorder's Office, Maricopa County Elections Department, and the Maricopa County Board of Supervisors (combined referred to as "Maricopa County").

In light of our review, as well as the expectation the review may lead to further investigation or litigation, this letter is to provide notice to Maricopa County that a litigation hold should be in effect regarding all potentially relevant materials related to the 2020 General Election, as well as potentially relevant materials related to the 2020 Primary Election and 2020 Presidential Preference Election (combined referred to as "2020 Statewide Elections"). All Maricopa County employees, contractors, sub-contractors, vendors, and assigns who were directly or indirectly involved in any aspect of managing the 2020 Statewide Elections should be made aware of this litigation hold and Maricopa County should take all actions necessary to ensure compliance.

Maricopa County Recorder and Maricopa County Board of Supervisors

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Under this notice, Maricopa County has a duty to preserve the following potentially relevant information as it relates to the **2020 Statewide Elections**:

- Hard copies of documents, tangible items, and electronically stored information;
- Electronic communications, including emails or instant messaging used by Maricopa County as well as county-owned or personal mobile devices and any other device that would contain potentially relevant data;
- Electronic data stored on computer systems, election systems, removable electronic media (including floppy discs, CDs, DVDs, and flash memory media, including USB drives and memory cards), word processing documents, spreadsheets, databases, calendars, digital photographs or other digital images, internet usage files (including router information and splunk logs), telephone logs, and network access information;
- Election equipment used to administer the 2020 Statewide Election, including systems used to verify ballot affidavit signatures, tabulators, computer equipment, and all election management equipment;
- Any and all physical records including, but not limited to, all ballots (whether counted or not), returned early ballot envelopes (including undeliverable, unopened/rejected, opened), chain of custody documentation for all election-related materials, tracking logs (including electronic adjudication logs, duplicated ballot logs, and any election-related logs), internal documents related to election administration (including Maricopa County election procedures effective during the 2020 election), internal memos, voter registration forms (including documents to update or change voter registration records), and tally sheets;
- All electronic files and footage captured by video monitoring equipment used on behalf of Maricopa County that contains still images, moving images and/or any audio recordings of the inside and outside of the Maricopa County Tabulation and Election Center ("MCTEC") the Maricopa County Recorder's Office, and any satellite offices, facilities, or locations used in conjunction with the 2020 Statewide Elections; and
- Building access records maintained by Maricopa County for all offices related to 2020 Statewide Election.

This litigation hold extends to all records that exist today or that you create in the future, and it applies to any materials maintained by Maricopa County or maintained at the home of employees or at any other location. Maricopa County should construe this hold liberally and should retain all relevant data generated or retained from the date Maricopa County began planning the 2020 Statewide Elections to the present whether or not such information has been delineated in this letter.

Maricopa County should take every reasonable step to preserve this information until further notice. Compliance with your preservation obligations includes forwarding a copy of this letter to all individuals and organization who may have potentially relevant information related to the 2020 Statewide Elections.

Sincerely,



Jennifer Wright  
Assistant Attorney General