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COMMITTEES:
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Arizona State Senate

October 30, 2024

The Honorable Gabriella Cázares-Kelly
Pima County Recorder
P.O. Box 3145
Tucson AZ 85702-3145
Gabriella.cazares-kelly@recorder.pima.gov

Re: Public Records Request

Dear Recorder Cázares-Kelly,

I was shocked to learn that, a week before the October 25th deadline, your office shut down its online portal to request vote-by-mail ballots. If that wasn't bad enough, your office also apparently canceled thousands of pending vote-by-mail ballot requests that had already been submitted. Your office also apparently told people to call your office by phone to request an early ballot, where they would have to experience significant wait times.

You certainly know that, under Arizona law, "an elector may make a verbal *or signed* request to the county recorder" for an early ballot. Ariz. Rev. Stat. Ann. § 16-542(A) (emphasis added). Further, your office must mail voters the early ballot "within forty-eight hours after receipt of the request." Ariz. Rev. Stat. Ann. § 16-542(D). It appears clear that your office violated both requirements.

Pursuant to my investigative power as an Arizona State Senator, and alternatively under A.R.S. § 39-101, et seq., I request that Your Office produce all documents, including communications between Your Office and any third party, from October 1, 2024, to the date this request is filled, related to (1) the decision to shut down the online portal for voters to request vote-by-mail ballots, (2) Your Office's compliance with Ariz. Rev. Stat. Ann. § 16-542(A), and (3) Your Office's compliance with Ariz. Rev. Stat. Ann. § 16-542(D).

Further, I request a detailed explanation of the following:

- How many pending early ballot requests did Your Office cancel?

- What is your authority to cancel a pending request for an early ballot?
- Were voters able to make a "signed request" for an early ballot after October 19, 2024? If so, how so and where were the procedures for making such a request posted to the public? If not, why not?
- Did Your Office comply with Ariz. Rev. Stat. Ann. § 16-542(A) after October 19, 2024? If so, how so? If not, why not?
- Did Your Office comply with Ariz. Rev. Stat. Ann. § 16-542(D)? If so, how so? If not, why not?
- What was the average time for Your Office to mail an early ballot to persons who made a complete and correct request for an early ballot for the 2024 election cycle?
- What was the average wait time for Your Office to answer calls from the public from October 19, 2024 through October 25, 2024?

If a complete and correct request is made by the elector within twenty-seven days before the election, the mailing must be made within forty-eight hours after receipt of the request. Saturdays, Sundays and other legal holidays are excluded from the computation of the forty-eight-hour period prescribed by this subsection.

For purposes of this request, "Your Office" includes any and all current and former agents, representatives, officers, officials, employees, servants, consultants, contractors, subcontractors, investigators, attorneys, and any other persons acting or purporting to act on behalf of the Office of the Pima County Recorder.

This request is not for a commercial purpose as defined in A.R.S. § 39-121.03(D). If possible, please provide these documents via email or another electronic format. If any fee is required to produce these documents, please contact my office before incurring any expense.

Given the sensitivity of this issue, I request a response within 5 business days. If anything else is needed from me in order to process this request, please contact my office at jwadsack@azleg.gov.

Respectfully,

A handwritten signature in blue ink that reads "Justine Wadsack" with a decorative flourish at the end.

Senator Justine Wadsack
Senate Co-Chair Education
Legislative District 17