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19 **IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**

20 **IN AND FOR THE COUNTY OF MARICOPA**

21 THE STATE OF ARIZONA, *ex rel.* MARK  
22 BRNOVICH, Attorney General

23 Plaintiff,

24 vs.

25 ADRIAN FONTES, in his official capacity as  
26 Maricopa County Recorder, and RUNBECK  
ELECTION SERVICES, INC.

Defendants.

No: \_\_\_\_\_

**VERIFIED CIVIL COMPLAINT FOR  
DECLARATORY, INJUNCTIVE,  
SPECIAL ACTION, AND QUO  
WARRANTO RELIEF**



**FACTUAL ALLEGATIONS**

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2       10.    The 2020 Presidential Preference Election is scheduled for Tuesday, March 17,  
3 2020.

4       11.    Arizona law permits an elector to request an official early ballot from the county  
5 recorder where the elector is registered to vote. *See* A.R.S. § 16-542.

6       12.    The request must be made by “a verbal or signed request to the county recorder.”  
7 A.R.S. § 16-542.

8       13.    When making the request for an early ballot, the elector must provide their name,  
9 address, date of birth, state or country of birth, or any other information that if compared to  
10 the voter registration would confirm the elector’s identify. *See* A.R.S. § 16-542.

11       14.    Defendant Fontes is the Maricopa County Recorder, and pursuant to A.R.S. § 16-  
12 542 has been granted the authority to mail ballots to certain electors within Maricopa County  
13 pursuant only to the statutory authority granted to him.

14       15.    The county recorder “shall mail the early ballot and the envelope for its return  
15 postage prepaid to the address provided by the requesting elector within five days after  
16 receipt of the official early ballots from the officer charged by law with the duty of preparing  
17 ballots[.]” A.R.S. 16-542(C).

18       16.    “If an early ballot request is received on or before the thirty-first day before the  
19 election, the early ballot shall be distributed not earlier than the twenty-seventh day before  
20 the election and not later than the twenty-fourth day before the election.” 16-542(C).

21       17.    “In order to be complete and correct and to receive an early ballot by mail, an  
22 elector's request that an early ballot be mailed” must include all required information and the  
23 request “must be received by the county recorder ... no later than 5:00 p.m. on the eleventh  
24 day preceding the election.” 16-542(E).

25       18.    Arizona law also permits any voter to request to be included on a permanent early  
26 voting list, allowing the voter “to receive an early ballot for any election for which the  
county voter registration roll is used to prepare the election register.” 16-544.

1           19. In order to request to be on the permanent early voting list, a voter “may submit a  
2 written request that contains the required information,” or may submit a form that  
3 “conform[s] to requirements prescribed in the instructions and procedures manual issued  
4 pursuant to § 16-452.” 16-544(B).

5           20. After receiving a request from a voter to be on the “the permanent early voting list,  
6 the county recorder ... shall compare the signature on the request form with the voter's  
7 signature on the voter's registration form and, if the request is from the voter, shall mark the  
8 voter's registration file as a permanent early ballot request.” 16-544(C).

9           21. For any polling place election scheduled in March, the County Recorder shall mail  
10 an election noticed to all eligible voters who are on the permanent early voting list. The  
11 notice includes the dates of the election, the dates that the voter’s ballot is expected to be  
12 mailed, and the address where the ballot will be mailed. The notice shall include a means for  
13 the voter to change the voter’s mailing address or update residence address. The notice shall  
14 also include a means for the voter to “[r]equest that the voter not be sent a ballot for the  
15 upcoming election or elections indicated on the notice.” 16-544(D).

16           22. If the voter does not return the notice or notify the county recorder “within forty-  
17 five days before the election” of the voters desire to not receive an early ballot by mail, “the  
18 ballot shall automatically be scheduled for mailing.” 16-544(F).

19           23. The county recorder maintains the permanent early voting list. 16-544(A).

20           24. The county recorder “shall mail an early ballot to all eligible voters included on  
21 the permanent early voting list” no “later than the first day or early voting.” 16-544(D).

22           25. On Friday, March 13, 2020 Defendant Fontes issued a press release stating that  
23 while “some who will say there is no authority to mail ballots to all voters under the law...  
24 there is no prohibition” and he would be mailing out ballots “to traditional Election Day  
25 voters who are not on the Permanent Early Voting List”, just four days before the schedule  
26 Presidential Primary Election on Tuesday, March 17, 2020.







**Verification**

I \_\_\_\_\_ declare under penalty of perjury of the laws of the State of Arizona that the foregoing is true to the best of my knowledge, information and belief.

Executed this \_\_\_ day of \_\_\_\_\_, 2020 in Phoenix, Arizona.

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