

Maricopa County Chain of Custody Failure

740,000 Ballots Have No Documented Chain of Custody

Verity Vote conducted an investigation of Maricopa County's ballot chain of custody for the 2020 General Election. County records used to document retrieval of early voting ballots from vote centers and drop box locations reveal numerous violations of Arizona election law.

The violations identified are important because failure to maintain chain of custody and properly document ballot retrieval and transport makes it impossible to verify the origin of the ballots counted in an election. Arizona Law outlines specific requirements for secure ballot retrieval and chain of custody procedures for the transfer of voted ballots from drop boxes and vote centers. Maricopa County officials violated Arizona law and do not have the required chain of custody for at least **740,000 ballots**.

According to the U.S. Election Assistance Commission, "keeping a proper chain of custody is more than a best practice – it is essential to encouraging trust in our democracy." EAC advocates for thorough, detailed chain of custody. "Chain of custody documents provide evidence that can be used to authenticate election results, corroborate post-election tabulation audits, and **demonstrate that election outcomes can be trusted.**" The Arizona legislature understood the need for ballot chain of custody and included that requirement in Title 16. The AZ Secretary of State, Governor, and the Attorney General agreed on the requirements for voted ballots deposited in Early Voting locations in the 2019 Elections Procedures Manual (EPM). The EPM identifies the County Recorder as the party responsible for implementing procedures to ensure proper chain of custody of ballots.

Don't Break the Chain

It is critically important to maintain a proper chain of custody. However, if the chain of custody is broken, it is important to document all known information as thoroughly as possible. **Remember:** Keeping a proper chain of custody is more than a best practice - it is essential to encouraging trust in our democracy.

U.S. Election Assistance Commission
633 3rd Street NW, Suite 200 | Washington, DC 20001
www.eac.gov

  

Verity Vote representatives submitted several Public Records Requests for all ballot box retrieval and chain of custody forms utilized in Maricopa County during the 2020 General Election. Early Voting Ballot Transport Statements (EVBTS) are required every time ballots are retrieved from a vote center or drop box. The

documents include a record of the location, seal numbers removed from the drop box, new seal numbers placed on the drop box, date and time the seal was replaced, as well as signatures of the location staff and two transport staff members. The law requires that two couriers from different political parties transfer the EV ballots. The law also requires the county to record the number of ballots retrieved from each location. Maricopa County officials report that EVBTS forms are completed by ballot couriers at least once every day that a vote center or drop box is open. The Maricopa BeBallotReady website promises ballot security and proper chain of custody:

How is my ballot secured?

- DAILY PICK UPS**
Two ballot couriers of differing parties pick up the signed and sealed early ballot packets every day the location is open.
- TAMPER EVIDENT SEALS**
During pickup, the sealed envelopes are placed in a transport bin, which is secured by a tamper evident seal.
- SERIAL NUMBERS AND LOGS**
The seals have a serial number that is logged in a transport statement, which is signed by both ballot couriers and the inspector (at Vote Centers or Drive-Through Drop Boxes) or a government official (at drop box only locations in government facilities).
- AUDITED NIGHTLY**
All forms are reviewed and audited nightly when the transport bins are inspected at the Elections Department and sealed envelopes are removed for early ballot processing.
- RETAINED FOR TRANSPARENCY**
All paperwork and seals are retained and transferred to the treasurer's vault along with counted ballots and other election materials at the end of each election.

@AdrianFontesMCR | @MaricopaVote | @RecorderFontes | @MaricopaVote | @RecorderFontes

Citizens play a vital role in the operation of county elections. No criticism is being leveled at the citizens who participated. The citizens are trained by the county election officials. In AZ law, the responsibility for the security of ballots is delegated to the County Recorder or officer in charge of elections. The Maricopa Elections departments said, “*Our role as election administrators is guided by statute and our team follows those laws and procedures...*”— but the critical laws regarding chain of custody were broken. The evidence shows that the Recorder failed in his duty to ensure the security of the ballots for Maricopa County voters.

Maricopa County reported that 923,000 EV ballots were accepted at vote centers or drop box locations. Verity Vote’s investigation found that Maricopa County lacks chain of custody documents for at least 740,000 of those EV ballots. Of the 1895 unique EVBTSs turned over to Verity Vote, more than 80% of the documents have defects that violate Arizona law. Some of the most significant violations include documents with failure to record the number of ballots retrieved

and documents that reveal a failure to assign two couriers for each ballot retrieval.

The failure to maintain proper chain of custody was not limited to a single courier or team of ballot couriers who did not follow the law. The recorder is responsible for chain of custody of all ballots and the violations occurred across all vote centers and drop boxes. Notably, the most egregious violations were in MCTECs failure to count the ballots and record the number of ballots retrieved from each ballot drop box location. This specific requirement of Arizona law was disregarded by the Maricopa County Recorder's Office. The EPM clearly says that when the secure ballot container is opened by the County Recorder or officer in charge elections (or designee), **the number of ballots inside the container shall be counted and noted on the retrieval form.** In the cases where a single courier is recorded as retrieving ballots, the Recorder's office was responsible for scheduling a two-person team for ballot retrieval.

These violations of the law are so egregious and so widespread that they demand accountability. Arizona laws designates each violation as a class 2 misdemeanor: a person who violates any rule adopted pursuant to this section (EPM) is guilty of a class 2 misdemeanor (A.R.S. Title 16-452). An officer of an election **who knowingly fails** or refuses **to perform any duty required** of him under this chapter is guilty of a class 2 misdemeanor unless another classification is specifically prescribed in this chapter (A.R.S. Title 16-184).

Even if Maricopa had kept all of their promises for ballot security, the EVBTS forms fall short of the chain of custody requirements outlined in the 2019 Elections Procedures Manual. As part of the requirement to develop and implement secure ballot retrieval and chain of custody procedures, the County Recorder must prescribe a retrieval form that meets the minimum standards established by the Secretary of State. The SoS says the form must include four specific times that are important in documenting chain of custody:

- Time of arrival at the drop-off location or drop-box
- Time of departure from the drop-off location or drop box
- Time of arrival at the receiving site
- Time of inspection by the recorder or officer in charge of elections.

The Maricopa County EVBTS form includes only one time — the time the seals are placed on the ballot box.

Please see sample images of EVBTS forms used for ballot chain of custody in the 2020 General Election in Exhibit A.

Exhibit A

Elections Procedures Manual Requirement: "When the secure ballot container is opened by the County Recorder or officer in charge of elections (or designee), the **number of ballots inside the container shall be counted and noted on the retrieval form.**" Without this count, there is no way to determine if the transport staff retrieved one ballot or one thousand ballots.

1514 out of 1895 unique EVBTS forms have no ballot counts.

Transport Receipt This portion to be completed by the Receiving Agent at the MCTEC Facility

Receiving Agent (Signature) *Z. Reef* Date: 10-27-20
Sign to acknowledge receipt from Transport Staff Member Date ballot box/form received

Ballot Box Seals # 15137348 & 15137349 <If applicable, verify the seal numbers on the box match the above from location

Blue Drop Box Seals # 151633599 & 151633600 Indicate the seal numbers that were **broken** from blue drop box

Count of Ballots in Transport Bin # _____

Audit Agent (Signature) *[Signature]* Date: 10-27-20
Sign to affirm seal #'s match or that no ballots were to be picked up Date of Audit Match

 

EARLY VOTING BALLOT TRANSPORT STATEMENT REV 10-06-2020

Transport Receipt This portion to be completed by the Receiving Agent at the MCTEC Facility

Receiving Agent (Signature) *[Signature]* Date: 10/26/20
Sign to acknowledge receipt from Transport Staff Member Date ballot box/form received

Ballot Box Seals # 152005689 & 152005682 <If applicable, verify the seal numbers on the box match the above from location

Blue Drop Box Seals # _____ & _____ Indicate the seal numbers that were **broken** from blue drop box

Count of Ballots in Transport Bin # _____

Audit Agent (Signature) *[Signature]* Date: 10/29/20 20
Sign to affirm seal #'s match or that no ballots were to be picked up Date of Audit Match

 

EARLY VOTING BALLOT TRANSPORT STATEMENT REV 10-06-2020

Elections Procedures Manual Requirement: "For any election that includes a partisan race, **at least two designated ballot retrievers of at least two differing party preferences** shall be assigned to retrieve voted ballots from a ballot drop-off location or drop-box."

48 out of 1895 unique EVBTS had either one retriever signature or no signatures.

EARLY VOTING BALLOT TRANSPORT STATEMENT
 --This form is to be completed when first sealing the ballot box & each time the ballot box seal is broken for transport--

At Location Election Type: NOV General Elec. Election Date: 11/3/2020

Name of Location: MCTec

Were there ballots to be picked up? YES -if YES, complete lines 1-7 NO -if NO, complete lines 3-7

Spoils picked up? YES NONE Completed Forms picked up? YES NONE

1) Red Box Seals # 15204028 & 15204027 -indicate the seal numbers that were placed on ballot transport box

2) Blue Drop Box Seals # _____ & _____ -indicate the seal numbers that were taken off on blue drop box

3) Blue Drop Box Seals # _____ & _____ -indicate the seal numbers that were placed on blue drop box

4) Ballot Box Sealed/Checked on (Date) 10/25/20 (Time) 2:45 -date and time box was sealed/checked

5) Location Staff Member (Signature) _____

6) Transport Staff Member (Signature) C. Cal

7) Transport Staff Member (Signature) _____

Transport Receipt This portion to be completed by the Receiving Agent at the MCTEC Facility

Receiving Agent (Signature) _____ Date: 10-23-2020
 Sign to acknowledge receipt from Transport Staff Member Date ballot box/form received

Ballot Box Seals # 15204028 & 15204027 -if applicable, verify the seal numbers on the box match the above from location

Blue Drop Box Seals # _____ & _____ -indicate the seal numbers that were broken from blue drop box

Count of Ballots in Transport Bin # _____

Audit Agent (Signature) _____ Date: _____
 Sign to affirm seal #'s match or that no ballots were to be picked up Date of Audit Match

MARICOPA COUNTY RECORDER

EARLY VOTING BALLOT TRANSPORT STATEMENT REV 10-06-2020

EARLY VOTING BALLOT TRANSPORT STATEMENT
 --This form is to be completed when first sealing the ballot box & each time the ballot box seal is broken for transport--

At Location Election Type: NOV General Elec. Election Date: 11/3/2020

Name of Location: MCDOWELL SQUARE

Were there ballots to be picked up? YES -if YES, complete lines 1-7 NO -if NO, complete lines 3-7

Spoils picked up? YES NONE Completed Forms picked up? YES NONE

1) Red Box Seals # 15147224 & 15147229 -indicate the seal numbers that were placed on ballot transport box

2) Blue Drop Box Seals # 15164242 & 15164246 -indicate the seal numbers that were taken off on blue drop box

3) Blue Drop Box Seals # 15147227 & 15147226 -indicate the seal numbers that were placed on blue drop box

4) Ballot Box Sealed/Checked on (Date) 10/21/20 (Time) 1:45 -date and time box was sealed/checked

5) Location Staff Member (Signature) _____

6) Transport Staff Member (Signature) [Signature]

7) Transport Staff Member (Signature) _____

Transport Receipt This portion to be completed by the Receiving Agent at the MCTEC Facility

Receiving Agent (Signature) _____ Date: 10/7/20
 Sign to acknowledge receipt from Transport Staff Member Date ballot box/form received

Ballot Box Seals # 15147226 & 15147224 -if applicable, verify the seal numbers on the box match the above from location

Blue Drop Box Seals # 15164245 & 15164246 -indicate the seal numbers that were broken from blue drop box

Count of Ballots in Transport Bin # 111

Audit Agent (Signature) _____ Date: 07 OCT 20
 Sign to affirm seal #'s match or that no ballots were to be picked up Date of Audit Match

MARICOPA COUNTY RECORDER

EARLY VOTING BALLOT TRANSPORT STATEMENT REV 10-06-2020

End of Report
 Submitted January 24, 2022