

Maricopa County: Long Withheld Records Reveal More than 20,000 Mail Ballots Received After the Legal Deadline

Verity Vote

Late Returns

Arizona Law requires that all ballots be received by the county no later than 7pm on Election Day in order for them to be counted and valid¹. However, review of Maricopa County 2020 General Election records shows that more than 20,000 ballots were transported from the United States Postal Service (USPS) after that deadline.

Verity Vote obtained delivery receipts from the county that show USPS ballots were received on November 4, 5 and 6. Any ballots not rejected are accepted by default and tabulated into the election results. Arizona law is clear that it is not an issue of the ballot postmark but the receipt of the ballot by the county prior to 7pm on Election Day.

Maricopa County reported that they rejected only 934 ballots due to lateness (Fig. 1). This leaves over 19K received ballots that show no evidence of rejection. According to Arizona law, these ballots should have been rejected.

MARICOPA COUNTY Elections Department		Early Voting Rejections Summary
		Nov 3 2020 General Election
587	Bad Signatures (BS)	
1455	No Signature (NS)	
2042	Total Early Voting Rejections (BS & NS)	
934	Late Returns (L)	
2976	Total Rejected and Late	

Figure 1: The Early Voting Rejections Summary shows 934 ballots rejected as Late Returns.

Ballot Packet Transportation

Incoming USPS ballot packets are picked up by the County on a route driven at least daily. For efficiency, a Maricopa County Election Department employee starts the route from the County's Tabulation and Election Center (MCTEC) carrying some ballot packets already in the County's possession (those previously gathered from drop boxes and vote

centers by county employees). The County driver proceeds to the USPS facility, picks up ballot packets from the postal service, then transports the combined ballot tranche to Runbeck Election Services (RES) for an incoming scan. The ballot transportation route is diagrammed below (Fig. 2).

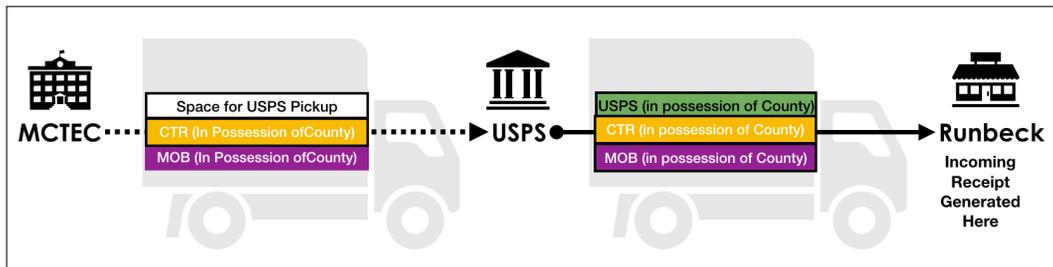


Figure 2: Ballot packet transportation route from MCTEC to the USPS to Runbeck Election Services.

At RES, the incoming quantity of ballots packets is recorded on an MC Inbound Receipt of Delivery (RoD) Form (Fig.3). The form has fields for date and time of delivery, number of trays and pieces, the signature of the County driver, RES recipient, and a security witness. The number of ballots recorded on the form is a close estimate based on the number of trays and the quantity of ballots that fit in each tray. Many RoD documents completed during the 2020 General Election were obtained as part of a public records request (PRR) submitted on October 5, 2021. Maricopa County made these documents available for inspection and copying on December 17, 2021. At that time, no MC Inbound Receipt of Delivery forms were provided for November 4th, 2020. At least one form was provided for all other days from October 13th through November 6th.

The form is titled 'MC INBOUND - RECEIPT OF DELIVERY'. It contains the following fields and data:

- ELECTION: 11-2-20
- DATE: 11-2-20
- RES EMPLOYEE: [Signature]
- TIME: 7:00

TYPE OF INBOUND	# OF TRAYS / TRUS	QTY OF PIECES	SEALED YES / NO	SEAL #
POST OFFICE INBOUND	2x300	10,000	✓	✓
REGULAR MOB	27x500	10,500	✓	✓
OUT OF SPEC				
NEED PACKET				
BLUE ENVELOPES				
LATES	12x450	5,400	✓	✓

Annotations on the right side of the form:

- Red arrow pointing to the 'POST OFFICE INBOUND' row: USPS Returned Ballots
- Green arrow pointing to the 'REGULAR MOB' row: Mail Ballots deposited in a drop box
- Blue arrow pointing to the 'LATES' row: Early In Person Ballots deposited in a drop box

At the bottom of the form, there are fields for 'DATE', 'COUNTY DELIVERED', 'DATE', 'SECURITY WITNESS', and 'DATE', 'RES RECEIVED'. The form is dated 11-2-20.

Figure 3: Sample Receipt of Delivery Form from November 2nd.

Public Records Withheld

Verity Vote made numerous attempts to obtain the missing document(s). Several calls were made seeking the November 4th records. On March 21st, 2022, a follow-up email was sent to Celia (redacted), Assistant Director of Early Voting for Maricopa County to determine if a document had been created for the missing date. No response was received. On April 8, 2022, a new PRR was submitted requesting the missing Receipt of Delivery records for November 4th. After numerous delays, multiple follow up emails, and phone calls, county employees informed Verity Vote that records were with legal counsel pending review. Eleven days later, on May 19th, 2022, documents were finally approved for release by the County attorney and provided by MC Recorder's Office.

It took nearly seven months to get the documents only to be informed that the documents provided "do not represent the complete universe of MC Inbound Receipt of Delivery forms from November 4, 2020." The MC Recorder also wrote that they are unable to produce the other documents because they, "cannot be certain, but we believe that the remainder of these forms were transferred to the Treasurer's Office." If there are indeed additional forms for 11/4 then the number of USPS late mail ballots could be much higher than 20K.

They are continuing to withhold records claiming that they are stored with the official returns². It is unclear why the Recorder would have transferred these record to the treasurer. The records in the treasurer's custody can only be examined with a court order. Therefore, Verity Vote can only report that the minimum number is 20,500 late USPS ballot packets.

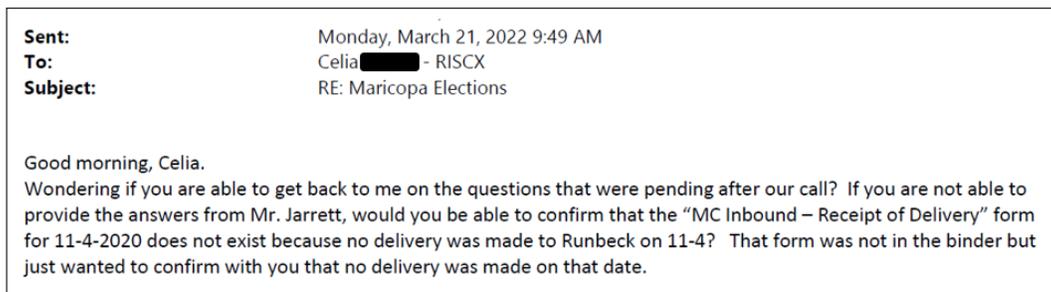


Figure 4: Follow up note to Maricopa County.

Receipt of Delivery

The Receipt of Delivery form has been described in detail by the Maricopa County Elections Department. (Fig.5). The County defined all of the fields on the RoD form, making it clear that the "Post Office Inbound" entry reflects the approximate number of ballot packets that are "picked up at the post office by Elections and transported to RES." The estimated 20,500 ballot packets were recorded in that Post Office Inbound field. Notably, they were not recorded as "Lates" which the county defines as ballot packets received after election night 7PM but before the canvass (Fig.5). The County differentiates between mail ballots (MOB) and early in-person ballots (CTR) by recording the numbers on separate

lines. "MOB" represents green envelope packets that were retrieved from drop boxes; importantly, these are mail ballots already in the possession of the County. The designation "CTR" can also be added to this form to record the number of early in-person white ballot packets from vote centers when these are present.

The MC Inbound-Receipt of Delivery reflects the type and quantity of packets the Elections Department is returning to RES to be scanned.

- **Type of Inbound**
 - # of trays/tubs-reflects the number of trays and the approximate number of packets per tray.
 - QTY of pieces-reflects the estimated number of packets
 - Sealed Yes/No-reflects if the packets were delivered in a container with zip ties.
 - Seal #-the serial number of the zip ties
- **Post Office Inbound**-reflects the approximate quantity of packets/trays that were picked up at the post office by Elections and transported to RES for inbound scan.
- **Regular MOB**-reflects packets that need to be send through inbound scan. Examples include packets received from the drop boxes and cured packets.
- **Out of Spec**-reflects the packets that were originally under/over the weight threshold. These packets were resolved by EV and need to be sent through inbound scan with the weight thresholds turned off.
- **Need Packets**-not applicable
- **Blue Envelopes**-packets received back from voters that were originally no signature packets.
- **Lates**-reflects packets received after election night 7PM (before canvass)

Figure 5: Example MC Inbound – Receipt of Delivery form with description.

Review of the form dated 11/5 shows the receipt of 1000 USPS ballots (Fig. 7). The form dated 11/6 shows an additional 1500 USPS ballots were received on that date (Fig. 8). These two records alone show that at least 2500 mail ballots were received more than two days after the Election Day 7pm deadline. After over seven months of waiting, the November 4th Receipt of Delivery form revealed that 18,000 ballots were picked up from the post office more than 12 hours after the deadline. Verity Vote has made no assumptions here, County Recorder Stephen Richer confirmed that the RoD was from 11/4 at 9:30AM.



Office of the Recorder
Maricopa County, Arizona

111 South Third Avenue
Phoenix, Arizona 85003-2281
Phone: (602) 506-3535
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County Recorder Stephen Richer

May 18, 2022

Redacted

Redacted

Redacted

After an extensive search, we have found the attached MC Inbound Receipt Delivery form from 9:30am on November 4, 2020. This document does not represent the complete universe of MC Inbound Receipt Delivery forms from November 4, 2020. We cannot be certain, but we believe that the remainder of these forms were transferred to the Treasurer's Office to be stored and sealed with the ballots pursuant to ARS 16-624. In addition to the attached MC Inbound Receipt, we have attached a tracking document that was created on 11/4/2020 that shows the total number of early ballot affidavits that were dropped off at a voting location on Election Day.

Sincerely,

Stephen Richer
Maricopa County Recorder

Figure 6: Letter confirming USPS pickup of 11/4.

MC INBOUND - RECEIPT OF DELIVERY

1377 / ELECTION 11-5 / DATE
Brandon / RES EMPLOYEE 6:45 / TIME

TYPE OF INBOUND	# OF TRAYS / TUBS	QTY OF PIECES	SEALED YES / NO	SEAL #
POST OFFICE INBOUND	2x500	1000	~	~
REGULAR MOB	2x500	1000	~	~
OUT OF SPEC				
NEED PACKET				
BLUE ENVELOPES				
LATES				

DATE _____ COUNTY DELIVERED _____
 DATE _____ SECURITY WITNESS _____
 DATE _____ RES RECEIVED _____

WHITE COPY TO RES - YELLOW COPY TO MARICOPA MC INBOUND - RECEIPT OF DELIVERY 02-15

Figure 7: Maricopa County workers reported picking up 1000 ballots from the USPS on November 5th.

Election Day

MC INBOUND - RECEIPT OF DELIVERY

1377
ELECTION

BRANDON
RES EMPLOYEE

11-4-20
DATE

9:30
TIME

TYPE OF INBOUND	# OF TRAYS / TUBS	QTY OF PIECES	SEALED YES / NO	SEAL #
POST OFFICE INBOUND	36x500	18,000	✓	✓
REGULAR MOB				
OUT OF SPEC				
NEED PACKET				
BLUE ENVELOPES				
LATES	•	17,100	✓	✓
CTR	38x450	17,100	✓	✓
EA				

DATE _____ COUNTY DELIVERED _____

DATE _____ SECURITY WITNESS _____

DATE _____ RES RECEIVED _____

WHITE COPY TO RES - YELLOW COPY TO MARICOPA

MC INBOUND - RECEIPT OF DELIVERY 02-15

Figure 9: Maricopa County reported picking up 18,000 ballots from the USPS on November 4th. Note that the 17,100 CTR designated ballots already in County custody are not late ballots.

USPS Extraordinary Measures

Voters were instructed to mail ballots by October 27th. USPS reported that 2020 election ballot packets were delivered from voters to election officials in an average of 1.6 days with 97% of the ballots delivered within 3 days and 99.7% within 5 days³. Maricopa County ballot returns benefited from this rapid delivery which dropped the incoming USPS deliv-

UOCAVA

In some jurisdictions, overseas and military ballots can be accepted beyond the close of the polls under the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). This is not the case in Arizona, where even the UOCAVA ballots must be received by 7pm on election day.

Verity Vote analyzed the VM55 and the EV33 reports to determine how many UOCAVA ballots had not been acknowledged as received by November 2nd. Records show that only 1,241 ballot envelopes had not been scanned as of 11/2, a number very near to the 1,270 UOCAVA affidavit envelopes images reported missing by Dr. Shiva Ayyadurai in his ballot envelope analysis (private communication). So there is reason to believe these UOCAVA ballots were already counted by 11/2, and there are few of them relative to the number of late ballots, and the law prohibits their counting—UOCAVA cannot be used to justify the counting of these late ballots.

Conclusion

Maricopa County withheld requested public documents for nearly seven months. These documents show 18,000 additional late ballots not previously reported. Several contests were decided by less than 20K votes, most notably the statewide presidential race that was decided by only 10,457. The 20,000 ballots recorded as incoming from the USPS on and after November 4 were of sufficient quantity to change the result of the 2020 General Election in Arizona.

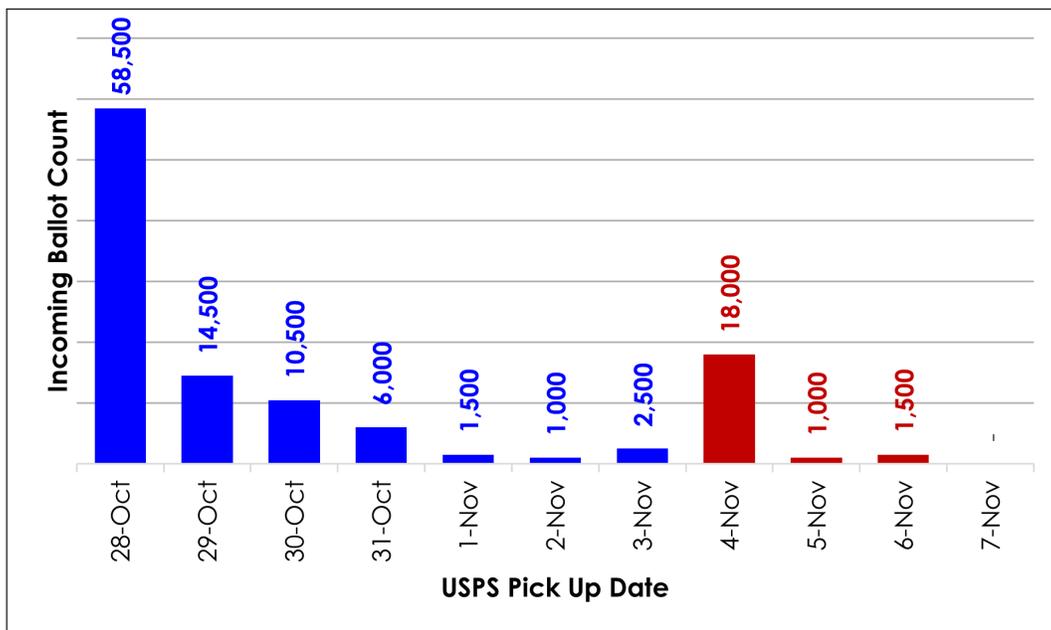


Figure 11: USPS Incoming Receipts for the days around Election Day.

References

¹ARS 16-548 says, "In order to be counted and valid, the ballot must be received by the county recorder or other officer in charge of elections or deposited at any polling place in the county no later than 7:00 p.m. on election day."

²ARS 16-624 says that official returns must be stored in a secure facility managed by the county treasurer, unopened for twenty-four months

³https://about.usps.com/newsroom/national-releases/2020/USPS_PostElectionAnalysis_12_28_20.pdf

End of Report
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