

Office of the Arizona Attorney General
Special Investigations Section
2005 North Central Avenue
Phoenix, Arizona 85004-1592

Rachel Mitchell
Maricopa County Attorney
225 West Madison Street
Phoenix, Arizona 85003


Dear Attorney General Mayes and County Attorney Mitchell:

I write to call your attention to multiple instances of apparent fraud that infected the initiative petition in support of Proposition 140, the so-called "Make Elections Fair Act," which Arizona voters rejected at the November 5, 2024 general election. Two hundred and fifty-three individuals signed the petition at least five times each, in violation of A.R.S. § 19-115(B). Images of these signatures are attached as Exhibit A.

Petition signatures are the mechanism by which paper proposals are transmuted into prospective laws presented to the electorate. The authenticity of these signatures and the integrity of the process by which they are collected are state interests of the highest order. *See generally Stanwitz v. Reagan*, 245 Ariz. 344, 349-50 (2018). Redundant signatures falsely inflate the appearance of support for an initiative, and are the functional equivalent of double-voting. *See generally Idaho Coal. United for Bears v. Cenarrusa*, 342 F.3d 1073, 1077 (9th Cir. 2003) (initiative petition signatures are akin to votes for most constitutional purposes). Amassed in sufficient numbers, duplicative signatures can facilitate the adoption of statutes and even constitutional amendments that never lawfully should have appeared on the ballot in the first place. For this reason, Arizona law has long made it a criminal offense for any person to "knowingly sign his name more than once for the same measure or constitutional amendment at one election." A.R.S. § 19-115(B). To be sure, double or even triple-signing the same initiative petition over the span of several months may well evince merely carelessness or forgetfulness. Signing one's name five, ten, or even fifteen times, however, is not susceptible to that excuse.

There is certainly, at the very least, ample reason to believe that the individuals identified in Exhibit A knowingly violated Arizona law. I accordingly request that your respective offices open an investigation and pursue all appropriate criminal charges.

Respectfully,


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