



# NEWS RELEASE

**Arizona House of Representatives**  
**Representative Teresa Martinez (R-16)**  
**Representative Rachel Jones (R-17)**  
1700 West Washington • Phoenix, Arizona • 85007

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**Monday, December 2, 2024**  
**FOR IMMEDIATE RELEASE**

## State Representatives Teresa Martinez & Rachel Jones Request Attorney General Investigation Into Pima County Election Administration

**STATE CAPITOL, ARIZONA** – Arizona State Representatives Teresa Martinez and Rachel Jones sent a letter last week to Attorney General Kris Mayes requesting an immediate investigation into the Pima County Recorder Gabriella Cazares-Kelly’s handling of the 2024 General Election.

The Representatives’ request follows [reports](#) of significant and highly concerning issues involving the Pima County Recorder’s actions leading up to and during the 2024 General Election, including:

- ***Shutting Down of Early Ballot Request Portal:*** The Pima County Recorder’s Office disabled its online ballot request system six days before the legal deadline, affecting nearly 4,000 voters. The decision has raised concerns about compliance with Arizona election laws and potential voter disenfranchisement.
- ***Inmate Voter Registration Program:*** Allegations of inadequate safeguards in the Recorder’s voter registration program for inmates have prompted questions about whether ineligible individuals may have been allowed to vote. Previous inquiries into this matter, including a letter sent by Representatives Rachel Jones and Cory McGarr on June 5, 2024, went unanswered.
- ***Handling of Undeliverable and Returned Ballots:*** Concerns about how undeliverable ballots were processed, stored, and tracked have also been raised. A follow-up letter sent by Representatives Jones and McGarr on October 24, 2024, to clarify compliance with Arizona law likewise received no response.

**“Election integrity is the foundation of our democracy, and voters deserve to know their elections are being administered fairly, lawfully, and transparently,”** said Representative Teresa Martinez. **“The numerous irregularities and lack of accountability from the Pima County Recorder’s Office demand a full investigation.”**

Representative Rachel Jones added, **“When nearly 4,000 voters face barriers to requesting a ballot, and when questions about unlawful voting and ballot processing are met with silence, it’s clear that immediate action is needed to restore public trust.”**

A copy of their letter is attached.

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Arizona House of Representatives  
Phoenix, Arizona 85007

November 25, 2024

*Via Email and U.S. Mail*

Kris Mayes  
Arizona Attorney General  
2005 N. Central Ave.  
Phoenix, Arizona 85004

**Re: Request for Investigation into the Pima County Recorder's Administration of the 2024 General Election**

Dear Attorney General Mayes:

On behalf of our constituents, we write today in our official capacities to express significant concerns regarding the Pima County Recorder's administration of the 2024 General Election. We respectfully request that you immediately open an investigation into the matters described below to enforce Arizona's election laws. *See* A.R.S. § 16-1021.

First, Supervisor Christy on the Pima County Board of Supervisors has already called for an independent investigation of Recorder Cázares-Kelly based on the Recorder Office's shutting down of the online portal that allowed voters to request an early ballot, just six days before the deadline.<sup>1</sup> Reports indicate that nearly 4,000 voters were impacted.<sup>2</sup> It is imperative to fully investigate the Recorder's arbitrary decision to restrict ballot access in this manner and determine the extent to which voters were disenfranchised.

Second, it appears to us that Recorder Cázares-Kelly has essentially facilitated illegal voting by convicted felons through a reckless voter-registration inmate program. On June 5, 2024, we wrote to Recorder Cázares-Kelly and demanded that she immediately put an end to the program. (See enclosed 6/5/24 letter.) We also asked how many people have registered to vote through the inmate program since 2020 and if her office had completed any due diligence to confirm that persons who register through the program are actually eligible to vote under Arizona law. We received no response.

Third, we wrote again to Recorder Cázares-Kelly on October 24, 2024, to express our constituents' concerns over the Recorder's Office's processing, storage, and communications relating to undeliverable and returned ballots. (See enclosed 10/24/24 letter.) Among other things,

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<sup>1</sup> See [https://www.kvoa.com/news/board-of-supervisor-requests-independent-investigation-into-pima-county-recorder/article\\_69528bd6-a5f5-11ef-b428-bf7c9f2e830c.html](https://www.kvoa.com/news/board-of-supervisor-requests-independent-investigation-into-pima-county-recorder/article_69528bd6-a5f5-11ef-b428-bf7c9f2e830c.html)

<sup>2</sup> See [https://www.tucsonsentinel.com/local/report/102824\\_pima\\_early\\_ballots/1000s-pima-county-voters-told-early-ballot-requests-denied-after-recorder-shuts-vote-by-mail-form/](https://www.tucsonsentinel.com/local/report/102824_pima_early_ballots/1000s-pima-county-voters-told-early-ballot-requests-denied-after-recorder-shuts-vote-by-mail-form/)



Arizona House of Representatives  
Phoenix, Arizona 85007

we asked for information to confirm that the Recorder's office was following the requirements of A.R.S. § 16-544. Again, we received no response.

Arizonans deserve free, fair, and transparent elections. In light of your recent decision to immediately investigate President-Elect Donald Trump over his speech (although you later determined his remarks were protected by the First Amendment), we hope you will agree that Recorder Cázares-Kelly's alarming conduct administering the 2024 General Election warrants a thorough investigation.

Please confirm that you will open an investigation into these matters.

Respectfully,

A handwritten signature in black ink, appearing to read "Teresa Martinez", written over a circular stamp or watermark.

Teresa Martinez  
Majority Whip  
Representative, Legislative District 16

A handwritten signature in black ink, appearing to read "Rachel Jones", written in a cursive style.

Rachel Jones  
Representative, Legislative District 17



# Arizona State Legislature

1700 West Washington

Phoenix, Arizona 85007

June 5, 2024

Via Email and U.S. Mail

Gabriella Cázares-Kelly  
Pima County Recorder  
240 N Stone Avenue  
Tucson, AZ 85701

**Re: Facilitation of Illegal Voting by Convicted Felons; Demand for Termination of Inmate Voter Registration Program and Written Response**

Dear Recorder Cázares-Kelly:

We write to you today in our official capacity to investigate our constituents' disturbing allegations that in Pima County, convicted felons who are ineligible to vote have voted in Arizona's elections in violation of Arizona law. Bolstering their allegations is a decision of the Arizona Court of Appeals that was issued just two months ago, *State of Arizona v. Clark* (enclosed), which upheld an individual's conviction and 3.5-year prison sentence for illegal voting in connection with the 2020 election.

We are extremely troubled by your office's apparent facilitation of illegal voting through its reckless voter-registration inmate program—which the Legislature has neither authorized nor endorsed. In the *Clark* case, a Pima County Chief Deputy Recorder testified at trial that your office does not conduct any due diligence whatsoever to confirm that the inmates the office recruits to register to vote have not been convicted of a felony or that they are otherwise eligible to vote under Arizona law. (See enclosed transcript, page 51.) This witness further testified that “even in 2023,” the Recorder's Office “ultimately take[s] the voter at their word” that the voter is not a convicted felon. (Transcript, page 71.)

Arizonans deserve to have free and fair elections where only citizens who are legally eligible to vote do so. Your implementation of a voter registration program with no safeguards in place to prevent ineligible felons from voting is completely unacceptable. To that end, **we demand that you cease the inmate voter registration program immediately**. We also request answers to the following questions:

1. Since the 2020 election, how many people have registered to vote through the inmate voter registration program?
2. Have you confirmed that any persons who registered to vote through your inmate voter registration program are eligible to vote under Arizona law? If so, please describe those efforts in detail.

Please provide us with a written response to our concerns no later than June 17, 2024.

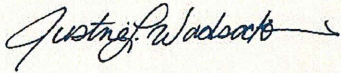
Respectfully,



Representative Cory McGarr  
Legislative District 17



Representative Rachel Jones  
Legislative District 17



Senator Justine Wadsack  
Legislative District 17

cc: Adrian Fontes, Secretary of State



## Arizona House of Representatives

October 24, 2024

Via Email and U.S. Mail

Gabriella Cázares-Kelly  
Pima County Recorder  
240 N Stone Avenue  
Tucson, AZ 85701

**Re: Processes, Storage, and Communications Relating to Undeliverable and Returned Ballots**

Dear Recorder Cázares-Kelly:

We write to you today in our official capacity to express concerns and confusion of our constituents regarding your office's handling of ballots that have been returned as undeliverable or returned due to an outdated address.

Under Arizona law, “[a] person who receives an early ballot at an address at which another person formerly resided, without voting the ballot or signing the envelope, shall write ‘not at this address’ on the envelope and place the mail piece in a United States postal service collection box or other mail receptacle.” A.R.S. § 16-544(P). On receipt, the county recorder must then attempt to contact the voter to update the voter's address or move the voter to inactive status. *See* A.R.S. § 16-544(E) and (P).

It appears that in some cases when a ballot is returned as undeliverable, voters have received a notification stating, “We received your mailed ballot” and “We are in the process of verifying your signature.” This notification understandably causes confusion since an unvoted ballot that has not reached its intended recipient should not bear *any* signature on the affidavit appearing on the outside envelope.

To make matters worse, our constituents have received conflicting information when they've asked county employees how your office stores or processes ballots returned as undeliverable.

To that end, we are seeking answers to the following questions:

1. To date, how many ballots have been returned as undeliverable so far during the 2024 General Election?

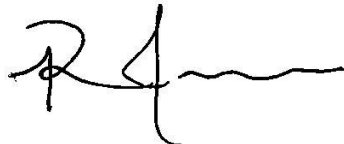
2. How does your office process and store unvoted ballots that have been returned as undeliverable?
3. What policies have you put in place to ensure that your employees are following the requirements of A.R.S. § 16-544 pertaining to returned ballots?
4. Have you considered or investigated whether it is technologically feasible to modify the notification discussed above, which misleadingly states that a voter's signature is under review in situations where that voter has neither voted nor signed his/her ballot? If this is not technologically feasible, how do you intend to reduce the voter confusion caused by this notification?

Please provide us with a written response no later than Monday, October 28, 2024.

Respectfully,



Representative Cory McGarr  
Legislative District 17



Representative Rachel Jones  
Legislative District 17

cc: Adrian Fontes, Secretary of State