



MEMORANDUM

Date: November 18, 2022

To: The Honorable Chair and Members
Pima County Board of Supervisors

From: Jan Leshner 
County Administrator

Re: **Response to Supervisor Christy's Questions Regarding an October 21, 2022 Elections Integrity Commission October Agenda Item and the Department of Justice Visit to Pima County**

At the November 15, 2022 Board meeting Supervisor Christy asked a number of questions about the October 21, 2022 Elections Integrity Commission (EIC) agenda item titled Derogatory Correspondence that was placed on the agenda by Chairman Brian Bickel. Supervisor Christy also asked about the Department of Justice (DOJ) visit to Pima County. Below please find responses to those comments and questions.

- 1) *Comment/Question - Chairman Bickel presented a letter at the EIC meeting that was received by the Democratic Party Chair but was not provided in any background material or public record. Is this a violation of the open meeting law?*

Per the County Attorney's office, this did not constitute a violation of the open meeting law based on the information provided. The agenda item was properly noticed, and Chairman Bickel read the letter into the public record at the meeting. He asked Commission members if Republican Party counterparts also received a letter. Commissioner Christopher King indicated he would inquire whether the Party received a similar letter and was provided a copy of the letter by the Chairman. All EIC meetings are recorded and posted on the EIC's website as well.

- 2) *Comment/Question - What was in the letter, who wrote it and did the Democratic Party Chair file it with the DOJ?*

Attached is a copy of the letter sent to the Democratic Party addressed to Democratic Party Members. (Attachment) It appears to be sent by a group calling themselves Ben Sent Us. The quick response (QR) code imbedded in the letter leads to this group's webpage where they identify themselves as constitutional sentinels. The letter says, among other things, "all videos and pictures of ballot, voting and drop box fraud will be posted on the internet along with pictures of District Attorneys, Sheriffs and others." It goes on to say that "retirees with nothing else to dowill be locating your homes, your social media profiles and pictures and posting online...", and

concludes with "every judge refusing to sentence election fraud....will be considered a traitor and dealt with accordingly, as will you – we are watching you." We have not been able to ascertain whether the Democratic Party Chair forwarded the letter to the DOJ.

- 3) *Comment/Question - The notice or "warning" was on the DOJ website noting that they were going to visit Pima and other counties. Was Administrator Leshner and the Elections Director notified the DOJ was going to visit Pima County?*

County Administration was not notified directly by the DOJ of their scheduled visits to Pima or Arizona. Director Constance Hargrove also confirmed she did not receive written notification from the DOJ but indicated that she received an email from the Secretary of State letting counties know about the DOJ visits. Ms. Hargrove shared at the Board meeting that she received a telephone call from DOJ notifying her of the visit. Ms. Hargrove shared at the Board meeting that one of the counties indicated the DOJ schedules visits every election, and therefore this is not unusual.

- 4) *Comment/Question - The letter could be a fabricated issue to "gen" up the other side to say that violence is occurring. Was the letter used purposefully as a device to try to intimidate voters and provide a false narrative that there was going to be violence? What were the implications of the letter on the DOJ visit to Pima County and was their coming being weaponized?*

In reviewing the October 21 EIC meeting, the letter was not presented or used in a manner to intimidate voters or provide false information. Chairman Bickel commented that he appreciates people voicing their opinions but the language in the letter is very concerning and does not do much to foster safe elections. The language in the letter was similar to other news being reported in Maricopa County regarding people monitoring drop boxes taking pictures or video of voters dropping off ballots.

Regarding possible implications of the letter on the DOJ visit to Pima County, we could not confirm whether the letter was sent to the DOJ or the Secretary of State, but it should be noted that Arizona made national news about the threats to Elections Directors and poll workers, including the reports of people watching ballot drop boxes in Maricopa County. In an [article](#) from Arizona Public Media that sheds more light on the DOJ's visits to states during elections. It includes information on the warning the DOJ issued about potential violations of the Voting Rights Act after reports of people, in some cases armed or wearing tactical vests, were monitoring ballot drop boxes in Maricopa County. A lawsuit was filed over these occurrences, and the DOJ filed a statement of interest in that case. This is most likely part of the reasoning behind the DOJ's visits to Maricopa and other counties in Arizona. For the 2022 Election, the

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DOJ was sending monitors to 24 states. It is typical for the DOJ to carry out visits during elections. There is no indication these visits were "weaponized" or viewed in that light.

JKL

Attachment

c: Carmine DeBonis, Jr., Deputy County Administrator
Francisco García, MD, MPH, Deputy County Administrator and Chief Medical Officer
Steve Holmes, Deputy County Administrator
Constance Hargrove, Director, Pima County Elections
Diana Durazo, Senior Advisor, Pima County Administrator's Office