Exhibit 26
Uproar over mailing of primary ballots in Maricopa County due to coronavirus pandemic

By Associated Press | Published March 13 | 2020 Election | Associated Press

Superior Court stops Maricopa County Recorder from sending ballots by mail to voters

PHOENIX - A top election official in Arizona’s most populous county took the unprecedented step Friday of ordering ballots for next week’s Democratic presidential primary mailed to all voters who normally cast ballots at the polls to ensure they can vote with minimal exposure to the new coronavirus.

But the move by Maricopa County Recorder Adrian Fontes may not stand and drew some criticism from fellow Democrats, Maricopa County Supervisor Steve Gallardo, and Secretary of State Katie Hobbs. Republican Mark Brnovich filed a lawsuit to block it.

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Meanwhile, the county board of supervisors said it was closing 78 polling places after churches, nursing homes and others said they no-longer felt comfortable welcoming voters to cast ballots, some poll workers backed out and the county ran short on disinfecting supplies. The county will now have 151 “vote centers” where anyone in the county can vote.
The last-minute shuffling injected uncertainty just days before Arizona’s presidential primary.

There is no law that allows Fontes’ action. But he said the ongoing health emergency requires it and there is no legal prohibition.

Hobbs told Fontes in an email that he had no authority to act.

“The lack of an express statutory prohibition is irrelevant,” Hobbs said. “If your view were correct, counties apparently have had authority to conduct countywide all-mail elections all this time. This is clearly not the law in Arizona.”

She said she had contacted the vendor, a company called Runbeck Election Services.

“We made clear to Runbeck that our Office’s position is that if they mail any ballots at your direction today or in the coming days, they will be facilitating a violation of the law,” Hobbs said.

Gallardo said he was concerned voters who got ballots in the mail Monday would mail them back rather than dropping them off at the polls. That would mean they’d arrive too late to be counted.

“It’s a good idea if you have time to plan this,” Gallardo said. “But to do it on the weekend before the election, I think it just sows confusion.”

Fontes said the step was needed to ensure voters could cast ballots while minimizing health risks. A series of expected election worker absences and poll locations backing out added to the confusion.
“These voters now have a second option,” Fontes said. “They don’t have to stand in line. They’ll be able to simply take that sealed envelope, drop it off and leave, maintaining the appropriate social distance that makes sense during this global pandemic.”

Tuesday’s election is just for the Democratic Party presidential primary because Republicans and Libertarians decided not to hold primary elections. There are about 200,000 Democratic voters in Maricopa County who vote in person. If the ballots are mailed, they will be able to just drop off their ballots at election sites. Most Arizona voters already cast ballots by mail.

Fontes said he expects most ballots to hit mailboxes Monday, and some will arrive Tuesday. He said the same controls that ensure people who already have mail ballots don’t vote at the polls will ensure no one is able to vote twice.

Fontes’ action put a spotlight on a rift between the brash Democratic recorder and the Republican-controlled Board of Supervisors.

The board last year stripped Fontes of his authority over election-day and emergency voting, hiring their own official for that work and leaving Fontes with a limited portfolio over mail balloting. Both sides have tried to downplay the conflict and insist they’re on the same team, but the board made clear it did not support Fontes’ action.

With 78 fewer polling locations to staff and disinfect, board members said there’s enough disinfecting supplies and poll workers to staff the remaining sites.

Gallardo, the board’s lone Democrat, cast it as an improved voting situation because voters will be able to go to any voting location in the county
regardless of their home. County officials say they’re notifying voters with robocalls, emails and other methods.

“That gives, I believe, plenty of access for voters across Maricopa County,” Gallardo said.

During a press conference to outline the changes to election day voting, the supervisors’ election director, Scott Jarrett, said “I can’t do this” and walked away. Several supervisors said he’s been working without sleep to prepare for the election.

For most people, the new coronavirus causes only mild or moderate symptoms, such as fever and cough. For some, especially older adults and people with existing health problems, it can cause more severe illness, including pneumonia.

The vast majority of people recover from the new virus. According to the World Health Organization, people with mild illness recover in about two weeks, while those with more severe illness may take three to six weeks to recover.

Four states, Arizona, Ohio, Illinois and Florida are holding primaries Tuesday. The top elections officials in all four states issued a joint statement Friday saying the election would go on. They said people will be at polling sites for only a short period, and they are taking steps to sanitize voting machines regularly.