

PLAINTIFF'S BRIEFING

Superior Court of Arizona in Maricopa County

Case No. CV2025-063720

1 Nature of the Action

This action arises from Plaintiff's April 15, 2025 Public Records Request submitted pursuant to A.R.S. § 39-121 et seq.

Plaintiff seeks judicial review under A.R.S. § 39-121.02 to determine whether Defendants complied with Arizona Public Records Law.

Defendants include:

- Maricopa County Board of Supervisors (MCBOS)
 - MCBOS Procurement Department
 - MCBOS Information Governance Department
 - MCBOS Elections Department
- Maricopa County Recorder's Office (MCRO)

The Procurement, Information Governance, and Elections Departments operate within MCBOS. MCRO is a separately elected office and an independent custodian of certain election-related records.

2 Court's Inquiries

At the January 21, 2026, telephonic hearing, the Court requested briefing addressing:

1. Whether the County produced all responsive public records; and
2. Whether the County has a legal duty to explain its records production.

This briefing responds directly to those questions.

3 April 15, 2025, Public Records Request (Verbatim)

Hello, I'm requesting copies of the signed contracts used in the 2020 election in Maricopa County and the state of Arizona. Specifically I'm asking to review the changes made to contracts after 2018 (SLA), after 2020, and after the 2024 election. The contracts and changes made before a pandemic election and way after the pandemic election but no corrective action plan immediately following a pandemic election is a regulatory and Statutory compliance failure. I've attempted to escalate to my legislator JD Mesnard my Recorder Justin Heap and my BOS contact Mark Stewart. The failure is under code of conduct code of ethics. I'm asking for contract for compliance reasons. Specifically failed

third party contract enforcement of signed contract agreements. I am requesting the below contracts. Motor vehicle division 2018, 2020 and 2024 Dominion and runback same dates. First level signature verification with temp agency contract. Same dates. Lastly, I like to see how AZ 16-452 is impacted by the same contractual conditions that were missed. Had mistakes not been made by Secretary of State and recorder in 2018 then another failure after 2020 and then we don't see changes again until 2024? Best Jamie Weinbauer Martin 602 403 4535

4 Clarified Scope of Request for Judicial Review

For purposes of judicial review, the request sought copies of signed contracts maintained by Maricopa County relating to the 2018 (SLA), 2020, 2022, and 2024 election cycles, including:

- Amendments
- Revisions
- Renewals
- Addenda
- Exhibits
- Post-election contract administration records

The request specifically included:

1. Dominion Voting Systems contracts and related amendments
2. Runbeck Election Services contracts and related amendments
3. Motor Vehicle Division (MVD) election-related agreements maintained by the County
4. County-maintained USPS-related election agreements
5. Temporary staffing contracts used for first-level signature verification
6. Written records reflecting post-election contract changes for the 2018–2024 cycles

The request did not seek ballots, voter data, tabulation data, or confidential voter information.

5 Defendants' Responses

5.1 Processing History

- April 15, 2025 – Request submitted to MCBOS Procurement (PRR 2025-719).
- Procurement produced two Runbeck contracts and two Dominion contracts.
- May 15, 2025 – Request transferred to Information Governance (PRR 2025-1123), then to Elections (PRR 2025-139), then to MCRO (PRR 2025-64).
- June 11, 2025 – Elections stated it had no responsive records.
- June 27, 2025 – MCRO closed its request, stating records had been released and asserting no statutory obligation to respond.

5.2 Records Produced

Produced:

- Two Runbeck Election Services contracts
- Two Dominion Voting Systems contracts

6 Legal Framework

A.R.S. § 39-121 provides that public records in the custody of any officer shall be open to inspection.

A.R.S. § 39-121.01(D) requires a prompt, good-faith search reasonably calculated to locate responsive records.

A.R.S. § 39-121.01(E) requires citation of legal authority if access is denied in whole or in part.

Executed government contracts and associated amendments maintained by the County constitute public records unless a specific statutory exemption applies.

7 Compliance Analysis

7.1 Records Not Produced

The defendants failed to produce the following:

- Amendments, addenda, renewals, exhibits, or revisions for 2018–2024
- Post-election contract administration records
- MVD election-related contracts
- USPS-related agreements
- Temporary staffing contracts for signature verification

No explanation was provided as to whether these categories were searched, whether they exist, or whether they were withheld pursuant to statutory exemption.

No department:

- Described the scope of its search;
- Identified custodians consulted;
- Identified systems or repositories searched;
- Stated search parameters used;
- Certified completeness of production;
- Certified nonexistence of records;
- Cited any statutory exemption under Title 39.

7.2 Adequacy of Search

Defendants produced four base contracts but provided no documentation demonstrating that they searched for amendments, revisions, addenda, renewals, post-election administration records, MVD contracts, USPS agreements, or temporary staffing contracts.

The record contains no description of search scope, custodians consulted, repositories searched, or certification of completeness.

Without such documentation, the Court cannot determine whether Defendants conducted a prompt, good-faith search reasonably calculated to locate responsive records as required by A.R.S. § 39-121.01(D).

7.3 Duty to Explain Production

Where requested categories are not produced, A.R.S. § 39-121.01(E) requires citation of legal authority if access is denied in whole or in part.

When entire categories of requested records are absent, a public body must clarify whether the records do not exist or are being withheld pursuant to statutory exemption.

The present record contains neither clarification nor citation.

8 Application to the Court's Questions

8.1 Were all responsive records produced?

Only four base contracts were produced. No amendments, revisions, addenda, or related administration records were produced. No certification of completeness or nonexistence was provided.

The current record does not establish that all responsive records were produced.

8.2 Does the County have a duty to explain its production?

Yes.

Under A.R.S. § 39-121.01(D)-(E), a public body must conduct a good-faith search and cite statutory authority when withholding records. When requested categories are not produced, clarification or citation is required.

The record does not demonstrate compliance with those obligations.

9 Requested Relief

Plaintiff respectfully requests that the Court:

1. Determine whether Defendants conducted a prompt, good-faith search reasonably calculated to identify all responsive records;
2. Order Defendants to document the scope and methodology of their search;
3. Order production of any additional responsive records located;
4. Require citation of specific statutory exemptions for any records withheld.

10 Conclusion

This matter presents a narrow statutory question. The issue is not the substance of the contracts, but whether Defendants satisfied their obligations under Arizona Public Records Law to conduct a documented, good-faith search and to clarify the status of requested records. Based on the present record, the Court lacks sufficient information to determine compliance. Judicial review under A.R.S. § 39-121.02 is therefore appropriate.

11 Author

Jamie Weinbauer Martin

Date