

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2025-063720

04/14/2026

HONORABLE RANDALL H. WARNER

CLERK OF THE COURT
J. Zinkowich
Deputy

JAMIE WEINHAUER MARTIN

JAMIE WEINHAUER MARTIN
9834 E WATFORD WAY
SUN LAKE AZ 85248

v.

MARICOPA COUNTY

BRIAN IRVINE

JUDGE WARNER

EVIDENTIARY HEARING SET

This public records special action is under advisement following briefing. The Court rules as follows.

I. BACKGROUND.

Plaintiff Jamie Weinbauer Martin made multiple public records requests to Maricopa County in 2025. In her Opening Brief, Plaintiff quotes her April 15, 2025 request as follows:

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 Service Level Agreement (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

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2025-063720

04/14/2026

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 Runbeck same dates. First level signature verification with temp agency contract. Same dates. Lastly, I would like to see how A.R.S. § 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.

On May 15, 2025, Plaintiff made additional or follow-up requests as follows:

Entering the following request submitted to Office of Procurement Services via email. This request will be managed by Information Governance. Request is as follows: Requested Information: Please provide the following records and explanations for the 2020 election, as required by A.R.S. § 39-121 (public records access): 1. A.R.S. § 16-452 (Election Procedures Manual): • Documentation showing compliance with the Secretary of State's Instructions and Procedures Manual, ensuring "maximum degree of correctness, impartiality, uniformity, and efficiency" in ballot handling. • Reports or metrics (e.g., voter satisfaction ratings, regulatory scores) justifying approval of 2020 election results. 2. A.R.S. § 16-161 (Voter Registration Records): • Reports submitted to the Secretary of State on voters registered without proof of citizenship, including ballots cast for federal offices only, per § 16-168(G). 3. A.R.S. § 16-121 (Voter List Maintenance): • Processes and reports used to maintain accurate voter lists, ensuring only eligible voters were included. 4. A.R.S. § 16-165 (Deceased Record Checks): • Records of checks to remove deceased voters from rolls, including any identified failures and corrective actions. 5. A.R.S. § 16-166 (Voter Registration Reporting): • Documentation of voter registration data reported to the Secretary of State, including compliance with federal form requirements. 6. Runbeck/Dominion Contracts: • Evidence of compliance with contract terms, including: • Certification of Dominion's software/hardware by the

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2025-063720

04/14/2026

Secretary of State (Dominion Contract, Exhibit B, § 2.1). • Source code escrow with the Secretary of State (Dominion Contract, § 2.2). • Maintenance of Optech Insights and 400-C units (Dominion Contract, § 2.4). • Explanation for strikethroughs in Runbeck/Dominion contract disaster recovery language, critical during the 2020 pandemic, and why new contracts were not initiated to address this gap. Action Requested: • Provide the above records within 10 business days, per A.R.S. § 39-121.01(E) (prompt response requirement). • If records are exempt, cite specific exemptions and release non-exempt portions. • Confirm receipt of this email and my prior voicemail.

The declarations and exhibits attached to Maricopa County's Response Brief describe its process for responding to these requests and the records produced in response. Some of the requests were forwarded to the Maricopa County Elections Department, and some were forwarded to the Maricopa County Recorder's Office. The Elections Department determined that it had no responsive records. The County Recorder's Office located records responsive to some of the requests and produced them to Plaintiff. In other respects, it found no responsive records.

In this action, Plaintiff claims Maricopa County has not complied with its obligations to under A.R.S. § 39-121.01 maintain, preserve, and produce public records. She seeks broad relief including that the Court:

1. Declare the County has violated Arizona law by failing to create and maintain certain records, and by failing "to perform legally required government functions."
2. Order "an independent, third-party assessment of the processes used by Defendants to establish, approve, implement, and monitor contracts and intergovernmental Memorandums of Understanding (MOUs), including but not limited to those governing election-related services."
3. Order the County "to establish, implement, and maintain a permanent Corrective Action Plan (CAP) framework within six (6) months of the Court's final decision, aligned with recognized quality management and risk control standards."
4. Order the County to establish and maintain certain records going forward.
5. Order production of any existing responsive records that have not been produced.

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2025-063720

04/14/2026

II. APPLICABLE LAW.

Arizona law requires public officers and bodies to maintain records “reasonably necessary or appropriate to maintain an accurate knowledge of their official activities and of any of their activities that are supported by monies from this state or any political subdivision of this state.” A.R.S. § 39-121.01(B). That duty requires preserving, maintaining, and securing such public records. A.R.S. § 39-121.01(C).

“[P]ublic records are open for inspection by any person upon request.” *Judicial Watch, Inc. v. City of Phoenix*, 228 Ariz. 393, 395, 267 P.3d 1185, 1187 (App. 2011). And when a person makes a request for public records, the public body is required to search for them. *ACLU v. Arizona Dep’t of Child Safety*, 240 Ariz. 142, 148 (App. 2016). But it is not required to create public records that do not exist. *Id.*

If the public body refuses to produce public records, the requestor may bring a special action challenging its decision. A.R.S. § 39-121.02(A). Thus, in many public records cases, the question is whether the public body was justified in withholding public records.

That is not the issue here, as Maricopa County claims it has produced all responsive public records it has. Rather, Plaintiff argues that Maricopa County violated Arizona public records law by failing to create and maintain certain records. As Plaintiff states on Page 4: “THIS CASE IS NOT ABOUT PRODUCING RECORDS — IT IS ABOUT THE FAILURE TO MAINTAIN LEGALLY REQUIRED RECORDS.” (Caps in original). Plaintiff also argues that Maricopa County has not sufficiently searched for records that should exist.

III. DISCUSSION.

A. The Sufficiency Of A Public Body’s Operations Is Not Reviewable In A Public Records Case.

Much of Plaintiff’s argument is a critique of the way Maricopa County manages and documents its administration of elections. For example, Plaintiff says at page 3:

Such corrective action frameworks are widely recognized across regulated industries and governmental systems, both within the United States and internationally, as a baseline requirement for effective governance, accountability, and compliance.

Based on this experience, Plaintiff asserts that Defendants’ failure to maintain any documented mechanism to identify

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2025-063720

04/14/2026

noncompliance, perform root cause analysis, implement corrective measures, and verify effectiveness is not a procedural omission, but a systemic failure of required governance and compliance controls.

And while much of Plaintiff's critique is focused on processes and accountability, she also argues that the County fails to maintain records in violation of A.R.S. § 39-121.01(B). For example:

Election statutes requiring procedures, verification, and testing (A.R.S. §§ 16-452, 16-550, 16-550.01, 16-449) function as accountability mechanisms. Where those processes are undocumented or cannot be verified through maintained records, compliance cannot be established.

See Reply Brief at 10.

These issues are beyond the Court's authority in a public records case under A.R.S. § 39-121.02. Arizona's public records statutes do not authorize the Court to tell a public body what processes it must undertake or how to manage elections. The Court has no authority to order "an independent, third-party assessment" of Maricopa County's contracts for election-related services. It has no authority to order the County to implement a "Corrective Action Plan."

This is clear from A.R.S. § 39-121.02. Under that statute, the Court can grant relief to someone who is denied access to public records which exist. A.R.S. § 39-121.02(A). The statute is therefore the enforcement mechanism for A.R.S. § 39-121.01(D), which requires public bodies to produce public records. But the Court cannot order public bodies to create new public documents. *Judicial Watch*, 228 Ariz. at 400.

By contrast, A.R.S. § 39-121.01(B) and (C) require public bodies to keep records "reasonably necessary or appropriate" to maintain knowledge of their activities. But no statute authorizes judicial enforcement of those provisions. And no statute provides a legal standard for a Court to judge whether public bodies are implementing appropriate processes or maintaining reasonably necessary and appropriate records.

To the extent Plaintiff requests relief other than the production of public records that exist, the request is denied.

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2025-063720

04/14/2026

B. An Evidentiary Hearing Is Needed On Whether Maricopa County Has Produced All Responsive Records That Exist.

Plaintiff also argues that Maricopa County does not sufficiently describe its search for records. Instead, Plaintiff argues, Maricopa County's declarations merely state in conclusory fashion that "no records exist." As a result, there is no way to determine whether all responsive public records have been produced.

Maricopa County's declarations do not permit the Court to determine whether there are any requested records that have not been produced. A question of fact therefore exists that requires an evidentiary hearing. At that hearing, Maricopa County must make the signers of the declarations available for questioning by Plaintiff.

IV. ORDERS.

IT IS ORDERED setting an in-person Evidentiary Hearing on whether Maricopa County has produced all responsive records for **May 29, 2026 at 2:00 p.m. (time allotted: 2 hours)** in this division.

IT IS FURTHER ORDERED that the parties shall submit exhibits for the Evidentiary Hearing to the Clerk for marking **no later than 5:00 p.m. on May 15, 2026.**

For in-person exhibit submission, please visit, <https://www.clerkofcourt.maricopa.gov/services/exhibits-submission>. The webpage will provide instructions and guidance, as well as locations for in-person submission of exhibits.

When submitting paper exhibits, please adhere to the following guidelines:

1. Exhibits will be marked consecutively. *The clerk cannot reserve numbers for exhibits that will be provided at a later date.* Any missing exhibits will not be considered and the numbers of all following exhibits will be moved up. If Defendant's exhibits are received prior to Plaintiff's exhibits, the clerk may mark them first with Plaintiff's exhibits following.
2. Original Depositions will not be marked as an exhibit. **Original** depositions to be used for impeachment purposes shall be provided to the clerk on the first day of trial to be hand-filed.
3. Do not submit duplicate exhibits, **it is essential that the parties confer to avoid submitting duplicate exhibits.**

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2025-063720

04/14/2026

4. If large charts or blow-ups are anticipated to be used, please include a small version (or photo) which can be marked as the exhibit. The charts and blow-ups are used for demonstrative purpose only, are not marked as the exhibits, and are returned.
5. Each multiple page exhibit **MUST** be securely fastened together by staple or pronged fasteners. **DO NOT use paper clips, rubber bands, binder clips or submit loose sheets of paper.**
6. Do not put numbers on the exhibits themselves; instead, **use a COLORED sheet with the exhibit number on it.** Place the colored sheet in front of each exhibit, however, **DO NOT staple or paper-clip it to the exhibit itself** (this should be the only loose sheet).
7. The parties are to provide a workable list of exhibits. The list should include a title or description of each exhibit. (See blank sample of the following table as a reference).
8. If media files or video-recordings are anticipated to be submitted for marking, please submit them on **thumb-drives**, not on a CD, and deliver them to the division for marking.

Exhibit No.	Identified By	Description <i>Should be verifiable when viewing the first page of the exhibit</i>	Stipulated in Evidence/Objection

PLEASE NOTE: Each party shall provide a binder of exhibits for the Court's use. Each exhibit shall be separated by numbered divider tabs.

NOTICE: Exhibits Marked But Not Offered

Exhibits submitted to the court for an evidentiary hearing/trial, whether through hard copy or submitted electronically, that are marked as exhibits but are not offered into evidence at the evidentiary hearing will be destroyed following the hearing/trial, unless a party requests that the evidence be returned at the conclusion of the hearing. Such requests must be filed with the Court and served on all parties in advance of the hearing or by no later than the conclusion of the hearing.

Counsel and the parties, if representing themselves, are to **appear in person** before:

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2025-063720

04/14/2026

The Honorable Randall H. Warner
Maricopa County Superior Court
East Court Building
101 W. Jefferson, Suite 712
Phoenix, AZ 85003
Phone: 602-372-2966
Fax: 602-372-8746

IT IS FURTHER ORDERED that, no later than **10 judicial days** before the evidentiary hearing, each party must file with the Clerk of Court a list of witnesses to be called and exhibits to be used at the evidentiary hearing. Failure to timely file a witness and exhibit list will be deemed a waiver of the right to present evidence at the hearing, and a waiver of the request for an evidentiary hearing.