



Terry Goddard
Attorney General

Office of the Attorney General
State of Arizona

Criminal Division

March 23, 2009

VIA FAX AND REGULAR MAIL

Chairman Jeff Rogers
Democratic Party of Pima County
4639 E. 1st Street
Tucson, AZ 85711

Dear Chairman Rogers:

As you are likely aware, the Office of the Attorney General is conducting a criminal investigation regarding allegations of wrongdoing related to the 2006 Pima County Special Election. Recently, we seized the ballots from that election from the Pima County Treasurer. As a part of our investigation, we intend to examine the cast ballots pertaining to the Regional Transportation Authority (RTA) vote during that Special Election.

Our examination of the RTA ballots will include a hand count of the ballots. We have arranged to have the ballots examined and hand counted by certified professionals who work for the Maricopa County Elections Department (Maricopa Elections). Maricopa Elections will conduct the examination in a secured facility under the supervision of police officers employed by this office.

We would like to invite the Pima County Democratic Party, the Pima County Republican Party, the Pima County Green Party, and the Pima County Libertarian Party to each nominate a slate of three persons from whom we will select one person per party to be a witness to the ballot examination. The selected nominee will be present in the room where the ballots are to be examined.

If you desire to send a representative to the ballot examination, please identify three candidates. In that this is a criminal investigation, please provide the names, birth dates and social security numbers of the three candidates that you wish to nominate so that we may do a background search. The choice of the representative to be present from each party will be ours alone. Please submit your nominees by March 30 at 5 p.m.

Some restrictions on participation in this examination are also necessitated by our need to protect the process and the integrity of the evidence we have seized. Your representative will be subject to a search, both a physical search and by a metal detector. No weapons, no cameras, no cell

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telephones, no writing instruments, and no audio or video recorders of any kind will be permitted within the examination room. In that we will not have lockers in which to store any of these items, the representatives of each party must assume responsibility to store any of these items in their possession outside of the Maricopa Election premises.

At the time of the examination, each representative will be authorized only to observe the process of ballot examination. No representative will be permitted to touch the ballots or to handle or touch any other evidence held by this office. No representative will be permitted to talk to or otherwise communicate with any member of the Maricopa Elections staff involved in the examination of the ballots. No representative will be permitted to communicate with anyone outside of the examination room while present in the examination room by signal, voice or other sign. If inquiries, questions or concerns arise about the process, those must be directed to the Attorney General's investigative staff in charge at the scene.

The examination will take place in Phoenix. The exact location of the examination will be disclosed at a later date. Our plan is to examine the ballots over the course of five days beginning on April 6, 2009.

I must emphasize that this is a criminal investigation, not an elections process controlled by applicable Arizona elections laws. Attendance and the procedures undertaken at this examination will be strictly monitored and overseen by the Office of the Attorney General.

Given the importance of this investigation and the desire on the part of the Attorney General to foster public trust, we have determined to undertake this ballot examination in the public eye, with certain limitations. The facility at which the examination will take place will accommodate a limited number of individuals for public viewing of the examination process through a glass partition. Maricopa Elections also has arranged to have live streaming video of the examination available to the public on the internet. Through public announcements we will advise the public of the examination we are conducting and of the website address at which internet viewing may take place.

Please provide me with nominations if you wish to participate in this important process. We look forward to receipt of your slate of nominees.

Sincerely,



Donald E. Conrad
Division Chief Counsel
Criminal Division