

Election Day Notice for Election Departments

October 29, 2024

THE FOLLOWING IS JUST A SAMPLE AND IS NOT LEGAL ADVICE

[Your Name]

[Your Address]

[City, State, Zip Code]

[Email Address]

[Phone Number]

[Date]

To: [Election Official's Name]

From: [Your Name/Office]

Date: [Current Date]

**Subject: Urgent Election Day Preparations – Legal Obligations,
Backup Plans, Transparency, and Observers**

Dear [Election Official],

Given the projected unprecedented voter turnout for this pivotal election, and the critical role this election plays in our democracy, you are hereby notified of your legal obligations under federal and state election laws. This notice serves to emphasize the importance of your preparation to accommodate a potentially record-breaking number of voters while ensuring compliance with the Help America Vote Act (HAVA), the Americans with Disabilities Act (ADA), and the Voting Rights Act of 1965.

Legal Responsibilities:

1. **Compliance with the Help America Vote Act (HAVA):**

- **Section 301:** Ensure voting systems provide for accessible voting for individuals with disabilities.
- **Section 905:** Outlines penalties for conspiracy to deprive voters of a fair election or providing false information in registering and voting.

2. **Americans with Disabilities Act (ADA):**

- Polling places must be physically accessible, and voting processes must accommodate those with disabilities.

3. **Voting Rights Act of 1965:**

- Prohibits practices that could result in discriminatory effects, including unnecessarily long waits that might disproportionately affect certain groups.

Preparation Steps:

1. **Increase Polling Locations:**

- Ensure compliance with state laws on polling place distribution.

2. **Staffing and Training:**

- Train staff in both electronic and manual voter processing techniques.

3. **Voting Equipment:**

- Ensure all voting machines are tested and functional, with backups.

4. Dual Check-In Systems:

- **Primary Electronic Check-In:** Utilize technology for efficiency.
- **Manual Paper-Based Backup:**
 - **Preparation:** Keep updated paper voter rolls and emergency ballots.
 - **Implementation:** Train staff to switch to manual methods swiftly.

5. Transparency and Chain of Custody for Manual Processes:

- **Chain of Custody:**
 - Document every step of manual ballot handling, from receipt to deposit.
 - Securely seal ballot boxes, with records of who seals them.
- **Transparency Measures:**
 - Ensure poll watchers and observers have clear visibility of all processes, except where voter privacy is concerned.
 - Maintain detailed logs of manual operations for audit purposes.

6. Voter Education:

- Communicate potential use of manual systems to voters.

7. Weather Considerations:

- Provide adequate protection for voters in extreme weather.

8. Accessibility:

- Ensure accommodations for disabled and elderly voters.

9. Voter Assistance:

- Prepare for alternative voting methods like curbside voting.

10. Time Management:

- Plan for possible extension of voting hours.

Observers and Transparency:

- **Warning:** It is vital to uphold the transparency of the election:
 - **Poll Watchers:** Do not impede, obstruct, or intimidate any authorized poll watchers or observers. This could be considered a violation of election laws and may lead to personal legal consequences.
 - **Transparency:** Any attempt to conceal, misrepresent, or obstruct the observation of election processes can lead to:
 - **Legal Action:** Under laws protecting voter rights and election integrity.
 - **Professional Consequences:** Potential sanctions or removal from office for undermining the

electoral process.

Your Personal Responsibility:

As an election official, you are legally and ethically bound to ensure that every eligible voter can cast their ballot without undue hardship. Failure to adequately prepare can lead to:

- **Legal Accountability:** You could face legal action, fines, or even criminal prosecution for failing to uphold the laws designed to protect voter rights.
- **Professional Repercussions:** Your career could be jeopardized, potentially facing sanctions or loss of position for negligence or non-compliance.

Potential Criminal Consequences:

- **Election Interference:** Under federal and state laws, officials might be criminally liable for actions or inactions that interfere with the electoral process, potentially facing fines or imprisonment.
 - **18 U.S.C. § 241:** Conspiracy against rights, including the right to vote, is a federal offense.
 - **18 U.S.C. § 594:** Intimidating or threatening voters, including through administrative neglect, can lead to prosecution.
- **Falsification or Misconduct:** Providing false information or neglecting duty can lead to charges under election fraud statutes.
- **Non-Compliance with HAVA or ADA:** While primarily civil,

willful violations could also be addressed under criminal statutes if gross negligence or intentional violation is proven.

Please confirm by [DATE] that you have prepared adequately, including having a transparent manual backup plan and ensuring observer access, to maintain the integrity of the election.

Sincerely,

[Your Name]

[Your Position]

[Your Contact Information]

Urgency and Accountability: This notice underscores the legal and ethical necessity to maintain transparency and accessibility in every facet of election administration.

For Maricopa County Elections Department

October 29, 2024

**THE FOLLOWING IS JUST A SAMPLE AND IS
NOT LEGAL ADVICE**

[Your Name]

[Your Address]

[City, State, Zip Code]

[Email Address]

[Phone Number]

[Date]

The Honorable Stephen Richer

Maricopa County Recorder

[Recorder's Office Address]

[Phoenix, AZ ZIP Code]

Subject: Legal and Public Notice on Election Administration Compliance for Upcoming Elections

Dear Recorder Richer,

This communication serves as a formal notice emphasizing the critical need for rigorous adherence to Arizona election statutes to prevent the recurrence of issues observed during the 2022 election cycle in Maricopa County. Given your office's role in overseeing election processes, this letter aims to ensure full compliance with all relevant laws to uphold the integrity of our democratic process.

Key Statutory References and Election Integrity Concerns from 2022:

- **ARS § 16-461 et seq.:** Mandates for accurate voter registration and maintenance. The 2022 election highlighted concerns over the handling of voter registration forms, with allegations of last-minute submissions intended to cause confusion.
- **ARS § 16-540 to § 16-552:** Governs early voting procedures. There were reports during the 2022 election cycle of significant issues with mail-in ballots, including voters receiving multiple ballots, which questions the system's integrity.
- **ARS § 16-621:** Procedures for vote tabulation require strict adherence to prevent issues like those encountered

with printer malfunctions affecting ballot readability, impacting approximately 17,000 ballots.

- **ARS § 16-550:** Certification of voting systems. The widespread malfunction of tabulation devices on Election Day 2022 raised serious doubts about system preparedness and certification processes.
- **ARS § 16-452:** Regarding election challenges and recounts, transparency issues were evident, with public confusion over the number of Election Day votes versus the total votes reported.

Failures Noted in 2022:

1. **Tabulation Device Malfunctions:** An estimated 36% of voting centers experienced issues with tabulation devices and printers, which led to significant delays and potential disenfranchisement.
2. **Printer Issues:** Specifically, printers failed to produce adequately dark timing marks, affecting ballot readability by tabulators.
3. **Inadequate Polling Locations:** Reduction in voting locations combined with technical issues resulted in extended waiting times, potentially discouraging voter turnout.
4. **Early and Mail-in Ballot Confusion:** Reports of voters receiving multiple mail-in ballots suggested lapses in the management of voter rolls and ballot distribution.

Required Corrective Measures:

- **System Testing:** Ensure all voting equipment undergoes rigorous testing before Election Day to prevent technical failures.

- **Voter Roll Maintenance:** Enforce strict compliance with voter registration deadlines and accuracy to avoid last-minute chaos or litigation risks.
- **Public Transparency:** Increase efforts in transparency regarding election processes, addressing voter concerns proactively rather than reactively.
- **Training and Resources:** Adequately train election staff and provide sufficient resources to handle both in-person and mail-in voting efficiently.

Legal Implications:

- Failure to address these issues could lead to legal challenges under Arizona law, potentially resulting in mandated oversight or re-elections, undermining public trust and administrative legitimacy.
- Ensuring compliance is not just about avoiding litigation but restoring and maintaining public faith in our electoral process.

This notice demands your office's utmost diligence in correcting past shortcomings and ensuring a fair, transparent, and efficient election process. Your proactive engagement in these matters will be crucial for the democratic integrity of Maricopa County's elections.

Please consider this notice as both a legal reminder and a call for action, ensuring that any repeat of the 2022 election's administrative failures is unequivocally avoided.

Thank you for your immediate attention to these critical issues.

Sincerely,

[Your Signature (if sending a hard copy)][Your Printed Name]

Please ensure this letter reflects the most current law and consider having it reviewed by legal counsel with expertise in election law before transmission.

For Board of Elections

October 29, 2024

THE FOLLOWING IS JUST A SAMPLE AND IS NOT LEGAL ADVICE

[Your Name]

[Your Address]

[City, State, Zip Code]

[Email Address]

[Phone Number]

[Date]

To The [State] Board of Elections, [Address of the Board of Elections] [City, State, Zip Code]

Subject: Legal Notice for Compliance with Election Resource Allocation and Voter Accessibility

Dear Members of the [State] Board of Elections,

This letter serves as an official notice regarding your statutory and fiduciary duties to ensure an adequately resourced and accessible election process for all citizens of [State]. As the entity charged with overseeing election administration at the state level, your compliance with both state and federal

election laws is paramount.

Legal Obligations:

1. **Voting Rights Act of 1965:** This federal law ensures that all citizens have equal opportunity to participate in the electoral process without discrimination.
2. **Help America Vote Act (HAVA) of 2002:** Among other mandates, HAVA requires accessibility for voters with disabilities and improvements in election technology and procedures.
3. **[State Election Code, e.g., Title XX, Chapter YY]:** These statutes detail specific requirements for election resource allocation, including the number of voting machines per capita, staff training, and voter education efforts.
4. **Americans with Disabilities Act (ADA):** Requires that public services, including voting, be accessible to individuals with disabilities.

Required Measures:

- **Adequate Resource Deployment:** Ensure sufficient voting equipment, polling locations, and staff, as outlined in [State Election Statute], to manage voter turnout without excessive wait times.
- **Training Programs:** Implement rigorous training for all election workers to handle voting procedures, emergency protocols, and accessibility accommodations as per state directives.
- **Public Voter Education:** Execute a thorough campaign to inform voters of their rights, polling place changes, voter ID requirements, and other pertinent information.
- **Disaster and Emergency Planning:** Develop comprehensive

strategies to address potential voting disruptions caused by unforeseen events.

Legal Ramifications of Non-Compliance:

- **Legal Challenges:** Failure to adhere to these laws could precipitate lawsuits alleging voter suppression or discrimination, potentially under Section 2 of the Voting Rights Act or state equivalents.
- **Regulatory Actions:** The Board could face investigations or corrective actions from state or federal election oversight bodies, potentially including fines or mandates for operational changes.
- **Public Trust:** Any failure in election administration can severely undermine voter confidence and could lead to questions regarding the legitimacy of election outcomes.
- **Court Mandates:** Courts might intervene with injunctions or consent decrees to enforce compliance with election laws, leading to direct judicial oversight.

This notice is intended to underscore the gravity of maintaining an election system that operates smoothly, fairly, and within legal bounds. It is crucial that your Board takes all necessary steps to meet these legal requirements to prevent any disenfranchisement or legal disputes.

Please consider this communication as a formal request for your attention to these critical issues, ensuring that every eligible voter in [State] can participate in the democratic process without undue hindrance.

Thank you for your cooperation and dedication to upholding our state's election integrity.

Sincerely,

[Your Signature (if sending a hard copy)][Your Printed Name]

Ensure to verify all cited laws and regulations with an attorney or legal expert in election law for accuracy and to tailor the specifics to the laws of your state before sending this notice.

For Secretary of State

October 29, 2024

THE FOLLOWING IS JUST A SAMPLE AND IS NOT LEGAL ADVICE

[Your Name]

[Your Address]

[City, State, Zip Code]

[Email Address]

[Phone Number]

[Date]

The Honorable [Secretary of State's Name] Secretary of State, [State Capitol Address] [City, State, Zip Code]

Subject: Formal Legal Notice Regarding State Election Resource Management and Voter Accessibility

Dear Secretary [Last Name],

I am writing to formally address the critical responsibilities of your office in overseeing state elections, ensuring

compliance with both federal and state election laws. This letter serves as a legal reminder of the obligations to provide adequate resources for the upcoming election to facilitate an efficient voting process for all eligible voters, ensuring they are not required to wait longer than one hour to cast their vote.

Legal Framework:

1. **The Voting Rights Act of 1965:** Requires that no voting qualification or prerequisite to voting be imposed or applied in a manner which results in a denial or abridgment of the right to vote on account of race or color.
2. **The Help America Vote Act (HAVA):** Mandates improvements to the administration of elections, including the accessibility and efficiency of the voting process.
3. **[State-specific Election Statutes, e.g., State Election Code Section XX]:** This includes regulations on voter wait times, the ratio of voting equipment to voters, and the accessibility of voting locations.
4. **Americans with Disabilities Act (ADA):** Requires that all public entities, including state election processes, ensure accessibility for individuals with disabilities.

Mandatory Election Preparations:

- **Resource Allocation:** Ensure there are enough voting machines, ballots, and polling staff as mandated by [State Law Reference], to prevent undue delays.
- **Staff Training:** All election officials and volunteers must be adequately trained in accordance with state guidelines to handle voter registration, machine operation, and accessibility accommodations.

- **Voter Information Dissemination:** Implement comprehensive outreach to inform voters about their rights, polling locations, and any changes in voting procedures, fulfilling the educational mandates of HAVA.
- **Emergency Preparedness:** Establish and communicate clear protocols for addressing potential disruptions to the voting process.

Legal Consequences for Non-Compliance:

- **Litigation:** Your office could face lawsuits for violations of the Voting Rights Act, ADA compliance issues, or state-specific election laws, potentially leading to court-mandated election oversight.
- **Administrative Penalties:** Non-compliance might attract sanctions or fines from federal or state election commissions or other regulatory bodies.
- **Public Accountability:** Failure to ensure an efficient election could lead to a significant erosion of public trust, potentially impacting future electoral participation and legitimacy of election outcomes.
- **Injunctive Relief:** Courts may issue injunctions requiring immediate action to rectify identified deficiencies in election preparation or execution.

This notice is not merely a formality but a call to ensure that the democratic process in [State Name] is accessible, fair, and efficient for all citizens. Your office's proactive engagement in addressing these concerns will be crucial in upholding the integrity of our electoral system.

Please treat this notice with the urgency and seriousness it warrants. Should there be any lapses identified on election day or in pre-election preparations, be advised that such could

prompt legal scrutiny and action.

Thank you for your attention to this vital democratic matter.

Yours sincerely,

[Your Signature (if sending a hard copy)][Your Printed Name]

Please ensure all legal references are accurate and tailored to the specific laws of your state, and consider having this document reviewed by an attorney to maximize its legal efficacy.

For Election Departments Regarding Election Day

October 29, 2024

**THE FOLLOWING IS JUST A SAMPLE AND IS
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[Your Name]

[Your Address]

[City, State, Zip Code]

[Email Address]

[Phone Number]

[Date]

To Whom It May Concern,

**Subject: Legal Notice for Compliance with Election Resource
Allocation and Voter Accessibility Laws**

Dear Election Department Officials,

I am writing to formally remind your department of its legal obligations under federal, state, and local election laws to ensure that all eligible voters can exercise their right to vote within a reasonable time frame, specifically within no more than one hour, on election day. This letter serves to underscore the importance of compliance with these laws to avoid legal repercussions.

Legal Grounds:

1. **The Voting Rights Act of 1965, as amended:** This federal law prohibits racial discrimination in voting. Inadequate resources leading to long wait times can disproportionately affect minority voters, potentially constituting a violation.
2. **The Help America Vote Act (HAVA) of 2002:** Requires states to upgrade their election administration, including ensuring accessibility for individuals with disabilities and providing adequate voting systems.
3. **[State-specific Election Laws]:** Many states have laws specifying the maximum allowable wait times, the required number of voting machines per number of registered voters, and accessibility requirements. Please refer to [State Code or Statute Number], which mandates these provisions.
4. **Americans with Disabilities Act (ADA):** Polling places must be accessible to people with disabilities, ensuring that facilities are equipped to handle all voters.

Required Actions:

- **Adequate Staffing and Training:** Ensure sufficient and well-trained staff to manage voter turnout effectively, as

per [Relevant State Law or Election Code Section].

- **Voting Machine Availability:** Per [State Election Law], there must be an adequate number of operational voting machines. Malfunctions or shortages could be considered non-compliance.
- **Voter Information and Accessibility:** Provide comprehensive voter education and ensure all polling locations meet accessibility standards, adhering to both ADA and state requirements.
- **Contingency Plans:** Develop emergency plans for unforeseen circumstances, as failure to do so can lead to violations under emergency management statutes or implied duties of care.

Consequences of Non-Compliance:

- **Legal Actions:** Failure to comply with these legal standards could result in lawsuits under federal and state laws for voter suppression or disenfranchisement. This might include class-action lawsuits or actions by advocacy groups.
- **Fines and Sanctions:** Regulatory bodies or courts might impose fines or administrative sanctions against the election officials or the department for failing to uphold voter rights.
- **Corrective Orders:** Courts could issue mandates requiring immediate corrective actions, potentially overseeing election processes to ensure compliance.
- **Loss of Public Trust:** Beyond legal ramifications, there's a significant risk of diminishing public confidence in the electoral process, which could lead to broader democratic issues.

This notice is intended to ensure that all necessary precautions are taken to uphold the integrity of our electoral system. It is crucial for your department to review and implement these requirements diligently.

Please consider this a formal demand for compliance to prevent any legal actions that might arise from neglect of these duties.

Thank you for your immediate attention to this critical matter.

Sincerely,

[Your Signature (if sending a hard copy)][Your Printed Name]

Note: Before sending this notice, it is imperative to verify all legal references and possibly consult with an attorney specializing in election law to ensure that all cited laws are current and applicable in your jurisdiction. This will make the notice as legally binding as possible within your specific legal context.