



MICHELE REAGAN
Secretary of State
State of Arizona

April 24, 2018

The Honorable Mark Brnovich
Attorney General of the State of Arizona
2005 N. Central Avenue
Phoenix, AZ 85004

Re: Criminal Referral for Potential Violations of Arizona Initiative Laws

Dear Attorney General Brnovich,

Enclosed is a letter from Rep. Leach and Sen. Kavanagh alleging violations of Arizona law with respect to Clean Energy for a Healthy Arizona's registration of initiative petition circulators pursuant to A.R.S. § 19-118(A). In pertinent part, Rep. Leach and Sen. Kavanagh allege that "the Committee is knowingly registering a large number of petition circulators who are not gathering signatures . . . [with] the goal . . . to flood the Secretary of State's petition circulator registration system in an effort to create an unnecessary burden on the Secretary's Office and any potential Initiative challenger."

The Secretary of State's office has reviewed the complaint in detail. While there are no apparent violations of Title 19 for which the Secretary of State has jurisdiction, it appears that Rep. Leach and Sen. Kavanagh allege a violation of A.R.S. § 13-2407(A)(3):

A person commits tampering with a public record if, with the intent to defraud or deceive, such person knowingly:

...

Records, registers or files or offers for recordation, registration or filing in a governmental office or agency a written statement which has been falsely made, completed or altered or in which a false entry has been made or which contains a false statement or false information.

Since the Attorney General has exclusive jurisdiction to enforce this criminal prohibition, the Secretary of State's office hereby refers this matter to your office for further proceedings. Please contact me if you need to review any circulator registration forms in furtherance of your investigation.

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MICHELE REAGAN
Secretary of State
State of Arizona

Very truly yours,


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CC: Todd Lawson
Arizona Attorney General's Office

Rep. Vince Leach
Arizona House of Representatives

Sen. John Kavanagh
Arizona State Senate