

County recorder hopeful wants to make running elections 'boring again'; incumbent pushes for voter access

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Candidate Stephen Richer says he wants to “make the Recorder’s Office boring again,” while incumbent Adrian Fontes says if reelected he will continue to fight for improved voter access and trust.

Fontes said he wants to continue making it easier to vote, collaborating with others to run the county's elections and ensuring the voting process is safe from hackers.

Richer, a Republican, says he is trying to oust Democrat Fontes from his role as Maricopa County recorder in this November’s election because he believes the position shouldn’t be riddled with controversy, as it has been for years now.

The Recorder’s Office serves the public through the mostly routine tasks of recording, tracking and providing public access to documents such as deeds and property maps. But it also oversees the county’s elections — and that’s where the controversy has come in.

Richer says he stands for “fair and competent elections,” and wants voters to "have confidence in the voting process."

If that sounds similar, that’s because it is. Fontes defeated longtime recorder Helen Purcell in 2016 after promising to restore voter trust after a botched 2016 presidential preference election in which voters had to wait hours to vote at their polling places.

Fontes, the first Democrat to hold the seat in decades, has mostly accomplished his goals of simplifying the voting process and eradicating long wait times.

But his experiments led to some technical glitches and long lines in 2018’s primary election, and have caused strife between him and Attorney General Mark Brnovich and the county Board of Supervisors — so much so that the Republican-controlled board recently took back control over Election Day voting, leaving Fontes to manage voter registration and early voting.

Richer says Fontes’ changes have been illegal and unsuccessful. He says Fontes is uncivil and too partisan to run an office that plays such a vital role in protecting democracy.

“I think Adrian is doing a disservice to the office,” Richer said.

Fontes says Richer's accusations are false and amount to nothing more than a partisan attack.

Fontes cites broad accomplishments since taking office, such as improving the voter experience by giving more places and time to vote, making ballot tabulation more transparent, and improving voting security in part by making the county's technology more secure.

Every time he has pushed the envelope, Fontes said, it has been to make voting more accessible.

"In every single case, my position has been to get more eligible voters voting," he said.

Voters will choose between Fontes and Richer in the Nov. 3 election. The county will begin mailing ballots and open some vote centers on Oct. 7.

Richer defeated Republican candidate Clair Van Steenwyk in the primary election.

About Fontes and Richer

Both Fontes and Richer have a background in law and public policy.

Fontes is a veteran of the U.S. Marine Corps, where he served on active duty from 1992 to 1996. When he returned, he pursued a law degree.

He has served as a prosecutor with the Denver District Attorney's Office, Maricopa County Attorney's Office and the Arizona Attorney General's Office. He then transitioned to the private sector.

Richer is a lawyer for Lewis Roca Rothgerber Christie in downtown Phoenix.

Richer previously worked in business management and public policy, including for think tanks such as American Enterprise Institute and the Cato Institute.

He's participated on the boards of the Arizona Humanities, the Arizona Chamber of Commerce and Industry and the Federalist Society's Phoenix Lawyers Chapter.

Richer said he has helped out on some political campaigns in Arizona and elsewhere but this is his first run for office.

Problems plagued 2018 election, but office was prepared for coronavirus

After taking office in January 2017, Fontes immediately began to change the way voting happened in the county.

For city council, school board and other local elections that fall he sent every registered voter a mail-in ballot, not just those on the early ballot list, and, for in-person voting on Election Day, piloted the "vote center" model he has become increasingly reliant on. Vote centers allow registered voters to vote at any location, rather than having assigned polling locations.

Fontes continued to use traditional polling places and vote centers in the 2018 primary election, which saw many problems.

Voter check-in equipment was not properly installed at 62 polling places, leaving voters unable to secure ballots in the morning hours; there was a major poll worker shortage; and voters were left waiting in line long after polls closed at some polling locations.

An external audit done after the election placed much of the blame for the election-day problems on Fontes, criticizing him for lacking a back-up plan. Fontes at the time placed most of the blame on an information technology contractor hired to support the voter check-in equipment.

Fontes delivered a much smoother 2018 general election, although polling stations did see issues of computer shutdowns, printing problems and long lines.

When COVID-19 began to spread in Arizona in March just before the Democratic presidential preference election, the county's previous work using vote centers came in handy.

Many traditional polling places were too small to properly socially distance voters, so the county went to a vote center-only model. The same went for August's primary election.

The elections unfolded without any widespread issues, despite new challenges and concerns prompted by coronavirus.

"I'm incredibly proud of the work that we have done," Fontes said. "Our voters don't have to choose between their health and voting."

November is the first presidential general election Fontes will help run, and it will also be conducted with only vote centers and mail-in voting because of coronavirus concerns. This will be the ultimate test of the new model, since turnout is expected to be much higher.

Fontes notes his accomplishments

Fontes said his three main goals have been improving the voter experience, making his office more transparent and improving election security.

On voter experience, he said along with creating the vote center model, he has eliminated long lines for voters, made election information more accessible, improved communications to voters and developed new "I voted" stickers.

On transparency, Fontes said that his office's new collaboration with the Board of Supervisors on running elections will make the process more transparent.

Fontes also said that the office has always been open about problems during elections.

There was a time after the 2018 primary election, though, that Fontes for a while refused to release an internal report that studied the problems on Election Day.

Regarding election security, Fontes said his office made several upgrades after conducting several audits that looked at potential security risks within the voting system.

One example, he said, was his office found through an audit that someone could have easily bought a device that could be plugged into one of the county's computers that would have allowed them into the coding level of the county's system. That has been corrected, he said.

The office also created a new position for a security officer to oversee election security, he said.

If reelected, Fontes said he wants to continue to improve voter confidence.

If elected, Richer said he would eliminate politics from the position.

One way, he said, would be to create an oversight board, staffed with people from all political parties. He also said he would develop strong relationships with the Board of Supervisors and Secretary of State Katie Hobbs.

Richer said that he would make public documents more accessible, including by posting every records request and its results online.

His main goal, he said, would be to "stay away from controversy."

"As much as I enjoy following the news I hope I'm not a regular subject of reporting," he said.

Proposed changes cause legal, partisan concerns

Richer created a report in which he outlines what he sees as Fontes' failures.

In it, he says Fontes has tried numerous times to skirt the state's election law, such as having loose rules for who can cast emergency ballots during the weekend before the election, and trying to verify citizenship for voter registration forms turned in without proof of citizenship using the state's motor vehicle records rather than simply rejecting them.

Republicans had complaints about the emergency voting procedures, but did not end up filing a lawsuit on the matter.

The way that Fontes began verifying voter registration may now be common practice across the state. The Secretary of State's 2019 election procedures manual mentions checking the state's motor vehicle records before deeming a voter ineligible for Arizona elections.

Another recent controversy came in March, when concerns about voting in person during the COVID-19 pandemic propelled Fontes to propose sending out ballots to every registered voter, not just those who had requested early ballots in the mail.

Brnovich said this was illegal under state election laws and filed a lawsuit. A Maricopa County Superior Court judge agreed with Brnovich and stopped Fontes from sending out the ballots.

"The Maricopa County Recorder cannot unilaterally rewrite state election laws," Brnovich said at the time. "In times of crisis, the public looks to our elected officials to follow the law and to not make reactionary decisions for political gain."

Another snafu came just recently when Arizona Public Integrity Alliance, a conservative political nonprofit, sued Fontes over a new instruction included with ballots mailed to voters in March and August that told voters to cross out mistakes on their ballot instead of getting a new ballot.

Some argue that this could create the potential for fraud because election officials could cross out ballot selections.

The Arizona Supreme Court ruled earlier this month that Fontes exceeded his authority by including the new instruction and ordered him not to include it with November ballots.

Richer said in his report that Fontes' attitude of "'heck with the law, I'll just do what I think is best,' is very troubling as a matter of administrative philosophy and undermines confidence in the integrity of our voting system."

Fontes said that the changes he has tried to make have all been aimed at getting more eligible voters voting, and the courts have agreed with him that his changes have been legal. To the most recent issue regarding crossing out ballot selections, Fontes said that he plans to fight the court's decision on that, saying "that case is far from over."

Fontes also is currently receiving pushback from Gov. Doug Ducey on Fontes' plan to use special election boards to help confined voters, such as those in hospitals and nursing homes, cast ballots via video conferencing. Fontes filed a court complaint asking a judge to review the manner after Ducey told Secretary of State Katie Hobbs to not allow the virtual voting.

In messaging to potential supporters, Fontes is using this dispute as an example of him trying to stand up for voting rights.

In an email he sent Tuesday to his campaign followers, he quoted an Arizona Republic article on the issue and then asked for contributions, to join him "in pledging to protect everyone's right to vote in November, especially those that are unable due to health issues."

Challenger complains of recorder's civility

Among Richer's many complaints about Fontes, he says that Fontes lacks civility. He points to an exchange that Fontes had with a voter on social media early on in his term.

After a Goodyear voter complained on Facebook that his ballot was confusing, Fontes insulted him, attacked the voter's mother and told him to "go F- yourself."

Fontes said at the time he was just trying to defend his staff. He said this week that there is a time and place to be polite and civil, "but when you see people's rights being trampled or your staff being pushed around you have to turn up the heat sometimes," he said.

Meanwhile, Richer himself uses harsh words for Fontes.

While talking to The Republic about Fontes' partisanship, Richer called Fontes a "pugnacious street activist."

While talking about another issue in which Richer said the Recorder's Office failed to respond to a records request from the Republican party for nearly two years, Richer told The Republic that Fontes is a "buffoon" for the way he handled it.

Asked whether his comments were civil, Richer said the only person he had been disrespectful to is Fontes, who he sees as being "just terrible" for the office.

"I think that falls way short of 'go f yourself'," he said. "... I think those are accurate descriptions."