

# Unusual Undervote Rate Raises Questions About Arizona's 2022 Election Results



Counting every intended vote on every lawful ballot is the mantra of elections officials across the state, as they do their part to ensure the will of the voters is accurately reflected in our election results.

The extraordinarily close margin in the Arizona Attorney General race has drawn renewed attention to the issue of voter's intent, with Republican AG candidate Abe Hamadeh seeking a new trial in his election challenge against Kris Mayes, who was sworn into office Jan. 2 with a 280-vote margin out of the more than 2.5 million ballots counted.

[Read more by Terri Jo Neff >>](#)

But what about the approximately 76,000 ballots that were reported to the Secretary of State's Office as not having a vote tallied in that AG's race?

Sometimes a vote marked in a specific race is not counted at all because a voter disregarded the instructions by selecting more candidates than permitted. This is referred to as an "overvote" and results in none of the candidates receiving credit for a vote in that race on the ballot.

Public records show overvotes occur very infrequently. What is much more common is for a tabulator to record an "undervote," which means there appears to be no vote cast on the ballot for a specific race. This

is either because a voter chooses to skip the race altogether, or because the machine fails to detect an actual vote marked on a ballot.

Hamadeh is waiting for Mohave County Judge Lee Jantzen to rule on whether to order a new evidentiary trial, in part based on ballots identified as having an undervote in the AG's race. During a trial back in December, Mayes' attorney admitted a very small sampling of such ballots showed some of those ballots should have been tabulated as a vote for one of the two AG candidates.

A recent review of election recount reports, conducted by the Arizona Daily Independent, supports the need for a more in-depth inspection of ballots deemed to have an undervote in the attorney general's race, particularly in a few counties.

The review found that 10 counties provided detailed information of the number of undervotes and overvotes. The other five counties — Greenlee, Mohave, Pinal, Yavapai, and Yuma — provide enough information to determine how many uncounted ballots they had in the AG's race but did not provide a split between undervotes and overvotes.

Based on the 10 counties that did provide the data, roughly 98 percent of uncounted ballots in the AG's race were undervotes. Using that proportion, the undervote rates across the state averaged 2.57 percent, ranging from 2.12 percent in Santa Cruz County to 3.49 percent in Yavapai County.

Three counties — Maricopa, Yavapai, and Yuma — were the only ones with an undervote rate in excess of 3.1 percent. But with Maricopa County (3.22%) so much larger than the other counties, some election observers say its undervote rate could be impacted by its mere scale. That would not explain the significantly higher overvote rates for the AG's race reported in Yavapai and Yuma counties.

Yuma County had nearly 8600 fewer ballots cast in the 2022 General Election than in Coconino County, yet in the AG's race it had nearly the same number of undervotes, 1478 to 1522. This gave Yuma County an undervote of roughly 3.16 percent.

Yavapai County reported 124,871 ballots cast in November, which was 21,000 fewer ballots cast than in Pinal County. Yet Yavapai County also reported 830 more undervotes than Pinal County did, in spite of having so many fewer voters. Yavapai's roughly 4,360 undervotes in the AG's race gave it the state's higher rate at 3.49 percent.

Political consultant Constantin Querard has closely analyzed a number of elections over the years and is one of the people hoping a closer look is given to the undervote issue.

"There can be a number of explanations offered for the different numbers, ranging from where candidates do especially well or poorly, to placement on the ballot, to how negative the race gets, to issues of turnout, where more voters voting can lead to higher totals of overvotes and undervotes." said Constantin Querard, an Arizona campaign consultant with more than two decades experience in Arizona politics. "But those don't seem to answer the questions that are being raised."

Yuma County is home to Andrew Gould, the former Arizona Supreme Court justice who ran against Hamadeh in the August 2022 Republican primary, and Gould carried Yuma County in the primary, but

Yavapai County wasn't the home county for any of Hamadeh's opponents, and Hamadeh won Yavapai County, yet Yavapai had the highest rate of undervoting.

Querard noted that the GOP primary was not particularly personal or nasty compared to the Governor's race or the US Senate primary, and a look at the undervote rate in the State Treasurer's race would suggest that animus was not the cause of any undervotes. Yuma County reported a 3.21 undervote rate in the 2022 General Election race for State Treasurer, and both major party nominees handily won their very low-key primary matchups. And Yavapai County had an unusually high 3.80 percent undervote rate in the Treasurer's race despite both nominees being relatively popular with their respective parties.

It also appears that Yavapai County may have a history of unusual undervote rates. A review of the county's 2018 election results showed nearly 5,200 undervotes in the attorney general's race that year, despite having less than 110,000 ballots cast.

That put Yavapai County's 2018 undervote rate well above 4.5 percent in the AG's race. The next closest rates were again Maricopa (3.37 percent) and Yuma (3.30). By comparison, the Cochise County showed an undervote rate of 2.38 percent for the 2018 AG's race.

Other observers dismiss arguments that Yavapai County's high undervote rate in the 2022 General Election was connected to the county having the highest rate of voter turnout (75.1 percent). They point to Yuma County's unusually high undervote rate while also having the state's lowest turnout rate of 44.5 percent.

The failure of the usual reasons to explain away these discrepancies is why some elections officials believe the disparity in Yavapai County's undervote rate in the AG's race in 2018 and 2022 compared to the other 14 counties warrants an investigation to determine if the higher rate is due to voter disinterest, a ballot design issue, or even a tabulation problem.

Such a review could also determine whether the county's undervote rates could be somehow attributed to its Unisyn voting system. Yavapai County is the only county in Arizona to utilize that system; Maricopa County uses a Dominion voting system while the other 13 counties utilize an ES&S system.

"There is simply too much distrust in the process right now for these questions to linger unanswered," said Querard. "The election officials in these counties ought to welcome in whatever inspections or oversight they can get, so that any problems can be found and fixed, or if there are no problems, voters can be reassured that real efforts were made to make sure everything was done right."