

DEMOCRACY IN AMERICA

# GOP candidate for Arizona attorney general sues to reverse results

Abe Hamadeh trails Democrat Kris Mayes by just 510 votes in a race that was already headed to a mandatory recount

By [Yvonne Wingett Sanchez](#) and [Isaac Stanley-Becker](#)

Updated November 23, 2022 at 1:46 p.m. EST | Published November 23, 2022 at 12:32 p.m. EST

PHOENIX — Abe Hamadeh, the Republican candidate for attorney general in Arizona, on Tuesday sued his Democratic opponent and a wide range of state and county officials in a bid to block certification of his loss and force them to declare him the winner in the Nov. 8 contest.

His race, in which he trailed Democrat Kris Mayes by just 510 votes of more than 2.5 million cast, was already headed to a mandatory recount, triggered when no more than 0.5 percent separates the two candidates. Hamadeh argued that the election was mishandled in a way that made a difference to the outcome. The Washington Post has not projected a winner in the race.

The state's tally gave 1,254,102 votes to Hamadeh and 1,254,612 to Mayes, who earlier on Tuesday said she felt "confident that the end result will be the same" and predicted that the process would conclude by Christmas. "As this race should show everyone across the country, every single vote matters," she told reporters.

With Republican candidates falling to Democrats in the state's most critical contests, the razor-thin margin in the race for attorney general has taken center stage. The attorney general is the chief law enforcement officer for state government, with the power to enforce election laws that could affect the administration of the 2024 presidential election.

The attorney general also has expansive investigatory authority, which the [current attorney general, Republican Mark Brnovich](#), has wielded against local officials and the administration of the 2020 presidential election.

The Republican National Committee joined Hamadeh, a former prosecutor and U.S. Army captain, in his lawsuit, which was filed in Maricopa County Superior Court. The defendants named include Mayes, a former chair of the Arizona Corporation Commission, which regulates public utilities, and Katie Hobbs, the Democratic secretary of state and governor-elect, in addition to the county recorders and boards of supervisors in all of Arizona's 15 counties.

The suit asks the court to issue an injunction preventing the secretary of state from certifying Mayes as the winner and requiring her to declare Hamadeh the winner. It also asks that the court order the various county officials to correct procedural and tabulation errors it claims they made and amend the final vote count, which it argues will make the Republican the winner.

Dan Barr, an attorney for Mayes, said the Democrat will ask the court to dismiss the complaint, which he called "devoid of actual facts."

"It does not plausibly allege that mistakes in the administration of the election actually occurred, and if they did occur, that they would have made any difference in the result," Barr said.

A spokesperson for the secretary of state's office said the office's legal counsel is reviewing the lawsuit and preparing a response.

"The Office believes the lawsuit is legally baseless and factually speculative," the spokesperson said in a statement to The Washington Post. "None of the claims raised warrant the extraordinary remedy of changing the election results and overturning the will of Arizona voters."

Notably, Hamadeh's suit opens with a statement that he and the RNC "are not, by this lawsuit, alleging any fraud, manipulation or other intentional wrongdoing." It is focused specifically on the race for attorney general, not other statewide contests, such as the governor's race, in which Republican Kari Lake has refused to concede. The difference separating her and Hobbs is well outside the margin for an automatic recount. Still, Lake's campaign has argued that the results should not be certified, vowing to "get justice for the people of Arizona." Counties must certify results by Nov. 28, and state certification is set for Dec. 5.

Lake has not taken her claims to court, as Hamadeh has now done, beyond seeking to compel Maricopa County to produce wide-ranging records about its administration of the Nov. 8 election. But her insistence that she was cheated out of victory makes her unique among Republican candidates backed by former president Donald Trump, virtually all of whom have conceded this cycle despite signaling their support for false claims of fraud in the 2020 contest. Lake's posture ensures Arizona will remain central terrain in the fight over voting and faith in elections.

Both Lake and Hamadeh — she in public statements, he now in court — have focused on mechanical problems in Maricopa County, home to Phoenix and more than half of the state's voters. Starting early on Election Day, printers at 70 of the county's 223 polling sites produced ballots with ink that was too light to be read by vote-counting machines, county officials have said. That forced voters to wait in line, travel to another location or deposit their ballots in secure boxes that were transferred to downtown Phoenix and counted there.

County leaders have yet to explain what caused the problems, saying they would undertake a comprehensive review once ballot tabulation was complete. But they maintain that no one was denied the right to vote. A Maricopa County Superior Court judge came to the same conclusion in denying a request from Republicans to extend voting hours on Election Day in light of the mechanical errors.

Hamadeh's suit asks the court to require Maricopa County to process and tabulate 146 provisional ballots and 273 mail-in ballots it claims were improperly excluded when voters failed to "check out" of a polling place after encountering the mechanical problems, thus preventing them from voting in a different way. A spokesperson for Maricopa County declined to comment Tuesday.

The suit also asks the court to order the various counties to correct what it asserts were problems with duplication of ballots and inaccurate adjudication of ballots and to exclude ballots with incorrect signature matching. The suit did not provide evidence of widespread errors sufficient to sully the result.

Jim Barton, a Democratic election law attorney in metro Phoenix, said the lawsuit does not allege enough specific problems to change the outcome of the election.

"If you're going to contest an election, you have to have specificity, and you have to specifically identify enough problems that would flip the election," Barton said. "They have not satisfied the standard of showing that if they were right, the results of the election would be changed."

Richard L. Hasen, a law professor at the University of California at Los Angeles, said the suit appears intentionally distinct from others aimed at reversing election results in recent years. Mainly, it is shorn of "the kinds of wild accusations of fraud we've seen in some of the Trump-related suits in 2020," he said.

The aim, Hasen said, is "likely to convince the court to take it seriously."