

Partisan Election Review Efforts in Five States

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Introduction

More than seven months after Arizona officials certified the 2020 presidential election results, the state senate’s ongoing partisan review of Maricopa County’s results has received national attention. But what’s happening in Arizona is not an isolated incident. Just this week, the press reported that a Pennsylvania legislator has launched efforts to conduct a similar review there. In fact, there are similar efforts by partisan, political actors to conduct these reviews in jurisdictions around the country. In this report we look at five states—Arizona, Wisconsin, Pennsylvania, Michigan, and Georgia—where these efforts have made significant progress.

In each state, the partisan review efforts have taken different forms and are in different stages. For instance, in Arizona, the State Senate’s review has been limited to a single county (Maricopa). In the course of that review, paper ballots and voting machines were removed from the custody and control of local election officials and given to a third party, which conducted an “examination” of those election materials, sometimes outside public view. By contrast, in Wisconsin, the State Assembly has announced an investigation of the 2020 election without stating that its review would be limited to any particular geographic location. Nor is it at all clear that the Wisconsin review will involve examination of paper ballots or machines, as in Arizona.

While details differ, in every case, the proposed election reviews fail to satisfy basic security, accuracy, and reliability measures that should be in place for any election review. And the “auditors” themselves fail to meet basic standards of objectivity. Specifically, in each state, the actual or proposed partisan reviews fail to meet at least some of the following components:

- Transparency: public audit plans, processes, and records;
- Objectivity: auditors who are and appear to be independent and free of conflicts of interest;
- Pre-written, comprehensive procedures: standardized and consistently implemented processes designed to achieve accuracy;
- Competence: conducted by election administration experts; and
- Security: ballots and equipment remain in election official control.

These deficiencies stand in stark contrast to actions that experienced election administrators take to verify the security of an election, as well as minimum standards external auditors apply when conducting governmental performance audits.

Standard Election Integrity Measures

Election officials across the country incorporate numerous election security and integrity measures into every step of the election cycle, including voter registration record management, election administration, and results certification. These procedures include routine voter registration list maintenance activities, such as removing voters based on official death records.¹ Most are implemented well before elections occur, and include logic and accuracy testing of voting machines, chain of custody procedures, and checklists to ensure that other routine tasks —such as notifying voters about an upcoming election or adding voters to permanent voter lists—are conducted in compliance with relevant federal and state laws.

After the election occurs, the full process for counting votes involves a series of steps that take place over several weeks. Each of these steps has safeguards in place to protect voters’ rights and the integrity of our elections. They are conducted in public; citizens and the media can (and should) ensure that they are done properly. These steps and safeguards, which vary by state, may include proprietary style codes and post-election canvass verification procedures. They are explained in the Brennan Center analysis “The Roadmap to

the Official Count in an Unprecedented Election,” and by multiple U.S. Department of Homeland Security’s Cybersecurity and Infrastructure Security Agency publications, including “Mail-In Voting: Election Integrity Safeguards” and “Mail-In Voting Processing Factors.”²

In the rare instance that any specific and plausible allegations or evidence of malfeasance arise, officials refer these to the appropriate agencies, often a law enforcement agency.³ When an external process audit is warranted, generally accepted governmental auditing standards (GAGAS), also known as The Yellow Book, can be used.⁴ The standards identify an auditor’s objectivity, defined to include “independence of mind and appearance when conducting engagements, maintaining an attitude of impartiality, having intellectual honesty, and being free of conflicts of interest,” as “the basis for the credibility of auditing in the government sector.”⁵

These standard election security and integrity procedures culminate in a post-election tabulation audit. Election officials in each state discussed in this report conducted post-election tabulation audits that required them to check a sample of cast ballots to ensure the voting machine results’ accuracy. These audits were conducted in 2020, shortly after the election, as required by state statute and in compliance with written procedures drafted before the audit launch.⁶ While the specific procedures, such as the counting method, vary by state, all procedures were written and implemented in a manner designed to increase trust in our election system, by providing for transparency into the process, giving responsibility for conducting the audit to those with election administration experience, and using procedures designed to obtain an accurate count. They were also conducted in compliance with federal law requiring election officials to protect and preserve election materials and retain “ultimate management authority over the retention of those election records.”⁷

Moreover, in each state we examine, well-established law offers or ensures candidates in close elections access to a recount. However, in 2020 in each state, the Trump campaign either failed to qualify for a recount (because the margin wasn’t sufficiently close), failed to request a recount, or requested a recount that ultimately provided additional confirmation of the outcome’s accuracy.

Despite these facts, Trump supporters continue to make false claims of fraud in support of these endeavors to transfer federal election materials to inexperienced, political actors for review. As explained in more detail in this report, the procedures proposed for these reviews are not designed to obtain secure and accurate results and are radically different from proven election integrity procedures, such as post-election tabulation audits, routinely conducted by election officials across the country. That these efforts are gaining traction more than six months after certification of the election is a blinking red warning light.

Status of Partisan Election Review Efforts in Five States

STATE	CURRENT STATUS (JURISDICTION)	ESTIMATED COST TO TAXPAYER (TO DATE)	CONTRACTORS*	VOTING EQUIPMENT ACCESSED BY UNACCREDITED CONTRACTORS?	ELECTION MATERIALS†
Arizona	In progress (Maricopa County only)	\$2,400,000	Firms: Cyber Ninjas, Wake TSI Individuals: Jovan Pulitzer	Yes	Voting machines, ballots, and other materials
Georgia	In court (Fulton County only)	Unknown	Individuals: Jovan Pulitzer, proposed partisan review staff	Not to date	Absentee ballots
Michigan	Completed in one county; efforts to pursue additional partisan review are ongoing (in one county and potentially statewide)	\$5,086	Firms: Allied Security Operations Group, Cyber Ninjas	Yes	Voting machines
Pennsylvania	Completed in one county; efforts to pursue further partisan review are ongoing (potentially statewide)	\$25,000	Firms: Wake TSI	Yes	Voting machines
Wisconsin	In progress (potentially statewide)	\$63,200	Individuals: Michael Gableman, Mike Sandvick	Not to date	Unknown

Notes:

*See below for further information about these firms and individuals.

†Proposed for review or under review.

Arizona

>> **Substantive election audits previously conducted: 2**

>> **Estimated taxpayer cost to date for partisan election review in one county: \$2.4 million (and counting)**

Background: Statutory Audit and the Push for a Partisan Review

In the days following the November 2020 election, Maricopa County election staff completed the routine tasks required to count the ballots and certify the election on schedule. This included a statutorily required audit during which representatives from the three local political parties who took an oath to support the U.S. and Arizona constitutions reviewed thousands of ballots by hand.⁸ This audit “showed a 100% match between the votes counted by hand and the votes counted by the machines.”⁹

The margin of victory in the presidential election fell outside the recount threshold of “[o]ne-tenth of one per cent of the number of votes cast” established by Arizona law.¹⁰ As with all other audits conducted by election officials discussed in this report, all records related to the audits are available to the public under the state’s freedom of information laws.¹¹

COORDINATED EFFORTS TO LEGITIMIZE PRO-TRUMP CONSPIRACY THEORIES

Nevertheless, as part of ongoing efforts to undermine confidence in the 2020 election results and overturn the result that Biden won, Trump supporters, including Sidney Powell and Arizona Republican Chair Kelli Ward, filed multiple lawsuits in Arizona promoting “outlandish conspiracy theories, [such as falsely] claiming that an anonymous source had evidence that Venezuela’s socialist dictatorship was involved in rigging the U.S. election.”¹²

As it became clear that all eight of these lawsuits would be unsuccessful, Trump supporters including Trump’s own attorney, Rudy Giuliani, shifted their focus to the Republican-controlled legislature.¹³ Despite testimony from Maricopa County’s elections director, Republican Chair of the Maricopa County board of Supervisors Clint Hickman, one of its chief attorneys, and two officials with the Arizona Attorney General’s Election Integrity Unit that “there was no evidence that President-elect Joe Biden’s win was achieved by fraud, manipulation or tampering,” the Republican chair of the senate judiciary committee, with the approval of Republican Senate President Karen Fann, took an unprecedented step and issued two subpoenas demanding Maricopa County election materials in pursuit of a “forensic audit” on December 15, 2020.¹⁴

After the Republican-controlled Maricopa County Board of Supervisors voted to fight the subpoena, Giuliani and Trump pushed President Fann “to prove any fraud” and increased pressure on the Republican supervisors.¹⁵ On New Year’s Eve, Chairman Hickman received a voicemail from the White House switchboard requesting that he “call back so could speak with the president.”¹⁶ He “was horrified” when just days later on January 3, he heard the tape of Trump’s call to Georgia Secretary of State Brad Raffensperger, “in which Trump encouraged him to ‘find’ enough votes to reverse Trump’s narrow loss there.”¹⁷ That same night, Hickman opted against answering a call from a Washington, DC area code and received another voicemail from the White House switchboard, which he did not return.¹⁸

At the hearing in Maricopa County Superior Court on the county’s motion to quash the subpoenas, Maricopa County’s attorney highlighted evidence that the senate intended to give the subpoenaed materials, including “ballots and passwords,” to Giuliani.¹⁹ The senate’s attorney did not deny this plan, and instead responded: “That is not the county’s concern.”²⁰

The senate’s actual plan remained unclear.²¹ On February 2, 2021, the senate’s attorney informed Maricopa County officials that the audit would be conducted by Allied Security Operations Group (ASOG), a firm that has been spreading election fraud myths for over two years, many of which continue to be repeated by Trump allies, including that “election software used in the United States originated in Venezuela,” and “nefarious actors could surreptitiously manipulate votes on a massive scale.”²²

FEDERALLY ACCREDITED FIRMS EXAMINE VOTING EQUIPMENT

While awaiting a court decision about the subpoenas, the Maricopa County Board of Supervisors voted to authorize their own “forensic audit” and hired “two independent firms certified by the U.S. Elections Assistance Commission, to each independently audit the tabulation equipment.”²³ On February 23, both firms issued clean reports, finding no discrepancies.²⁴

Arizona’s Partisan Election Review

Despite these assurances by accredited laboratories, the senate continued to insist on its own partisan review, and ultimately prevailed. On February 26, the Maricopa County Superior Court ruled that the senate could obtain access to the materials requested in the subpoena.²⁵ Maricopa County officials opted against appealing

the decision and packaged the approximately 2.1 million ballots and hundreds of voting machines for transfer only to be told that the senate was not prepared for delivery.²⁶

SECRETARY HOBBS OUTLINES AUDIT MINIMUM STANDARDS; FANN INSTEAD CHOOSES CYBER NINJAS

Although the senate had backed off the initial choice of ASOG, they still had no specific plans as of March 2.²⁷ Arizona Secretary of State Katie Hobbs, the chief state election official, wrote to President Fann on March 3 expressing concern about the process, and imploring her to “treat your responsibility for the custody, security, and integrity of those items with the same level of vigilance that election officials across the state treat that responsibility.”²⁸ She also encouraged the adoption of minimum security and auditing standards, such as “mak[ing] available... the procedures and criteria, including as to qualifications and independence, [to be used] to select the [auditing] firm,” “restricting writing instruments to only red pens,” and “mak[ing] available to election officials and the public the standards and procedures that will be followed in conducting any audit.”²⁹ Instead of employing these minimum standards, on March 31, Fann announced that she had selected a cyber-security company called Cyber Ninjas to conduct the audit.³⁰

LACK OF OBJECTIVITY AND SUFFICIENT COMPETENCE

This selection was troubling on multiple levels. First, at the time the senate selected Cyber Ninjas, the company had no experience auditing elections.³¹ Further, Cyber Ninjas leadership had demonstrated a bias in favor of delegitimizing the 2020 election results. Cyber Ninjas CEO Doug Logan had been an active participant in Trump’s Stop the Steal conspiracy movement and had authored a “document for U.S. senators who planned to object to the certification of the election results on [January] 6 promoting various disproven or baseless conspiracy theories about the election, including claims against the company whose ballot tabulation machines [his company is] tasked with inspecting.”³²

In addition, Cyber Ninjas selected a subcontractor to handle examination of paper ballots, Wake TSI, that similarly exhibited connections to the Stop the Steal movement and a willingness to promote unfounded claims of fraud. Defending the Republic—a “nonprofit organization run by former Trump campaign attorney Sidney Powell... [that] was involved in a series of lawsuits that Powell filed in Arizona, Georgia, Michigan, and Wisconsin seeking to reverse those states’ votes for Biden”—had recently “contracted” Wake for an “audit” of a small Pennsylvania county.³³ More troubling, it appears that Wake altered the final report language for this “audit” (which found the election to have been “well run” and “conducted in a diligent and effective manner”) shortly before publication to add that fraud was possible after review by a Republican elected official.³⁴

LACK OF TRANSPARENCY

In addition to biased contractors, the Arizona senate’s “audit” fails to uphold the procedural transparency that non-partisan experts state is a critical best practice for post-election audits to provide public confidence.³⁵ Cyber Ninjas fought to prevent the disclosure of written audit procedures and Ken Bennett, the “Senate Liaison” for the review, refused to grant observer credentials to experts and severely limited press access.³⁶ After extensive coverage of the security failures at the site of the review, and in response to litigation, Secretary Hobbs was authorized to designate observers.³⁷

Despite efforts by Cyber Ninjas and the senate to keep policy and procedural details secret, a Maricopa County Superior Court ruled that the documents must be available to the public.³⁸ Metadata associated with the policies and procedures appear to indicate that the policies were created *after* the audit had already begun.³⁹ Moreover, Cyber Ninjas’ efforts to prevent public access to information continued when they forced volunteer

audit observers to sign a non-disclosure agreement.⁴⁰ This is also a significant departure from routine audit procedures implemented by election officials across the country.

Records associated with routine election audits by election officials are subject to open records laws.⁴¹ In contrast, Fann recently took the position that the courts cannot compel her (or any other legislator) to comply with the Arizona Public Records Law in litigation filed in an effort to obtain “access to all documents and materials related to the Senate’s audit of the 2020 election results.”⁴² Fann’s attorney said that the documents plaintiffs want are in the hands of the senate’s contractor, Cyber Ninjas, and their subcontractors, and argued that the Public Records Law “does not apply to private companies,” suggesting that the records related to this partisan review will forever remain unavailable to the public because it is being conducted by an outside firm.⁴³

SECURITY FAILURE: BALLOT INTEGRITY NOT PRESERVED

The senate and Cyber Ninjas did not implement basic security measures to protect the integrity of the ballots and other election materials.⁴⁴ Federal law imposes a duty to preserve and protect election materials, including ballots, for twenty-months after the election. Maricopa County’s election materials were not properly safeguarded in compliance with federal law during this partisan election review. First, they failed to ensure that adequate physical security measures were in place. Local reporters documented multiple security failures at the audit venue, the Arizona Veterans Memorial Coliseum, including unlocked doors and unchecked access to the ballots and other election materials transferred to the control of the senate. Reporters also notified Cyber Ninjas of the risks to the ballots posed by the use of black and blue pens on the floor.⁴⁵ Nonpartisan observers documented struggles with basic chain of custody procedures and practices.⁴⁶

In addition, the senate review included a “physical examination” of the ballots, which could have damaged the ballots and voter’s markings on the ballots, because that review used “‘kinematic artifact’ detection technology” to look at the folds in ballots as a purported sign of fraud. That method of review was developed by Jovan Hutton Pulitzer, a conspiracy theorist, and “an icon among election fraud believers.”⁴⁷ This process, which required staff to hold up ballots to an ultraviolet light, likely caused the ballot paper and the marks on the ballot to deteriorate.⁴⁸ “Pulitzer does not appear to have any background in elections-related work. It’s unclear whether Pulitzer’s alleged technology has ever been used on ballots,” prior to its use in Arizona, “or whether anyone has confirmed that it works.”⁴⁹

Not only did this process potentially damage the ballots, but it further demonstrates Cyber Ninjas’ lack of election administration or auditing expertise. Those with experience know that a lack of folds in a mail-in ballot is not suspicious, since administrators must sometimes duplicate ballots of military and overseas voters who use non-standard paper in order to run them through a scanner. Moreover, according to John Brakey, assistant Senate liaison, this dubious process was being used in support of another already debunked conspiracy theory: to “look[] for bamboo fibers because of a baseless accusation that [40,000] ballots from Asia were smuggled here.”⁵⁰

LACK OF PRE-WRITTEN COMPREHENSIVE PROCEDURES DESIGNED TO ACHIEVE ACCURACY

The procedures and the equipment that Cyber Ninjas used to count ballots were unlike those used in typical post-election audits and were not designed to obtain an accurate count. Three “ballot counters” sat at a round table equipped with a large turntable on which two ballot display easels were mounted. Ballots were placed on (and removed from) the display easels by “table leads” who also spun the turntables. The ballot counters were responsible for reviewing the marks for two different races on the ballot whizzing by and entering this information on their individual tally sheet.

The written procedures also expressly authorized an error rate (of approximately 3%) in the vote tabulation process, whereas standard election audit procedures do not permit *any* error rate when counting votes.⁵¹ In practice, this meant the vote totals on the tally sheets completed by ballot counters at the same table, counting the same ballots, did not have to match. In typical tabulation audits or manual recounts, there is no permissible error rate; ballots are individually reviewed by a team of officials and there are clear adjudication procedures—often involving a bipartisan team—in the event of a disagreement about how to count an individual ballot. This ensures that such ballots receive additional scrutiny (usually by more experienced staff) and are accurately counted in accordance with state election laws, which in Arizona require an attempt to discern the intent of the voter where there are stray or other unusual markings on a ballot.⁵² Standardized adjudication procedures for ballots with unclear marks are critical for obtaining an accurate tally.

ADDITIONAL ISSUES

Myriad other security failures undermine the review’s integrity. First, there is no transparency about who is funding the audit. The little information about funding that has become public is troubling:⁵³ multiple Trump supporters and Stop the Steal conspiracy theorists claim to have made large donations.⁵⁴ One of the Trump supporters providing funding, Patrick Byrne, appears to have conducted background checks and volunteer agreements for the staff conducting the audit as well, helping to determine who counts the ballots.⁵⁵ Furthermore, the staff counting the ballots have not been adequately screened for lack of bias.⁵⁶ Former State Representative Anthony Kern, who was on the ballot in 2020 as a candidate and as an elector for Trump, and who was on the steps of the U.S. Capitol during the January 6 insurrection, was on the floor counting ballots, which was a violation of Cyber Ninjas’ contract with the senate to conduct the audit.⁵⁷ The journalist who first reported this was removed from the building.⁵⁸

In another departure from standard election audit practice, the "Official Account" of the senate liaison for the audit on Twitter has attacked journalists and made false accusations about election system security, such as asserting that Maricopa County officials deleted important elections databases before handing over computers to senate’s contractors.⁵⁹ In doing so, the “official account” fomented distrust of election administrators and set the stage for continued Stop the Steal conspiracy theories.

UNNECESSARY COST AND ADDITIONAL SECURITY FAILURES

Moreover, the security compromises to the Maricopa County voting machines will result in the county needing to replace *all* of its voting machines, at an estimated cost of approximately \$2.2 million dollars.⁶⁰ While it is unclear whether Maricopa County or the senate will be responsible for these expenses, according to Maricopa County Board of Supervisors Chairman Jack Sellers, “[o]ne way or another, it sounds like the taxpayer is going to pay for whatever this costs.”⁶¹ The U.S. Department of Homeland Security has designated voting machines as “critical infrastructure.” Therefore when Maricopa County transferred its voting machines to Cyber Ninjas’ control (in compliance with the legislative subpoena), that constituted a “cyber incident to critical infrastructure.”⁶² In consultation with the Department of Homeland Security, Secretary Hobbs advised Maricopa County officials that “once election officials lose custody and control over voting systems, those devices should not be used in future elections,” and effectively decertified all of Maricopa County’s voting machines.⁶³ We estimate the total taxpayer cost of this partisan review, which includes the estimated voting equipment costs, to be \$2.4 million.⁶⁴

Wisconsin

>> **Substantive election audits and recounts previously conducted: 2**

>> **Estimated taxpayer cost to date for partisan election review: \$63,200 (and counting)**

Background: Statutory Audit and Recounts and the Push for a Partisan Review

The integrity, security, and outcome of Wisconsin’s 2020 election has been repeatedly affirmed through both professional audits and recounts. Immediately following the 2020 election and prior to the certification of election results, Wisconsin election officials conducted a legally mandated audit of voting equipment used in the 2020 election. This audit confirmed that none of the audited voting machines changed votes from one candidate to another, incorrectly tabulated votes, or altered vote totals in any way.⁶⁵ In addition to the official audit, the Trump campaign exercised its statutory right to request and pay for a hand recount of votes in Wisconsin’s two most populous counties—Dane and Milwaukee.⁶⁶ These recounts also confirmed Biden’s victory in those counties.⁶⁷

Wisconsin’s Partisan Election Review

Nevertheless, some members of the Wisconsin legislature are pursuing a further “investigation” into the 2020 election results. GOP Speaker of the Wisconsin State Assembly Robin Vos, announced in May that the assembly would launch its own investigation, to be helmed by three retired police officers, and an attorney.⁶⁸ At the annual Wisconsin GOP convention, held one day after Trump threatened to have Vos “primaried and quickly run out of office” for allegedly “covering up election corruption” by not pursuing a “Forensic Audit,” Vos selected Trump supporter and former Supreme Court Justice Michael Gableman to oversee the investigation.⁶⁹ Gableman, who previously “said the presidency was stolen,” told the convention goers, “[Y]ou didn't just grumble about [how the presidential election was run] and go back home and let it let bygones be bygones. You recognize that this one is where we draw the line.”⁷⁰ This investigation is in addition to yet another election audit to be conducted by the state’s Legislative Audit Bureau after a party line vote of the majority-party-controlled Legislative Audit Committee.⁷¹ This audit may review compliance with election laws by state and local election officials, including the use of electronic voting systems and how those systems are audited.

LACK OF TRANSPARENCY AND OBJECTIVITY

Echoing the other election reviews happening around the country, Wisconsin lawmakers appear set to withhold important details of this investigation, with contracts calling for the findings to be “confidential” and legislative committee leaders unsure of the scope and plans.⁷² What is known, however, undermines the fairness, credibility, and transparency of this review. Despite the critical importance of impartiality in conducting any election investigation, one of the retired police officers leading the investigation, Mike Sandvick, is a well-known Republican operative and has previously spread false claims of election fraud. For example, Sandvick drafted a since-debunked report that made false allegations of fraud in the 2004 presidential election.⁷³ He was a member of the Wisconsin Republican Party’s “election integrity” committee and was briefly state director for True the Vote, a group that has brought mass challenges to voter eligibility without sufficient evidence.⁷⁴

UNNECESSARY COST

While the total cost is unknown, the investigation has already imposed costs on taxpayers. Vos has entered into contracts promising to pay Gableman \$11,000 per month for at least four months and Sandvick and another police officer \$3,200 per month, each, for at least three months.⁷⁵ Salary to be paid to the third, unidentified former police officer is still unknown. This is despite the fact that there is no need to hire investigators. Existing election administration safeguards prevent fraud, and additional statutorily mandated reviews conducted by

state and local officials effectively identify potential fraud.⁷⁶ In the rare instances when there are reasons for election administrators to suspect fraud—such as a voter having been checked-in at two different locations—Wisconsin election administrators can refer the matter to prosecutors for follow-up. In fact, that has already occurred—demonstrating that the system works—but only a handful of times, because voter fraud is rare: Out of 3.3 million votes cast, Wisconsin election officials identified only twenty-seven potential cases of fraud, and, in accordance with state law, those incidents have already been referred to prosecutors for review.⁷⁷

Pennsylvania

>> **Substantive election audits previously conducted: 2**

>> **Estimated taxpayer cost to date for partisan election review: \$25,000 (and counting)**

Background: Statutory Audit and the Push for a Partisan Review

Prior to certification of the 2020 election results, Pennsylvania counties successfully completed the post-election audit required by state law that confirmed the accuracy of the voting equipment's vote counts.⁷⁸ In addition, sixty-three of Pennsylvania's sixty-seven counties participated in a voluntary statewide risk-limiting audit pilot that provided additional evidence that President Biden won the commonwealth.⁷⁹

The margin of victory in the presidential election fell outside the automatic recount threshold of “one-half of a percent or less of the votes cast for the office” established by Pennsylvania law.⁸⁰

COORDINATED EFFORTS TO LEGITIMIZE PRO-TRUMP CONSPIRACY THEORIES

In Pennsylvania, the Trump campaign and related entities filed multiple lawsuits seeking to change the results of the 2020 election, but all failed to prevent state certification of Biden as the winner of the presidential election in the commonwealth.⁸¹

Nevertheless, after a trip to observe the partisan review in Arizona, a small group of Republican lawmakers in Pennsylvania are now calling for a similar review.⁸² Following the trip, Republican state Senator Doug Mastriano, “a prominent supporter of the ‘Stop the Steal’ movement and Trump ally,” stated: “If we do an audit in Pennsylvania, this is the model to use.”⁸³ One local Arizona GOP election official has already responded to this suggestion: “This is insane just from a competence standpoint . . . I would say to [visitors who observed the Arizona review] ‘this is not the audit you want, this is far from the gold standard.’”⁸⁴

Pennsylvania's Previous and Proposed Partisan Election Reviews

LACK OF OBJECTIVITY AND SUFFICIENT COMPETENCE

An ill-conceived “audit” of election results in one rural Pennsylvania county demonstrates the harms of such a fraudulent “audit.” Following the 2020 election, officials in Fulton County, Pennsylvania—which voted overwhelmingly for President Trump—agreed to an “audit” of the county's election results at state Senator Mastriano's urging.⁸⁵ That “audit” was conducted by Wake TSI—one of the same entities originally involved in the Arizona review—and was funded by a group run by Trump-affiliated attorney Sidney Powell, who pursued numerous unsuccessful post-election lawsuits based on debunked conspiracy theories.⁸⁶

Wake TSI may have lacked any elections auditing experience when it agreed to perform this work. Although the contract for the Arizona senate's partisan election review states that Wake TSI was involved with “hand count audits in... New Mexico as part of the 2020 General Election cycle,” the company has “repeatedly refused to answer questions or provide any details about the company's experience [in New Mexico].”⁸⁷ One reporter

investigating this claim concluded, “No one will say where in New Mexico the company has worked, and it’s unclear whether Wake TSI has actually done any election work in the state.”⁸⁸

In its original draft audit report for Fulton County, Wake TSI concluded, “the election was well run [and] followed all Commonwealth and Federal guidelines.”⁸⁹ However, after Wake shared a draft with a local Republican official, the final report language was revised by striking the statement that Mastriano had requested the assessment and adding “a caveat to the county’s otherwise clean bill of health: “[t]his does not indicate that there were no issues with the election.”⁹⁰ County officials and others have not responded to questions about who made the changes.⁹¹ The final report, which contains information disputed by local officials, “has been circulated on social media by Trump allies who have sought to claim that voting machines are vulnerable to hacking and fraud.”⁹²

While a few state legislators have been pushing for more of this type of partisan review, thus far, it is the only one that has occurred in Pennsylvania. However, Trump continues to press for a “full forensic audit.”⁹³ In a statement calling out Pennsylvania Republican legislative leaders by name (including Senate President Pro Tempore Jack Corman and State Government Committee Chairman Dave Argall), he threatened: “The people of Pennsylvania and America deserve to know the truth. If the Pennsylvania Senate leadership doesn’t act, there is no way they will ever get re-elected!”⁹⁴

According to reports, State Senator Mastriano told Trump during a May meeting “that he could engineer an audit in his state.”⁹⁵ On July 1, he led a private briefing of Republican state senators to discuss his current plan to initiate an investigation into the election that was certified almost six months ago.⁹⁶ Details have not been confirmed, but state senate democrats are already questioning the legality of any plan launched in the senate committee chaired by Mastriano which likely lacks jurisdiction over election-related matters.⁹⁷

UNNECESSARY COST

An Arizona-style review of election results would not only undermine election integrity; it would also be costly to Pennsylvania taxpayers. Because the review in Fulton County was unauthorized by the state and failed to follow proper procedures to protect the security of election equipment, the equipment vendor could no longer vouch for the machines, and the county was forced to lease new equipment for a May primary. Pennsylvania taxpayers were therefore responsible for the \$25,000 bill for temporarily leasing equipment, and may be on the hook for additional equipment replacement costs.⁹⁸

Michigan

>> Substantive election audits previously conducted: 2

>> Estimated taxpayer cost to conspiracy “audits”: \$5,080 + (and counting)

Background: Statutory Audits and Recounts and the Push for a Partisan Review

Michigan election officials have already conducted two different post-election audits.⁹⁹ First, they successfully conducted procedural post-election audits in compliance with instructions issued by the Michigan Department of Elections in January 2020.¹⁰⁰ This process “verifies that Michigan law and election procedures were followed correctly before, during and after Election Day [and] includes reviewing voted ballots by hand to make sure tabulation equipment worked and gave correct results.”¹⁰¹ Next, they completed a statewide risk-limiting tabulation audit of the presidential election.¹⁰² Michigan’s Secretary of State Jocelyn Benson explained that the results of these audits “are concrete evidence that November’s election was fair, secure and accurate, and that the results reflect the will of Michigan voters.”¹⁰³

The margin of victory in the presidential election fell outside of the automatic recount threshold of a difference of 2,000 votes or less established by Michigan law.¹⁰⁴ Further, while any presidential candidate is authorized to pursue a recount on “account of fraud or mistake” in Michigan, Trump did not.¹⁰⁵

Nevertheless, calls for additional after-the-fact so-called “audits” continue in the state.¹⁰⁶ For example, commissioners in Cheboygan County are currently considering an offer to have third parties review the county’s election results.¹⁰⁷ That offer comes from an attorney connected to Sidney Powell, who filed numerous conspiracy-driven election lawsuits for the Trump campaign, and is also being pushed by a group called the Cheboygan County Freedom Fighters.¹⁰⁸ The Secretary of State has warned of security concerns if the county’s election equipment is handed over to these third parties and also explained that the commissioners have no legal authority to take control of the election equipment.¹⁰⁹

The Secretary of State recently sent similar warnings to the county clerk of Antrim County, where there have been vocal calls for election audits.¹¹⁰ In Antrim County, a human error briefly resulted in the county showing inaccurate election results, which has fueled conspiracy theories that voting machines “flipped” election results in favor of President Biden.¹¹¹ The human error was quickly discovered and a subsequent audit confirmed that voting machines had tabulated ballots correctly.¹¹² Nevertheless, a local resident filed a lawsuit seeking a new audit based on debunked conspiracies about election fraud. Multiple individuals involved in the Arizona “audit,” including Cyber Ninjas CEO Doug Logan, were involved on behalf of the plaintiff in that case, which was ultimately dismissed.¹¹³ An expert analysis in that case affirmed the accuracy of the election results and confirmed that the reporting problem stemmed from human—not machine—error.¹¹⁴

Michigan's Previous and Proposed Partisan Election Reviews

LACK OF OBJECTIVITY AND SUFFICIENT COMPETENCE

As part of the Antrim County litigation, Judge Kevin A. Elsenheimer, a former Republican leader in the Michigan legislature, ordered officials to give Allied Security Operations Group further access to some of the county’s voting machines.¹¹⁵ According to Michigan Attorney General Dana Nessel, ASOG “has no apparent expertise in election administration and technology. Their work is limited to the previous release and amplification of other false information and fake documents.”¹¹⁶ Also troubling is the firm’s history of active participation in spreading false claims of election fraud.¹¹⁷ ASOG’s management team includes Russell J. Ramsland, Jr., who since 2018 has played a key role in the development and promotion of the false claim that the election was stolen from Trump.¹¹⁸

Credible election audits seek to double check the accuracy of results and correct any errors in a transparent fashion, in order to improve confidence in and ensure the accuracy of the final outcome. ASOG’s “audit” and “forensics report” (authored by Ramsland), however, resulted in additional election disinformation and has played an important role in the subsequent proliferation of false election conspiracy theories.¹¹⁹ The report contained “an extraordinary number of false, inaccurate or unsubstantiated statements,” such as the erroneous finding of a 68% “error rate,” which was promptly tweeted by Trump after the report’s release.¹²⁰

State officials immediately denounced the report, and county officials agreed, stating that it was “riddled with false and unsupported claims, baseless attacks, and incorrect use of technical terms.”¹²¹ After a multi-month review, Alex Halderman, a professor of computer science and engineering at the University of Michigan, published an analysis that explained many of the falsehoods in ASOG’s report. He found, for instance, that the report wrongly included certain entry logs in the error rate calculation, which resulted in a “meaningless” calculated “error rate.”¹²² A programmer would have easily correctly understood the meaning of various log file entries, which were improperly used as the basis for a number of false conclusions in the report.¹²³ After

affirming his analysis “under penalty of perjury,” Professor Halderman said he doesn’t believe Ramsland “performed any credible statistical analysis of the Antrim County results, let alone one that supports the conclusion that there was fraud.”¹²⁴

UNNECESSARY COST

After ASOG’s examination, Antrim County faced a bill exceeding \$5,000 for “prepar[ing the county’s voting machines] for the May election by removing, securing and replacing hard drives, [after] the December 6 forensic examination [by ASOG] had rendered them unfit for use.”¹²⁵

Republican-Led Senate Committee Undercuts Push for Further Reviews

So far there have been no other partisan reviews and the state may not see more. In late June, after an eight-month inquiry, the Republican-led Michigan Senate Oversight Committee released its report on the 2020 election, which thoroughly “rebutted former President Donald Trump’s voter fraud claims, debunking allegations of malfeasance in the state’s election last fall and affirming that Joe Biden was victorious.”¹²⁶ The report, which every Republican on the committee supported, was clear: “This Committee found no evidence of widespread or systematic fraud in Michigan’s prosecution of the 2020 election.”¹²⁷ The report also recommended that the Michigan Attorney General investigate those “who have been utilizing misleading and false information about Antrim County to raise money or publicity for their own ends.”¹²⁸

Georgia

>> **Substantive election audits and recounts previously conducted: 2**

>> **Estimated taxpayer cost to date for partisan election review: Unknown**

Background: Statutory Audit and Recount and the Push for a Partisan Review

In November 2020, Georgia held a general federal election using paper ballots for the first time in over a decade.¹²⁹ Voters were able to check their paper ballot before casting it, to ensure it correctly reflected their choices.¹³⁰ Paper ballots are an important security measure because a sample of the ballots can be checked by hand to provide a high level of confidence that the tabulators correctly processed the ballots and the outcome of the election can be trusted.¹³¹ Georgia law required this type of audit for at least one statewide race, and Secretary of State Brad Raffensperger chose the Presidential race. Because it was a close race, they checked not just a sample, but counted *every single* ballot by hand.¹³² Teams of two counted the ballots, with monitors appointed by the Republican and Democratic parties allowed to observe. Any disagreements among team members were adjudicated by vote review panels, which are bipartisan under Georgia law.¹³³ This manual tally was completed on November 19, 2020, and confirmed that the machine tabulators did not alter the outcome: President Biden earned more votes than his competitors in Georgia.¹³⁴

After the manual tally was finished, President Trump requested a recount, which Georgia law permits when the margin of victory is less than 0.5%.¹³⁵ Every ballot in the state was once again counted, this time using machine tabulators, and once again, party-appointed monitors and the public were permitted to observe.¹³⁶ This count ended the same way the initial count and the manual tally did: with President Biden earning the most votes.¹³⁷

COORDINATED EFFORTS TO LEGITIMIZE PRO-TRUMP CONSPIRACY THEORIES

Nevertheless, on December 23, 2020, a group of plaintiffs including September 11th conspiracy-theorist Garland Favorito filed a complaint in state court against members of the Fulton County elections board making

false and misleading claims about elections in Georgia, Michigan, and Pennsylvania.¹³⁸ Favorito teamed up with Jovan Pulitzer, the same “inventor” whose untested equipment may damage ballots and is reportedly being used in the Arizona senate’s partisan review, and wishes to use his technology to review ballots in Georgia.¹³⁹ Steve Bannon’s “War Room” podcast, on which Favorito has also appeared alongside proponents of the lie that the 2020 election was stolen like Mike Lindell, has amplified affidavits in Favorito’s case to support a false claim of fraud.¹⁴⁰

And some Georgia Republicans are urging Governor Kemp to conduct even more audits, including a so-called “forensic audit” of the 2020 election, with state representatives flying to Arizona to observe the process underway.¹⁴¹ The Favorito lawsuit threatens the health of our democracy and the security of Georgia voters’ ballots. However, any review modeled on the one in Arizona would be even more dangerous to election security and more costly than what Favorito and other plaintiffs seek, as it would involve handing over important election materials and equipment to partisan actors, risking not only the security of ballots from a past election, but expensive machines needed to administer future elections.

Georgia's Proposed Partisan Election Review

LACK OF COMPREHENSIVE PROCEDURES DESIGNED TO ACHIEVE ACCURACY

Without explaining why the audit that had already been performed was insufficient, the complaint in the ongoing lawsuit in Georgia sought an order that would give plaintiffs access to all paper mail ballots for “visual inspection.”¹⁴² The plaintiffs eventually proposed five-person teams, drawn from a volunteer list they provided, who would perform “visual inspection” of ballots, with no clarity on how many members of the team must agree on how to classify a ballot, nor any adjudication method for when team members disagree. Indeed, it is not even clear what the proposed visual inspection teams should be recording or counting, as they are to “inspect each ballot for thickness, whiteness and circles record results.”¹⁴³ One would not expect volunteers with these instructions to know what to write down about the ballots they review, much less how many of them should agree before recording any conclusions. As discussed below, given the list of volunteers that the plaintiffs have provided, there is every reason to be concerned that the lack of clear guidance will lead to reports of discovered “problems” or “anomalies,” backed up by little other than unsupported suspicions.

LACK OF OBJECTIVITY AND SUFFICIENT COMPETENCE

The proposed list of volunteers to inspect ballots includes members who are at best inexperienced and uninformed, and at worst biased. As in Arizona, entrusting ballots to this sort of team would undermine, not strengthen, election security. The specious claims made in the complaint—by individuals who also appear on the volunteer list—exhibit this bias and lack of election administration experience.¹⁴⁴ The list includes two of the individual plaintiffs themselves, as well as people whose misinformed allegations of fraud are cited to support the complaint.¹⁴⁵ The list includes individuals who were not rehired as pollworkers because officials were reviewing their conduct for violations of election-workers rules, including taking cell phone videos and showing ballots to party-appointed monitors.¹⁴⁶

UNNECESSARY COST

Moreover, the requested inspection could be costly to taxpayers.¹⁴⁷ Although the plaintiffs have stated they will pay for the review, Fulton County has already had to hire outside counsel to defend against the litigation thus far. The plaintiffs are attempting to depose multiple rank-and-file election workers along with the Fulton County Board of Commissioner Chairman, requiring further county expenditure to stop these unwarranted intrusions.¹⁴⁸ And if the plaintiffs succeed in getting the unprofessional review of ballots they seek, elections

staff will be required to be present and taken away from their regular work for the duration, which the plaintiffs initially stated would take thirty days to complete, but are now stating will take “six to seven weeks.”¹⁴⁹

Plaintiffs Continue to Insist on a Partisan Election Review

On May 21, the court agreed to unseal all absentee ballots in Fulton County, but noted that the ballots must remain in county custody, with procedures for accessing and reviewing them to be determined at a later date.¹⁵⁰ Eventually the case against the county was dismissed, but even now, individual members of the Fulton Board of Registration and Elections remain as defendants, and plaintiffs continue to press for their partisan review, even filing a motion to move the “audit” to the Georgia World Congress Center, with some plaintiffs describing their desire to “include technology enhancements deemed important” from a visit they made to the Maricopa County review.¹⁵¹

However, as detailed above, any review by the plaintiffs would not be an “audit” of the type professional election administrators use to confirm election outcomes.

Conclusion

The partisan reviews of certified elections being pursued across the country—despite a host of evidence that the results were fair and legitimate—represent more than a break from best practices in election administration. They are an existential threat to our democracy. If every election continues to be litigated and relitigated without end, even where there is no evidence of fraud and multiple audits have confirmed the results, there is a serious threat voters will lose faith in our democratic process and will refuse to accept results they do not like. The peaceful transfer of power, a hallmark of our democracy, could be at risk.

If improving the integrity of elections and boosting public confidence is the goal, a better approach across the country would be to pass laws providing for high-quality post-election tabulation audits, along with funding for qualified, trained and objective election officials to conduct regular vulnerability testing and correct any problems discovered. In the rare instances where discrepancies arise, referral to an appropriate government agency for unbiased follow-up can separate malicious activity from innocent human errors. It can also lead to helpful recommendations for avoiding mistakes in the future, as was the case with the investigation into erroneous results reporting in Antrim County, Michigan.

Instead, investigations that lack procedural transparency, competence, independence, and objectivity are easily leveraged by partisan actors. Now, in 2021, proponents of the lie that the 2020 election was stolen are looking to use the mere existence of these sham audits to further their ends, just as they leveraged the existence of numerous baseless lawsuits in the leadup to the January 6 attempted insurrection. Lists of “anomalies” like unfolded absentee ballots, ballots with food stains, or voters who did not vote a straight ticket do not qualify as reasons for suspicion, but they can be used to support a disinformation campaign that sows doubt in the results of our elections, and lead to calls for violence following elections.

Endnotes

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² Derek Tisler, Elizabeth Howard, and Edgardo Cortés, “The Roadmap to the Official Count in an Unprecedented Election,” Brennan Center for Justice, October 26, 2020, <https://www.brennancenter.org/our-work/research-reports/roadmap-official-count-unprecedented-election>; U.S. Cybersecurity and Infrastructure Security Agency, “Mail-In Voting: Election Integrity Safeguards,” July 31, 2020, https://www.cisa.gov/sites/default/files/publications/mail-in-voting-election-integrity-safeguards_508.pdf; and U.S. Cybersecurity and Infrastructure Security Agency, “Mail-In Voting Processing Factors,” accessed June 23, 2021, https://www.cisa.gov/sites/default/files/publications/mail-in-voting-processing-factors_oct-29_508.pdf.

³ Charles Benson, “Very Few Suspected Cases of Illegal Voting in 2020 Wisconsin Elections: Report,” June 2, 2021, TMJ-4 Milwaukee, <https://www.tmj4.com/decision2020/very-few-suspected-cases-of-illegal-voting-in-2020-wisconsin-elections-report>; and Georgia Secretary of State, “State Election Board Refers Voter Fraud Cases for Prosecution,” accessed June 23, 2021, https://sos.ga.gov/index.php/elections/state_election_board_refers_voter_fraud_cases_for_prosecution.

⁴ The GAGAS “are the guidelines for audits created by the Comptroller General and the audit agency of the United States Congress, the Government Accountability Office.” Seattle Office of Inspector General, “About Generally Accepted Government Auditing Standards,” accessed July 5, 2021, <https://www.seattle.gov/oig/audits/about-gagas>; U.S. Government Accountability Office, “Yellow Book,” accessed July 5, 2021, <https://www.gao.gov/yellowbook>; Comptroller General of the United States, *Government Auditing Standards, 2003 Revision*, U.S. Government Accountability Office, June 2003, <https://www.gao.gov/assets/gao-03-673g.pdf>. U.S. Government Accountability Office, *Government Auditing Standards, 2018 Revision*, accessed July 5, 2021, <https://www.gao.gov/assets/gao-18-568g.pdf>. These minimum standards are echoed in the Information Systems Auditing Association’s IS Auditing Standards which require members serving as auditors to “[p]erform their duties with objectivity, due diligence, and professional care, in accordance with professional standards and best practices.” Certified Information Systems Auditor Exam Cram 2, “ISACA IS Auditing Standards and Guidelines and Code of Professional Ethics,” Macmillan Computer Pub, April 13, 2005, <https://flylib.com/books/en/2.383.1.28/1/>.

⁵ Comptroller General of the United States. *Government Auditing Standards, 2018 Revision*, (emphasis added).

⁶ Michigan Comp. Laws § 168.31a(2); 25 Penn. Stat. § 3031.17; Wis. Stat. § 7.08(6); Wisconsin Elections Commission, “2020 Post-Election Voting Equipment Audit Procedures,” <https://elections.wi.gov/sites/elections.wi.gov/files/2020-11/2020%20Audit%20Instructions%20and%20Procedures.pdf>; Ga. Code § 21-2-498; VotingWorks, “Instructions for Risk Limiting Audit Full Manual Tally,” accessed July 5, 2021, <https://docs.google.com/document/d/1AVnIRqnkK2YidM-lszHfug6DGZ0S5VSOIZMipmAST9A/edit>; Ariz. Rev. Stat. (“A.R.S.”) § 16-602.

⁷ U.S. Department of Justice, *Federal Prosecution of Election Offenses*, Eighth Edition, edited by Richard C. Pilger, Election Crimes Branch, Public Integrity Section, December 2017, 79, <https://www.justice.gov/criminal/file/1029066/download>.

⁸ Jen Fifield, “Maricopa County Board of Supervisors Votes Unanimously to Certify Election Results,” *Arizona Republic*, November 20, 2020, <https://www.azcentral.com/story/news/politics/elections/2020/11/20/maricopa-county-supervisors-meet-consider-certifying-election-results/6362991002/>; A.R.S. § 16-602; Meg Cunningham and Tina Yin, “‘No Legitimate Reason’ for Arizona Audit: Maricopa County GOP Recorder,” ABC News, May 24, 2021, https://abcnews.go.com/Politics/legitimate-reason-arizona-audit-maricopa-countys-gop-recorder/story?id=77879316&cid=clicksource_4380645_3_three_posts_card_hed, (“‘It’s happening, not because the evidence merits it,’ Richer told ABC News Senior National Correspondent Terry Moran. ‘All the tests came back clean. The parties themselves oversaw the hand-count auditing of 47,000 plus votes.’”); Maricopa County Recorder’s Office, *Arizona, General Election – November 3, 2020, Hand Count/Audit Report*, accessed July 5, 2021, https://azsos.gov/sites/default/files/2020_General_Maricopa_Hand_Count.pdf; and Maricopa County Recorder’s Office, *Maricopa County Recorder’s Office, Quarterly Report, January 1 – March 31, 2021*, accessed June 24, 2021, 7, https://recorder.maricopa.gov/site/pdf/MCRO%20Quarterly%20Report%202021_Q1.pdf, (“Most importantly, the county performed a hand count audit in the days after November 3. To do this, the county had many teams of bipartisan volunteers—all appointed and provided by the political parties—hand count approximately 47,000 votes. The results as determined by those bipartisan volunteers were then compared with how the machines tabulated the same votes. They matched 100%.”).

⁹ Laurie Roberts, “Senate Demands an Audit of Maricopa County’s Vote Machines. Will it Accept the Findings?,” *Arizona Republic*, updated December 16, 2020, <https://www.azcentral.com/story/opinion/op-ed/laurieroberts/2020/12/15/subpoena-maricopa-countys-voting-machines-arizona-election-trump-biden/3909221001/>.

¹⁰ A.R.S. § 16-661.

¹¹ In their role as public officials, election administrators are subject to state Freedom of Information Act laws. In Arizona, the Public Records Act has been “in existence for more than 100 years and mandates that all public records be open to inspection by any person at all times during office hours. Public records include books, papers, maps, photographs or other documentary materials.” Accordingly, all records related to audits conducted by election officials in Arizona are available to the public and press. A.R.S. §39-121 et seq.. National Freedom of Information Coalition, “Arizona FOIA Laws,” accessed July 5, 2021; <https://www.nfoic.org/arizona-foia-laws/>.

¹² Laurie Roberts, “Roberts: Kelli Ward Courts Conspiracy Nut Alex Jones,” *Arizona Republic*, March 24, 2016, <https://www.azcentral.com/story/opinion/op-ed/laurieroberts/2016/03/24/roberts-kelli-ward-courts-conspiracy-nut-alex-jones/82223726/>; Maria Polletta, “Election Lawsuit from Arizona GOP Chair Kelly Ward Denied Hearing by U.S. Supreme Court,” *Arizona Republic*, February 22, 2021, <https://www.azcentral.com/story/news/politics/elections/2021/02/22/us-supreme-court-wont-hear-kelli-wards-lawsuit-arizona-election/4544983001/>; and Jeremy Duda, “Group Led by ‘Kraken’ Lawyer Sidney Powell Hired the Firm Recounting AZ’s Election to Probe a PA Election,” *Arizona Mirror*, May 24, 2021, <https://www.azmirror.com/2021/05/24/group-led-by-kraken-lawyer-sidney-powell-hired-the-firm-recounting-azs-election-to-probe-a-pa-election/>.

¹³ Jacques Billeaud, “8th Lawsuit Fails to Overturn Presidential Voting in Arizona,” *Associated Press*, December 15, 2020, <https://apnews.com/article/election-2020-joe-biden-donald-trump-arizona-lawsuits-a2b1f7771e4cf85af32a13eb9d634a83>; One of the first coordinated public events by GOP members of the Arizona legislature to legitimize efforts to undermine confidence in the election by proponents of the lie that the 2020 election was stolen was held on November 30. While Governor Doug Ducey (R), Secretary of State Hobbs (D), Attorney General Mark Brnovich (R) and Supreme Court Chief Justice Robert Brutinel signed the official election results identifying Biden as the winner at the state certification ceremony, Republican Arizona lawmakers hosted a public meeting to discuss “concerns about the 2020 election.” Andrew Oxford, “Arizona Secretary of State Certifies Election Results with Biden Winning State’s 11 Electoral Votes,” *Arizona Republic*, November 30, 2020, <https://www.azcentral.com/story/news/politics/elections/2020/11/30/arizona-secretary-state-certify-election-results-monday/6444577002/>; Andrew Oxford, “Arizona Legislators, Trump Lawyers Plan Public Meeting on Election,” *Arizona Republic*, updated November 30, 2020, <https://www.azcentral.com/story/news/politics/arizona/2020/11/27/arizona-legislators-trump-lawyers-plan-phoenix-meeting-election/6443063002/>; and Ryan Randazzo and Maria Polletta, “Arizona GOP Lawmakers Hold Meeting on Election Outcome with Trump Lawyer Rudy Giuliani,” *Arizona Republic*, November 30, 2020, <https://www.azcentral.com/story/news/politics/elections/2020/11/30/republican-lawmakers-arizona-hold-meeting-rudy-giuliani/6468171002/>. (Several hundred Trump supporters filled the street outside the meeting venue, and some used a microphone to “alleg[e] fraud in the election, human trafficking cover-ups by Democrats, and denounc[e] the McCain family,” as Giuliani and other Trump-affiliated participants made false statements and wild speculations that were broadcast on large screens outside the meeting room. Although not an official legislative hearing, “The goal of the Trump team’s effort seem[ed] to be to persuade Arizona’s Legislature to intercede with the state’s election results.”).

¹⁴ Their testimony also included “repeatedly sho[oting] down questions from senators based on conspiracy theories.” Jim Small and Laura Gómez, “Arizona Senate will Subpoena Maricopa County for Election Audit,” *Arizona Mirror*, December 14, 2020, <https://www.azmirror.com/2020/12/14/arizona-senate-will-subpoena-maricopa-county-for-election-audit/>; Karen Fann, “Statement from Senate President Fann on Subpoenas Issued to Maricopa County Board of Supervisors,” press release, December 15, 2020, <https://www.azsenaterepublicans.com/post/statement-from-senate-president-fann-on-subpoenas-issued-to-maricopa-county-board-of-supervisors>; December 15, 2020 subpoena embedded. Laura Gómez, “Senate Issues Subpoenas for All Ballots, Voting Machines to Audit Maricopa County Election,” *Arizona Mirror*, December 15, 2020, <https://www.azmirror.com/2020/12/15/senate-issues-subpoenas-for-all-ballots-voting-machines-to-audit-maricopa-county-election/>.

¹⁵ Jeremy Duda, “Maricopa County Will Fight Legislature’s Election Subpoenas in Court,” *Arizona Mirror*, December 18, 2020, <https://www.azmirror.com/2020/12/18/maricopa-county-will-fight-legislatures-election-subpoenas-in-court/>; Martin Pengelly and Victoria Bekiempis, “Trump Set to Return to Public Arena as Emails Reveal How He Pushed Election Lie,” *Guardian*, June 5, 2021, <https://www.theguardian.com/us-news/2021/jun/05/arizona-emails-donald-trump-rudy-giuliani-maricopa-audit>; and Yvonne Wingett Sanchez, “‘We Need You to Stop the Counting’: Records Detail Intense Efforts by Trump Allies to Pressure Maricopa County Supervisors,” *Arizona Republic*, July 2, 2021, <https://www.azcentral.com/story/news/politics/elections/2021/07/02/records-show-trump-allies-kelli-ward-rudy-giuliani-pressured-county-officials-over-election-results/7813304002/>.

¹⁶ Wingett Sanchez, “‘We Need You to Stop the Counting’: Records Detail Intense Efforts by Trump Allies to Pressure Maricopa County Supervisors.”

¹⁷ Wingett Sanchez, “‘We Need You to Stop the Counting’: Records Detail Intense Efforts by Trump Allies to Pressure Maricopa County Supervisors.”

¹⁸ Wingett Sanchez, “‘We Need You to Stop the Counting’: Records Detail Intense Efforts by Trump Allies to Pressure Maricopa County Supervisors.”

¹⁹ Howard Fischer, “Giuliani Wants to Examine Arizona Voting Machines,” *Daily Independent*, January 5, 2021, <https://www.yourvalley.net/stories/giuliani-wants-to-examine-arizona-voting-machines.206607>.

²⁰ Fischer, “Giuliani Wants to Examine Arizona Voting Machines.”

²¹ Dillon Rosenblatt and Julia Shumway, “Senate Mulls Next Step in Auditing 2.1M Ballots,” *Arizona Capitol Times*, March 5, 2021, <https://azcapitoltimes.com/news/2021/03/05/senate-mulls-next-step-in-auditing-2-1m-ballots/>.

²² Jeremy Duda, “Fann Picks Trump-Allied Firm with History of False Election Statements to Audit Maricopa Election,” *Arizona Mirror*, updated February 4, 2021, <https://www.azmirror.com/2021/02/03/fann-picks-trump-allied-firm-with-history-of-false-election-statements-to-audit-maricopa-election/>; The Washington Post published the results of an extensive investigation into Russell J. Ramsland, Jr. and ASOG, and their roles in pushing false election fraud lies across the country. Emma Brown, Aaron C. Davis, Jon Swaine, and Josh Dawsey, “The Making of a Myth,” *Washington Post*, May 9, 2021, <https://www.washingtonpost.com/investigations/interactive/2021/trump-election-fraud-texas-businessman-ramsland-asog/>, (“As the 2020 election approached, he privately briefed GOP lawmakers in Washington and met with officials from the Department of Homeland Security, documents and interviews show...After the Nov. 3 election, to an extent not widely recognized, Ramsland and others associated with ASOG played key roles in spreading the claims of fraud, The Post found. They were circulated by Rep. Louie Gohmert (R-Tex.), a staunch Trump ally who had been briefed by ASOG. And Ramsland’s assertions were incorporated in the “kraken” lawsuits filed by conservative lawyer Sidney Powell — who The Post learned had also been briefed two years earlier by ASOG — and aired publicly by Rudolph W. Giuliani, then Trump’s personal attorney, as they tried to overturn Joe Biden’s victories in key states.”). See also Rosenblatt and Shumway, “Senate Mulls Next Step in Auditing 2.1M Ballots,” (“Allied Special Operations Group has made a host of inaccurate claims, including mixing up voting precincts in Michigan and Minnesota, and pushed debunked conspiracies, such as claiming Detroit had a turnout of 139%.”); Bill Froehlich and Josh Monroe, “Officials Dispute Findings in Antrim County Audit,” *9 & 10 News*, December 15, 2020, <https://www.9and10news.com/2020/12/15/officials-dispute-findings-in-antrim-county-audit/>. See also Arizona State Senate Republican Caucus, “Senate Chooses Qualified Auditing Firm to Conduct Forensic Audit of Maricopa County Election Results,” press release, January 29, 2021, <https://www.azsenaterepublicans.com/post/senate-chooses-qualified-auditing-firm-to-conduct-forensic-audit-of-maricopa-county-election-results>, (“Today Senate President Fann announced that the Arizona State Senate has hired an independent, qualified, forensic auditing firm to analyze 2020 election results in Maricopa County.”).

²³ After multiple senators threatened supervisors with jail time for refusing to comply with the subpoenas, on February 8, the GOP-controlled senate attempted to hold in contempt the five members of the Maricopa County Board of Supervisors, which is controlled 4-1 by Republicans. However, this effort failed after one Republican senator refused to vote for the resolution. Jen Fifield and Andrew Oxford, “Arizona Senate Contempt Vote: How Did We Get Here, What Does it Mean and Will County Supervisors get Arrested?,” *Arizona Republic*, updated February 8, 2021, <https://www.azcentral.com/story/news/politics/arizona/2021/02/07/arizona-senate-contempt-vote-election-results-explained/4414408001/>; Andrew Oxford and Jen Fifield, “Arizona Senate Fails in Attempt to Hold Maricopa County Supervisors in Contempt Over Election Audit,” *Arizona Republic*, updated February 9, 2021, <https://www.azcentral.com/story/news/politics/arizona/2021/02/08/arizona-senate-republicans-vote-contempt-maricopa-county-supervisors-election-audit/4435515001/>; Maricopa County, Arizona Office of Communications, “Board of Supervisors Approves Extensive Audit of Elections Equipment,” January 27, 2021, <https://www.maricopa.gov/CivicAlerts.aspx?AID=2016>. See also Jen Fifield, “Battle of the Ballots: The County is Auditing November’s Election. The Arizona Senate Wants to. Which Should We Trust?,” *Arizona Republic*, February 17, 2021, <https://www.azcentral.com/story/news/politics/elections/2021/02/17/maricopa-county-audits-election-results-again-arizona-senate-wants-its-own-audit/4360028001/>, (“The audit of voting machines will cost the county about \$56,815, according to estimates from both firms. An additional part of the audit, which will examine the county’s procurement process to lease Dominion Voting System machines, will cost between \$34,000 and \$69,000, according to an estimate.”).

²⁴ Scott Jarrett (Director of Election Day and Emergency Voting, Maricopa County) and Rey Valenzuela (Director of Election Services and Early Voting, Maricopa County) letter to the Maricopa County Board of Supervisors, “Update on Forensic Audit of Maricopa County’s Tabulation Equipment,” February 23, 2021, <https://www.maricopa.gov/DocumentCenter/View/66842/Forensic-Audit-Transmittal-Letter>. See also Pro Verification and Validation, *Field Audit Report Dominion Voting Systems Democracy Suite (D-Suite) 5.5-B Voting System: Maricopa Post-Election Field Audit*, accessed June 23, 2021, <https://www.maricopa.gov/DocumentCenter/View/66844/Post-Audit-Report>; and SLI Compliance, *Forensic Audit Report: Dominion Voting Systems, Democracy Suite 5.5B, Report Number: MCA-21001-AR-01*, February 23, 2021, <https://maricopa.hylandcloud.com/198AgendaOnline/Documents/ViewDocument/4%20SLI%20COMPLIANCE%20MARICOPA%20COUNTY%20DVS%20DS%205.5B%20FORENSIC%20AUDIT%20REPORT%201.0.PDF.pdf?meetingId=3756&documentType=Agenda&itemId=196512&publishId=62163&isSection=false>.

²⁵ Bob Christie, “Judge Rules Arizona Senate can Access 2020 Election Ballots,” Associated Press, February 26, 2021, <https://apnews.com/article/joe-biden-legislature-senate-elections-arizona-phoenix-811a189f9e6416a554e4f399f3c94c4e>.

²⁶ Bob Christie, “Senate Has No Space for Ballots It Got After Court Fight,” Associated Press, March 3, 2021, <https://apnews.com/article/joe-biden-donald-trump-arizona-phoenix-elections-909f7f9da6451b8af6c559849ae3241b>.

²⁷ Rosenblatt and Shumway, “Senate Mulls Next Step in Auditing 2.1M Ballots.”

²⁸ Jen Fifield and Andrew Oxford, “Maricopa County Supervisors Will Go to Court in Response to Arizona Senate’s Election-Related Subpoenas,” *Arizona Republic*, December 18, 2020, <https://www.azcentral.com/story/news/politics/elections/2020/12/18/maricopa-county-goes-court-over-arizona-senate-election-subpoenas/3962376001/>, (“Arizona Secretary of State Katie Hobbs said she supported the county board’s decision [‘not to send the state Senate election materials in response to subpoenas’] and argued the Legislature was overreaching its authority. ‘Using a fabricated crisis to rationalize an alarming abuse of power is unconscionable. If this assertion is not challenged, it will set us down a dangerous path.... The real threats are the misinformation and manipulation intended to disenfranchise citizens, denigrate a strong election process and disrupt the peaceful transfer of power.’”); Katie Hobbs (Secretary of State, Arizona) letter emailed to Karen Fann (Senate President, Arizona) and Warren Peterson (Senator, Arizona), March 3, 2021, https://www.documentcloud.org/documents/20499460-fann-letter3_3_2021; and Maricopa County, Arizona, “Maricopa County Election Facts, Voting Equipment and Accuracy,” accessed June 23, 2021, <https://www.maricopa.gov/5539/Voting-Equipment-Facts>.

²⁹ Hobbs letter emailed to Fann and Peterson.

³⁰ Bob Christie, “CEO of Firm Eyeing Ballots Appeared to Make Political Posts,” Associated Press, March 31, 2021, <https://apnews.com/article/joe-biden-arizona-elections-phoenix-dcb5478736188723b405a26e5b7031fc>. See also Arizona PBS, “Why the AZ Senate Chose Cyber Ninjas to Handle the Audit,” May 5, 2021, <https://azpbs.org/horizon/2021/05/why-the-az-senate-chose-cyber-ninjas-to-handle-the-audit/>, (“We also talk about the Cyber Ninjas and why they were chosen. She said they talked to other senators and other states. There were a lot of conversations with other people that led to them. Cyber Ninjas is the primary contractor, but they also have three other firms that are doing this. The other firms have worked for homeland security and done audits before.”).

³¹ Bob Ortega, Kyung Lah, Stephanie Becker, and Anna-Maja Rappard, “His Cybersecurity Firm is Working on the Arizona ‘Audit’. But People Who Know Him Have Questions,” CNN, updated June 17, 2021, <https://www.cnn.com/2021/06/17/politics/arizona-audit-cyber-ninjas-logan-invs/index.html>, (“Though the Florida-based cybersecurity firm has existed in some form since at least 2014, before last November’s election, it hadn’t done election auditing, nor been in the public eye.”).

³² In response to reports about his affiliations with the Stop the Steal movement, Logan did not deny his bias, instead saying, “The big question should not be “Am I biased” but “Will this audit be transparent, truthful and accurate?” Garrett Archer, (@Garrett_Archer), “Statement from Cyber Ninja Doug Logan on the question of his bias re: the election audit. It reads he was chosen because of his threat modeling process and his bias is irrelevant since he says the audit will be fully transparent,” Twitter, April 6, 2021, 10:47 a.m., https://twitter.com/Garrett_Archer/status/1379445539951894528?s=20; and Jeremy Duda, “Arizona Audit Leader Doug Logan Wrote Fraud Claims on ‘Kraken’ Lawyer’s Website,” *Tucson Sentinel*, April 9, 2021, http://www.tucson sentinel.com/local/report/040921_audit_logan_kraken/arizona-audit-leader-doug-logan-wrote-fraud-claims-kraken-lawyers-website/, (“The paper that Logan authored alleges ties between Dominion and China, and repeats a discredited claim that the private equity firm that owns Dominion sold it to a Chinese-controlled securities company. Claims of ties between Dominion and Chinese investors were largely based on confusion between the similarly named New York and China-based subsidiaries of a Swiss securities company.”).

³³ Between December 2020-February 2021, Wake TSI conducted an election “audit” in Fulton County, PA, which was unauthorized by the state. Jeremy Duda, “Wake Technology Services Audited a Pennsylvania Election as Part of the #StopTheSteal Movement,” *Arizona Mirror*, May 21, 2021, <https://www.azmirror.com/2021/05/21/wake-technology-services-audited-a-pennsylvania-election-as-part-of-the-stopthesteal-movement/>; In comparison to Maricopa County’s 2.1 million ballots, Fulton County had just over 8,000 ballots cast in the 2020 election. Fulton County, Pennsylvania, “Election Summary Report, General Election, November 3, 2020,” November 23, 2020, 14, <https://www.co.fulton.pa.us/files/elections/results/2020b%20Certified%20Results.pdf>; While the Cyber Ninjas Statement of Work indicates that Wake previously conducted audits in Fulton County PA and New Mexico, press have been unable to find any confirmation of Wake’s involvement with New Mexico election audits. Cyber Ninjas, “Statement of Work,” accessed June 28, 2021, <https://s3.documentcloud.org/documents/20536503/cyber-ninjas-sow-executed-33121.pdf>; and Jeremy Duda, “Wake TSI, the Company Leading the Hand-Count, Left the Arizona Audit Team,” *Arizona Mirror*, May 25, 2021, <https://www.azmirror.com/blog/wake-tsi-the-company-leading-the-hand-recount-left-the-arizona-audit-team/>, (“But Wake TSI, Cyber Ninjas and Fann have long refused to answer questions about the company’s work in New Mexico or with the FBI. Several election officials and Republican Party officials in New Mexico — the state GOP was involved in several post-election lawsuits — told the *Mirror* that they were unaware of Wake doing any work in the state related to the 2020 election.”); and Rosalind S. Helderman, “‘It was like This Rogue Thing’: How the Push by Trump Allies to Undermine the 2020 Results Through Ballot Reviews Started Quietly in Pennsylvania,” *Washington Post*, June 6, 2021, https://www.washingtonpost.com/politics/pennsylvania-2020-ballot-audits/2021/06/06/4e456952-bfe0-11eb-b26e-53663e6be6ff_story.html, (“According to a county document obtained by The Post, Wake TSI was “contracted” to a nonprofit group run by Sidney Powell, a pro-Trump lawyer who was in the midst of filing a flurry of lawsuits around the country challenging the election results.”).

³⁴ Duda, “Group Led by ‘Kraken’ Lawyer Sidney Powell Hired the Firm Recounting AZ’s Election to Probe a PA Election”; and Helderman, “‘It was like This Rogue Thing’: How the Push by Trump Allies to Undermine the 2020 Results Through Ballot Reviews Started Quietly in Pennsylvania,” (“Documents obtained by The Post, however, show that the company submitted a 74-page draft report to Ulsh, the chairman of the county commissioners, on Feb. 22. That report concluded that the county had “no anomalous or unusual incidents reported during the election process” and that the election was “well run, followed all Commonwealth and Federal guidelines, and was conducted in a diligent and effective manner.”).

³⁵ Electionaudits.org, “Best Practices: Transparency,” accessed June 30, 2021, <https://www.electionaudits.org/bp-transparency.html>.

³⁶ Olafimihan Oshin, “Company Hired for Arizona Recount Asks to Keep Procedures Secret,” *Hill*, April 26, 2021, <https://thehill.com/regulation/court-battles/550314-company-asks-to-keep-procedures-for-arizona-county-recount-secret>. See also Wendy R. Weiser, Elizabeth L. Howard, Hannah Klain, Wade Henderson, and Genevieve Nadeau letter to Chris Herren (Department of Justice), “Request for Election Monitoring,” April 29, 2021, <https://www.brennancenter.org/sites/default/files/2021-04/AZ%20Letter%20to%20DoJ%20-%20004.29.21.pdf>.

³⁷ Mark Phillips, “Secretary of State Gets Observers Inside Maricopa County Election Audit, Cyber Ninjas has to Reveal Methods,” *ABC 15 Arizona*, April 29, 2021, <https://www.abc15.com/news/state/secretary-of-state-gets-observers-inside-maricopa-county-election-audit-cyber-ninjas-has-to-reveal-methods>; Elizabeth Howard, senior counsel in the Election Reform Program at the Brennan Center for Justice, served as one of the observers selected by Secretary Hobbs.

³⁸ ABC15.com Staff, “Cyber Ninjas Releases Documents Describing Maricopa County Audit Procedures after Court Ruling,” *ABC 15 Arizona*, updated May 18, 2021, <https://www.abc15.com/news/region-phoenix-metro/central-phoenix/cyber-ninjas-releases-documents-describing-audit-procedures-after-court-ruling>.

³⁹ Rachel Maddow Show, Transcript, April 29, 2021, <https://www.msnbc.com/transcripts/transcript-rachel-maddow-show-4-29-21-n1265945>.

⁴⁰ Nicole Valdes, “Maricopa County Senate Audit Observers Forced to Sign Non-Disclosure Agreements,” *ABC 15 Arizona*, updated May 18, 2021, <https://www.abc15.com/news/state/maricopa-county-senate-audit-observers-forced-to-sign-non-disclosure-agreements>.

⁴¹ See Arizona Public Records Laws, A.R.S. 39-121 et seq..

⁴² Howard Fischer, “Senate Says Lawmakers Not Subject to Public Records Laws,” *Arizona Capitol Times*, June 18, 2021, <https://azcapitoltimes.com/news/2021/06/18/senate-says-lawmakers-not-subject-to-public-record-laws/>.

⁴³ Fischer, “Senate Says Lawmakers Not Subject to Public Records Laws.”

⁴⁴ Jerod MacDonald-Evoy, "Secretary of State's Observers Raise Concerns with Audit," *Arizona Mirror*, May 6, 2021, <https://www.azmirror.com/2021/05/06/secretary-of-states-observers-raises-concerns-with-audit/>.

⁴⁵ Robert Anglen, "Experts Call for Federal Monitors of Arizona Senate Election Audit, Citing Violations of Voting Laws," *Arizona Republic*, April 30, 2021, <https://www.azcentral.com/story/news/politics/arizona/2021/04/30/arizona-election-audit-experts-call-federal-monitors/4897058001/>; and Mary Jo Pitzl, "Blue Ink, Black Ink, Red Ink: Why Ink Color Matters when Handling Arizona Ballots," *Arizona Republic*, April 23, 2021, <https://www.azcentral.com/story/news/politics/elections/2021/04/23/why-arizona-election-law-specific-ink-color-used-ballots/7356330002/>.

⁴⁶ Jennifer Morrell, "I Watched the GOP's Arizona Election Audit. It Was Worse than You Think.," *Washington Post*, May 19, 2021, <https://www.washingtonpost.com/outlook/2021/05/19/gop-arizona-election-audit/>.

⁴⁷ Dillon Rosenblatt, "Fann Passes On Experienced Auditor, Picks Cheapest," *Arizona Capitol Times*, April 23, 2021, <https://azcapitoltimes.com/news/2021/04/23/fann-passes-on-experienced-auditor-picks-cheapest/>. (Describing Pulitzer as "an inventor who years ago developed a handheld, cat-shaped scanner that was dubbed "one of the most ridiculed products of the internet era" by "PC World.""); Jeremy Duda, "Jovan Pulitzer, an Icon Among Election Fraud Believers, Will Play a Role in the Arizona Election Audit," *Arizona Mirror*, April 19, 2021, <https://www.azmirror.com/2021/04/19/jovan-pulitzer-an-icon-among-election-fraud-believers-will-play-a-role-in-the-arizona-election-audit/>.

⁴⁸ See The AZ – ABC 15 – Data Guru, (@Garrett_Archer), "1. Hold up ballot to UV light. 2. ... 3. Profit. Seriously though, we don't have any explanation on how this particular process works or what they are trying to prove definitively," Twitter, April 26, 2021, 11:37 a.m., https://twitter.com/Garrett_Archer/status/1386706068231786500; It is well established that ultraviolet light causes not only paper to deteriorate, but also leads to the deterioration of marks on paper ballots. Donia Conn, "The Environment: 2.4 Protection from Light Damage," Northeast Document Conservation Center, 2012, <https://www.nedcc.org/free-resources/preservation-leaflets/2.-the-environment/2.4-protection-from-light-damage>.

⁴⁹ Duda, "Jovan Pulitzer, an Icon Among Election Fraud Believers, Will Play a Role in the Arizona Election Audit."

⁵⁰ Dennis Welch, (@Dennis Welch), "John Brakey, an official helping oversee the audit of the 2020 Arizona election, says auditors are looking for bamboo fibers because of a baseless accusation that 40K ballots from Asia were smuggled here. #AzAuditPool," Twitter, May 5, 2021, 2:44 p.m., https://twitter.com/dennis_welch/status/1390014544890658819?s=20.

⁵¹ It is true that the cap of "off by 3 votes" is not inclusive, but even 2 out of 100 equals 2%, not 0.03%. Wake Technology Services "has developed an in-depth counting process that reduces opportunities for errors" and "as a result, they will be leading all ballot hand-counting processes." Cyber Ninjas, Statement of Work; and Wake Technology Services, *Counting Floor Policies*, 2021, <https://www.cyberninjas.com/static/20210429155650/Wake-TSI-Counting-Floor-Policies.pdf>, ("The ballot counting teams must be accurate to within 0.03%. All ballots will be counted by three counters. After every 100 ballots, the three counters will total their tally sheets... If two of three counters totals agree but the third counter is off 1 or 2 votes in any one race, the tally sheets are sent to aggregation. If two of three counters' totals agree but the third counter is off by 3 votes in any one race, the ballots must be recounted.").

⁵² See Arizona Secretary of State, *Arizona Secretary of State 2019 Elections Procedures Manual*, 2019, 223, https://azsos.gov/sites/default/files/2019_ELECTIONS_PROCEDURES_MANUAL_APPROVED.pdf.

⁵³ Sam Levine, "Arizona's Partisan Election Audit and the Trump-Linked Donors Paying for It," *Guardian*, June 10, 2021, <https://www.theguardian.com/us-news/2021/jun/10/arizona-election-ballot-audit-fight-to-vote>.

⁵⁴ Levine, "Arizona's Partisan Election Audit and the Trump-Linked Donors Paying for It."

⁵⁵ Robert Anglen and Jen Fifield, "Trump Supporters' Nonprofit Will Help Decide Who Counts Ballots as Election Audit Resumes," *Arizona Republic*, May 22, 2021, <https://www.azcentral.com/story/news/local/arizona-investigations/2021/05/22/arizona-audit-trump-supporter-patrick-byrnes-nonprofit-help-choose-counters/5223698001/>.

⁵⁶ Ryan Randazzo and Andrew Oxford, “Former Rep. Anthony Kern, a Stop the Steal Backer, Now Counting Your Ballots,” *Arizona Republic*, updated May 3, 2021, <https://www.azcentral.com/story/news/politics/arizona/2021/04/30/anthony-kern-former-lawmaker-and-november-candidate-helps-recount-arizona-ballots/4895531001/>. (“It’s a real reflection of the lack of integrity and lack of screening this sham audit is conducting,” [Senator Martin Quezada] said Friday. “To have Mr. Kern of all people. This was a guy who was present at an attempted overthrow of the federal government on Jan. 6. And now, through their vetting process, that he was found to be a trustworthy person is pretty scary.”).

⁵⁷ Robert Anglen, “Ex-Lawmaker Who Rallied for ‘Stop the Steal’ Removed from Arizona Audit,” *Arizona Republic*, May 14, 2021, <https://www.azcentral.com/story/news/politics/arizona/2021/05/14/former-arizona-lawmaker-anthony-kern-removed-maricopa-county-audit-recount/5096538001/>; and Cyber Ninjas, “Statement of Work,” 5, (“Non-partisan counters will be utilized that are drawn from a pool of primarily former law enforcement, veterans, and retired individuals. These individuals will undergo background checks and will be validated to not have worked for any political campaigns nor having worked for any vendor involved in the voting process.”).

⁵⁸ Anglen, “Ex-Lawmaker Who Rallied for ‘Stop the Steal’ Removed from Arizona Audit.”

⁵⁹ Laurie Roberts, “‘Deleted’ Files Found? Donald Trump and Karen Fann Owe Maricopa County a Bigtime Apology,” *Arizona Republic*, May 19, 2021, <https://www.azcentral.com/story/opinion/op-ed/laurieroberts/2021/05/19/arizona-election-audit-screwed-up-no-apology/5167088001/>. (“Breaking Update: Maricopa County deleted a directory full of election databases from the 2020 election cycle days before the election equipment was delivered to the audit. This is spoliation of evidence!” the Senate audit account tweeted.”).

⁶⁰ To estimate the costs associated with the effective decertification of Maricopa County’s voting machines, we included only the replacement costs of the voting machines. Although Maricopa County leased the voting machines that have been effectively decertified, we did not include any potential lease-associated fees or penalties, such as an early termination fee or an equipment damage fee, in our estimate. We estimate that voting machine replacement costs are \$1,501,500 for 385 precinct-based tabulators (ImageCast Precinct 2), \$48,750 for five ImageCast Central Scanners (G1130), \$628,387.84 for four Central Count Tabulators (ICC Scanner InoTec HiPro 821), and \$17,000 for an EMS Standard Server. In total, this amounts to \$2,195,637.84. Dominion Voting Systems and Santa Clara, California Office of the County Executive, “Agreement Between the County of Santa Clara and Dominion Voting Systems,” accessed June 24, 2021, 36, <https://www.sccgov.org/sites/rov/Documents/CW2232168%20Dominion%20Final.pdf>; Dominion Voting Systems, “Luzerne County, Pennsylvania Voting System Agreement: Pricing Summary and Deliverables Description,” accessed June 24, 2021, 16, <https://www.luzernecounty.org/AgendaCenter/ViewFile/Agenda/11262019-1617>; General Services Administration, “Federal Supply Service Authorized Federal Supply Schedule Price List,” accessed June 24, 2021, 58, https://www.gsaadvantage.gov/ref_text/GS25F0003N/0V4M7X.3QUZ8C_GS-25F-0003N_SCHED36MOD77.PDF; Dominion Voting Systems, “State of Ohio Pricing, ITB:OT902619,” accessed June 24, 2021, 27, https://procure.ohio.gov/pdf/OT902619_Dominion%202021%20Price%20Sheet.pdf; Contract between Maricopa County, Arizona and Dominion Voting Systems, accessed June 24, 2020 in Complaint for Declaratory Relief at 19, *Maricopa County et al. v. Fann et al.*, Ariz. Super. Ct., Maricopa Cnty. (2020), <https://www.clerkofcourt.maricopa.gov/home/showpublisheddocument/2000/637441427327330000>; and Cyber Ninjas Lodged Documents – Exhibits D1-D8 at 65, *Arizona Democratic Party et al. v. Fann et al.*, Ariz. Super. Ct. Maricopa Cnty. (2020), <https://www.clerkofcourt.maricopa.gov/home/showpublisheddocument/2683/637553069427130000>.

⁶¹ Due to an indemnification agreement between Maricopa County and President Fann, it seems likely possible that the state will be responsible for these costs. Jane C. Timm, “Maricopa County Will Need New Voting Machines after GOP’s Audit, Arizona Secretary of State Says,” NBC News, May 20, 2021, <https://www.nbcnews.com/politics/elections/maricopa-county-will-need-new-voting-machines-after-gop-s-n1268090>. (“Board Chairman Jack Sellers said last month that he was concerned about the cost of recertifying election machines and noted that the board had required the Senate to agree to pay for any damage to machines before it handed them over. ‘The Senate shall indemnify the County against any and all expenses it incurs as a result of the Subpoenaed Materials being damaged, altered, or otherwise compromised while in the Senate’s custody and control, including without limitation expenses associated with procuring new equipment, certifying any such new equipment for use for elections in Arizona, and re-certifying its current equipment re-certified for use for elections in Arizona,’ their agreement states. Senate President Karen Fann signed it on April 20, according to a copy of the agreement shared with NBC News by the Board of Supervisors.”).

⁶² Katie Hobbs (Secretary of State, Arizona) letter to Maricopa County Board of Supervisors, May 20, 2021, <https://s3.documentcloud.org/documents/20784519/hobbs-letter-to-maricopa-supervisors-5-20-21.pdf>.

⁶³ Hobbs letter to Maricopa County Board of Supervisors, May 20, 2021, (Hobbs’ letter advised, “I have grave concerns regarding the security and integrity of these machines, given that the chain of custody, a critical security tenet, has been compromised, and election officials do not know what was done to the machines while under Cyber Ninjas’ control.”).

⁶⁴ We estimate that the total taxpayer cost for the Arizona Senate's partisan review of Maricopa County is in excess of \$2.4 million. This estimate includes the fees and costs that will be borne, based on publicly available cost information in contracts and reports, by Arizona taxpayers. This amount includes Cyber Ninjas contract fee (\$150,000), estimated Coliseum utility costs (\$55,000), the Arizona Senate's portion of Coliseum security costs (\$20,000), and estimated voting equipment replacement costs (\$2,195,637.84). In short, $2,195,637.84 + 150,000 + 55,000 + 20,000 = \$2,420,637.84$. Jen Fifield, "Maricopa County Won't Reuse Voting Equipment that was with Cyber Ninjas for Audit," *Arizona Republic*, updated June 29, 2021, <https://www.azcentral.com/story/news/politics/elections/2021/06/28/maricopa-county-get-new-voting-machines-after-senates-election-audit/7790377002/>. However, we did not include any potential lease-associated fees or penalties, such as an early termination fee or an equipment damage fee, in our estimate. To estimate the costs associated with the effective decertification of Maricopa County's voting machines, we included only the replacement costs of the voting machines. Cyber Ninjas and the Arizona State Senate, "Arizona Senate Contract with Cyber Ninjas," March 31, 2021, <https://www.documentcloud.org/documents/20536950-arizona-senate-cyber-ninjas-statement-of-work-executed-033121>; Security costs, paid to the Arizona Rangers, "a quasi-law enforcement group," amount to \$20,000. Ray Stern, "Karen Fann Agreed to Make \$20K 'Contribution' to Arizona Rangers for Audit Security, Docs Show," *Phoenix New Times*, June 23, 2021, <https://www.phoenixnewtimes.com/news/arizona-rangers-ballot-audit-security-karen-fann-droll-11565547>; The audit ran from April 23 – May 14 and May 24 – June 25 (55 days). Jeremy Duda, "Experts Raise Concerns About Processes, Transparency as Election Audit Begins," *Arizona Mirror*, April 23, 2021, <https://www.azmirror.com/2021/04/23/experts-raise-concerns-about-processes-transparency-as-election-audit-begins/>; Jeremy Duda, "Senate Audit Packs Up, Begins Week-Long Hiatus," *Arizona Mirror*, May 14, 2021, <https://www.azmirror.com/2021/05/14/senate-audit-packs-up-begins-week-long-hiatus/>; Jen Fifield and Joshua Bowling, "What to Know as Ballot Counting at the Arizona Audit Resumed Monday," *Arizona Republic*, updated May 24, 2021, <https://www.azcentral.com/story/news/politics/elections/2021/05/23/arizona-audit-what-know-ballot-recount-set-resume-monday/5233868001/>; and Jonathan J. Cooper and Bob Christie, "Arizona Election Audit Enters New Phase as Ballot Count Ends," Associated Press, June 25, 2021, <https://apnews.com/article/joe-biden-arizona-technology-election-2020-elections-06609a392f456f0afc2436ff819c2f1c>; Coliseum "utilities and other services," according to Ken Bennett's estimate, are roughly \$1,000 per day. Andrew Oxford, "Extending Arizona Ballot Recount Past May 14 is 'Not Feasible', State Fair Official Says," *Arizona Republic*, May 5, 2021, <https://www.azcentral.com/story/news/politics/arizona/2021/05/05/arizona-audit-fair-official-says-extending-recount-not-feasible/4960234001/>; We estimate that voting machine replacement costs are \$1,501,500 for 385 precinct-based tabulators (ImageCast Precinct 2), \$48,750 for five ImageCast Central Scanners (G1130), \$628,387.84 for four Central Count Tabulators (ICC Scanner InoTec HiPro 821), and \$17,000 for an EMS Standard Server. Dominion Voting Systems and Santa Clara, California Office of the County Executive, "Agreement Between the County of Santa Clara and Dominion Voting Systems"; Dominion Voting Systems, "Luzerne County, Pennsylvania Voting System Agreement: Pricing Summary and Deliverables Description"; General Services Administration, "Federal Supply Service Authorized Federal Supply Schedule Price List"; Dominion Voting Systems, "State of Ohio Pricing, ITB:0T902619"; Contract between Maricopa County, Arizona and Dominion Voting Systems, accessed June 24, 2020 in Complaint for Declaratory Relief at 19, *Maricopa County et al. v. Fann et al.*, Ariz. Super. Ct., Maricopa Cnty. (2020); and Cyber Ninjas Lodged Documents – Exhibits D1-D8 at 65, *Arizona Democratic Party et al. v. Fann et al.*, Ariz. Super. Ct. Maricopa Cnty. (2020).

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⁷² Molly Beck and Patrick Marley, "Speaker Robin Vos signs contracts paying retired police officers \$20,000 to investigate 2020 election," *Milwaukee Journal Sentinel*, June 24, 2021, <https://www.jsonline.com/story/news/politics/2021/06/24/robin-vos-pay-retired-cops-20-000-investigate-2020-election/7780940002/>, ("[Assembly Elections Committee Chairwoman] Brandtjen said on the radio she doesn't know who Vos is hiring to supervise the investigators. (Andrew Hitt, chairman of the state Republican Party, told the host of the show that he knows the attorney and Republicans will be pleased when they learn who it is.) Brandtjen said she spoke with those involved in the investigation on Wednesday and they are 'working still on a plan' for how to conduct the investigation.").

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⁸⁵ See also Meyer, Bryan, and Briggs, “Mastriano Campaign Spent Thousands on Buses Ahead of D.C. Insurrection”; Helderman, “It Was like This Rogue Thing’: How the Push by Trump Allies to Undermine the 2020 Results Through Ballot Reviews Started Quietly in Pennsylvania,” *Washington Post*, June 6, 2021, https://www.washingtonpost.com/politics/pennsylvania-2020-ballot-audits/2021/06/06/4e456952-bfe0-11eb-b26e-53663e6be6ff_story.html. (An initial draft of Wake TSI’s report on Fulton County’s Election System read, “[Wake TSI] was asked by Pennsylvania State Senator Marsicano [sic] to assess the mail-in ballot processing through the election system used by Fulton County, Pennsylvania in the 2020 General Election.”).

⁸⁶ According to the Senate Audit spokesman, Wake TSI “chose not to renew its contract,” which ended on May 14, in the middle of the process for which they had primary responsibility, “recounting ballots.” Duda, “Wake TSI, the Company Leading the Hand-Recount, Left the Arizona Audit Team”; Duda, “Group Led by ‘Kraken’ Lawyer Sidney Powell Hired the Firm Recounting AZ’s Election to Probe a PA Election”; Jeremy W. Peters and Alan Feuer, “What We Know About Sidney Powell, the Lawyer Behind Wild Voting Conspiracy Theories,” *New York Times*, December 8, 2021, <https://www.nytimes.com/article/who-is-sidney-powell.html>.

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⁸⁸ Duda, “Wake Technology Services Audited a Pennsylvania Election as part of the #StopTheSteal Movement.”

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¹¹⁷ Brown, Davis, Swaine, and Dawsey, "The Making of a Myth," ("Repeatedly and at key moments, [said Matt Masterson, the senior cybersecurity adviser who was then focusing on elections at DHS] ASOG was the source of morsels of inaccurate information that shaped public perception.") "It wasn't just that the president would tweet about their stuff. It was all these little nuggets and grist that they provided or that were cited to them in testimony or in the 'kraken' cases. It provided the appearance of substance and fact to something that had no substance or fact," said Masterson, who has not previously discussed ASOG publicly. "It was like: 'Look, these are professionals. ... They have former military experience. And look at what they found.' They gave those who wanted to push and believe in the lie something to hold on to.").

¹¹⁸ Brown, Davis, Swaine, and Dawsey, "The Making of a Myth."

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