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COMMITTEES:
Rules, Chairman



Arizona State Senate

September 24, 2021

The Honorable Mark Brnovich
Arizona Attorney General
2005 North Central Avenue
Phoenix, Arizona 85004

Re: Report Concerning the Maricopa County Forensic Election Audit

Dear Attorney General Brnovich:

I have attached the reports delivered earlier today to the Arizona State Senate concerning the Maricopa County Forensic Election Audit.

In the history of democracies—from ancient Athens to today—ours was the most detailed, demanding, and uncompromising election audit that has ever been conducted. The auditors spent more than 100,000 hours and millions of dollars reviewing ballots, voting machines, and data patterns. Arizona voters had serious concerns about their election, and they were entitled to the most careful and accurate answers possible.

The auditor's final hand count—which quadruple-checked every single one of the 2.1 million ballots—matches Maricopa County's official machine count. This is the most important and encouraging finding of the audit. The paper ballots in Maricopa County are the best evidence of voter intent because they are under 24-hour video surveillance and physical security, and there is no reliable evidence that they were altered to any material degree. This finding therefore addresses the sharpest concerns about the integrity of the certified results in the 2020 general election.

But importantly, the audit also shows how we can strengthen our democracy. Several of the auditors' findings are concerning because they suggest less-than-perfect adherence to Arizona's standards and best practices. In my view, the most urgent issues include the following:

1. The signature verification process for absentee ballots is imperfect and requires improvement and additional testing. Signatures on mail-in ballots should not be accepted unless they closely match the voters' authenticated signatures that are on file.
2. Voter rolls require constant, unrelenting maintenance. This process should identify and correct voter registration information for individuals who move, are deceased, or registered more than once. Relatedly, records of voter turnout, ballots issued, ballots counted, and vote totals should facially reconcile with one another.

3. Election technology and machinery is too complicated and important to be overseen by amateurs. The audit found that Maricopa County failed to take basic cybersecurity precautions for securing election systems. Best practices and guidelines are published by the U.S. Department of Homeland Security's Cybersecurity & Infrastructure Security Agency (CISA), which is available to counties at no cost. In light of these failures, our state should have a specialist (or team of specialists) to ensure that strict cybersecurity protocols are always followed. That is not an unreasonable expectation when modern elections depend on cybersecurity practices.
4. No private company should be trusted with the keys to our democracy. If a county doesn't even have administrator passwords for its vote-counting machines, the county cannot properly monitor its own elections.
5. Elections officials must ensure that all evidence is preserved and that a top-to-bottom audit of an election is possible when warranted. The audit found that Maricopa County overwrote the entire activity log in its Election Management System. This was accomplished by churning more than 37,000 identical queries several days after the court ordered Maricopa County to produce its election materials to the Arizona State Senate. Maricopa County also failed to provide documentation sufficient to reconcile duplicated ballots to corresponding original ballots, refused to cooperate with the audit, and directed its vendors not to cooperate with the audit either. Our laws should require transparency and affirmative cooperation from every elections official.

Arizona voters deserve an unimpeachable electoral process—and the State Senate is already working hard on new legislation to deliver that.

As the Senate enters that next phase, there are several items in the reports that merit the attention of your office. I am therefore forwarding the reports for your office's consideration and, if you find it appropriate, further investigation as part of your ongoing oversight of these issues.

We thank you for your office's time and attention to this matter.

Respectfully,

A handwritten signature in cursive script that reads "Senator Karen Fann".

Karen Fann, President
Arizona State Senate