

July 18^h, 2021

BRIEFING: MARICOPA COUNTY RAPID FIRE RESPONSE TO SENATE HEARING

PURPOSE

This briefing documents concerns with the responses by Maricopa County rapid response tweets to the Arizona Senate update with Cyber Ninjas, Mr. Cotton, and Ken Bennett on July 15th, 2021.

1. AUDITOR COMMUNICATION WITH SUBJECT

<https://twitter.com/maricopacounty/status/1416122432008560641>



Maricopa County ✓
@maricopacounty

...

Replying to @maricopacounty

#RealAuditorsDont need their auditees to handhold them through every process because they lack the knowledge to do their job correctly. #RealAuditorsDont go beyond their scope of work.

12:47 PM · Jul 16, 2021 · Twitter Web App

Data and process audits are typically always joint ventures. There is no expectation the auditor knows the process of the client without such a joint evaluation being conducted. Even the IRS includes a communication process as a standard practice in their financial audits. For example:

IRS Audits | Internal Revenue Service

<https://www.irs.gov/businesses/small-businesses-self-employed/irs-audits>

Depending on the issues in your audit, IRS examiners may use one of these Audit Techniques Guides to assist them. These guides will give you an idea of what to expect. What do I need to provide? The IRS will provide you with a written request for the specific documents we want to see. Here's a listing of records the IRS may request.

[Audit Techniques Guides](#) · [Audits Records Request](#) · [Electronic Records](#)

Differences between audits

It's important to understand the difference between external and internal auditors because they each serve a different purpose.

A CPA firm performs an external audit, and the accounting firm must be independent of the business under audit. Independence means that the only compensation that the CPA firm receives is the fee for the audit, and the CPAs cannot perform tax, consulting, or any other work for the audit client.

An internal auditor, on the other hand, is a company employee, and these auditors are not independent. Internal auditors perform many of the same procedures that external auditors complete. In fact, a CPA firm may rely on some of the work performed by internal auditors.

Large companies have an internal audit department, but smaller companies do not. An external auditor may have to perform more work for a client that does not have an internal audit function.

An audit opinion from an external auditor is considered more reliable than work performed by an internal auditor because the CPA firm must be independent to issue an opinion.

2. The Subpoena

<https://twitter.com/maricopacounty/status/1416122430762848256>



Maricopa County ✓
@maricopacounty

The Cyber Ninjas have everything qualified auditors would need to check the results of the election. Now we hear they may be asking for more. This can only be due to 2 reasons: They don't know what they're doing, or they're going beyond their scope of work.

12:47 PM · Jul 16, 2021 · Twitter Web App

It's none of the business of Maricopa County whether or not Cyber Ninjas is going outside the scope of work. Their only role is to comply with the subpoena. That's it.

Cyber Ninjas is under the direction of President Karen Fann and Sen. Warren Petersen. Maricopa County has a legal obligation to comply with subpoenas.

3. MAIL-IN BALLOT COUNTS

<https://twitter.com/maricopacounty/status/1416139690210594819>



Maricopa County ✓ @maricopacounty · Jul 16

CLAIM: 74,000 more mail-in ballots were counted in Nov. 2020 than were sent.

FACTS: @maricopavote calculated the true number of requests and returns:
REQUESTS = 2,364,426
RETURNS = 1,918,024

How does Maricopa County define "true number of requests and returns?" Why would that number be different than the data they provide to the Parties or the auditor?

I have no conclusive way to respond to the Cyber Ninja's nor the Maricopa County claims on if there were 74k more mail-in ballots received than sent. I suggest an additional 3rd Party auditor verify. There exists an opportunity to codify for transparency in reporting.

4. BLEED THROUGH MARKINGS VS OVERVOTES

<https://twitter.com/maricopacounty/status/1415834659213103110>



Maricopa County @maricopacounty · Jul 15
CLAIM: There was potential over-voting due to ink bleeding through ballots.

FACTS: If bleed through happens, it does not cause an over-vote. Elex officials program certified tabulation equipment & design ballots w/ offset columns to ensure these ballots are counted accurately.

50 203 1.1K



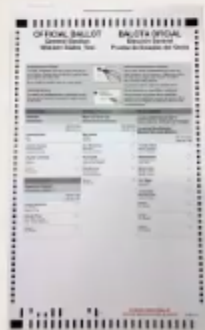
Maricopa County @maricopacounty · Jul 15
This accuracy is verified through logic and accuracy tests, hand counts performed by the political parties, and post-election audits performed by EAC certified voting testing laboratories. #SharpieGate has been debunked already.

Maricopa County Elections Department @Mari... · Oct 26, 2020

MARKING YOUR BALLOT: Did you know you can use a black or blue ballpoint pen and even sharpie to mark your ballot? Even if there is bleed through it won't impact counting because our upgraded ballots have off-centered columns and our new tabulators only read the ovals. Learn more:

[Show this thread](#)

WHAT YOU CAN USE TO MARK YOUR BALLOT



- ▶ **BLACK PEN**
- ▶ **BLUE PEN**
- ▶ **SHARPIE**

0:37 32.4K views

The Logic and Accuracy test requirement is a ceremonial process and not statistically significant versus the close outcomes of the races in question. Maricopa County should not rely on merely a limited test to identify whether the machines are reading ballots properly. There must be a statistically significant process codified to correct this gap.

At the same time, it is my understanding Cyber Ninjas cannot identify if over-voting occurred due to ink bleeding through ballots unless they run those ballots through the same machines and document they are processing as overvotes. I may be mistaken, but I did not see the ballots being run through machines on the audit floor. If a ballot machine operation audit did not occur, the audit scope needs to be expanded to include this activity. Cyber Ninjas should be asked these questions and given a chance to explain further.

5. VOTE REGISTRATION

<https://twitter.com/maricopacounty/status/1416139693154963458>

Maricopa County @maricopacounty · Jul 16
CLAIM: More than 11,000 names were added to the voter rolls after Election Day but were recorded as casting a ballot in the Nov. election.
FACTS: This is likely referring to people who cast provisional ballots. 18,310 provisional ballots were cast in the 2020 General Election.
49 378 1.7K

Maricopa County @maricopacounty · Jul 16
These go through a rigorous verification process to make sure that the provisional ballots cast are only counted if the voter is eligible to vote in the election. This happens after Election Day. Only eligible voters are added to the voter rolls.
15 210 1.4K

Maricopa County @maricopacounty · Jul 16
Of note: 7,605 provisional ballots were rejected in the General Election due to the individual not being registered to vote.
14 202 1.3K

Maricopa County @maricopacounty · Jul 16
It is possible for a voter to not be on the voter rolls, vote a provisional ballot, receive credit for voting, that ballot not actually be counted because they voted provisionally, and then later show up on the voter rolls.
15 164 1.1K

Maricopa County @maricopacounty · Jul 16
Since the Senate contractors are unqualified and untrained for this work, it's tough to know exactly what data they're using to come up with numbers.

It does not appear the Cyber Ninja process mapped out the entire election and voter registration process Maricopa County uses to operate the election. Mapping out the operations and processes should always be the first step of any audit. Until this work is completed we can't quantify what phrases like "rigorous verification process" means.

We must codify reporting that identifies how many provisional votes were cast but rejected for each race. Why is this not part of the final official election report?

The 11k voters identified should go through an additional audit to identify if they are provisional voters, etc. Were provisional voters included in the subpoena? Do we identify and account for voters that cast a provisional ballot as casting a provisional ballot in all publicly reported databases?

Mapping out the entire Maricopa County process would answer these questions and find additional opportunities for election integrity reform.

6. SIGNATURE VERIFICATION

<https://twitter.com/maricopacounty/status/1416139699878391810>



Maricopa County @maricopacounty · Jul 16

CLAIM: Maricopa County relaxed signature verification requirements.

FACTS: This is simply not true. Maricopa County follows rigorous state signature verification guidelines. Staff receives training prior to elections to ensure compliance.

21

289

1.4K



Maricopa County @maricopacounty · Jul 16

In June 2020 prior to the Primary Election, all full-time staff members that perform signature verification in Maricopa County completed a statewide signature verification certification course offered by the Associated Forensic Laboratory, LLC.

Maricopa County cannot possibly follow a true "rigorous signature verification process" because they accepted the signature and ballot for a deceased voter with a forged signature that led to an indictment by Gen. Brnovich.

The Ward v. Jackson (CV2020-015282) lawsuit found a signature discrepancy between 6-11%.

There is clearly an opportunity for our statutes to better define “rigorous signature verification process” so substandard and inconsistent processes can never be used again to stain an election and suppress future voter turnout.

7. BALLOT DUPLICATION

<https://twitter.com/maricopacounty/status/1416139702659260416>



Maricopa County @maricopacounty · Jul 16

CLAIM: Maricopa County's Duplication process allowed illegitimate ballots to be counted.

FACTS: When ballots are delivered to Maricopa County from military voters, overseas voters, large print ballots, braille ballots, or when they are too damaged to be read by a tabulator,

26

229

1.1K



Maricopa County @maricopacounty · Jul 16

Maricopa County duplicates these ballots to ensure the votes can still be counted. The Elections Department assigns a matching serial number to both the original and duplicated ballot. This number can be used to compare the ballots.

32

184

1.2K



Maricopa County @maricopacounty · Jul 16

The accuracy of Maricopa County's duplication process was confirmed in court (CV2020-015282 Ward v. Jackson) where the plaintiffs randomly sampled 1,626 duplicated ballots.

<https://twitter.com/maricopacounty/status/1415747701145149441>



Maricopa County

@maricopacounty

Fact check: Ward v. Jackson found that duplication was 99.6% accurate.

11:58 AM · Jul 15, 2021 from Phoenix, AZ · Twitter for iPhone

The lawsuit in question did not evaluate duplicated ballots with missing serial numbers. This tweet thread is a complete deflection versus the findings from Cyber Ninjas. Duplication had an

unacceptable error rate per the lawsuit. Our statutes must be revised with a process to address the error rate.

8. INTERNET ACCESS

<https://twitter.com/maricopacounty/status/1416173625544110082>



Maricopa County @maricopacounty · Jul 16

CLAIM: Maricopa County's Tabulation System is connected to the internet.

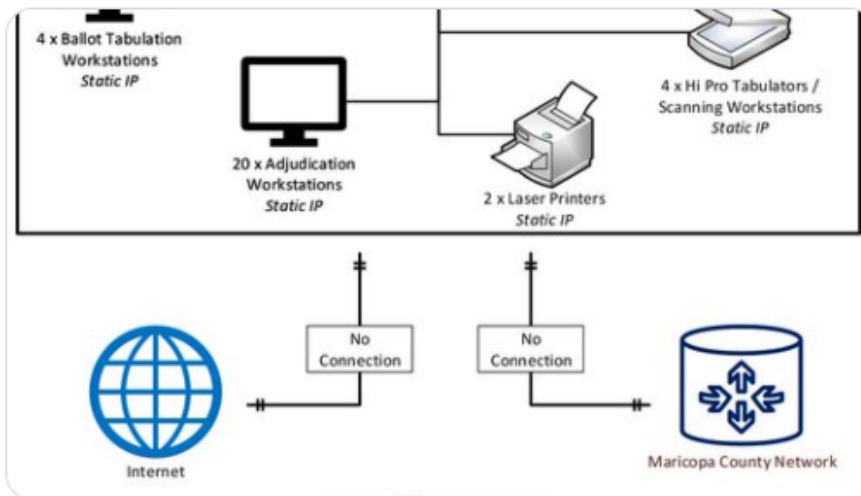
FACTS: Maricopa County uses an air gapped system, meaning its tabulation equipment is never connected to the internet and is completely separated from the Maricopa County Network.

130 287 1.3K



Maricopa County @maricopacounty · Jul 16

There are no routers connected to the system and there never have been. See attached network diagram of the Election Management System (County's Tabulation System).



272 311 1.2K



Maricopa County @maricopacounty · Jul 16

CLAIM: MC's Tabulation System was hacked during the Nov. General Election.

FACTS: This is false. The event in question involved an individual inappropriately accessing and downloading publicly available info. The website is in no way connected to the Election Management System.

I suggest the Senate conduct an additional 3rd party audit to verify Cyber Ninja's findings.

9. CONFIGURATION

<https://twitter.com/maricopacounty/status/1415738899750547457>



Maricopa County
@maricopacounty

Fact check: the County does configure elections. What we don't have access to is the ability to change base configurations that are established by the manufacturer. We have no need to make those adjustments to run elections.

11:23 AM · Jul 15, 2021 from Phoenix, AZ · Twitter for iPhone

Dominion provides essential election management type software. Their software should not be treated as non-essential accessorial software such as Microsoft Word or Excel. Dominion is essential software to the fundamental operations of the most important government function that exists in Maricopa County. It is unacceptable and a dereliction of duty for the Maricopa County Technology Department to not have access to the base configurations established by the manufacturer.

This tweet is an admission that Dominion controls our elections - not Maricopa County.

10. ELECTION AUDITOR CERTIFICATION

<https://twitter.com/maricopacounty/status/1415738344152080384>



Maricopa County
@maricopacounty

Fact check: we did not agree to do a forensic audit with uncertified contractors @FannKfann

11:21 AM · Jul 15, 2021 from Phoenix, AZ · Twitter for iPhone

Post Election A...
eac.gov

systems as well as recounts that may occur in close races. Below are links to national and state resources about processes for post-election audits and recounts.

EAC Resources

[Post-Election Tabulations Audits](#)

NEW

[Risk-Limiting Audits: Practical Application](#) (Whitepaper)

[6 Tips for Conducting Election Audits](#)

[Quick Start Management Guide: Conducting a Recount](#)

[Election Management Guidelines - Chapter 15: Conducting a Recount](#)

[Recount and Contests Study](#)

The EAC does not certify election auditors. EAC website on post-election audits resource list does NOT include certified auditors. There is no such thing as an EAC certified auditor for comprehensive forensic audits. <https://www.eac.gov/election-officials/post-election-audits-recounts>

11. SECURITY

<https://twitter.com/maricopacounty/status/1415736510196846594>



Maricopa County ✓
@maricopacounty

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Replying to @maricopacounty

Re: security, according to EAC, we cannot update our systems through security patches. That is why we maintained an air gapped system. Installing security patches would be changing the system that was certified.

11:14 AM · Jul 15, 2021 from Phoenix, AZ · Twitter for iPhone

The Senate should ask for a 3rd Party opinion on this tweet versus the Cyber Ninjas analysis.

12. DELETED FILES

<https://twitter.com/maricopacounty/status/1415736512528846852>



Maricopa County ✓
@maricopacounty

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Replying to @maricopacounty

Finally, baseless allegations from Ben Cotton (who is not EAC certified) are ridiculous coming from the guy who falsely said we deleted files and then had to walk it back at the last one of these hearings.

11:14 AM · Jul 15, 2021 from Phoenix, AZ · Twitter for iPhone

Deflection and false tweet by Maricopa County. Mr. Cotton did not walk back his comments. Maricopa County threatened to sue for defamation precisely because he did not walk back his comments.

13. DELETED FILES

<https://twitter.com/maricopacounty/status/1415424125149990912>



Maricopa County ✓
@maricopacounty



Why might the Cyber Ninjas' ballot count differ from @MaricopaVote numbers?
For the same reason people might get different answers to this problem: $(6 \times 5) \div 3 + 11$
If you don't know the order of operations, you don't know the answer.

2:33 PM · Jul 14, 2021 · Twitter Web App

416 Retweets 555 Quote Tweets 1,782 Likes



Tweet your reply

Reply



Maricopa County ✓ @maricopacounty · Jul 14



Replying to @maricopacounty

Maricopa County election professionals have the experience and the proven processes to accurately count ballots.

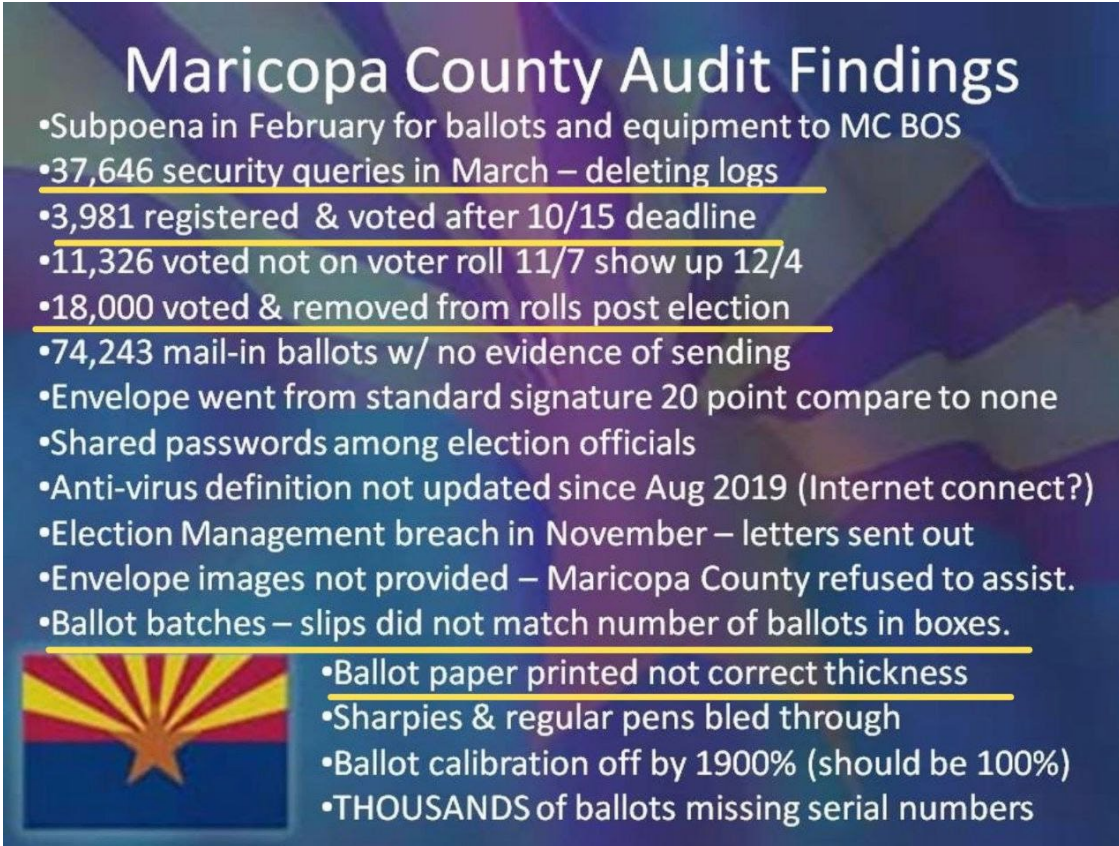
Cyber Ninjas do not.

(The answer is 21, btw)

The counting process should not be mysterious to the Senate, the auditors, or the voters. We will not restore trust in our elections until we have transparency and accountability. The counting process must be codified in a way that provides for a transparent and consistent counting process across all counties.


14. IGNORED ISSUES

The following underlined issues were not addressed by Maricopa County tweets.



Maricopa County Audit Findings

- Subpoena in February for ballots and equipment to MC BOS
- 37,646 security queries in March – deleting logs
- 3,981 registered & voted after 10/15 deadline
- 11,326 voted not on voter roll 11/7 show up 12/4
- 18,000 voted & removed from rolls post election
- 74,243 mail-in ballots w/ no evidence of sending
- Envelope went from standard signature 20 point compare to none
- Shared passwords among election officials
- Anti-virus definition not updated since Aug 2019 (Internet connect?)
- Election Management breach in November – letters sent out
- Envelope images not provided – Maricopa County refused to assist.
- Ballot batches – slips did not match number of ballots in boxes.
- Ballot paper printed not correct thickness
- Sharpies & regular pens bled through
- Ballot calibration off by 1900% (should be 100%)
- THOUSANDS of ballots missing serial numbers



CONCLUSION

Maricopa County leaves many of their election processes as mysterious to the voters on Twitter.

There are many opportunities for legislation to clarify and strengthen our election processes including fortification against fraud. Expanding the audit and passing election integrity legislation is vital to protecting against voter suppression due to a lack of voter turnout.

The Arizona Senate should consider adding three additional audits to the scope of work:

- *Comprehensive documentation of the voter registration, voter registration authentication, election testing and setup, early voter, mail-in voting, day of voting, counting, duplication, and post-audit processes.*
- *An audit of the process conducted by Maricopa County to run our elections. i.e. running all of the ballots through the original machines and monitoring the readability of the ballots, counts, etc.*
- *Additional 3rd party verification audits for discrepancies found by Cyber Ninjas.*