July 18h, 2021

BRIEFING: MARICOPA COUNTY RAPID FIRE RESPONSE TO SENATE HEARING

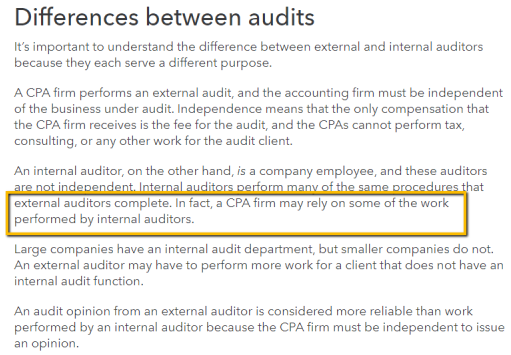
PURPOSE

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

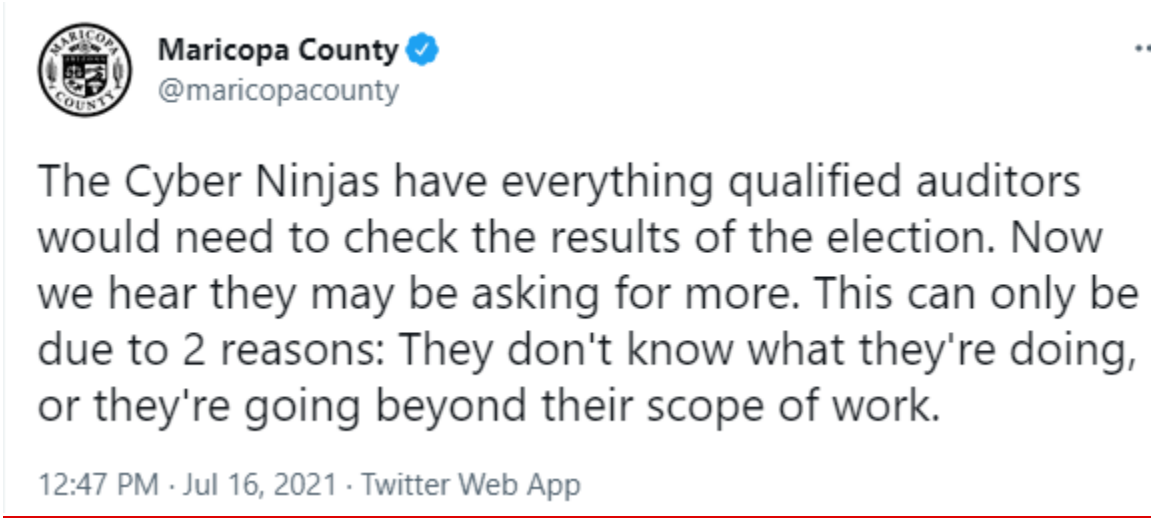
https://twitter.com/maricopacounty/status/1416122432008560641

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:



2. The Subpoena

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

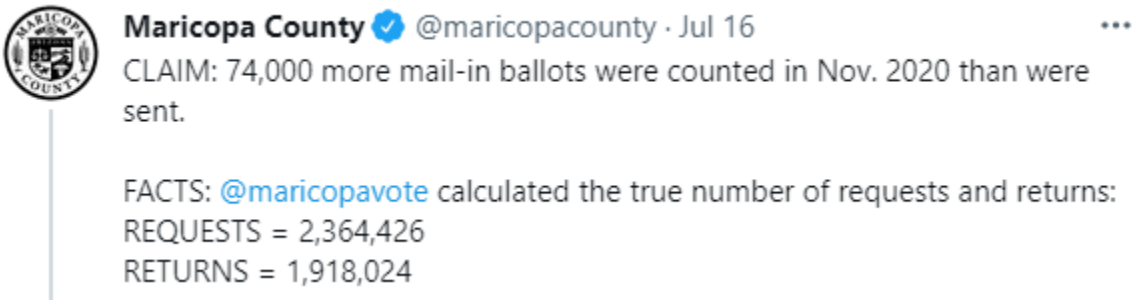


It's none of the business of Maricopa County whether or not Cyber Ninjas is going outside the scope of work. Their only role is to comply with the subpoena. That's it.

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



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.

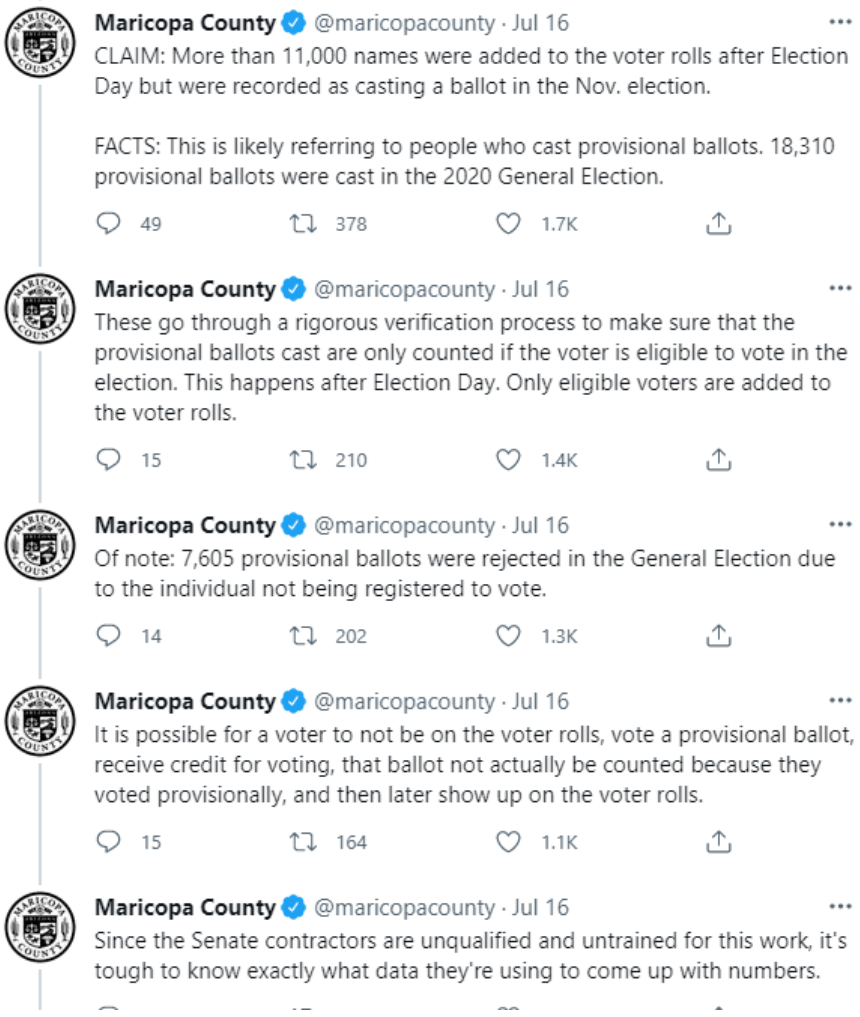
> **Maricopa County Elections Department** @Mari... · Oct 26, 2020
>
> MARKING YOUR BALLOT: Did you know you can use a black or blue ballpoint pen and even sharpie to mark your ballot? Even if there is bleed through it won't impact counting because our upgraded ballots have off-centered columns and our new tabulators only read the ovals. Learn more:
>
> Show this thread

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.

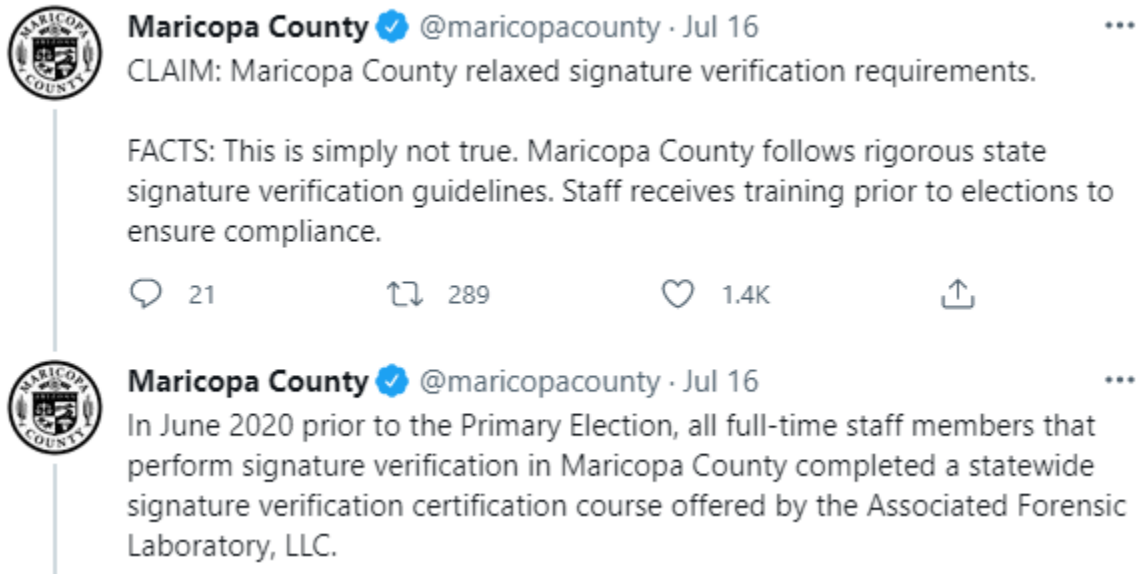
We must codify reporting that identifies how many provisional votes were cast but rejected for each race. Why is this not part of the final official election report?

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



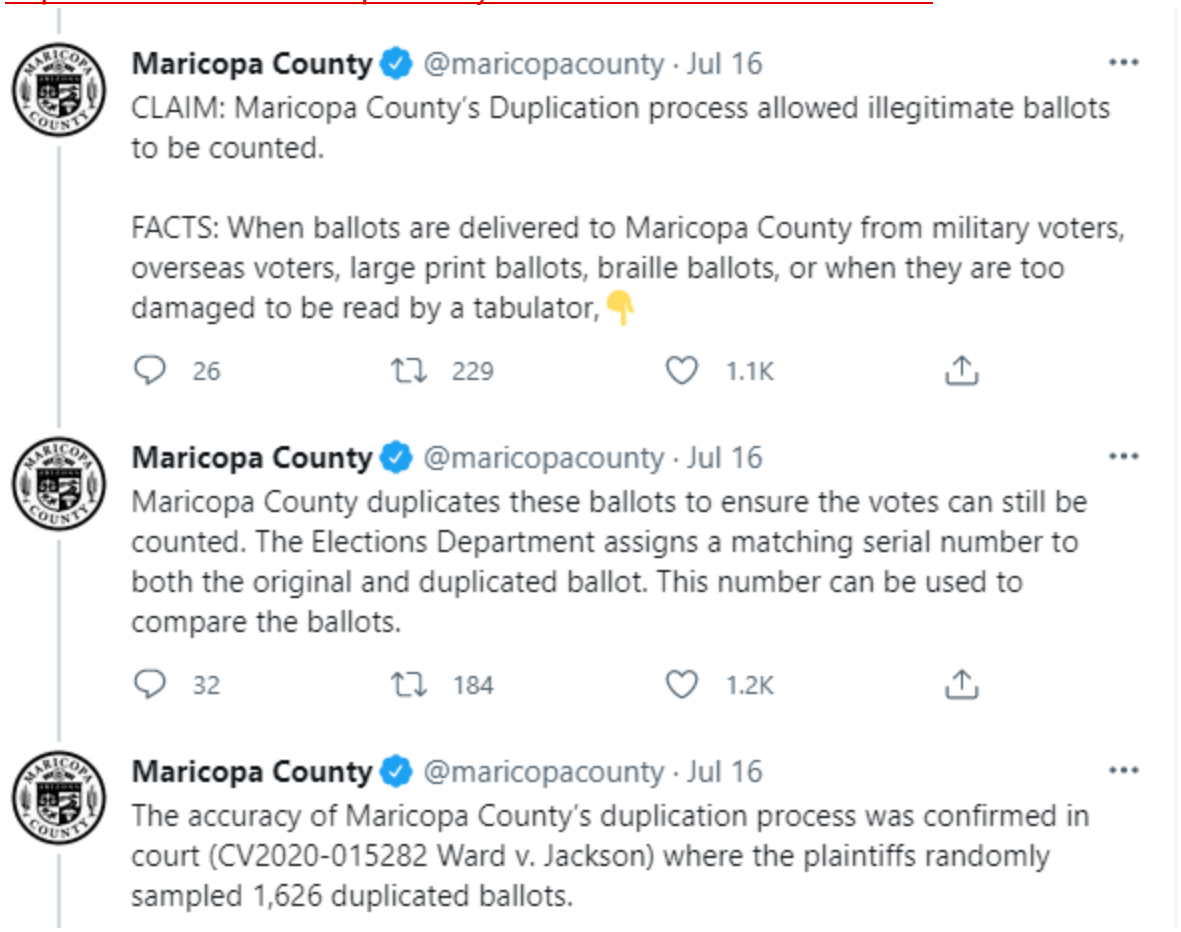
Maricopa County cannot possibly follow a true "rigorous signature verification process" because they accepted the signature and ballot for a deceased voter with a forged signature that led to an indictment by Gen. Brnovich.

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



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

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

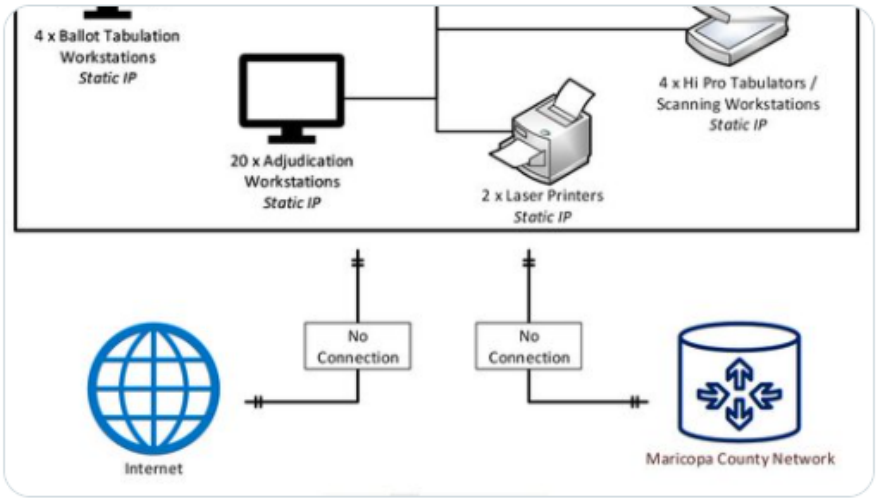
CLAIM: Maricopa County's Tabulation System is connected to the internet.

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

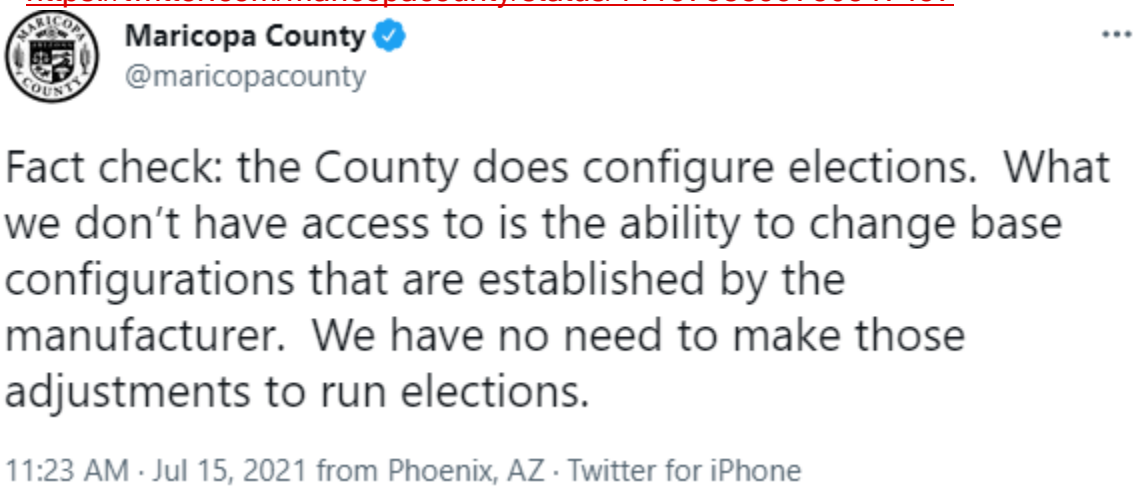
CLAIM: MC's Tabulation System was hacked during the Nov. General Election.

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



Dominion provides essential election management type software. Their software should not be treated as non-essential accessorial software such as Microsoft Word or Excel. Dominon 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.

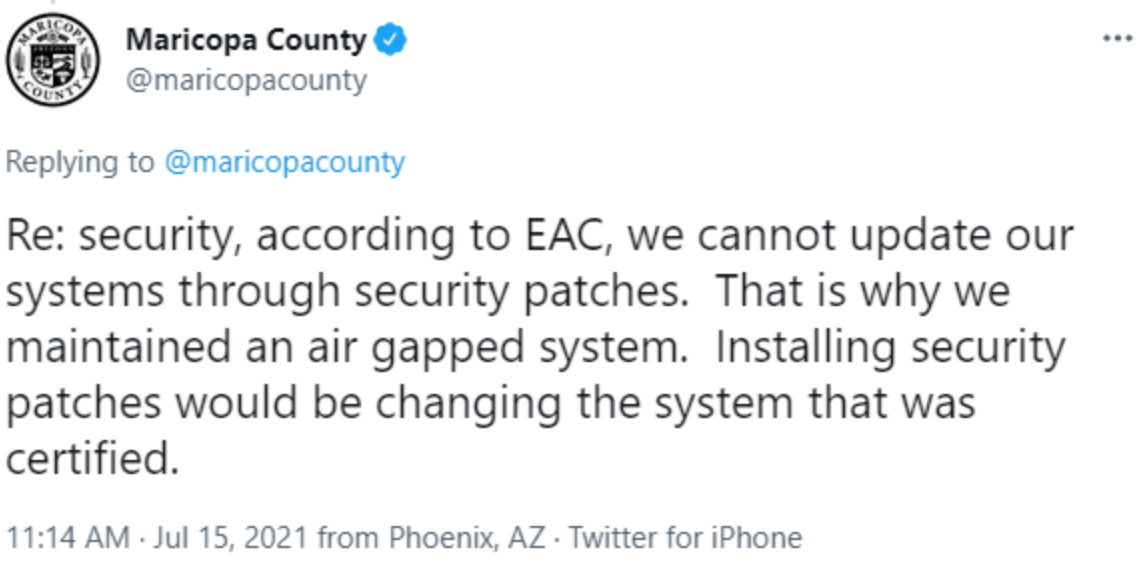
10. ELECTION AUDITOR CERTIFICATION

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

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



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

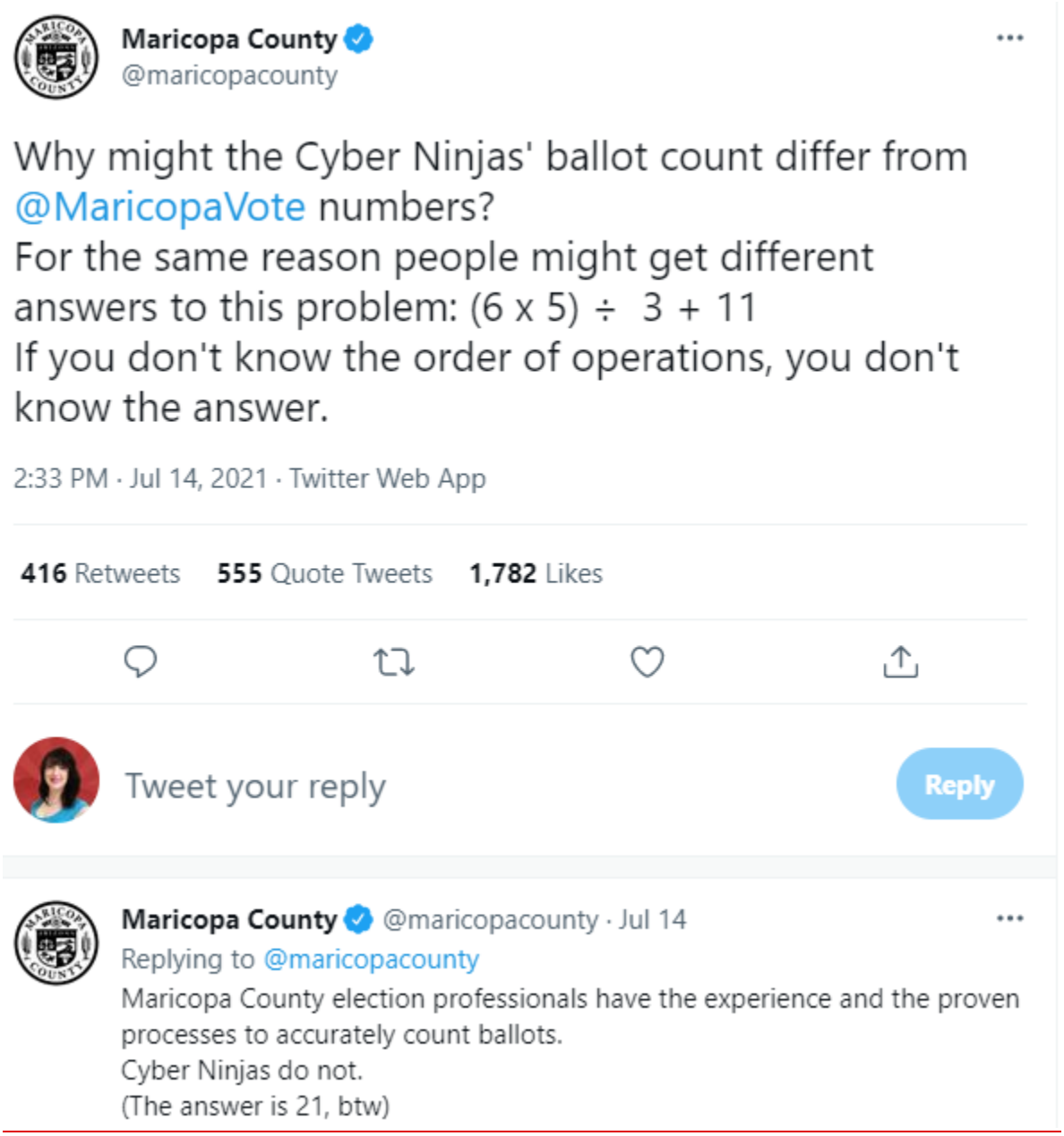
12. DELETED FILES

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

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

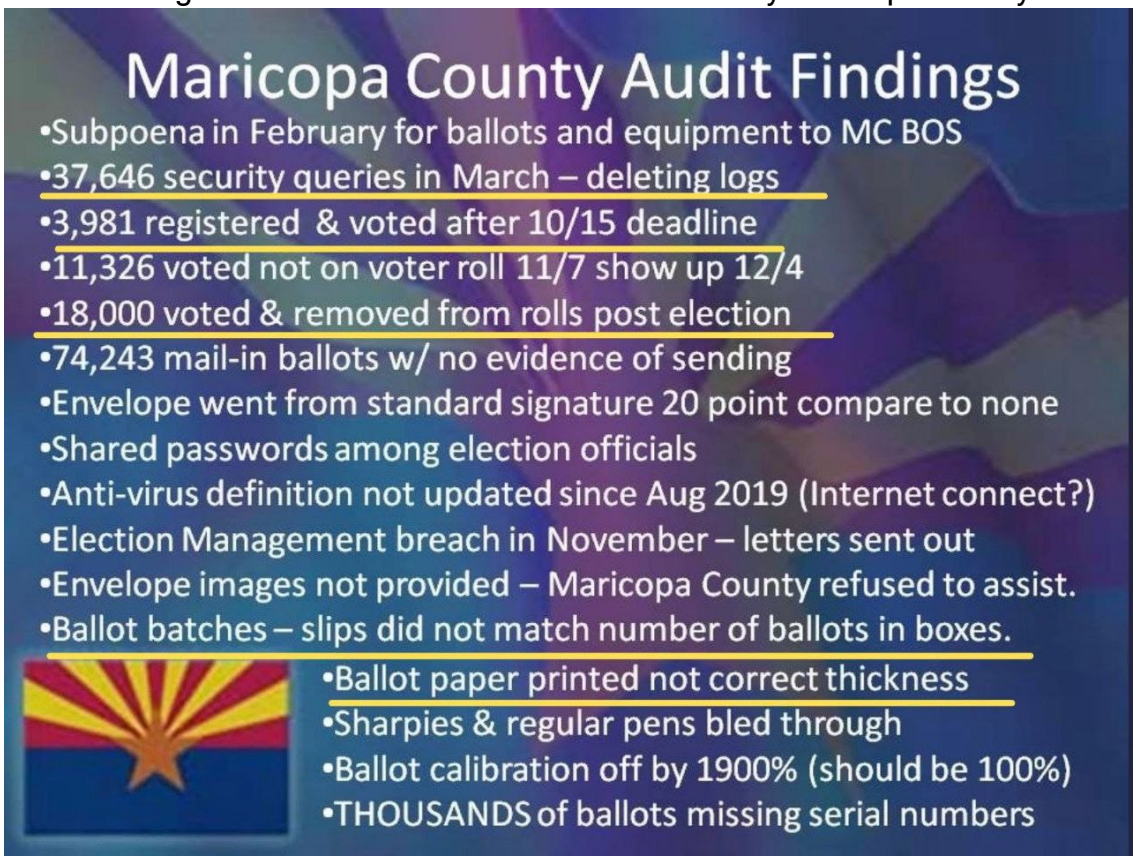
https://twitter.com/maricopacounty/status/1415424125149990912



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.



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.*