



How the Arizona Senate Audit in Maricopa County Is an Assault on Voting Rights

A Comprehensive Chronology of the 2020 Arizona Election Process and State Senate Audit

JULY 1, 2021 – RALPH NEAS, RICHARD A. GEPHARDT, TIMOTHY E. WIRTH, GARY HART AND ANTHONY ESSAYE

How the Arizona Senate Audit in Maricopa County Is an Assault on Voting Rights

A Comprehensive Chronology of the 2020 Arizona Election Process and State Senate Audit

The continued proliferation of “The Big Lie,” the baseless claim that the 2020 presidential election outcome was the result of massive fraud and other electoral misconduct, is being used as cover to attack American democracy and significantly weaken the laws that protect Americans’ ability to cast their votes and have their votes count. This false narrative was the rallying cry for the January 6 insurrection at the nation’s Capitol and has been used as the justification for numerous initiatives by state legislatures to alter their election laws to seriously hinder or even outright deny the voting rights of U.S. citizens.

Now comes the audit of the 2020 election results in Maricopa County, Arizona, ordered by the Republican majority of the Arizona Senate in April 2021, representing one of the most recent attempts to undermine the integrity of America’s electoral process. Not only is the audit being conducted in service of baseless claims about the election, but the audit process and its eventual results may be utilized to undermine popular confidence in our electoral system nationwide, thereby enabling the disenfranchisement of millions of Americans.

This chronology provides a fact-based account of the 2020 election process in Maricopa County and the subsequent review of that process initiated by the Arizona Senate majority. The chronology represents a comprehensive review of pertinent legal, administrative, and political events in Arizona, and each entry includes a link to the source or sources on which it is based. As such, the chronology provides readers with an in-depth understanding of the relevant facts and circumstances, and demonstrates beyond doubt that the 2020 election results in Arizona—in Maricopa County and elsewhere—were legitimately counted and certified, without material abnormalities.

In particular, the chronology demonstrates:

- that the Maricopa County and statewide Arizona electoral authorities took all steps needed to ensure that the county’s November 3, 2020 electoral ballots were accurately counted and that the results were correctly reported, including verification steps that exceeded those called for under Arizona law;

This report can be found online at: <https://tcf.org/content/report/arizona-senate-audit-maricopa-county-assault-voting-rights/>

- that the process for designation of the Arizona presidential electors took place in full compliance with federal law and the state’s eleven electoral votes were correctly certified for Joe Biden;
- that prior to the initiation of the Arizona Senate audit, the courts in multiple lawsuits brought by the Arizona Republican Party and others seeking to challenge the election results found no evidence of fraud or of failings in the Arizona electoral system—nor was there any other occurrence that would warrant a further recount;
- that the instigation of an audit of Maricopa County’s election returns was based on a desire to further The Big Lie that Donald Trump won the 2020 election and that Joe Biden is therefore an illegitimate president, as reflected in particular by recent disclosure of the Arizona Senate president’s post-election communications with Trump attorney Rudy Giuliani and others advocating measures that would support this contention;
- that the great majority of the funding for the audit has come from individuals and organizations associated with the propagation of baseless claims about the election;
- that the company contracted by the Arizona Senate to carry out the audit and its principal subcontractor had virtually no experience in conducting electoral audits and that their selection was based not on their independence but rather on their association with proponents of false election claims;
- that the subsequent performance by these companies in the conduct of the audit has included the use of unqualified personnel, failure to maintain ballot security, unorthodox ballot counting procedures, flawed forensic review based on conspiracy theories, false claims about Maricopa County officials destroying materials, inconsistent internal audit procedures, attempted exclusion

of unbiased press reporting, and other actions that raise serious doubts about the credibility of anything these companies report; and

- that, rather than bolstering confidence in the American voting system through a competent, independent, and unbiased review process, the audit initiated by the Arizona Senate undermines America’s electoral process and thereby threatens the very foundation of our democracy: the integrity of the vote.

The Chronology: November 2020–June 2021

November 3, 2020: Election Day

Fox News [calls](#) Arizona for Joe Biden at 11:20 PM EST.

Jared Kushner phones Rupert Murdoch to [complain](#) about Fox’s Arizona election call.

AP [calls](#) Arizona for Biden at 2:51 PM. EST November 4.

November 4, 2020

Within hours of polls closing, [false allegations](#) that ballots marked with Sharpie permanent markers could not be read by scanning machines began to go viral, first statewide, then nationally. Despite [refutations by election officials](#), the “SharpieGate” conspiracy became a talking point for those who sought to invalidate the results of the election, including [members of the Trump family](#).

November 9, 2020

Under Arizona Election law ([A.R.S. 16-602](#)), county election officials are required to conduct a bipartisan hand count of a sample of ballots to ensure the accuracy of the voting machines. The counties report the results to the Arizona secretary of state. Under Arizona law, the state Vote Count Verification Committee establishes the designated, acceptable margins for conducting hand counts. Ten of the fifteen Arizona counties conducted hand count audits between November 4 and November 7 and all ten audits [passed](#). Maricopa County [completed and passed](#) its hand

count on November 4, 2020. The Arizona Secretary of State Katie Hobbs reported that, in Maricopa County, “[No discrepancies were found](#)” by the Hand Count Audit Board.

Arizona Senate President Karen Fann [sends a letter](#) to Secretary Hobbs expressing general concerns about the fairness of the election, but did not claim that fraud was involved. She also called specifically on Maricopa County to expand its hand count audit above the legally required 2 percent of ballots cast to 5 percent.

November 11, 2020

Decision Desk HQ [calls](#) Arizona for Biden.

Arizona Republican Attorney General Mark Brnovich states in an [interview](#) that Biden will win the election.

November 11–13, 2020

[NBC](#), [ABC](#), [CNN](#), and [The New York Times](#) call Arizona for Biden.

November 18, 2020

As required by law, the Maricopa County Elections Department conducted a post-election [logic and accuracy test](#) (L&A Test) on county voting equipment open to the public via live stream. The L&A Test ensures that no changes were made to any software during the election process. The Maricopa County Board of Supervisors also invited the state of Arizona to conduct its own independent L&A Test.

November 19, 2020

An Arizona Republican Party motion for a preliminary injunction enjoining Maricopa County Board of Supervisors from certifying the ballots is [denied](#).

November 24, 2020

The [State of Arizona Official Canvass](#) for the 2020 General Election is completed and shows that Joseph R. Biden has won the state by a margin of 10,457 votes. (The official declaration of the canvass occurs on November 30.)

During a Tuesday [morning appearance](#) on KTAR’s *The Mike Broomhead Show*, Republican Governor Doug Ducey said he expected the state to certify Biden’s win and all other election results Monday, November 30: “I’ve said several times: Arizona is a good government state,” Ducey said. “I trust our election system. There’s integrity in our election system. Joe Biden did win Arizona.”

November 30, 2020

Secretary Hobbs and Governor Ducey sign the certificate of ascertainment for presidential electors in the presence of Attorney General Brnovich and Chief Justice Robert M. Brutinel. This certified that the Biden electors received the highest number of votes cast and were duly elected presidential electors. Certification is done pursuant to [Arizona Revised Statutes § 16-648 \(2019\)](#): “On the fourth Monday following a general election, the secretary of state, in the presence of the governor and the attorney general shall canvass all offices for which the nominees filed nominating petitions and papers with the secretary of state.” At the ceremony, Governor Ducey [stated](#): “We do elections well here in Arizona. The system is strong.”


During the certification of the election results, Trump lawyers Rudy Giuliani and Jenna Ellis [hold a conference](#) in a Phoenix hotel, in the presence of nine Republican lawmakers, encouraging the legislature to “take over the conduct of the election.” Giuliani and Ellis had previously been [denied](#) a formal hearing at the Arizona Capitol by the House speaker and Senate president.

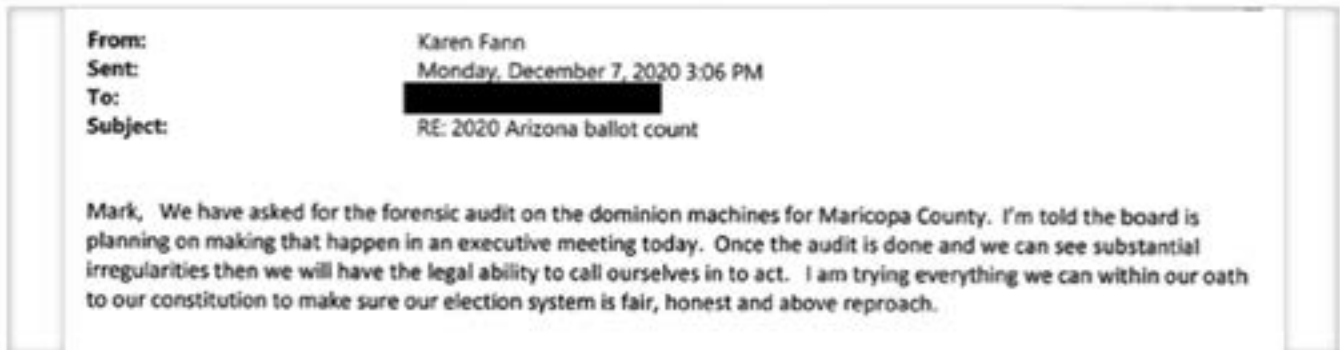
December 4, 2020

Senate President Fann exchanges [emails](#) with One America News Network (OANN) host Christina Bobb in which they discuss a plan for Bobb to forward to Fann various Trump campaign materials from Rudolph Giuliani designed to support allegations of Arizona election fraud. (See pages 309–64 of the collected emails.)

Senate President Fann and House Speaker Rusty Bowers call for an independent audit of Maricopa County Dominion election equipment.

FIGURE 1

Dec. 7, 2020 email from Fann: "Once... we can see substantial irregularities then we will have the legal ability to call ourselves in to act" 



Annotated by Communications Team

December 7, 2020

Fann writes an [email](#) that states that the Senate will await the county's audit results, and if the reports show irregularities, the chamber would take further action (see Figure 1).

December 8, 2020

The federal "safe harbor" [deadline](#) to determine electors passes: "such determination made pursuant to such law so existing on said day, and made at least six days prior to said time of meeting of the electors, shall be conclusive, and shall govern in the counting of the electoral votes as provided in the Constitution" (3 U.S. Code § 5).

November–December, 2020: The Principal Cases

Following the election, Trump organizations and supporters filed various lawsuits in Arizona alleging fraud and other electoral misconduct. None of them succeeded. The following are summaries of the principal cases and their disposition.

[Ward. v. Jackson et al.](#), a case brought by the Arizona Republican Party chair challenging the Biden victory. The Arizona Supreme Court unanimously affirmed on December 8, 2020, the findings of the trial court that no evidence had been presented reflecting any fraud or misconduct in the

vote calculations in Maricopa County nor did human error meaningfully affect the election outcome.

The trial court had allowed signature forgery experts chosen by both parties to examine a sample of 100 mail-in votes, and the experts found no evidence of fraudulent signatures. In addition, the trial court allowed inspection of a sample of 1,626 ballots out of the 27,869 ballots that had required individual scrutiny by county election staff. This review found a net gain of six votes for Trump, which if applied over the entire 27,869 ballots would result in a net gain of 103 votes.

The plaintiff thereafter sought review by the U.S. Supreme Court, which was denied.

Various other cases brought in state and federal courts seeking to overturn the election results were also rejected by the courts, including:

- [Bowyer v. Ducey](#), a case brought in the Federal District Court in Arizona seeking to set aside the Arizona electoral results on the grounds of fraud, illegality and statistical impossibility. After review of the evidence provided, the court held, among other things, that such allegations need to be supported by clear and conclusive facts but were "sorely wanting of relevant and reliable evidence."

Accordingly, the case was dismissed on December 9, 2020, with the court stating “allegations that find favor in the public sphere of gossip and innuendo cannot be a substitute for earnest pleadings and procedure in federal court. They most certainly cannot be the basis for upending Arizona’s 2020 General Election. The Court is left with no alternative but to dismiss this matter in its entirety.” The plaintiffs then sought a writ of mandamus from the United States Supreme Court, which was denied on March 1, 2021.

- [Arizona Republican Party v. Fontes](#), a case brought in the Superior Court of Arizona claiming that the post-election ballot sampling process in Maricopa County had not been carried out in a manner that accorded with state law and required being redone. In considering the issue, the court noted that the process had involved Republican, Democratic, and Libertarian party appointees hand-counting 2,917 ballots cast on voting machines and 5,000 mail-in ballots, with the results matching completely with the machine tabulations. The court denied the relief sought and also ordered the plaintiff to pay the defendant’s attorney’s fees. In doing so, the court stated: “Arizona law gives political parties a privileged position in the electoral processes on which our self-government depends. The public has a right to expect the Arizona Republican Party to conduct itself respectfully when it participates in that process. It has failed to do so in this case.” An opinion elaborating upon the November 18 dismissal was entered on December 21, 2020.
- [Aguilera v. Fontes](#), a case brought in the Superior Court of Arizona by voters who allegedly experienced difficulties in voting and sought, among other things, a declaratory judgment that Arizona election officials failed to acquit their obligations under state law to conduct an effective and impartial election. Specifically, the officials allegedly failed to: maintain statutorily compliant electronic voting systems, afford plaintiffs with

appropriate opportunities to correct mistakes, and allow sufficient access to poll watchers; thus they allegedly failed to “ensure a maximum degree of correctness, impartiality, and uniformity of election procedures”—failures that interfered with related constitutional rights. After review, the court dismissed the case on the basis, among others, of a “failure to produce evidence demonstrating entitlement” to the relief sought.

- [Donald Trump for President v. Hobbs](#), a case brought in the Superior Court of Arizona alleging systematic poll-worker errors through providing voters with Sharpie pens that potentially caused their ballots to be misread by the voting machines and then failing to address this problem. On November 13, 2020, plaintiffs filed a Motion of Partial Mootness once it was clear that the margin of the Biden victory exceeded the number of votes at stake in the lawsuit. The case was accordingly dismissed.

Further information on these and other cases brought to challenge the Arizona election results may be found by the [Brennan Center](#), the [States United Democracy Center](#) and the [Stanford-MIT Healthy Elections Project](#).

December 14, 2020

Arizona’s presidential electors [convene](#) and sign the official certificate of vote for Joe Biden and Kamala Harris. To ensure the safety of the electors, the Electoral College meeting is held at an [undisclosed location](#).


December 15, 2020

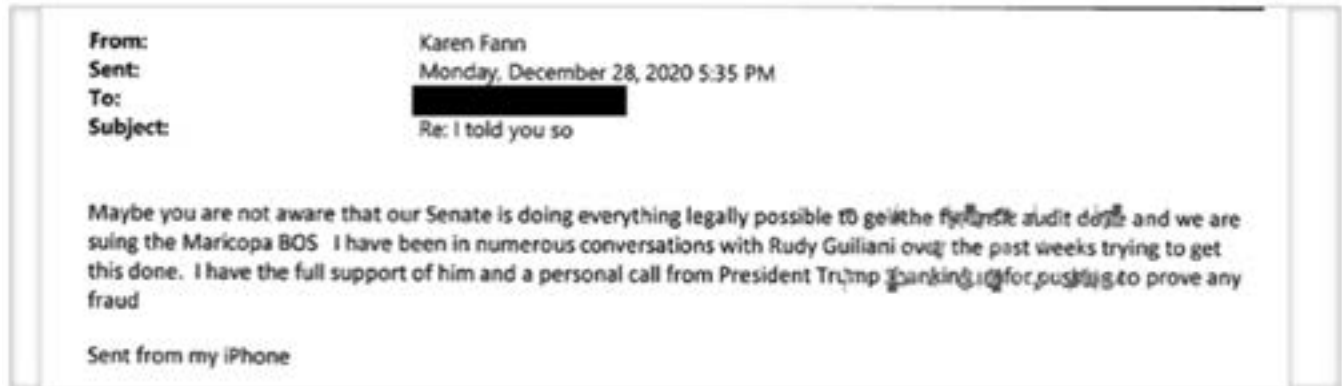
Karen Fann [directs](#) Arizona Senate Judiciary Committee Chairman Eddie Farnsworth, without any vote in the Senate, to issue subpoenas to the Maricopa County Board of Supervisors to turn over voting equipment and ballots.

December 28, 2020

Senate President Fann [emails](#) a constituent indicating that the Senate effort has the full support of President Trump and Trump lawyer Rudolph Giuliani (see Figure 2)

FIGURE 2

Dec. 28, 2020, email from Fann: "I have been in numerous conversations with Rudy Guiliani [sic] over the past weeks trying to get this done. I have the full support of him and a personal call from President Trump thanking us for pushing to prove any fraud." 



Annotated by Communications Team

January 6, 2020

The joint session of Congress held to count electoral votes and declare official election results is disrupted by rioters, who attack the Capitol and cause Congress to suspend the electoral vote count. After order is restored, Congress reconvenes and Vice President Mike Pence officially announces that Joe Biden was the winner of the 2020 presidential election at 3:44 AM EST the following day.

The Senate voted [against](#) sustaining the objection to Arizona's electoral votes by a vote of 6–93. The House voted [against](#) sustaining this objection by a vote of 121–303.

January 19, 2020

Two Fox News executives responsible for the election night call for Biden [leave](#) the network.

January 20, 2020

Joseph R. Biden, Jr. is inaugurated as 46th president of the United States.

January 27, 2020

After negotiating with the Arizona Senate, the Maricopa County Board of Supervisors [votes unanimously](#) to approve a forensic audit of ballot tabulation equipment. The county hires Pro V&V and SLI Compliance, “two independent

firms certified by the U.S. Election Assistance Commission, to each independently audit the tabulation equipment.” As an added measure of transparency and accountability, “Leadership from both the House and Senate, members of all three political parties, and representatives from the Arizona Secretary of State’s Office and Attorney General’s Office will be invited to observe.

January 29, 2020

Before the Maricopa County audit begins, Senate President Fann [announces](#) that the Arizona Senate is not satisfied with the scope of the audits and has hired its own contractor to conduct a review of the subpoenaed ballots. (The Arizona Senate Republican Caucus issues a [statement](#).)

February 8, 2020

Arizona Senate [deadlocks](#) 15-15 on whether to hold the Maricopa County Board of Supervisors in contempt for failing to turn over voting machines and ballots. It is the only vote held by the Senate on the audit and it failed to pass.

February 23, 2020

Results of the two official Maricopa County audits are [announced](#), finding no irregularities. SLI Compliance issues its [forensic audit report](#), Pro V&V issues its [field report](#) and Maricopa County Government posts its account of the audit.

Note: The U.S. Election Assistance Commission established an accreditation process for voting system laboratories; the only two companies currently [certified](#) are Pro V&V and SLI Compliance.

February 24, 2020

Senate President Fann responds to the results of the Maricopa County audits, [claiming](#) that there are still allegations of serious problems. Fann also claims that “tens of thousands of ballots” may be unaccounted for.

February 25, 2020

A Maricopa County Superior Court judge [rules](#) that the Arizona Senate is within its rights to subpoena ballots for review.

March 31, 2020

The Arizona Senate announces that Sarasota, Florida-based Cyber Ninjas, Inc., a cybersecurity firm with [no experience](#) in election auditing, will lead an audit of the ballots cast in Maricopa County in the 2020 election. The Arizona Senate indicates it will pay Cyber Ninjas \$150,000 for the work, but millions more have been raised from private individuals and organizations. The basis for choosing Cyber Ninjas was done without public explanation despite two more qualified applicants. Fann and her staff had solicited several firms and received two proposals, one for \$415,000 from Clear Ballot, a vote counting firm that has [conducted hundreds of audits](#) around the country for over thirteen years. A second, from cybersecurity firm Intersec Worldwide, was for approximately [\\$8.05](#) million.

The principal subcontractor hired by Cyber Ninjas, Inc. is Wake Technology Services, Inc. (Wake TSI), a company with [very limited](#) experience on election matters. Wake TSI had previously been [hired](#) by Trump Campaign lawyer Sidney Powell’s group, Defending The Republic, as a subcontractor to audit election equipment in Fulton County, Pennsylvania, at the request of State Senator Doug Mastriano, who was among the crowd outside the Capitol during the January 6 insurrection and who would later tour the Maricopa audit site (see June 2, 2021).

April 6, 2020

Voters rights groups [write a letter](#) to Cyber Ninjas CEO Doug Logan warning him that confronting voters face-to-face through a door-knocking campaign under color of law is a violation of state and federal law.

April 22, 2021–June 2021 (Ongoing): Conduct of Senate Republican Audit

Ballot Counting

The hand recount of Maricopa County ballots [deviates](#) from standard procedures. As previously noted, Cyber Ninjas, the firm hired to coordinate the Arizona Senate effort, had [no prior experience](#) in this area. For example:

- *Pens*: It was [reported](#) that vote counters were initially given blue pens, rather than red. Blue ink can be read by ballot marking devices and could be conceivably used to ruin or falsify ballots by volunteers. An Arizona newspaper reporter had to convey this information to Doug Logan, head of Cyber Ninjas, who was unaware.
- *Counting procedures*: Prior to the start of the audit, Logan [confirmed](#) that there were no procedures set up to ensure bipartisan counting boards, a practice which is standard for normal hand counts. Additionally, volunteers were instructed to read their current tally aloud several times during the count; under Arizona law, tallies should be documented independently and not compared until the end of each batch.
- *“Lazy Susans”*: In an effort to speed up the process, ballots are presented to volunteers working six-hour shifts on [rotating conveyors](#) resembling a lazy Susan (a spinning, elevated table tray). This method is not standard for audits or recounts, as it creates time pressure on the vote counters to evaluate each ballot before it passes through the system.

Forensic Investigations

This component of the effort, guided by baseless conspiracy theories that allege foreign or domestic meddling, tasks untrained volunteers to identify and separate ballots which supposedly have been compromised.

- *Watermarks:* Initially, ballots were scanned with ultraviolet lights to test for watermarks that could purportedly prove or disprove the legitimacy of the paper on which they were printed, based on a QAnon [theory](#) alleging that all official ballots would carry watermarks, whereas fake ballots would not. The Maricopa County Elections Department has [stated](#) that it does not use such markings.
- *Bamboo fibers:* Stemming from another [theory](#) claiming that 40,000 ballots were flown in from Asia, volunteers have been tasked with inspecting ballots for bamboo fibers. According to the *Washington Post*, the methods being used by volunteers would not be sufficient to detect bamboo fibers, even if they did exist.
- *Paper examination process:* The technology being used to examine ballots for folds or markings which may indicate the vote was cast fraudulently was [developed](#) by Jovan Pulitzer, known for creating what has been called the “[worst gadget of all time](#)”. One veteran audit observer [wrote](#) that, in her experience as a local election official, voters will fold a ballot “any which way,” and often get substances like coffee and food on their mail-in ballots.

Involvement of persons challenging the election results:

- *OANN and Christina Bobb:* The access given to OANN to cover the recount effort presents an array of conflicts of interest. OANN is a conservative news outlet which has [repeatedly peddled](#) conspiracy theories claiming that Biden’s wins in Arizona and other states were illegitimate.

As noted above, [emails](#) reveal that Christina Bobb, a former Trump administration Department of Homeland Security official who hosts OANN’s *Weekly Briefing* segment, acted as a liaison between Trump advisor Rudolph Giuliani and Senate President Fann in the weeks following the 2020 election. Bobb provided Fann with materials from Giuliani regarding the Arizona election results (see December 4, above).

Bobb has [played](#) a number of pro-Trump roles since election day: [lawyer](#) for the Trump campaign, OANN reporter covering and raising money for the audit, and informal liaison with President Trump regarding the audit progress.

With respect to the fundraising, Bobb founded an organization, Voices and Votes, which has donated at least [\\$150,000](#) to the audit effort. Bobb has made on-air [fundraising appeals](#) for the audit, and Fann has referred [at least one](#) constituent to the Voices and Votes website. Bobb’s organization is also [funding visits](#) to the Arizona audit by Republican legislators from other states (see June 7, below), though it is unknown what percent of the funds collected have been spent.

- *Doug Logan:* Doug Logan is the CEO of Cyber Ninjas, the firm hired by the Arizona Senate to conduct the audit. Tweets from Logan’s deleted Twitter account indicate that he supports “[stop the steal](#)” sentiments. Logan previously authored a [document](#) for Sidney Powell, a pro-Trump attorney, which encouraged U.S. senators to vote against the January 6 certification of the Electoral College votes based on unsubstantiated claims of fraud.

In late 2020, Logan worked to investigate claims of fraud while staying at a property owned by pro-Trump attorney L. Lin Wood, who, along with Powell, filed several post-election [lawsuits](#) on behalf of the Trump campaign. Wood’s nonprofit organization has since [donated](#) at least \$50,000 to the recount effort.

- *Others:* Patrick Byrne, the pro-Trump former CEO of Overstock.com whose Twitter account was [suspended](#) for inciting election violence, has [reportedly](#) donated \$500,000 of his own money to the audit, and through the America Project, which he co-founded with former general Michael Flynn, raised another \$1.2 million from unknown sources.

Arizona State Representative Mark Finchem, a pro-Trump candidate for Arizona secretary of state who denies the outcome of the 2020 election, [has stated](#) that his organization, Guardian Defense Fund, is “paying money for additional security at the site.”

Former Republican State Representative Anthony Kern [volunteered](#) as a counter for the effort, though he appeared as a candidate on the ballots being counted. Kern lost his 20th District seat in 2020, and [appeared](#) at the January 6 riot at the U.S. Capitol.

False claims:

- *Destruction of data:* On May 12, 2021, the @ArizonaAudit account [tweeted](#): “Maricopa County deleted a directory full of election databases from the 2020 election cycle days before the election equipment was delivered to the audit.” On the same day, Senate President Fann wrote a [letter](#) to Maricopa County Board of Supervisors Chairman Jack Sellers alleging that an entire database directory that was required by the subpoena had been deleted.

In reality, the files had not been erased. The firm hired by the Arizona Senate had merely been unable to access the data. The County Recorder’s Office wrote in their [response](#) to Fann’s letter: “The failure of the Senate’s so-called ‘auditors’ to locate files on a copy they made of the County’s server speaks more to their ineptitude than it does to the integrity of our dedicated employees.” In a separate [letter](#), the Board of Supervisors called Fann’s claims “false, defamatory, and beneath the dignity of the Senate.”

- *Chain of custody:* In the May 12 letter mentioned above, Fann accused the county of breaking the chain of custody of ballots. However, on April 29, 2021, Senate liaison and former Arizona secretary of state Ken Bennett [approved](#) a Chain of Custody Document that included signed manifests and delivery load information, affirming that the Senate accepted the materials and that they were satisfactorily secure.

Exclusion of Press

Though Senate President Fann has made [statements](#) emphasizing the importance of transparency in the GOP recount effort, Cyber Ninjas, the firm hired by the Senate, initially sought to keep its policies and procedures a secret from the public and the press. The firm also asked the court to block reporters from covering court proceedings. Both of these requests were [denied](#) by a Superior Court judge.

Nevertheless, local reporters have been forced to watch the audit from a [prohibitive distance](#), or have been [barred completely](#) from the process. Local media had to [file a lawsuit](#) in order to gain access to the audit as anything more than observers working in six-hour shifts. On April 30, 2021, Ryan Randazzo, an *Arizona Republic* reporter, was [kicked out](#) of the audit site by Wake TSI after revealing that former state representative Anthony Kern (mentioned above) was present at the facility and reviewing 2020 ballots on which his name appeared. Ballot details were not discernible in Randazzo’s photograph.

Though local and state media have found difficulties covering the audit, OANN has been granted unusual access. On April 21, 2021, it was revealed that OANN would be the [sole livestreaming partner](#) for the recount effort. As mentioned above, Bobb’s nonprofit organization, Voices and Votes, has [donated](#) at least \$150,000 to fund the audit; and Bobb herself has made fundraising appeals on air.

Security

- *Physical security concerns:* According to observer [reports](#), security gates and ballots have been left unattended, unauthorized pens and cell phones have been spotted near ballot counting areas, and firearms are allowed on the audit site floor. In a May 5 letter to Senate President Fann, Secretary Hobbs [succinctly](#) described the status of the Senate audit security situation: “The risk to the physical security of the ballots, and any remaining election equipment, is heightened now that the Crazy Times Carnival is operating alongside the Senate and Cyber Ninjas at the Coliseum, and you have stated ballots may remain stored at the Coliseum while various high school graduation ceremonies are conducted in the same facilities.”

- *Cybersecurity concerns:* Software malfunctions have [reportedly](#) forced Cyber Ninjas to create data backups mid-day. Data collected by the firm has been sent to a residential Montana address ([described](#) as a “cabin”) owned by Ben Cotton, the founder of CyFIR, a subcontractor for Cyber Ninjas, who was also [responsible](#) for the false claims of deleted data mentioned above.

- *Social media access:* For a period, the official Twitter account for the effort, @ArizonaAudit, was being run by “kind of a committee” of volunteers, [according](#) to Senate Liaison Ken Bennett. Officials were temporarily unable to regain control of the account, or even log in, after it began sending “inflammatory tweets and outlandish statements.”

- *Voter intimidation concerns:* A [letter](#) from the U.S. Department of Justice (see May 5, below) to the leaders of the audit effort expresses concern that Cyber Ninjas may have been “working ‘with a number of individuals’ to ‘identify voter registrations that did not make sense, and then knock on doors to confirm if valid voters actually lived at the stated address.’” The letter suggests that this practice would be in violation of [Section 11\(b\)](#) of the Voting Rights Act, which outlaws voter intimidation.

April 28, 2021

Over objections from the Cyber Ninjas that its procedures should remain secret, a Maricopa County Superior Court judge [rules](#) that Cyber Ninjas must publicly disclose its procedures for ensuring voter privacy. Cyber Ninjas releases three short documents covering (1) [floor counting procedures](#), (2) [evidence handling](#), and (3) [digital evidence](#). The documents do not appear to all be relevant to voting or auditing.

May 5, 2021

A [letter](#) from Secretary Hobbs is sent to Arizona Senate Liaison Ken Bennett regarding the inadequacies of the Senate audit. The topic headings describing the deficiencies are as follows: (1) procedures are vague and insufficient to ensure accuracy and consistency; (2) counting process incorporated untested, uncertified systems; (3) counting process departs from best practices for accurate hand tallying; (4) procedures do not detail a clear process for aggregation; (5) procedures fail to adequately protect and document chain of custody; (6) “forensic audit” of ballots lacks any credibility or basis in actual election operations; and (7) no procedures for hiring qualified, unbiased counters.

In addition, the letter states that the Senate audit, based on observer reports, was also deficient in the following areas: (1) inadequate physical security of ballots; (2) no livestreaming or observer access to the forensic processing of election equipment; (3) computers at “forensic analysis” tables left unattended; (4) risk of commingling counted and uncounted ballots in a batch, leading to some ballots being double-counted and others not being counted at all; (5) constantly changing rules cause confusion and counting errors, and undermine the reliability of the results; and (6) frequent violations of the limited procedures and disregard for best practices or basic security.

Pamela Karlan, principal deputy assistant attorney general in the Civil Rights Division of the U.S. Department of Justice, sends a [letter](#) to Senate President Fann expressing concern that the audit was violating federal statutes regarding the safeguarding of federal ballots and that the statement of work proposed by Cyber Ninjas raised concerns of voter intimidation.

May 7, 2021

Senate President Fann sends a [letter](#) to Karlan responding to the May 5 letter, denying that the audit was not safeguarding ballots and stating that the plan to canvass individual voters had been indefinitely deferred.

May 11, 2021

Voting Booth, a program of the Independent Media Institute, [reports](#) that the Arizona Senate's hand count of 2020 ballots is unlikely to match the official election results certified by the state due to the Senate audit's imprecision at key junctures of its process.

May 12, 2021

As noted above, Senate President Fann sends a [letter](#) to Jack Sellers, chairman of the Maricopa County Board of Supervisors, accusing the county of, *inter alia*, noncompliance with legislative subpoenas, failure to comply with chain of custody practices, and deletion of election files.

Audit spokesman Ken Bennett announces that the official Twitter account of the audit is [back under official control](#) after he had handed over control to “kind of a committee” of unnamed individuals that had been making “inflammatory tweets and outlandish statements.”

May 14, 2021

Grant Woods, former Republican Arizona attorney general, [calls](#) the Senate audit effort a “clown show” and a “joke.”

May 17, 2021

The Maricopa County Board of Supervisors (of which four of the five members are Republicans) unanimously approves a [letter](#) to Senate President Karen Fann calling on her to end the hand recount of ballots which began April 23, with board chairman Jack Sellers [describing](#) the election review as “a grift disguised as an audit.”

May 19, 2021

Jan Brewer, former Republican governor of Arizona, criticizes the audit on a [radio show](#), saying “I think they should maybe just call it quits. I don't think that it's going to serve any purpose. It's not going to change the election,” and

that “the votes have been certified. Biden is the president. It's not changing. I say move on.”

May 21, 2021

Jeff Flake, former Republican U.S. senator from Arizona, [says](#) that the Arizona Senate effort is “amateur hour” and “horrible for democracy.”

May 22, 2021

An analysis of every vote cast by a longtime election observer and election technologists familiar with vote-counting data [finds](#) that the original vote count was accurate.

May 24, 2021

Republican Maricopa County Auditor Stephen Richer, elected in 2020, [compares](#) the Arizona Senate effort to an incompetent and predetermined tax assessment (see Figure 3).

May 25, 2021

Wake TSI [withdraws](#) from the recount effort, thus disrupting any continuity or consistency of the auditing process. Little explanation except expiration of contract is offered. [StratTech Solutions](#), a company that reportedly has been assisting with the effort since the beginning, takes over using the procedures established by Wake TSI.

June 2, 2021

Three state legislators from Pennsylvania—Senator Doug Mastriano, Senator Cris Dush, and Representative Rob Kauffman—[visit](#) the audit site in Phoenix and are shown around the facility by Cyber Ninjas CEO Doug Logan.

Afterward, one of the legislators, Senator Dush, [says](#) he “absolutely, without question” wants an audit like the one in Maricopa County to be replicated in Pennsylvania, despite election experts identifying “major flaws in the process.”

June 6, 2021

Conservative talk radio host Mike Broomhead, who once backed the audit, [pivots](#) his position and accuses Republicans of “turning this into the sideshow at the state fair.”

FIGURE 3



Bill Gates, a Republican Maricopa County supervisor, [says](#) that the nature of the proceedings has thoroughly undermined the purported goal of the audit, stating: “I don’t see how anyone in their right mind can argue what’s been going on at the coliseum is instilling any voter confidence.” Gates also questions why the process isn’t being called out by other Republicans.

June 7–13, 2021

Current and former Republican officials and candidates from various other states [visit](#) the site. An organization founded by OANN reporter Christina Bobb has [reportedly financed](#) the travel expenses of at least four of these visitors.

Among the visitors [were](#) Alaska State Representative David Eastman; Georgia State Representative Vernon Jones; Colorado State Representative Ron Hanks; and Virginia State Senator Amanda Chase, all of whom participated in pro-Trump events in Washington, D.C. that preceded the January 6 riot at the U.S. Capitol, in addition to the aforementioned Pennsylvania State Senator Doug Mastriano of Pennsylvania.

June 9, 2021

[Reports](#) emerge of a division within the ranks of officials in charge of the audit, with Senate President Karen Fann and former Secretary of State Ken Bennett supporting the hiring of a California firm, Citizens Oversight, to conduct a digital analysis of Maricopa County ballot images, while others, including State Senator Kelly Townsend and anonymous online moderators of a Telegram account opposing any additional review of the ballots.

June 11, 2021

A team of experienced election auditors, including [Clear Ballot](#) alumni and Republican voting experts, [challenges](#) the Cyber Ninja audit team, [claiming](#) that it can be proven conclusively using publicly available data that Joe Biden won the election in Arizona because GOP voters shunned President Trump.

In their letter, these expert auditors [wrote](#): “We now have the capability to determine the ballot count and vote results for all of the elections on any batch and any box of ballots that were delivered to the [Cyber] Ninjas under the [Senate’s] subpoena, without ever looking at a single ballot.”

Senate President Fann [refuses](#) to respond.

Attorney General Merrick Garland delivers a [speech](#) on voting rights. Speaking about the several states that have recently moved to make voting more difficult, but not mentioning Arizona by name, Garland said “some jurisdictions, based on disinformation, have utilized abnormal post-election audit methodologies that may put the integrity of the voting process at risk and undermine public confidence in our democracy.”

June 13, 2021

Voting Booth [reports](#) that Doug Logan, CEO of Cyber Ninjas, opposes the hiring of Citizens Oversight to conduct a detailed digital review of ballots (see June 9 above). Logan has reportedly sought to stop Ken Bennett, senate liaison and audit spokesperson (who supports the Citizens Oversight review), from talking to press, and discredited Bennett in private conversations with visiting legislators.

June 16, 2021

CNN [investigates](#) the private Montana estate where data from the audit has been trucked across state lines to be “forensically evaluated.”

June 19, 2021

Conservative radio host Mike Broomhead [casts](#) doubt on the effectiveness of the Arizona Senate recount effort, saying that the leaders are “speaking only with people who believed ahead of time that the election was stolen, and they haven’t really produced any evidence to the contrary other than things that have been released on social media,” and that he thinks the audit is “stoking more of a division in the party than it is any kind of unity with voters in Arizona.”

June 22, 2021

MSNBC [reports](#) that the filmmaker who has been allowed access to top officials in order to create a documentary on the audit has also produced films in which interviewees allege that extraterrestrials were responsible for 9/11 and that Nazis occupied the Moon as early as 1939.

The nonpartisan States United Democracy Center releases a [report](#), coauthored by two leading national election experts, that reviews the audit procedures and voting machines and finds a number of defects that call into question any eventual findings by Cyber Ninjas: “Because it lacks the essential elements of a bona fide post-election analysis, the review currently underway in Maricopa County will not produce findings that should be trusted.”

June 23, 2021

CNN [interviews](#) the president and CEO of Runbeck Election Services, Inc., the company that printed and provided nearly all of Maricopa County’s ballots, who says there is “no way” that the ballots could have been watermarked or interfered with in the way that conspiracy theorists have alleged.

June 28, 2021

The Office of the Maricopa County Attorney [announced](#) that the County will not re-use the machines that were subpoenaed for the Senate-sanctioned audit. On May 20, Secretary Hobbs had [expressed](#) concern that the loss of custody and control of the equipment rendered it unusable for future elections. As a result, county or state taxpayers will pay for replacement machines at substantial cost.

July 1, 2021

This chronology is being distributed as of July 1, 2021.

Authors

Ralph Neas is special counsel on voting rights for The Century Foundation; former executive director of the Leadership Conference on Civil and Human Rights, the “Lobbying Arm of the Civil Rights Movement”; president and CEO of People For the American Way; chief legislative assistant to Republican senators Edward W. Brooke and David Durenberger; taught at the University of Chicago Law School, Georgetown University Law Center, and Harvard University’s Institute of Politics; graduate of the University of Notre Dame and the University of Chicago Law School.

Richard A. Gephardt served for twenty-eight years in the United States House of Representatives, representing Missouri’s 3rd Congressional District, home to his birthplace St. Louis. He served as House Democratic leader for more than fourteen years, as House majority leader from 1989 to 1995, and minority leader from 1995 to 2003. Gephardt is president and CEO of the Gephardt Group, providing strategic counsel on federal government relations and domestic and international labor relations issues.

Timothy E. Wirth served for eighteen years in the United States Congress, representing Colorado’s 2nd Congressional District from 1975 to 1987, and as senator from Colorado from 1987 to 1993. He was deputy assistant secretary of education in the Nixon administration, undersecretary of

state for global affairs under President Clinton, was the founding president of the United Nations Foundation, and currently sits on the UNF Board. He is a co-founder of Keep Our Republic.

Gary Hart represented the State of Colorado in the United States Senate from 1975 to 1987. In 1984 and 1988, he was a candidate for his party’s nomination for president. Before retiring from public service, he was co-chair, U.S. Commission on National Security/21st Century; chair, U.S. Department of State, International Security Advisory Board; chair, U.S. Department of Defense, Commission on Threat Reduction; and U.S. envoy to Northern Ireland. He holds graduate degrees from Yale University and Oxford University.

Anthony Essaye has been an alumnus of Georgetown University; U.S. Infantry officer; Harvard Law School; deputy general counsel of the Peace Corps; managing partner of the Paris and Washington offices of the law firm Rogers & Wells, subsequently merged with the law firm Clifford Chance; counsel to the Washington Post in the Pentagon Papers case; chair of the Democratic National Committee’s National Lawyers Council; and co-founder and co-president of the International Senior Lawyers Project, which enlists experienced lawyers in developed countries to help support equitable economic progress and the rule of law in the developing world.