

AUDIT USA

Americans United for Democracy, Integrity and Transparency in Elections

Dear Hon. Senators Rios, Quezada, and Alston:

Monday, May 30, 2022

HB2780 is coming before the Rules Committee at 1 pm on Tuesday, May 31.

This bill has the support of well-respected Arizona Democrats such as former Maricopa County Recorder and candidate for Secretary of State [Adrian Fontes \(endorse HB2780\)](#) and former State Representatives Bruce Wheeler and Ted Downing, as well as nationally known election experts such as John McCarthy, a longtime advisor to VerifiedVoting.org; Chris Sautter, nationally known election attorney who represented Al Gore in the 2000 Florida recount and served as voter protection advisor for the Hillary Clinton campaign; and Mimi Kennedy, actress and Democratic activist. (See letters of support for HB2780 linked below from these and other supporters of the bill).

This is a **TRANSPARENCY BILL** that allows the public to verify election results themselves while maintaining voter privacy and the all-important secret vote. It is brilliant in its simplicity and if passed in Arizona will make our state a model for the nation. The passage of this historic transparency bill will help **prevent** the false claims of election fraud that divided our state and our nation following the 2020 election.

The fact is our nation is at a crisis point. Over 50 million Americans believe that the 2020 presidential election was stolen, and [64% of ALL Americans believe that U.S. democracy is "in crisis and at risk of failing."](#)

We must not continue to lurch from election to election without the public's confidence in election results. In 2016, Democrats doubted the results of the presidential election. Following the 2020 election, Republicans have had election doubts on steroids. As we have learned the hard way, it is as [important for losers to believe they lost as it is for the winners to believe they have won](#). These doubts will continue unless we implement solutions and HB2780 offers a solution that will help get our state and our nation on an even keel. **Trust in election results is good for all political parties, good for voters, good for candidates, good for our state, and good for our country.**

As a lifelong Democrat and longtime election transparency advocate, I am writing to let you know that this is the most important election bill in Arizona this year. **Below is the full text of HB2780 as it will read when amended** in the Senate Committee of the Whole, where Sen. Townsend, chair of the Government Committee, will present the amendment.

We have spent approximately six weeks going back and forth with Jen Marson, Executive Director of the Arizona Association of Counties (AACo), and others to perfect the amended language. Please read the amended version carefully to note that implementation of this bill will NOT reveal the identity of any voter (see those guarantees highlighted in yellow in the amended version below) but it WILL provide the solution of trust through verification.

Fellow Democrats, the problems may be complicated, but the solution is simple-- it's **transparency**. TRANSPARENCY IN ELECTIONS IS ESSENTIAL to preserving our Democracy. We MUST provide evidence to the public that CERTIFIED RESULTS ARE ACCURATE. This bill does that.

This is all done with a de-minimis cost because the infrastructure is already in place. In Arizona, we have hand-marked paper ballots. The digital voting machines used in every Arizona county take a picture of the ballots as they are scanned and the votes are counted from the pictures, called ballot images, not from the paper ballots themselves. Those images are public records and are required to be preserved for 22 months following every election. The images are already anonymous because the ballots have already been separated from the voters at the time they are scanned. The actual act of voting is the secret process, and counting is a public process. This bill allows the ballot images, and the cast vote records (results) to be posted online by the Secretary of State so that the public can verify the results for themselves. In addition, the posting of the voter rolls before each election and the publication of who voted after the election offers a 1-2 punch for public verification of election results. (Please note that the voter rolls are already public information, and this bill only allows for the minimum amount of information to be published for each voter, limited to name, address, precinct, and year of birth. (The year of birth is included to eliminate the appearance that the same person has voted twice, such as junior and senior or people with the same name).

HB2780 will help to create elections that are transparent, trackable, and publicly verified, which should be everyone's goal regardless of political affiliation. Please feel free to contact me, John Brakey, or any of the people listed below if you have

questions about this bill. Ken Bennett and I, together or separately, will make ourselves available to meet with you. I will be at the Senate Lobby no later than 10 AM Tuesday. My cell phone number is (520) 339-2696.

As it has been explained to me, the rules committee is made up of the leadership of the Senate Republicans and Democrats and will judge the bill on the rules and whether it's constitutional. Sadly, from what I understand the bill will **NOT** be amended in this committee; however, we would hope you would consider and support the proposed amended version below, which will go to the Senate Committee of the Whole, where Sen. Townsend, chair of the Government Committee, will offer the amendment.

Link to:

- Proposed amendment by Sen Kelly Townsend, Chair Government Committee: <https://bit.ly/3NMx1Mf>
- How the final version will read when amended: <https://bit.ly/3yE2QCF> (also below)
- **Video Ken Bennett explaining how HB2780 works:** <https://youtu.be/ZDadRnUbz94?t=436>

Links from Experts and other distinguished Democrats supporting House Bill HB2780:

- 1) Arizona Republic Oct 2016 Dr. Tom Ryan, a founding member, and past chair, retired Pima County, AZ Election Integrity Commission: <https://bit.ly/3vYpPqu> AZ Central article. **Our Turn: An easy way to avoid a rigged election.** "...There is a simple way to make our elections more transparent. How? By releasing anonymous digital images of the paper ballots. Many modern tabulation systems, including those used in most of Arizona's counties, create and count such images as part of routine ballot processing. Releasing these images would allow anyone to count the ballots, either by hand or using automated software." <https://bit.ly/3vYpPqu>
- 2) Release 5.4.2022 Statement from **Adrian Fontes to Democrats Should Get Behind HB2780:** <https://bit.ly/3L7mOIG>
- 3) **Mimi Kennedy Letter to Senator Quezada** and all 14 Dem Senators 5.5.2022: <https://bit.ly/3w3lql8>
- 4) **John McCarthy Letter to Sen Rios** on HB2780 and sent to all 14 AZ Dem Senators: <https://bit.ly/3PnSr4e>
- 5) **Florida Dem. Representative Joseph Geller, Letter to AZ Senate Democrats 5.9.22 with Bio:** <https://bit.ly/3srPEwW>
- 6) **Nationally known Election Attorney Chris Sautter, letter to Senator Rios** on HB2780 with Sautter Bio 5.07.22: <https://bit.ly/3PcEEgl>
- 7) **John Brakey Letter to AZ Senate Democrats with amendment to HB2780** May 5th 2022: <https://bit.ly/38dwPa1>
- 8) **Mickey Duniho Letter in Support of Arizona HB 2780** to Sen. Rebecca Rios and all Dem Senators 5.30.2022: <https://bit.ly/38x2fbx>

List of VIPs who support HB2780 and have known me for 18 years, and are willing to take phone calls and answer any questions you may have:

- 1) **Bruce Wheeler**, Tucson, Democrat, Former legislator, # 520 609 7800 bwheeler48@gmail.com
- 2) **Ted Downing**, Tucson, Democrat, Former legislator, # 520 256 8766 ted@teddowning.com
- 3) **Bill Risner**, Well-known Tucson Attorney & Democrat. 520 622 7494 bill@risnerandgraham.com
- 4) Ken Bennett and I (John Brakey) together or separately will make ourselves available to meet with you. Tuesday, I will be at the Senate Lobby no later than 10:30 AM. My cell phone number is (520) 339-2696

What we are trying to do here is good for all in Arizona and a model for other states.

Hope, Peace, and democracy,

John R Brakey, Director, AUDIT Elections USA
JohnBrakey@gmail.com
(520) 339-2696 www.AUDITelectionsUSA.org

Hyperlink to important documents:

- Arizona State [Democratic Party Resolution from 2010](#), which proposes basically what these 2 bills say today. By Bill Risner, John Brakey, others and ratified by the party in 2010, and is now a plank in our party's platform. <https://bit.ly/34ydGh3>
- A [press release from our case in Florida](#). Working to prevent the destruction of public records that could prove if elections are real. AUDIT's plaintiff is the Florida State Democratic Party and five legislators, all Democrats: <https://bit.ly/32PzBPT>

- [Paper that Ken Bennett and John Brakey submitted](https://bit.ly/3u6hCA6) to AZ Senate Republican Caucus on 12/22/21: <https://bit.ly/3u6hCA6>
- This is [from NPR on January 3, 2022](https://www.npr.org/2022/01/03/1078111100/2020-presidential-election-was-stolen). Over 50 million Americans believe that the 2020 presidential election was stolen, and 64% of ALL Americans believe that U.S. democracy is "in crisis and at risk of failing." <https://n.pr/3K4RcDz>

This is how the final version of the bill will read after it is amended in the Arizona Senate committee of the whole.

House Engrossed

voter lists; images; voting records

State of Arizona
House of Representatives
Fifty-fifth Legislature
Second Regular Session
2022

HOUSE BILL 2780

AN ACT

AMENDING TITLE 16, CHAPTER 4, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 16-407.04;
RELATING TO THE CONDUCT OF ELECTIONS.

Be it enacted by the Legislature of the State of Arizona:

Section 1. Title 16, chapter 4, article 1, Arizona Revised Statutes, is amended by adding section 16-407.04, to read:

16-407.04. [Voter lists; ballot images; cast vote record; ballot storage; violations; classifications; definition](#)

A. NOTWITHSTANDING ANY OTHER LAW:

1. THE COUNTY RECORDER SHALL PUBLISH NOT LATER THAN TEN DAYS BEFORE THE PRIMARY AND GENERAL ELECTION A LIST OF ALL VOTERS WHO ARE REGISTERED TO VOTE IN THE ELECTION, AND SHALL ONLY LIST THE NUMBER OF VOTERS BY PRECINCT WHOSE NAMES AND ADDRESSES ARE PROTECTED PURSUANT TO SECTIONS 11-483 AND 11-484 OR WHO ARE ENROLLED IN THE ADDRESS CONFIDENTIALITY PROGRAM ESTABLISHED PURSUANT TO SECTION 41-162. THE LIST SHALL BE LIMITED TO THE VOTERS' NAMES, YEARS OF BIRTH, STREET ADDRESSES AND PRECINCT NUMBERS AND SHALL INCLUDE PERSONS WHO ARE ON THE INACTIVE VOTER LIST. THE COUNTY RECORDER SHALL POST THIS INFORMATION ON THE COUNTY RECORDER'S **WEBSITE AND SHALL NOT PUBLISH A VOTER'S PERSONAL IDENTIFYING INFORMATION.**

2. AFTER THE PRIMARY AND GENERAL ELECTION AND NOT LATER THAN FORTY-EIGHT HOURS AFTER THE DELIVERY OF THE OFFICIAL COUNTY CANVASS, THE COUNTY RECORDER OR OTHER COUNTY OFFICER IN CHARGE OF ELECTIONS SHALL SUBMIT TO THE SECRETARY OF STATE WHO SHALL IMMEDIATELY PUBLISH ONLINE IN A CONVENIENT DOWNLOADABLE FORMAT ALL OF THE FOLLOWING:

(a) A LIST OF ALL PERSONS WHO VOTED IN THE ELECTION, LIMITED TO THEIR NAMES, YEARS OF BIRTH, STREET ADDRESSES AND PRECINCT NUMBERS, AND THEIR METHOD OF VOTING. THE COUNTY RECORDER OR OTHER COUNTY OFFICER IN CHARGE OF ELECTIONS SHALL NOT SUBMIT PERSONAL IDENTIFYING INFORMATION AND SHALL ONLY LIST THE NUMBER OF VOTERS BY PRECINCT WHOSE NAMES AND ADDRESSES ARE PROTECTED OR CONFIDENTIAL PURSUANT TO SECTION 11-483, 11-484 OR 41-162 TO THE SECRETARY OF STATE.

(b) ALL BALLOT IMAGES.

(c) THE CAST VOTE RECORDS IN A SORTABLE FORMAT.

3. THE COUNTY RECORDER OR OTHER COUNTY OFFICER IN CHARGE OF ELECTIONS SHALL PROVIDE FOR AN IDENTIFYING INDICATOR TO BE LINKED TO BALLOTS OR BALLOT IMAGES, OR BOTH, THAT WHEN COMBINED WITH ACCESS TO THE CAST VOTE RECORD ALLOWS A PERSON A REASONABLE BASIS TO INDEPENDENTLY CONFIRM TABULATION RESULTS. **AN IDENTIFYING INDICATOR SHALL NOT BE LINKED TO A VOTER.**

4. THE COUNTY OFFICER IN CHARGE OF ELECTIONS SHALL ENSURE THAT PAPER BALLOTS ARE STORED IN A MANNER THAT ALLOWS FOR CONVENIENT RETRIEVAL.

5. A PERSON SHALL NOT USE FOR COMMERCIAL PURPOSES A VOTER LIST THAT IS PUBLISHED OR POSTED PURSUANT TO THIS SECTION. THE TOTAL NUMBER OF PROTECTED VOTERS SHALL BE INCLUDED ON THE LISTS PRESCRIBED BY THIS SECTION WITHOUT INCLUDING ANY NAMES, ADDRESSES OR OTHER INFORMATION FOR THOSE PROTECTED VOTERS.

B. THE SECRETARY OF STATE, COUNTY RECORDER OR OTHER COUNTY OFFICER IN CHARGE OF ELECTIONS IS NOT LIABLE FOR ANY PERSONAL IDENTIFYING INFORMATION, HANDWRITTEN STATEMENTS OR OTHER NOTATIONS MADE OR PROVIDED BY THE VOTER THAT ARE INCLUDED IN THE BALLOT IMAGES.

C. ANY PERSON MAY VIEW, DOWNLOAD OR PRINT ONE OR MORE ONLINE DIGITAL COPIES OF BALLOT IMAGES BUT SHALL NOT ALTER THE CONTENTS OF AN IMAGE OR A CAST VOTE RECORD FROM THE DATABASE. A PERSON WHO VIOLATES THIS SUBSECTION IS GUILTY OF A CLASS 1 MISDEMEANOR.

D. FOR THE PURPOSES OF THIS SECTION:

1. "CAST VOTE RECORDS" MEANS ELECTRONIC RECORDS OF THE VOTERS' SELECTIONS AS CAPTURED BY A TABULATION DEVICE FROM **A BALLOT OR A BALLOT IMAGE THAT CANNOT BE LINKED TO A SPECIFIC VOTER.**

2. "PERSONAL IDENTIFYING INFORMATION" MEANS THE VOTER'S MONTH AND DAY OF BIRTH, DRIVER LICENSE NUMBER, NONOPERATING IDENTIFICATION LICENSE NUMBER, SOCIAL SECURITY NUMBER OR PORTION OF THAT NUMBER, AS APPLICABLE, INDIAN CENSUS NUMBER, FATHER'S NAME, MOTHER'S MAIDEN NAME, STATE AND COUNTRY OF BIRTH AND THE RECORDS THAT CONTAIN A VOTER'S SIGNATURE AND A VOTER'S EMAIL ADDRESS.

Sec. 2. Section 16-673, Arizona Revised Statutes, is amended to read:

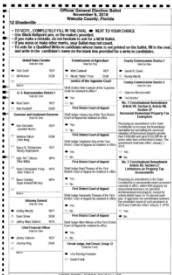

16-673. Statement of contest; verification; filing

A. The elector contesting a state election **shall**, within **five SEVEN** days after completion of the canvass of the election and declaration of the result **thereof** by the secretary of state or by the governor, **SHALL** file in the court in which the contest is commenced a statement in writing setting forth:

1. The name and residence of the **party PERSON** contesting the election, and that he is an elector of the state and county in which he resides.
2. The name of the person whose right to the office is contested, or the title of the measure, **or** constitutional amendment or other proposition as it appeared **upon-ON** the official ballot.
3. The office the election to which is contested.
4. The particular grounds of the contest.

B. The statement shall be verified by the affidavit of the contestor that **he THE CONTESTOR** believes the matters and things **therein** contained **IN THE STATEMENT** are true.

With Digital Scan Voting Systems, Each original ballot is married to its ballot image. The Ballot Image is Anonymous digital record of how someone voted.

	<p>Why is that important?</p> <ul style="list-style-type: none">* Paper can be lost or destroyed; images are an important backup.* Images can be easily shared.* Original paper ballot is hard to get* The Digital copy is a public record that must be preserved just like other election materials such as Envelopes with signatures	
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