



OFFICE OF ATTORNEY GENERAL

Criminal Division

Special Investigations Section

MEMORANDUM

TO: John Johnson
Chief Division Counsel

FROM: Reginald Grigsby, CSA

DATE: September 19, 2022

RE: Election Review Summary

The Special Investigations Section of the Criminal Division was charged with investigating/reviewing allegations of voting irregularities relative to the 2020 General and Primary Elections. The allegations were submitted to this office by a number of individuals and organizations, with a number of the complainants and organizations making the same, specific allegations. Some of the allegations were presented to us by elected officials, with them stating they were bringing forth the information on behalf of their constituents. The nature of the complaints varied; many alleged fraudulent voting; many alleged malfeasance on the part of the Maricopa County Recorder's Office; and some of the allegations were made by persons who did not reside in Arizona and did not vote in the election.

Additionally, the section was directed to review completed "election-related investigations/audits" conducted by Non-Government Organizations (NGO) and individuals in their private capacity, some of whom had been requested or authorized to do so by elected officials/government entities. While a significant majority of the complaints alleged irregularities with the election process, no evidence of election fraud, manipulation of the election process, or any instances of organized/coordinated fraud was provided by any of the complaining parties.

Investigation methodologies involved the intake of complaints and reviewing them for solvability factors and the attendant sense of urgency (i.e. allegations that the County Recorder's Office had been hacked – it was not – it was a public live streaming feed; or that the commission of a crime within our purview was imminent or in progress). We also engaged in outreach to various government agencies and private entities in response to their complaints/allegations. Interviews were sought and or conducted with a variety of individuals, including elected officials; agents and staff then had to obtain ballots and ballot images, and obtain additional information from the various county recorders and/or the Arizona Secretary of State's Office. Information was also obtained via public records requests, the execution of a search warrant, or via issuance of subpoenas.

Our section received 638 complaints, which led to 430 investigations. It must be clarified that those complaints that were not investigated still required an initial review and assessment; and in

many instances, staff had to commit manpower and resources to determine whether or not a complaint/allegation had merit.

Of the 430 investigations, 22 cases were submitted for prosecution. Agents and support staff have spent more than 10,000 hours investigating allegations of voting irregularities and reviewing alleged instances of illegal voting submitted to our office by private parties. Some of the more high-profile matters involved Cyber Ninjas Incorporated, True the Vote, Verity Vote, and elected officials. In each instance and in each matter, the aforementioned parties did not provide any evidence to support their allegations. The information that was provided was speculative in many instances and when investigated by our agents and support staff, was found to be inaccurate. With regards to the elected officials we spoke with, they had made public statements asserting voting fraud had occurred and that fraud was a factor in the outcome of the election. When speaking with our agents – and under circumstances where ARS 13.2907.01 (False Reporting to Law Enforcement Agencies; Classification) could be applicable, the elected officials did not repeat or make such assertions when questioned by our agents.

The following section of this report highlights the more high-profile matters reviewed by our section.

High Profile Allegations

Cyber Ninjas Incorporated (CNI) was contracted by the Arizona Senate to conduct an audit of the 2020 General Election, specifically in Maricopa County. CNI is a cyber security firm which at the time was based in Florida. CNI, while asserting their hand count of ballots confirmed that the election count in the county was accurate, speculated there was a possibility of fraud being a factor in the outcome of the election. CNI alleged ballots were cast in the name of dead voters; double voting occurred, and ballots being sent to wrong addresses or to persons who could not legally vote, and they alleged these were illegal votes that were counted when they should not have been. They submitted several appendices containing thousands of names they alleged were evidence of the allegations previously mentioned. CNI and their subcontractors also alleged that election officials had deleted and overwritten election data, and that hand ballots were not completed by persons, but by machines. They also alluded to ballots having been flown in from Asia and traces of bamboo would be found in the ballots, with these being ballots having been cast for President Biden.

After CNI submitted the report of their audit to the Arizona Senate, it was forwarded to our agency and the Special Investigations Section's Election Integrity Unit was tasked with reviewing the information and allegations contained in the report. In order to enhance operational efficiency and the effectiveness of staff's efforts in this regards, the review of the audit was made a singular, high-level priority; all hands were assigned to work exclusively on reviewing the audit with other matters being placed on hold unless a matter required immediate action on our part. A command center was established for the review and was staffed with SIS personnel. Election Integrity Unit (EIU) personnel from SIS were made the lead and case agents on this review. Initially, weekly meetings were held with internal stakeholders; after about a month, we conducted daily meetings on election matters we were working on.

As part of the review of the audit, agents traveled statewide to conduct interviews, review records, and collect evidence; agents collaborated with other police and governmental agencies in Arizona, and met with persons who had provided some of the information CNI used in their audit. Agents had to work across state lines and jurisdictions to further examine the information contained in the CNI report. When reviewing the appendices, agents would either go through the entire list of names – as in the reports of dead voters, or sample and extrapolate the thousands of names alleged to have either double voted, or be double registered, or to have not been registered to vote. In each instance, the information provided by CNI was inaccurate and false. Of the dead voters list, no one on the list of dead voters was dead, nor had they voted. With regards to double voting, there was one instance out of the thousands of alleged instances.

In speaking with CNI CEO Logan, he articulated that he knew his information was not complete; he further stated that he knew he would have to meet with us to go over his findings, as we would be following up on his information. Logan stated he wanted to know what our findings would be and he looked forward to hearing from us at the conclusion of our review. Logan used unreliable publicly available data bases that are known by law enforcement agencies to be unreliable and prone to error to collect and report his data. Yet, he made statements in his report that these databased were the gold standard in collecting personal information on person run through the database.

CNI alleged that a photo capture from the Maricopa County Recorder's Office (MCRO) depicted two of their employees deleting voter information from an election server. The photo was a capture from a public live feed of the MCRO office operations during the time of the election and election tabulation. The photo was provided by someone who was not identified, but only described as a "patriot." Agents contacted staff at the MCRO and further inquired about the picture. It was explained to our staff that the photo, captured from the live feed, showed two employees preparing an election data server for transfer of data to the Arizona Senate, in response to a subpoena from the Arizona Senate. This explanation is consistent with the activities log we reviewed and is corroborated by third party auditors (Pro V&V, SLI Compliance –both certified election equipment auditors, and Packet Watch, a computer forensics company).

CNI requested voter information from the MCRO. CNI would allege that MCRO had deleted voter information, but as was publicly disclosed, CNI's subcontractor was erroneous with this allegation because that same contractor was told by MCRO where the data was in the tranche of data provided to CNI.

It was also alleged by CNI that MCRO tabulator machines were connected to the internet. CNI did not provide any evidence to support this allegation. Further, Pro V&V, SLI Compliance, and Packet Watch, and our own review showed the tabulator machines were not connected to the internet during the general election. This was an allegation that generated considerable public interest, even after it had been proven to be false.

With regards to the allegation that bamboo would be found in the ballots, this specific allegation was borne out of reports that individuals had witnessed a plane having been flown in to Phoenix Sky Harbor Airport from Korea with ballots that were precast for Biden. This allegation was reported to us by a private party who would later inform us she realized the allegation of the flown in ballots was false, and she believed she and others had been misled.

Jovan Pulitzer provided CNI with some some information regarding election results in Maricopa County. Pulitzer is well known for alleging election fraud, though he has not provided any evidence to support this allegation. Pulitzer alleged ballots were not completed by voters, but were completed by tabulators. His allegation was based on his personal belief the ballots had discrepancies in the marking of the ovals and this was evidence of the ballots being manipulated electronically in favor of Biden. Pulitzer and CNI could not provide any evidence to support the allegation made by Pulitzer.

Dr. Shiva Ayyadurai was contracted by the Arizona Senate and CNI to examine ballots, specifically the ovals marking on the ballots. Dr. Ayyadurai had alleged the markings could not have been made by a person, saying they were machine made, meaning the ballot had been implicated. He also had alleged that a higher percentage of Democratic voters than registered had voted for Biden, allowing him to claim victory.

Dr. Ayyadurai did not examine actual ballots; he only examined digital images of ballots. He could not provide any evidence to support his assertions. Moreover, Dr. Ayyadurai, various media outlets posted what was claimed to be an email from him to the president of the Arizona Senate (it was stated the emails were obtained via a public records request). In that email, Dr. Ayyadurai said of Pulitzer's work, "it was painful to read this utter rubbish." Dr. Ayyadurai further wrote – per the email published in the media:

"It is filled with blatant prevarications that demand either a full blown criminal investigation of fraud of the author of this rubbish or at minimum complete disassociation from him to ensure integrity of the election integrity efforts and to honor those who are truly doing the real work to identify real problems."

Our comprehensive review of CNI's audit showed they did not provide any evidence to support their allegations of widespread fraud or ballot manipulation. Based upon our review of CNI's audit, we identified 1 instance of deceased voting, which was not prosecuted as it was accidental. There were 2 instances of double voting that were submitted for prosecution.

True the Vote (TTV), is a nonprofit organization that according to their website:

"True the Vote's mission is to train citizens to protect election integrity at the polls, and to help protect all voters' rights."

TTV has raised funds by promising that all of their funds go towards their work. TTV requested to meet with agents from our section's EIU, asserting they had uncovered widespread instances of ballot stuffing and ballot harvesting across the US, and specific instances of ballot harvesting in Arizona. They stated they had geolocation data that showed several mobile phones making repeated trips to and/or passing by ballot boxes, saying this was evidence of ballot stuffing. TTV representatives Catherine Engelbrecht and Gregg Phillips stated they purchased from a commercial vendor (for approximately \$2 million), the individual unique phone identifiers of persons who were traveling to and by the ballot boxes, and used that information to determine their geolocation. TTV showed a spreadsheet of purported phones/mobile devices transiting an area/location that

TTV said was the location of ballot drop boxes (TTV showed the geolocations on a map what was purported to be of various locations in the US).

TTV did not provide any evidence of ballot stuffing, to include videos showing ballot stuffing; they did not provide any evidence or confirmation there were ballot boxes at the locations said to be drop boxes, and they did not provide any information that would identify the owners/holders of the mobile devices. Agents asked Ms. Engelbrecht and Mr. Phillips for the information to support their assertions and allow us to review it. They provided agents with a 3 page hypothesis of what they believe could have been election fraud, but there was no supporting documentation or evidence to support their hypothesis. TTV also alleged they had identified 243 individuals who were committing ballot stuffing in Arizona. TTV also stated they had identified the location of “stash houses” where ballots were being stored/collected. They promised they would provide the information to us, but to this point, they have not done so despite repeated requests to do so from our office.

Agents made several attempts to obtain the information TTV claimed to have in their possession, especially, information of a ballot harvesters in Arizona. There is a trail of correspondence requesting the information. In that correspondence, TTV acknowledged they had not provided the information to us, but it would be forthcoming. Agents reached out to Ms. Engelbrecht, Mr. Phillips, and TTV representative Mr. Cole in an effort to obtain the data they said was in their possession. TTV offered to provide the information to us via another meeting with our staff. We met with TTV and they did not provide the information. TTV has not responded to emails and voicemails requesting the information, nor has delivery been accepted for the registered letter sent to the address given for their office.

In addition to saying they’ve provided the information to us and a hard drive containing, TTV says they gave the information to the FBI’s Phoenix office, while also saying they were informants for the FBI office. Having never provided the information to us as promised, TTV said we should contact the FBI to obtain copies of the information they had provided to them. Checking with the Phoenix FBI office, they tell us they met with TTV but they never received any such information from TTV. TTV also reported giving the information to the San Antonio office of the FBI; we have not been able to verify this assertion. The Phoenix office says Ms. Engelbrecht and Mr. Phillips are not informants for the FBI; they also said they were told by both of them they had provided the information to our office. This is patently false.

By way of explanation, TTV informed us the geolocation data they collected in Georgia associated with ballot stuffing, was instrumental in assisting local police in Atlanta arrest suspects in the homicide of a young child. It should be noted that media reports showed the local agency made an arrest in the case 2 weeks prior to TTV offering to assist in the investigation. Agents reached out to the Atlanta Police Department and they informed us TTV did not provide any information that was used to make an arrest.

The following timeline of our contacts with TTV is provided below.

June 3, 2021 – at the request of TTV, we met with them and requested the information they claimed to have and they promised we’d receive it (all subsequent meetings occurred in 2022)

April 5, 2022 – TTV informed us their information would be used in a documentary *2000 Mules*, we requested the information they purported to have, and again, we were promised we'd receive it

May 4th – email to Ms. Engelbrecht requesting the information

May 6th – email from Ms. Engelbrecht acknowledging they had not provided us the information but that we would receive it next week

May 20th – not having heard from TTV, an email was sent to Ms. Engelbrecht requesting the information; a registered letter was also sent to the address provided by TTV and it was returned as it was not signed for

May 27th, Cole Hughes, Executive Director of TTV, sent a letter to us stating that that Mr. Phillips provided our office with a hard drive; this was not true (during the meeting on April 5, 2022, Phillips acknowledged not giving us the information)

May 30th – response email to Mr. Hughes offering to meet with TTV on June 1st

May 31st – Ms. Engelbrecht and Mr. Phillips testify to AZ Senate; their information was similar to what they told us, Phillips told the committee TTV had provided the AGO with a hard drive in June of 2021; this is false and not supported by his own subsequent statements

June 1st – met with Phillips and Engelbrecht and they expressed displeasure that we sent our request for their information on agency letterhead; Phillips stated he believed he had provided SSA Williams a hard drive during their meeting in June of 2021

As of this memorandum, TTV still has not provided any documentation or other information to support their allegations.

Verity Vote raised the issue that the County Recorder's Office did not follow their policy with regards to completing chain of custody logs for ballot boxes, stating this could be evidence of fraud or unaccounted for ballots. In speaking with Verity Vote on this matter, they did not have any evidence of any ballot boxes or their contents being compromised as a result of the policy issue. We contacted the MCRO and spoke with them via their legal counsel on this matter. MCRO acknowledged there were some issues with the chain of custody documents in that they were not properly completed per their policy. They indicated this was an issue with some of their ballot box custody forms. They did not report any issues with the security of the contents of the ballot boxes and did not report any discrepancies with regards to ballot counts. Agents examined the custody logs and confirmed the logs were in fact MCRO ballot box custody logs. Agents also saw that in other instances, custody logs were properly completed. Although, all the information provided from Verity Vote was accurate concerning lack of MCRO employees following policies and completing the necessary ballot transportation forms in some instances, investigators did not find anything that would of compromised the integrity of the ballots or the final ballot count.

The bulk of the complaints against the MCRO were in the form of the allegations made by CNI. CNI did not provide any evidence to support their allegations. There was also an allegation made by a person who was claiming that a friend had hacked into the MCRO video system. Agents responded to the MCRO to meet with MCRO staff and advise of the alleged hacking. It was unfounded as there was no hacking, and the video stream the person said was evidence of a hack was in fact a live stream provided to the public by the MCRO so that their operations could be viewed by the general public.

It was also alleged that a "patriot" had evidence of MCRO employees deleting files from a server before responding to a subpoena to provide digital evidence to the Arizona Senate. That evidence

was alleged to be a photo showing two MCRO employees working in a server room that has restricted access. The photo was widely distributed and held up as proof of malfeasance on the part of the MCRO. As previously articulated in this document, that allegation was false, and certified election machine auditors were able to review the MCRO's activity logs and concluded that the employees in the photo were actually managing data in preparation to provide requesting items to the Arizona Senate pursuant to a subpoena issued by the Arizona Senate.

Agents met with various representatives of the MCRO – via their legal counsel, to pose questions, examine documents and processes, and review their procedures.

In interviews with the various media outlets, Arizona State Senator Sonny Borrelli alleged there was a cover-up with regards to election irregularities. We requested to meet with Senator Borrelli so he could further clarify his statements. In an interview with agents, he did not repeat that allegation. With regard to dead voters, Senator Borrelli provided the name of a deceased voter whom he said he personally checked and the information was valid. When we looked further into that particular voter, it was learned Mr. Borrelli was incorrect; the alleged deceased voter had not voted in the Arizona election and was not a resident of this state. The actual voter in this state was alive and had lawfully voted. Senator Borrelli did not have any further information to provide. During his meeting with agents, Mr. Borrelli was questioned as to a statement he made in a conversation recorded by a private party (this conversation was covered in various news/media outlets). Mr. Borrelli was on audio tape advising a person that if they had any information of election fraud, give it to him, not to the AGO because the information would disappear. Mr. Borrelli stated he misspoke and he felt that our agents were doing a good job on this matter.

Arizona State Representative Finchem publicly stated he had a source reporting that more than 30,000 fraudulent/fictitious votes were registered in Pima County during the general election. Agents requested to meet with Mr. Finchem to discuss his allegations. During that meeting, Mr. Finchem did not repeat those allegations, specifically stating he did not have any evidence of fraud and he did not wish to take up our time. He did provide 4 ballots that he said was evidence of a flawed process for mailing and counting ballots. The ballots had been mailed to prior residents of the address on file, the residents had moved, and the ballots cannot be forwarded by the postal service. The ballots were not counted and were unopened, and the MCRO did not have a record of the residents' change of address. Mr. Finchem did not have any further information and left the meeting in relatively short order.

We requested a meeting with Arizona State Senator Wendy Rogers based upon her assertion there was widespread fraud in the 2020 General Election. Ms. Rogers refused to meet with us, saying she was waiting to see the “perp walk” of those who committed fraud during the election.

Various members of the public submitted a host of complaints and allegations of election irregularities. Those allegations ran the gamut of allegations; this list, while extensive, this list is not exhaustive of every allegation made to our office:

1. Dead people voted in numbers in the state that affected the election outcome
2. Persons double voted within this state and in other states
3. Ballots were sent to persons who had moved out of state and those ballots were counted in the election

4. Ballot harvesting occurred with subjects dropping off large numbers of ballots at local post offices
5. Votes were flipped in the tabulators by satellites
6. Tabulator machines were connected to the internet, allowing votes to be switched
7. Duplicate votes were counted
8. A process called “kinetic artifacts” showed that paper ballots were manipulated and done by machine – based upon the folds in the ballot
9. Election officials deleted information and overwrote hard drives containing voter information
10. Photographic evidence of election workers was evidence of malfeasance on the part of election officials.
11. Satellites under the control of the Italian military changed the votes recorded in tabulators in favor of Joe Biden.

These allegations were not supported by any factual evidence when researched by our office. Some of the information was mischaracterized – as in the case of the photograph, while some were wholly false – as in the case of the tabulators being connected to the internet. In some instances, private investigators conducted interviews of persons whom alleged voter fraud or irregularities. Those private investigators sent statements to us – alleging they were affidavits. The allegations were not dissimilar to the allegations articulated above. The affidavits did not contain any evidence to support the allegations.

Of the hundreds of complaints and allegations of voter fraud we received from third parties and NGOs, 5 cases were submitted for prosecution.

A number of County Recorders, the Arizona Secretary of State, and other county and state offices referred to our office 136 instances of potential voter fraud. As a result of that information, 136 investigations were initiated. This led to 11 cases being submitted for prosecution, though 86 cases are still being investigated. An additional 6 cases were submitted for prosecutions were either self-generated by agents or the result of anonymous complaints. This included a case out of Yuma County that involved ballot harvesting.

Agents and support staff continues to conduct interviews, researching the ongoing allegations of voting fraud received by our office, and meeting with individuals alleging voter fraud. It should be noted that staff on occasion is traveling throughout the state looking into these matters. Agents, working with prosecutors, recently obtained 2 indictments for ballot harvesting in an ongoing investigation in the town of San Luis.

This document addresses the allegations made regarding the 2020 general election and the local elections in the town of San Luis during the 2020 primary election.