

Arizona attorney general suppressed his agents' reports refuting "stolen election" claims

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During his final year as Arizona's attorney general, Republican Mark Brnovich suppressed the results of an investigation by his own agency that dispelled claims of widespread vote fraud or election manipulation in the 2020 presidential election, it was reported Wednesday. These actions contributed to the growth of the fascistic right in Arizona, which now effectively controls the Republican Party.

Both the *Washington Post* and the *Arizona Republic* published extensive accounts of Brnovich's efforts to curry favor with the fascist right while he was seeking the Republican nomination for US Senate in 2022, based on documents now made public by the new state attorney general, Democrat Kris Mayes.

Brnovich lost the primary contest for the Republican Senate nomination to the election denier Blake Masters, who went on to lose the general election to incumbent Democrat Mark Kelly. Brnovich had alienated Trump and his most hysterical supporters by acknowledging in November 2020 that Democrat Joe Biden had won the state's electoral votes and opposing unsupported challenges to the validity of the result.

Republicans in the Arizona state Senate commissioned a "forensic" examination of the votes cast in Maricopa County, where a majority of the state's voters live. This was conducted by the Trump-linked Florida firm Cyber Ninjas and paid for by contributions from pro-Trump foundations and wealthy donors. It became widely ridiculed as reports emerged of improper handling of the ballots by Cyber Ninjas and other apparent indications of incompetence in a group which had never before audited the results of an election.

In the end, this "recount" actually resulted in a slight increase in Biden's margin of just over 10,000 votes out of 3.4 million cast, although the group claimed to have

found numerous improprieties in the conduct of the election. The state Senate then sought a further review of the election by Attorney General Brnovich's office.

The attorney general threw the full resources of his agency into an attempt to provide factual substantiation of the dozens of claims of improper actions by state and county election officials, appearing on social media and voiced by Republican state legislators.

Every one of the 60 investigators employed by the state attorney general's office took part in the probe at one point or another. A command center was set up to spearhead the probe, and according to one internal report: "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."

Unlike the Republican Party officials and Trump operatives, however, the investigative staff of the attorney general's office apparently took the issue of factual proof seriously. They looked into both wild and completely groundless allegations circulating on the internet, and the findings of the biased and incompetent 2021 investigation by the Cyber Ninjas outfit, and found that not a single allegation could be verified as credible, let alone significant enough to cast doubt on Biden's victory.

In March 2022, the attorney general's investigators had completed their review, and concluded, in a 24-page memorandum to Brnovich, that there was no basis for challenging the outcome of the 2020 vote. The document, posted on the website of the *Arizona Republic*, makes for devastating reading.

A few highlights (or lowlights):

- Cyber Ninjas claimed that 182 votes were cast in Maricopa County by dead people. The investigators found

181 of these voters alive and well, while in the case of the deceased, his wife had marked his ballot, wrote deceased across it in capital letters, and mailed it in.

- Cyber Ninjas claimed that the Maricopa Election Management System was connected to the internet although county election officials said it was air-gapped and never able to access the internet. Among the “proofs” offered by Cyber Ninjas were records of internet access which turned out to be failed attempts to access the internet by system users unfamiliar with the air-gap security.

- Pro-Trump election monitors claimed that Maricopa County failed to maintain the “chain of custody” for transporting ballots from drop boxes to the central counting location, clearly implying that there was ample opportunity to introduce thousands of bogus ballots into the system. These violations turned out to be infrequent failures of the two transporters (always one Republican and one Democrat or independent) to sign their logs. Out of nearly 1,900 drop boxes, there were 12 such cases, as well as 15 where the receiver of the ballots at the counting center did not sign the form. These minor paperwork errors were not an indication of ballot-stuffing, but of the huge volume of election-day activity.

- Arizona state legislator Mark Finchem claimed he had been informed by a “source” that the Democratic Party in Pima County (Tucson) had organized to add 35,000 votes to the totals of every Democratic candidate on the ballot in the county. The source turned out to be an anonymous email from an address no longer valid, and the two people who could be linked to that address forensically denied having sent the email. Finchem himself did not repeat the claim when asked to give sworn testimony to investigators. Finchem was the Republican candidate for Arizona’s secretary of state and if he had won—he lost by 120,000 votes, about 4.8 percent—would have been in charge of the state’s election machinery in the 2024 election.

The memo also summed up the scale of the resources employed on the all-encompassing probe that became the top priority for the agency. Investigators spent more than 10,000 hours looking into 638 complaints. They opened 430 investigations and referred 22 cases for prosecution, most of them for minor individual missteps such as two felons who cast ballots when they were not eligible.

Brnovich did not make this memorandum public or even inform the public of its existence. A month later, however, he release an “interim report” in which he claimed that his office’s investigator had “revealed

serious vulnerabilities that must be addressed and raises questions about the 2020 election in Arizona.” He suggested that county officials were not cooperating with the probe and darkly hinted that this stonewalling must be to cover up major problems in the vote counting.

His own staff sought to correct this utterly false account and get their own findings onto the record, but Brnovich persisted, rejecting suggested changes in the “interim report” while he ordered the investigation into allegations of election improprieties to continue. His investigators had actually concluded that the county staff “followed its policy/procedures as they relate to signature verification; we did not uncover any criminality or fraud having been committed in this area during the 2020 general election.” They said they found the county “was cooperative and responsive to our requests.”

At that time the campaign for the August Republican primary was in full swing, and Brnovich was seeking to avoid being outflanked on the right by Masters, who combined a libertarian-style denunciation of state and federal spending with an embrace of the “stolen election” conspiracy theories of Trump and his closest supporters.

A further memorandum from Brnovich’s investigators, sent to him in September, refuted the ever more bizarre theories of Masters, gubernatorial candidate Kari Lake, and others on the fascist right, including the claim that thousands of pre-marked ballots were flown in from Asia, the use of Italian satellites to manipulate vote tabulation, and election servers being connected to the internet where they could be hacked and vote totals changed.

“In each instance and in each matter, the aforementioned parties did not provide any evidence to support their allegations,” the September memo read. “The information that was provided was speculative in many instances and when investigated by our agents and support staff, was found to be inaccurate.”

Like the March memo, the September memo was also not released to the public, despite repeated requests from the press, until after Brnovich left office.



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