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ASSESSING THE ELECTION "AUDIT" IN ARIZONA AND THREATS TO AMERICAN DEMOCRACY

HEARING

BEFORE THE

COMMITTEE ON OVERSIGHT AND REFORM HOUSE OF REPRESENTATIVES

ONE HUNDRED SEVENTEENTH CONGRESS

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* Non-partisan Fact Checker Article; submitted by Chairwoman Carolyn B. Maloney.

* SB 202 and SB 202 Summary; submitted by Rep. Hice.

* Rep. Gibbs' Letter to the Full Committee; submitted by Rep. Gibbs.

* Transcripts and Articles of Senators asking questions; submitted by Rep. Gosar.

* *Arizona Republic*, article, "Judge Rules Maricopa County Must Provide 2020 Ballots to Arizona Senate for Audit Under Subpoenas"; submitted by Rep. Biggs.

* Glenn Greenwald Tweet; submitted by Rep. Biggs.

* Rep. Connally's Letter to Gowdy; submitted by Rep. Biggs.

* Chairwoman Maloney's Letter to Gowdy; submitted by Rep. Biggs.

* *Baltimore Sun*, article, "Rep. Jamie Raskin 'Not Seeing' Electoral College Challenge for Trump"; submitted by Rep. Biggs.

* *Washington Examiner*, article, "State Legislatures Need to Restore Election Procedures"; submitted by Rep. Biggs.

* QFR's: to Becker; submitted by Chairwoman Carolyn B. Maloney.

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The documents listed below are available at: docs.house.gov.

ASSESSING THE ELECTION "AUDIT" IN ARIZONA AND THREATS TO AMERICAN DEMOCRACY

Thursday, October 7, 2021

HOUSE OF REPRESENTATIVES,
COMMITTEE ON OVERSIGHT AND REFORM,
Washington, D.C.

The committee met, pursuant to notice, at 10:05 a.m., in room 2154, Rayburn House Office Building, and via Zoom. Hon. Carolyn B. Maloney [chairwoman of the committee].

Present: Representatives Maloney, Norton, Lynch, Raskin, Khanna, Mfume, Tlaib, Porter, Bush, Davis, Wasserman Schultz, Welch, Johnson, Sarbanes, Speier, Kelly, DeSaulnier, Comer, Jordan, Gosar, Hice, Grothman, Gibbs, Higgins, Norman, Sessions, Keller, Biggs, Clyde, and Fallon.

Also present: Representative Stanton (waived in).

Chairwoman MALONEY. The committee will come to order.

Without objection, the chair is authorized to declare a recess of the committee at any time.

I now recognize myself for five minutes.

On November 3, 2020, Joe Biden beat Donald Trump clearly and decisively in the Presidential election. President Biden won 306 electoral votes to Trump's 232, and he beat Trump in the popular vote by more than 7 million votes.

But rather than accept his loss, Donald Trump tried everything he could to overturn the will of American voters. He and his allies filed more than 60 lawsuits with false claims of election fraud and lost all 60 of them. He waged a pressure campaign at every level of government—from county election officials to secretaries of state, to the Department of Justice, to his own Vice President—to try to prevent the certification of the election results.

At each stage, Donald Trump and his allies were asked to bring forward evidence that the election was tainted by widespread voter fraud. But whether in Michigan or Pennsylvania or, as we will hear today, Arizona, the purveyors of the big lie repeatedly failed to produce one scintilla of credible evidence of widespread fraud.

Yet today, more than 11 months after the election, the attacks on our election system have only intensified, and the latest weapon of choice is the partisan audit. Let me be clear. The hyperpartisan audits pushed by President Trump and his allies are not about fairness, election security, or the truth. They are instead designed to promote conspiracy theories and to raise doubts about our elections.

And the ultimate aim of these audits is even worse—to lay the groundwork for new laws that make it harder for Americans to cast their ballots, but easier for dishonest officials to overturn the results of elections they don't like.

Today's hearing will focus on the five-month long, hyperpartisan audit in Maricopa County, Arizona. It was clear from the beginning that this so-called audit, led by the Republican State Senate, was really a fishing expedition in search of evidence of election fraud, no matter how flimsy.

The State Senate rejected a bid from a qualified and certified auditor, choosing instead to hire Cyber Ninjas, an unaccredited firm with no experience auditing elections. What the company did have was a CEO who had publicly supported Trump and promoted the so-called "big lie."

During the audit, Cyber Ninjas' sloppy, insecure practices jeopardized the integrity of ballots and voting machines, forcing Arizona taxpayers to spend millions to replace the compromised machines. The audit itself was funded with at least $6.7 million from rightwing dark money groups headed by Trump allies and supporters of Stop the Steal movement. Documents show that Trump himself may have funneled funds to the audit effort in Arizona.

Yet all that partisan dark money failed to overcome the truth. Last month, Cyber Ninjas finally was forced to admit that it had found no evidence of widespread fraud in the Maricopa County election results. In its final report, Cyber Ninjas wrote that there were "no substantial differences" between the official count and the audit results and that there is "no reliable evidence that the paper ballots were altered to any material degree."

This should have been the end of the story. But rather than admit that they were wrong about voter fraud, Cyber Ninjas and Republicans leaders in Arizona are now pushing a host of unnecessary legislative changes to make it harder to vote and easier to overturn election results. And hyperpartisan audits are now spreading to more states.

We are holding today's hearing so we can hear the facts about the Cyber Ninjas audit in Arizona. We invited the company's CEO, Doug Logan, to testify today so that we could hear firsthand about the audit's findings. Unfortunately, Mr. Logan refused our invitation, and he also refused to produce documents that the committee requested back in July.

Mr. Logan's refusal to answer questions under oath is just one more sign that the dark money-fueled audit he led never should have happened in the first place.

Today, we will hear from the chairman and vice chairman of the Maricopa County Board of Supervisors, both Republicans, who, unlike Mr. Logan, were not afraid to tell the committee the truth about this audit. I am honored that they both agreed to put country over party by testifying today, despite threats to their personal safety.

We will also hear from election and democracy experts, who will tell us how partisan audits are spreading to other states, including Pennsylvania, Wisconsin, and Texas, and the threat this poses to our democracy.

The attempts by former President Trump and his allies to undermine America's elections, are failing to win the last one fair and square, it represents the biggest threat to our constitutional republic since the Civil War. This committee will not be silent in the face of this threat. We will continue to conduct oversight to ensure that the American people know the truth about these sham audits and to protect our elections from further interference.

But it should not just be Democrats who stick up for America's elections. I urge my Republican colleagues to follow the lead of our brave witnesses from Maricopa County by putting country over party and finally renouncing Trump's big lie.

I want to thank our panelists for being here today. Thank you so much for your testimony.

And I now recognize the distinguished ranking member, Mr. Comer, for his opening statement.

Mr. COMER. Well, thank you, Madam Chairwoman, for holding today's hearing because half of America has questions about the integrity of our elections.

Democrats unilaterally changing the rules in the middle of those elections, like what happened last summer, does nothing to answer the questions that Americans have with respect to the integrity of last year's elections. It is important that the American public have confidence in election results. So states and counties should be transparent and open to outside audits.

I hope today's hearing helps to answer some outstanding concerns regarding election integrity. Unfortunately, today's hearing is the continuation of two troubling trends from this committee.

The first trend is the Democrats' obsession with avoiding any actual oversight of the Biden administration. If you don't believe me, just look at the actions. This committee has held less than half the number of hearings they did when President Trump was in office. This committee has had less than half as many witnesses from the administration, and this committee hasn't held a single hearing on the border crisis or on the disastrous withdrawal from Afghanistan, or on the illegal leaks at the IRS, or on the origins of COVID–19, or on many other important topics like the border security crisis.

The second trend is the Democrats' current obsession with investigating anything coming out of the states. Recently, we have had hearings on voting rights and abortion, both solely because of laws passed in a single state. Today, we are having a hearing about election integrity, based solely on an audit that occurred in a single state.

Each of these issues—abortion rights, voting rights, election integrity—are issues that have long been known to be handled at the state level. Yet this committee cannot resist wading into state issues, attempting to trample all over the Tenth Amendment.

With that, I want to yield the balance of my time to Mr. Biggs, who has been on the front lines in Arizona on this issue from the very beginning.

Mr. BIGGS. I thank the gentleman for yielding, and I thank the chair today for having this hearing.

You know, the Democrats really can't have it both ways, can they? I mean, really, can they have it both ways? You cannot say that the audit showed the integrity of the election while at the

same time claiming that the mere fact of an audit, in and of itself, is a threat existentially to our democracy. You can't do that. It is a fallacious, logical inconsistency.

If, as you claim—by the way, a claim I dispute—that the election was fair and properly conducted, a complete forensic audit ought to demonstrate that, which is what you assert. That is what you are asserting here today.

But at the same time, you are saying, well, while the audit confirms what we think it did, when you cherry-pick some of the statements from the audit report, you are also saying that an audit undermines the election's integrity. Do you see the inconsistency of your position?

If there are questions as to the accuracy of the election, a forensic audit will reveal the questionable outcomes and problems that need to be cured going forward, and the legitimacy of the election may be compromised. The Dems and leftists have been highly critical of this audit even before it began. They had an agenda, and the chairwoman mentioned this agenda today so that all of you who are participating here, you can support this agenda.

She said they don't think legislative changes should be made. That's what she said. That is why we are doing this today. Because they think any legislative changes are not appropriate.

Well, in 2018, in Maricopa County, most of you may not know this, there were such problems with the Maricopa County election that the Democrat county recorder, who is the elections official for the county, Adrian Fontes, got to go under scrutiny by this Board of Supervisors, the 2018 Board of Supervisors, who took everything back from him that they possibly could legally and statutorily. That's the history of problems in Maricopa County in our voting.

Looking from the outside, the election process in Maricopa County was fraught with problems. If your claim was that the audit wasn't in order, you must acknowledge several broad observations of the auditors that they made with regard to this audit. everything from procedure and conduct—or misconduct on the part of the board and specific elected officials.

You cannot argue the question regarding election integrity from the right is an attack on our democracy, our constitutional republic, especially after four years of the Democrats claiming that the 2016 Presidential election was stolen because of Russian interference.

Here is what a member of this committee said, Mr. Raskin from Maryland said, "I would love to challenge the Electoral College vote because our election was badly tainted by everything from cyber sabotage by Vladimir Putin to deliberate voter suppression by Republicans in numerous swing states." That's what he said.

And we went through—we went through literally 4 1/2 years, right up to the start of the November voting, the early balloting in Arizona, of Hillary Clinton and her supporters in the media saying that the 2016 election was stolen by Republicans. It is no secret that if you go back and look at polling data, everything from the Bush v. Gore era forward, the party whose candidate was not successful asserted that the election was not fair and impartial.

No secret. Every polling outlet from that point, 2001, right on up to 2020 claimed that.

I advocated for a full forensic audit because I felt like election integrity should be restored. One of the biggest things that I find problematic here is that the two statutory minimum audits committed to by the County Board of Supervisors that were done could have been easily expanded in a timely fashion to full forensic audit. They chose not to do it. They spent $18,000 for those two audits. They spent literally hundreds of thousands of dollars, multiple lawsuits, to prevent the audit that we are discussing today.

And ultimately, the bottom line is we are here because this chairwoman and the Democrats don't want to see any kind of legislative change. I believe that there needs to be legislative change probably in Arizona, and I don't know what is going on in other states, but other folks tell me that in their states, there needs to be legislative change, too.

That's —that's why we are here is because the chairwoman would like to see legislative change scuttled, and I, for the life of me, don't understand why this committee thinks that it has the constant obligation to interfere in what is patently a state issue.

With that, Madam Chair, I thank you, and I yield back.

Chairwoman MALONEY. The gentleman yields back. I now recognize Mr. Raskin, who is the chairman of the Subcommittee on Civil Rights and Civil Liberties, for an opening statement.

Mr. RASKIN. Madam Chair, thank you very much for calling this important hearing and thank you for making our committee a leader in defending democracy and the voting rights of the people against this escalating onslaught by Donald Trump and his supporters against American constitutional democracy.

We know that Mr. Trump never accepted the results of the 2020 Presidential election, despite the fact that Joe Biden beat him by more than 7 million votes and by a margin of 306 to 232 in the Electoral College, a margin incidentally that Mr. Trump declared a landslide when he beat Hillary Clinton by the exact same amount.

So Donald Trump moved quickly to try to browbeat state election officials, and they were the first line of defense of the democracy, people like Republican Secretary of State Brad Raffensperger in Georgia, who refused to participate in Donald Trump's election fraud, refusing to find just 11,781 votes that Donald Trump said was all he needed in order to overturn the lawful result in the state. But there were election officials across the country who definitively refuted and repudiated Donald Trump's claims of corruption and fraud. And in fact, Trump's own Homeland Security Department declared the 2020 election the most secure in American history.

So then he went to court, and 61 Federal and state courts in the land, from the lowest courts in the land—state, county, district courts—to Federal district courts, all the way up to the U.S. Supreme Court definitively, meticulously, and comprehensively refuted, repudiated, and rejected every claim that Donald Trump's supporters made that there was election fraud or electoral corruption. And even the claim that some of our colleagues have decided to float again today, which has been rejected all the way up to the Supreme Court, was one that was thoroughly vetted. The idea that when state election administrators or state supreme courts under

state constitutions or under state legislative command act in the electoral process, that is somehow unconstitutional.

There is no basis for that. It has been made up. It was floated in all of these courts, rejected in all of these courts. It was floated by the attorney general of Texas, who sued in the Supreme Court. It was rejected.

And then it was floated again on the House floor on January 6, as the violent insurrectionary mob attacked us. It was rejected again.

And yet the big lie lives now in these phony audits around the country. It was amazing, yet telling, for me to hear the gentleman from Arizona essentially I think he is trying to allay the fact that this audit rejected the claim that Donald Trump won in Arizona.

I never really understood Members from Arizona challenging the result by which they themselves were elected, in the exact same election where they were elected. And yet, still I believe—and perhaps Mr. Biggs can correct me if I am wrong—I hear him not even to be accepting the results of this audit, which say that Joe Biden got more votes than were lawfully recorded by the state.

And so——

Mr. BIGGS. Will the gentleman yield? You have called me out and asked if I would respond, I am happy to respond.

Mr. RASKIN. Yes, by all means. Do you accept the—do you accept this audit would show that Joe Biden won and, indeed, by more votes than——

Mr. BIGGS. That is not what the audit concluded, Mr. Raskin. You know better than that. Have you read the whole audit, or you cherry-picked the line which talks about the recount versus the tabulation machines?

That, we would have expected to be very similar, and it wasn't. So anything that might have inured to President Biden's——

Mr. RASKIN. Well, who won the election is my question, Mr. Biggs. I am happy to yield to you for that. Who won the election in Arizona, Donald Trump or——

Mr. BIGGS. We don't know. Because as the audit, it demonstrates very clearly, Mr. Raskin, there are a lot of issues with this election that took place. We are going to go through those today, but you can continue——

Mr. RASKIN. OK. I will reclaim my time. You see, Madam Chair, here is the problem.

Mr. BIGGS [continuing]. And speaking of the big lie, you can continue to perpetuate it as long as you want, but we are going to find out, I hope.

Mr. RASKIN. I will reclaim my time. Madam Chair, there is the problem that we have. Donald Trump refuses to accept the results, and unfortunately, we have one of the world's great political parties, which has followed him off of the ledge of this electoral lunacy, and it is dangerous for democracy.

So I am glad we are having this hearing today, and I yield back to you, Madam Chair.

Chairwoman MALONEY. The gentleman yields back. I would just first like to respond to my dear friend from the great state of Kentucky, who said we had not conducted oversight with the administration.

I would like to remind him that just two days ago, we held a hearing on Ida, with the Administrator from FEMA on the response of the Federal Government to that disaster. And in terms of Afghanistan, last month, at the request of Republicans, we held a bipartisan classified briefing with the Defense Department, State Department, DHS, and the intelligence community to examine the ongoing efforts to help U.S. citizens and Afghan allies who are still at risk in Afghanistan.

And I will note that just yesterday, our National Security Subcommittee chair, Mr. Lynch, sent invitations for a counterterrorism hearing later this month on Afghanistan. But we do not want to be focusing on areas—we are focusing on this election audit, and I would now like to——

Mr. COMER. Point of order, Madam Chair.

Chairwoman MALONEY. I would like to introduce the witnesses.

Mr. COMER. Point of order.

Mr. BIGGS. Point of order, Madam Chair. Point of order. Point of order. Point of order.

Chairwoman MALONEY. Who is calling for a point of order?

Mr. COMER. Congressman Comer, the ranking member.

Chairwoman MALONEY. Will you state your point of order? Who is speaking?

Mr. BIGGS. Mr. Comer.

Mr. COMER. Yes. I just wanted to clarify—Madam Chair, I just wanted to clarify——

Chairwoman MALONEY. Who is speaking?

Mr. COMER [continuing]. We called for a public transparent hearing——

Chairwoman MALONEY. Mr. Comer, OK.

Mr. COMER [continuing]. About the debacle in Afghanistan. What you have provided us was a closed-door classified briefing. The American people want transparency and accountability with what went wrong with Afghanistan.

So what we are asking for isn't a behind the closed doors, in a smoke-filled room briefing by a bunch of bureaucrats in the Biden administration. We want a transparent hearing so the American people can see exactly what went wrong. So that is my point of order.

I yield back.

Chairwoman MALONEY. One is scheduled. And again, I repeat, I held that classified briefing at the request of Republicans who asked for it.

But right now, let us return to the subject before us today. I would like to introduce our witnesses.

Our first witness today is Jack Sellers, who is the chairman of the Board of Supervisors of Maricopa County, Arizona. Then we will hear from Bill Gates, who is the vice chairman of the Board of Supervisors of Maricopa County.

Next, we will hear from David Becker, who is the executive director and founder of the Center for Election Innovation and Research. Next, we will hear from Gowri Ramachandran, who is a senior counsel at the Brennan Center for Justice. And finally, we will hear from Ken Bennett, who was the Senate audit liaison and the former secretary of state in Arizona.

The witnesses will be unmuted so that we can swear them in. Please raise your right hands.

Do you swear or affirm that the testimony you are about to give is the truth, the whole truth, and nothing but the truth, so help you God? [Response.]

Chairwoman MALONEY. Let the record show that the witnesses answered in the affirmative.

Thank you. Without objection, your written statements will be made part of the record.

With that, Mr. Sellers, you are now recognized for your testimony. Thank you for traveling here from Arizona and for your public service.

Mr. Sellers?

STATEMENT OF JACK SELLERS, CHAIRMAN, BOARD OF SUPERVISORS, MARICOPA COUNTY, ARIZONA

Mr. SELLERS. Thank you, Madam Chair, members of the committee. Thank you all for inviting me here today.

I want to start by saying that the election of November 3, 2020, in Maricopa County was free, fair, and accurate. Maricopa County is the second-largest voting district in the United States of America. I sit before you today as a Republican who was voted into office in November 2020, and there's a member of this distinguished committee who was also successful in the November 2020 election held in Maricopa County.

But the most important people involved in the November election were the men and women of the Maricopa County Elections Department. They executed a secure, accurate, and efficient election of over 1.8 million voters in the Nation's fourth most populous county during a worldwide pandemic. Our Election Department was praised by election experts throughout the country, and we received an award from the National Association of Counties.

Maricopa County began planning for the 2020 election immediately after the November 2018 election results were canvassed and submitted to the Arizona secretary of state. The county began to assess staff, processes, and equipment needs in anticipation of the 2020 election cycle and taking appropriate action to complete that preparation because we also knew that the election results in Maricopa County would play a pivotal role in both the outcome of the Presidential race and the U.S. Senate chamber political makeup.

I'm very proud of the efforts we put forth to prepare. We worked closely with the Arizona secretary of state, our legislative leaders in both the House and the Senate, the attorney general, and the Governor's office.

We were also very inclusive of all the political parties who participated fully in not only observing Election Day administration and tabulation, but also in pre-and post election logic and accuracy testing. If you were in Arizona politics in November 2020 and didn't understand how Maricopa County was running elections, then you just weren't paying attention.

The county authored an election bill regarding electronic adjudication at the legislature, which passed both chambers unanimously and was signed by our Governor. The county invested in a

very robust voter education campaign. So if you watched TV, tweeted, Instagrammed, or used YouTube, you saw our media campaign.

We implemented the technology to educate our residents on how—on when and how to register, how you can vote, where you can vote, and the wait times at the polling locations, all by pushing a button on your phone.

We ran a Presidential preference election in February. All participants agreed it was well run and accurate.

We ran the primary election in August 2020. Again, the public, the candidates, and the political parties all agreed the county's election execution was excellent.

We ran the 2020 general election in November, and suddenly, what to that point had been a great process was deemed fatally flawed by a small, yet loud minority.

I dare say if you're a student of Maricopa County Republican election history, you are not surprised by the results. It was not a flawed election process, not a lack of security. It was a candidate that many Maricopa County Republicans simply did not support. If that lesson is not clear to our state and county Republican leaders, then I'm afraid 2022 will not be favorable to my party.

During these last 10 months, I've learned a lot about people, and frankly, I was naive in thinking that I could just sit down with our State Senate leadership and explain the answers to their questions and accusations, and we could put this uncertainty behind us and move on with securing a fruitful future for our residents. But it's become clear that there are those who don't care what the facts are. They just want to gain political power and raise money by fostering mistrust of the greatest power an individual can exercise in the United States, their vote.

I'm an elected official. Some say I signed up for this, and that's true. But I ran because economic development and maintaining our quality of life is very important to me. Making sure the Valley of the Sun has the proper investment in infrastructure, technology, and education is what drives me. Relitigating a failed campaign is not what drives me.

So it's time to move on. It's time to put our efforts into securing a greater future for our country, and that's exactly what I plan to do.

Thank you.

Chairwoman MALONEY. Thank you. The gentleman yields back, and thank you.

And Mr. Gates, you are now recognized for your testimony.

STATEMENT OF BILL GATES, BOARD OF SUPERVISORS, MARICOPA COUNTY, ARIZONA

Mr. GATES. Thank you very much, Madam Chair, Ranking Member, and members of the committee. Thank you so much for having me here today to discuss a very important issue in our country, and that's the future of fair and free elections.

The 2020 election in Maricopa County, the general election, was the best election we've ever run in Maricopa County. And the way that I know that was it was the most scrutinized election in the history of Maricopa County. Election experts said that. Machine

counts confirmed it. Hand counts confirmed it. The court system reconfirmed it, and our residents were happy, too.

We did a poll of 80,000 of our voters, and 90 percent of them said that they were satisfied or very satisfied with the election. Really, by any measure, this election in 2020 was secure, and everyone who wanted to vote was able to do so.

Unfortunately, some in our party see it differently. They have attacked the work that was done by our elections workers in Maricopa County, and they have fanned the flames of conspiracy. And this willingness to do so, unfortunately, is what led to the first nonpeaceful transfer of power in our country's history.

And unfortunately, Arizona has been at the center of this attack on our American ideals. Even though Joe Biden won Arizona by 45,000 votes, 20 members of the Arizona legislature signed a resolution asking Congress to disregard those results and seat an electors slate of Trump electors. That was, without a doubt, a staggering refusal to follow the will of the voters.

Next, Republican State senators went to court, and they tried to get from Maricopa County the people's ballots and the election machines "sufficiently in advance of the congressional review of the Electoral College returns on January 6, 2021."

Now when they failed, the senators carried on. They threatened to jail me and my colleagues on the Board of Supervisors. And then they cast doubt on two additional audits that we authorized at the Board of Supervisors. And by the way, both of these audits found that there was no hacking, there was no manipulation with our machines or with our software. It should have ended there, but it didn't.

The Senate then hired the Cyber Ninjas to head up a group of firms with no or little election experience to conduct an extralegal review, essentially an extralegal recount of Maricopa County's ballots. And really, that can only be described as an amateurish review of Maricopa County's election technical infrastructure.

The Cyber Ninjas, they changed the policies and procedures. They chased conspiracy theories. They threw out false claims. And worst of all, they accused our good elections workers of committing crimes. They said that they deleted files, but these were files that the Cyber Ninjas just couldn't find. Now, this was either an out-and-out lie or a level of incompetence by the Cyber Ninjas that was staggering.

Elections integrity is not a new thing for me. As a former Republican election lawyer for the Arizona Republican Party, it's a passion of mine. And that's why I'm here today to speak out against those that are passing off this disinformation and those that would call on legitimate elections to be decertified.

This is, without a doubt, the biggest threat to our democracy in my lifetime. If elected officials continue to choose party over truth, then these procedures are going to continue on these privately funded, government-backed attacks on legitimate elections. And losers of elections will just go out and find financial backers who will continue to drag these procedures on. And unfortunately, that is going to negatively impact our democracy.

As a Republican who believes in democracy, I dreamed of one day going to a nation that was trying to build a democracy and help

them out. Perhaps a former Soviet republic like Belarus or Tajikistan. I never could have imagined that I would be doing that work here in the United States of America.

Thank you.

Chairwoman MALONEY. Thank you.

Mr. Becker, you are now recognized.

STATEMENT OF DAVID BECKER, EXECUTIVE DIRECTOR AND FOUNDER, THE CENTER FOR ELECTION INNOVATION AND RESEARCH

Mr. BECKER. Thank you, Madam Chair and members of the committee.

My name is David Becker, and I'm the executive director and founder of the Center for Election Innovation and Research, a nonpartisan nonprofit that works with election officials and others from both parties all over the country to ensure elections are secure and accessible. I've nearly 25 years of experience working in elections, and I come here before you today as concerned as I've never been before about the ongoing threats to American democracy.

First, the good news. In every state, including Arizona, we saw the most secure, verified, and transparent election in American history. Almost 95 percent of all ballots were cast on auditable paper, up from less than 80 percent in 2016, including all ballots in every swing state.

There were more legitimate audits of those ballots than ever before in states like Arizona, Michigan, and most notably in Georgia, where they counted every Presidential ballot three times, including once entirely by hand.

We saw more pre-election litigation clarifying the rules than ever before, with each side winning some cases and losing others. And there was more post election litigation confirming the results. This was largely due to the heroic efforts of election officials around the country of both parties, who managed record turnout while severely underfunded during a global pandemic.

But the bad news is that tens of millions of Americans, sincerely disappointed that their candidate lost, have been targeted in a scam to keep them angry, divided, and donating. They've been fed a constant diet of lies telling them that millions of their fellow citizens, half of them members of their own party, engaged in a massive conspiracy to deliver the election to the current President and that none of the millions of conspirators are talking.

This big lie is leading to laws in the states that make elections less secure and leading to threats against public servants who run elections, and it's led to the effort that was recently concluded by the Cyber Ninjas in Maricopa County, Arizona.

The Ninjas' effort was flawed from the start. They spread lies about the election months before they got the contract. And despite having no experience in elections, they raised millions of dollars from outside sources to fund their efforts. The Arizona Senate and their contractors had to be taken to court to get basic documents about the process and the backroom discussions that drove it.

Meanwhile, the Ninjas seized ballots from the election officials who were required by law to maintain them and, in so doing, likely

violated Federal law and broke the chain of custody of these ballots. One of the great ironies is that even if the Ninjas had discovered an actual election problem, which they did not, they had so tainted the evidence that it would almost certainly have been found inadmissible in any legal proceeding to address the problem.

The Ninjas' conclusions suffered from the same flaws that afflicted the entire process. They made wild claims about voters who had allegedly moved, based upon an incompetent and discredited methodology and an incomplete commercial data base. Experienced election auditors confirmed that the Ninjas and their allies got nearly half of their numbers flat-out wrong, including failing to account for one-third of the hand-counted ballots.

And despite the fact that Arizona was the best hope for those that sought to deny the election, the Ninjas' effort confirmed nothing. It merely demonstrated that even in a state with the smallest margin of victory among the swing states, highly biased and motivated individuals, bolstered by millions of dollars from unclear sources and nearly eight months to work, could not manufacture enough fake fraud to overturn the will of Arizona voters.

Before the Ninjas even started, the election had already been verified and confirmed, consistent with Arizona law. The voter lists were confirmed and maintained accurately, thanks to, among other things, Arizona's membership in the Electronic Registration Information Center, the gold standard of voter list maintenance that 30 states utilize.

Audits conducted immediately after the election, pursuant to Arizona law, compared the paper ballots to the machine counts and confirmed the outcomes. Nevertheless, the Ninjas' effort has contributed to threats against public servants and their families. These threats are so pervasive that my organization recently formed the Election Official Legal Defense Network, under the leadership of co-chairs Bob Bauer and Ben Ginsberg, to provide pro bono legal assistance to election officials suffering threats.

Notwithstanding, lawmakers in Pennsylvania, Texas, and Wisconsin have pushed similar flawed efforts now, beginning 11 months after the election. In each of these states, as throughout the Nation, there is still zero evidence of significant fraud, even after nearly a year of looking for it.

These efforts continue to have a disastrous effect on our democracy. We're at risk of losing a generation of professional expertise in election administration due to the ongoing threats. Laws are being passed that actually make elections less secure and inject more chaos into vote casting, counting, and certification of results.

Validly elected leaders are finding their elections delegitimized, and their ability to govern questioned. Ironically, many of the same lawmakers in these states are calling into question their own elections, just as members of the Arizona Senate have done.

Let's be clear. Real post election audits, conducted transparently by professional election administrators under laws established prior to an election are a very good thing. We had more strong audits than ever before in 2020. If states want to pass laws requiring even better audits immediately after an election, I will be there working with them and helping them. I have already done so with

both Republicans and Democrats in states like Georgia and Michigan.

But that's not what happened in Arizona or other states. The legislatures in those states did not see any problems with their existing audit laws pre-election. It was only after they became unhappy with the results and the losing candidate refused to concede that they fueled his election denial with these efforts many months after the elections in these states had been verified, audited, and certified.

Thank you.

Chairwoman MALONEY. Thank you.

And Ms. Ramachandran, you are now recognized for five minutes. Ms. Ramachandran?

STATEMENT OF GOWRI RAMACHANDRAN, SENIOR COUNSEL, THE BRENNAN CENTER

Ms. RAMACHANDRAN. Chairwoman Maloney, Ranking Member Comer, and members of the committee, thank you for the opportunity to discuss this critical issue.

In the last year, we have seen a number of techniques employed to undermine the will of the voters—the flagrant violence of January 6, the behind the scenes phone calls to state and local officials, an alleged secret memo advocating for a coup. None of these techniques succeeded in overturning the 2020 election, but willfully ignorant sham partisan reviews are serving up innuendo and baseless suspicions, ready for deployment by super spreaders of lies.

The impact of these lies is twofold, attacks on election officials and their families now and the fostering of systematic efforts at election sabotage in the future. I hope to make three points in my testimony.

First, after more than nine months and millions of dollars spent, the sham partisan review in Arizona has given us the same insinuations that purveyors of voter fraud myths have been pushing and that real election experts have been debunking for years. And it's no surprise. The contractors that the Arizona Senate chose to conduct this charade were biased from the start.

Second, we cannot dismiss these foolish exploits out of hand because they are spreading and providing seed material that common actors leverage in their disinformation campaigns to keep the big lie alive.

Third, all of society must do its part to protect our democracy. Congress can help by providing resources to help election officials defend against these attacks and by passing legislation to protect election officials, workers, and voters.

The Arizona Senate's partisan review was conceived and executed by people who were the subject of pressure from former President Trump and his supporters to propagate fraud claims. From a State Senate meeting with Giuliani to a call from Trump to Senate President Fann to the voicemails left with the Maricopa County supervisors, who stood firm and did not call back, the pressure campaign did not let up.

It was in this context that instead of choosing objective, transparent, and competent contractors, the Senate choose Cyber Ninjas. Doug Logan, the CEO of Cyber Ninjas, has authored and appar-

ently still stands by a memo to legislators chalk full of debunked Stop the Steal conspiracy theories, including a viral claim against a former Dominion employee who had to go into hiding after a flood of harassment and threats.

In addition to being biased, the Cyber Ninjas have resisted transparency about their procedures and for the press at every turn. There is also very little transparency about who is funding the review. What little information has been disclosed is troubling.

Finally, the Cyber Ninjas were incompetent to perform any election review. The firm's top three findings are textbook examples of how purveyors of voter fraud misunderstand data. First, they ignored the birthday problem, a basic concept of probability. They looked for Arizona voters who shared a first, middle, and last name and birth year with another voter, and they found about 10,000 such matches.

They then gave this finding the alarming title, voters that potentially voted in multiple counties. But within groups of people who have a common name, such as Robert Smith, it is expected that some of them will share a birthday. And it is even more common for people to share a birth year, which is all the Cyber Ninjas found.

In another example of their willingness to cast aspersions on their fellow citizens, they labeled one finding critical, supposedly impacting over 23,000 ballots. This is the number of people who Cyber Ninjas found through matching voter check-in files to a commercial address verification list.

But temporary moves do not change a voter's eligibility to vote from their permanent residence. This isn't an obscure election law fact. It appeared in mainstream news stories before November, since many voters had questions about this during the pandemic.

And Cyber Ninjas is not the only biased contractor that was chosen. Shiva Ayyadurai was contracted to look at ballot envelope images. He has a history of conflating ballot images and ballots to allege election fraud in his home state of Massachusetts, and he did this again with envelope images and ballots in Arizona.

These errors and misleading innuendo would be sad if they weren't so dangerous. Most election officials do not have the staff and resources to run year-round fact check operations. Congress should assist with these resources.

Many of the provisions in the Freedom to Vote Act would also be helpful, such as the one providing for voters to bring a lawsuit if their right to vote has been infringed in a Federal election. This provision would provide a remedy in the worst-case scenario, where an official gives in to pressure to overturn an outcome.

Thank you for the opportunity to testify today. I look forward to answering your questions.

Chairwoman MALONEY. Thank you.

Mr. Bennett, you are now recognized. Mr. Bennett?

STATEMENT OF KEN BENNETT, FORMER SECRETARY OF STATE FOR THE STATE OF ARIZONA, ARIZONA STATE SENATE LIAISON TO CYBER NINJAS AUDIT

Mr. BENNETT. Thank you, Chairwoman Maloney, Ranking Member Comer, and members of the committee.

Auditing elections is not a threat to our democratic republic. Anything we can do to make sure our elections are transparent, trackable, and publicly verified only strengthens our country. Elections are how we, the people, give our consent of the governed, as is stated in the Declaration of Independence. And every citizen deserves to know that they are treated equally under the law, as guaranteed in the Constitution.

Every lawful vote must be counted accurately and not canceled out by unlawful ones. Even the election system used by Maricopa County, known as Dominion, points out in their marketing materials that the fourth of four steps in an election is to audit the election. They even trademark that module saying, "This ballot-level audit trail allows election officials and other stakeholders to review not only the ballot images, but also the tabulator's interpretation of each ballot."

And why does each ballot matter? In 2020, Arizona had the closest contest for President in our state's history. To use numbers we can all easily relate to, if Arizona was 1,000 people, we had 80 percent, or 800 people vote. The official results were President Biden, 397; President Trump, 395. Yes, a two out of 800 vote margin, or 3/10ths of one percent, which was the exact percentage of about 10,000 out of 3.4 million in the actual election.

Now you notice that 397 and 395 don't add up to 800 either. That's because on one percent of the ballots, eight out of 800, the machines didn't record any vote in the Presidential race. In the actual election, it was almost 34,000 ballots out of 3.4 million statewide.

Maybe that's what those voters intended, or maybe some voters circled their ovals or checked next to the oval, not getting any mark inside the oval. In either case, no vote was counted by the Election Management System, and those undervotes would not have been sent to adjudication teams to determine voter intent.

This fact alone warrants auditing an election that was this close by reviewing each ballot, which is exactly what we did in the audit. We reviewed each of the almost 2.1 million ballots. And despite months of warnings from the county, our secretary of state, election experts, and most of the media that the auditors' procedures were imprecise and unreliable, the most significant finding of the audit is that the hand count of the physical ballots very closely matches the county's official results in the President and U.S. Senate races.

Now that finding is frustrating to many who expected the audit to prove a different election result. But as Arizona Senate President Karen Fann stated numerous times, the audit has never been about trying to overturn the 2020 election. It is about verifying that Arizona laws and procedures were followed and identifying how our laws can be improved and better enforced going forward to maximize integrity in our elections.

To that end, we did find several areas where election laws and procedures were or may have been violated. These include missing

or unmatched signatures on ballot envelope affidavits, missing serial numbers matching duplicate ballots to their originals, common usernames and passwords used to log into the Election Management System, insufficient security protocols and procedures, deleted files and churned logs from the data delivered to the Senate, and numerous voter registration anomalies.

Now some of these are findings, and some are observations or questions to which the county say they have answers and explanations. We welcome those answers.

One of the most disturbing aspects of the audit was the county's lack of cooperation, especially their unwillingness to answer any questions once the audit began. Not many people like to have their work checked, but audits are much better with the cooperation of the auditee.

The audit report has been forwarded by the Senate to our state attorney general, whose Election Integrity Unit will work with the county to find those answers and accountability. Election integrity is so important, we must find ways to work amongst different levels and branches of government to achieve it.

No election or election audit can be conducted perfectly, as they are administered by imperfect human beings. I believe the majority of election officials throughout our fine state are honorable, well-intentioned people trying to do the best job they can. I believe the same about the audit.

We should not fear auditing elections. We should embrace it and welcome it.

Chairwoman MALONEY. Thank you. Thank all of the panelists for your testimony.

I now recognize myself.

Chairman Sellers and Supervisor Gates, thank you for being here today. You are both lifelong Republicans. Mr. Gates, I understand that you even founded a teenage Republican Party while you were in high school, and I don't think anyone would question either of you for your long-held allegiance to the Republican Party.

Yet you have both been outspoken messengers that the 2020 election was safe, secure, and fair, even when that message has brought you into conflict with members of your own party. Nearly every Republican in the Arizona State Senate voted to hold both of you in contempt for standing up against the Cyber Ninja audit. One Republican state senator called for the entire Maricopa board to be arrested and put in solitary confinement.

My question for you, Supervisor Gates, why have you chosen to speak out so forcefully on this issue, even against some members of your own party?

Mr. GATES. Well, thank you, Madam Chair.

It hasn't been easy to do this. I have been a lifelong Republican, and I'm proud to be a Republican. But I'm also a member of the Board of Supervisors, and as was mentioned earlier, the Board of Supervisors took more authority in running elections in 2020 because we wanted to run an excellent election, and we believe that that's what has happened here.

But the problem is, that as people have been distorting what happened in this election—I have no problem with people raising

questions. What I have a problem with is people going to the lengths as you mentioned.

We had gone to court to get direction from a superior court judge on whether we had the legal authority to turn the ballots over. We had asked for an expedited hearing. And despite that, the Arizona State Senate was one vote away from holding us in contempt and most likely detaining us. That was wrong.

It was also wrong, once they had the ballots, in my opinion, to conduct an audit with auditors who had no elections experience and then also auditors who clearly had a preconceived notion. I don't have a problem with audits. I had concerns with this particular audit, and that's why I'm speaking out.

Chairwoman MALONEY. And Chairman Sellers, what about you? Why are you speaking out today?

Mr. SELLERS. When I first got on the Board of Supervisors, we were in the process of taking the parts of the election process back that we could because we'd had some issues with elections in the past couple of elections, people waiting in lines for 4 or 5 hours and those kind of things. And the interesting thing to me was that every step of the way, we ensured that we were staying within the U.S. and the Arizona constitution on everything we did.

When we were faced with the pandemic and had to change the way we were going to run the election from a precinct-based model to a vote center model, we again went back to the political parties, to the secretary of state, to the governor, to the attorney general, and got their agreement on everything we were doing, that it was legal and going to provide us with a safe, secure election going forward.

So——

Chairwoman MALONEY. Thank you. Thank you.

Reclaiming my time, I have very little, limited time. Mr. Sellers and Mr. Gates, you faced pressure to support President Trump's big lie even before the audit started. On Christmas Eve last year, former President Trump's personal lawyer, Rudy Giuliani, called both Mr. Sellers and Mr. Gates as part of Trump's pressure campaign to try to overturn the election results in Arizona.

Neither of you picked up. So he left a voicemail message. I would like to play one of those voicemails now that Mr. Giuliani left for Chairman Sellers. May we hear the audio now, please?

Mr. GIULIANI.

[on voicemail recording] Hi. Rudy Giuliani, President Trump's attorney calling. I'm hoping we could have a chance to have a conversation. I'd like to see if there's a way that we could resolve this so it comes out well for everyone. We're all Republicans. I think we all have the same goal. Let's see if—let's see if we can get this done outside of the courts. Gosh.

OK, call me. Anytime. No problem. Bye.

Chairwoman MALONEY. Mr. Giuliani said, and I quote, "We're all Republicans. I think we all have the same goal."

I would like to ask you, Supervisor Gates, what you do think that goal was? And you got a similar call where he said—he asked you to "get this thing fixed up" and saying "I think there may be a nice way to resolve this." What do you think Mr. Giuliani wanted you to do?

Mr. BIGGS. Madam Chair, just a point of order real quick. I hope I am going to be extended the same courtesy to go beyond the five-minute limit?

Chairwoman MALONEY. Absolutely.

Mr. GATES. Madam Chair, that voicemail was left at a time we were in litigation with the State Senate over turning over the ballots and the election machines. I think he was trying to get us to settle that lawsuit so that they could very quickly get the ballots in advance of the January 6 certification of the Electoral College.

Chairwoman MALONEY. And why was this so important? What was Mr. Giuliani's ultimate goal? What do you think his ultimate goal was?

Mr. GATES. Well, you know, I can't speculate on that. But I think that he wanted to look at the evidence and see if there was evidence to support not certifying the election.

Chairwoman MALONEY. And I want to thank you both—my time is up—and the many other state and local officials who stood up to Trump's pressure campaign and turned back his efforts to overturn a free and fair election.

The late Senator from Arizona John McCain once said, and I quote, "We are Americans first, Americans last, Americans always." I agree. We are Americans before we are members of any political party.

Chairman Sellers and Supervisor Gates, I hope other Republicans, including my colleagues in Congress, follow the example that you set today. I want to thank you for your testimony. Thank you so much.

I now recognize the gentleman from Arizona, Mr. Gosar. Mr. Gosar?

Mr. GOSAR. Can you hear me, Madam Chairwoman?

Chairwoman MALONEY. I can hear you.

Mr. GOSAR. That sounds good.

Well, I want to thank all of the witnesses, especially Mr. Bennett from my district. Ken, it is good seeing you again. Mr. Sellers, Mr. Gates, thank you for attending.

You know, the majority is very shortsighted, and this hearing today reminds me of 2017, I think, maybe 2018, when we actually—one of our own members from the other side actually introduced legislation, Mr. Raskin, for the Election Vendor Security Act. Part of that was due in terms to security—an election security vendor infrastructure subcommittee hearing on the U.S. Senate side in Homeland Security, which basically said that the equipment or the vendors or these machines were potentially 100 percent corruptible. Interesting. Interesting.

Now I want to bring back into point a film, and I am not usually complimentary of films. But this one is very interesting, released in March 2020. It is called "Kill Chain" by the HBO Films.

And basically, what it is, is they go in with a security expert, cybersecurity expert by the name of Harri Hursti. I think most of you would admit he is very good at what he does. And basically, what he talked about, he goes systematically through an election and these machines.

You know, in the old days of the 20th century, I guess when my hair was still around and it is not so gray, they were basically add-

ing machines with a light. But today, they are controlled by a computer. And all computers can be hacked. And what Harri Hursti does is he goes through a number of scenarios and people and experts to show how these machines can be corrupted.

Yes, the results we see here supposedly don't change the outcome, but there is more to the story as to how those votes could be manipulated by the machine, and then the calibration or the certification of those ballots is covered up by the machine.

Don't take my word for it. I want you to go back to watch "Kill Chain." I think it is a wonderful documentary that doesn't take a partisan look either way, at least for most of it. But it highlights a series of problems that exist, undeniably. Undeniably.

Hackers can make this change, and we have problems, as Mr. Biggs talked about, with Maricopa County from the 2018 election. The Board of Supervisors adamantly and valiantly took back some of their power and oversight at that election. But Mr. Fontes kept custody of the voter registration rolls. Very important. Very important when we start dissecting what the Cyber Ninjas did.

Second of all, they want the scrutiny from private entities like Cyber Ninjas because the certification of these audit folks is not exactly what you really want, and I don't think it is what Mr. Raskin and anybody else wants either. You don't want government OKing a process and then certifying that process. You want somebody independent of that aspect. So from the standpoint that we see this, there are problems.

How about me? Where do you account for me? The day after the election, I was contacted by two individuals. One had security and fraud jobs with the banking world. The other one does fraud from Department of Defense. They were monitoring the election through Edison, the amalgamator, that was providing information to the media.

What they saw in Arizona—they were watching the secretary of state at the same time. What they saw from Arizona drew their attention quickly first, based on numbers of 90,000-some, 60,000-some, 40,000-some ballots dropped into Donald Trump's category and then quickly come out verbatim. Now there may be a reason for that. We don't know.

But then they started watching and looking to the dumps. And what I mean by that is, is there is a first dump. There is multiple dumps, maybe 9 or 10 through the night. So if they are random, which they should be, if the first dump in Coconino County was 61 percent for Joe Biden, you would expect the rest of the time and the rest of the dumps to be very similar, 58, 62, 55, and so forth. Not 40, 38, 35. That drove their—a big question mark for them.

There were four anomalies in our state—Maricopa County, Pima County or Tucson, Coconino County up in Flagstaff, and Pinal County down just southeast of Phoenix. Interestingly enough, the top two election officials in Pinal County actually resigned the very next morning. That doesn't draw any attention, does it?

So it gets even worse. So they go, the election—Maricopa Election Committee actually takes 100 random duplicate ballots. These are ballots that can't go through the machine for smudges, tears, whatever. And you do a new one with judges from both sides of the aisle looking over, making sure that it is done right. So when you

run them through the machine, you should have a zero percent error rate.

They had a three percent error rate. And in Maricopa County, that represents over 90,000 ballots. Wow, we got a problem. The margin of loss was right under 11,000.

So then they did 2,500 random duplicate ballots. They never finished. They locked them up. We were told that there was double-digit error rates. So the two guys, going back to the two guys, they estimated between 450,000 and 700,000 ballots had some electronic or some kind of issue. They still may be valid, but that had an issue.

Well, if you take 3 times 3 at 90,000, you are talking about over 200,000 or 270,000 ballots. This should be a cause for an audit. It shouldn't be that you are suing the State Senate who has jurisdiction over you, and we had to go to court for that aspect. And yes, the State Senate won in this-that discard.

But we saw the county supervisors lock them up, sue at every case they got. They lost at that superior court judge that they don't have to answer to the State Senate. They do. They didn't provide different mechanisms. So they didn't allow a full canvass. They didn't have access to the routers. They didn't have full access for voter signature acuity and documentation and accuracy.

Chairwoman MALONEY. The gentleman's time has——

Mr. GOSAR. There are certainly problems here, and hopefully, I will be able to get some time yielded to me so I can explain even more.

Chairwoman MALONEY. OK——

Mr. GOSAR. There should have been an audit based on this information, and this information alone.

Thank you.

Chairwoman MALONEY. OK. The gentleman has received equal time, and we were both over time.

I now recognize the gentlelady from the District of Columbia, Ms. Norton. She is now recognized for five minutes.

Ms. NORTON. Thank you, Madam Chair, and I will certainly try to stay within my time.

This oversight hearing is the appropriate response to claims that the election was stolen. Let's look into it. Let us call, as we have, those who were in charge of conducting this election.

And I note for the record that Cyber Ninjas who did the audit is not here. I would have thought that they would be first to want to step up to speak to the issue of the audit. They were invited. They are not here.

The other side mentioned problems in all of our elections. There has never been a problem such as the problem we have seen here. This is unprecedented.

He mentioned Bush v. Gore. I remember very distinctly that at that very close election, Gore stepped up to concede the election. That is the American way. This is the first time that has been broken in the history of the United States of America.

I have questions for Chairman Sellers and Supervisor Gates, who I thank for appearing before us today. I understand that since the election, you have been the targets of horrific threats of violence, something else unprecedented in American life.

I would like to ask each of you about the threats you have received. Chairman Sellers, approximately how many threats have you and your family received since November 2020, and have these threats—how have these threats affected you and your family?

Mr. SELLERS. OK. I have not reacted as much to the threats as some of my colleagues because I'm widowed, I live alone, and you know, I think even my staff and our law enforcement agencies have admonished me for not being concerned enough about the threats. But to that point, I have had Sheriff's Department and Chandler Police Department vehicles that parked in front of my house overnight on many nights because of very specific threats against me.

And in fact, the Maricopa County sheriff told me if you don't have a Ring doorbell, I will buy you one if you're not willing to buy one for yourself. And I now have one of those as well, just to—to enhance the security where I live.

Ms. NORTON. Madam Chair, that kind of threats after an election again is unprecedented in American life.

Supervisor Gates, can you describe some of the threats that you and your family have received, and is it your understanding that people making these threats support the notion that the election was stolen?

Mr. GATES. Thank you for that question.

We have been—my family—I have three daughters, and we have been subjected to many threats over the past few months. We have been doxxed. One of our colleagues had 90 people outside of his house one evening, and we've had phone calls into the Board of Supervisors saying that they were—people were going to come and slaughter us and our families.

Sadly, we had a state senator who sent out a fundraising email in which she told us—she's a veteran, and she told us to "check our six," which I believe means that, you know, we better watch our back.

This is clearly an attempt by people—and we see it on both sides of the aisle, sadly—people all across the spectrum. But for us, it's generally been people who have—who have been unhappy with the election result. There's been an attempt to intimidate us and intimidating others who are doing elections work. And that's what I'm most concerned about is that this would deter good people who want to be involved in running elections in the future from getting involved and making a difference.

Ms. NORTON. Vice Chairman Gates, that's a very important point. These are volunteers. We need them every election.

Could I ask you, Chairman Sellers, have other supervisors and employees of the county been targeted by similar threats of the kind that you and the vice chairman have mentioned?

Mr. SELLERS. Yes, absolutely. And in fact, we had a fence put up around our building in downtown Phoenix, a fence put up around our election headquarters just to protect the employees who are—and the important thing to me is that the Elections Department people are nonpartisan people that have worked through all—all the elections without any political involvement at all. They are just experts at what they do. And yet they, as well, were getting threats.

Ms. NORTON. Madam Chair, this has been important to put on the record. This kind of conduct you would expect in an autocratic republic, not a democracy like the United States of America. That is why this hearing is so important, and I thank you.

Chairwoman MALONEY. Thank you. I now recognize the gentleman from Arizona, Mr. Biggs, for as much time as he needs.

Mr. BIGGS. Thank you. I will try to stay as close to that five as I can, Madam Chair. Thank you so much.

It is unfortunate that we have devolved that there are threats. I mean, that really is a terrible thing. I spent the first two years receiving threats from the hard left repeatedly. I couldn't even hold town halls anymore because I had to have massive amounts of protection there not just for me, but for anybody who would come because we had no idea what would happen.

The threats were real. I know that Senator Fann, the president of the Arizona Senate, has received threats from the other side as well. So, I mean, this is a problem that we face in a very divided nation right now.

But I wanted to just—I had to point out something about Vice Chair Gates' testimony that I thought was interesting because you mentioned in your written testimony. I read that, and you stated it, and you kind of read that today that the Senate was trying to put you in jail. That isn't really the full context.

The full context was this. That the Senate in December after their hearing issued subpoenas. You guys were negotiating, trying to figure out how to respond to those subpoenas. Didn't happen. In January and February, there was an attempt to issue second subpoenas. Those subpoenas were not responded to.

A court hearing was held. Court, Timothy Thomason said the subpoenas issued by the Arizona Senate were valid. You didn't go to court to say, hey, you know, we want to participate. We just want to know what we can and can't get. You went to quash the subpoenas. That's a huge difference.

And to be held in contempt, it takes a majority. They didn't get their majority because the Senate is very evenly split. That is something quite different than saying, yes, they were trying to put us in jail. They were trying to cite you for contempt of something that constitutionally and statutorily the legislature was allowed to do.

I just needed to make sure that that was clear as we go. And now I am going to turn to Mr. Bennett.

Mr. GATES. May I respond to that?

Mr. BIGGS. No, you can't. It is my time.

I am going to turn to Mr. Bennett. Mr. Bennett, I want to ask you a question with regard to this notion of—let me get to my question here—Mr. Becker, yes, he was critical of the chain of custody. Can you talk to us about the valid chain of custody?

And I don't mean to be rude, Mr. Gates. I have a very limited amount of time, and I got to get to certain things.

Mr. BENNETT. Yes, I think Mr. Becker's testimony was that the Ninjas had seized the ballots and machines. Nothing could be further from the truth. I personally, along with the co-election director of Maricopa County, Mr. Scott Jarrett, supervised the transition of

the ballots and the machines from the county to the audit over a period of two days. We processed 46 pallets, 1,691 boxes.

Now, a box contains about 1,200 to 1,300 ballots. That process went very smoothly. I've been very complimentary both privately and publicly of Mr. Jarrett and the county's transition of the ballots. But we did find, for example, 26 mismarked boxes. We found eight boxes that were not listed on the manifest, the chain of custody documents that Maricopa County was supposed to have since the election until they turned them over to us on April 22 of 2021.

We found two boxes that were on the manifest, but not present on the pallets. And then we found three boxes that were on different pallets than they were listed.

So the point is that out of 1,691 boxes, there were 40-some boxes of errors. But the transition was not one of the auditors seizing the ballots and the machines. We had a very smooth transition. And once they were in our custody for the audit, we never had a break or lack of chain of custody until we returned them to the county.

Mr. BIGGS. And why is the chain of custody so important here, where the folks that didn't want to see an audit take place were claiming there was a chain of custody problem? But the actual chain of custody problem was in transferring from the county to y'all? Why is it important to have good chain of custody?

Mr. BENNETT. Well, the chain of custody that has never been provided is the chain of custody that is required by state law that should be created when the ballots are delivered to the county by their vendors and then are processed in the election through the election. That chain of custody should have started then, and that chain of custody should have been part of the documentation that was delivered to us when the ballots and the machines were given to us in April. We never received that chain of custody.

But we do have a full chain of custody. And the reason the importance of chain of custody during the audit is the same as during an election, to be able to account to the people of your county and your state that you have accounted for all of the ballots and the ones that you used, the ones that you didn't use, the ones that were spoiled, the ones that were duplicated. And all of that chain of custody is important in the election, as it is in the audit, which is why we maintained full chain of custody during the audit.

Mr. BIGGS. Thank you, Madam Chair. I will yield back to you.

Chairwoman MALONEY. The gentleman yields back. I now recognize the gentleman from Massachusetts, Mr. Lynch. You are now recognized Mr. Lynch.

Mr. LYNCH. Thank you, Madam Chair.

Mr. Gates, I will give you an opportunity to respond to the fact pattern that was presented in your question. But first of all, I want to say that how shameful, how absolutely shameful the conduct that some of my colleagues has been in perpetuating this big lie.

I just—you know, I chair the Subcommittee on National Security, and we regularly visit failed states. I spent a lot of time in Afghanistan as well as other countries where there is one common denominator in these failed states, and that is there is no trust in the election process. For decades, decades, in Afghanistan, the losing candidate always says it was stolen, and they undermine the ability of the winning party to actually govern.

And while that has been a characteristic in other failed states, it is having the same impact on our country. It is undermining the faith in whoever wins, whether it is a Democrat or Republican candidate, and that is shameful.

It really is shameful that so many of my colleagues have followed the Trump lie. This is all about Trump. Mr. Trump has had other occasions where he has questioned elections. Remember, he actually tweeted out when Romney lost to Obama. He tweeted out that, oh, the election was stolen. The election was stolen. Check the machines, he said.

When Ted Cruz beat him in Iowa, Trump said he stole it. Anybody who—look, I have attended several caucuses in Iowa. You have got to physically be there. You have got to raise your hand for your candidate. But Trump said it was stolen.

And then months before this election, this past election, when President Biden won, he said, oh, the only way they are going to—the only way Biden could win is if he is going to steal it. That is absolutely shameful. What is more shameful, that he has taken so many good people down with him.

You know, history—history will remember, will remember the people like Mr. Gates and Chairman Sellers who stood up for democracy, stood up for democracy, in the face of threats, physical threats to themselves and their families. And history will also remember the quislings, the quislings who backed Trump and his allegations that the election was stolen.

So this is not only a day to stand up for what you believe in, it is also reputationally something that is going to be visited on your family that you attacked this country, you attacked a legitimate election in favor of that man, President Trump. It is disgraceful.

Sixty-two cases were brought in court. None of them, none of them—and before Trump-appointed judges, Federal judges, they are Trump appointed. A lot of Federal—excuse me, a lot of state judges that were Republicans, long-time Republicans, and they never, ever substantiated.

Most of those cases were dismissed for lack of evidence. They never got to the merits. And yet you continue to support the big lie. It is disgraceful.

Mr. Gates, I now yield my last minute to you to address the custodial issues that the gentleman from Arizona raised.

I yield back.

Mr. GATES. Thank you very much, Congressman.

I didn't want to leave any lack of clarity on what happened. Congressman, we did receive a subpoena, and we didn't attempt to quash that subpoena, for the record. We went to court to get direction. We believed that it was a violation of Arizona law to produce the ballots and the machines. We were looking for direction.

And I would point out as well, we did not appeal that decision to the Court of Appeals, which a lot of people have said was a mistake on our part. But I did not want to give that—I wanted to make sure that was clear for the record. The vote that was going to—the vote that took place, we were in—Jack Sellers and I were in Karen Fann's office, and we said we've asked for an expedited hearing. You don't have to do this. She said it's going up on the board.

And I said, "Karen, you know, my daughter called me, and said, 'Dad, are you going to get thrown in jail?'" She said, "Bill, we're not going to throw you in jail." I said, "This resolution gives you the authority up to and including throwing us in jail," and there will be lot of people pressing for us to be in jail if we weren't by the end of that day.

Mr. LYNCH. Thank you, Madam Chair. I yield back.

Chairwoman MALONEY. The gentleman from Georgia, Mr. Hice. You are now recognized, Mr. Hice.

Mr. HICE. Thank you, Madam Chair.

Here we are. This committee continues to ignore its responsibility, as we have so many issues facing our country at the border and inflation. I mean, we have got so many issues, and here we are meddling with what states are doing in their election laws, which the—and the audit here, which the Constitution clearly grants the states to oversee all of this.

But nonetheless, I hear a lot today about the "big lie." Let us remember the big lie was the Russian hoax that we had to live with for years and going through the hoax impeachment processes over and over. I don't recall a single hearing that we had on that, Madam Chair, and yet here, it is somehow wrong for Republicans to raise legitimate questions when we had an election that was fraught with irregularities and potential fraud, where rules and laws for the election process were changed immediately prior to the election, and it created all sorts of problems.

And I think all of us recognize this. Our republic is based on the foundation that the people, the voters of this country must have faith and confidence in our election process. And yet tens of millions of people from this last election have serious concerns as to what happened and serious concerns with potential fraud.

There are thousands and thousands of affidavits of people expressing that. Many of those affidavits I personally have looked at. And when the people of this country lose faith in their elections, when they lose the belief that they can enact change at the ballot box, then we are in serious trouble.

And us somehow to have an attitude that it is OK to sweep these concerns under the rug is major disservice to our Constitution and the people of this land. Wherever, if ever, there is a fraudulent vote, that vote in itself, by nature of what it is, suppresses the vote of a legal voter. Whatever way the legal voter expressed his or her opinion at the ballot, if there is a fraudulent vote on the other side, then that legal vote is suppressed.

We must look at these things. We cannot sweep these under the rug. And the only way to expose this type of thing or the only way to deal with this type of crisis, potential crisis in our elections is to expose it and to address the problems straight up.

My home state of Georgia, as we all know, in many ways has become the center of this, and thankfully, the Georgia General Assembly has addressed the problems. And they enacted SB 202, which is a great step forward to making sure that we have fair, accessible, secure, and transparent elections in our state, regardless of what Democrats try to portray with the election law.

And Madam Chair, I would ask unanimous consent to submit SB 202 into the record, along with a summary of that bill.

Chairwoman MALONEY. Without objection.

Mr. HICE. Thank you very much.

And in spite of it all, Georgia has not been able to have a full audit, which I believe we should have and I continue to call for. But in all that context is why I believe this Arizona audit is extremely important and something that we have got to continue to look at. I think it is unfortunate that Maricopa County, in many ways, resisted this and only through subpoenas and court order finally got through with all of this.

But there are still problems. There are inconsistencies. There remain question marks with the Arizona results. For example, there appears to be many ballots from individuals who had moved prior to the election. There are missing files from the Election Management System.

We have a host of other issues where the numbers don't add up. They don't equal up to one another. That is a serious problem. There were ballot batches that were not clearly delineated.

Serials numbers that were missing. Originals that were duplicated more than once. As we have already heard, chain of custody issues.

Now, look, the question is, folks, we have got to take this whole issue of election integrity seriously. Regardless of whether you are pleased with the outcome of the current administration and the disastrous results happening in our country, election integrity is of utmost importance to our country. We have got to look at this in a serious way, and I see my time has expired.

But where there are concerns of fraud and irregularities, they must be dealt with, and I encourage us to move forward with that kind of attitude. And with that, Madam Chair, I yield back.

Chairwoman MALONEY. The gentleman yields back. The gentleman from Maryland, Mr. Raskin, you are now recognized.

Unmute, please. We can't hear you. Unmute, please.

Mr. RASKIN. Thank you, Madam Chair.

I hope that those colleagues who are saying that legislatures have a right to obtain the information they seek and that holding people in contempt for not complying with subpoenas is not an excuse to put them in jail, but rather, it is an attempt to effectuate the people's right to information will remember that this week and next week, as the legislature you belong to works to get information from material witnesses to the violent insurrection that led to the wounding and the injury of more than 140 officers and interrupted the counting of Electoral College votes for the first time in American history in the most sweeping violent attack on the U.S. Capitol since the War of 1812.

So that is a point that people should keep in mind. The second point I want to make is you cannot bemoan the people's loss of faith in elections while you are spreading information and propaganda that are eroding the people's faith in elections. Now when there are real problems, all of us need to act to address them. But I don't think it is a fitting response to the situation to spread lies and propaganda and disinformation that are being refuted today by Republican witnesses and then say we have a problem with people's faith in elections.

Now, Madam Chair, this is one of the most important hearings I have ever seen in my life. There is no doubt this is the most important thing going on in America today, and I hope everybody listens to it.

We have before us top-ranking, highly qualified election officials who happen to be Republicans, Chairman Sellers and Mr. Gates, who have told us that the election in Maricopa County was the most secure, verified election in our history. They have told us that the attacks on the election are a scam to keep people angry and donating.

They have said that the attacks on the election are lies. They have explained to us that the elections in Arizona were free, fair, and accurate and that Joe Biden won by more than 45,000 votes. This was confirmed by the counties, confirmed by the hand—the hand counts, confirmed by the machine counts, and confirmed by the people, over 90 percent of whom believe the lawful results.

And yet still we have people today in this hearing trying to perpetrate the big lie, which their own concocted audit itself discredited. So it is just a remarkable, remarkable moment and an extraordinary thing for America to see here.

Now, Chairman Sellers, let me come back to you. Was there any fraud or corruption materially affecting the outcome of the election in Arizona in 2020?

Mr. SELLERS. No. And in fact, before we certified the election, we asked a lot of questions. We had an over 2-hour meeting where the results of the election were presented to us. We were able to ask questions that had been presented to us by different people in our legislature and our Senate. And you know, we very carefully went through everything before we canvassed and approved that election.

Mr. RASKIN. You have invoked in this remarkable onslaught, which continues by Donald Trump and his followers, against the election a "staggering refusal to follow the will of the people," which, of course, is the essence of democracy. How do you explain this staggering refusal to follow the will of the people?

Mr. SELLERS. Well, you know, I'm not sure how I explain it. Because a lot of people don't seem to realize that the Board of Supervisors do a lot of things other than just elections. And we are the fastest-growing county in the United States, and I'm so anxious to get us back onto doing the kind of things that are truly important for us to be doing, rather than relitigating things. And as people have asked questions about—about the audit and the things that have been brought up in the audit, virtually everything has already been answered.

Our recorder is working on——

Mr. RASKIN. At every level—and forgive me, I just want to ask you one last question before we go. Because much has been made of the fact that you guys are Republicans. You have been lifelong Republicans, active Republicans, and all you are trying to stand up for is a free, fair, and accurate election against all the lies and propaganda.

But what if you were Democrats? You can only imagine what they would be saying in that case. There are some people who just will not accept an accurate count in the election, and my question

for you is what does that mean for democracy if we have people who will question, even after all of these audits, even after all of this investment, the final results as determined by election officials? What does that mean for democracy?

Mr. SELLERS. It's very troubling because when you give people the facts and they still do not accept them, that's a problem.

Chairwoman MALONEY. The gentleman's time has expired. And the gentleman is recognized for a point of order?

OK. The gentleman from Ohio, Mr. Jordan, is now recognized for five minutes.

Mr. JORDAN. Thank you, Madam Chair.

The previous member just said "bemoan the results and talk about the big lie." Well, how about the big lies? How about all the lies that Democrats have told us over the last couple of years?

Democrats told us the protests in the summer of 2020 were peaceful. Democrats told us the dossier was real. Democrats told us Trump colluded with Russia. We had a $30 million investigation done by Bob Mueller that said that wasn't true. Democrats told us the Russian bounty story was true.

Democrats told us COVID didn't start in a Chinese lab. Nope, nope, didn't start there. It was a—it was a bat to a penguin to a hippopotamus to Joe Rogan, and we get bit—no, no, no.

And then Democrats for four years told us the 2016 election was stolen. For four—they could investigate that for four years. We are not allowed to question some concerns we have about the 2020 election for four minutes, but they could investigate that for four years.

In fact, on January 6, 2017, Democrats objected to more states than Republicans objected to on January 6, 2021. Mr. Raskin himself objected to the state of Florida, to certifying the results from the state of Florida on January 6, 2017. But we are not allowed to ask questions.

I mean, they objected to the state of Alabama. Alabama, a state that President Trump won by 30 points. They can object to Alabama, but we are not allowed to object to Pennsylvania, where in the run-up to that election, they changed their election law in an unconstitutional fashion? We are not allowed to object to that or do an audit in Arizona? Give me a break.

Mr. Becker, the chairwoman—in her opening statement, the chairwoman criticized the fact that private funds were used to finance the Arizona audit. Do you share her criticism of that?

Mr. BECKER. I do in the sense that it was untransparent. They resisted any kind of transparency in that endeavor. My organization——

Mr. JORDAN. Do you agree with the fact that Facebook and Mark Zuckerberg gave over $4 million—$400 million, excuse me, $400 million for the election itself?

Mr. BECKER. Yes. I was just getting to that. Actually, my organization received over $60 million from Mr. Zuckerberg and Ms. Chan to grant to any state that wanted to apply for it for purposes of conducting voter education for——

Mr. JORDAN. You took how many million? They took how many million?

Mr. BECKER. Over $60 million that my organization regranted to the states.

Mr. JORDAN. You got $60 million? And that is fine?

Mr. BECKER. It was all done transparently. We put out in March of this year——

Mr. JORDAN. The funds——

Mr. BECKER [continuing]. And I'm sure you've read it, Representative Jordan. We put out a report, a full transparent report listing all of the states that applied, 23 states—some of them very blue, like Connecticut; some of them very red, like South Carolina—the exact amounts that went to each state, and what the money went for.

Mr. JORDAN. So it was OK for private funds to be used? But I got a question here. It is OK for private funds to be used to run the election, it is not OK for private funds to be used to audit an election. Is that what you are saying?

Mr. BECKER. No. What I'm saying is transparency is paramount and that transparency should be done under any circumstances. Ideally, private funds wouldn't be used for election administration. What would——

Mr. JORDAN. I would like some transparency on how it——

Mr. BECKER. Madam Chair, may I——

Mr. JORDAN. I would like some transparency on how that $400 million was used to run the election and exactly what your organization did with the over $50 million I think you said you received.

Mr. Bennett, there were three numbers that were pointed out in the audit that I just want to get your reaction to. Oh, first of all, is auditing a bad thing? Auditing an election, is that a bad thing?

Mr. BENNETT. Absolutely not. In fact, it's already in state law that the counties do a limited audit. The Senate did a full forensic audit in this situation.

Mr. JORDAN. Yes, normally we think auditing is a good thing. It just keeps everything—it is accounting. It is an understanding of what actually took place. We normally do that. Why do Democrats hate audits?

Mr. BENNETT. You'd have to ask a Democrat. I don't know why they hate audits. To me, we have an auditor general office in the state of Arizona. Every state agency is audited every three or four years, some annually. Everyone seems to support that. I think audits of elections are warranted as well.

Mr. JORDAN. Yes, no kidding. I mean, they tried to audit the 2016 election. They are still trying to do it. They still haven't accepted the results from the 2016, but we are not allowed to ask questions and do a few audits on the 2020 election.

I have got three numbers I want to run by you that were in the actual audit of Arizona—23,344 mail-in ballots from a different address, 9,044 more ballots returned by a voter than were sent to that voter, and 5,295 ballots with the same name and birth date from a different county than were sent to the voter. Can you tell me about those three numbers and what those findings, what they may—just tell me what your thoughts on those three—those three numbers.

Mr. BENNETT. Well, the first number was the 23,000. My recollection is that 15,000 of those 23,000 were voters who moved within Maricopa County just prior to the election. That does not make

them ineligible to vote in the county. So there's probably nothing wrong with those 15,000.

There were 6,000 of that 23,000 that was thought by the auditors to be folks that moved out of Arizona just prior to the election and, if so, probably shouldn't have been allowed to vote. But when they looked at the voter registration of those 6,000, it was divided equally, 2,000 Republicans, about 2,000 Democrats, and about 2,000 no party designation.

So we don't know whether or not those—what the votes were on those ballots. But all——

Mr. JORDAN. Six thousand? That was 6,000 something?

Mr. BENNETT. That was about 6,000, yes.

Mr. JORDAN. OK.

Mr. BENNETT. The other two numbers that you mentioned are numbers that the auditors determined to be questionable based on their comparison of the final vote data released by Maricopa County, compared to commercial data bases. That has given rise to questions that Maricopa County says that they can answer.

Chairwoman MALONEY. The gentleman's time has——

Mr. BENNETT. And so, as I said in my testimony, we welcome answers and verification of that from the county.

Mr. JORDAN. What about the 5,000——

Chairwoman MALONEY. The gentleman's time has expired, and maybe we can get these answers in writing on that.

The gentleman from Georgia, Mr. Johnson, is recognized for five minutes.

Mr. JOHNSON. Thank you, Madam Chair, for holding this very important hearing.

My friends on the other side of the aisle claim that our democracy is strengthened when close elections are subjected to forensic audit by outside entities. And I think that all reasonable people would agree that if Maricopa County should have hired an outside entity to conduct a forensic audit of the Maricopa County 2020 Presidential election, then Doug Logan and the Cyber Ninjas should not have been the firm entrusted with that obligation.

Why? Because the Arizona State Senate knew that Doug Logan and his business known as the Cyber Ninjas had absolutely no election or auditing experience or expertise, and they knew that Doug Logan was a well-known and notorious pro-Trump conspiracy extremist when they hired him to conduct the audit. Doug Logan and Cyber Ninjas were hired in a no-bid, sole-source process despite it being well known that Doug Logan was spreading false claims of election fraud on social media.

The Arizona Senate also was well aware that Doug Logan was spreading QAnon theory, racist QAnon theory, and they knew that Doug Logan was intimately involved in promoting the Stop the Steal movement that was key to inciting the January 6 insurrection, which was a violent attack on the U.S. Congress in an attempt to overthrow the results of the Presidential election that President Biden had won by the popular vote and also in an Electoral College landslide.

The fact that the Arizona Senate entrusted their so-called audit to a partisan political hack like Doug Logan is revealing as to the true purpose of the so-called audit. The real reason why the Ari-

zona Senate entrusted this process to Doug Logan and the Cyber Ninjas was to undermine public confidence in our elections while providing a false justification for efforts in Georgia with its infamous Senate Bill 202 and also in Arizona and other states around the country to pass laws making it harder to vote and easier for partisan officials like those in the Arizona Senate to subvert elections.

And it has now been revealed that Doug Logan and the Cyber Ninjas took $5 million—excuse me, $7 million, over $7 million they took from private organizations connected to Donald Trump to fund their so-called audit. You know, America Project was one of those firms, run by Patrick Byrne, the former chief executive of Overstock.com, who has sought to overturn the 2020 election based on unfounded conspiracy theories.

America's Future is another private firm raising money from angry citizens misled by Donald Trump and his minions about him losing the election, the election having allegedly been stolen from him. America's Future has collected millions of dollars from Americans, and they used part of that money to give it to the Cyber Ninjas to conduct this sham audit which we are talking about here today.

And America's Future is chaired by none other than the notorious Michael Flynn, President Trump's discredited and felonious first National Security Adviser. Michael Flynn, who has called for the military to rerun the 2020 election. Can you believe that?

Cyber Ninjas also took money from——

Mr. BIGGS. Would the gentleman yield for a question?

Mr. JOHNSON. Not at this time. I am speaking fact, and you will have some time when I finished to refute those facts. Do you disagree with anything that I have said?

Mr. BIGGS. Yes, thanks for yielding. Are you yielding time to me to respond? Thank you, Mr. Johnson.

Yes. As public record, there were three bids for the audits. You said that it was a no-bid process.

Mr. JOHNSON. Oh, OK. All right. Reclaiming——

Mr. BIGGS. There were three bids.

Mr. JOHNSON. Reclaiming my time. OK, I knew I was going to get somebody to contest me on that. So it wasn't a no-bid contract. But the other allegations are much more severe that you choose not to contest because they are uncontestable.

Do you contest the fact that America Project, run by Patrick Byrne, funded this audit? Do you contest the fact that Michael Flynn——

Mr. BIGGS. Thank you. So are you yielding time for me to answer post—and I am sorry.

Ms. NORTON.[Presiding.] But his time has expired. He has no time to yield to you.

Mr. BIGGS. Sorry. Thank you, sir.

Ms. NORTON. And if that saves you from——

Mr. JOHNSON. Having to answer.

Ms. NORTON. Yes, I bet you are.

Mr. JOHNSON. Thank you, Madam Chair.

Ms. NORTON. Your time has expired, sir, long time ago.

Mr. JOHNSON. I yield back.

Ms. NORTON. I recognize the gentleman from Wisconsin, Mr. Grothman, for five minutes.

Mr. GROTHMAN. Sure. It is too bad that we have to have this hearing. But nevertheless, I always think it is good to review the last election.

I think absentee ballots, mail-in ballots are necessary for military folks, for people who are out of town. But nevertheless, it seems they were used more in this election than ever before. More, and perhaps they were unnecessary. I am always worried about them. Could somebody, maybe Mr. Bennett, tell us about how many mail-in ballots there were in this election compared to, say, the 2016 election?

Mr. BENNETT. In Maricopa County, there were about 1.9 million ballots that were submitted by mail out of the 2.1 million total.

Mr. GROTHMAN. Almost all were by mail?

Mr. BENNETT. Almost all what? I'm sorry.

Mr. GROTHMAN. All were by mail, you are saying?

Mr. BENNETT. About 1.9 million by mail, and a little shy of 200,000 who voted at a polling or a voting center they now call it.

Mr. GROTHMAN. Could you compare that to four years ago?

Mr. BENNETT. Well, that ended up being about 88 percent vote by mail, which is up from about 80 percent four years ago.

Is that about right, David?

Mr. GROTHMAN. OK. I have two concerns about vote by mail, and I am just wondering how you dealt with it in your audit. My first concern, you know, when you show up in person, you are right there. We know that Glenn Grothman is the one voting. He showed his driver's license and whatever.

When you get somebody who votes by mail, you don't know whether it was really that person. Did somebody else get the mail and fill it out? You know, how did you in the audit deal with the concern that maybe people were filling out a ballot, but it wasn't the same person who should have been filling it out? How did you deal with that, or how did the auditors deal with that?

Mr. BENNETT. Well, the auditors dealt with the original ballots after they had been either voted in person or submitted by mail. They had, during the election, been separated from those envelopes. So the auditors did not have the envelopes themselves.

There was a subcontractor, Dr. Shiva, who looked at the images of the envelope affidavit signatures, and that was part of his report as one of the five sub-reports for the audit. But the auditors did not have the physical envelopes.

Mr. GROTHMAN. The question I am trying to get here, if I have a ballot from Mary Smith at 123 Elm Street, and how do I know that it was really did Mary Smith even still live there or that Mary Smith was the one who filled that out? Did the audit do anything in that regard?

Mr. BENNETT. The audit did very little in that in the sense that we did not have the envelopes. The answer to your question is in Arizona, if the envelope is returned and the County Election Department can tell that it's a valid envelope that they had sent to a voter. There's a bar code where they can check, and it pulls up the voter's information. And then there's a signature box, which is

the affidavit that that voter is verifying that that's their ballot inside.

So in Arizona, we do it primarily by verifying the signature in the signature box as matching the voter registration information that the county has on record.

Mr. GROTHMAN. OK. Next question I have, my other concern that I always wish we wouldn't have so many vote by mails, is, is somebody else influencing that person, right? If I vote in person, there is nobody next to me. There is nobody checking the box for me. There is no "make sure you are going to vote for President Trump" here.

Is there any way we can check if there was undue influence of that nature?

Mr. BENNETT. Not to my knowledge, Congressman.

Mr. GROTHMAN. OK. Do you think that is a flaw in the system, a flaw in having too many absentee ballots, and that we really will never know if, you know, people were—people's boyfriend or girlfriend said you have to fill it out this way or—we are never going to know that, right?

Mr. BENNETT. It's hard to know that. In Arizona, most counties—well, all counties put a line underneath that signature box, which invites the voter, if they did receive assistance from someone to help them cast their ballot, a name can be entered there and a phone number for contact.

Mr. GROTHMAN. Do you feel—or maybe I will even ask Mr. Sellers here. Because I think part of the purpose of this hearing is to see whether we should change the election laws in any way. Do you feel that those are—and this is nothing against you guys, how you administer. But do you feel that there is a flaw in absentee voting in the sense that I am not sure we can really ever know, you know, who filled out that ballot or if that person was being coached? And if those laws do not happen, wouldn't we have to vote in person?

Mr. BENNETT. I believe, Congressman, that we can make some significant improvements for voter identification purposes. A driver's license number or some other type of data that can be confirmed by the county to make sure that those vote by mail ballots were cast by the voters themselves.

Ms. NORTON. The gentleman's time has expired.

Mr. GROTHMAN. Thank you.

Ms. NORTON. The gentleman from Vermont, Mr. Welch, is recognized for five minutes.

Mr. WELCH. I thank the chair.

There is a frustration about having these hearings for me certainly, but probably for many of us, because we are accustomed to having the vote in the election occur, the votes be counted, and then the candidate who got the most votes be accepted as the leader of the country. That is in dispute now.

And there are two elements here that are relevant. One is the role of President Trump himself, and the other is the role of social media. We know that President Trump used an enormous energy and effort to promote this—his theory that he won the election, and it was stolen. The call to the Georgia secretary of state, the invitation to the Capitol riot, all the folks who showed up on January 6,

the pressure he put on the Justice Department, essentially threatening to fire Mr. Rosen and replace him with a loyalist.

These lies, the assertion he made that he won the election and it was stolen was picked up by social media, and what we now have is a situation where we are having this hearing. And even today, Mr. Biggs won't even acknowledge that President Biden was the elected leader of this country, won't accept that. I am just going to state it. Not a hard question to answer.

Mr. BIGGS. Madam Chair, I would like an opportunity to respond since he mentioned me by name.

Mr. WELCH. The second, in fact, the majority of the Republicans—the majority of Republicans, according to polls, do not believe that Biden was elected. Why is that?

Mr. BIGGS. Point of order.

Mr. WELCH. Just because their party tried to——

Ms. NORTON. The gentleman has cited a point of order. Just a moment.

Mr. BIGGS. Madam Chair, I have been cited by name, and my statement has been misconstrued and actually misstated. If he is going to continue, I would like an opportunity to respond to that at some point.

Ms. WASSERMAN SCHULTZ. Madam Chair, that is not a proper point of order. That is not a proper point of order.

Ms. NORTON. Not a proper point of order. Would the gentleman continue?

Mr. WELCH. Thank you.

So we have the situation where the President, who is trusted by the folks who voted for him, is telling them a lie that he, in fact, won the election. So it is not surprising the majority of Republicans and candidates for Congress on the Republican Party are asserting that the election was stolen.

So I want to ask a few questions, both about the big lie and also about media. The July 15 Cyber Ninjas CEO Doug Logan claim there were 74,000 mail-in ballots that had been counted with no record of having been sent in, they were, in fact, as we know, in-person early ballots.

Is that right, Mr. Sellers? I want to ask you about that.

Mr. SELLERS. I am sorry. Could you repeat the question?

Mr. WELCH. The mail-in ballots were claimed by President Trump to have mysteriously appeared. What, in fact, was the reality of that?

Mr. SELLERS. There is no reality of that. The—every portion of the election process was very, very carefully monitored and controlled.

Mr. WELCH. Did that theory that was spread by President Trump on social media make it more difficult for you to do your job in just a straightforward way?

Mr. SELLERS. Well, yes. But you know, 88 percent of the people in Arizona voted by mail, and that became a very important part of the efficiency of our election during a pandemic.

Mr. WELCH. Thank you.

And Ms. Ramachandran, can you explain why conspiracy theories and disinformation about the election, something that has now pervaded our society, are so dangerous for our democracy?

Ms. RAMACHANDRAN. Thank you so much for that question.

Conspiracy theories and disinformation are dangerous for our democracy because they lay the groundwork for legitimizing future attempts to sabotage elections to reject the will of the voters. And these sham partisan reviews, like the one we've been seeing in Arizona, contribute to that disinformation and those lies because insinuations are made. They're not backed up by proper evidence, and then they get picked up and amplified, as you've described, on social media.

So, for instance, I mentioned that Shiva Ayyadurai, one of the people that was hired by the Arizona Senate to look at ballot envelope images in this review, he conflated the envelope images with the actual ballots. And so he made a presentation to the Arizona Senate in which he falsely stated each of these voters submitted two ballots, when he was describing these images that he was looking at in a data file.

Promptly the same day, that statement was picked up by Arizona State Senator Wendy Rogers in which she said that there were double votes, there were double—duplicate votes, that sort of thing, on Twitter and insinuated that there was fraud. So that's the relationship between these sham reviews and this disinformation campaign.

Mr. WELCH. So a final question. In addition to having whoever is the candidates are accept the outcome of the election, is it time for us to have some rules that apply to social media with respect to the spreading of false information?

That is to you, Ms. Ramachandran. Thank you.

Ms. RAMACHANDRAN. Thank you. Thank you for that question.

In a report that the Brennan Center published a little bit earlier this year describing attacks on election officials, we made a number of recommendations for the problem of disinformation on social media. One of those recommendations is for social media companies to amplify the true information that is provided by trusted election officials so that they're not sort of drowned out by all of this disinformation.

Mr. WELCH. Thank you. I yield back.

Chairwoman MALONEY.[Presiding.] The gentleman's time has expired. He yields back.

I now yield to the gentleman from Kentucky, Mr. Comer.

Mr. BIGGS. Madam Chair?

Chairwoman MALONEY. Mr. Comer, you are now recognized.

Mr. COMER. Thank you, Madam Chair.

If there were no irregularities, as the Democrats on the committee have indicated today, with the past election, I wonder if the Democrats on the committee would take back all the conspiracy theories that they spread about the U.S. Postal Service sabotaging absentee ballots. Because that was a mainstay in this hearing—in this committee for many months prior to the election.

But then, poof, once the absentee ballots went overwhelmingly for Mr. Biden, it seems that, you know, there is not a peep. I wonder if the Democrats on this committee, Madam Chair, will take that back, and would they issue a formal apology to all the postal workers and the postal unions who were very offended by the accusation that they would sabotage an election?

Chairwoman MALONEY. This is a very serious conversation about the integrity of our elections, and you are trying to change the subject. And I am focused on this.

Mr. COMER. Madam Chair, I am talking about the irregularities in the election. But Madam Chair, obviously, I am going to take that as a no. Again, I think it is terrible what—what the Democrats on this committee assumed that the postal workers would do to the election. But with that, I would yield the balance of my time to Mr. Gosar from Arizona.

Mr. RASKIN. Would the gentleman yield? Would the gentleman yield? Would the gentleman yield for a response?

Mr. COMER. I yield the balance of my time. You can have time if someone will yield to you, Mr. Raskin. I yield the balance of my time to Mr. Gosar from Arizona.

Chairwoman MALONEY. Mr. Biggs. Mr. Biggs is recognized. He means Mr. Biggs.

Mr. BIGGS. Thank you, Madam Chair.

I think he yielded to Gosar, but I will go ahead and take briefly to calling into question the testimony of the gentleman from out of town that said, mischaracterized the colloquy that I was engaged in. When I was engaged in that colloquy, Madam Chair, what I said very clearly was, as to the state of Arizona, the production and the outcome of the audits, I don't know who won in Arizona because there are a lot of questions and anomalies that have arisen through the audit that were not answered.

And so, with that, I will yield back to Mr. Comer, who I think yielded to Gosar.

Thank you, Madam Chair.

Chairwoman MALONEY. The gentleman yields back, and I recognize Ms. Bush.

Mr. BIGGS. Madam Chair?

Chairwoman MALONEY. There is still time?

Mr. BIGGS. Yes, there is still time, and I was yielding to—see, Mr. Comer originally yielded to Mr. Gosar, but you gave to me. So I took it.

Chairwoman MALONEY. So it goes to Mr. Gosar now?

Mr. COMER. I have three minutes remaining to Mr. Gosar.

Chairwoman MALONEY. OK. Mr. Gosar, you are recognized, Mr. Gosar. Are you on?

Mr. BIGGS. You are muted, Paul.

Chairwoman MALONEY. Please unmute.

Mr. GOSAR. Can you hear me now?

Chairwoman MALONEY. Yes.

Mr. GOSAR. OK. Mr. Gates, I wanted to hear, I think you stated that the County Board of Supervisors really tried to work with Senator Fann. Is that true?

Mr. GATES. My apologies, Congressman. My testimony was that we received the subpoena from the State Senate. We——

Mr. GOSAR. I know. But you—I have a short amount of time here.

Mr. GATES. Yes.

Mr. GOSAR. You tried to work with her? That is a simple question, yes or no?

Mr. GATES. I believe that we tried to work with them, yes.

Mr. GOSAR. OK. So, so, Mr. Bennett, so in compliance with that—those subpoenas, it was said that everything was given to the audit team. Can you discuss the routers and the signature envelopes that to this day have not been given, in fact, they have obstructed every single way to be able to validate and have more information to this audit team? Can you address that, Mr. Bennett?

Mr. BENNETT. Yes. As to the routers, I was told personally by one of the staff in the county attorney's office that they would provide those routers when they delivered the ballots and the machines. When that did not occur, I was told in person that they would provide virtual access to the routers within the next couple of weeks.

When that didn't happen, we were then told that there was a problem within the county to secure Sheriff's Department Social Security numbers and county health records and that we would not have access to them at all. I believe that just within the last few weeks, the Senate and the county have come to an agreement to jointly appoint a Special Master to allow the routers and the splunk logs and all of the other things to be looked at as far as the Internet connectivity.

As to the ballot envelopes, was that your second question, Mr. Gosar?

Mr. GOSAR. Yes, it was.

Mr. BENNETT. To my recollection, the ballot envelopes were not on the January subpoena, and—but the images of the ballots were, and those were eventually——

Mr. GOSAR. Let me direct you. My understanding is the court order from the judge said all information pertaining to the election was mandated from the accountant to the oversight of the Senate. Is that not true?

Mr. BENNETT. I was not at that hearing. So I would defer to yourself or others that may know better than I.

Mr. GOSAR. I understand that—I understand those were the premises. You know, this wasn't a lose-lose situation. And it was a win-win situation because trust is a series of promises kept. What better way to keep up the trust in your voters is by being transparent?

That is why I find it very disheartening from the actions of the County Board of Supervisors and their attorneys fighting and kicking every step of the way. So the last thing I would like to make sure is that everybody——

Chairwoman MALONEY. The gentleman's time has expired.

Mr. GOSAR [continuing]. On this committee should watch "Kill Chain." I hope everybody watches "Kill Chain."

Chairwoman MALONEY. The gentleman's time has expired. The gentlelady from Missouri, Ms. Bush, is recognized. Ms. Bush?

Ms. BUSH. St. Louis. And I thank you, Madam Chair, for convening this hearing.

Although the audit in Arizona failed to uncover any evidence of widespread fraud, it was successful in achieving its bigger goal, to pave the way for election subversion laws that are spreading across this country. We have all talked a lot about voter suppression in recent months, as the House has considered historic legislation, but the threat of election subversion has received far less attention.

So I would like to hear from our experts, and I know going over this again, just to be clear, just having a very clear understanding for me what election subversion is and how this audit has fueled it and what Congress can do to address it.

So, Ms. Ramachandran, briefly can you explain what election subversion is, just so we can be a little more clear, and how it differs from voter suppression, the difference?

Ms. RAMACHANDRAN. Sure, and thank you for that question.

I'm sure that different people would have slightly different definitions of all of these terms. But to me, election subversion is what occurs when someone tries to change the outcome of an election or manipulate the outcome of an election that does not reflect the true will of the voters. And of course, suppressing votes is one indirect way of doing that.

Ms. BUSH. Thank you.

How has the Cyber Ninjas' partisan audit laid the groundwork for more election subversion laws, if you could answer that?

Ms. RAMACHANDRAN. Thank you for that question.

The Cyber Ninjas' review has laid the groundwork for these laws because they've made insinuations of fraud. For instance—that we've seen repeated here today, actually. For instance, they implied that perhaps some voters had voted more than once in multiple counties. They implied that some voters who had moved from their residence and insinuated they were no longer eligible to vote had voted.

They implied that, you know, that the county was not keeping up its list maintenance properly despite their membership in the ERIC data base that the other witness mentioned. And through all of those implications, they justify future legislation that would propose undermining the will of the voters.

So it fortunately did not pass, but there was a bill proposed in Arizona that would have permitted the state legislature to simply pick electors for President that were not the ones that the voters voted for. That kind of outrageous bill is the sort of thing these insinuations unfortunately lead to.

Ms. BUSH. Yes, yes. Thank you for bringing that up.

The Brennan Center has found that in this year alone more than 200 bills containing election subversion provisions have been introduced in state legislatures across the country, and 24 of those bills have been enacted into law. How are these laws being used to subvert the legitimate election results? I know you kind of touched on it, but we know that they are extremely dangerous. So can you go a little bit further into that?

Ms. RAMACHANDRAN. Thank you so much for that question.

I do have to apologize. It's a large effort to track all of these laws across the states, and I am certainly not the sort of primary lead on that effort at the Brennan Center. But I am familiar with my colleagues' work and the fact that there is a whole host of laws that make it harder to vote that have been popping up all over the country.

Ms. BUSH. Yes. And as you brought up, two months into the Cyber Ninjas' partisan audit in Arizona, HB 2720 was introduced by State Representative Shawnna Bolick on May 24, 2021. So, Ms. Ramachandran, could you please explain what impact this par-

ticular bill would have on voters in Arizona, particularly Black, Brown, and Indigenous voters?

Ms. RAMACHANDRAN. Thank you so much for that question.

If that sort of legislation were ever to pass in Arizona, the impacts would be severe because the voters would be at risk of having their choices not respected in the election for President. There would be a risk that the state legislature would attempt to choose a different slate of electors than the slate that received the most votes merely because they did not like the outcome of the election. And obviously, that would be—that means risking the disenfranchisement of millions of voters in Arizona, if that were ever—ever to come to fruition.

Ms. BUSH. So this bill would allow the state legislature to override the popular vote in Presidential elections up through Inauguration Day, which is a blatant display of white supremacy. It is profoundly dangerous for the survival of American democracy.

If the people who run our elections do not believe in counting people's votes, it is clear that the threat of election subversion is present and grave. We must continue our oversight work to expose this audit and prevent anti-democratic election subversion laws from spreading any further.

Thank you, and I yield back.

Chairwoman MALONEY. The gentlelady yields back. The gentleman from Ohio, Mr. Gibbs, is recognized. Mr. Gibbs?

Mr. GIBBS. Madam Chairman, Chairwoman?

Chairwoman MALONEY. Yes.

Mr. GIBBS. I ask unanimous consent for a letter that I sent to you and the committee from myself to be entered into the record.

Chairwoman MALONEY. Without objection.

Mr. GIBBS. Thank you.

In this letter, I talk about disappointment for the work of this Committee on Oversight and Reform as performed under your leadership. Congressional oversight is one of the most important responsibilities of the U.S. Congress, and we are responsible for investigating alleged instances of poor administration, arbitrary and capricious behavior, abuse, waste, and dishonesty and fraud.

Since the beginning of the Biden administration, our country has been faced with multiple crises and failures of executive leadership, and yet you have not allowed our committee to conduct oversight in these pressing issues. We have not examined the policies and decisions which have led to the Southern border crisis, where apprehensions were up almost 500 percent compared to last year.

Recently, former chief of the U.S. Border Patrol Rodney Scott wrote a letter to the Senate and House leadership stating multiple options have been given to the Biden administration by Civil Service staff within Customs and Border Patrol, Immigration, and Department of Homeland Security on border security, but every recommendation has been similarly rejected.

Last week, the Civil Rights and Civil Liberties Subcommittee conducted Part 6 of its hearing titled, "Confronting Violent White Supremacy." But you have yet to hold a hearing on the summer violence perpetuated by Antifa-associated groups in 2020 during which dozens of people were killed or injured, over 62,000 National

Guard personnel were activated and at least 14,000 people were arrested, and approximately $2 billion worth of property damaged.

Additionally, you continue to waste this committee's time examining state laws regarding abortion. A week after the House of Representatives passed the so-called Women's Health Protection Act, legislation to expand the right to kill a baby in the womb up until the day it is born. This committee does not have jurisdiction over state laws. The Supreme Court has the power to decide if state laws regarding abortion are constitutional and is already set to review the 15-week abortion ban law passed in Mississippi.

Finally, on the ongoing national security and humanitarian crisis in Afghanistan, it is unbelievable that we have yet to hold a public, I meant public hearing, including with Secretary of State Antony Blinken and Secretary of Defense Lloyd Austin. The American people deserve to have those responsible for the disastrous events that transpired in Afghanistan and for the loss of 13 of our service members held accountable.

Instead of working to address any of these crises, you have decided to waste this committee's time by holding a hearing trying to bring private contractors fulfilling a contractual obligation which they were hired by the Arizona State Senate. The audit was conducted in a timely manner at minimal cost to taxpayers in Arizona.

This is compared to the congressional Democrats spending two years perpetuating false accusations of election irregularities in the 2016 Presidential election where Mueller, the special counsel, spent nearly $32 million investigating President Trump, during which they found no evidence or collusion with Russia. And I would add in recent declassified documents, they knew from the beginning, nearly the beginning, that was fraud that was being laid on the American people and the allegations were untrue.

I implore you to stop using this committee for political messages to divide this country further and instead work urgently to address the issues caused by the current administration.

Mr. Bennett, in your testimony, you talked about the audit may have confirmed the results of other things that deal—not just the numbers. You talked about missing or unmatched signatures on ballot envelope affidavits, missing serial numbers, matching duplicate ballots from the originals. And you also talk in your testimony about the lack of cooperation and unwillingness for the local Board of Election officials to work in the audit to get these answers.

The question is, Mr. Bennett, did you get any answers of how many, what kind of numbers we are looking at of missing or unmatched signatures, missing serial numbers, voter registration abnormalities, Mr. Bennett?

Mr. BENNETT. I would say that the audit did not receive those answers, but the audit report has gone to the Senate. The Senate has forwarded that on to the state attorney general, who I think is going to be working through his Election Integrity Unit directly with the county to get answers to those questions.

For example, I believe the county reported that they rejected about 1,400 envelopes for lack of signatures. The subcontractor that worked for the audit thought that there could be as many as 3,500 to 4,000 either missing signatures or just scribbles. Those kinds of things will be worked out, I think, between the attorney

general's office and the county as to whether they have justification for the envelopes that they opened and processed or not.

Mr. GIBBS. And I think to—you know, asking for questions, especially in closely held elections, and have audits and review is a good thing and how to we ought to proceed, particularly going forward.

And I am out of time. I yield back.

Chairwoman MALONEY. The gentleman yields back. The gentlelady from Florida, Ms. Wasserman Schultz, is now recognized.

Ms. WASSERMAN SCHULTZ. Thank you, Madam Chair. And I want to thank all of our witnesses for appearing before the committee.

Given the election experts here, in a moment I want to discuss the methodology that the Cyber Ninjas used to come to the conclusions in its report. But first, Mr. Gates, how would you respond to Representative Gosar and Mr. Bennett's allegation that the county hasn't cooperated with the auditors? In particular, why were you concerned about turning over routers to Cyber Ninjas?

Mr. GATES. Yes. So the issue of the routers is we had grave concerns from our sheriff and others at the county level that if we were to turn those routers over, it basically would have provided a road map for even a decent hacker to get into our systems. So, one, there were significant cybersecurity concerns.

Second, this would have basically brought down our operations at the county, and we are the fourth-largest county in the country. We've got to provide services to our residents every day. And then, additionally, there would have been a cost in putting that network back together.

That's why we came to an agreement, as Mr. Bennett mentioned, with President Fann. And in that agreement, by the way, President Fann signed it, saying that the county has fully complied with the subpoena. But just so that, you know, we wouldn't have these cybersecurity concerns, we have jointly agreed on former Congressman John Shadegg serving as the Special Master.

Cyber Ninjas can ask questions about the routers and what went on there, and Congressman Shadegg will consult with IT experts, and they'll be able to provide answers to those questions.

Ms. WASSERMAN SCHULTZ. Seems like a pretty basic principle of election integrity that the keeper of the routers and the protector of the integrity of our elections shouldn't be turning over the routers to a private organization that has absolutely no expertise in conducting audits. And that's really the premise of the rest of my questions.

Mr. Becker, can you briefly describe how the method Cyber Ninjas used to count ballots differed from standard procedures? And really, what was the acceptable error rate for that process, and what error rate is typically permissible in standard audit procedure?

Mr. BECKER. Thank you, Congresswoman.

So, in general, the way audits are conducted—and there is an established set of best practices for these, and these have been done extensively in many states and were done in extensively many states, including Arizona in 2020. Is that generally there is a statistical random sampling of the ballots that is taken. They are re-

viewed by nonpartisan or bipartisan teams and observed by observers from all of the parties in the campaigns while this process is going on, and those tallies are then checked against the official tallies.

This process is entirely transparent from start to finish, and very importantly, it is designed and defined well in advance of the election before anybody knows what the outcome of the election is. Georgia is a great example of that, where they literally counted every single paper ballot by hand, first time they had paper ballots in Georgia in two decades.

When you're spinning ballots around on colored lazy Susans, being observed by people who don't have adequate training, who have no experience in elections, where there are severe limitations on the ability of observers from across the political spectrum to view them, you're going to have significant problems with that process. The error rate is going to be extremely high.

And yet even with a high error rate and with an invalid process, what we saw was they could determine—they reached—they found no evidence that indicated that Maricopa County's processes yielded the wrong result. In fact, they—again, I would say this didn't confirm the result in any way because it was unnecessary. It was already confirmed under Arizona law, as written by the Arizona Senate in advance of the election.

Ms. WASSERMAN SCHULTZ. Thank you.

An audit, when run well, verifies the results of an election and assures voters that their vote has been counted. But this circus didn't meet those basic standards because it wasn't really an audit. It was a gaslighting exercise funded by dark money groups who want to promote the big lie and undermine confidence in our elections.

This conspiratorial worldview also infects Republicans in my home state of Florida, where a pending bill in the state legislature would conduct a forensic audit of the 2020 election, but of course, only in counties that Biden won. And this effort is especially puzzling, given that the noted Trump lackey, Governor Ron DeSantis, heaped praise on the 2020 election process.

These so-called audits aren't about unearthing facts. They are about ginning up justification for repressive voting rights laws that prevent Black and Brown people from access to the voting booth and helping Republicans lay the groundwork for setting aside the work of local elections officials so they can possibly usurp future elections. These are democracy corrosion exercises, nothing more.

So thank you very much for your testimony, and I hope the committee remains continued—and I trust that we will—continued to election integrity, not promoting the big lie, as our colleagues have been doing since the end of the election.

I yield back the balance of my time.

Chairwoman MALONEY. The lady yields back. The gentleman from Louisiana, Mr. Higgins, is recognized for five minutes. Mr. Higgins?

Mr. HIGGINS. Thank you, Madam Chair.

How dare we? How dare we? How dare the sovereign states and free Americans challenge the oppressive, omniscient authority of the all-powerful national Democratic machine? How dare we exer-

cise our legal and constitutional rights to question irregularities of an incredibly significant election?

We have thousands of affidavits signed by American citizens regarding very suspicious election irregularities on the days and weeks leading up to the 2020 election and specific shocking observations of electoral sabotage on Election Day itself. Well, my colleagues summarily dismiss the sworn affidavits of American citizens as liars and conspiracy theorists, yet an illegal alien crossing our border with a scripted plea for asylum taped to his head, he is seen as a paragon of virtue.

The 2020 Presidential election was, indeed, compromised. We don't know how much because investigations take time. Yet as of January 20, 2021, Joe Biden was, indeed, our inaugurated President.

Listen good. On January 20, 2025, we are going to fix that. And Democrats will have an opportunity to deal with the re-election and newly inaugurated President Donald J. Trump again, and I have no doubt that my Democratic colleagues across the aisle will object.

Madam Chair, I yield the remainder of my time to my friend, colleague, and gentleman from Arizona, Mr. Biggs.

Mr. BIGGS. I thank the gentleman for yielding.

You know, I am straining out a gnat, and I am just going to go back, Mr. Gates. I am just going to tell you that Bob Christie of the AP—and you know who Bob is, and I know who Bob is—of Arizona, on February 5 said that the County Board of Supervisors asked the court Friday to quash a State Senate subpoena.

Well, you and I can continue that conversation offline, but we got so much more to go, I am straining out a gnat. But that just—I don't know, it is just bugging me, OK? Just wanted to make sure we get that out somewhere.

So, Mr. Bennett, what is the standard error rate on audits run by Maricopa County?

Mr. BENNETT. The stand—well, in Arizona state law, when you do a hand count, it's a very limited hand count.

Mr. BIGGS. And that is the audit that we are talking about here? That they claimed that they did?

Mr. BENNETT. Yes. For example, in this election, the—the total number of ballots processed by Maricopa County ended up being processed in 10,341 batches, most of them at 200 per batch. As the first mail-in returns were coming in, before election and before being counted, 52 batches were set aside as potential batches to hand count verify.

Twenty-six of those 52 were randomly selected through a process that's stipulated in state law, and it was those 26 batches, totaling about 5,000 mail-in ballots, that were hand counted and compared with the tally by the election machines that Maricopa had run. And in this election, they—their hand count audit, as it's called in Arizona, matched exactly. They said there was no difference between the machine count of those 5,000 ballots and the hand count done by bipartisan teams.

But that's 26 batches of ballots out of 10,341. It's very front loaded, and it's not a random sample of all 10,341 batches.

Mr. BIGGS. Just I guess that is part of the essence of this. It is not even a random sample?

Mr. BENNETT. Correct.

Mr. BIGGS. Yes. And so that changes the nature of what you are looking at. You are looking at, with a full forensic audit, you are trying to get at everything you can?

Mr. BENNETT. Mm-hmm, yes.

Mr. BIGGS. So, and what I am trying to understand is, if I understand right, there were chain of custody issues and other statutory violations that you mentioned in your opening statement. I am trying to understand if my colleagues—not my colleagues, but my friends over here from Arizona are saying they are OK with those laws, those statutory violations.

And I will just—Chairman Sellers, you got your mask off. So I guess you are ready to go. So I will ask you. Are you OK with those statutory violations?

Mr. SELLERS. I, frankly, don't believe there were any statutory violations. We, before——

Mr. BIGGS. So you don't think the chain of custody, you don't think that was a violation at all?

Mr. SELLERS. We were very, very careful with our chain of custody. I can't speak for what happened after it left our chain of custody because the Arizona Senate signed off, accepting responsibility, once we delivered the ballots——

Mr. BIGGS. But the testimony today is that you had chain of custody problems that were inherent in what you delivered. You don't—didn't see that?

Mr. SELLERS. I disagree with that.

Mr. BIGGS. I yield back.

Chairwoman MALONEY. The gentleman's time has expired. The gentleman from Maryland, Mr. Sarbanes, is recognized for five minutes.

Mr. SARBANES. Thank you, Madam Chair, for doing this very important hearing.

There are two things that should make us really nervous about this fishing expedition, this sham audit that was conducted by Cyber Ninjas. One is that Cyber Ninjas doesn't really have the qualifications to conduct this kind of an audit in an authentic fashion, and so that is obviously a source of real concern.

The other is how this thing was funded. And I know a couple of my colleagues have already referred to it, but I would like to go into that a little bit more. We know the Arizona Senate only agreed to pay Cyber Ninjas I think $150,000 for the audit, which was far short of what was ultimately needed to conduct this thing.

Instead, what happened was the Republican Party in Arizona went out to raise funds from dark money groups, these 501(c)(4) groups with ties to President Trump and ties to the big lie narrative, and they raised $6.7 million from those groups, which was 98 percent of the cost of the audit overall.

Ms. Ramachandran, does the public have visibility into the donors who contributed to these 501(c)(4) groups?

Ms. RAMACHANDRAN. Thank you so much for that question.

No. There's been minimal transparency into the donors. There's been a small amount of disclosure from Mr. Logan about some of

the top groups, the top (c)(4)'s that you mention. As far as, you know, who—who, in turn, has donated to those groups, I'm not aware of any publicity on that front.

Mr. SARBANES. And are legitimate election audits usually funded by dark money groups? Why or why not?

Ms. RAMACHANDRAN. Thank you. Legitimate election audits are usually performed by election officials with members of the political parties present, observing and with meetings open to the public. They're not very costly. They are generally funded from within the budget for the elections office, and it would be ideal for them to continue to be funded in that way.

I know that in the Freedom to Vote Act, Congress has called for risk-limiting audits and has also called for appropriations to help support election officials and move them toward those audits.

Mr. SARBANES. Thanks very much. That is how it ought to—that is how it ought to operate.

You know, if you look at some of these groups that funded the audit, this sham audit, you have got a nonprofit chaired by former National Security Adviser for Donald Trump, Michael Flynn. That was $1 million coming in from that group. Former Trump lawyer Sidney Powell's group provided over $500,000 to support this inquiry that was conducted. Patrick Byrne—we heard this before from my colleague Congressman Hank Johnson—prominent businessman supporter of former President Trump, heads a group that contributed over $3.4 million to this audit.

All three of these individuals, the ones I just mentioned, by the way, in December—last December, Ms. Powell, Mr. Flynn, Mr. Byrne—took part in an Oval Office meeting where they reportedly encouraged President Trump to take steps to overturn the election, including by seizing Dominion voting machines.

So, Ms. Ramachandran, would you question the impartiality of any audit that was primarily funded by groups headed by these three individuals?

Ms. RAMACHANDRAN. Absolutely I would question the impartiality, and I would add that objectivity is a minimal standard that's required for an audit to provide confidence for the public.

Mr. SARBANES. I have to say Mr. Bennett made a comment apparently that he told reporters it doesn't matter who paid for it when he was referring to the audit. But I disagree with that completely. It matters a great deal.

When your salary and your security and 98 percent of the entire audit is paid for by people who want to overturn the election and maybe even a losing candidate himself—because we know Donald Trump was certainly interested in getting in there and supporting these efforts—that should make everyone question its impartiality and its results.

I am glad you mentioned the Freedom to Vote Act. This is another reason why we have to pass it, to shine a light on this dark money in politics, require all organizations involved in political activity to disclose their donors. The current system allows big money contributor special interests to hide the source of their political spending.

We have to fix that. We need to do it for the public and to lift up the credibility of our political system. So passing the Freedom to Vote Act would certainly help that.

Thanks very much, Madam Chair, and I yield back my time.

Chairwoman MALONEY. The gentleman yields back. The gentleman from South Carolina, Mr. Norman, is now recognized. Mr. Norman?

Mr. NORMAN. Thank you, Chairwoman Maloney.

Let me just say, you know, I have heard a couple of statements made, the fact that undermining democracy, and I have heard my good friend Mr. Raskin say this is the most important hearing. You know, the hearing that we should be having now is the crisis on the border. The polls show people are fed up with the 8 million immigrants that are coming in here intentionally by the Democrats.

We undermine democracy by our military leaving Afghanistan, having the 13 Marines die, leaving Americans behind. We undermine democracy by intending to stack the Supreme Court. And it goes on and on. So I wish we would have that.

And the other good thing, the one good thing about this hearing that is crystal clear, Democrats do not want voter ID. They just don't want it because that gives them a chance to do the mail-in ballots, which can be altered. It is showing it in this—the testimony that is given.

I would like to yield the balance of my time to Congressman Barr. Andy?

Mr. BIGGS. Yes? You mean Biggs, right? Not Andy Barr.

Mr. NORMAN. Biggs. Biggs. I am sorry. I am sorry.

[Laughter.]

Mr. BIGGS. Boy, that hurts, but it hurts Mr. Barr far worse than it hurts me. I am sorry about that, Mr. Barr.

Thank you, Mr. Norman. Appreciate that very much.

So I am going to direct a few of these questions. I am going to ask the Arizona folks here these questions. So I will start with Mr. Bennett, and then we will try to work on down so everybody can get there.

Is it standard practice to delete files off a server after an election, Mr. Bennett?

Mr. BENNETT. I hope not.

Mr. BIGGS. So, Mr. Gates, will you agree with that?

Mr. GATES. I would say that it is appropriate to maintain files, and that's exactly what we did. We deleted—the deleted files have been discussed. They were archived.

Mr. BIGGS. So you admit that you guys did delete—Maricopa County did delete files off the server after the election?

Mr. GATES. That were—that are archived.

Mr. BIGGS. Yes, and so when you released these servers and this information to the auditors to begin with, they didn't have access to those archived files at first. Is that fair to say?

Mr. GATES. They did not subpoena those. That's correct.

Mr. BIGGS. OK. So, so you didn't feel obligated to turn that over then to them?

Mr. GATES. We responded to the subpoena.

Mr. BIGGS. OK. Mr. Bennett, your response to that?

Mr. BENNETT. I find it, frankly, laughable to suggest that a county, in response to a subpoena, could say we will delete files from the hard drives and materials that we give to the auditors because we have those files archived on data that we did not give to the auditors, when the subpoena said turn over all the records related to the election.

Mr. BIGGS. Yes, see, that is the way I read the subpoena is more broadly than the county read it, for sure.

So, so your Twitter account mentions that the purging of the 2020 election data base in the beginning of February is a standard practice. Can you please confirm for me that that is what you do for all elections, after all elections that you do that?

Mr. GATES. I cannot confirm that for you today, but we can certainly get you that answer, Congressman.

Mr. BIGGS. Thank you.

Mr. Chairman, can you confirm that today or not?

Mr. SELLERS. I really can't confirm that either today. I just know that because there is limited space on these servers, when you have to run another election, then you have to make room for the additional election data.

Mr. BIGGS. So, so was there additional—was there still—well, let me just rephrase this. If that is the standard practice, which is kind of—I don't think you guys are saying that you know for sure, but the chairman just intimated that that is the case, can you explain to me why data was still present for prior elections on the data base, in and of itself?

Mr. GATES. Yes, again, I don't have an answer to that question, but we'll certainly get you an answer for it, Congressman.

Mr. BIGGS. OK. All right. I would appreciate it if you would get me that information.

Mr. SELLERS. And I do think that it's important that our recorder has suggested that he will be answering every question in a timely fashion.

Mr. BIGGS. That is the same recorder that campaigned that Adrian Fontes was incompetent and called him a criminal? And he was the guy that was running the 2020 election, and you actually hired someone to oversee Mr. Fontes because you guys didn't trust Mr. Fontes as well. Is that the same guy, Steve—is that the same Stephen Richer?

Mr. GATES. Yes, I wouldn't—I wouldn't put it that way exactly. But what we did was we did have statutory in—as you know, Congressman, Boards of Supervisors have responsibility for Election Day operations, and we took that back so that we would have four Republicans and two Democrats overseeing the 2020 election. We thought that was important.

Mr. BIGGS. I will yield back. Thanks.

Chairwoman MALONEY. The gentleman from California, Ro Khanna, is now recognized. Ro Khanna?

Mr. KHANNA. Thank you, Madam Chair.

Mr. Bennett, you testified that the most significant finding of the audit is that the hand count of the physical ballots very closely matches the county's official results in the President and U.S. Senate races. That finding is frustrating to many who expected the audit to prove a different election result.

I appreciate your honesty in that. So I just wanted to get a few things straight under oath, and please be brief since my time is limited.

Mr. Bennett, given your statement, did Cyber Ninjas' hand count show that Joe Biden won more votes than Donald Trump in Maricopa County?

Mr. BENNETT. Yes. If I heard your question correctly, did the audit show that Mr. Biden got more votes in Maricopa County than Mr. Trump?

Mr. KHANNA. Yes. Did Cyber Ninjas—yes.

Mr. BENNETT. Yes, the audit—the audit—the audit shows that.

Mr. KHANNA. Do you have any reason to believe today that Joe Biden did not win the state of Arizona?

Mr. BENNETT. Not other than the, you know, questioned ballots, questioned envelopes.

Mr. KHANNA. I mean, do you think he is the legitimate—legitimately elected President?

Mr. BENNETT. Yes.

Mr. KHANNA. So when President Trump says we won the Arizona forensic audit yesterday at a level that you wouldn't believe and said of President Biden he didn't win Arizona, he lost in Arizona based on the forensic audit, that is false. Correct? I mean, I am not asking you to pick a fight with the former President. I just want to make sure that people understand what the record is, that that is not a true statement. Correct?

Mr. BENNETT. I would not characterize it that way. I was asked by the Senate to be the liaison to the Maricopa audit, and the Maricopa audit found that the results were very similar to what Maricopa County canvassed in the official results.

Mr. KHANNA. So if anyone, including the former President, was saying that the audit somehow suggests that Donald Trump won the Arizona election, that would be a wrong and false interpretation of the audit. Correct?

Mr. BENNETT. I would say that he's probably making that statement based on his opinion of other things in the audit. I can't begin to——

Mr. KHANNA. But it would be—it would be—it is not your characterization of the audit?

Mr. BENNETT. Correct.

Mr. KHANNA. Well, then I don't think we have to have a post modern version of truth. There is truth and falsehood, and I don't think everyone just gets to make their own interpretation.

Let me ask you this. Is it true that Cyber Ninjas found no bamboo fibers or watermarks placed by the Trump campaign on paper ballots or suspicious folds that show that ballots were fake or evidence for any of the conspiracy theories about changing the ballots that have been circulating online?

Mr. BENNETT. Did they do what about bamboo fibers, Congressman?

Mr. KHANNA. That they found no bamboo fibers or watermarks? This is one of the conspiracy theories.

Mr. BENNETT. To my knowledge——

Mr. KHANNA. I know it is——

Mr. BENNETT. To my knowledge, I never witnessed any evidence that they were specifically looking for bamboo fibers.

Mr. KHANNA. I appreciate that. And the report said that there was no evidence that the paper ballots had been tampered with. Correct?

Mr. BENNETT. I did witness on the floor of the audit that there were some paper ballots that were of concern as to whether they were authentic. So to say that none were I think would be incorrect.

Mr. KHANNA. But none that would materially affect your judgment, right, your earlier testimony that you thought Biden, President Biden legitimately got more votes than Donald Trump. Correct?

Mr. BENNETT. It would not change that outcome. Correct.

Mr. KHANNA. So far, Cyber Ninjas has refused to provide any meaningful documents to this committee, and it turned over just four documents to the Arizona Senate despite a court order. You know, you seem like someone who believes in the rule of law. Do you agree that Cyber Ninjas should obey court orders and requests from Congress?

Mr. BENNETT. Yes.

Mr. KHANNA. Let me ask you this, Mr. Bennett, because, you know, we come from different parties, different views, but you seem like you are trying to do a decent job in terms of the election. And it is all we have in our democracy, and you have people really concerned about whether the democratic system is going to continue in the robust way that we have had for 200 years.

Let me ask you just two final questions, and you can answer them both. One, do you think that there would ever be grounds for a state legislature to overturn votes if a candidate for President wins the popular vote in that state, or do you think that is going down a very dangerous road?

And two, do you think it is healthy—put aside being a Republican or whether you voted for Trump or Biden. Do you think all of this conspiracy theory is healthy for our democracy? I mean, we have a legitimate President. And when half the country is saying that he is not elected President, does that help America stay a great nation in the 21st century?

Mr. BENNETT. Let me answer your second question first, Congressman. I do not consider it healthy for the number of references that have occurred even in this hearing alone that this was a hyperpartisan audit. The first thing that I did after being asked by the State Senate to be the liaison was to call the state Democrat chairman and ask that a co-chair, a co-liaison be assigned who is a Democrat. I was refused four times.

I called several prominent Democrats personally, all who either refused or told me after checking with state Democrat leaders that they should not. And so——

Mr. KHANNA. Mr. Bennett, I don't want to interrupt. I am not even trying to answer—maybe that is part of the point. I am not even trying to go at whether the auditors—I am just saying even some credibility—how do we get——

Chairwoman MALONEY. The gentleman's time has expired. The gentleman's time has expired. The gentleman may answer him in writing.

The gentleman from Texas, Mr. Sessions, is recognized for five minutes. Mr. Sessions?

Mr. SESSIONS. Madam Chairman, thank you very much.

Mr. Gates, I am interested in going back to some conversation of several members, several members back. When an audit was done and prepared, did you follow these same procedures that under law would have been required from the time a ballot came in and you looked at the envelope and then placed that to make sure that it was the correct person and looked at that process that I understand is—has eight or nine different characteristics to it to ensure accuracy?

Mr. GATES. So which audit were you talking about, Congressman?

Mr. SESSIONS. So let me go back. At the time that Maricopa County did their audit or the audit that was performed by your county, whether that is you or the county, did you follow the same procedures in looking at the law that would have been followed by the people running the election?

Mr. GATES. Well, I want to make sure that everyone understands the audits that we did. So we ran two audits. We authorized two audits that were run by certified voting technology companies.

Now, you know, as Mr. Bennett referenced, at that point, you don't get to have any examination of the envelopes because the ballots have already come out. And in fact, the audits that we did were more focused on the machines themselves, on whether there was malware attached to the machines, whether there had been hacking, whether the machines had been connected to the Internet. Because there's been a lot of questions about that.

So I want to be clear that the nature of the audit, the two audits that we authorized didn't involve the full process because, frankly, you're unable to do that because when the ballot comes out of the envelope, it's separated.

Does that answer your question?

Mr. SESSIONS. Well, it is your answer. I think you are trying to help me. What I am suggesting to you is, is there a process that is normally followed by the elections administrators or workers at the time they receive a mail-in ballot? Is there a process?

Mr. GATES. Oh. Yes. No, there absolutely is a process. I apologize.

So there's been some discussion about voter ID as it relates to mail-in ballots, and that's something, as an elected official, I've been concerned about over the years. And we currently have signature verification, and that's what happens when the ballot comes in. It does have—when the mail-in ballot comes in, it has a signature on it, and then the signature——

Mr. SESSIONS. OK. So you and I have worked really well together. Was that process followed in the audits that you did?

Mr. GATES. So, again, I want to be clear. I'm not trying to be obtuse, but that particular portion, the signature verification, was not part of our audit because the ballot had come out, it separated from the envelope itself.

Mr. SESSIONS. OK. And I want to come back to that. I've got a question. Was there at any point in early voting an indication that was given by election officials that there would be no verification or audit process like what was given in Georgia that was given by election officials to say to people all the ballots will be counted?

Mr. GATES. I'm not aware of any indication given from Maricopa County that we would not do the normal signature verification on mail-in ballots and voter ID check for Election Day voters.

Mr. SESSIONS. So you believe then that there was no information given, public information that would have swayed anyone to think that the full, what are there, eight or nine different verification steps by a mail-in ballot person who is processing that, they check a number of things?

Mr. GATES. Correct. Yes, I'm not aware of—well, go ahead.

Mr. SESSIONS. OK. Well, no, you answered the question. OK, I have got 10 seconds left.

Mr. Becker, there was a reference a minute ago to Internet. Is there any state that allows an Internet process to be utilized, or said another way, would it be against the law in Arizona for the Internet to have been used?

Mr. BECKER. So I have no information at all that Arizona, which has been using the same very verified paper processes for years with extensive mail balloting, as Secretary Bennett pointed out, that there was anything connected to the Internet. The most extensive use of even a small number of ballots that may have been transmitted over the Internet that I know of is in West Virginia, where they have been using a pilot program there to allow for primarily military and overseas voters to transmit their ballots over the Internet.

Mr. SESSIONS. So during the process of the early voting and day of election, in your opinion, use of the Internet, by and large—except for West Virginia—would not have been allowed by law?

Mr. BECKER. So I'm not as much of an expert on Arizona law as the gentlemen that I'm sitting up here with, but I would——

Mr. SESSIONS. No, I just said across the country.

Mr. BECKER. But what I'd tell you is I have—I know Arizona election procedures extensively. I've not seen any evidence that that did exist or could exist.

Chairwoman MALONEY. The gentleman's time has expired.

Mr. SESSIONS. Thank you very much. Thank you, Chairwoman.

Chairwoman MALONEY. And now the gentlelady from Michigan, Ms. Tlaib, is recognized.

Ms. TLAIB. Thank you so much, Chairwoman. Thank you so much to all of you being here. I think this is so incredibly important.

I know that in my community, we witnessed firsthand the radical backers of the former forever-impeached President's attempt to prevent votes from being counted in one of the most beautiful blackest cities in the country, the city of Detroit. But we all know it didn't stop there.

Ever since Donald Trump was voted out of office by an overwhelmingly majority of voters in our country, he and his allies, led on the ground by Arizona State Senator—Senate President Karen

Fann, have sought to turn Arizona into the poster child for their efforts to push false election fraud claims that failed elsewhere.

Before their attempt, Chairwoman, to overturn the election, before it even started, I believe Senator Fann told the people of Arizona that it would be a "big step in returning trust and confidence in our election process." Again, when the report was released, she said, "This is not about Trump. This is not about overturning the election."

But you all should know that as early as December 2020, she bragged that she was working with Rudy Giuliani and the President to get "forensic audit," which, you know, in Detroit, we call that voter suppression tactic, the so-called forensic audit in Arizona.

Supervisor Gates, as you know, you are under oath, yes or no, do you believe the so-called audit was about restoring "trust and confidence in our election process?"

Mr. GATES. So I believe that some of the people who were involved in this, you know, some good volunteers who got involved, I think that really was what they were focused on.

But unfortunately, I do believe that a lot of people who led this, that was not their major focus was restoring confidence. Instead, I think it was more on raising doubts, and I think we're seeing that again today, quite frankly.

Ms. TLAIB. Yes, they misled so many of our American people that really fell for it.

You know, Chairman Sellers, was it your impression that Senator Fann was willing to work with you to conduct a fair and impartial so-called audit of the votes in Maricopa County to help restore trust in the elections process. Yes or no?

Mr. SELLERS. Well, I can't give just a simple yes or no answer because I've known President Fann for a number of years, and she and I had a lot of private meetings to try to resolve some of the issues that were coming up. And early on especially, I truly believed that her approach was to simply say there are questions from a number of our constituents that we need answers for, and I said I'm willing to work with you to get those.

Ms. TLAIB. Well, we all know, although based on completely unreliable procedures, that Joe Biden actually won by more votes in Arizona than initially reported after it was done. Is that correct?

Mr. SELLERS. Well, that's what the results from this——

Ms. TLAIB. Yes, he won more votes. Is that correct? At the end, it showed that he won more votes than it was initially reported in Arizona. Is that correct?

Mr. SELLERS. I can't verify the results that the Cyber Ninjas got in their report.

Ms. TLAIB. OK. Well, Secretary Bennett, is that correct?

Mr. BENNETT. Yes. The hand count done by the audit increased——

Ms. TLAIB. Hand count. Remember, not Internet, y'all. Hand count.

Mr. BENNETT. The hand count done by the audit reflected an increase in 350 votes as the margin Biden won in Maricopa County.

Ms. TLAIB. So yet after the report was published, the former forever-impeached President issued a statement claiming, I quote, and

I think my colleague said, "It is clear in Arizona that they must decertify the election. You heard the numbers. It is a disgrace. We won the Arizona forensic audit yesterday on a level you wouldn't believe."

I mean, make no mistake, democracy is dying in America, folks. Fascism is here. We all must stand up against it, and we all—it is so incredibly important. I am asking, urging my colleagues, especially my Republican colleagues, to reject this lunacy, these complete lies, and we have to be committed to our causes —I apologize, committed to our democracy.

I will end with two questions. Very quickly, Mr. Becker. First, do partisan attempts to overturn the will of the people like the one in Arizona and the efforts being planned in other states restore faith and confidence in America's elections? And the second, do you believe——

Mr. BECKER. No, we're seeing——

Ms. TLAIB. The second, do you——

Mr. BECKER. No, we're seeing them having disastrous consequences——

Ms. TLAIB. Absolutely.

Mr. BECKER [continuing]. And it appears—yes.

Ms. TLAIB. And do you believe—and I am sorry because I only have 10 seconds. Do you believe efforts like this are intended to lay the groundwork for states to pass laws that intentionally make it more difficult for some people to vote?

Mr. BECKER. I don't know what the intentions are, but the effects of this are that it is actually deterring many people from voting, particularly Republicans, it appears, because they are believing a lot of these lies about—falsehoods about the integrity of the process.

Ms. TLAIB. Thank you so much, and I yield, Madam Chair.

Chairwoman MALONEY. The lady's time has expired. And at the request of a witness, we will take a very brief bathroom break.

The committee stands in recess for three minutes.

[Recess.]

Chairwoman MALONEY. The committee will come to order. The gentleman from Georgia, Mr. Clyde, is recognized.

Mr. CLYDE. Thank you, Madam Chair.

It is no secret that this country faces an uphill battle in restoring trust and integrity in our elections. Now Democrats claimed Republicans did not win races fairly in 2000 and again in 2004. And since 2016, we listened to the left repeat the big lie that Russia stole the election. That lie has been repeated now for almost five years.

Now those same voices are simply beside themselves that Republicans would dare ask for integrity in our election process. So the question is when do we stop pointing fingers and start carrying out our duty to ensure our constituents can trust our elections?

Building trust starts with taking steps to verify that all votes are legal and cast by eligible voters. Building trust does not start by harassing a private company doing a job that it was contracted to do.

Nor does it start by violating the Tenth Amendment, federalism, and the rule of law by stepping in with a "the Feds know best" attitude. The Federal Government does not and should not have a say

over how the state of Arizona carries out its elections, nor should it actively work to prohibit Arizona, or any state for that matter, from carrying out a forensic audit to verify the integrity of its election laws and to restore public trust at the polling booth.

We need less Federal involvement in our elections, not more. The American people, and specifically, for today's hearing, those from Arizona, deserve to be able to cast votes with confidence and trust in an electoral process and outcome, irrespective of which candidate or party wins. Every legal vote must be counted, and those that are illegal must be set aside. We cannot allow any voter's legal vote to be invalidated and canceled by an illegal vote.

I find it important to remind my friends on both sides of the aisle and our witnesses of the fact that we can take $100 in $1 bills and count it as many times as we want, and the count will remain the same, 100. But if many of those bills are counterfeit, you may have 100 pieces of paper in your pocket, but you sure don't have $100 in legal tender.

That is the real issue here today. It is not just the count. It is the counting of legal votes. Illegal and counterfeit votes must be tossed out. That is a common sense rule that must be followed in Arizona, Georgia, and all other elections.

Thankfully, my home state of Georgia has worked to fix the serious problems that plagued our state's election process, such as signature discrepancies on absentee ballots, off-hour ballot counting, and unsecured ballot drop boxes, just to name a few, so that voters can trust the process. I will do everything in my power to ensure that Washington keeps its hands off Georgia's election laws and that our state's Tenth Amendment rights are not seized by the Federal Government.

With that, I yield the remainder of my time to Mr. Biggs, so he, too, can keep Washington and this committee out of the business of the people of Arizona.

Mr. BIGGS. Thanks. I thank the gentleman from Georgia.

So this is a question for Vice Chairman Gates and Chairman Sellers. So either one of you can answer it. Don't need both, but just either one. So I am trying to understand because it gets on the thematic thing that we were talking about just a moment ago.

I am trying to understand how the auditors, whether the auditors you hired or the auditors that work for the State Senate, how were they able to do any type of validation of the 2020 results if the data base was actually cleared before they got started?

Mr. GATES. And again, that—well, again, that's something that I would prefer if we can provide a followup answer to you on that. But again, this was—this was all available, and I believe—I believe there may have been a public records request? I'm not sure if there was on that.

But you know, we can——

Mr. BIGGS. But you had actually cleared the servers, and you backed them up to the—to the archive, you said. So just to change slightly, the auditors hired by y'all to do the audit, they were not FEC-certified forensic auditors, right? They were——

Mr. GATES. They are—they were from—they were certified to operate on these machines, and——

Mr. BIGGS. But not audit——

Mr. GATES [continuing]. They're voting system—they're from voting system laboratories.

Mr. BIGGS. Right. But they are not auditors. They are not certified auditors because the FEC doesn't actually certify any forensic auditors for elections. Is that correct?

Mr. GATES. They are people who understand how election machines work. They have significant experience.

Mr. BIGGS. OK. So I am going to ask you a yes or no question because—because you and I can bounce around here. The FEC does not certify full forensic auditors at all?

Mr. GATES. I'd—I believe that—I believe that's—oh, it's the EAC that certifies them.

Mr. BIGGS. They are not—they don't certify—EAC doesn't certify full forensic auditors?

Mr. GATES. That term, that "full forensic auditor," I'm not familiar. I don't think I've ever——

Mr. BIGGS. They don't—they don't do—they don't do forensic auditors. They don't certify. What they certify is deals with the machines themselves and tabulators and whether they can operate on those machines, right?

Mr. GATES. And whether they've been tampered with and connected to the Internet.

Chairwoman MALONEY. The gentleman's time has expired. And without objection, Mr. Stanton is authorized to participate in today's hearing. Mr. Stanton, you are now recognized.

Mr. STANTON. Madam Chair, thank you for allowing me to participate in today's important hearing.

I am very disappointed that Mr. Logan declined to appear here today to address questions about how the Cyber Ninjas firm was selected to conduct a multi-million dollar, month-long partisan audit. I suspect the reason he isn't here is because he does not have good answers, that his involvement is one of the reasons the so-called audit was a fraud from the beginning.

Mr. Logan has a history of spreading baseless conspiracy theories about the election and may be one of the reasons why he was chosen to advance the false narrative by Mr. Trump's loyal followers in Arizona. I would like to walk through a little of that history right now.

On November 19, 2020, Mr. Logan tweeted, "Dominion servers in German were grabbed by the good guys in Germany." Dominion is a company that makes election servers.

Mr. Logan was apparently referring to the theory spread by gateway pundit as well as convicted felon and former Trump aide George Papadopoulos that the U.S. military seized Dominion servers in Europe following the election.

Mr. Becker, were Dominion election servers seized by the U.S. military in Germany or anywhere in Europe after the election?

Mr. BECKER. There is zero evidence to support any part of that allegation, including the idea that there were Dominion servers in Germany at any time.

Mr. STANTON. Thank you.

For the record, *USA Today*, the Associated Press, and Reuters all fact checked this claim and rated it false. According to *USA Today*, "The U.S. Army denied performing such a raid, and the company

whose purported servers were seized didn't even have servers in Germany."

The week before January 6, Mr. Logan prepared a document for the recently sanctioned Trump lawyer Sidney Powell to help Republican Senators who wanted to object to the certification of the election. This document's central claim was that Dominion's core software "originates from intellectual property of Smartmatic, a company that was founded in Communist Venezuela with links to Chavez."

Mr. Becker, you are an expert in this field and have studied elections. Are you aware of any evidence to suggest that Dominion's core software originates from a company with ties to former Venezuelan dictator Hugo Chavez?

Mr. BECKER. There is absolutely no connection between Dominion or any other software vendor in the United States and Hugo Chavez or the Nation of Venezuela, to my knowledge—or to anybody's knowledge, for that matter.

Mr. STANTON. Thank you.

And I want to point out for the record that even the Trump campaign knew this conspiracy was baseless. According an internal memo prepared for the campaign in mid November 2020, Trump campaign lawyers stated that Dominion has no direct ties to Venezuela.

More recently, this summer, while the fraudulent audit in Arizona was taking place, Mr. Logan starred in a film called "The Deep Rig," which sought to prove that the 2020 Presidential election was rigged against Donald Trump. In the film, Mr. Logan states without any supported evidence that the CIA or former members of the intelligence agency may be spreading disinformation around election fraud.

Mr. Becker, is there any evidence supporting the theory that the CIA officers spread disinformation about election fraud? Any at all?

Mr. BECKER. There is zero evidence of that.

Mr. STANTON. These conspiracy theories are all completely groundless, and yet Mr. Logan has publicly espoused them. If this was the person that Trump loyalists and Arizona Senate believed was the right person for the job, it is pretty clear that their goal was not to conduct an honest audit.

If Mr. Logan were here today, we would ask him whether he still believes these conspiracy theories. We would also ask him how he could possibly conduct a fair and impartial audit when he has already made up his mind on the basis of debunked Internet conspiracy theories nearly eight months ago.

We can't ask these questions because Mr. Logan unfortunately declined this committee's invitation to defend his work under oath.

I yield back.

Chairwoman MALONEY. Thank you. The gentleman yields back.

And before we close, I want to offer Mr. Biggs an opportunity to offer any closing remarks you may have. Mr. Biggs, you are now recognized.

Mr. BIGGS. Thank you, Madam Chair.

As an old trial lawyer, I just got to know how long you are going to give me? Oh, as long as I want. OK. My flight doesn't leave for a couple hours. I can just go on.

Anyway, thanks. Thanks, Madam Chair. Appreciate it very much.

I agree with so much of what colleagues on my side of the aisle have been saying today that this is an unnecessary encroachment into Arizona's travails, if I can put it that way, over the audit and our election system. The Constitution leaves that to us. If there was some kind of something that was materially violative of civil rights, then maybe that would have warranted this, but I am going to just go through a few things that I think are so important.

Not the least of which is the fact that in September of this year—excuse me, last year, September of last year before the election took place, polling data showed that only 22 percent of Americans thought that the Presidential election of 2020 would be free and fair. Only 22 percent.

That was consistent with polling in 2012, 2008, 2004, and the last time that my Democratic colleagues believed that they legitimately lost an election was 1988. That is what the polling—that is what the polling indicated. What we have heard called the "big lie" over and over today by our friends from the left and the Democrats is something that they set the gold standard for in 2016 over the last four years.

The question of the audit, as I mentioned early on, was bizarre to me because my colleagues across the aisle want it both ways. So they repeatedly, as one of them said, it is shameful, it is shameful that we had this audit. They kept going on and on.

The last gentleman just ripped Doug Logan. I don't know Mr. Logan. I don't know his history. They ripped that. They ripped the dark money. The funding sources, they had problems with. They ripped everything they possibly could about the audit, and at the same time that they were attacking the audit, they simultaneously argued that it buttressed their position as to who won the election.

I view that as specious, inconsistent, fallacious. I was asked who won in Arizona? I don't know because there were statutory issues with this election. No election is ever perfect. But in my mind, we have not resolved the issues that took place at this time.

I had more questions to ask. We don't have time to ask more questions. I am going to go without asking those questions and maybe submit them in writing. Maybe we can get answers in writing.

There is so much underlying this and this notion that this was a fraudulent effort to get at the root of this election I think is—that is abhorrent in and of itself. We should have welcomed an audit. I regrettably have to say that, in my view, watching from outside, it certainly looked to me like the board was obfuscating and trying to prevent an audit.

My recommendation early on was just do a full and complete audit. Get it over and done with. Resolve it. That is what I said in November. Resolve that issue. Put this thing to bed.

And here we sit almost a full year later, and people still have questions about election integrity. I don't know how we are going to resolve that, but I do know that this continued—this continued antagonism toward this audit, while at the same time saying, well, it proves what we said, but it stinks, that is ludicrous. I would hope that we can have audits, meaningful audits.

The audit that was conducted statutorily by Maricopa County, that was a statutory audit. But that really wasn't an audit. Nobody here would say, oh, yes, that is a full and complete audit. No, none of us would say that. It just isn't. It is meant to provide some kind of statistical reference point.

And as Mr. Bennett, former secretary of state of Arizona, pointed out, it simply was not even with a random sample. I had people who worked in polling locations who told me they came up and said they were concerned. I had people who worked on those boxes who said they were concerned.

I think there are legitimate concerns, and I am not sure that the audit revealed those. But I can tell you what, both sides are further entrenched today than they were 6, 8, 10 months ago in Arizona. And that is—that is a shame. It is a shame, and I don't know how we are going to resolve that.

I am going to yield one minute to Paul Gosar from Arizona.

Mr. GOSAR. Madam Chairwoman, I would like to just ask unanimous consent to submit several transcripts to the record of Democrat and Republican Senators and many others raising the same concerns as myself and my constituents. I ask—and several articles to the record.

Chairwoman MALONEY. Without objection.

Mr. GOSAR. The last thing—aspect is to really hit home that Mr. Biggs made a very great point, is Code 52 U.S. 271. It was passed by a Democrat majority over 50 years ago, and it supports audits. It encourages audits and their findings.

There is plenty of unanswered questions here. I talked about it earlier. Trust is a series of promises kept. The way you keep trust with the American people, with Arizonans, is be transparent. That solves that.

And when you look back at my testimony on January 6, that is what I asked for. I asked for a 10-day moratorium to let any state have 10 days to look at an audit, to do it right. Look at "Kill Chain." Please, please take the time to watch "Kill Chain." It is hardly a conservative group that points it out.

But this isn't a Republican or a Democratic issue. This is an American issue. Getting it right that when I cast my ballot for whoever is there that I cast it for, it goes there appropriately. And electronic, hand manipulation doesn't skew that aspect. That is all we are asking.

So from that standpoint, I love the conversation back and forth, but I don't think people are bad like we intended. You know, even Mr. Raskin introduced legislation because he saw electronic manipulation and problems. And it goes both ways. Whether it be 2016, 2018, 2020, there is plenty to go around. So why not get it right this time?

Why not be transparent? That is how you gain trust with the American people. Trust is transparency.

Madam Chairwoman, thank you for the indulgence. I appreciate it, and I yield back.

Mr. BIGGS. Thank you. And Madam Chair, I have some articles that I would submit.

Chairwoman MALONEY. I recognize you for purpose of putting items in the record.

Mr. BIGGS. Thank you so much.

The one is a piece from February 26, 2021, Arizona Republic. Another one from Representative Shawnna Bolick, dated February 2021, Washington Examiner. One from Glenn Greenwald, September 27. One letter from Madam Chair to Honorable Trey Gowdy, dated April 5, 2018. Another one from Representative Gerry Connolly, dated January 29, 2018. And the last one from the Baltimore Sun, dated January 5, 2017, entitled "Rep. Jamie Raskin Not Seeing Electoral College Challenge for Trump."

Chairwoman MALONEY. Without objection.

Mr. BIGGS. Thank you.

Chairwoman MALONEY. OK. We have been told that Mr. Keller has logged on. Mr. Keller is now recognized for five minutes. Mr. Keller?

Mr. KELLER. Thank you, Madam Chair, and thank you very much to all our witnesses for taking time to testify before the committee today.

Before addressing the subject of this hearing, I would like to take a moment to urge the majority to use its oversight power to focus on any of the numerous crises facing our country, be it rampant inflation, the crisis on our Southern border, the irresponsible way in which the Biden administration pulled out of Afghanistan, skyrocketing energy prices, or the staggering national debt, just to name a few.

The price of natural gas alone is at a 10-year high. This must be addressed before winter sets in and Americans have to make difficult financial decisions just to heat their homes.

The integrity of our elections is directly linked to the integrity of our democratic system of government at the local, state, or Federal level. While proper election protocol is essential, the matter of Arizona election audits is fundamentally a state issue. This is the second time in the course of a week that this committee has raised issues firmly in the states' jurisdiction into the Federal arena.

Rather than attacking a private company for fulfilling its contract in conducting an election audit, this committee should be directing any objection about the audit to its originators, the Arizona State Senate. One thing that all voters, regardless of party affiliation, can agree upon is that we must have election integrity. That is the only way to ensure trust in our elections, faith that our elected officials have been righteously elected, and confidence in our government.

I would just again encourage the majority party to take a look at the issues that lie squarely within the jurisdiction of the Oversight and Reform Committee. Believe me, there are plenty of Federal agencies that need oversight and reform. We should be focused on those, and the states, where they have issues, should focus on making sure that they address those issues.

We certainly aren't going to call in, you know, the Arizona Department of Revenue and investigate how they handle their state income tax collection. If we have an issue at the Federal level, we should be dealing with that. But issues that are within the states' jurisdictions, we should actually go back to those states and follow the Constitution and do exactly—and have them address those issues.

With that, Madam Chair, I yield back the balance of my time.

Mr. BIGGS. I will take your time.

Mr. KELLER. All right. I yield to Mr. Biggs.

Mr. BIGGS. Thank you. Thanks, Mr. Keller. Appreciate that.

So I am going to be able to ask a couple of the questions that I didn't think I was going to be able to ask.

So I was looking at your website called justthefacts.vote. And on Myth No. 4, I found that it said that the county does not change its—that the county does not change its Election Management System—that it is false that the county does not change its Election Management System passwords. I assume that what you are asserting then is that you regularly change the passwords for your EMS server, for the server for EMS?

Mr. GATES. Yes, my—I'm not sure what you mean by "regularly," but it is something that is changed.

Mr. BIGGS. So would you then be surprised, I guess, that the records from CyFIR clearly indicate that all accounts have the same password, and even the username was the same and has not been changed since the EMS server was set up?

Mr. GATES. Yes, again, I don't—I don't have that in front of me. So I'm not sure what the basis of that is.

Mr. BIGGS. If that were—if that were true, that would be concerning about cybersecurity, would it not?

Mr. GATES. No. No, that would not be concerning about cybersecurity because, Congressman, I think, as you understand, the EMS is not connected to—as relates to cybersecurity, it's not connected to the Internet in any way. It's an air gap system. We held—we did two audits that confirmed that these machines that were used in the 2020 general election were never connected to the Internet.

Mr. BIGGS. And that is your—that is your assertion here today? OK.

Mr. GATES. That is. Yes.

Mr. BIGGS. OK. All right.

Mr. GATES. Based upon certified folks that took at that as well.

Mr. BIGGS. And how is the paper—so let us talk about paper for a second. Myth 8, vote-secure paper does not have a special coating to prevent bleed-through. Are you saying that only vote-secure paper was utilized in the 2020 general election?

Mr. GATES. Yes. Vote-secure paper was utilized, but it is a fact that you can have bleed-throughs. Bleed-throughs, and that's why we made sure we redesigned the ballot, so that if there was a race on side of the piece of paper, it wouldn't bleed through and show up as a vote on the other side, on the election on the other side.

Mr. BIGGS. OK. I hope to be able to ask Mr. Bennett about that. Thank you.

Chairwoman MALONEY. The gentleman yields back. I am now told that Mr. Fallon has logged in, and Mr. Fallon, do you wish to ask questions?

Mr. FALLON. Yes, Madam Chair. Thank you very much.

Chairwoman MALONEY. OK, you are recognized.

Mr. FALLON. Thank you.

I dream of the day that we have hearings in this esteemed committee on the crisis, not really even a crisis, but the catastrophe

on the border. Being from a border state, I believe now that this administration made all other 49 states border states as well.

But Madam Chair, I would like to yield the balance of my time to my colleague and friend from Arizona, Mr. Biggs.

Mr. BIGGS. I thank the gentleman. Thanks, Mr. Fallon.

So, Mr. Bennett, let us talk about the paper. You heard the testimony from Vice Chairman Gates. Can you please respond to us about the paper that you found in the audit—that the auditors found in the audit?

Mr. BENNETT. What I was informed of is that there appeared to be 10 different sources or types of paper used for the ballots. I personally witnessed the fact that on some ballots, there was a fair amount of bleed-through from one side to the other.

But as Mr. Gates mentioned, one of the things that you're supposed to do in setting up your election in Arizona is align the ballots so that if there is bleed-through from front to back or vice versa, that no corresponding ovals are affected. And it's my understanding that even though we found bleed-through, we did not find that bleed-through overlapping an oval on the other side.

Mr. BIGGS. So, to your knowledge, there was no encroachment from one side to the other and——

Mr. BENNETT. That is my—that's my understanding.

Mr. BIGGS. Thank you. Can you add on here to whether there was any issues with regard to the use of the same password and usernames in some of these servers?

Mr. BENNETT. I can simply repeat the testimony of Mr. Ben Cotton, the CEO of CyFIR, the company that looked at the equipment, who said that their evidence showed that they—that the county used common usernames and passwords, and that I think there was more than one, but as required by state law and election procedures manuals in Arizona, they did not use unique usernames and passwords.

So that if there was a question related to who did what in the Election Management System, not a cybersecurity issue, as Mr. Gates mentioned, but the purpose for having unique usernames and passwords is so that if you have things happen within an election, you can tell who did it. And he said that the use of common usernames and passwords make that impossible to detect.

Mr. BIGGS. So you wouldn't know necessarily who was even logging in because the usernames are not discrete?

Mr. BENNETT. Correct.

Mr. BIGGS. Explain to us the election procedure manual and its relationship vis-a-vis statute.

Mr. BENNETT. The election procedures manual is specifically authorized in state law. It is under the direction of the secretary of state's office, which I occupied for six years. I did three of them during my six years. It's adopted in the off-election years, also has to have the consent of the attorney general and the Governor to sign off on the election procedures manual. It has the effect of law, as is dictated in state statute itself.

Mr. BIGGS. So if there is an issue with compliance with the procedures manual, that is a statutory violation because——

Mr. BENNETT. Yes.

Mr. BIGGS [continuing]. It is a law?

Mr. BENNETT. Yes, sir.

Mr. BIGGS. So my understanding is that the—is that the Senate president attempted to reach out and attempted to work with the county, but that for whatever reason an impasse was reached, and the subpoenas were issued, and the ultimate issue is compliance and whether there was contempt on the part of the board in responding to those subpoenas. Mr. Sellers?

Mr. SELLERS. Well, as I mentioned earlier, I had met personally with the Senate president numerous times, telling her that if there were—if there were serious issues or questions that needed to be answered, I wanted to help get those answers.

And she felt that—well, and I'll back up a little bit. Because the two additional audits we did after the election was over were really done to answer questions that had been given to us by the—by the Arizona Senate.

Mr. BIGGS. Thank you. I thank the gentlelady.

Chairwoman MALONEY. The gentleman yields back. And I now recognize myself.

People are coming in and logging in at the end here. Our good friend, committee member Jackie Speier is now recognized for five minutes for questions.

Ms. SPEIER. Thank you, Madam Chair.

And I have been on for a good part. I am also in the middle of an Intelligence Committee hearing, but I did want to get back on since there are still questions that need to be answered.

Let me ask you, Mr. Bennett, you have been a public servant. Do you condemn political violence in this country, including attacks on elected officials and elected representatives?

Mr. BENNETT. Of course. I've had——

Ms. SPEIER. Of course——

Mr. BENNETT. I've had death threats myself.

Ms. SPEIER. OK. So you know that Chairman Sellers and Supervisor Gates and their staff have received threats against their safety. The District of Columbia experienced political violence on numerous occasions in the weeks following the election.

I was one of the members in the House Gallery lying on the floor when the shots rang out, thinking that I was going to die that day. So making sure that we quell violence is critical.

With that in mind, it is very important that we identify those organizations that have sought to further inflame tensions. One of those groups is Look Ahead America. On September 24, this group held a rally in Arizona in which nearly half of the attendees were Proud Boys, which is an organization identified as a far-right neo-Fascist group.

Have you ever heard of the organization Look Ahead America, yes or no?

Mr. BENNETT. Yes, ma'am.

Ms. SPEIER. And you know this group has been associated with violent hard-right activities for a long time?

Mr. BENNETT. I'm not aware of that, ma'am.

Ms. SPEIER. The group tweeted that it would participate in a conference hosted by Nick Fuentes, a well-known neo-Nazi.

You are currently listed on Look Ahead America's "leadership" page, as it is, as its state chairman. According to the page, you are

fifth-highest ranking individual in this organization. I am kind of astonished that you would be associated with a group such as this, let alone take a leadership role.

Your biography on the group's website notes that you serve as "Senate liaison for Maricopa County 2020 election audit." Now, Mr. Bennett, you said a few weeks ago that you are on a "leave of absence" from this organization to focus on election review. Is this true?

Mr. BENNETT. Yes, I was working on a voter registration project in Arizona known as AZ51. AZ51, connected with Look Ahead America, who wanted to help that process in Arizona, and AZ51 decided to transition the voter registration project over to Look Ahead Arizona, which was formed by Look Ahead America.

So I'm—I'm with Look Ahead Arizona, which is an affiliate of Look Ahead America. But I have been on leave of absence, as I've been contributing my time to the audit without pay.

Ms. SPEIER. All right. So you have been trying to establish some independence. Is that correct?

Mr. BENNETT. Independence from whom?

Ms. SPEIER. From the organization, since you are on a leave of absence?

Mr. BENNETT. I was already involved in the audit, Congresswoman, when the AZ51 voter registration project transitioned to Look Ahead Arizona. So I'm not trying to establish independence. I already was involved in the audit when that transition occurred.

Ms. SPEIER. All right. But in a September 7 Arizona Republic article, you said, "I still consult with Matt on, you know, who does he need to talk to around the state and help with efforts of Look Ahead Arizona and voter registration."

Matt, I believe, is the executive director of Look Ahead America. It seems difficult that you could claim that you are on a leave of absence from the group but are still consulting with it and actually recommending who the group's executive director should be meeting with.

So I really am concerned that, as an elected official, as someone who you admittedly say you have had death threats, to all of us and to the Arizona county supervisors who have experienced death threats, why an engagement with groups like the Proud Boys, who were part of this effort in Arizona prior to the election, would somehow not be recognized by you as antithetical to quelling violence and, in fact, encouraging it?

And with that, Madam Chair, I will yield back.

Chairwoman MALONEY. The gentlelady yields back. And I believe that concludes all of the members that want to ask questions. I will now proceed with my closing remarks.

I want to thank all of the witnesses today for helping our committee understand the facts about the so-called audit in Arizona and all of my colleagues who participated. In particular, thank you to Mr. Sellers and to Mr. Gates and to the other elected officials who endured months of abuse, insults, and threats for simply doing your job. Thank you for having the courage to speak the truth today and to testify before the committee.

The committee had also wanted to hear from Cyber Ninjas, but Doug Logan refused to appear today to testify under oath. That is

probably because the facts about his audit is they are so damning. This audit was designed to find fraud, but it didn't find any fraud.

It was backed by millions of dollars, $6.7 million, from partisan dark money groups, and it spent a year studying the election. But in the end, Cyber Ninjas came up with absolutely nothing—no fraud, no missing votes from Trump, no change in the election outcome.

So now, even after this huge audit, some of my colleagues are refusing to accept even their own biased audit, claiming that there is still uncertainty about the election in Arizona. Donald Trump is even claiming the audit showed he won.

A nonpartisan fact checker rated that claim as absolutely false and gave him the designation of "pants on fire," and I ask permission to put the statement and the article about it in the record.

Chairwoman MALONEY. And so let us be clear. Donald Trump did not win in Arizona, and he did not win the election. He lost. And in the Cyber Ninjas audit, he lost. But unless Trump and his admirers are willing to admit this truth and respect the will of the American voters, our democracy is at serious risk, as Mr. Sellers and Mr. Gates testified.

The barrage of lies about the 2020 election has inflicted grave damage already. These lies are undermining public confidence in our elections. They are fostering efforts across the country to hold more partisan audits and pass anti-democratic laws to suppress votes and allow elected officials to overturn elections when their preferred candidates lose.

Free and fair elections are the foundation of our democracy, whether you are a Republican or a Democrat. All of us should care about these threats to our elections.

This committee will use every tool at its disposal to fight back against the lies and conspiracy theories that have been allowed to grow for too long in our country. I ask like-minded Americans, both Democrats and Republicans, to join us in this fight. We all have an obligation to stand up for the democratic values that we all hold so dear.

With that, I, in closing, want to thank our panelists for their remarks. I commend my colleagues for their participation.

And without objection, all members have five legislative days within which to submit materials and to submit additional written questions for the witnesses to the chair, which will be forwarded to the witnesses for their response. I ask our witnesses to please respond as promptly as you are able.

This meeting is adjourned.

[Whereupon, at 1:48 p.m., the committee was adjourned.]

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