

**Citizens' Oversight Projects (COPs)**

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June 25, 2021

Senator Karen Fann, President  
Arizona State Senate  
Capitol Complex  
1700 West Washington  
Phoenix, AZ 85007-2890

cc: Ken Bennett, Randy Pullen

Subject: Arizona Statewide Ballot Image Audit

Dear Senator Fann:

We appreciate your recent acknowledgment of acceptance of our letter dated June 15, 2021.

After further review with our group of election integrity experts, we would like to slightly amend our comments regarding the need to expand the ballot image audit. In that letter, I suggested that:

Because of the importance of these statewide contests, it would be prudent to expand the ballot image audits to Pima and Pinal Counties, which combined with Maricopa County, would cover about 80% of the electorate. If we add Yavapai, Mohave, and Yuma Counties, that will cover 90%. These audits are relatively inexpensive compared with hand counts, and provide a vast amount of information about the accuracy of results and the quality of election processing.

Although it is the case that auditing 90% of all ballots cast would be far better than only 60% (just Maricopa), the extremely close outcome dictates that it is essential to audit all fifteen counties in Arizona.

This conclusion is further supported by the decision by the Supreme Court of the United States after the year 2000 recounts in Florida, where they found in the case of BUSH v. GORE, that the principle of equal protection dictated that all counties should have been audited using consistent standards, not just those "cherry picked" and not just the undervotes, but also the overvotes.

The Court held that the Equal Protection Clause guarantees to individuals that their ballots cannot be devalued by "later arbitrary and disparate treatment"<sup>1</sup>.

Concentrating on only Maricopa violates this equal protection principle.

But even if there was no equal protection provision, including all counties makes sense. The margin of victory of Biden over Trump of only 10,457 votes could be due to a variance in just one of all but the smallest counties, or by combining a few smaller counties.

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<sup>1</sup> [https://en.wikipedia.org/wiki/Bush\\_v.\\_Gore](https://en.wikipedia.org/wiki/Bush_v._Gore)



**AuditEngine**

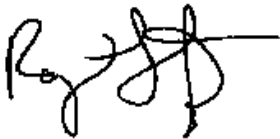
To put all questions of the accuracy of tabulation to rest, while complying with SCOTUS precedent, the State of Arizona must conduct thorough ballot image audits of all fifteen counties. Our auditing platform provides detailed audits with ballot-level precision (not just the final tally) and can audit all counties consistently, thus embracing the principle of equal protection. Our adaptive threshold algorithm provides excellent recognition of voter intent compared with the results of major vendors. For example, our "Case Study Report on 2020 General Election"<sup>2</sup> of three Florida counties found in a sample of ballot contests where AuditEngine and ES&S disagreed on voter intent (and the ballot images were not otherwise corrupted). AuditEngine correctly captured voter intent in 93% of these conflicts, with ES&S correct only in 7% of those cases<sup>3</sup>.

AuditEngine is equipped for the task. Arizona counties use equipment from either Dominion Voting Systems or Election Systems & Software (ES&S), except for Yavapai County, which uses equipment and software from Unisyn Voting Solutions, Inc. Our software already supports the first two vendors, and with additional time we believe AuditEngine can be configured to support Unisyn as well. The Dominion and ES&S counties should not require any software development, just specific configuration for each county due to ballot size, contests included, and the like.

We are willing to provide the audits using the same pricing schedule we have proposed for Maricopa County, extended on a per ballot and per county basis. We will provide the Unisyn development at no additional cost. If this is agreeable, we suggest that we proceed with completing the statement of work and get started immediately.

We are looking forward to providing Arizona citizens this invaluable public service.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ray Lutz', with a stylized flourish at the end.

Raymond Lutz  
Executive Director, Citizens' Oversight Projects

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<sup>2</sup> <https://copswiki.org/Common/M1970>

<sup>3</sup> Considered the first 36 cases of machine evaluation where AuditEngine disagreed with the voting system. In the that county, (Collier County, FL) the audit system agreed with the voting system on more than 99.97% of the ballot sheets.