

Defend Democracy Project

NEW REPORT

The Three Greatest Threats to Democracy in Arizona

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Arizona is at the crossroads of democracy, with forces threatening to render elections wholly inaccessible and unrepresentative in the state. While our previous research has focused on individuals' anti-voter efforts in Arizona, this report will address election deniers' collective efforts to erode democratic governance at the state level. We surveyed grassroots organizers and reporters across Arizona and spoke to several legal analysts to identify the key risks.

Our analysis found three primary threats that are intertwined –

- *Election deniers are working at every level to disrupt the electoral process, starting with a slate of bills and ballot initiatives predicated on baseless election conspiracy theories, aiming to constrict ballot access.*
- *These ideologues are aligning themselves with extremist groups targeting ballot drop boxes and local election officials, in addition to pushing lawsuits attempting to ban voting machines and force election administrators to hand-count millions of ballots.*
- *Finally, the MAGA movement is mounting an extensive effort to derail election certification proceedings by breaching secure voting systems and pushing radical legal theories that would dismantle electoral checks and balances.*

These threats constitute an unprecedented attempt to overturn the will of Arizona voters, and pose a grave danger to American democracy. Election deniers are actively working to suppress votes, disrupt election administration, and obstruct certification in order to consolidate power over elections for decades to come.

Legislation Targeting Ballot Access

A Slate of Election Laws Creating Barriers To Ballot Access Passed the Arizona Legislature. This year alone, Arizona legislators have [introduced thirty-five bills](#) seeking to put the state at risk of further election subversion. Several of those bills managed to pass the full legislature, imposing targeted restrictions on voters, disproportionate criminal penalties on election officials, and unprofessional election 'audit' requirements on local administrators.

- **The Arizona Legislature Passed A Discriminatory Election Law Based On Previously-Overturned Ballot Restrictions.** In early 2022, the Arizona legislature [narrowly passed](#) HB 2492, a targeted election law requiring voters to produce [documentary proof of citizenship](#) to register to vote in the state. Voting rights experts immediately raised concerns that the law restored proof-of-citizenship restrictions previously [struck down](#) by the U.S. Supreme Court in a [7-2 ruling](#) back in 2013, leading

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some legal experts to declare HB 2492 “the centerpiece of Arizona’s [attack on voting rights](#).” Some estimates have suggested that the law will [remove up to 192,000 Arizonans](#) from state voter rolls, with a [disproportionate impact](#) on students, older voters who no longer drive, low-income voters and Native Americans. The discriminatory statute is currently facing at least [five lawsuits](#), one brought by plaintiffs from the [Department of Justice](#), another by a coalition of state and national [political organizations](#), and three from various [voting advocacy groups](#).

- **Arizona Enacted A Law Imposing Disproportionate Criminal Penalties.** In early 2022, the Arizona legislature [narrowly](#) passed HB 2237, [banning same-day voter registration](#) – even though it was [already illegal](#) in the state. The bill was sponsored by Arizona state Representative Jake Hoffman, who illegally acted as an [“alternative” fake elector](#) in 2020, falsely claimed that President Biden lost the election in Arizona, and was barred from social media after [paying users](#) to spread election conspiracy theories online. Government Committee Chairwoman Kelly Townsend, a [member of the extremist militia group](#) known as the Oath Keepers (who [planned the Jan. 6 attack](#) on the U.S. Capitol), justified the bill with a conspiracy theory that [banning same-day registration](#) would reduce fraud by eliminating supposedly-suspect provisional ballots. The law’s passage was opposed by [numerous](#) voting rights advocacy groups, including the League of Women Voters of Arizona.
- **A Law Forcing Arizona Voters To Report Frequent Movers Passed the Arizona State Legislature This Summer.** In June 2022, the Arizona legislature passed [SB 1260](#) by [slim margins](#), making it a [felony](#) for an Arizona resident to knowingly help someone register to vote “who is registered in another state,” despite a longstanding policy that Arizona [does not prohibit](#) residents from being registered to vote in multiple states and [cannot prosecute voters](#) for having two open registrations in different jurisdictions. Back in 2020, an Arizona lawsuit was filed [contesting the results](#) of the 2020 presidential election based on several false claims about voter fraud, including one claim that out-of-state voters were casting ballots in Arizona. This case was dismissed, but plaintiffs’ [conspiratorial claims](#) have continued to be used by elected officials in the state to justify further ballot restrictions. SB 1260 has effectively criminalized Arizona residents for not aiding the state in [purging neighbors from voter rolls](#). It disenfranchises those who move frequently, especially young, low-income, elderly, and Black and Hispanic voters, as well as college students, based on the mere presumption that legally-compliant voters registered in multiple states are engaged in fraudulent activity. Consequently, SB 1260 is facing a [lawsuit](#) spearheaded by [multiple voting rights advocacy groups](#).
- **Arizona Legislators Are Requiring Targeted Voter Roll Purges.** In July 2022, the Arizona legislature [adopted](#) HB 2243, further penalizing legally-compliant voters by requiring county recorders to cancel a voter’s registration if they receive information that

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a voter is not qualified to vote or if the county officials have a “reason to believe” that a voter is not a U.S. citizen. The law specifically [targets naturalized citizens](#), who can be kicked off voter rolls based on anonymous complaints, and requires county records officials to check voting rolls against immigration records each month. HB 2243 is [identical](#) to a bill vetoed by Governor Doug Ducey [earlier this year](#), which he [described](#) as “vague and lack[ing] any guidance for how a county recorder would confirm [a voter’s qualifications],” at the time. Ducey also [raised concerns](#) that anonymous complaints could “seek to falsely allege a voter is not a qualified elector.” Nevertheless, he signed the legislation into law. In early September, a federal judge [halted the restrictive law](#) from taking effect, granting an [injunction](#) made by a local civil rights group arguing that the law [targets voters of color](#).

The Arizona Supreme Court Removed A Voting Rights Ballot Measure From the November Ballot, Approved a Restrictive Initiative Instead. In August 2022, the conservative-supermajority Arizona Supreme Court [rejected a voting rights ballot initiative](#) after facing targeted [signature challenges](#) from a group of conservative advocacy groups. The initiative, known as the Arizona Free and Fair Elections Act, would have amended the state constitution to enact more than three dozen changes reversing a [host of restrictive election laws](#) passed by the Arizona legislature since the 2020 election. It would have banned partisan and unprofessional ballot ‘audits’ and blocked the legislature from selecting “alternative” slates of presidential electors, among [other provisions](#). Instead, the legislature certified a [restrictive ballot measure](#), Proposition 309. If approved in November, the initiative would [force voters](#) to write their driver’s license number or voter registration number on an affidavit with each ballot, as well as bring photo identification to the polls [in order to drop off an absentee ballot](#).

Lawsuits To Dismantle Arizona’s Election Administration & Infrastructure

Election Deniers Are Trying To End Mail-In Voting Before The Midterms. In March 2022, Arizona false elector and state party chairwoman Kelli Ward launched a lawsuit seeking to end mail-in voting prior to the midterms and overturn the 2020 election on false allegations of fraud. Arizona’s universal mail-in voting system — the [oldest in the country](#) — was adopted by the state legislature in 1991, and is [widely used](#) by about 90% of Arizona voters. One [amicus brief](#) filed on behalf of plaintiffs suggested that the lawsuit was strongly motivated by lingering conspiracy theories about mail-in voting during the 2020 election. The case was [dismissed](#) for lack of jurisdiction less than a month later, but was [re-filed in Mohave County Superior Court](#) (the home county of Kelli Ward) seeking to roll back Arizona’s no-excuse absentee voting system. The second lawsuit was [quickly dismissed](#) by a county judge in June.

Fringe Arizona Officials Are Working To Ban Voting Machines In Arizona. Earlier this year, Arizona state Representative Mark Finchem (R-Tucson) [filed a lawsuit](#) with [co-plaintiff](#) Kari Lake, [seeking a preliminary injunction](#) against Arizona Secretary of State Katie

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Hobbs to ban the use of voting machines and electronic ballot tabulation equipment in Maricopa and Pima counties, requiring county election officials to hand-count all ballots during the midterm elections. The lawsuit has been [financed](#) by MyPillow CEO Mike Lindell, whose phone was recently [seized by the FBI](#) as part of an investigation into an election security breach. Rep. Finchem and Lake have even been [praised by Trump](#) for their litigation – though Maricopa County supervisors are [seeking legal sanctions](#) against them for pushing “frivolous” legal action. Though the lawsuit was [dismissed by a federal judge](#) in August due to [lack of evidence](#), the duo [filed an appeal](#) in federal circuit court in mid-September.

Extreme Legal Theories Place Arizona Elections At-Risk. Arizona Attorney General Mark Brnovich has joined 13 state attorneys general (and, [separately](#), Trump lawyer John Eastman) in [an amicus brief](#) backing the extremist “[independent state legislature](#)” (ISL) doctrine, a radical legal theory [opposed by](#) all 50 states’ Supreme Court chief justices that would render state legislatures unaccountable to judicial oversight, and ultimately the popular vote, in determining election outcomes. Under this [extremist theory](#), the Arizona legislatures would be shielded from constitutional clauses like the Voting Rights Act. It would be [free to dismantle](#) the [hard-won](#) Arizona Independent Redistricting Commission (which the Supreme Court [upheld](#) in 2015, rejecting Arizona plaintiffs’ ISL theory) and, worse still, select presidential electors [regardless of the will of voters](#). A so-called independent Arizona state legislature could unilaterally reject legitimate election results and send an “[alternative](#)” [elector](#) slate to the electoral college, undermining democracy without any judicial or executive oversight.

Direct Harassment of Election Officials & Voters

Local Arizona Election Officials Are Facing Pressure To Leave Office. Across Arizona, elections officials are [leaving office after facing harassment](#) over the 2020 election. One in six election officials have experienced threats because of their job, and 77 percent say that they feel these [threats have increased](#) in recent years. Yavapai County Record Leslie Hoffman, her deputy and the County elections director [all resigned](#) after receiving harassment & threats. Five of Arizona’s 15 counties have new elections directors this cycle as incumbents have been shouted down at public meetings, harassed online, and faced “groups [that] are saying we should have no tabulation equipment, no early voting, only hand counting, one-day one vote.” Some former officials have even been [forced to relocate](#). Coconino County election officials are [facing an impending crisis](#) at polling precincts after State Senator Wendy Rogers told her constituents to claim “identity theft” at the polls in November. Election officials in Maricopa County have [installed](#) perimeter fencing, tinted glass windows and a private security force to secure a ballot tabulation center, and pro-Trump operatives have begun [flooding](#) the Maricopa County Recorder’s Office with hundreds of public records requests, seek to find evidence for Trump’s false claims and “gather intelligence” on voting machines. Following a wave of conspiracy-fueled post-election reviews that took place after 2020, Arizona Secretary of State Katie Hobbs recently [pushed out new guidance](#) over [fierce objections](#) from various state

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Senators. To make matters worse, Maricopa County Recorder Stephen Richer (R), who received [death threats](#) over his opposition to the state Senate's dubious post-election 'audit' of the county, has said the threats against Arizona election officials are [unlikely to stop](#) in the near future.

Extremist Groups Are Planning Police and Paramilitary Presence On Election Day. Arizona sheriffs are threatening to [disrupt the state's electoral process](#) this year by continuously investigating debunked claims of so-called "voter fraud" from the 2020 election. Two sheriffs' groups in Arizona have launched a [renewed MAGA effort](#) to spread Trump's lies about voter fraud ahead of the midterm elections. Pinal County Sheriff Mark Lamb is [leading the effort](#) to monitor elections, touted by a coalition of self-described "constitutional sheriffs," known as the Constitutional Sheriffs and Peace Officers Association (CSPOA). The group [claims they have legal power](#) to investigate outlandish conspiracy theories in Arizona, and are [partnered](#) with far-right True the Vote, sparking fears among county election officials of [voter intimidation efforts](#) at ballot processing sites across the state. Since he announced the partnership, Sheriff Lamb has [pushed for increased police surveillance](#) — and even a [paramilitary presence](#) — at ballot drop boxes in Pinal, citing [administrative issues](#) that plagued the primary election and resulted in the county running out of ballots in August. Meanwhile, extremist [vigilante groups](#) are [organizing "tailgates" at ballot drop-box locations](#), bolstered by the MAGA sheriff presence. His proposal amounts to [voter intimidation](#), according to the Institute for Research and Education on Human Rights, and could deter many prospective Arizona voters, particularly from Black and Hispanic communities, from casting ballots in the November election.

The Arizona State Senate Authorized A Sham Election Review That Continues to Threaten Arizona's Election Process. Nearly one year after the 2020 election, Arizona legislators launched an baseless "[election audit](#)" into previously disproven [claims of voter fraud](#) during the 2020 election in Maricopa County. State Senators contracted a [partisan cybersecurity firm](#) with no previous election audit experience, Cyber Ninjas, to conduct a severely flawed audit. Cyber Ninjas CEO Doug Logan granted outside firms access to Maricopa's secure election systems, including cybersecurity firm CyFIR. During the audit, CyFIR [copied and moved](#) Maricopa County's election data and server out-of-state to a [remote cabin in Montana](#), where he downloaded sensitive data from the hard drives. In the end, Cyber Ninjas' hand-count tally [deviated from official results](#) enough that Senate President Karen Fann re-checked the hand count, concluding that the audit erroneously hand-counted 260 more Biden votes than the official election results. Maricopa County also [disputed the audit's allegations](#) as "inaccurate, misleading or patently false." Worse still, Cyber Ninjas CEO Doug Logan and Sydney Powell are facing a [criminal probe](#) in Georgia and [under criminal investigation](#) in Michigan for orchestrating a voting systems breach across multiple states. Despite the breach, the Arizona Supreme Court recently ruled that some of the state Senate's documents from the review of the 2020 election could be [shielded from public view](#), hindering transparency as the state's voting systems are [under increased scrutiny](#) due to the ongoing investigations.