Arizona Bill Allowing Easier Access to Cast Vote Record Would Create Loophole Allowing Unverified Ballots, Election Experts Say

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Rachel Alexander
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A bill making its way through the Arizona Legislature would make it easier for the public to obtain the Cast Vote Record (CVR) – which is the electronic representation of how voters voted – but some election integrity proponents are concerned that after an amendment by State Representative Alex Kolodin (R-Scottsdale) was removed in Conference Committee, a loophole allows counties to accept early ballots without verifying the signatures. SB 1518, sponsored by State Senator Ken Bennett (R-Prescott), passed the Senate 17-11 on Tuesday, with a handful of conservative stalwarts joining Democrats to oppose it, but failed in the House 24-32 due to opposition from the House's Arizona Freedom Caucus.

Jennifer Wright, former Election Integrity Unit civil attorney under previous Attorney General Mark Brnovich, who is currently representing Abe Hamadeh in his election challenge for Attorney General, tweeted her praise at the legislators who voted against the bill. "Thank you@RJ4arizona, @realAlexKolodin, and others for stopping SB1518 that contained language codifying procedures revealed in @KariLake's trial that Maricopa used to permit ballots from early vote centers to forgo signature verification," she said.

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>
> — AZ Representative Rachel Jones (@RJ4arizona) June 14, 2023

Kolodin's amendment would have required election officials to stamp "ID verified" on early ballots that are accepted after providing identification instead of going through signature verification, and required them to be placed in a separate secured ballot box, not commingled with other types of ballots. Any ballot that ended up in that box that did not have the stamp must go through signature verification.

Wright referenced testimony during Kari Lake's trial by Maricopa County Elections Director Rey Valenzuela, who said that 44,799 of these ballots were submitted on Election Day during last year's general election, and did not go through signature verification. He said that was why those signatures showed up being verified in zero seconds each. However, this contradicted testimony by Lake's expert, Erich Speckin of Speckin Forensics, who said in the analysis he performed of Maricopa County's signature verification process, he did not include those types of ballots.

Wright explained to ***The Arizona Sun Times*** that the language without the amendment eviscerates signature verification because there is no mechanism to prevent ballots dropped off at early vote centers without ID from being commingled and processed with those that were ID verified. She noted that the counties do not stop ballot harvesters who drop off ballots. She cautioned that it could be a backdoor to legally and without detection inject scores of bad ballots that will never undergo signature verification. There are no laws that would apply to hold anyone accountable, Wright warned, and it would be difficult to prove the ballots were intentionally commingled and it wasn't just an error.

Additionally, early vote centers do not require bipartisan boards; a vote center could be manned by one employee that allows this harvesting to happen.

Wright went on in tweets, "The bill sponsor ran other bills containing similar language. At least one of those bills was amended with appropriate guardrails — but has since died. It's very unfortunate the problematic language was added to an otherwise great CVR bill."

She concluded, "I hope the language is amended with guardrails and the bill is reconsidered. As it stood, SB1518, imho, would have been the single worst bill for election integrity this state has ever seen. And that's saying a lot. Thank you to those who took a stand against SB1518."

State Representative Rachel Jones (R-Tucson) responded, "SB1518, sponsored by Senator Bennett regarding ballots, went on the board this evening even though freedom caucus members were warned by Jen Wright @JenWEsq that it was an extremely dangerous bill. Instead of holding it, leadership put it up to make us look bad."

She added in a follow-up tweet, "Our amendment was removed in the 11th hour and replaced with language, that Bennett wanted, for the third time. I will happily vote down fake election integrity bills when they open a loophole to get rid of sig verification EVERY SINGLETIME. Beware uniparty poison pills."

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EZAZ co-founder Merissa Hamilton, who is heading up an early ballot effort for Kari Lake, tweeted her concern about the bill in its form without Kolodin's amendment. ".@stephen_richer's Director just testified that they broke the law imo," she said. "Law does not permit County to skip signature verification on any ballots. I don't recall an ID verification process in law for earlies. This is why @BennettArizona's original version SB1518 was so dangerous."

She added, "This isn't the first time the county realized they broke the law and then tried to get a Legislator to create a bill to legalize their illegal process making ballots less secure. REPUBLIC SHENANIGANS."

The Kari Lake War Room account chimed in on Hamilton's tweets, "Very good thread folks." The account also congratulated the Arizona Freedom Caucus for stopping the bill. State Representative Joseph Chaplik (R-Scottsdale), a founding member, responded, "When bills are rushed, we still read them and fully understand them before rushing a vote. Especially on the last day."

The Sun Times reached out to Bennett to ask him why the amendment was removed. He said it wasn't stripped out intentionally, but more of an oversight. He said the counties originally came to him telling them they were going to handle those types of early ballots separately, so he was "100 percent certain" they would mark them as ID verified and sort them into a separate pile. However, when ***The Sun Times*** asked about the concerns others had, he said he would attempt to add the amendment's language back into the bill if he can bring it back up on July 31.

On July 31, which will very likely be after the legislature adjourns for the year, the legislature is resuming for a brief session to consider the Prop. 400 tax increase, which has not been worked out yet with Governor Katie Hobbs.

Bennett said he believes SB 1518 is likely to be signed into law, noting that even Democrat Secretary of State Adrian Fontes supports allowing the public to look at ballot images and the CVR. It would allow anyone to count the ballots, Bennett said.

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