

Statement of Adrian Fontes
Maricopa County Recorder, (2016-2020)

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Election Subversion: A Growing Threat to Election Integrity.

Chair Lofgren, Ranking Member Davis, and members of the committee, thank you for this opportunity to discuss threats against election officials, elections staff and poll workers in Maricopa County, Arizona and across the country. I served as County Recorder for Maricopa County, Arizona, the second largest voting jurisdiction in the United States, representing over 2.5 million active voters and approximately two thirds of Arizona's population from 2017 - 2020.

This position was the most recent in a long list of service to my community and country. From 1992 -1996 I served on active duty in the United States Marine Corps, where I earned a nomination for a meritorious commission. After being Honorably Discharged, I received my Bachelor's degree from Arizona State University before continuing on to the Sturm College of Law at the University of Denver. After law school, I served as a prosecutor with the Denver District Attorney, the Maricopa County Attorney's office and I headed the Foreign Prosecution Unit at the Arizona Attorney General's Office. In 2016, I was elected to the office of Maricopa County Recorder, where I served a four-year term implementing national award-winning systems and procedures to improve accessibility and security for Maricopa County's elections, even amidst immense logistical and personnel safety challenges posed on election administration by the Covid-19 Pandemic. I remain a resident of County of Maricopa, where I am

raising my three daughters practicing law, and running as a candidate for Secretary of State.

- I ensured that the election security and integrity measures were in place in Maricopa County, which resulted in an honest, fair and transparent election in November 2020.
- The subversive efforts of former President Donald Trump and anti-Democratic factions to spread conspiracy theories are undermining the public's faith in our electoral process. Further, perpetuating the myth of widespread voter fraud is leaving honest civil servants, who administer our elections, victim to threats of violence, harassment and potential physical harm
- The harassment of and threats of violence against election workers in Maricopa County I and my team experienced during my term in office, continue today.
- In coordination with local and state law enforcement, and federal officials, we implemented numerous security measures to protect the safety of me, my family, my staff and Arizona voters.
- I strongly support legislative efforts to protect election officials in Arizona and across the country from harassment, intimidation, threats and political interference so that they can safely perform their duties to serve voters and protect election integrity.

Integrity, Security, and Logistics of Elections in Maricopa County

From my first day in the Maricopa County Recorder's office, we began implementing a comprehensive plan in advance of Election Day 2020 – securing polling locations, recruiting and training poll workers, and educating voters on where, when and how to vote. While we were still preparing for the 2018 Elections at that time, we already knew that massive changes were going to be necessary for 2020. However, no change could be made until our new administration had complete understanding and operational command of the current system. We did not want to reinvent the wheel from a place of ignorance. As 2020 approached, and even in the midst of the Covid-19 Pandemic, my administration had earned the experience and expertise to set systems in place that

ultimately led to record voter turnout - turnout that proportionately surpassed records set in other Arizona Counties and most jurisdictions in the United States. Further, we worked in a bipartisan manner with community and political organizations to increase the number of registered voters in Maricopa County by 500,000 to 2,595,272 voters in just four short years.

Election security as an aspect of building confidence in election systems was a top priority for my administration. New measures we took to secure elections included:

- Establishing a new position for an in-house Election Information Security Officer (a first in the nation for local jurisdictions) who worked directly with Maricopa County's Office of Enterprise Technology and other county, state, and federal security and enforcement agencies
- Creating a cultural shift towards a renewed focus on IT security through staff training and consistent reminders about best practices and procedures like password management and other preventative measures against phishing campaigns
- Constant coordination with partners like the US postal service, County Sheriff's office, ACTIC (Arizona's Anti-Terrorism coordinating body), Dell Secure Works, Cloud Flair, US DHS, and the FBI to ensure optimal safety and security for voters and any personal information stored in voter databases
- Testing and hardening the County Recorder website, performing frequent static and dynamic vulnerability analyses to prevent cyber attacks, and creating a web application with a built-in firewall
- Performing frequent "Dark Web" threat assessments, wherein threats against other county elections offices were able to be identified quickly and preemptively- and shared with neighboring county government offices, as well as the statewide anti-terrorism task force and the FBI
- Physical security and infrastructure improvements like knocking out two walls separating three rooms to create a secure vault for ballots - a separate central server room, with transparent glass walls that was monitored 24 hours per day both by security cameras and by at least three law enforcement officials from the County Sheriff's Department/Judicial Security at all times

- Cutting all telephone and modem lines leading to the central server, so that all voter information was enclosed in a singular server vault to which only three staff members had access, making voter and ballot information vastly less impenetrable to attacks
- Allowing media to video-tape the counting of ballots 24 hours a day
- Ensuring that ballots were always stored in a high-security location
- Replacing outdated voting machines, and setting systems and procedures in place to ensure that overvotes were always reviewed by a bipartisan pair of election workers who had access to reviewing the singular overvote in question only, and not the voter's entire ballot
- Creating a digitized system where photographic images of ballots were processed and preserved the moment that a voter cast a ballot

These efforts, my tireless staff and the thousands of dedicated volunteers and workers resulted in what the director of Cybersecurity and Infrastructure Security Agency at DHS described as "the most secure in U.S. history."¹

Subversive Efforts to Perpetuate the Myth of Voter Fraud

Since before the 2020 Presidential Election, there have been widespread efforts by anti-democratic factions to spread false conspiracy theories about election administration, and erode confidence in American elections. These false conspiracy theories have contributed to and in some instances can be seen to justify the rise of violent threats and actions that emerge against election officials of every political party. The sham "audit" in Arizona is being performed by the private company Cyber Ninjas Inc., which has no elections experience and a CEO who has publicly promoted election fraud theories. The company was selected by Arizona Senate President Fann in secret outside of any accountable public process. This sham won't just cost Arizona taxpayers millions of dollars, it also imposes costs to our democracy. It, and the mis- and disinformation spread by those involved, has resulted in additional harassment and threats against civil servants which undermine the public's faith in our electoral process. As recently as Saturday, July 24th, former President Donald Trump held a televised rally two blocks from the Recorder's office of Maricopa County where he perpetuated debunked conspiratorial myths of widespread voter fraud. Although Arizona Secretary

¹ *Examining Irregularities in the 2020 Election*, Senate Committee Homeland Security and Governmental Affairs Committee, December 16, 2020, Remarks by Chris Krebs.

of State Hobbs and Maricopa County officials have launched valuable and laudable efforts to combat this misinformation campaign, this work requires extreme vigilance and, under the current circumstances, is never-ending.

Threats to the Safety of Election Workers

Since 2016, threats against election officials and their staff in Maricopa County have been progressively and steadily escalating. While initially sporadic in nature, and aimed at me, the threats against my family soon followed. In 2018, after my daughter unknowingly brought an anonymous package left on our porch into our home, law enforcement was contacted. A bomb squad evacuated me and my daughters from our home, and had to clear several adjacent homes nearby before disposing of the object. And as Trump continued to push his false narratives about election fraud in the lead up to the 2020 election, the threats and harassment only increased.

During my tenure, these threats culminated in a group of armed protesters marching in the streets of Maricopa County and stopping at my office, in an apparent attempt to disrupt and interfere with the important work of my office to count and process absentee ballots.

Within hours of the polls closing on November 3, Trump allies, including Arizona Conservative Union Chair Matt Schlapp and Trump-affiliated attorney Sidney Powell, promoted false information about “#SharpieGate”, a debunked conspiracy theory claiming that the use of Sharpies by voters at polling places was going to cause ballots to be miscounted due to ink bleeding through paper on a two-sided ballot. That night, pro-Trump protesters, including followers of QAnon—described as “the baseless conspiracy theory whose proponents believe Mr. Trump is battling a cabal of satanic pedophiles”²—rallied in my office parking lot and demanded to be allowed inside where my staff were working to count and process ballots, chanting “Let me in!”³ They also demanded that I come outside.⁴ Many appeared to be armed with AR-15 assault rifles similar to the M-16 A2 service rifle I taught active duty Marines to use when I was a rifle range coach. The following night, infamous conspiracy “nutcase”⁵ Alex Jones

² Kevin Roose, “What Is QAnon, the Viral Pro-Trump Conspiracy Theory?” *New York Times*, June 15, 2021, <https://www.nytimes.com/article/what-is-qanon.html>

³ <https://www.youtube.com/watch?v=Rg05niVIqn0>

⁴ <https://www.youtube.com/watch?v=Rg05niVIqn0>

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<https://www.azcentral.com/story/opinion/op-ed/laurieroberts/2016/03/24/roberts-kelli-ward-courts-conspiracy-nut-alex-jones/82223726/>

made a “surprise appearance,”⁶ and, using a megaphone, declared, “Resistance is victory. You are victory! I salute you!”⁷ He urged the protesters to action: “Everyone who can needs to go and surround the White House and support the President.... I’m going to Washington, D.C. myself to defend the President. Come with me to Washington, D.C.”⁸

One protester gained entry to the building where ballots are processed by presenting false press credentials. A staff member of my office was later pulled outside the building and cornered by apparently armed members of the protest. Law enforcement officials from the County Sheriff’s office and other security officials from the County Recorder’s office had to physically push through the mob and rescue that election official from a potentially tragic outcome.

Due to these and other threats and acts of violence, my family had made arrangements for my children to quickly leave our home, even preparing “go-bags” for an anticipated quick withdrawal. We identified alternative living arrangements outside of Maricopa County for my children so that, if necessary, we could accommodate long-term evacuation needs for their safety. And, in the days following the election, my children were moved out of the family home at least once for three days in the wake of serious threats to my family's safety.

The elections staff, which include former military members, dads, moms and community volunteers, continued their important work despite the threats and intimidation. We refused to allow these protesters to potentially disenfranchise Maricopa County voters. However, some continue to struggle with the personal toll these threats have taken.

- Staff and poll workers who had been working to count ballots are still dealing with issues of post-traumatic-stress-disorder to this day due to the events leading up to and following the 2020 Presidential Election

⁶ AZFamily.com News Staff, “Crowd of Protesters in Phoenix Fired Up by Conspiracy Theorist Alex Jones,” Arizona’s Family, November 5, 2020, https://www.azfamily.com/news/politics/election_headquarters/crowd-of-protesters-in-phoenix-fired-up-by-conspiracy-theorist-alex-jones/article_dea394d0-1fe3-11eb-9a4b-93fa25a8ddc1.html

⁷ Id.

⁸ Jemima McEvoy, “Alex Jones Calls On Pro-Trump Protesters To ‘Surround The White House And Support The President’,” *Forbes*, November 6, 2020, <https://www.forbes.com/sites/jemimamcevoy/2020/11/06/alex-jones-calls-on-pro-trump-protesters-to-surround-the-white-house-and-support-the-president/?sh=577976333023>. (“Jones added that Trump will ‘not concede.’”).

- Since the onset of early voting for the 2020 Presidential Election, approximately 35 threats of violence against staff and civil servants who administer elections in Maricopa County were elevated to Arizona's state joint terrorism task force.
- In the words of Scott Hadley, a career military officer, Afghanistan combat veteran and Deputy Recorder for Operations during the 2020 Election, (as well as being a lifelong Republican): "The potential was there for anything to go wrong, but based on the cooperation between Recorder Fontes and [Sheriff] Paul Penzone and other county staff, everybody did exactly what needed to be done to ensure that the tinder box did not erupt, and prevented what could have happened for happening. All it took was for one person to say the wrong thing . My biggest regret was that we had to do this at all, just to get through the election - to let civil servants do their job and run an honest, fair and transparent election."

Necessary Measures Enacted to Protect the Security of Election Workers

In advance of and after the 2020 Presidential Election, certain vital security measures were put in place to protect the lives and safety of election workers and voters of Maricopa County. These measures were deemed necessary as law enforcement and other partners were constantly consulted regarding every aspect of security for the 2020 election in Maricopa. Through these discussions, which continued well past election day itself, threats were identified and addressed by various methods, from planning and execution of improved safety protocols to prompt and professional diffusion of difficult situations during and immediately after the election. It should go without saying that all of the efforts illustrated here should have been unnecessary. But as time revealed, they were not only necessary, but helped stave off what could have been more serious situations. My staff frequently expressed sincere gratitude for the professionalism and respect with which they were treated by all of our partners in federal, state and local law enforcement, and I continue to express that sentiment on our behalf today.

- A SWAT team in full riot gear, designated by the office of the County Sheriff, had to be secreted into the election center and positioned in the hallway of the Maricopa County Recorder's Office in case a worst case scenario arose
- Plain clothes law enforcement officers were said to be stationed within the crowd of protesters to ensure security threats were responded to swiftly or diffused as they arose
- Constant communication between the Recorder's Office, Sheriff's Office, Statewide Joint Terrorism Task Force, FBI and Department of Homeland Security

were needed to ensure that no threats of violence resulted in death or serious bodily harm to voters or election workers.

Conclusion

The safety and security of election officials and voters is vital to the sustainability of our Republic. Recent and significant escalation in the number and frequency of threats and intimidation against election officials is a critical issue which strikes at the core viability of our most fundamental of institutions - those offices which oversee the administration of elections. I implore the members of this committee and all of Congress to pass legislation designed to ensure election integrity by providing election workers and voters with safety measures necessary to enable them to do their jobs or to vote without threats or intimidation. I am deeply grateful to the Committee for the opportunity to speak on behalf of the voters of Maricopa County, the county and municipal civil servants who strive to keep them safe, and all election workers and administrators across the United States who constantly maintain the viability of our Nation, through the preservation of that most fundamental right...the right to vote.