



**TO:** Interested Parties  
**FROM:** States United Democracy Center  
**DATE:** September 8, 2021  
**MEMO:** Wisconsin Poised to Become Cyber Ninjas 2.0

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The Cyber Ninjas review of the 2020 election results in Maricopa County, Arizona has garnered [national attention](#) for its lack of credibility and transparency, the [infighting](#) it has caused within state leadership, the security and legal concerns it has created, and its cost to Arizona taxpayers. The operation, which is based on lies about the 2020 election, has also earned [widespread opposition](#) from [voters](#), [election experts](#), and a [growing chorus](#) of bipartisan leaders.

In Wisconsin, some partisan politicians are trying to emulate a Cyber Ninjas-style review of the 2020 presidential results. In fact, they have [pointed](#) to the Cyber Ninjas as their [inspiration](#).

Here's the bottom line: the 2020 election in Wisconsin was free, fair, and accurate. In case helpful, here is a [quick overview](#) detailing how the results were officially certified, reviewed, re-counted, and defended in court multiple times after the election.

Yet, nine months later, Assembly Speaker Robin Vos and State Representative Janel Brandtjen are trying to bring a Cyber Ninjas-type review to Wisconsin as a way to undermine the results of the 2020 presidential election—an election in which both Speaker Vos and Rep. Brandtjen won re-election. From Rep. Brandtjen's facially defective "subpoenas" issued to Brown and Milwaukee counties, to the ex-detectives hired by Speaker Vos to conduct an "investigation" into the election, it is clear these [bad faith efforts](#) are not fact-finding missions, but rather political stunts designed to undermine the work of trusted election officials and keep lies about the 2020 election alive.

Below we have outlined the key ways in which the election reviews in Wisconsin mirror the problematic Cyber Ninjas effort in Arizona, including the lack of credibility, lack of transparency, cost to taxpayers, the bipartisan opposition, security risks and legal concerns, and lack of public support.

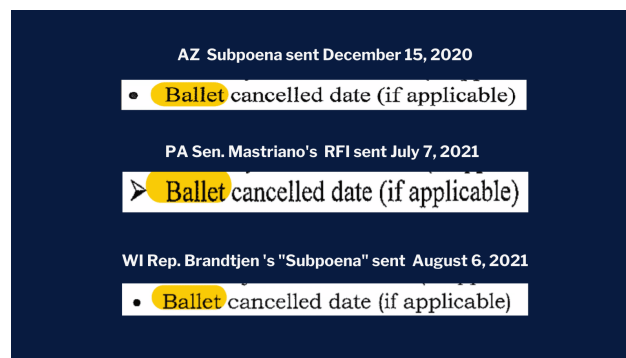
### **Lack of Credibility**

*In Arizona*, the unqualified, unaccredited Cyber Ninjas quickly [made headlines](#) for their troubling lack of basic knowledge about voting and ballot processes in the state of Arizona. The

[Florida-based “app security” company](#) was hired by the Arizona Senate to conduct a review of the 2020 election, despite not [submitting a formal bid](#) or having any relevant experience working with ballots. Nor are the Cyber Ninjas [certified](#) to work with election equipment. They also consistently miss their own deadlines, most recently [failing to deliver a report on their “findings”](#) to the Arizona State Senate.

An [independent report](#) written by election experts issued in June outlines in detail why the Cyber Ninjas’ review does not meet the standards of a proper election recount or audit.

*In Wisconsin*, Rep. Brandtjen issued “subpoenas” that do not abide by the [Assembly’s own rules](#). They are hastily copied from materials in Arizona and Pennsylvania. They state Wisconsin’s election procedures [incorrectly](#) and even fail to spell the word “[ballots](#)” correctly.



Rep. Brandtjen announced the issuance of the “subpoenas” **just hours** before a [campaign-style rally](#) that promoted lies about the 2020 election. When pressed about the inaccuracies and typos in the documents, Rep. Brandtjen [responded](#), “**I’m not an attorney. I never claimed to be one.**”

In Speaker Vos’ case, his original team of ex-detectives hired to conduct an “investigation” have [already quit](#). This leaves the investigation to be led by former state Supreme Court Justice Michael Gableman, who publicly [suggested](#) that the 2020 election was “stolen” and recently [traveled](#) (at taxpayer expense) to conspiracy-theorist and MyPillow CEO Mike Lindell’s symposium in South Dakota.

### **Lack of Transparency**

*In Arizona*, the state Senate and the Cyber Ninjas have kept voters in the dark about what exactly they are doing with Arizonans’ ballots. They have consistently failed to provide basic information to the press and election observers, lacked quality control practices and procedures, and [missed deadline](#) after deadline. In a [comprehensive report](#), the Arizona Secretary of State detailed dozens of concerns related to the review’s lack of transparency.

Indeed, the Arizona Senate and the Cyber Ninjas have [consistently fought to keep their records, review procedures, and funding secret](#). So far, the Cyber Ninjas have raised at least [\\$5.7 million](#)

[in outside and dark money donations](#). Recent disclosures have revealed an additional \$1 million that was [funneled to the Cyber Ninjas' contractors by a Trump advisor](#).

*In Wisconsin*, both Speaker Vos and Rep. Brandtjen have [failed](#) to provide details on how either review would be conducted and regularly [refuse](#) to respond to press inquiries. For example, while a contract between Speaker Vos and Gableman that became public last week included funds for “data analysis,” a spokesperson for Speaker Vos [did not respond](#) to a request for comment from WKOW on the contract's details. It remains unclear what, exactly, data analysis means in the Speaker Vos “investigation.”

### **Cost to Taxpayers**

*In Arizona*, despite initial claims that the Cyber Ninjas' review process would [cost \\$150,000](#), new reports state that the “audit” [could in fact cost Arizona taxpayers over \\$9 million](#). This includes nearly [\\$3 million](#) to replace voting machines due to security risks caused by allowing the Cyber Ninjas access to the machines in violation of chain of custody security requirements.

*In Wisconsin* last week, Trump ally and former state and national GOP chair Reince Priebus announced that an “investigation” into the 2020 election in Wisconsin would cost taxpayers [“about \\$680,000, at least to start”](#)—money that could instead be spent on bipartisan state priorities like pandemic relief and infrastructure.

### **Bipartisan Opposition**

*In Arizona*, from former Republican Governor Jan Brewer to the current Secretary of State Katie Hobbs, the [bipartisan opposition](#) to the Cyber Ninjas' operation has only grown over the nearly six months since it began.

In May 2021, former Governor Brewer [told](#) a local radio show “I think they should maybe just call it quits. I don't think that it's going to serve any purpose.” After initially supporting the “audit,” Paul Boyer, a member of the Arizona State Senate Republican caucus, [criticized](#) the audit, saying “it makes us look like idiots.”

In August 2021, Maricopa County Recorder Stephen Richer, [penned an open letter](#) to Republicans urging his party to come to grips with the fact that former President Trump lost the election fair and square and questioning the credibility of the Cyber Ninjas' operation. In addition to the [report](#) issued by her office, Secretary of State Hobbs [told](#) reporters that any “so-called audit findings are not worth the paper they're printed on.”

Additionally, the Cyber Ninjas' chaotic review has caused [public and messy infighting](#) between state and local leaders.

*In Wisconsin*, following Arizona's lead, there has already been a [steady drumbeat](#) of opposition from leaders of both parties. In fact, Speaker Vos initially was [opposed](#) to Rep. Brandtjen's calls

for a legislative election review and her “subpoena” efforts and only after [pressure](#) from ex-President Trump did he change his position. In late July, Speaker Vos dismissed Rep. Brandtjen, [saying](#) “I feel like my colleague Rep. Brandtjen is misinformed about what we’re doing in Wisconsin” and that “as [for] her launching her own investigation, I don’t know what that would prove.”

Just last week, former House Speaker Paul Ryan [criticized](#) the costly and chaotic attempts to revisit the 2020 presidential election results, stating the election “was not rigged. It was not stolen. Donald Trump lost the election. Joe Biden won the election. It’s really clear.” Ryan [told](#) WISN 12, “[Trump] exhausted his cases. He exhausted the court challenges. None of them went his way, so he legitimately lost.”

Furthermore, U.S. Senator Ron Johnson [said](#) in a leaked video that, when it comes to the 2020 election, “there’s nothing obviously skewed about the results.” Johnson’s private comments are particularly notable given that he has [publicly promoted](#) lies about the 2020 results.

### **Security Risks and Legal Concerns**

*In Arizona*, Secretary of State Katie Hobbs said in a May 20, 2021 [letter](#) to Maricopa County officials that “the lack of physical security and transparency means we cannot be certain who accessed the voting equipment and what might have been done to them.” In another letter on June 2, Hobbs [issued a report](#) detailing observations made by election observers, alleging multiple infractions on the part of the Cyber Ninjas. These included leaving security gates open, leaving confidential materials unattended, and bringing “prohibited items including cell phones and pens with black or blue ink” to the counting floor. There have also been [serious concerns](#) about failures to comply with the federal election records retention law that requires election officials to “retain and preserve for a period of 22 months” all election records, including ballots in any election for federal office.

*In Wisconsin*, Speaker Vos and Rep. Brandtjen have failed to provide any details about either of their operations. In addition, neither has any experience in administering official audits or ballot counts, which raises the specter of the same security and legal concerns present in Arizona.

Additionally, Speaker Vos’ proposal raises voter intimidation concerns. His plan includes hiring former law enforcement officers who will have subpoena power, and it is not clear how they will be supervised to ensure they do not intimidate voters. In May 2021, the U.S. Department of Justice [sent a letter](#) to officials in Arizona, warning them that their similar plans to interrogate voters about their voting history as part of their partisan review had the potential to violate federal anti-voter intimidation laws.

### **Lack of Public Support**

*In Arizona*, [polling results](#) found that a majority of voters oppose the Cyber Ninjas' election review in Maricopa County. In fact, the more voters learned about the Cyber Ninjas' review, the more they distrusted it.

*In Wisconsin*, [recent polling](#) found that Wisconsin voters believe Speaker Vos' investigation cannot be trusted by a 26-point margin (52% to 26%) and say they will trust the official vote count already certified by Wisconsin's election officials more than the results from this new investigation.

## **Conclusion**

While some politicians may be trying to make Cyber Ninjas 2.0 a reality in Wisconsin, we should not allow unqualified and hyper-partisan actors to make a mockery of official election procedures and sow doubt about our democracy. These emerging election reviews are part of a disinformation campaign designed to keep lies about the 2020 election alive to justify future attacks on the freedom to vote. These lies about the 2020 election already led to a deadly attack on our nation's Capitol on January 6.

The American people deserve leaders who are focused on governing, not wasting time and taxpayer dollars obsessing over a settled election that happened nine months ago.

## **Additional Resource**

In partnership with Fair Fight Action and United to Protect Democracy, [States United Action](#) created [NotAnAudit.com](#), a tool to show the connection between the Cyber Ninjas review in Arizona and how it has influenced the larger strategy by anti-voter elected officials in states across the country, including Wisconsin. The site includes a state-by-state breakdown of the facts and highlights the trends that run through each of these bad faith operations.

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