



February 9, 2026

The Honorable David C. Farnsworth, Chairman
Joint Legislative Budget Committee
Arizona State Senate
1700 West Washington Street
Phoenix, Arizona 85007

The Honorable David Livingston, Vice-Chairman
Joint Legislative Budget Committee
Arizona House of Representatives
1700 West Washington Street
Phoenix, Arizona 85007

Dear Chairman Farnsworth and Vice-Chairman Livingston:

Pursuant to Laws 2025, Chapter 233, Section 83, the Secretary of State's Office (SOS) urgently requests that the Joint Legislative Budget Committee (JLBC) review, **as soon as possible**, the remaining components of the SOS's December 24, 2025 proposed fund transfer, reiterated on January 27, 2026, that were not taken up at the January 29, 2026 JLBC meeting. Delay in reviewing these remaining funds materially increases the risk of additional system failures and operational disruptions.

Background and Urgency

Thank you for JLBC's review on January 29, 2026, of the SOS request to transfer \$650,000 from the CD7 Special Election line item to support temporary cybersecurity monitoring and active management. That action addressed one discrete category of risk. However, the SOS now urgently requests that JLBC take up the remaining \$2,850,000 in CD7 line-item transfers immediately, because the consequences of further delay are no longer hypothetical.

For clarification: These concerns do not reflect any known vulnerabilities in county voting equipment, ballot tabulation systems, or the statewide voter registration database. Rather, they involve the SOS's internal election administration systems—including the Election Management System (EMS), Election Night Reporting system (ENR), Candidate Portal, E-Qual petition collection system and campaign finance system—which support candidates, election officials, and the public. All of these systems are increasingly at risk of technical failure due to age and the chronic underfunding that has prevented upgrades or system replacement.

This urgency is underscored by the recent failure of the E-Qual candidate filing system February 6-8, 2026. This system's failure was not the result of a cyber-attack, but it also was not an isolated or unforeseeable incident. Rather, it was the direct and predictable result of the age and need for replacement of the SOS's IT systems that support its election work. Due to the fragility of antiquated, legacy code architecture, these systems carry structural and operational risks and are susceptible to operational breakdown and further compromise by a cyber-attack.

The recent JLBC decision not to review the remaining \$2,850,000 in CD7 line-item transfers at its January 29 meeting, including funding for EMS/ENR Programming and Resilience and Candidate Petition Signature Validation, adds to this concern as these are the funds that the SOS would use to address these specific system risks to the extent possible before the 2026 election, absent the funds or time to replace the system with newer, more robust and secure technology.

E-Qual Outage

The recent E-Qual outage was not an isolated technical anomaly or a new security vulnerability. It was the foreseeable result of operating critical SOS election-administration systems on outdated technology that is increasingly incompatible with modern cybersecurity protections. Following the June 2025 cyberattack on the SOS Candidate Portal, the SOS used funds provided by the Governor—and more recently, the cybersecurity funding approved by JLBC—to apply necessary security patches. However, these protections are being layered onto legacy systems built on antiquated platforms, creating fragility and increasing the risk that routine updates will trigger cascading failures across interconnected systems such as EMS, ENR, the Candidate Portal, and E-Qual.

The age of these systems make them highly susceptible both to operational breakdown and compromise by a future cyber-attack. Specifically, these systems have inadequate error-checking mechanisms and operate with the inherent limitations and insufficient guardrails of systems built in antiquated legacy code. The legacy system is designed in such a way that small errors or code changes cause cascading repercussions that require manual resolution due to its flawed underlying logic, the error-prone design of the older platform, and the system's outdated and unforgiving architecture.

On Friday, February 6, 2026, following the signing of HB2022 and the resulting change to the primary election date, internal updates to the E-Qual system triggered a failure in the system and temporary shutdown. SOS IT staff quickly identified and implemented an administrative change, restoring the site within hours. However, because of the age and design of the underlying systems, the code changes needed interacted unpredictably with existing security patches and legacy architecture, resulting in downstream errors that caused certain candidate files to become inaccessible and produced broader system instability the following day.

By Saturday, February 7, SOS staff identified the root cause within the system code and temporarily took E-Qual offline to prevent further disruption while comprehensive testing and repairs were completed. Fortunately, the E-Qual functionality was back online by February 8. The system failure, however, unfolded exactly as the SOS has warned it would: a minor change cascading into a broader outage because the technology cannot reliably support modern security requirements. Again, this incident does not reflect weaknesses in voter registration systems or county election equipment, which remain secure; it highlights the urgent need to modernize the internal SOS IT systems that support election administration and serve candidates. Without timely investment, similar disruptions are increasingly likely.

Those items left unreviewed by JLBC were explicitly requested to provide the resources needed to prevent, to the extent possible without replacement of the system, precisely this type of failure during compressed statutory deadlines. Their exclusion continues to leave known operational inadequacies unaddressed—and those inadequacies have already begun to materialize at the cost of voter and candidate convenience. It is my sincere concern that additional IT system failures will be the result if these funds are not allocated.

History of Funding Requests Related to the E-Qual Outage

Since January 2023, the SOS has requested approximately \$17 million in cybersecurity and IT funding to modernize and stabilize critical internal election systems. With the exception of limited one-time funds and federal grants, those requests have not been funded. The cumulative effect of that underfunding is now manifesting.

Technical debt refers to the future costs and risks that accumulate when organizations delay necessary upgrades or improvements to their technology systems, often choosing short-term fixes over comprehensive solutions. Over time, this "debt" compounds, making systems more fragile, harder to maintain, and increasingly prone to failure. In this situation, the SOS is experiencing the effects of technical debt: years of postponed modernization and underfunding have left critical internal election administration systems outdated and susceptible, directly contributing to recent system breakdowns and operational disruptions.

For more than three years, the SOS has consistently warned that the SOS election infrastructure is operating on outdated code, insufficient staffing, and fragile dependencies that leave virtually no margin for error. The SOS internal IT systems are far past their prime and should be replaced. They are essentially frozen in time and have architectural limitations. Funding to address these risks has been formally requested in every SOS budget submission since the Secretary was sworn into office on January 2, 2023. Those warnings have gone unheeded.

The E-Qual outage is attributable to two specific and well-documented funding failures:

1. the Legislature’s refusal to fund modernization and resilience work for the EMS/ENR) platform—of which E-Qual is a component; and
2. the lack of funding for temporary staffing and operational support necessary to process candidate petitions and manage E-Qual during compressed statutory deadlines.

The SOS has explicitly requested funding for these exact needs since September 2024.

- In September 2024, the SOS requested the FY2026 budget include:
 - \$3 million to specifically modernize the EMS/ENR system, and
 - \$500,000 to support off-year election costs, including temporary staffing for candidate petition processing.
- In September 2025, following a cyberattack that exposed the very vulnerabilities the SOS had been warning about for years, the Office requested FY2026 supplemental appropriations of:
 - \$9.4 million to replace all election-related IT systems, including EMS/ENR, and
 - \$750,000 to support off-year election costs such as candidate petition staffing.
- On November 30, 2025, counties submitted final reimbursement requests for the CD7 Special Election. Of the \$8 million appropriated, approximately \$3.6 million was spent, leaving \$4.4 million available for other election-related priorities.
- On December 24, 2025, the SOS formally requested that JLBC review \$3.5 million in election-related spending from those unspent CD7 funds—explicitly to address the very risks that ultimately materialized—at its January meeting. That request included, among other items:
 - **1) EMS/ENR Programming and Resilience — \$300,000**
E-Qual is a component of EMS/ENR. The EMS/ENR programming and resilience request would have funded 8–10 weeks of essential pre-election programming and targeted stability measures, including redundancy testing, system hardening, and contingency planning specifically intended to reduce the risk that routine updates or minor errors cascade into system-wide failures. Without those investments, the system remains fragile by design, leaving the state exposed to precisely the kind of disruption that occurred with the E-Qual outage—an avoidable breakdown that adequate funding was meant to prevent while longer-term modernization efforts remain unfunded.
 - **2) Candidate Petition Signature Validation — \$50,000**
Statutory timelines dictate processing of candidate petitions and require rapid, technology-assisted review supported by trained temporary staff, supervisory

oversight, and administrative infrastructure. These statutory obligations cannot be absorbed within existing staffing levels.

- Throughout the month of January, SOS staff met with the majority of JLBC members requesting a review of its proposed spending including but not limited to EMS/ENR Programming and Resilience and Candidate Petition Signature Validation.
- On January 22, 2022, JLBC published the agenda for its January 29, 2026, meeting. The agenda did not include any items pertaining to the SOS.
- On January 26, 2026, the SOS formally requested that JLBC amend its agenda to include review of the \$3.5 million in election-related spending from those unspent CD7 funds. Later that day, JLBC posted a revised agenda that included a review of only one of the eleven items the SOS had requested be reviewed—specifically EXCLUDING EMS/ENR Programming and Resilience and Candidate Petition Signature Validation.
- On January 27, 2026, the SOS formally requested that JLBC amend its revised agenda to include a review of the ten remaining budget items not on the agenda, including EMS/ENR Programming and Resilience and Candidate Petition Signature Validation.
- On January 29, 2026, JLBC met and declined to review the ten remaining budget items not on the agenda, including EMS/ENR Programming and Resilience and Candidate Petition Signature Validation.

As a result, the SOS entered the 2026 election year operating critical systems on aging infrastructure, without sufficient redundancy, modernization, or staffing depth. When E-Qual failed, it did so exactly as the SOS had warned it would: need for a date change cascaded into downstream system failures, resulting in an outage because of the inadequacies of the legacy system architecture. This was a known risk that has been left unaddressed due to lack of funding needed to replace the system.

The Legislature's repeated refusal to fund these requests does not merely delay improvements—it preserved known weaknesses. The E-Qual outage is the direct and foreseeable outcome of that choice.

Requested Items to Review

As described in the SOS's December 24, 2025, submission and January 27, 2026, follow-up, the unfunded items include:

- **EMS/ENR Programming and Resilience — \$300,000**
- **Rural County Ballot Tracking and Verification — \$250,000**

- **Physical Security — \$400,000**
- **Reimbursement of County Recorders for FY2026 AVID Payments — \$1,000,000**

- **Primary Election Logic and Accuracy (L&A) Testing — \$50,000**
- **Candidate Petition Signature Validation — \$50,000**
- **Ballot Measure Initiative Signature Validation — \$100,000**
- **County Elections Tabletop Exercises — \$150,000**
- **Additional County Elections Workers — \$250,000**
- **County Assistance Fund (IT and Election Administration Assistance) — \$100,000**

- **Voter Registration Database Replacement Planning — \$200,000**

Closing

Immediately reviewing the remaining \$2,850,000 of CD7 Special Election transfer requests will allow the SOS to take essential, time-limited steps to reduce documented cyber, operational, and security risks ahead of the 2026 elections. Additionally, it will also the SOS to reimburse counties for their FY2026 AVID costs, ensuring full funding of the administration of the state’s voter registration system.

This transfer does not eliminate all risk, replace aging systems, or resolve the long-term funding challenges facing Arizona’s election infrastructure. It does, however, materially reduce the likelihood that known and documented challenges result in preventable system failures during a high-turnout, high-threat election cycle.

The SOS has repeatedly identified these risks, proposed targeted solutions, and sought to use already-appropriated funds—at no cost to the General Fund—to mitigate them before statutory election timelines begin. The recent E-Qual system failure underscores that these risks are no longer theoretical. Delaying now carries tangible consequences for candidates, counties, voters, and public confidence.

The SOS views this request as an opportunity for the Legislature to be an active partner in protecting Arizona’s elections. Without immediate review of the remaining CD7 transfer items, the SOS will be required to administer the 2026 elections with an internal IT system susceptible to operational failures that have already been identified, documented, and communicated—but not fully mitigated. For these reasons, the SOS respectfully urges JLBC to act without further delay so that Arizona does not enter the 2026 election cycle knowingly exposed to risk that could—and should—have been addressed.

Thank you for your continued consideration. Please do not hesitate to contact Greg Ensell, Chief Deputy Assistant Secretary of State, at (480) 244-5130 or gensell@azsos.gov should you wish to discuss these concerns further.

Sincerely,



Adrian Fontes
Arizona Secretary of State

cc:

Legislators

Legislative staff

Richard Stavneak, Director, JLBC

Ben Henderson, Director, OSPB

Attachments:

JLBC Transfer Request – FY26 CD7 Special Election – Response – 1-27-26

JLBC Transfer Request – FY26 CD7 Special Election – Follow-up – 1-26-26

JLBC Transfer Request – FY26 CD7 Special Election – 12-24-25

Follow-up Ltr. to Sec. Noem 2-5-26