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**IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF MARICOPA**

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| <p>10 JAMES STEVENSON, BARON 11 BENHAM, LYNIE STONE, 12 JESSICA CHAMBERS, AS 13 AGGRIEVED ELECTORS,</p> <p style="text-align: center;">14 Plaintiffs,</p> <p>15 vs.</p> <p>16 GOVERNOR DOUG DUCEY AND 17 SECRETARY OF STATE KATIE 18 HOBBS,</p> <p style="text-align: center;">19 Defendants.</p> | <p>Case No. CV2020-096490</p> <p style="text-align: center;">PETITION FOR ELECTION CONTEST</p> |
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23 The Plaintiffs, by and through their attorneys of record, file this voter election contest
24 to vacate the certification of the November 3, 2020 Presidential election result in Arizona
25 pursuant to Arizona Statutes § 16-672 et. seq. The election officials' absentee ballot error rate
26 is legally unacceptable in light of the razor-thin vote margin.
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1 **INTRODUCTION**

2 1. Plaintiffs James Stevenson, Baron Benham, Lynie Stone, and Jessica
3 Chambers, members of the Arizona Election Integrity Association (“AEIA”), file this
4 election contest in a razor-thin margin Presidential election based on election officials’
5 absentee ballot error rates never seen before.

6 2. Plaintiffs file this election contest against the Defendants because state
7 and local election administration officials have so mismanaged the election process that
8 no one can have faith that one of their most sacred rights under the United States and
9 Arizona Constitutions, voting, is being protected.

10 3. Within the State of Arizona, private non-profits, state officials and local
11 elected officials acted to systematically eviscerate Arizona’s Election Law contrary to
12 Title 16 of the Official Code of Arizona—failing to protect election integrity and
13 prevent illegal votes from infecting the system. Investigations have uncovered more
14 than \$400 million distributed to election officials nationwide - \$3 million of which
15 went to Maricopa County and millions to several other local governments in
16 Arizona—and funneled through a collection of non-profit organizations dictating to
17 election officials how to manage the election.

18 4. In particular, the Center for Tech and Civic Life (CTCL) distributed
19 \$350 million in conditional grants, of which nearly \$3 million went to Maricopa
20 County, Arizona. These unregulated private funds were predominantly used to:

- 21 (1) pay “ballot harvesters”;
- 22 (2) provide mobile ballot pick up units;
- 23 (3) deputize and pay political activists to manage ballots;
- 24 (4) pay election judges and poll workers;
- 25 (5) establish drop-boxes and satellite offices;
- 26
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- 1 (6) pay local election officials and agents to recruit cities recognized as Democratic
2 strongholds to recruit other cities to apply for grants from non-profits;
3
4 (7) consolidate counting centers in the urban core to facilitate the movement of
5 hundreds of thousands of questionable ballots in secrecy without legally required bi-
6 partisan observation;
7
8 (8) initiate and implement a two-tier ballot “curing” plan that illegally counted ballots
9 in progressive strongholds and spoil similarly situated ballots in non-progressive
10 strongholds; and
11
12 (9) pay for and help design the plan to remove the poll watchers from one political
13 party so that the critical responsibility of determining the validity of the ballot and the
14 validity of the count could be conducted without oversight.

15 5. Arizona’s absentee voting records demonstrate that election officials had
16 an historical high absentee ballot error rate. In Arizona, according to the government’s
17 data, the total of unlawful ballots, illegal votes counted and legal votes not counted
18 greatly exceed the 10,457 vote razor-thin difference in the Presidential election. The
19 estimated number of unlawful ballots, illegal votes counted and legal votes not counted
20 in Arizona, based on the government’s data, exceeds 300,000. Because the election
21 officials’ absentee ballot errors far exceed the razor-thin margin, based on the
22 government data, no one knows who won Arizona.

23 6. Furthermore, government data shows that election officials had election
24 absentee ballot errors exceeding the razor-thin margins of victory. Under federal law,
25 the maximum-acceptable error rate under federal law is one in 500,000 ballot positions,
26 or, alternatively one in 125,000 ballots—0.0008 %. Section 3.2.1 of the voting systems
27 standards issued by the Federal Elections Commission (FEC) which were in effect on
28 the date of the enactment of HAVA provides that the voting system shall achieve a

1 maximum acceptable error rate in the test process of one in 500,000 ballot positions. A
 2 ballot position is every possible selection on the ballot, to include empty spaces. As
 3 stated in the voting systems standards, “[t]his rate is set at a sufficiently stringent level
 4 such that the likelihood of voting system errors affecting the outcome of an election is
 5 exceptionally remote even in the closest of elections.” An update to the FEC VSS was
 6 made by the Election Assistance Commission (EAC) to enhance the FEC VSS
 7 standards, which each state has adopted by law. The FEC VSS standard provides for
 8 an error rate of one in 125,000 ballots (0.0008%) as an alternative to the one in 500,000
 9 ballot positions to make it easier to calculate the error rate. The FEC standards, which
 10 are incorporated into the Help America Vote Act (HAVA) § 301(a)(5), require that all
 11 systems be tested in order to certify that they meet the maximum-acceptable error rate
 12 set by federal law.

13 7. The results in Arizona show election officials’ absentee ballot error rate
 14 is far in excess of the maximum-acceptable error rate of 0.0008%--which would be 27
 15 ballots based on the total vote of 3,397,388. But, Arizona’s estimated error rate is
 16 10.9%--that is 371,498 total unlawful ballots, illegal ballots counted and legal ballots
 17 not counted.

18 8. Based on the government data, Arizona’s Presidential election result
 19 certification should be vacated and the appointment of the electors should revert to
 20 the state legislature as provided in Article II of the United States Constitution.

**Arizona Voter Election Contest
 Margin +10,457**

| Type of error* | Description | Margin |
|-----------------------|--|---------------|
| 1) Unlawful Ballots | Estimate of the minimum number of absentee ballots requested which were not requested by the person identified in the state’s database | 214,526 |
| 2) Legal Votes Not | Estimate of ballots that the requester returned but were not counted | 131,092 |

| | | |
|---------------------------|---|---------|
| Counted | | |
| 3) Illegal Votes Counted* | Electors voted where they did not reside. | 19,997 |
| 4) Illegal Votes Counted* | Out of State Residents Voting in State | 5,726 |
| 5) Illegal Votes Counted* | Double Votes | 157 |
| TOTAL | | 371,498 |
| ERROR RATE | of total votes cast 3,397,388 | 10.9% |

See Braynard Declaration pgs. 5, 8, and 9. See Zhang Declaration pg. 5 and 6.

9. The problems of unlawful ballots, illegal votes being counted and legal votes not being counted nationwide were exacerbated by the unregulated private monies, funded primarily by Mark Zuckerberg, dictating the conduct of local election officials. These unregulated private funds exceeded the federal government’s March 2020 nationwide appropriation to assist local governments in managing the general election during the pandemic. As these funds flowed through the pipeline directly to local public officials, the outline of two-tiered treatment of the American voter began to take place.

10. For example, Maricopa County, flush with cash, initiated public-private coordinated voter registration drives allowing private access directly to government voter registration files, access to early voting opportunities, along with the coordinated provision of incentives for early voters and the off-site collection of ballots, establishing disparate impact. Outside of Maricopa County, election officials were unable to initiate equal efforts.

11. This “shadow government” operation was funded through non-profit grants which dictated methods and procedures to local election officials and in which the grantors retained the right to “claw-back” funds if election officials failed to reach privately-set benchmarks—entangling the private-public partnership deeply into Arizona’s federal election management. Transparency was required. Yet, none was or

1 has yet been given. These constitutionally-impermissible private-public partnerships
2 directed private conditional moneys to conduct federal elections. Their conduct
3 contributed to the election officials' having an historically high absentee ballot error
4 rate in Arizona, undermining the integrity of the election process as a social contract to
5 maintain our democratic form of government.

6 **PARTIES, JURISDICTION, VENUE, AND STATUTORY REQUIREMENTS**

7 12. The Arizona Supreme Court has original jurisdiction, concurrent with
8 the Superior Courts, over post-election contests involving Arizona's appointment of
9 Presidential Electors.

10 13. The Arizona Superior Courts have jurisdiction in election conduct cases
11 under Arizona Statutes § 16-672(B). Under this statute, Plaintiffs may as a matter of
12 right bring this suit.

13 14. Arizona Statutes § 16-672(A)(1) authorizes a voter contest on account of
14 misconduct on the part of election boards or any members thereof in any of the
15 counties of the state, or on the part of any officer making or participating in a canvas
16 for a state election.

17 15. Arizona Statutes § 16-672(A)(4) authorizes a voter contest on account of
18 illegal votes.

19 16. Arizona Statutes § 16-672(A)(5) authorizes a voter contest on account
20 of, "erroneous count of votes the person declared elected...which has been declared
21 carried, did not in fact receive the highest number of votes for the office...."

22 **JURISDICTION AND VENUE**

23 17. The Arizona Superior Court in and for the County of Maricopa has
24 jurisdiction and venue because the Plaintiff, Plaintiffs and Defendants reside in
25 Arizona. Arizona Statutes § 16-672(B).

26 **PARTIES**

27 18. Plaintiff James Stevenson is a resident, elector and taxpayer of Arizona.
28 He is also a member of the Arizona Election Integrity Association. He has standing as

1 a resident, elector and taxpayer to bring his election contest.

2 19. Plaintiff Baron Benham is a resident, elector and taxpayer of Arizona.
3 He is also a member of the Arizona Election Integrity Association. He has standing as
4 a resident, elector and taxpayer to bring his election contest.

5 20. Plaintiff Lynie Stone is a resident, elector and taxpayer of Arizona. She is
6 also a member of the Arizona Election Integrity Association. She has standing as a
7 resident, elector and taxpayer to bring her election contest.

8 21. Plaintiff Jessica Chambers is a resident, elector and taxpayer of Arizona.
9 She is also a member of the Arizona Election Integrity Association. She has standing
10 as a resident, elector and taxpayer to bring her election contest.

11 22. Arizona Secretary of State Katie Hobbs is a Respondent. Her office is
12 located in Phoenix, Arizona. Secretary of State Hobbs certified the Presidential
13 Election result on November 30, 2020.

14 23. Arizona Governor Doug Ducey is a Respondent. His office is located in
15 Phoenix Arizona. He is expected to certify the Presidential Electors on December 14,
16 2020.

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18 **ULTIMATE ISSUE PRESENTED BY THE CONTROVERSY**

19 24. Whether there is sufficient evidence to show that Arizona's election
20 officials failed to conduct the November 3, 2020 election for Presidential Electors in
21 accordance with the Arizona state constitution and Arizona state law casting sufficient
22 doubt on the razor-thin margin of 10,457 to vacate the certification of the election
23 result.

24 **PETITION**

25 **I. Arizona election laws, adopted by the state legislature, are at issue in this**
26 **case.**

27 25. The Arizona General Assembly has adopted laws governing the voting
28 for the selection of Presidential electors. Those laws provide for voting to be

1 conducted pursuant to Arizona general election laws. Title 16 of the Official Code of
2 Arizona.

3 **A. Arizona has a photo identification requirement for voting.**

4 26. In 2004, in order to prevent the casting of ineligible ballots due to,
5 among other reasons, fraud, the Arizona Electors approved Arizona Proposition 2000
6 to require the presentation of proof of citizenship or photo identification when casting
7 a ballot and for election administration officials to verify the identification. A.R.S. § 16-
8 579. The Proposition was sent to Arizona electors for approval to deter the casting of
9 ballots by persons either not eligible to vote or persons fraudulently casting multiple
10 ballots.

11 27. The Arizona General Assembly has also provided voters with the option
12 to vote by absentee processes which are set forth in very detailed and unambiguous
13 language in the Arizona statutes at A.R.S. §16-541 to 16-552.

14 **B. The Arizona Legislature authorized County Boards of Supervisors to
15 Administer State Election Laws.**

16 28. The Arizona Legislature authorized each county's Board of Supervisors
17 to, "Establish, abolish and change election precincts, appoint inspectors and judges of
18 elections, canvass election returns, declare the result and issue certificates thereof."
19 A.R.S. §11-251. However, nothing under Arizona's election laws authorizes County
20 Boards of Supervisors to issue any documents, make any oral determinations or
21 instruct governmental officials administering elections to perform any act contrary to
22 Arizona law governing elections.

23 **C. Arizona has a photo identification requirement for absentee voting.**

24 29. As set forth above, the Arizona electorate approved Proposition 200 in
25 2004 to require Arizona electors to require the presentation of proof of citizenship or
26 photo identification when casting a ballot and for election administration officials to
27 verify the identification. A.R.S. § 16-579. Proposition 200 passed because electors
28 desired to deter the casting of ballots by persons either not eligible to vote or persons

1 fraudulently casting multiple ballots.

2 30. Arizona's absentee voting is governed by A.R.S. § 16-541 to § 16-552.

3 31. A.R.S. § 16-542 and § 16-543 govern how Arizona electors may obtain
4 an absentee ballot.

5 **D. Arizona's procedures for identification apply to all absentee voters.**

6 32. With respect to all absentee voters, A.R.S. § 16-545 and § 16-547 govern
7 how the clerk is to transmit an absentee ballot to the absentee elector after the clerk
8 approves the absentee voter application.

9 33. Under A.R.S. § 16-547 if the clerk approves absentee ballot application,
10 the clerk will then mail to the absentee voter an envelope containing (i) the absentee
11 ballot marked "early," A.R.S. § 16-545, and (ii) a return envelope into which the
12 absentee voter is to place the absentee ballot.

13 34. On the front of the absentee envelope, A.R.S. § 16-547, requires the
14 name, official title and post office address of the recorder or other officer in charge of
15 elections. On the other side a printed affidavit in substantially the following form:

16 I declare the following under penalty of perjury: I am a registered voter in
17 _____ county Arizona, I have not voted and will not vote in this
18 election in any other county or state, I understand that knowingly voting more
19 than once in any election is a class 5 felony and I voted the enclosed ballot and
20 signed this affidavit personally unless noted below.

21 If the voter was assisted by another person in marking the ballot, complete the
22 following:

23 I declare the following under penalty of perjury: At the registered voter's
24 request I assisted the voter identified in this affidavit with marking the voter's
25 ballot, I marked the ballot as directly instructed by the voter, I provided the
26 assistance because the voter was physically unable to mark the ballot solely due
27 to illness, injury or physical limitation and I understand that there is no power
28

1 of attorney for voting and that the voter must be able to make their selection
2 even if they cannot physically mark the ballot.

3 Name of voter assistant: _____

4 Address of voter assistant: _____

5 35. Additional instructions will be included from the county recorder
6 warning absentee voters that, “In order to be valid and counted, the ballot and affidavit
7 must be delivered to the office of the county recorder or other officer in charge of
8 elections or may be deposited at any polling place in the county no later than 7:00 p.m.
9 on election day.”

10 36. Pursuant to A.R.S. § 16-550, “On receipt of the envelope containing the
11 early ballot and the ballot affidavit, the county recorder or other officer in charge of
12 elections shall compare the signatures thereon with the signature of the elector on the
13 elector's registration record. If the signature is inconsistent with the elector's signature
14 on the elector's registration record, the county recorder or other officer in charge of
15 elections shall make reasonable efforts to contact the voter, advise the voter of the
16 inconsistent signature and allow the voter to correct or the county to confirm the
17 inconsistent signature. The county recorder or other officer in charge of elections shall
18 allow signatures to be corrected not later than the fifth business day after a primary,
19 general or special election that includes a federal office or the third business day after
20 any other election. If satisfied that the signatures correspond, the recorder or other
21 officer in charge of elections shall hold the envelope containing the early ballot and the
22 completed affidavit unopened in accordance with the rules of the secretary of state.”

23 37. Under A.R.S. § 16-551, the Arizona Legislature allows for the creation of
24 Early Ballot Boards to process early votes. Under A.R.S. § 16-552 the Arizona
25 Legislature established a clear and efficient process for challenging and curing early
26 ballots. Arizona electors may make challenges of early votes under A.R.S. § 16-591.
27 When Early Ballot Boards address the challenge:

28

1 Within twenty-four hours of receipt of a challenge, the early election board or
2 other officer in charge of early ballot processing shall mail, by first class mail, a
3 notice of the challenge including a copy of the written challenge, and also
4 including the time and place at which the voter may appear to defend the
5 challenge, to the voter at the mailing address shown on the request for an early
6 ballot or, if none was provided, to the mailing address shown on the registration
7 rolls. Notice shall also be mailed to the challenger at the address listed on the
8 written challenge and provided to the county chairman of each political party
9 represented on the ballot. The board shall meet to determine the challenge at
10 the time specified by the notice but, in any event, not earlier than ninety-six
11 hours after the notice is mailed, or forty-eight hours if the notifying party
12 chooses to deliver the notice by overnight or hand delivery, and not later than
13 5:00 p.m. on the Monday following the election. The board shall provide the
14 voter with an informal opportunity to make, or to submit, brief statements
15 regarding the challenge. The board may decline to permit comments, either in
16 person or in writing, by anyone other than the voter, the challenger and the
17 party representatives. The burden of proof is on the challenger to show why the
18 voter should not be permitted to vote. The fact that the voter fails to appear
19 shall not be deemed to be an admission of the validity of the challenge. The
20 early election board or other officer in charge of early ballot processing is not
21 required to provide the notices described in this subsection if the written
22 challenge fails to set forth at least one of the grounds listed in section 16-591 as
23 a basis for the challenge. In that event, the challenge will be summarily rejected
24 at the meeting of the board. Except for election contests pursuant to section
25 16-672, the board's decision is final and may not be appealed.”

26 **II. Arizona’s election officials violated state law under A.R.S. § 16-672.**

27 **Mark Zuckerberg, through a non-profit, gave Maricopa County nearly \$3**
28 **million USD to conduct the federal election as Zuckerberg’s non-profit**
entity requires.

1
2 38. Maricopa County entered into an agreement with a non-profit
3 organization, Center for Tech and Civic Life (“CTCL”), an organization created in
4 2012 and funded with \$350 million USD by Facebook billionaire Mark Zuckerberg, a
5 well-known Democratic activist and partisan, to take millions of dollars from CTCL to
6 conduct the November 3, 2020 election in violation of Arizona law.

7 39. Moreover, specifically with respect to elections, only the Arizona
8 Secretary of State can take in monies from sources other than taxation and that is
9 limited to applying for a federal grant under Arizona’s Election Plan created under the
10 Help America Vote Act (“HAVA”). A.R.S. § 16-142 provides that only the Arizona
11 Secretary of State can seek funds from the federal government under HAVA.

12 40. HAVA requires all state voting systems to have a maximum acceptable
13 error rate in the testing process of ballot machines of one in 500,000 ballot positions.
14 See Cain Declaration pg. 6.

15 41. According to Section 3.2.1 of the Federal Election Commission voting
16 systems standards, “[t]his rate is set at a sufficiently stringent level such that the
17 likelihood of voting system errors affecting the outcome of an election is exceptionally
18 remote even in the closest of elections.” An update to the FEC VSS was made by the
19 Election Assistance Commission (EAC) in the Voluntary Voting Systems Standards to
20 enhance the FEC VSS standard, which the State has adopted by law. The FEC VSS
21 standard provides for an error rate of one in 125,000 ballots as an alternative to the
22 one and 500,000 ballot positions to make it easier to calculate said error rate. The FEC
23 standards, which are incorporated into HAVA § 301(a)(5), require that all systems be
24 tested in order to certify that they meet the maximum error rate set by federal law. See
25 Cain Declaration pg. 6.

26 42. When the federal law’s maximum-acceptable error rates are applied to
27 the State’s absentee ballot error rates, the State’s presidential Elector results are
28 uncertifiable. Applying the federal law’s maximum-acceptable error rate to the State’s

1 total vote of 3,387,222 comes to about 27 votes. So, under federal law, the maximum-
2 acceptable error rate would be violated if the combination of illegal votes counted and
3 illegal votes not counted exceeded 27 votes. Cain declaration pg. 6.

4 43. Arizona adopted a plan in 2003 pursuant to the federally enacted Help
5 America Vote Act (“HAVA”). Pursuant to Section 3 of the HAVA plan, each election
6 commission was “required to conduct regular training and administer examinations to
7 ensure that individuals who are certified are knowledgeable concerning their authority
8 and responsibilities.” Using HAVA volunteers is a violation of Arizona’s HAVA plan.

9 44. In October 2020, Maricopa County entered into agreement with CTCL
10 to take “as a gift” \$3 million USD from CTCL (“CTCL Agreement”).

11 45. Pursuant to the terms of the CTCL Agreement, Maricopa County would
12 be required to remit back to CTCL the entire \$3 million USD “gift” if CTCL in its sole
13 discretion determines that the county has not complied with the CTCL Agreement.
14 The CTCL Agreement provide that the purpose of the funds was to be used
15 exclusively for the public purpose of planning safe and secure election administration
16 in Maricopa County. Thus, pursuant to the CTCL Agreement, CTCL could direct the
17 election officials to conduct the election in ways CTCL wanted and, if the Maricopa
18 County election officials did not comply, CTCL could force Maricopa County to
19 refund the \$3 million.

20 46. On October 21, 2020, the Maricopa County Board of Supervisors
21 approved acceptance of the grant from the CTCL at the recommendation from the
22 Fulton County Registration and Elections Division. Among other things, Maricopa
23 County agreed with CTCL to use the monies to:

- 24 • Hire additional personnel for elections;
- 25 • Increase existing salaries for staff;
- 26 • Encourage and Increase Absentee Voting (By Mail and Early, In-Person);
- 27 • Provide assistance to help voters comply with absentee ballot requests &
28 certification requirements;

- 1 • Utilize secure drop-boxes to facilitate return of absentee ballots
- 2 • Deploy additional staff and/or technology improvements to expedite & improve
- 3 accuracy of absentee ballot processing;
- 4 • Expand In-Person Early Voting (Including Curbside Voting); and
- 5 Commit “to conducting the necessary voter outreach and education to promote
- 6 absentee voting and encourage higher percentages of our electors to vote
- 7 absentee.”

8 47. Maricopa County and CTCL knew in 2020 that Democratic voters
9 would be voting primarily by absentee vote which is why the County and CTCL
10 aggressively “promoted,” “encouraged” and overzealously solicited” voters to vote
11 absentee—including eliminating absentee ballot security requirements.

12 **The Center for Tech and Civic Life created a disparate impact in the treatment**
13 **of voters in Arizona through their grants to urban election officials.**

14 48. CTCL provided a \$3 million grant for election administration to
15 Maricopa County, Arizona. See CTCL Letter.

16 49. CTCL provided grants to at least a dozen generally Democratic Arizona
17 counties to develop their election administration.¹

18 50. This meant that counties that were unaware of these grants were unable
19 to access the funds and were unable to provide similar access and technology to their
20 electors for the 2020 federal general election.²

21 51. CTCL put out a statement regarding the ways they intended grant
22 recipients to improve their voting access compared to other localities. These actions
23 were under 4 broad categories.

24 a. Making Voting Safe

26 ¹ <https://docs.google.com/spreadsheets/d/1E7P3owIO6UlpMY1GaeE8nJVw2x6Ee-iI9d37hEEr5ZA/edit#gid=1993755695>. Center for Tech and Civic Life preliminary list of
27 grants. Accessed 12.3.2020.

28 ² <https://www.techandcivicle.org/increasing-accessibility/>. Ways CTCL hoped to
increase voter accessibility with grants. Accessed 12.3.2020

- 1 1. Designated Polling Locations for Voters with COVID-19
- 2 2. Partnering with Sports Arenas
- 3 3. Controlling Long Lines
- 4 4. Hand Delivering Ballots
- 5 5. Reaching Voters in Nursing Homes
- 6 6. Promoting Curbside Voting
- 7 7. Expanding Vote-By-Mail Options
- 8 b. Engaging Historically Disenfranchised Populations
- 9 1. Registering Voters Serving Out Felony Sentences
- 10 2. Offering In-Person Voting for Incarcerated Individuals
- 11 3. Educating Ex-Felons and Incarcerated Individuals
- 12 4. Supporting Voters who Speak English as a Second Language
- 13 5. Offering Late-Night Voting Options
- 14 6. Educating Native Americans
- 15 c. Supporting Voters with Disabilities
- 16 1. Expanding American Sign Language Resources
- 17 2. Offering Private and Independent Voting Options
- 18 3. Developing Online Voting Portals
- 19 4. Partnering with Disability Rights Groups
- 20 d. Improving Access for Displaced Voters
- 21 1. Providing Critical Information on Election Websites
- 22 2. Implementing Mobile Voter Sites
- 23 3. Supporting People Experiencing Homelessness

24 52. CTCL only made this money and services available to certain counties.
25 Moreover, CTCL only increases access to these options if the local municipality agrees
26 to run the election according to CTCL preferences.

27 53. Consequently, disparate impact occurs because numerous electors in the
28 State of Arizona were not able to benefit from CTCL's private federal election grants

1 making it easier to vote in-person and absentee.

2 **CTCL funding created a disparity in ballot and drop box access between**
3 **demographically different areas of Arizona.**

4 54. Arizona is composed of fifteen counties.

5 55. The state of Arizona is 113,998 square miles.

6 56. In 2016, Hillary Clinton received 1,161,167 votes from Arizona.³ Over
7 half of these votes came from Maricopa County with 702,907 votes in 2016.⁴

8 57. Alarminglly, this vote-rich area of only 9,224 square miles, was given
9 more drop boxes and early voting centers than the rest of Arizona's 104,764 square
10 miles combined.

11 58. Maricopa County, only 9,224 square miles, has over 125 vote-by-mail
12 drop boxes available to its citizens, leaving one drop box for every 73 square miles.⁵
13 Conversely, the other fourteen counties had a total of 119 drop boxes and early voting
14 sites combined, meaning every other non-Arizona county combined had one vote-by-
15 mail drop box for every 880 square miles.⁶

16
17
18 ³ <https://www.nytimes.com/elections/2016/results/arizona>

19 ⁴ <https://www.nytimes.com/elections/2016/results/arizona>

20 ⁵ <https://www.google.com/maps/d/u/0/viewer?ll=33.361088282128144%2C-112.03699115344182&z=11&mid=1MksFw9pIMM80IE-3WVvKXAr9a2BBizir7>

21 • ⁶ Coconino Co., 8 drop boxes -

22 <https://www.coconino.az.gov/DocumentCenter/View/36811/Coconino-County-Ballot-Drop-Box-Locations-2020-Primary?bidId=>

23 • Pinal Co., 7 drop boxes -

24 <https://www.pinalcountyyaz.gov/Recorder/Pages/EarlyVoteRegister.aspx>

25 • Gila Co., 8 drop boxes -

26 https://www.gilacountyaz.gov/government/recorder/drop_off_boxes.php

27 • Pima Co., 14 dropbox/early voting sites -

28 <https://www.recorder.pima.gov/EarlyVotingSites>

• Cochise Co., 5 drop boxes - <https://www.cochise.az.gov/recorder/ballot-box-locations>

• La Paz Co. 1 early voting site -

https://www.parkerpioneer.net/news/article_1a2fd0ee-1d4c-11eb-af74-5f2cf0d805cb.html

1 59. This strategy worked to benefit progressive voters at a greater rate than
2 non-progressive voters.

3 60. In the 2020 November, election Vice-President Biden increased his vote
4 total by almost more than 300,000 votes over Hillary Clinton's 2016 numbers in
5 Maricopa with 1,040,774 votes.

6 61. Alternatively, President Trump gained only about 150,000 votes.⁷

7 62. This type of disparate impact by government officials in Maricopa
8 County clearly favored urban progressive voters, to the detriment of non-urban, non-
9 progressive voters

10 **Arizona's election officials did not enforce state law residency requirements on**
11 **voters who changed addresses before the November 3, 2020 election.**

12 63. Arizona Statutes require that its election officials enforce residency
13 requirements on voters.

14 64. Arizona election officials had residency information to verify that an
15 actual person was voting according to their residence.

16 65. Nahshon Garrett is an accomplished collegiate wrestler. At Cornell
17 University he was a three time All-American and National Champion at 133 pounds.

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- 19
- 20 • Maricopa Co., 125+ drop boxes -
21 [https://www.google.com/maps/d/u/0/viewer?ll=33.361088282128144%2C-](https://www.google.com/maps/d/u/0/viewer?ll=33.361088282128144%2C-112.03699115344182&z=11&mid=1MksFw9pIMM80IE-3WVvXAr9a2BBizir7)
22 [112.03699115344182&z=11&mid=1MksFw9pIMM80IE-3WVvXAr9a2BBizir7](https://www.google.com/maps/d/u/0/viewer?ll=33.361088282128144%2C-112.03699115344182&z=11&mid=1MksFw9pIMM80IE-3WVvXAr9a2BBizir7)
 - 23 • Mohave Co., 3 early voting sites - [https://mohavedailynews.com/news/11214/early-](https://mohavedailynews.com/news/11214/early-voting-begins-in-arizona/)
24 [voting-begins-in-arizona/](https://mohavedailynews.com/news/11214/early-voting-begins-in-arizona/)
 - 25 • Graham Co., 5 drop boxes - [https://www.graham.az.gov/314/How-To-Return-Your-](https://www.graham.az.gov/314/How-To-Return-Your-Early-Ballot)
26 [Early-Ballot](https://www.graham.az.gov/314/How-To-Return-Your-Early-Ballot)
 - 27 • Navajo Co., 16 drop boxes -
28 [https://www.navajocountyaz.gov/Departments/Elections/Voter-Information/Early-](https://www.navajocountyaz.gov/Departments/Elections/Voter-Information/Early-Voting-Sites)
[Voting-Sites](https://www.navajocountyaz.gov/Departments/Elections/Voter-Information/Early-Voting-Sites)
 - Maricopa Co. - [https://www.12news.com/article/news/politics/elections/map-ballot-](https://www.12news.com/article/news/politics/elections/map-ballot-drop-box-maricopa-county-for-november-2020-general-election-list/75-81c64546-9092-4f8e-9531-f9f10e6d1aa8)
[drop-box-maricopa-county-for-november-2020-general-election-list/75-81c64546-](https://www.12news.com/article/news/politics/elections/map-ballot-drop-box-maricopa-county-for-november-2020-general-election-list/75-81c64546-9092-4f8e-9531-f9f10e6d1aa8)
[9092-4f8e-9531-f9f10e6d1aa8](https://www.12news.com/article/news/politics/elections/map-ballot-drop-box-maricopa-county-for-november-2020-general-election-list/75-81c64546-9092-4f8e-9531-f9f10e6d1aa8)
 - Yavapai Co., 19 drop boxes - <https://www.yavapai.us/electionsvr/early-voting>
⁷ <https://www.politico.com/2020-election/results/arizona/>

1 See https://cornellbigred.com/sports/2010/6/21/WREST_0621102652.aspx

2 66. Mr. Garrett moved to Arizona from New York in 2016.

3 67. In 2017 he visited the Maricopa County Division of Vehicles Services to
4 obtain an Arizona Driver's License. See Garrett Declaration.

5 68. While obtaining his driver's license, Mr. Garrett registered to vote in the
6 state of Arizona. On the voter registration form he provided a signature. See Garrett
7 Declaration, Exhibit 3.

8 69. In 2020 Mr. Garrett moved to Tennessee from Arizona. See Garrett
9 Declaration.

10 70. Mr. Garrett did not vote in Arizona in the 2020 general election. See
11 Garrett Declaration.

12 71. On November 12, 2020 Mr. Garrett received a recorded call from the
13 Voter Integrity Fund informing him that the State of Arizona recorded him as having
14 voted in the 2020 General Election. See Garrett Declaration.

15 72. When he accessed the Maricopa County Elections Division website, he
16 learned on their voter dashboard that on October 20, 2020 a ballot with his name had
17 been signature verified and Counted. See Garrett Declaration, Exhibit 2.

18 73. Arizona election officials violated Arizona Statutes in not applying this
19 change of address information to enforce residency requirements on voters who
20 changed residency before the November 3, 2020 election.

21 **Arizona's election officials did not enforce state law residency requirements on**
22 **voters who changed addresses before the November 3, 2020 election.**

23 74. Arizona Statutes require that its election officials enforce residency
24 requirements on voters.

25 75. Arizona election officials had residency information to verify that
26 persons residing out of state voted in Arizona.

27 76. Arizona election officials violated Arizona Statutes in not applying
28 residency requirements on voters who lived out of state who voted in Arizona.

1 **Arizona's election officials did not enforce state law against double voting.**

2 77. Arizona law requires that its election officials enforce the prohibition on
3 one person voting more than once.

4 78. Arizona election officials have access to information to prevent double
5 voting.

6 79. Arizona election officials violated Arizona law in not applying this
7 information to enforce Arizona's prohibition on double voting before the November
8 3, 2020 election.

9 **III. The government's data confirms the total of unlawful ballots, illegal votes**
10 **counted and legal votes not counted are over 370,000 exceeding the**
11 **10,457 margin in the Presidential contest.**

12 80. The government's data confirms the total of unlawful ballots, illegal
13 votes counted and legal votes not counted are over 370,000 exceeding the 10,457 vote
14 margin in the Presidential contest. See Braynard and Zhang Declarations.

15 81. The estimate of ballots requested in the name of someone other than
16 that person is 214,526. See Zhang Declaration pg. 5.

17 82. The estimate of ballots that the requester returned but were not counted
18 is 131,092. See Zhang Declaration pg. 6.

19 83. The estimate of Electors voting where they did not reside is 19,997. See
20 Braynard Declaration pg. 5, 8.

21 84. The estimate of out-of-state residents voting in Arizona is 5,726. See
22 Braynard Declaration pg. 5, 9.

23 85. The estimate of illegal double votes by a single person in Arizona is 157.
24 See Braynard Declaration pg. 5, 9.

25 86. The estimated total of unlawful ballots, illegal votes counted and legal
26 votes not counted is 371,498. See Braynard and Zhang Declarations.

27 **IV. The administration of Arizona's election violated state and federal law.**

28 87. Arizona election officials' material violations of Arizona election law

1 placed the results of a close Presidential election in Arizona in doubt and are null and
2 void, as a matter of law.

3 88. Arizona election officials' material violations of Arizona election law
4 violated the voters due process rights under the state constitution and placed the
5 results of a close Presidential election in Arizona in doubt and are null and void, as a
6 matter of law.

7 89. Arizona election officials' material violations of Arizona election law
8 violated the voters' equal protection rights under the state constitution and placed the
9 results of a close Presidential election in Arizona in doubt and are null and void, as a
10 matter of law.

11 90. Arizona election officials violated the Elections Clause and Electors
12 Clause of the United States Constitution and placed the results of a close Presidential
13 election in Arizona in doubt and are null and void, as a matter of law.

14 91. Since the election result is legally null and void, the State of Arizona and
15 Respondents should be enjoined from certifying the election result so that the Arizona
16 General Assembly can lawfully appoint the electors.

17 92. The Governor of the State of Arizona should be enjoined to certify the
18 Presidential electors under 3 U.S.C. § 6 appointed by the Arizona General Assembly.

19 **WHEREFORE, THE INTERVENOR-PLAINTIFFS PRAY:**

20 1. That the Court **ISSUES** a declaratory judgment that Arizona election
21 officials' material violations of Arizona election law placed the certification of a close
22 Presidential election in Arizona in doubt and that the certification is vacated as null and
23 void, as a matter of law;

24 2. That the Court **ISSUES** a declaratory judgment that Arizona election
25 officials' material violations of Arizona election law violated the voters' due process
26 rights under the state and federal constitutions and constituted and placed the
27 certification of a close Presidential election in Arizona in doubt and the certification is
28 vacated as null and void, as a matter of law;

1 3. That the Court **ISSUES** a declaratory judgment that Arizona election
2 officials' material violations of Arizona election law violated the voters' equal protection
3 rights under the state and constitutions and placed the certification of a close Presidential
4 election in Arizona in doubt and that the certification is vacated as null and void, as a
5 matter of law;

6 4. That the Court **ISSUES** a declaratory judgment that Arizona election
7 officials violated the Elections Clause and Electors Clause of the United States
8 Constitution;

9 5. That the Court **ISSUES** an injunction enjoining Maricopa County, the
10 Secretary of State or any election body in the State of Arizona from certifying the election
11 so that the Arizona General Assembly can lawfully appoint the electors;

12 6. That the Court **ISSUES** an injunction requiring the Governor of the State
13 of Arizona to certify the Presidential electors under 3 U.S.C. § 6 appointed by the
14 Arizona General Assembly; **AND**

15 7. That the Court **GRANTS** any other relief the Court **DEEMS** just and
16 proper.

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1 **RESPECTFULLY SUBMITTED** this 3rd day of December, 2020

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