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14 *Attorneys for Contestant/Plaintiff*

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

17 **KARI LAKE,**

18 **Contestant/Plaintiff,**

19 **vs.**

20 **KATIE HOBBS, personally as Contestee;**
21 **ADRIAN FONTES in his official capacity**
22 **as the Secretary of State; *et al.*,**

23 **Defendants.**

No. CV2022-095403

PLAINTIFF KARI LAKE'S
CORRECTED MOTION FOR
RELIEF FROM ORDER; AND
SUPPORTING MEMORANDUM OF
POINTS AND AUTHORITIES

(ASSIGNED TO HON. PETER
THOMPSON)

(ORAL ARGUMENT REQUESTED)

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MOTION FOR RELIEF FROM ORDER

Contestant hereby moves for relief from judgment on the following grounds permitted by Rule 60(a) and Rule 60(b)(2), (6). This Motion is supported by the following Memorandum of Points and Authorities.

MEMORANDUM OF POINTS AND AUTHORITIES

I. INTRODUCTION

Pursuant to ARCP 60(a) and Rule 60(b)(2),(6), Plaintiff Kari Lake respectfully moves for relief from the Court’s Under Advisement Ruling (the “Order”) dated May 15, 2023 limiting Plaintiff’s claims pled at Count III (Signature Verification) to violations of A.R.S. § 16-550 only at levels 2 and 3 of Maricopa’s signature verification process. Specifically, the Court held that Plaintiff alleged only that Maricopa failed to perform “ANY steps to comply with level 2 or level 3 screening or notification of electors to cure ballots where level 1 screeners found signatures were inconsistent.” Order at 3. The Court held that: “Lake has narrowed her claim to that complained of in *Reyes*, and she must demonstrate at trial pursuant to her concessions that Maricopa County’s higher level signature reviewers conducted no signature verification or curing and in so doing had systematically failed to materially comply with the law.”

As discussed below, the Complaint pleads violations at all levels of signature verification, and is not limited to levels 2 and 3. *See, e.g.*, Complaint ¶¶14-16, 45-46, 149. In addition, Plaintiff’s expert, Erich Speckin, cited data recently produced by Maricopa pursuant to a public records request (PRR #1482) as one of the bases for his expert opinions in Exhibit B to Plaintiff’s Expert Disclosure Statement. That data consists of 1,416,520

1 records relating timestamp log data concerning Maricopa's signature verification in the
2 2022 General Election. Continued analysis of this complex timestamp log data since May
3 12, 2023 revealed information relevant to Speckin's expert opinions previously disclosed
4 in Exhibit B. The additional data does not add another expert opinion, does not change
5 Speckin's previously disclosed expert opinion, and does not identify new materials as a
6 basis for Speckin's opinions.
7

8 Speckin has continued to analyze this voluminous data for information relevant to
9 his previously disclosed opinions in preparation for trial scheduled to begin May 17, 2023.
10

11 This data shows:

12 a. There were 731,835 instances when the evaluation of the signature was
13 made in less than or equal to 5 seconds per signature verification;
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15 b. There were 615,425 instances when the evaluation of the signature was
16 made in less than or equal to 4 seconds per signature verification;
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18 c. There were 465,259 instances when the evaluation of the signature was
19 made in less than or equal to 3 seconds per signature verification;
20

21 d. There were 274,319 instances when the evaluation of the signature was
22 made in less than or equal to 2 seconds per signature verification; and
23

24 e. There were 70,839 instances when the evaluation of the signature was
25 made in less than or equal to 1 second per signature verification.
26

27 Speckin's opinion that: "signature verification was either not performed at all, or was
28 simply clicking through images without conducting a signature comparison" remains
unchanged. As discussed below, this new evidence warrants relief from the Order under

1 Rule 60(b)(2) and (6) to permit Plaintiff to show evidence that certain level 1 signature
2 verification workers were also violating A.R.S. § 16-550, as alleged in the Complaint, and
3 simply clicking through hundreds of thousands of signatures without conducting any
4 verification.
5

6 **II. BASIS FOR RELIEF FROM JUDGMENT**

7 Lake seeks relief from Order based on mistake and new evidence produced by
8 Maricopa in the form of time stamp log data for all levels of signature verification workers.
9 See ARCP 60(a), 60(b)(2). She also seeks relief under the equitable “catch-all” for “other
10 reason[s] justifying relief.” See ARCP 60(b)(6).
11

12 **A. Mistake under Rule 60(a)**

13 The Court held that Plaintiff alleged only that Maricopa failed to perform “ANY
14 steps to comply with level 2 or level 3 screening or notification of electors to cure ballots
15 where level 1 screeners found signatures were inconsistent.” Order at 3. However, the
16 Complaint pleads violations at all levels of signature verification i.e., level 1 as well as
17 levels 2 and 3. See Complaint at ¶¶ 14-16, 45-46, 51-53, 149 (“incorporate[ing] the
18 foregoing paragraphs as if fully set forth herein.”).
19
20

21 In addition, the Complaint pleads a consistent factual bases for this Court to find that
22 Maricopa’s misconduct in the 2022 general election with respect to levels 1, 2, and 3, and
23 that 130,520 ballots would fail as egregious mismatches and another 167,176 2022 ballots
24 would fail Maricopa’s signature-verification process. That is a total of 297,696 ballots that
25 should have been rejected in the signature-verification process (*i.e.*, 22.695% of the
26
27
28

1 1,311,734 early ballots received in 2022).¹ Plaintiff also cited this same information in her
2 Opposition to Defendants’ Motions to Dismiss at 8.

3
4 In short, the plain language of the Complaint does not limit Plaintiff’s claims to
5 failures at levels 2 and 3 of Maricopa’s signature verification process. Nor did Plaintiff argue
6 anything different in her Opposition to Defendants’ Motions to Dismiss as discussed above.

7 **B. New evidence produced by Maricopa warrants relief from the Order**
8 **under Rule 60(b)(2)**

9 Motions for relief from orders based on newly discovered evidence must meet three
10 criteria:

11 (1) the newly discovered evidence could not have been discovered before the
12 granting of judgment despite the exercise of due diligence, (2) the evidence
13 would probably change the result of the litigation, and (3) the newly
14 discovered evidence was in existence at the time of the judgment.

15 *Boatman v. Samaritan Health Servs., Inc.*, 168 Ariz. 207, 212 (App. 1990); *In re Cruz*,
16 516 B.R. 594, 605 (B.A.P. 9th Cir. 2014) (citing *Jones v. Aero/Chem Corp.*, 921 F.2d 875,
17 878 (9th Cir. 1990)) (same); *Fantasyland Video, Inc. v. Cnty. of San Diego*, 505 F.3d 996,
18 1005 (9th Cir. 2007);

19
20 Here, the new evidence produced by Maricopa identified as PRR #1482 relates to
21 complex voluminous timestamp log data for all Maricopa’s signature verification workers
22 employed during the 2022 general election. Maricopa did not produce this data until April
23
24

25
26 ¹ Declaration of Shelby Busch at ¶¶ 20(a)-(b) attached as Ex. 12 to the Olsen Declaration.
27 “[A] ‘copy of a written instrument which is an exhibit to a pleading is a part thereof for all
28 purposes.’” *Steinberger v. McVey*, 234 Ariz. 125, 131 (App. 2014) (citing Arizona Rule of
Civil Procedure 10(c)).

1 26, 2023, and it was not available for Plaintiff's expert, Erich Speckin, to review until May
2 12, 2023.

3
4 As set forth in greater detail in the Declaration of Chris Handsel, PRR #1482 relates
5 to information Maricopa produced in response to a public records request by We The People
6 AZ Alliance ("WPAA") submitted to Maricopa pursuant to A.R.S. Section 39-131 et seq.
7 on February 03, 2023. The data sought from Maricopa in PRR #1482, among other things,
8 included timestamp log data related to signature review for the 2022 General Election
9 conducted by Maricopa's level 1, 2, and 3 signature review personnel. Between February
10 3, 2023 and May 4, 2023, Handsel had to engage in numerous follow on discussions with
11 Maricopa to obtain responsive information as the County repeatedly delayed producing
12 data. Handsel Decl. ¶¶ 6-7, 12 attached as Exhibit A.
13

14
15 Though Maricopa finally provided a voluminous data file consisting of 1,416,520
16 records on April 26, 2023, it was not until May 4, 2023 that Handsel received information
17 from Maricopa qualifying the content of the data. *Id.* ¶ 6(j). This data has taken, and
18 continues to take, significant time to analyze. *Id.* ¶¶ 6(k), 10. On May 8, 2022, the Court
19 ordered expert disclosures to be submitted on Thursday, May 11, 2023 but permitted
20 Plaintiff to submit her expert disclosure by 5:00pm, Friday May 12, 2023.
21

22
23 Prior to May 12, 2023, Speckin was not available to fully analyze the time stamp log
24 data related to PRR #1482 produced just two weeks before. *See* Speckin Decl. ¶¶ 4-8
25 attached as Exhibit B. Speckin has continued to analyze this voluminous data for
26 information relevant to his previously disclosed opinions in preparation for trial scheduled
27 to begin May 17, 2023.
28

1 Plaintiff previously disclosed the existence of this data as a basis of Speckin's
2 opinion on May 12, 2023. Maricopa is also the producer of this information, which is in its
3 possession, custody, and control. Maricopa is thus fully aware of the nature and import of
4 this data. Plaintiff is also making this supplemental disclosure as soon as reasonably
5 possible in light of Maricopa's late production. Thus, Defendants will not be prejudiced by
6 this supplement.
7

8
9 **C. Equitable Reasons under Rule 60(b)(6)**

10 Generally, the catch-all provision in Rule 60(b)(6) applies only when one of the other
11 five provisions of Rule 60(b) do not apply:

12 To obtain relief under Rule 60(c) (6), ... a party must make two showings.
13 First, the reason for setting aside the judgment or order must *not* be one of the
14 reasons set forth in the five preceding clauses. Second, the "other reason"
15 advanced must be one that *justifies* relief. Furthermore, the subsection applies
16 only when our systemic commitment to finality of judgments is outweighed
17 by "extraordinary circumstances of hardship or injustice." *Id.* (quoting
18 *Webb*, 134 Ariz. at 187, 655 P.2d at 11).

19 *Panzino v. City of Phoenix*, 196 Ariz. 442, 444-45 (2000) (internal quotation marks,
20 citations, and alterations omitted, emphasis in original). But Arizona's "jurisprudence
21 [under Rule 60(b)(6)] is not a model of clarity or consistency," *Gonzalez v. Nguyen*, 243
22 Ariz. 531, 534 (2018), and courts have found Rule 60(b)(6) to apply even in addition to
23 the other provisions in Rule 60(b): "even when relief might have been available under one
24 of the first five clauses ..., this does not necessarily preclude relief under clause (6) if the
25 motion also raises exceptional additional circumstances" warranting "relief in the interest
26 of justice." *Amanti Elec., Inc. v. Engineered Structures, Inc.*, 229 Ariz. 430, 433 (App.
27 2012). *See Reynolds v. Sims*, 377 U.S. 533, 562 (1964) ("the political franchise of voting'
28

1 [is] “a fundamental political right, because preservative of all rights”) (quoting *Yick Wo*
2 *v. Hopkins*, 118 U.S. 356, 370 (1886)).

3
4 Here, given the circumstances described above, equitable reasons justify relief from
5 the Order limiting the evidence to levels 2 and 3.

6 **D. Timeliness under Rule 60(c)(1)**

7 The timing of Lake’s motion is reasonable under the circumstances and is brought
8 within hours of the Court’s Order.

9
10 **III. CONCLUSION**

11 For the foregoing reasons, Plaintiff respectfully requests that the court grant her relief
12 from the Order limiting Plaintiff’s claims to violations of A.R.S. § 16-550 exclusively to
13 levels 2 and 3, and also allow the inclusion of timestamp log data referenced in PRR.

14 Date: May 16, 2023

Respectfully submitted

15
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22 **as the Secretary of State; *et al.*,**

23 **Defendants.**

No. CV2022-095403

[PROPOSED] ORDER

(ASSIGNED TO HON. PETER THOMPSON)

24 On considering Plaintiff Kari Lake's Motion for Relief from Order, the Court finds
25 that the motion is well taken and it is hereby

26 **ORDERED** that Plaintiff's Motion for Relief from Order and is GRANTED;

27 **IT IS FURTHER ORDERED** that Count III includes alleged violations of A.R.S.
28 § 16-550 by level 1 signature verification workers, and the timestamp log data in PRR

1 #1482, detailing the number of signatures verified in less than or equal 5 seconds, may be
2 used by Speckin in his expert opinion;

3 **SO ORDERED.**

4
5 Dated: _____, 2023

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9 PETER A. THOMPSON
10 SUPERIOR COURT JUDGE

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22 **as the Secretary of State; *et al.*,**

23 **Defendants.**

No. CV2022-095403

CERTIFICATE OF SERVICE

(ASSIGNED TO HON. PETER THOMPSON)

24 I certify that, on May 16, 2023, I electronically filed with the Arizona Superior Court
25 for Maricopa County, using the AZ Turbo Court e-filing system, Plaintiff Kari Lake's
26 Motion for Relief from Order, And Supporting Memorandum of Points and Authorities. On
27 that date, I also caused a copy of the same to be emailed to:
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Honorable Peter Thompson
Maricopa County Superior Court
c/o Sarah Umphress
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12 bo@statesuniteddemocracycenter.org
13 *Attorney for Defendant Secretary of State Adrian Fontes*

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/s/Bryan James Blehm
Bryan James Blehm
Counsel for Plaintiff-Contestant Kari Lake

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EXHIBIT A

DECLARATION OF ERICH SPECKIN

I, Erich Speckin, hereby declare as follows under penalty of perjury:

1. I am over the age of 18 and competent to make this declaration.
2. I am a citizen of the United States and of the State of Florida.
3. I reside in Pembroke Pines, Florida.
4. I was first contacted by the Plaintiff's counsel on April 16, 2023.
5. I was formally retained in this matter on May 1, 2023.
6. From April 17, 2023, to May 12, 2023 I was out of the office for a previously scheduled work commitment. I had very limited availability during that time but was able to speak with Plaintiff's counsel on some evenings and weekends.
7. On Friday, May 12, 2023, I viewed the data obtained through PRR #1482 also identified in Plaintiff's Expert Disclosure of my expert opinions.
8. Complete analysis of this voluminous data could not be completed prior to 5:00 p.m. Friday, May 12, 2023. Further analysis of this data allowed me to ascertain the amount of time spent by each worker to review each ballot envelope for signature verification, and to draw conclusions.
9. The evaluation time per envelope signature examined was derived from the provided date time stamp for each evaluation and then filtered by time of:
 - a. less than or equal to 5 seconds per signature verification,
 - b. less than or equal to 4 seconds per signature verification,
 - c. less than or equal to 3 seconds per signature verification,
 - d. less than or equal to 2 seconds per signature verification, and
 - e. less than or equal to 1 second per signature verification.

10. The data shows that:

- a. There were 731,835 instances when the evaluation of the signature was made in less than or equal to 5 seconds per signature verification,
- b. There were 615,425 instances when the evaluation of the signature was made in less than or equal to 4 seconds per signature verification,
- c. There were 465,259 instances when the evaluation of the signature was made in less than or equal to 3 seconds per signature verification,
- d. There were 274,319 instances when the evaluation of the signature was made in less than or equal to 2 seconds per signature verification, and
- e. There were 70,839 instances when the evaluation of the signature was made in less than or equal to 1 seconds per signature verification.

I declare under penalty of perjury that the above is true and correct.

Signed: _____

Erich Speckin

Date: _____

16 May 2023

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EXHIBIT B

DECLARATION OF CHRIS HANDSEL

I, Chris Handsel, hereby declare as follows under penalty of perjury:

1. I am over the age of 18 and competent to make this declaration.
2. I am a citizen of the United States and of the State of Arizona.
3. I reside in Tolleson, Arizona.
4. I serve as "Data and Technology Director," for the "We the People AZ Alliance."
("WTP").
5. As described below, on February 3, 2023, I submitted a public records request to Maricopa County pursuant to A.R.S. Section 39-131 et seq., seeking signature verification log records for the 2022 General Election conducted by the Level 1, 2, and 3 signature review personnel.
6. From February 3, 2023 to May 12, 2023, WTP, acting pursuant to A.R.S. Section 39-131 et seq., sent at least six separate communications and requests to the Maricopa County, Public Records Custodian ("Maricopa"), and received at least six responses from Maricopa. To this day, Maricopa has still not provided all of the requested information. Detail regarding those communications is as follows:
 - a. On February 3, 2023, WTP sent a public records request, pursuant to A.R.S. Section 39-131 et seq., to Maricopa County Recorder's Office, Elections Division
("MCTEC") (Attached hereto as Exhibit A.) The letter requested:

A list of all ballot affidavit envelopes reviewed at Level 1 Signature Verification for the November, 2022 General Election. This list should include: Voter ID, Unique Identifier for the worker performing the Signature Verification, date and time stamp of the review, review disposition;

A list of all ballot affidavit envelopes reviewed at Level 2 and Level 3 (Managers' Queue) Signature Verification, including a record of each time each envelope was reviewed at these levels for the November, 2022 General Election. This list should include: Voter ID, Unique Worker Identifier, Unique

Identifier for the worker performing the Signature Verification, date and time stamp of the review, review disposition;

A list of all ballot affidavit envelopes sent back to Level 1 for review, after having been reviewed at any Managers' Queue review level for the November, 2022 General Election. This list should include: Voter ID, Unique Identifier for the worker performing the Signature Verification, date and time stamp of the review, review disposition; and

List of all ballot affidavit envelopes that went to Curing, including a record of each attempt to cure for the November, 2022 General Election. This list should include: Voter ID, Unique Identifier for the worker attempting the cure, date and time stamp of the attempted cure, curing method attempted, disposition of the attempted cure.

- b. On February 6, 2023, The Maricopa County, Public Records Custodian acknowledged receipt of our February 3, 2023 request and stated that they were “required to promptly respond to public record requests. Our response depends on the scope of the request and the resources necessary to process your request.” *Id.*¹
- c. On March 10, 2023 Maricopa emailed WTP and partially responded to the request. *Id.*
- d. On March 22, 2023 WTP responded to Maricopa’s incomplete and inadequate production and provided extensive detail in again seeking the data. *Id.*
- e. On March 27, 2023, Maricopa replied, but WTP’s request remained unfilled. *Id.*
- f. On April 18, 2023, WTP provided extensive detail in again seeking full production in response to the request. *Id.*
- g. On April 26, 2023, Maricopa produced additional documents in response to WTP’s request, but such response remained incomplete. *Id.*
- h. On May 3, 2023, WTP again wrote to Maricopa stating that their response was

¹ MCPRC uses PRR#1482 to refer to WTP’s public records request and numbered it as such to me by email on February 7, 2023.

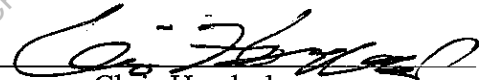
“incrementally closer to answering our original request” but remained incomplete for us to conduct reliable analysis relative to all of the topics in the PRR1482 *Id.*

- i. On May 4, 2023, at 2:21 p.m. Maricopa said that WTP’s request was received, referred, and was being worked on. *Id.*
 - j. On May 4, 2023, at 3:47 p.m. Maricopa responded to WTP providing more detail which allowed me to begin my analysis of the data, but not a complete response to the request. *Id.*
 - k. On May 5, 2023, WTP responded to Maricopa stating that a portion of their response “makes sense” but requested information including completion of a table of data, and the opportunity to view and image certain data. *Id.*
7. To this day, Maricopa has partially produced some responsive data, but WTP has still not received everything that we requested on February 3, 2023.
 8. As result of the above correspondence, on April 29, 2023 at 8:53 p.m., I began to download the data that was provided to us on April 26, 2023.
 - a. The file has 1,416,520 records.
 - b. The file size is 60.7 MB.
 - c. It has four columns of data.
 9. When I first received the April 26 data, I thought it was incomplete because it did not have the fifth column that I requested.
 10. The file takes a tremendous amount of time to analyze, understand and determine what types of reports to run.
 11. On May 8, 2023, less than one week ago, the Court set a trial to begin on May 17, 2023.

12. Even though, Maricopa has still not provided me all of the data I requested, the more I analyzed the data the more I realized that it could be relevant to issues in the trial. For the last few days, I have been using database tools to parse, summarize, and more deeply analyze the available information to determine what meaning it contains.
13. I also spoke with Erick Speekin, Plaintiff Kari Lake's expert, on May 12, 2023 regarding the scope, application, and relationship of this data to topics that Mr. Speekin on which is being offered to testify.
14. I have worked diligently to analyze this voluminous data and continue to do so.

I declare under penalty of perjury that the above is true and correct.

Signed: _____


Chris Handsel

Date: _____

5/15/23

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EXHIBIT "A"

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Re: Open Record Request: 1478, 1482

Subject: Re: Open Record Request: 1478, 1482
From: "FOIA Requests" <Foia@wethepeopleazalliance.com>
Date: 5/12/2023, 9:54 PM
To: "PRR (MCRO)" <prrr@risc.maricopa.gov>

Good evening MC Public Records Custodian,

Thank you for this guidance. We have come to understand that PRRs are not the forum for simply asking questions. We appreciate your patience with our process.

Thank you also for your response to our request for documents related to the Curing process in the 2022 Midterm Election. We are ready for our first rolling appointment at your first availability. We expect to bring the capability to scan up to 10,000 documents per hour.

Will you be completing the document requested in the last email? We asked: "You have shared a table of Status Codes and Disposition Descriptions. This is a working copy that has grown during the execution of this PRR. We now understand that most dispositions are specifically associated with each level. You have described many of those associations below. I have attached that working table with an additional column titled "Status Set In" and I have filled in my understanding so far. Please correct and complete this table for us." The table is attached here again.

Regards,
We the People AZ Alliance, Shelby Busch, and subject matter experts

On 5/12/2023 3:51 PM, PRR (MCRO) wrote:

Good afternoon Ms. Busch,

Thank you for your recent communication. Regarding the following request: "Finally, as requested earlier, please confirm that it is not possible to produce a report on the Curing process with any additional detail because there are no records kept regarding any of the steps taken, the basis on which decisions were made, when, and by whom, during the entire Curing process," this is not a public records request.

The Recorder's Office is processing the request for "all ballot affidavit envelopes that went to Curing, including a record of each attempt to cure for the November 2022 General Election. Please be advised that your request is extensive as it exceeds 18,000 affidavit ballots and, as a result, will be produced on a rolling basis.

Respectfully,

Public Records Officer
Recorder's Office
111 S. 3rd Ave., Suite 103, Phoenix, AZ 85003
O: 602-506-5106
[Recorder.Maricopa.Gov](#) | [Elections.Maricopa.Gov](#)
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From: FOIA Requests <Foia@wethepeopleazalliance.com>
Sent: Friday, May 5, 2023 4:17 PM
To: PRR (MCRO) <prr@risc.maricopa.gov>
Subject: Re: Open Record Request: 1478, 1482

Caution: This email originated from outside of Maricopa County. Do not click links or open attachments unless you recognize the sender, expect this communication, and know the content is safe.

Good afternoon MC Public Records Custodian and Mr Valenzuela,

Thank you for the thorough description of the way the context information is stored in this table. Your explanation makes sense and we appreciate your time and patience to further explain the County's processes.

You have shared a table of Status Codes and Disposition Descriptions. This is a working copy that has grown during the execution of this PRR. We now understand that most dispositions are specifically associated with each level. You have described many of those associations below. I have attached that working table with an additional column titled "Status Set In" and I have filled in my understanding so far. Please correct and complete this table for us.

By the way, "EX" has not formerly been an entry in this working table (although its meaning is obvious to us by now). I have added "EX"; please also ensure that you have included all possible Status Codes and Disposition Descriptions, and their Status-Set-In Context.

How is an Audit status designated?

Regarding records from Curing:

Thank you for the more detailed understanding of your tracking practices. If there are *any* records of the envelopes' progress through Curing, we would like to request copies of them. If the envelopes with their Curing Labels have been imaged, we would like a copy of those images. If the envelopes with Curing Labels have not been imaged, we would like the opportunity to view and image them.

Regards,
We the People AZ Alliance

On 5/4/2023 3:47 PM, PRR (MCRO) wrote:

Good afternoon We the People,

Please be advised that no column within our system identifies the "*Level (or Station or Context) of the evaluation*"; instead, our system properly identifies the actual disposition set for our work process.

To clarify, what is captured is the actual disposition set for each phase of the review, such as EXCEPTION (EX), which is then known to us to be a status or disposition that can only be set at a "Level 1" review. We then can note this to have occurred at "Level 1". However, no column in the system assigns or denotes that that EX came from a "Level 1" review.

The same is true that a PRELIMINARY QUESTIONED (PQ) signature status or disposition can only be set in the Manager or "Level 2" tier, so it can be inferred and denoted that those were set at "Level 2", but there is no need for our workflow to capture or identify that the "*PQ was set a Level 2*", only that a PQ was set - which then moves that records into the next phase of review and/or curing process to be set as a true QUESTIONED SIGNATURE (QS), and upon curing to a final disposition of GOOD SIGNATURE (GS) or in the case on not being cured, to the final disposition of BAD SIGNATURE (BS).

In the formerly provided file format, we made and noted those "*level*" indicators based on the

disposition and the above-noted business rules (e.g., EX can only be set at Level 1. Therefore, it was noted as Level 1, etc.). Still, for this raw data "flat file" format, the data was pulled directly from the system with no design and conversion added. Hence no interpretation of the level based on the disposition was made.

To the last ask, this was previously responded to that there are no "electronic" reports created as it relates to "how a voter was contacted, who contacted the voter, or how they responded" to cure their packet; therefore, there are no responsive records for the ask for a "report". However, a manual process tracks the actions taken for each cured packet through a labeling system where curing labels are affixed to the packets that denote those various contact actions. Those actions exist as noted on the physical affidavit envelope label itself, but those actions are not required to be electronically keyed into a system, so no "electronic" reports exist.

Please provide the following modified version of "NEW PRR1482-EVDispCodes-2022Gen-1416520.csv" including the following columns:

1. VoterID (Maricopa VRAZ voter number - *exactly as provided*)
2. User (Unique identifiers for signature verification workers - *exactly as provided*)
3. Date (Date and time of evaluation - *exactly as provided*)
4. Status (Using Status Codes from the Ballot Disposition Description table - *exactly as provided*)
5. Level (or Station or Context) of the evaluation (Described below * - *to be added*) < Cannot provide as this "review level" identifier does not exist within the system

Respectfully,



Public Records Custodian
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111 S. 3rd Ave., Suite 103, Phoenix, AZ 85003
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From: PRR (MCRO) <pr@risc.maricopa.gov>

Sent: Thursday, May 4, 2023 2:21 PM

To: FOIA Requests <Foia@wethepeopleazalliance.com>

Subject: RE: Open Record Request: 1478, 1482

Your follow-up inquiry to PRR 1478 & 1482 has been shared with our Subject Matter Experts.

Our office will reach out with additional information as it becomes available.

Respectfully,



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From: FOIA Requests <Foia@wethepeopleazalliance.com>

Sent: Wednesday, May 3, 2023 10:06 PM

To: PRR (MCRO) <pr@risc.maricopa.gov>

Subject: Open Record Request: 1478, 1482

Caution: This email originated from outside of Maricopa County. Do not click links or open attachments unless you recognize the sender, expect this communication, and know the content is safe.

Good evening MC Public Records Custodian,

This response is incrementally closer to answering our original requests. I want to recognize the competence of your Subject Matter Experts; we seem to be communicating effectively. The latest file is much closer to what we requested, with the exception of one item overlooked.

The item overlooked was described in our 4/18/2023 email to you, and that email is also missing from this string. I have inserted it below and will refer to it to describe the item overlooked.

Below, our latest clarification read:

"That is, please provide a record of each time a signature envelope was evaluated or processed, including at least 5 columns from the information available: the VoterID, the Level (or Station or Context) of the evaluation, the unique ID for the person or automation performing the evaluation, the resulting disposition (or status), and the timestamp."

Your response was the file named "**NEW PRR1482-EVDispCodes-2022Gen-1416520.csv**" which was very close to this description, with the exception of the column for "Level (or Station or Context) of the evaluation". This overlooked and missing column is required to fulfill our request described in item #3 in our original submittal.

Please provide the following modified version of "**NEW PRR1482-EVDispCodes-2022Gen-1416520.csv**" including the following columns:

1. VoterID (Maricopa VRAZ voter number - *exactly as provided*)
2. User (Unique identifiers for signature verification workers - *exactly as provided*)
3. Date (Date and time of evaluation - *exactly as provided*)
4. Status (Using Status Codes from the Ballot Disposition Description table - *exactly as provided*)
5. Level (or Station or Context) of the evaluation (Described below * - *to be added*)

* This should be a description of the station or context in which the worker was working when they performed the evaluation for which the record was created. This might include (but not limited to) "Level1", "Manager", "Pending", "Audit", "Final" or any other Level, Station, or Context in which ballot signatures were evaluated. The contents of this field in each record were used to inform the column names in the earlier file named "**PRR 1482-EVDispositionCodes Usernames-2022 General-1313971_total.txt**"

Finally, as requested earlier, please confirm that it is not possible to produce a report on the Curing process with any additional detail, because there are no records kept regarding any of the steps taken, the basis on which decisions were made, when, and by whom, during the entire Curing process.

Regards,
We the People AZ Alliance

On 4/26/2023 4:28 PM, PRR (MCRO) wrote:

Good afternoon Shelby,

We are writing to inform you that additional records to support both PRR #1478 & PRR #1482 are available and can be accessed by clicking the one-time link(s) below using your email address.

[Additional Reports \(1478\)](#)

[Additional Reports \(1482\)](#)

The folder(s) will only be available until 05/09/23.

Respectfully,



Public Records Custodian
Recorder's Office

111 S. 3rd Ave., Suite 103, Phoenix, AZ 85003

O: 602-506-5106

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On 4/18/2023 8:51 PM, FOIA Requests wrote:

Good evening Public Records Custodian,

We have evaluated the files you have provided in response to PRR #1482. We appreciate the significant progress in providing what originally seemed impossible. The file named "PRR 1482-EVDispositionCodes Usernames-2022 General-1313971_total.txt" is a step in the right direction. Our subject matter experts have evaluated it; while it provides information related to our request #1 and #2, and it provided additional information related to the County's Audit step, it is not responsive to our request #3, "A list of all ballot affidavit envelopes sent back to Level 1 for review, after having been reviewed at any Managers' Queue review level ..."

Your Subject Matter Experts have indeed provided a newly designed report. From the Maricopa County relational database files, they chose to create a "flat file". While flat files are generally chosen to provide a more compact way to display large amounts of information, the conversion to this format can often remove detail, and it appears this is what has occurred here.

Discerning from the layout of the flat file provided, it appears that each time a signature envelope image was evaluated, a record of that evaluation was stored. That record included the VoterID, the Level (or Station or Context) of the evaluation, the person performing the evaluation, the resulting disposition (or status), and the timestamp. If any signature envelope image was evaluated by more than one manager, or was evaluated more than once at Level 1, there would be no way to represent that case with the flat file design provided. This format simplified the presentation, but necessarily removed important details.

Now that we have a clearer understanding of the data available, we would like to suggest a single report that would satisfy #1, #2, and #3 in a single file. Please provide every record from the list described above. That is, please provide a record of each time a signature envelope was evaluated or processed, including at least 5 columns from the information available: the VoterID, the Level (or Station or Context) of the evaluation, the unique ID for the person or automation performing the evaluation, the resulting disposition (or status), and the timestamp. The design and conversion of a flat file will not be necessary. We will do the work to convert this raw data into the groupings we originally requested.

This will be more work for us, and there will be many times the quantity of records, so it will be more expensive for us to purchase, but we are requesting your complete record of the Signature Verification and Curing process. Please remember to include *date and time* in the timestamp.

If this request in some way fails to identify all the records from the list of signature envelope image evaluations, please let us know before generating the list. For example, if there are additional steps that we have not mentioned, but are recorded, we would like to be able to choose to include those as well.

Re: Open Record Request: 1478, 1482

Finally, as requested earlier, please confirm that it is not possible to produce a report on the Curing process with any additional detail, because there are no records kept regarding any of the steps taken, the basis on which decisions were made, when, and by whom, during the entire Curing process.

Regards,
We the People AZ Alliance

From: PRR (MCRO) <pr@risc.maricopa.gov>
Sent: Tuesday, March 28, 2023 2:41 PM
To: FOIA Requests <Foia@wethepeopleazalliance.com>
Subject: RE: Open Record Request: 1478, 1482

Good afternoon We the People,
Your follow-up email has been shared with a Subject Matter Expert. Our office will reach out with additional information as it becomes available.
Respectfully,



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From: FOIA Requests <Foia@wethepeopleazalliance.com>
Sent: Monday, March 27, 2023 4:35 PM
To: PRR (MCRO) <pr@risc.maricopa.gov>
Subject: Open Record Request: 1478, 1482

Caution: This email originated from outside of Maricopa County. Do not click links or open attachments unless you recognize the sender, expect this communication, and know the content is safe.
Good afternoon, Maricopa County Records,

Please disregard our error in the last paragraph of the previous email. Our final paragraph read, in part:

"... we would like to pause our requests under PRR # 1482 (the 2020 election reporting) to allow you to focus the available resources on fulfilling the requirements of PRR #1478 (the 2022 election reporting)."

This paragraph should have read: We would like to pause our requests under PRR # 1478 (the 2020 election reporting) to allow you to focus the available resources on fulfilling the requirements of PRR #1482 (the 2022 election reporting).

The response time for these records has expired. Please provide your proposed schedule for prompt delivery.

Thank you,
We the People AZ Alliance

On 3/22/2023 11:41 PM, FOIA Requests wrote:

Dear PRR,

Please see our response regarding PRR 1478 and 1482;

1. A list of all ballot affidavit envelopes reviewed at Level 1 Signature Verification for the **November, 2022 General Election**. This list should include: VoterID, Unique Identifier for the worker performing the Signature Verification, date and time stamp of the review, review disposition; - All Early Voting affidavits received from a voter undergo the initial "Level 1" review. Lists of those voters where "*ballot affidavit envelopes reviewed at Level 1 Signature Verification*" occurred exist and will be provided. However, these existing lists do not contain a "*Unique Identifier for the worker performing the Signature Verification, date and time stamp of the review, review disposition*" as this is not a requirement of any data report or list generated. There are no responsive documents or reports that contain a "*unique identifier*".

We appreciate your thorough response and careful use of terms. We understand that Maricopa County may never have produced the reports as we have requested them ... the "existing lists" may not satisfy these requests and these may never have been "a requirement of any data report or list generated."

However, Maricopa County records the disposition (or status) at each step, as well as the identity of the election workers as they perform signature verification at each level, and keeping a timestamp of each evaluation would be expected as a best practice. All data tracked by Maricopa County is subject to PRR.

The signature verification system is part of a suite of tools that is Maricopa County designed and owned. This necessitates that Maricopa County has development and support personnel that are able to create any new "data report or list" requested, wherever the raw data exists. Please use any and all data available to produce the above reports as requested, with the requested columns, in CSV format.

To provide what is available as it relates to a list of voters that underwent a "Level 1" review, we have two data sets that will be provided:

VOTED (VM55) file - Contains a list of all voters that cast an Early ballot that counted (see "**2 PRR #1482-VOTED VM55 VOTER FILE-NOV 2022-BPQR-1.563.363 TOTAL.txt**" file).

The VM55 does not satisfy any of the requests herein. We are not interested in and will not be paying for this extra data as it is not part of the original PRR request. Please cancel the invoice and address the additional items in this PRR.

SENT TO CURING Voter List – Contains a list of 18,199 voters (*excludes address protected voters*) that were sent to Level 2 Manager Review queue that were then set with a pending status code (PQ, QS, NS) indicating the voter needed to be contacted to confirm (*cure*) their signature (PQ or QS) or provide their signature (NS). This list contains voters whose packets were set with a FINAL disposition of GOOD SIGNATURE (GS) upon being cured. Those GOOD SIGNATURE (GS) records would also appear in the VOTED file as an “R code” (see **“3 PRR #1482-2022 SENT TO CURING-PQ QS NS Status vs Cured VOTER LIST-18.199 TOTAL.xlsx”**). The TOTAL number of “exception” records that went to curing (18,510) and the total number that had a final disposition set as Bad Signature (BS=1,800) or No Signature (NS=1,299) are indicated in the document titled **“4 PRR #1482-2022 BS NS Status TOTALS & CODE Sheet.pdf”**.

Thank you for the summary and code sheet contained in **“4 PRR #1482-2022 BS NS Status TOTALS & CODE Sheet.pdf”** as information in excess of the included requests.

2. A list of all ballot affidavit envelopes reviewed at Level 2 and Level 3 (Managers' Queue) Signature Verification, including a record of each time each envelope was reviewed at these levels for the November, 2022 General Election. This list should include: VoterID, Unique Worker Identifier, Unique Identifier for the worker performing the Signature Verification, date and time stamp of the review, review disposition; - As noted in Item 1 response, we have the list of regular voters that moved into Level 2 Manager's Queue that were set as needing to be “cured” (see **“3 PRR #1482-2022 SENT TO CURING-PQ QS NS Status vs Cured VOTER LIST-18.199 TOTAL.xlsx”**). This list does not contain a *“Unique Identifier for the worker performing the Signature Verification, date and time stamp of the review, review disposition”*.

“3 PRR #1482-2022 SENT TO CURING-PQ QS NS Status vs Cured VOTER LIST-18.199 TOTAL.xlsx” does not satisfy this request. As stated above, we understand that this report may not exist as requested. Please use any and all data available to produce the above reports as requested, with the requested columns, in CSV format.

3. A list of all ballot affidavit envelopes sent back to Level 1 for review, after having been reviewed at any Managers' Queue review level for the November, 2022 General Election. This list should include: VoterID, Unique Identifier for the worker performing the Signature Verification, date and time stamp of the review, review disposition; and - There are no responsive records for this request as there are no reports that exist that identify records that may have been sent back to Level 1 for rereview.

As stated above, we understand that “there are no reports that exist” that satisfy this request. Please use any and all data available to produce the

above reports as requested, with the requested columns, in CSV format.

4. List of all ballot affidavit envelopes that went to Curing, including a record of each attempt to cure for the November, 2022 General Election. This list should include: VoterID, Unique Identifier for the worker attempting the cure, date and time stamp of the attempted cure, curing method attempted, disposition of the attempted cure. - The previously noted "*SENT TO CURING Voter List*" in Item 1 would show the records that went to curing. However, as for the number of attempts made to contact the voter to cure, that is not a statutorily required data entry item and is not tracked. Therefore, there are no responsive records that exist for this particular "*number of attempts to cure*" request.

"3 PRR #1482-2022 SENT TO CURING-PQ QS NS Status vs Cured VOTER LIST-18.199 TOTAL.xlsx" satisfies our request for a "List of all ballot affidavit envelopes that went to Curing", and it includes the final disposition. However, it does not include a "Unique Identifier for the worker attempting the cure, date and time stamp of the attempted cure, curing method attempted, disposition of the attempted cure." In this case, it is stated that the curing process has no "data entry item and is not tracked" and "no responsive records exist." Please confirm that it is not possible to produce a report with any additional detail, because there are *no records kept* regarding any of the steps taken, the basis on which decisions were made, when, and by whom, during the entire Curing process.

For the "**November, 2020 General Election**", there are items and datasets that exist for the 2022 General Election that do not exist for 2020 General Election. In 2020 we were not tracking or retaining "*exception*" status as those are "*pending*" disposition codes. By "*pending*" we mean that once a true FINAL disposition code (GS, BS or NS) was set on a given "*exception*" record (*i.e., was cured or not cured by the deadline*), that pending "*exception*" status was overwritten with that a FINAL status disposition (*i.e., changed from an "exception" to a final status of GOOD SIG (GS), BAD SIG (BS) or NO SIG (NS)*). For our internal tracking needs, a "*pending*" code has no significance and only the FINAL disposition is what is statutorily required to be reported.

For any elections held prior to the November 2022 General, there are no records of any "*exception*" statuses set and the only thing tracked and reported, as outlined, and required in State Statute is the final GOOD SIG, BAD SIG or NO SIG status.

Our system features were changed for the 2022 General Election not because it is a required reporting or tracking element, but instead to be responsive to past requests for the TOTAL NUMBER OF EXCEPTIONS MADE THAT WENT INTO THE "CURING" PROCESS. There is then no dataset for the 2020 General Election or any elections prior to 2022 General.

With that, below are the responses for PRR #1478:

Thank you for the additional insight. In light of this we would like to pause our requests under PRR # 1482 (the 2020 election reporting) to allow you to focus the available resources on fulfilling the requirements of PRR #1478 (the 2022 election reporting).

Regards,

We the People AZ Alliance

----- Original Message -----

On Monday, March 20th, 2023 at 1:37 PM, PRR (MCRO) <prrr@risc.maricopa.gov> wrote:

Hello We the People,

As of today, we have not received payment for invoice PR23-1478; therefore, the status of your request changed to "suspended."

Should you want to pay for your invoice, please submit payment at 602-506-5106 within the next four business days, or this case will be "closed" on 03/24/23.

Respectfully,



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From: PRR (MCRO) <prrr@risc.maricopa.gov>

Sent: Friday, March 10, 2023 2:44 PM

To: FOIA@wethepeopleazalliance.com

Subject: RE: New Record Request: 1478

Good afternoon Shelby,

We are writing to inform you that your public records request is available. A separate email invitation to view the files was shared with your email address. Please check your spam folder if you do not see a second email within fifteen minutes of receiving this email.

The password for your folder is ark7K7LDU5h2. The files will be available until 3/24/23. After this date, the link will expire, and your files will become unavailable to download using the link.

In addition, we have included your invoice to obtain our Voted File (VM55) from the 2020 General Election to complement our response. A folder containing the data will be shared via email upon receipt of payment.

You may submit payment for the request in the following ways during regular business hours:

- o **Phone:** 602-506-5106
- o **Mail or in person:** Custodian of Public Records, Office of the Recorder Stephen Richer, 111 S 3rd Ave, Ste 103, Phoenix, AZ 85003

Respectfully,



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Recorder's Office
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From: PRR (MCRO) <pr@risc.maricopa.gov>

Sent: Monday, February 6, 2023 9:49 AM

To: FOIA@wethepeopleazalliance.com

Subject: RE: New Record Request: 1478

Good morning We the People,

We have received your public records request. Your request is currently being processed and will be added to the queue.

Please note, as the Public Records Custodian for the Maricopa County Elections Department, the Recorder's Office is required to promptly respond to public record requests. Our response depends on the scope of the request and the resources necessary to process your request.

Respectfully,



Public Records Custodian
RECORDER'S OFFICE
111 S. 3rd Ave Phoenix, AZ 85003
PHONE: 602-506-5106
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Public Disclosure Notice: This message and any messages in response to the sender of this message may be subject to a public records request.

Record Number: 1478

Requester Name: Shelby Busch

Requester Address: 4225 W. Glendale Avenue, Suite 116

Requester Email: FOIA@wethepeopleazalliance.com

Requester Phone: 6025742376

Request Description:

1. A list of all ballot affidavit envelopes reviewed at Level 1 Signature Verification for the November, 2020 General Election. This list should include: VoterID, Unique Identifier for the worker performing the Signature Verification, date and time stamp of the review, review disposition;
2. A list of all ballot affidavit envelopes reviewed at Level 2 and Level 3 (Managers' Queue) Signature Verification, including a record of each time each envelope was reviewed at these levels for the November, 2020 General Election. This list should include: VoterID, Unique Worker Identifier, Unique Identifier for the worker

performing the Signature Verification, date and time stamp of the review, review disposition;

3. A list of all ballot affidavit envelopes sent back to Level 1 for review, after having been reviewed at any Managers' Queue review level for the November, 2020 General Election. This list should include: VoterID, Unique Identifier for the worker performing the Signature Verification, date and time stamp of the review, review disposition; and
4. List of all ballot affidavit envelopes that went to Curing, including a record of each attempt to cure for the November, 2020 General Election. This list should include: VoterID, Unique Identifier for the worker attempting the cure, date and time stamp of the attempted cure, curing method attempted, disposition of the attempted cure. .

Attachments:

PRR 1482-EVDispositionCodes Sheet-2022 General v3.xlsx

9.8 KB

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