JEFF FINE
Clerk of the Superior Court
By Virginia Saturnino, Deputy
Date 12/09/2022 Time 16:52:22

Description	Amount
CASE# CV2022-053927	
ELECTION CONTEST:NEW	333.00
TOTAL AMOUNT	333.00

Receipt# 29048584

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Attorneys for Contestant(s)/Plaintiffs

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

Mark Finchem and Jeff Zink, in their individual capacities,

Contestant(s)/Plaintiffs;

Vs.

Adrian Fontes and Ruben Gallego, officeholders-elect; and Katie Hobbs, in her official capacity as the Secretary of State;

Contestee(s)/Defendants.

Case No.: CV2022-053927

VERIFIED STATEMENT OF ELECTION CONTEST

(Expedited Election Proceeding Pursuant to A.R.S. § 16-672, et seq.)

Contestant(s), for their Verified Statement of Elections Contest against the Contestee(s) named above, alleges they are entitled to relief as follows:

OPENING STATEMENT

Arizona is obligated to administer a full, fair, and secure election under the supervision of the Arizona Secretary of State. As more fully outlined below, it failed miserably to do so in the mid-term election. Reports emanating from and related to the election establish unequivocally that Arizona voters experienced monumental difficulties trying to register their votes/ballots through tabulating machines. In Maricopa County alone there was widespread tabulation machine failures. (*See Exhibit A, map attached hereto*). For example, ballot reading machines failed repeatedly to register a citizen's ballot, even if the ballot was run and rerun again and again the tabulators failed.

Many Voters purposely stood in line, often for an hour or more, to cast their vote but were frustrated by machine failure. These citizens wanted to assure themselves that their vote counted, and they had an absolute right to such an assurance. Instead, they were offered weak and unsatisfying alternatives, like depositing their ballot into some mysterious Box 3 with the assurance their votes would be counted later. These black box votes were likely never counted and constitute the 60,000 Maricopa County and 20,000 Pima county missing votes reported on the Secretary of State website. (*See Affidavit of Karla Sweet as to defective process; Exhibit B; Declaration of Robert Bowes regarding missing ballots; Exhibit C; Declaration of Michael Schafer, witness to transport of Box 3 ballots Exhibit D).*

None of these voters came to the polling place for such an unreliable and unprecedented voting experience. Each such voter was deprived of personally registering their vote – to the point of inconveniencing themselves by traveling to a polling location and often waiting an hour or more, sometimes much more, when mail in voting with serious chain of custody flaws was available.

More than that, a process that should be sacrosanct oozes impropriety. The state officer who was supervisor of the election, the Secretary of State, was herself running for governor. Despite repeated calls for the Secretary to recuse herself she refused. Recusal would cause her to lose control of the election she hoped to directly benefit from - a staggering appearance of impropriety and display of unethical behavior. To add to it, she worked directly with social medial platforms to suppress availability to the public platforms that she herself enjoyed the access to.

Our election is the only mid-term election in the 50 states with such a comical and tragic outcome. It was also the only election in the country where the governing Secretary of State presided over the election.

All these circumstances when taken together were/are so extraordinary that the vote must be nullified and redone.

INTRODUCTION

1. This is an elections contest pursuant to A.R.S. § 16-672 *et seq.*

JURISDICTION AND VENUE

2. The jurisdiction of this Court over this action is established according to A.R.S. §16-672(A)-(B).

3. Venue of this Court is established according to A.R.S. § 16-672(B).

PARTIES

Contestant(s)

4. Contestant Mark Finchem ("Finchem") is a qualified elector of the State of Arizona and Pima County and resides in Pima County, Arizona.[1]

5. Finchem is the Republican Party's nominee for Secretary of State in the November 8, 2022 statewide election (also denominated as the "midterm election") as presented on the ballot.

6. Contestant Jeff Zink ("Zink") is a qualified elector of the State of Arizona and Maricopa County and resides in Maricopa County, Arizona.[2]

7. Zink is the Republican Party's nominee for the United States Representative for Congressional District 3, in the November 8, 2022 statewide election as presented on the ballot.

8. Finchem and Zink are collectively referred to herein as the "Plaintiffs."

Contestee(s)

9. The person whose right to the Office of Secretary of State that is contested by Finchem, is Adrian Fontes ("Fontes"), in the November 8, 2022 statewide election as presented on the ballot.

10. The person whose right to the Office of United States Representative for Congressional District 3 that is contested by Zink, is Ruben Gallego ("Gallego"), in the November 8, 2022, statewide election as presented on the ballot.

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[1] Finchem's full residential address location is protected from disclosure pursuant to A.R.S. § 16-153.

[2] Zink's full residential address location is protected from disclosure pursuant to A.R.S. § 16-153.

11. Kathleen ("Katie") Hobbs is an individual and is being sued in her purported official capacity as the acting Arizona Secretary of State and Chief Election Officer ("Secretary Hobbs").

12. Fontes, Gallego and Hobbs are collectively referred to herein as the "Defendants."

GROUNDS FOR THE CONTEST

13. The foregoing allegations are reincorporated as if fully set forth herein.

14. On December 5, 2022, Secretary Hobbs published the official canvas for the November 08, 2022, general election results.

15. Allegedly 1,200,411 votes went to Finchem, and 1,320,619 votes went to Fontes. [3]

16. Allegedly 32,475 votes went to Zink, and 108,599 votes went to Gallego.

17. Plaintiffs allege this total is undependable and inaccurate because the electronic ballot tabulation machines were not certified and could not be certified as the laboratory engaged to do so was itself not certified.

18. Defendant Hobbs herself said that new machines would be need as a result of the 2021 Arizona state senate audit.

Misconduct - Secretary Hobbs

19. Secretary Hobbs, in her capacity as Secretary of State, has a duty to supervise elections throughout the state of Arizona. Hobbs was herself elected Secretary in a contested election in 2020.

[3] *See:* https://azsos.gov/sites/default/files/2022Dec05_General_Election_Canvass_Web.pdf

20. Secretary Hobbs, at the same time she had a duty to supervise the election, was seeking the office of Governor in the midterm election.

21. Kari Lake (hereinafter "Lake") was the Republican candidate for Arizona Governor in the November 8, 2022, statewide election, as presented on the ballot.

22. Lake, her staff, and the Republican electorate perceived a conflict of interest in that Hobbs was a statewide official managing an election in which she was also a candidate for Governor.

23. Pursuant to the obvious conflict of interest that was evident to the voting public through media coverage, Lake repeatedly and publicly called for Hobbs to recuse herself from the Secretary of State's management of the midterm election.

24. Secretary Hobbs repeatedly and publicly refused to recuse herself.[4]

25. As will be more fully outlined below, Hobbs had a duty to closely manage and perfect the election process throughout Arizona. After winning her own 2020 contested election she represented to her Arizona constituency that she would cure any defects in the voting process.

26. Hobbs also had a duty to make sure there were no obvious defects in the election process and negligently or intentionally failed to do so as detailed the expert testimony fully described below.

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[4] Ms. Hobbs most recently refused to recuse herself on November 4, 2022. *See:* https://www.wsj.com/livecoverage/midterms-elections-voting-2022-11-04

27. She breached that duty and abused election law by failing to have the ballot tabulating machines, designated as critical infrastructure by the Obama administration, properly certified by a properly certified certification laboratory. Her deliberate or negligent failure resulted in the uninspected and unverified machines to have widespread failures across the State causing election result chaos.

28. As a result of the chaos, elected county officials governing elections in their counties, called for a full hand-count of ballots.

29. Hobbs abused her office of Secretary of State by threatening county officials with criminal charges and indictment for failure to certify a defective election process.

30. For example, on November 18, 2022, the Cochise County Board of Supervisors voted not to accept election results certified and submitted by the Cochise County Elections Department as the official canvass for the General Election held on November 8, 2022. Instead, they set a special meeting for December 2, 2022, to hear expert testimony from compliance experts on the voting test lab accreditation.[5]

31. In a November 23 letter to the Mojave County Board, State Elections Director Kori Lorick, who serves as State Elections Director under Secretary Hobbs, said that the canvass — or certification — of the election "is not discretionary."[6]

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[5] *See:* https://www.youtube.com/watch?v=RvAxd054xoM&feature=youtu.be

[6] *See*: https://justthenews.com/sites/default/files/2022-12/11.23.22%20Mohave%20BOS%20Letter%20re%20canvass.pdf

32. On November 28, Kori Lorick emailed the Mojave County Board. Reminding the supervisors again of their "non-discretionary statutory duty to canvass the 2022 General Election results by today," she invoked the threat of prosecution of the county election governing board as follows:

"The only basis for delaying the county canvass is pursuant to A.R.S. 16-642(C) if returns from a polling place are missing, and that is indisputably not the case here," she wrote. "If Mohave County does not perform their ministerial duty to canvass your election results today, we will have no other choice but to pursue legal action and seek fees and sanctions against the Board. "Our office will take all legal action necessary to ensure that Arizona's voters have their votes counted, including referring the individual supervisors who vote not to certify for criminal enforcement under A.R.S. 16-1016."

33. Under the cited statute, an election official "who knowingly refuses to perform" their election duties "is guilty of a class 6 felony unless a different punishment for such act or omission is prescribed by law."

34. Governing bodies in the different counties believed the cited statute is inapplicable when such a body is presented with reasonable evidence that the electoral system in their county was seriously defective.

35. In order to assure every constituent's vote was properly counted the local governing body, not the Secretary of State, should determine what type of recount is needed to best provide the constituency with assurance that every vote was properly counted.

36. Hobbs' own political party, on a national platform vociferously decries the "every vote must be counted".

37. As a direct result of Hobbs threats, on or about November 28, 2022, two of the supervisors on the Mojave County board said they were voting to certify the election "under duress" after being warned that they would "be arrested and charged with a felony" if they didn't, according to the board chairman, Ron Gould.[7]

38. On November 29, 2022, Secretary Hobbs filed suit to compel Cochise County to vote 'YES' to certify the election results despite the governing boards belief based on an expert opinion that the tabulation machines were not properly vetted via certification. *See Hobbs v Crosby* CV202200553.

39. The governing board decided its constituency's voted were best protected by a full hand count.

40. Hobbs demurred and ordered a partial count. The governing board had a duty to protect – not Hobbs who was self-interested in the outcome.

41. On or about December 1, 2022, Plaintiffs' counsel of record, Daniel J McCauley III, notified the Cochise County Superior Court, the trial judge's JA and the Cochise County Clerk, that he had filed a Notice of Removal to the District Court and advised each of them to contact the trial judge immediately. Further, he notified at least one office of the three different law offices prosecuting the two cases against the Board of Supervisors that a Notice of Removal to District Court had been filed and not to proceed pursuant to 28 U.S. Code § 1446(d). *See Hobbs v Crosby* CV-22-536-TUC-MSA.

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[7] *See*: https://twitter.com/KariLakeWarRoom/status/1597380690597023744

42. Upon learning of the removal, one of the attorneys representing Hobbs continued with the threats and intimidation by threatening Plaintiff's counsel and each member of the Board of Supervisors with sanctions for removing the case. (*See* Gaona Email attached hereto as Exhibit E).

43. On December 2, 2022, Hobbs again continued with the threats and intimidation. In a letter to the Arizona Attorney General, regarding the Cochise County Board of Supervisors, Secretary Hobbs demanded the Arizona Attorney General take "all necessary actions to hold these public officers accountable."[8]

44. The hand count could have been accomplished within the time Hobbs aggressively stymied the will of the Cochise County public as legitimately put forward by its elected governing board.

45. Hobbs misconduct and self-interest is unprecedented and unacceptably in any Arizona election process.

46. In further abuse of her office, an email surfaced on December 3, 2022, that showed Secretary Hobbs' office flagging a constituents Twitter account for review on January 7, 2021. [9]

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[8] *See*: https://www.documentcloud.org/documents/23327719-2022-12-2-cochise-bos-referral

[9] *See: Missouri et al v. Biden et al* **Case No:** 3:22-cv-01213-TAD-KDM, Document 71-8 Filed 08/31/22 Page 45 of 111 PageID #: 2793-2794 *https://storage.courtlistener.com/recap/gov.uscourts.lawd.189520/gov.uscourts.lawd.189520.71.8.pdf*

47. The message emerged during discovery in a First Amendment lawsuit filed in May by Missouri Attorney General Eric Schmitt and Louisiana Attorney General Jeff Landry against President Joe Biden, alleging collusion between the administration and Big Tech in a sprawling censorship enterprise. *See Missouri et al. v. Biden et al.* 3:22-cv-01213-TAD-KDM.

48. Under the subject line "Election Related Misinformation," Secretary Hobbs' communications director cited two tweets from an account that were of "specific concern to the Secretary of State."

49. In explaining the reason for the state intervention to seek suppression of the offending speech, the comms director said only:

"These messages falsely assert that the Voter Registration System is owned and therefore operated by foreign actors. This is an attempt to further undermine confidence in the election institution in Arizona."

50. On October 31, 2022, Finchem's Twitter account was temporarily suspended. "Twitter has blocked my account from speaking truth with one week left until the election," Finchem wrote on his Facebook page that afternoon. On information and belief the suspension was directly caused by Hobbs' illicit censoring of her constituents in concert with Twitter (as pled herein).

51. Jenna Ellis, a former advisor to Donald Trump, tweeted at Elon Musk that Finchem was suspended on Twitter. "@elonmusk this shouldn't happen a week before the election!"[10]

52. Musk, who closed the $44 billion deal to purchase Twitter, responded that he was "looking into" the suspension, and Finchem's account was restored within an hour.

53. Finchem vehemently contests the illegitimacy of the 2020 election.

54. Finchem is informed and believes Fontes and Secretary Hobbs categorized his tweets under "Election Related Misinformation" and caused his Twitter account to be suspended.

55. Had Musk not intervened personally in the enforcement decision, Finchem likely would have been censored during the election.

Illegal Votes

56. Michael Schafer, a subject matter expert (*See* CURRICULUM VITAE and opinion incorporated by reference as Exhibit D) on the specific accreditation of testing laboratories by the EAC (Election Assistance Commission), on Labs; "Pro V&V," and "SLI Compliance," a Division of Gaming Laboratories International, LLC, was asked in 2020 to evaluate if these specific labs met the standards of accredited test labs.

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[10] *See:*

https://twitter.com/JennaEllisEsq/status/1587203144878006272?s=20&t=Hb9Vo6dXZ5Ifp3sTVIboxg

57. The Voting System Test Laboratory Program requirements posted in Manual, Version 2.0 ("VSTL"), section 3.6.1., ia specific and requires the certificate to be signed by the Chair of the Commission and only be the Chair.

Voting System Test Laboratory Program Manual, Version 2.0

> 3.6.1. Certificate of Accreditation. A Certificate of Accreditation shall be issued to each laboratory accredited by vote of the Commissioners. The certificate shall be signed by the Chair of the Commission and state:

58. Michael Schafer's expert report (attached as Exhibit D) establishes that the VSTL manual requires that the Chair of the EAC Commission be the exclusive signer of the Lab's Accreditation Certificate.

59. In this instance, the Chair of the Commission was Thomas Hicks. Thomas Hicks did not sign the accreditation certificate. Mona Harington, Executive Director, an ineligible person signed it. (See Declaration in support of test lab accreditation by reference as Exhibit D)

Mona Harrington Date: 2/1/21

Mona Harrington
Executive Director, U.S. Election Assistance Commission

EAC Lab Code: **0701**

60. The above shows that the Chair of the Commission, Thomas Hicks, did not sign the certificate of accreditation of the voting systems as required by VSTL section 3.6.1.

61. THEREFORE, Michael Schafer determined Pro V&V and SLI Compliance are not accredited test labs to the compliance standard set out by the EAC Voting System Test

Laboratory Program Manuel Version 2.0 and 3.0, section 3.6.1, according to the Help America Vote Act of 2002.

62. Beyond the accreditation issue is the certification of the ESS EVS 6.0.4.0 which is irredeemably flawed. (*See* Exhibit G, expert report of Daniel LaChance)

63. This is not a form over substance argument. The verification criteria were formulated by legislators to create a public policy via legislation to prevent the exactly the chaos the occurred in this election. They created a public policy to assure the public that as our culture moves deeper and deeper into the computer/information age every vote will be accurately tabulated by fully vetted technology.

COUNT ONE – ELECTIONS CONTEST

(Misconduct A.R.S. § 16-673)

64. The foregoing allegations are incorporated as if set forth herein.

65. A.R.S. § 16-672 guarantees that "[a]ny elector of the state may contest the election of any person declared elected to a state office…upon any of the following grounds:" "[f]or misconduct on the part of election boards or any members thereof in any of the counties of the state, or on the part of any officer making or participating in a canvass for a state election..."

66. A.R.S. § 16-621 assures the public that "[a]ll proceedings at the counting center shall be under the direction of the board of supervisors or other officer in charge of elections and shall be conducted in accordance with the approved instructions and procedures manual issued pursuant to § 16-452 under the observation of representatives of each political party and the public."

67. Secretary Hobbs has an absolute duty to enforce current rules and statutes related to Arizona elections and to develop future rules that maintain the maximum degree of election management and control (*See* A.R.S. § 16-452).

68. She negligently or intentionally failed in that duty by not properly investigating the re-certification of both the certifying labs and the lab's certification of the computer automated voting systems (*See* Expert Schafer analysis attached hereto as Exhibit D).

69. A.R.S. § 38-503 was passed to effect a public policy that protects the public from self-dealing by public employees. Secretary Hobbs' actions to threaten arrest of the Mojave County Board of Supervisors, sue and threated the Cochise County Board of Supervisors with a criminal investigation and prosecution, as a very senior representative of Arizona government direct Twitter to censor Twitter posts made by her constituent, and failing to recuse herself from overseeing the gubernatorial election in which she herself was a candidate - was all self-dealing.

70. At minimum, Secretary Hobbs had an ethical duty to recuse herself – which, again, Plaintiffs allege, is indisputably a form of self-dealing.

71. Initiating court actions to compel the county Boards to certify her election, when the Boards had been presented expert compiled evidence that there were irregularities in the vote, constitutes "misconduct on the part of...officer[s] making or participating in a canvass for a state election". (*See*: A.R.S. § 16-672(A)(1)).

72. Secretary Hobbs' negligent or intentional failure to closely monitor the certification and re-certification of the certification laboratories and the re-certification of the electronic tabulation system resulted in the chaotic performance of those machines during the

midterm election. Had they been properly vetted and inspected the machines would have run properly.

73. Such validation was essential since Hobbs approved a new voting process that allowed voters to cast ballots at any location. This new scheme was applied universally across the entire State, not incrementally. Its failure directly caused the chaos in the election.

74. Any testing by the Secretary of State was obviously inadequate and should have been effected by a lab certified for such analysis. This has been proven to have been an essential step circumvented by the Secretary of State.

75. The Secretary changed the gauge of paper lined across the state. Before making such a substantial change a certified lab should have tested and certified a material procedural change before the paper substitution.

76. There changes had a vast effect on the publics' voting experience and amount to material misconduct.

77. This failure resulted in an amount more significant than 201,232 votes for Fontes and 79,298 votes for Gallego, changing the outcome of the election in favor of Defendants.

78. Had this failure not occurred during the election 201,232 votes would have gone to Finchem and 79,298 votes would have gone to Zink, changing the outcome of the election in favor of Plaintiffs.

79. Finally, Hobbs' threatening and intimidating county officials who govern the midterm election is distinct misbehavior. As the third highest official in the Arizona governmental hierarchy Hobbs' successful demands on Twitter to censor the free speech of Arizona citizens because of "misinformation" offended her political perspective is not only

misbehavior but should disqualify her from the office of Governor. These political demands and machinations by Hobbs constitute government censorship in the opinion of Plaintiffs.

COUNT TWO – ELECTIONS CONTEST

(Illegal Votes - A.R.S. § 16-673)

80. The foregoing allegations are incorporated as if set forth herein.

81. A.R.S. § 16-672 provides that "[a]ny elector of the state may contest the election of any person declared elected to a state office…upon any of the following grounds: 4. On account of illegal votes."

82. Plaintiffs herein allege that the failure of Secretary Hobbs resulted in widespread tabulation machine malfunctions. One of the direct results of these tabulation machine failures has resulted in Arizona becoming a laughingstock among the 50 states. Further, has cast serious aspersions on state government and its ability to run a clean and fair election. As a result, the Plaintiffs have been damaged as well and the State and its citizenry as a whole. The result is simply an illegal election.

83. The Arizona Supreme Court has developed a rule for deducting illegal votes from otherwise valid election results when it is impossible to determine for whom the ineligible voters actually voted. Specifically, unless it can be shown for which candidate they were cast, they are to be deducted from the whole vote of the election division, and not from the candidate having the largest number.

84. Applying this rule, illegal votes are proportionately deducted from both candidates.

85. There are a myriad of problems with identifying who votes were actually cast for due to the well-publicized tabulation machine failures. And, further complicated by the fact that a minimum of 60,000 votes went missing, according to the Secretary of State's own website. (*See* Declaration of Bowes; Exhibit C; *See* Report of Roving GOP attorney Mark Sonnenklar, now in the public domain, Exhibit F).

86. According to *A.R.S.* § 16-442 B. "[M]achines or devices used at any election for federal, state or county offices may only be certified for use in this state and may only be used in this state if they comply with the Help America Vote Act of 2002, and if those machines or devices have been tested and approved by a laboratory that is accredited pursuant to the Help America Vote Act of 2002."

87. Wherefore, according to expert Michael Schafer, the accreditation of the laboratories used to certify the tabulation equipment that counted the votes from November 8, 2022, were not accredited due to the certificate not being signed by the Chair of the Commission, Thomas Hicks, and therefore caused all votes tabulated on by machines certified by test labs that were not accredited to be illegal votes cast. (*See* Exhibit D).

88. The election likely would have favored Plaintiff had the illegal voting not been cast, changing the election's outcome in favor of Plaintiff.

DEMAND FOR RELIEF

WHEREFORE, Plaintiffs pray for the following relief:

A. Pursuant to A.R.S. § 16-677 and/or Court rules, Plaintiffs are entitled to have the inspection/discovery done before preparing for trial.

B. That the Court order a reasonable inspection (sampling) of mail-in ballots (including their signed envelopes and/or scans thereof) in order to compare them to the signatures on file; and to compare "duplicate" ballots to the original ballots from which they were "duplicated," for Congressional District 3 in particular; as discovery under the Civil Rules and/or in accordance with A.R.S. § 16-677;

C. That the Court declare that the certificate of election of Adrian Fontes and Ruben Gallego is of no further legal force or effect and that the election is annulled and set aside in accordance with A.R.S. § 16-676(B);

D. That, if an inspection of the ballots should so prove, the Court declare that the Plaintiffs have the highest number of legal votes and declare those persons elected or in the alternative order a paper ballot revote.

E. That the Court order a state-wide special election, counted by hand, without the use of electronic vote tabulation systems at the precinct level, no mail in ballots supervised by a special master appointed by the court;

F. That the court order a referral to the Attorney General to investigate Secretary Hobbs for willful acts in violation of impartiality under A.R.S. §§ 16-452 and § 38-503 according to A.R.S. § 16-1010.

G. For such injunctive, declaratory, mandamus (special action), or other relief as may be proper or necessary to effect these ends;

H. For Plaintiff's taxable costs under A.R.S. § 12-341, attorney fees and expenses under any applicable authority;

I. For such other and further relief, the Court may deem proper in the circumstances.

Dated: December 9, 2022,

Mark Finchem

Dated: December 9, 2022,

Jeff Zink

Dated: December 9, 2022,

Daniel J McCauley III,
Attorney for Plaintiffs

DECLARATION AND VERIFICATION

State of Arizona)
) ss.
County of Maricopa)

I, Mark Finchem, being first duly sworn, deposes and say:

I have read the foregoing First Amended Verified Complaint and know the contents thereof by personal knowledge. Therefore, I know the allegations of the First Amended Verified Complaint to be true, except the matters stated therein on information and belief, which I believe to be true.

I declare (or certify) under penalty of perjury under the laws of the State of Arizona that the foregoing is true and correct.

Subscribed and sworn this 9th Day of December 2022.

Mark Finchem

Mark Finchem

DECLARATION AND VERIFICATION

State of Arizona)
) ss.
County of Maricopa)

I, Jeff Zink, being first duly sworn, deposes and say:

I have read the foregoing First Amended Verified Complaint and know the contents thereof by personal knowledge. Therefore, I know the allegations of the First Amended Verified Complaint to be true, except the matters stated therein on information and belief, which I believe to be true.

I declare (or certify) under penalty of perjury under the laws of the State of Arizona that the foregoing is true and correct.

Subscribed and sworn this 9th Day of December 2022.

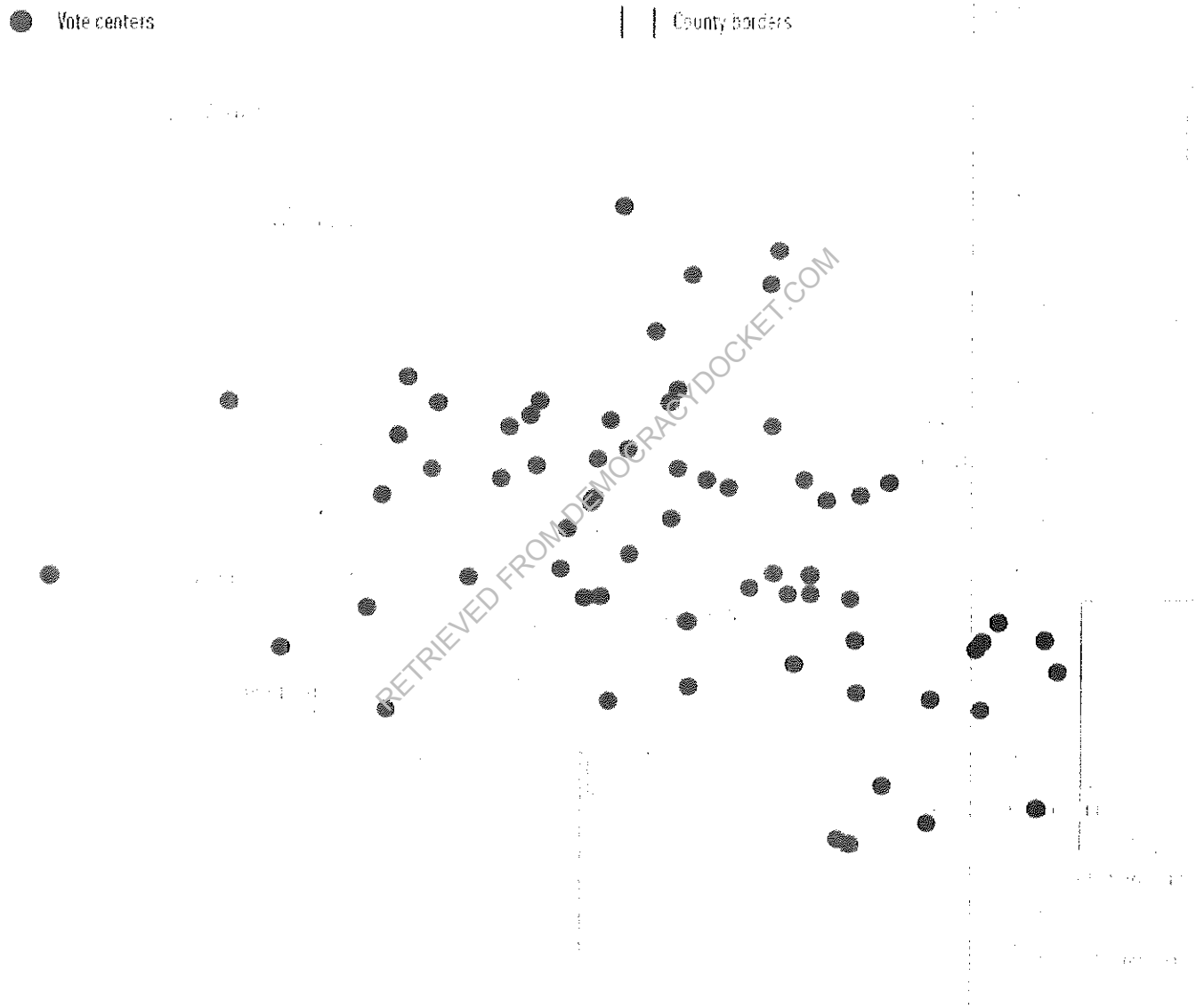
Jeffrey Nelson Zink

Jeff Zink

EXHIBIT A

EXHIBIT A

Maricopa County vote centers with printer problems



Map: Cam Rodriguez • Source: Maricopa County

EXHIBIT B

EXHIBIT B

10/5

The People's Affidavit of Claim to Insure Accurate Voting in Arizona

I, Affiant, Karla Sweat ,One of the People of Arizona (as seen in Article 2 Section 2 of the Arizona Constitution) do swear to the following claims in order to insure remedy for the People to be able to verify election results against government servants who have decided to interfere with the People's rights to know only legal votes are counted based on Article 7 Section 7 of the Arizona Constitution as seen below:

Arizona Constitution Article 7 Section 7:
Text of Section 7:
Highest Number of Votes Received as Determinative of Person Elected

"In all elections held by the people in this state, the person, or persons, receiving the highest number of legal votes shall be declared elected."

Please take notice that Affiant claims to have only voted for the below mentioned People and that if any document shows any other opponent than the ones stated, that it is done in error and against the will of Affiant or it shall be stated if the Affiant's ballot was already voted without their consent below:

Voted for offices:

1. Kari Lake
2. Mark Finchem
3. Blake Masters
4. Abe Hamadeh
5. Kimberly Yee
6. Tom Horne
7.

Verification of Used Ballot [if ballot was used please give testimony here]:

Statement Attached

Please take notice that where remedy is interfered with, based on the fundamental maxims of law, the People have the right to assemble, and consult for their common good, and have used this process to create remedy in order to be able to secure elections by right (see evidence below):

Maxim: What is necessary is lawful. Thus, necessity knows no law.

Maxim: Nothing is more just that which is necessary.

Maxim: That which necessity comes, it justifies.

Please take notice that as one of the People, Affiant declares that action must be taken, by necessity to protect the body politic and that any government actors who interfere with the People's rights to free and fair elections are committing a Trespass against the People.

To Whom It May Concern: 11/9/2022

Yesterday I worked the polls in Maricopa County/Peoria, AZ. It was my first time to work the polls. I spent from 6am to 8pm standing at the tabulator helping people to enter their ballots into the machines to accept their votes. From 630 am and all day long the tabulators were only accepting about half of the ballots and rejecting the rest. I worked incredibly hard helping voters to reinsert their ballots 5-6 times each, trying to get the machine to accept the ballots. I watched the voters, who had just stood in line for an hour and then filled out their ballots for 20-30 mins, get discouraged and distrustful as their ballots would reject.

Early in the day, the "inspector" who was the man in charge at our site and also a county employee tell the voter, if their ballot was rejected by the tabulator, that we could instead drop their ballot into the Misread Box #3 and 3 of us would count those ballots at the end of the election day. After hearing him tell this to many voters, when voters were not around, I asked him if that was true. He answered that it was not completely true but it was too complicated to tell the voters what will happen. I asked to know what would really happen to these ballots in door #3. He told me that after we close our polling center, 3 of us would run the ballots again through the tabulators. If they again were not accepted, we would package them into an envelope and send them "downtown" to be counted in a couple of days.

Once I knew the correct information from him, I began telling people the truth. I told them that if they wanted their ballot to be counted on election day, we could spoil their ballot and issue a new one. They could revote it in hopes that the tabulator would accept it so it would be counted on election day. However, if they chose to drop it in the misread door # 3 box it could be a few days before it would be counted. Most of the voters chose to spoil their ballots. The other poll worker on our second tabulator had not been part of my conversation with our inspector so I am not sure he knew that correct information or what he was telling the voters. Our supervisor inspector continued telling voters we would be counting those misreads in Door #3 at the end of election night. By what my supervisor requested we do with those ballots at the end of the polling day, that information he told the voters was false and he was aware that it was not truthful as he had told me that it was not.

At the end of the night and once all voters were gone, our inspector was wrapping things up very quickly. It was obvious that he had done the routine many times and was very efficient at it. I had to leave the tabulators to a few

CINDY E NEWMAN
NOTARY PUBLIC - STATE OF ARIZONA
MARICOPA COUNTY
COMMISSION EXPIRES
03-23-2026

minutes. When I returned, I asked him about running the misread ballots through the tabulators. He then told me, he and another poll worker had decided, that running them again did not need to happen considering how poorly the tabulators had been working. He said they had decided to just go ahead and package them in the appropriate envelope to be transported. He assigned me and the other poll worker, who had been working the tabulators all day, to pull out the voted ballots from below the tabulators and put them into the Black Ballot bags. He then told us to put the Misread Envelope into those bags as well. I set the Misreads Envelope on the floor next to the Black Bags we were working with. He came past us three times while we were working and pointed out the Misreads Envelope and told me not to forget to put them in the Black Bag. We eventually did. He put the tabulator tape rolls from both tabulators in the bag and then threw in the rest of the security blue zip ties into the bags, zipped the bags shut and security zip tied it with the security zip tie he left out.

This morning I checked my Poll Worker Manual and realized that those misread ballots that the tabulators did not accept and our inspector had assured voters would be counted that night, had just gone into the Black Bag meant for Voted Ballots Only and were sealed. In my manual it specifically says not to place any supplies into those black bags other than voted ballots. Page 134 of the *Maricopa County Elections Department 2022 Poll Workers Training Manual for the August Primary and November General* states this in bold letters. That poll worker inspector who had assured voters with a smile and said to trust him, had just betrayed them all and those ballots will not be counted or possibly not ever be found unless those ballot bags are opened at some point and those ballots from door #3 are found. Another note to mention. There are extra security zip ties inside the Black Ballot bags securing all those votes.

I write this because I am sick that this happened under my watch. I had spent 13 -14 hours with these voters at the tabulators, doing my very best all election day to help them vote while I dealt with a tabulator that did not function properly most of the day. I watched their faces of discouragement as their ballots were rejected by the machine and saw their resolve to be sure their vote would be counted that day, election day. There were 93 misread/tabulator rejected, uncounted ballots for the two tabulators at our vote center by the end of the day. There were many other misreads during the day that we were able to send back through with success. It absolutely breaks my heart to think of the voters' perseverance and resolve to make sure their votes counted, each giving hours of their day to get that done, sometimes repeating their ballots. And yet I saw them berated by my supervisor who told them that if they dropped their ballots in the misread box

they would be counted that night. However now I am not sure they will ever be counted after being secured in the bag that was meant to hold only voted ballots. The American people of all races, ages, accents, occupations cared on Tuesday enough to exercise their right and privilege to vote. And now I fight for them.

I've heard from another poll worker who worked at a poll center close by who said by 1pm they had 103 in their misread door #3. If that was happening all over Maricopa County, how many of those ballots that were rejected by the tabulators all over Maricopa county will be counted? Or how many will have disappeared to places they will not be found or counted just like those from my polling center.

I heard Bill Gates, our Board of Supervisor president, state to the news yesterday that the machines were tended to Tuesday morning by technicians and from then on were working. That simple was not true in my polling center. I stood bye that machine all day and it malfunctioned at the same rate all day.

Another mention I'd like to add is that yesterday we had a daughter bring her mother on a rolling bed to the vote center so she was able to vote at the poll on election day. We had elderly people in line with walkers who were alone, wanting to vote on election day, we had American citizens who cared so very much. I feel it is unacceptable that these people had to deal with tabulators that randomly rejected so many of these voters votes. And I personally wonder if the machine malfunction in particular areas was at all planned. Especially now that I know the votes from my vote center that were in Door #3 will not be counted.

And finally, as I rolled up the tabulator tape last night of my tabulator, I was able to see numbers of the races voted for on my machine. My tabulator took in 662 votes. I saw Lake, Masters, Finchem and Hamadeh in the 500 numbers, getting 500 plus votes out of my 662, and opponents in the 100s. I know that is just my polling area and my tabulator but I wanted to report that to you.

Please feel free to contact me will any questions or needs to clarify this letter. Thank you.

Respectfully,

Karla M Sweet
Maricopa County Poll Worker/Judge

CINDY E NEWMAN
MY COMMISSION EXPIRES
03-23-2026
COMM. # 625427
MARICOPA COUNTY
NOTARY PUBLIC - STATE OF ARIZONA

Verification

I hereby declare, certify and state, pursuant to the penalties of perjury under the laws of the United States of America, and by the provisions of 28 USC § 1746 that all of the above and foregoing representations are true and correct to the best of my knowledge, information and belief.

Executed in Sun City, Arizona on this 3rd day of ~~November~~ December in the Year of Our Lord Two Thousand and Twenty-Two.

Autograph of Affiant: Karla Sweet

Notary as JURAT CERTIFICATE

Arizona State }
Maricopa County }

On this 3rd day of ~~November~~ December, 2022 (date) before me,
Cindy Newman, a Notary Public, personally appeared
Karla Sweet Name of Affiant, who proved to me on the basis of satisfactory evidence to be the woman whose name is subscribed to the within instrument and acknowledged to me that she executed the same in her authorized capacity, and that by her autograph(s) on the instrument the woman executed, the instrument.

I certify under PENALTY OF PERJURY under the lawful laws of Arizona State and that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature of Notary / Jurat Cindy Newman

seal

CINDY E NEWMAN
NOTARY PUBLIC · STATE OF ARIZONA
MARICOPA COUNTY
COMM. # 626421
MY COMMISSION EXPIRES
03-23-2026

EXHIBIT C

EXHIBIT C

DECLARATION

December 9, 2022

BY ROBERT BOWES

I hereby certify that I am an American citizen born in 1961 in Newport Rhode Island residing in Arlington Virginia.

I also certify that my professional career as a financial institutions banker has included many years of complex financial analysis and fraud investigations including as an expert witness in litigation regarding mergers, bankruptcies, restructurings, regulatory seizures, workouts, and financial fraud. I also certify that for the past two years I have been involved in election fraud investigations in several States that include significant measurable whistleblower disclosures.

Based on the results of compiling the public website reports of Ballot Progress made by the Arizona Secretary of State and each Arizona County on and after the November 8, 2022 Election, I hereby DECLARE, that at least 60,624 ballots in Maricopa County, Arizona and 19,240 ballots in Pima County Arizona were not counted.

Maricopa County reported that on November 10, 2022 at 8:52pm there had been 1,215,718 ballots so far counted and that an estimated 407,664 ballots remained to be counted. As ballot processing continued over the following days, 60,624 ballots were not counted. Upon final certification December 6, 2022, Maricopa County reported that 1,562,758 ballots had been counted. Had all of those estimated 407,664 ballots on November 10, 2022 been counted, the total ballots counted by December 6, 2022 should have been 1,623,382. No reason has been provided by Maricopa County about the 60,624 missing ballots.

Pima County reported that on November 10, 2022 at 8:52pm there had been 308,593 ballots counted and that an estimated 114,203 ballots remained to be counted. Upon final certification December 6, 2022, Pima County reported that 403,556 ballots had been counted. Had all of those estimated 114,556 ballots on November 10, 2022 been counted, the total ballots counted by December 6, 2022 should have been 422,896. No reason has been provided by Pima County about the 19,240 missing ballots.

The Arizona Secretary of State reported on November 10, 2022 at 11:03pm that the majority of the ballot shrinkage occurred in Maricopa County on the evening of November 10, 2022 when 53,779 ballots in the reported in process category never passed to ballots counted category. The Arizona Secretary of State reported on November 11, 2022 at 6:33pm the majority of the ballot shrinkage in Pima County occurred on November 11, 2022 when 18,160 ballots in the reported in process category never passed to ballots counted category. Screen prints and report are attached as an exhibit to this Declaration.

14.9% of Maricopa and 16.9% of Pima ballots in process were not counted.

I hereby certify the above DECLARATION to be true and correct.

Robert B. Bowes

December 9, 2022

Analysis of Ballot Processing Count Reporting Anonomalies at Maricpoa County in November 2022
Based on Data Reported by Maricopa to AZSOS and by AZSOS posted on AZSOS website under Ballot Progress. Screen Prints attached.
It appears that 60,624 Ballots vanished out of 407,664 Ballots in Process as of Nov 10, 2022

Reports by AZSOS of Maricpoa Ballot Progress

Date and Time of Update by AZSOS and Maricopa County	Ballots Already Tabulated 1	Estimated number of early ballots left to process 2	Estimated number of provisional ballots left to process 3	Estimated number of ballots ready for tabulation 4	Estimated total number of uncounted ballots	Total Percentage Completed
11/10/2022 8:52PM	1,215,718	143,779	7,885	256,000	407,664	74.89%
11/10/2022 11:03PM	1,215,718	29,000	7,885	317,000	353,885	77.45%
11/11/2022 8:11PM	1,290,669	13,000	7,885	254,000	274,885	82.44%
11/12/2022 6:47PM	1,376,625	10,000	7,885	177,000	194,885	87.60%
11/13/2022 6:24PM	1,474,943	8,400	7,885	78,000	94,285	93.99%
Official Canvass 12/6 10AM	1,562,758	-	-	-	-	100.00%

The Night to Night Change in the Ballots Processed as Reported by Maricopa County	Change in Balance of Ballots Tabulated	Change in Balance of Ballots Left to Process	Change in Balance of Provisional Ballots	Change in Balance of Ballots Ready for Tabulation	Change in Balance of # of Uncounted Ballots	Change in the % Completed
11/10 8:52P chg 11/10 11:03P	-	(114,779)	-	61,000	(53,779)	2.56%
11/10 11:03P chg 11/11 8:11P	74,951	(16,000)	-	(63,000)	(79,000)	4.99%
11/11 8:11P chg 11/12 6:47P	85,956	(3,000)	-	(77,000)	(80,000)	5.16%
11/12 6:47P chg 11/13 6:24P	98,318	(1,600)	-	(99,000)	(100,600)	6.39%
11/13 6:24P chg Offical Canvass 12/6	87,815	(8,400)	(7,885)	(78,000)	(94,285)	6.01%

Anomalies in the Maricopa Reporting

11/10 8:52P chg 11/10 11:03P	No change in Total Ballots Counted yet the Balance of Uncounted decreased by 53,779. 53,779 Ballots mysteriously vanis
11/10 11:03P chg 11/11 8:11P	74,951 Increase in Ballots Counted, yet Balance of Uncounted decreased by 79,000. 4,049 Ballots mysteriously vanished
11/11 8:11P chg 11/12 6:47P	85,956 Increase in Ballots Counted, yet Balance of Uncounted decreased by 80,000. 5,956 Ballots mysteriously re-appeare
11/12 6:47P chg 11/13 6:24P	98,318 increase in Ballots Counted, yet Balance of Uncounted decreased by 100,600. 2,282 Ballots mysteriously vanished
11/13 6:24P chg Offical Canvass 12/6	87,815 increase in Ballots Counted, yet Balance of Uncounted decreased by 94,285. 6,470 Ballots mysteriously vanished

Maricopa Possible Vote Nullification	
Lost Ballots Thursday Nov 10	53,779
Lost Ballots Friday Nov 11	4,049
(Found) Ballots Saturday Nov 12	(5,956)
Lost Ballots Sunday Nov 13	2,282

Lost Ballots Between Nov 13 and Dec 6	6,470					
						% of Balance of Uncounted that Vanished
# Maricopa Ballots that disappeared	**60,624**		**Initial Balance of Uncounted**		**407,664**	**14.87%**

Analysis of Ballot Processing Count Reporting Anomalies at Pima County in November 2022
Based on Data Reported by Pima to AZSOS and by AZSOS posted on AZSOS website under Ballot Progress. Screen Prints attached.
Over several days, largely on Nov 12th, 19,240 Ballots vanished of 114,203 Ballots in Process as of Nov 10. Only 94,963 of those were counted.

Reports by AZSOS of Pima Ballot Progress

Date and Time of Update by AZSOS and Pima County	Ballots Already Tabulated	Estimated number of early ballots left to process	Estimated number of provisional ballots left to process	Estimated number of ballots ready for tabulation	Estimated total number of uncounted ballots	Total Percentage Completed
11/10/2022 8:52PM	308,593	51,683	2,520	60,000	114,203	72.99%
11/11/2022 6:33PM	333,230	9,126	2,520	59,760	71,406	82.35%
11/12/2022 4:44PM	353,174	3,280	2,520	47,597	53,397	86.67%
11/13/2022 3:03PM	365,160	3,280	2,520	35,604	41,404	89.82%
11/13/2022 3:31PM	365,160	750	2,520	35,604	38,874	90.38%
11/14/2022 5:43PM	389,464	1,005	2,520	8,300	39,129	90.87%
11/14/2022 5:50PM	389,464	1,005	2,520	8,300	11,625	97.05%
11/14/2022 6:13PM	396,858	1,005	2,520	3,902	7,427	98.16%
Official Canvass 12/6 10AM	403,556	-	-	-	-	100.00%

The Period to Period Change in the Ballots Processed as Reported by Pima County	Change in Balance of Ballots Tabulated	Change in Balance of Ballots Left to Process	Change in Balance of Provisional Ballots	Change in Balance of Ballots Ready for Tabulation	Change in Balance of # of Uncounted Ballots	Change in the % Completed
11/10 8:52PM chg 11/11 6:33PM	24,637	(42,557)	-	(240)	(42,797)	9.36%
11/11 6:33PM chg 11/12 4:44PM	19,944	(5,846)	-	(12,163)	(18,009)	4.32%
11/12 4:44PM chg 11/13 3:03PM	11,986	-	-	(11,993)	(11,993)	3.15%
11/13 3:03PM chg 11/13 3:31PM	-	(2,530)	-	-	(2,530)	0.56%
11/13 3:31PM chg 11/14 5:43PM	24,304	255	-	(27,304)	255	0.49%
11/14 5:43PM chg 11/14 5:50PM	-	-	-	-	(27,504)	6.18%
11/14 5:50PM chg 11/14 6:13PM	7,394	-	-	(4,398)	(4,198)	1.11%
11/14 6:13PM to Official Canvass 12/6	6,698	(1,005)	2,520	(3,902)	(7,427)	1.84%
Totals between 11/11 and 12/6	94,963				(114,203)	

Anomalies in the Pima Reporting

11/10 8:52PM chg 11/11 6:33PM	18,160 ballots mysteriously vanished. Ballots counted increased 24,637 yet Uncounted decreased 42,797.
11/11 6:33PM chg 11/12 4:44PM	1,935 ballots mysteriously reappeared. Ballots Counted increased 19,944yet Uncounted decreased 18,009.

11/12 4:44PM chg 11/13 3:03PM	11,993 decrease in ready to tabulate matches 11,993 increase in Ballots Counted.					
11/13 3:03PM chg 11/13 3:31PM	2,530 Ballots mysteriously vanish. Left to Process and Uncounted each decrease by 2,530 but Total Counted does not incre					
11/13 3:31PM chg 11/14 5:43PM	2,745 Ballots vanished as decrease in Uncounted of 27,304 exceeded the 24,304 increase in ballots counted.					
11/14 5:43PM chg 11/14 5:50PM	Pima corrects most of its reporting error made 7 minutes prior. Reduces Balance of Uncounted by 27,504.					
11/14 5:50PM chg 11/14 6:13PM	3,196 Ballots mysteriously found. Total Counted increased by 7,394 yet Uncounted decreased by 4,198. Other Pima errors.					
11/14 6:13PM to Official Canvass 12/6	After several category closing increasaes and decreases, 796 Ballots are not counted.					
						% of Balance of Uncounted that Vanished
# Pima Ballots that disappeared	**19,240**			**Initial Balance of Uncounted**	**114,203**	**16.85%**

Ballot Progress

Elections don't end on Election Day. It takes time to ensure all eligible votes are counted.

Here are estimates of the number of ballots that counties are still processing and tabulating. These are only estimates and are subject to change as the tabulation process continues.

If a field is left blank, the value either has not yet been reported or updated.

Last Updated	County	Ballots Already Tabulated [1]	Estimated number of early ballots left to process [2]	Estimated number of provisional ballots left to process [3]	Estimated number of ballots ready for tabulation [4]	Estimated total number of uncounted ballots [5]	Total Percentage Completed [6]
11/9/2022 18:39	Apache	19,180	8,500	780	–	–	–
11/10/2022 18:56	Cochise	38,968	8,084	228	400	8,662	81.81 %
11/10/2022 18:39	Coconino	43,752	10,311	1,000	920	12,231	78.15 %
11/10/2022 16:29	Gila	22,583	50	219	–	–	–
11/9/2022 15:10	Graham	10,901	16	102	–	–	–
11/10/2022 14:07	Greenlee	2,487	0	0	0	0	100.00 %
11/10/2022 16:28	La Paz	4,739	892	88	992	1,972	70.62 %
11/10/2022 23:03	Maricopa	1,215,718	29,000	7,885	317,000	353,885	77.45 %
11/9/2022 16:40	Mohave	71,954	10,600	800	–	–	–
11/10/2022 16:57	Navajo	34,486	4,000	443	1,000	5,443	86.37 %
11/10/2022 18:15	Pima	308,593	51,683	2,520	60,000	114,203	72.99 %
11/10/2022 19:03	Pinal	124,980	16,281	1,688	–	–	–
11/10/2022 21:18	Santa Cruz	13,155	200	132	–	–	–
11/10/2022 18:18	Yavapai	113,220	10,800	608	1,050	12,458	90.09 %
11/8/2022 23:22	Yuma	37,862	8,200	780	200	9,180	80.49 %
State Total		**2,062,578**	**158,567**	**17,273**	**381,562**	**518,034**	–

Ballot Progress

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11/9/2022 16:39	Apache	19,180	8,500	760	--	--	--
11/10/2022 16:56	Cochise	38,968	8,034	228	400	8,662	81.81 %
11/10/2022 16:39	Coconino	48,762	10,311	1,000	920	12,231	78.15 %
11/10/2022 16:29	Gila	22,683	50	219	--	--	--
11/9/2022 15:10	Graham	10,901	16	102	--	--	--
11/10/2022 14:07	Greenlee	2,487	0	0	0	0	100.00 %
11/10/2022 16:28	La Paz	4,739	892	68	992	1,972	70.62 %
11/10/2022 20:52	Maricopa	1,215,718	143,779	7,655	256,000	407,664	74.89 %
11/9/2022 16:40	Mohave	71,954	10,600	800	--	--	--
11/10/2022 16:57	Navajo	34,486	4,000	443	1,000	5,443	86.37 %
11/10/2022 16:16	Pima	306,693	51,683	2,620	60,000	114,203	72.99 %
11/10/2022 19:03	Pinal	124,980	16,281	1,668	--	--	--
11/10/2022 17:59	Santa Cruz	12,362	1,050	132	--	--	--
11/10/2022 16:18	Yavapai	113,220	10,800	608	1,050	12,458	90.09 %
11/8/2022 23:22	Yuma	37,862	8,200	760	200	9,160	80.49 %
State Total		**2,061,785**	**274,196**	**17,273**	**320,562**	**571,813**	--

Ballot Progress

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Last Updated	County	Ballots Already Tabulated [1]	Estimated number of early ballots left to process [2]	Estimated number of provisional ballots left to process [3]	Estimated number of ballots ready for tabulation [4]	Estimated total number of uncounted ballots [5]	Total Percentage Completed [6]
11/14/2022 17:30	Apache	20,380	3,599	757	3,701	8,057	71.67 %
11/14/2022 17:37	Cochise	48,180	3,099	228	999	4,326	90.69 %
11/13/2022 10:16	Coconino	54,412	114	1,000	457	1,571	97.19 %
11/11/2022 16:56	Gila	22,706	50	5	0	55	99.76 %
11/9/2022 15:10	Graham	10,901	16	102	--	--	--
11/10/2022 14:07	Greenlee	2,487	0	0	0	0	100.00 %
11/11/2022 17:47	La Paz	8,588	0	0	0	0	100.00 %
11/13/2022 16:24	Maricopa	1,474,943	8,400	7,885	78,000	94,285	93.99 %
11/11/2022 17:51	Mohave	82,046	500	800	--	--	--
11/11/2022 14:00	Navajo	35,365	4,000	443	0	4,443	88.64 %
11/14/2022 16:13	Pima	396,858	1,005	2,520	3,902	7,427	98.16 %
11/14/2022 16:57	Pinal	137,398	250	873	7,086	8,209	94.36 %
11/10/2022 21:18	Santa Cruz	13,155	200	132	--	--	--
11/12/2022 16:47	Yavapai	124,504	450	260	50	760	99.40 %
11/14/2022 17:31	Yuma	48,222	130	0	540	670	98.67 %
State Total		2,470,145	21,813	14,995	94,735	129,793	--

Ballot Progress

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Last Updated	County	Ballots Already Tabulated	Estimated number of early ballots left to process	Estimated number of provisional ballots left to process	Estimated number of ballots ready for tabulation	Estimated total number of uncounted ballots	Total Percentage Completed
11/9/2022 16:39	Apache	19,180	6,500	760	--	--	--
11/11/2022 12:27	Cochise	39,381	8,034	228	0	8,262	82.66 %
11/13/2022 10:16	Coconino	54,412	114	1,000	457	1,571	97.19 %
11/11/2022 16:56	Gila	22,706	50	5	0	55	99.76 %
11/9/2022 15:10	Graham	10,901	16	102	--	--	--
11/10/2022 14:07	Greenlee	2,487	0	0	0	0	100.00 %
11/11/2022 17:47	La Paz	5,588	0	0	0	0	100.00 %
11/12/2022 16:08	Maricopa	1,376,325	10,000	7,885	177,000	194,885	87.60 %
11/11/2022 17:51	Mohave	82,046	500	800	--	--	--
11/11/2022 14:00	Navajo	35,365	4,000	443	0	4,443	88.84 %
11/13/2022 16:03	Pima	365,160	3,280	2,520	35,604	41,404	89.82 %
11/13/2022 13:58	Pinal	129,035	12,226	1,668	--	--	--
11/10/2022 21:18	Santa Cruz	13,165	200	132	--	--	--
11/12/2022 16:47	Yavapai	124,604	460	250	50	760	99.40 %
11/11/2022 16:46	Yuma	45,848	553	328	276	1,156	97.54 %
State Total		2,326,093	47,923	16,159	213,387	252,525	--

Ballot Progress

Last Updated [illegible]

Elections don't end on Election Day. It takes time to ensure all eligible votes are counted.

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11/9/2022 18:39	Apache	19,180	8,500	780	–	–	–
11/11/2022 12:27	Cochise	39,381	8,034	228	0	8,262	82.66 %
11/13/2022 10:16	Coconino	54,412	114	1,000	457	1,571	97.19 %
11/11/2022 16:56	Gila	22,706	50	5	0	55	99.76 %
11/9/2022 15:10	Graham	10,901	16	102	–	–	–
11/10/2022 14:07	Greenlee	2,487	0	0	0	0	100.00 %
11/11/2022 17:47	La Paz	5,588	0	0	0	0	100.00 %
11/12/2022 18:08	Maricopa	1,376,325	10,000	7,885	177,000	194,885	87.60 %
11/11/2022 17:51	Mohave	82,046	500	800	–	–	–
11/11/2022 14:00	Navajo	35,365	4,000	443	0	4,443	88.84 %
11/13/2022 15:31	Pima	365,160	750	2,520	35,604	38,874	90.38 %
11/13/2022 13:58	Pinal	129,035	12,226	1,688	–	–	–
11/10/2022 21:18	Santa Cruz	13,155	200	132	–	–	–
11/12/2022 18:47	Yavapai	124,504	450	250	50	750	99.40 %
11/11/2022 16:46	Yuma	45,848	553	326	276	1,155	97.54 %
State Total		**2,326,093**	**45,393**	**16,159**	**213,387**	**249,995**	**--**

Ballot Progress

Last Updated On 11/13/2022 3:24:13 P

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11/11/2022 12:27	Cochise	39,381	8,034	228	0	8,262	82.66 %
11/13/2022 10:16	Coconino	54,412	114	1,000	457	1,571	97.19 %
11/11/2022 16:56	Gila	22,706	50	5	0	55	99.76 %
11/9/2022 15:10	Graham	10,901	16	102	–	–	–
11/10/2022 14:07	Greenlee	2,487	0	0	0	0	100.00 %
11/11/2022 17:47	La Paz	5,588	0	0	0	0	100.00 %
11/13/2022 18:24	Maricopa	1,474,943	8,400	7,885	78,000	94,285	93.99 %
11/11/2022 17:51	Mohave	82,046	500	800	–	–	–
11/11/2022 14:00	Navajo	35,365	4,000	443	0	4,443	88.84 %
11/13/2022 15:31	Pima	365,160	750	2,520	35,604	38,874	90.38 %
11/13/2022 17:16	Pinal	132,323	8,938	1,688	0	10,626	92.57 %
11/10/2022 21:18	Santa Cruz	13,155	200	132	–	–	–
11/12/2022 18:47	Yavapai	124,504	450	250	50	750	99.40 %
11/11/2022 16:46	Yuma	45,848	553	326	276	1,155	97.54 %
State Total		**2,427,999**	**40,505**	**16,159**	**114,387**	**160,021**	–

Ballot Progress

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11/9/2022 16:39	Apache	19,180	6,500	780	--	--	--
11/11/2022 12:27	Cochise	39,381	8,034	228	0	8,262	82.68 %
11/11/2022 16:23	Coconino	47,694	6,711	1,000	497	8,208	85.32 %
11/11/2022 16:56	Gila	22,706	50	5	0	55	99.76 %
11/9/2022 15:10	Graham	10,901	16	102	--	--	--
11/10/2022 14:07	Greenlee	2,487	0	0	0	0	100.00 %
11/11/2022 17:47	La Paz	8,688	0	0	0	0	100.00 %
11/11/2022 20:11	Maricopa	1,290,669	18,000	7,885	264,000	274,885	82.44 %
11/11/2022 17:51	Mohave	82,046	500	800	--	--	--
11/11/2022 14:00	Navajo	35,365	4,000	443	0	4,443	88.84 %
11/11/2022 16:33	Pima	333,230	9,125	2,520	59,760	71,406	82.35 %
11/10/2022 19:03	Pinal	124,980	15,281	1,668	--	--	--
11/10/2022 21:18	Santa Cruz	13,155	200	132	--	--	--
11/11/2022 19:06	Yavapai	128,907	1,200	608	175	1,983	98.42 %
11/11/2022 16:46	Yuma	45,848	559	328	276	1,163	97.54 %
State Total		2,196,567	88,171	16,517	314,708	370,397	--

Ballot Progress

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11/9/2022 16:39	Apache	19,180	8,500	780	--	--	--
11/11/2022 12:27	Cochise	39,381	8,034	226	0	8,262	82.66 %
11/12/2022 16:00	Coconino	52,167	114	1,000	2,702	3,816	93.18 %
11/11/2022 16:56	Gila	22,706	50	5	0	55	99.76 %
11/9/2022 15:10	Graham	10,901	16	102	--	--	--
11/10/2022 14:07	Greenlee	2,487	0	0	0	0	100.00 %
11/11/2022 17:47	La Paz	5,588	0	0	0	0	100.00 %
11/11/2022 20:11	Maricopa	1,290,569	13,000	7,885	264,000	274,885	82.44 %
11/11/2022 17:51	Mohave	82,046	500	500	--	--	--
11/11/2022 14:00	Navajo	35,365	4,000	443	0	4,443	88.84 %
11/12/2022 16:44	Pima	353,174	3,280	2,520	47,597	53,397	86.87 %
11/10/2022 19:03	Pinal	124,980	16,281	1,656	--	--	--
11/10/2022 21:18	Santa Cruz	13,155	200	132	--	--	--
11/11/2022 19:06	Yavapai	123,807	1,200	606	176	1,983	98.42 %
11/11/2022 16:48	Yuma	45,848	553	326	276	1,155	97.54 %
State Total		2,220,964	55,728	16,517	304,750	347,996	--

Ballot Progress

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11/9/2022 16:39	Apache	19,180	8,500	760	--	--	--
11/11/2022 12:27	Cochise	39,381	6,034	228	0	6,262	82.66 %
11/12/2022 16:00	Coconino	62,167	114	1,000	2,702	3,816	93.18 %
11/11/2022 15:56	Gila	22,706	50	5	0	55	99.76 %
11/9/2022 15:10	Graham	10,901	16	102	--	--	--
11/10/2022 14:07	Greenlee	2,487	0	0	0	0	100.00 %
11/11/2022 17:47	La Paz	5,588	0	0	0	0	100.00 %
11/12/2022 16:08	Maricopa	1,376,325	10,000	7,885	177,000	194,885	87.60 %
11/11/2022 17:51	Mohave	82,046	500	800	--	--	--
11/11/2022 14:00	Navajo	35,365	4,000	443	0	4,443	88.64 %
11/12/2022 16:44	Pima	353,174	3,280	2,520	47,597	53,397	86.67 %
11/10/2022 19:03	Pinal	124,980	16,281	1,688	--	--	--
11/10/2022 21:16	Santa Cruz	13,155	200	132	--	--	--
11/12/2022 16:47	Yavapai	124,604	450	250	50	750	99.40 %
11/11/2022 16:46	Yuma	46,648	559	328	276	1,163	97.64 %
State Total		2,907,807	51,978	16,159	227,625	268,763	--

Ballot Progress

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11/14/2022 17:30	Apache	20,380	3,699	757	3,701	8,057	71.67 %
11/14/2022 17:37	Cochise	43,160	3,099	228	999	4,326	90.89 %
11/13/2022 10:16	Coconino	54,412	114	1,000	457	1,571	97.19 %
11/11/2022 16:56	Gila	22,706	50	5	0	55	99.76 %
11/9/2022 15:10	Graham	10,901	16	102	--	--	--
11/10/2022 14:07	Greenlee	2,487	0	0	0	0	100.00 %
11/11/2022 17:47	La Paz	5,588	0	0	0	0	100.00 %
11/13/2022 16:24	Maricopa	1,474,943	8,400	7,885	78,000	94,285	93.99 %
11/11/2022 17:51	Mohave	82,046	500	800	--	--	--
11/11/2022 14:00	Navajo	35,365	4,000	443	0	4,443	88.84 %
11/14/2022 17:43	Pima	389,464	1,005	2,520	35,604	39,129	90.87 %
11/14/2022 16:57	Pinal	137,398	250	873	7,086	8,209	94.36 %
11/10/2022 21:18	Santa Cruz	13,155	200	132	--	--	--
11/12/2022 16:47	Yavapai	124,504	450	260	50	760	99.40 %
11/14/2022 17:31	Yuma	46,222	130	0	540	670	98.57 %
State Total		2,462,751	21,813	14,995	126,437	161,495	--

Ballot Progress

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11/14/2022 17:30	Apache	20,380	3,699	757	3,701	8,057	71.67 %
11/14/2022 17:37	Cochise	43,180	3,098	228	999	4,326	90.89 %
11/13/2022 10:16	Coconino	54,412	114	1,000	457	1,571	97.19 %
11/11/2022 16:56	Gila	22,706	50	5	0	55	99.76 %
11/9/2022 15:10	Graham	10,901	16	102	--	--	--
11/10/2022 14:07	Greenlee	2,487	0	0	0	0	100.00 %
11/11/2022 17:47	La Paz	5,686	0	0	0	0	100.00 %
11/13/2022 16:24	Maricopa	1,474,943	6,400	7,885	78,000	94,285	93.99 %
11/11/2022 17:51	Mohave	82,046	500	800	--	--	--
11/11/2022 14:00	Navajo	35,365	4,000	443	0	4,443	88.84 %
11/14/2022 17:50	Pima	389,464	1,005	2,520	8,300	11,825	97.05 %
11/14/2022 15:57	Pinal	137,398	250	873	7,086	8,209	94.35 %
11/10/2022 21:18	Santa Cruz	13,155	200	182	--	--	--
11/12/2022 16:47	Yavapai	124,604	450	260	50	760	99.40 %
11/14/2022 17:31	Yuma	46,222	130	0	540	670	98.57 %
State Total		2,462,751	21,813	14,995	99,139	134,191	--

Ballot Progress

Last Updated [illegible]

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11/9/2022 18:39	Apache	19,180	8,500	780	–	–	–
11/10/2022 18:56	Cochise	38,968	8,034	228	400	8,662	81.81 %
11/10/2022 18:39	Coconino	43,752	10,311	1,000	920	12,231	78.15 %
11/10/2022 16:29	Gila	22,583	50	219	–	–	–
11/9/2022 15:10	Graham	10,901	16	102	–	–	–
11/10/2022 14:07	Greenlee	2,487	0	0	0	0	100.00 %
11/10/2022 16:28	La Paz	4,739	892	68	992	1,972	70.62 %
11/10/2022 23:03	Maricopa	1,215,718	29,000	7,885	317,000	353,885	77.45 %
11/9/2022 16:40	Mohave	71,954	10,600	800	–	–	–
11/10/2022 16:57	Navajo	34,486	4,000	443	1,000	5,443	86.37 %
11/10/2022 18:15	Pima	308,593	51,683	2,520	60,000	114,203	72.99 %
11/10/2022 19:03	Pinal	124,980	16,281	1,688	–	–	–
11/10/2022 21:18	Santa Cruz	13,155	200	132	–	–	–
11/10/2022 18:18	Yavapai	113,220	10,800	608	1,050	12,458	90.09 %
11/8/2022 23:22	Yuma	37,862	8,200	780	200	9,180	80.49 %
State Total		**2,062,578**	**158,567**	**17,273**	**381,562**	**518,034**	–

Ballot Progress

Last Updated: 11/11/2022 5:03:58 PM

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11/11/2022 12:27	Cochise	39,381	8,034	228	0	8,262	82.66 %
11/11/2022 18:23	Coconino	47,694	6,711	1,000	497	8,208	85.32 %
11/11/2022 16:56	Gila	22,706	50	5	0	55	99.76 %
11/9/2022 15:10	Graham	10,901	16	102	–	–	–
11/10/2022 14:07	Greenlee	2,487	0	0	0	0	100.00 %
11/11/2022 17:47	La Paz	5,588	0	0	0	0	100.00 %
11/10/2022 23:03	Maricopa	1,215,718	29,000	7,885	317,000	353,885	77.45 %
11/11/2022 17:51	Mohave	82,046	500	800	–	–	–
11/11/2022 14:00	Navajo	35,365	4,000	443	0	4,443	88.84 %
11/11/2022 18:33	Pima	333,230	9,126	2,520	59,760	71,406	82.35 %
11/10/2022 19:03	Pinal	124,980	16,281	1,688	–	–	–
11/10/2022 21:18	Santa Cruz	13,155	200	132	–	–	–
11/10/2022 18:18	Yavapai	113,220	10,800	608	1,050	12,458	90.09 %
11/11/2022 16:46	Yuma	45,848	553	326	276	1,155	97.54 %
State Total		**2,111,499**	**93,771**	**16,517**	**378,583**	**459,872**	–

EXHIBIT D

EXHIBIT D

CURRICULUM VITAE

Michael Schafer, CEO
Compliance Testing, LLC
1724 S Nevada Way
Mesa, AZ 85204
602-770-9776 |
ms@compliancetesting.com

Michael Schafer ("Mr. Schafer") is a subject matter expert and eighteen-year veteran in the accreditation of laboratories to ISO17025. Mr. Schafer is President and Chief Executive Officer of a regulatory test lab with an ISO 17025 accreditation. The company also has and FCC and ISED-Canadian approved Telecommuicatinos Certification Body approved by both the FCC and ISED-Canada to certify the documentation required for a grant to sell the tested products in the US and Canada. The lab specializes in testing and certifying electronic devices and complex transmitters for the Federal Communications Commission and Department of Homeland Security.

Schafer's Services Include:

- Testing to Federal Communications, Industry Canada Standards and European Test Standards
- Emissions and Immunity Testing for FCC (Federal Communications Commission), & CE Mark and DHS Land Mobile Radio and communications infrastructure in the area of P25 interoperability testing, Performance Testing and ISSI-CSSI Testing
- FCC and ISED- (Canadian) Telecommunications Certification Body
- Creation of Certifiable FCC, ISED, P25, CE Test Reports
- Identification of appropriate Test Standards and international testing and certification directives for products to enter Global Markets and be approved for sale in multiple countries
- Custom and specialized testing and reporting requirements based on the Client's requirements
- Traffic Radar verification testing
- Submission for worldwide conformity and interface with government regulatory agencies

Mr. Schafer has maintained accreditation for his Test Lab for approximately eighteen years.
Mr. Schafer graduated Magna Cum Laude from the University of Pennsylvania, Wharton Business School, with a Bachelor of Business Administration in Management and Finance.

Mr Schafer previously owned and operated a software development company for the Real Estate Appraisal Industry.

Michael Schafer, CEO
Compliance Testing, LLC
1724 S Nevada Way
Mesa, AZ 85204
602-770-9776 | ms@compliancetesting.com

1. *Facts about test lab accreditation from compliance experts*

Michael Schafer, a subject matter expert (*see* CURRICULUM VITAE incorporated by reference) on the specific accreditation of testing laboratories by the EAC (Election Assitance Commission), on Labs; "Pro V&V", and "SLI Compliance", a Division of Gaming Laboratories International, LLC, was asked in 2020 to evaluate if these specific labs met the standards of accredited test labs.

Just Based upon the *Voting System Test Laboratory ("VSTL") Program requirements alone shown in the currently posted Manual, Version 2.0, section 3.6.1.*, Michael Schafer asserts that **the VSTL manual requires that the Chair of the EAC Commission must be the signer of the Lab's Accreditation Certificate.** In this instance, the Chair of the Commission was Thomas Hicks. Thomas Hicks did not sign the accreditation certificate. Mona Harington, Executive Director, signed it. (*See* Declaration in support of test lab accreditation by reference). I observed repetitions of modified Lab Accreditation Certificates that did not meet the VSTL requirements and in my opinion invalidate the Lab Accreditation Certificates. As a failure to have a valid Lab Accrediation Certificate, the Labs would not be able to certify and recertify as required by ARS 16-442B, the HAVA (Help America Vote Act) and the EAC's VSTL manual. I

Voting System Test Laboratory Program Manual, Version 2.0

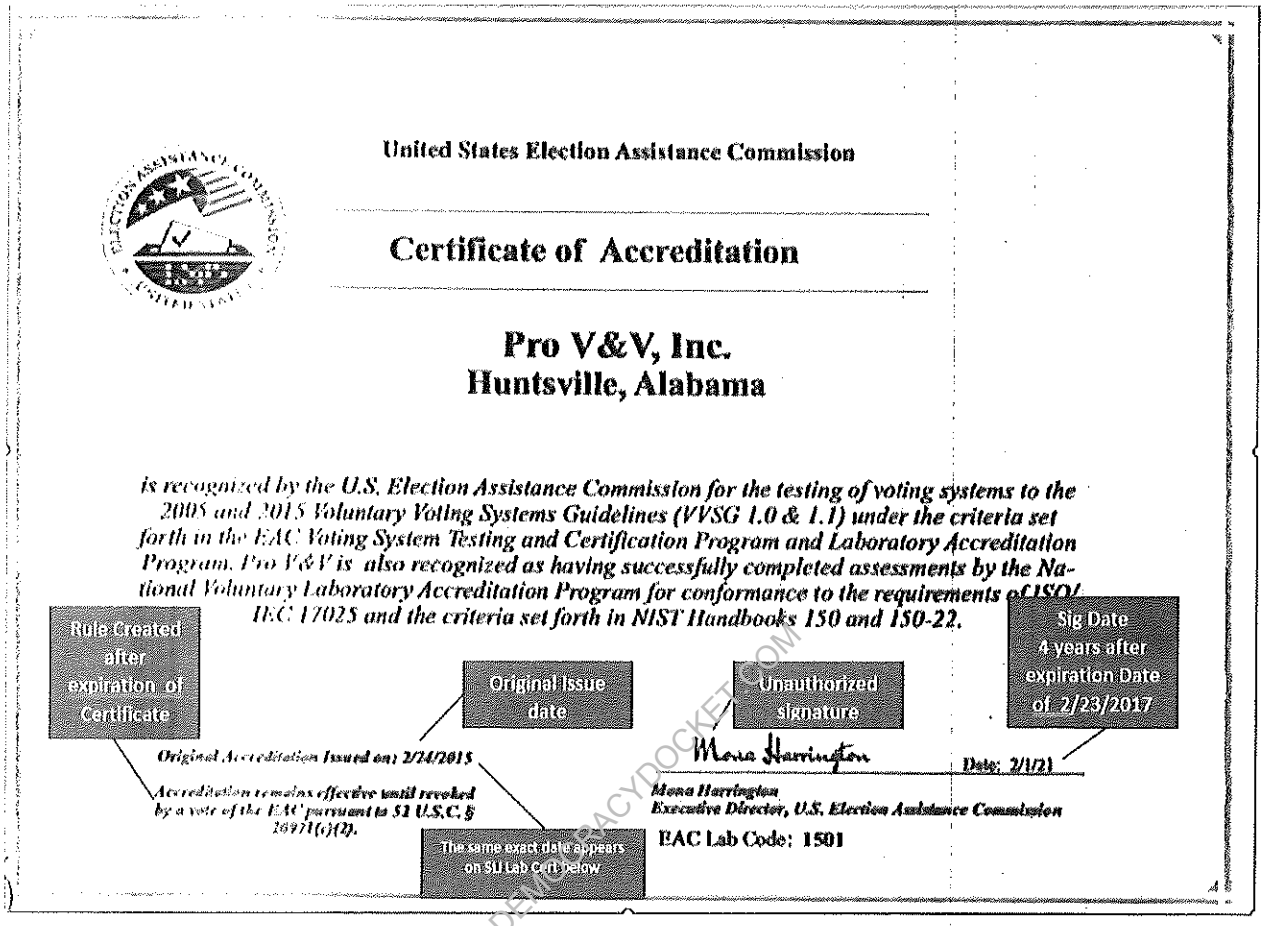
3.6.1. Certificate of Accreditation. A Certificate of Accreditation shall be issued to each laboratory accredited by vote of the Commissioners. The certificate shall be signed by the Chair of the Commission and state:

3.6.1.1. The name of the VSTL;

3.6.1.2. The scope of accreditation, by stating the Federal standard or standards to which the VSTL is competent to test;

3.6.1.3. The effective date of the certification, which shall not exceed a period of two (2) years; and

7



United States Election Assistance Commission

Certificate of Accreditation

Pro V&V, Inc.
Huntsville, Alabama

is recognized by the U.S. Election Assistance Commission for the testing of voting systems to the 2005 and 2015 Voluntary Voting Systems Guidelines (VVSG 1.0 & 1.1) under the criteria set forth in the EAC Voting System Testing and Certification Program and Laboratory Accreditation Program. Pro V&V is also recognized as having successfully completed assessments by the National Voluntary Laboratory Accreditation Program for conformance to the requirements of ISO/IEC 17025 and the criteria set forth in NIST Handbooks 150 and 150-22.

Rule Created after expiration of Certificate

Original Issue date

Unauthorized signature

Sig Date 4 years after expiration Date of 2/23/2017

Original Accreditation Issued on: 2/24/2015

Accreditation remains effective until revoked by a vote of the EAC pursuant to 52 U.S.C. § 20971(c)(2).

Mona Harrington Date: 2/1/21

Mona Harrington
Executive Director, U.S. Election Assistance Commission

The same exact date appears on SLI Lab cert below

EAC Lab Code: 1501

See my Exhibit 2 for more examples of departure from the

EAC VSTL Manual

In addition, the EAC VSTL manual requires recertification of voting machines (systems) in their entirety when Software Changes or Hardware changes are made.

Voting System Test Laboratory Program Manual, Version 2.0

within 30 days of the initial TER, or testing of the system will be halted and the EAC notified that the system is not ready for testing.

- **Preliminary Source Code Review: The VSTL shall conduct a preliminary review of no less than 1% of the total lines of code (LOC) of every software package, module or product submitted for testing in order to ensure that the code is mature and does not contain any systematic non-conformities.**
- **Mark Reading:** The system shall be able to read a fully filled mark if it is an optical scan system.

subject to change over time, for the purposes of this prohibition a voting system shall be considered altered to the degree that it is a different system when:

2.5.2.1.2.1. A period of at least three years has passed since the VSTL or employee was involved in the system's development;

2.5.2.1.2.2. The system has been subject to both software and hardware modification since the VSTL or employee was involved in the system's

Via PP7 in the VSTL Manual Definitions

Voting System. The total combination of mechanical, electromechanical, and electronic equipment (including the software, firmware, and documentation required to program, control, and support the equipment) that is used to define ballots, cast and count votes, report or display election results, interface the voting system to the voter registration system, and maintain and produce any audit trail information.

HAVA Act States in Section 202 Duties

116 STAT. 1674 PUBLIC LAW 107–252—OCT. 29, 2002

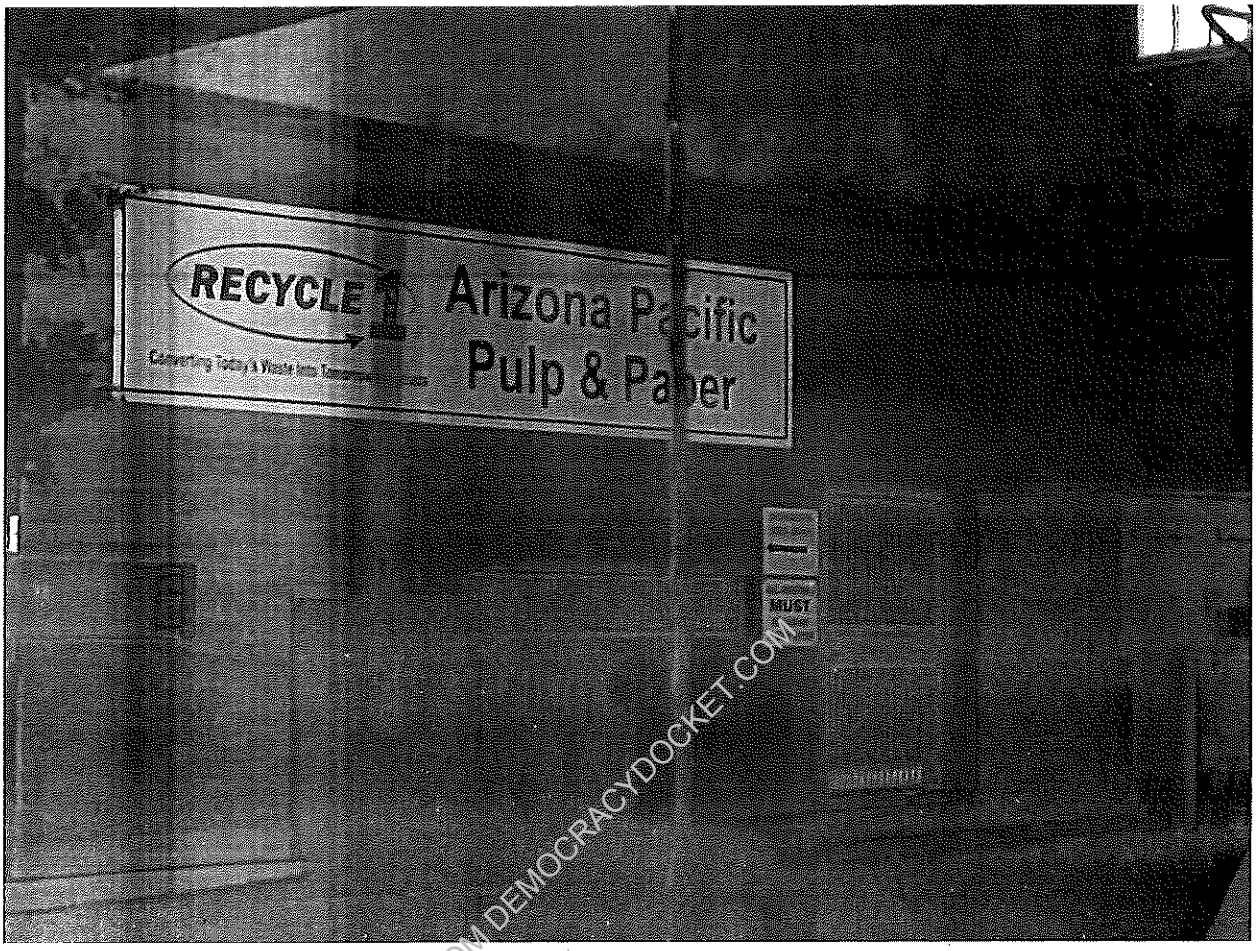
(2) carrying out the duties described in subtitle B (relating to the testing, certification, decertification, and recertification of voting system hardware and software);

THEREFORE, I, Michael Schafer in my opinion believe that not only are the two test labs Pro V&V and SLI Compliance **not accredited test labs** to the compliance standard set out by the EAC's *VSTL, section 3.6.1 and Section 202 of the HAVA Act; but the current Voting Systems used in the past elections have not ever been fully Certified or Recertified to follow Arizona and Federal law.*

In addition I had concerns being a Poll Marshall at both the Primary Election and the MidTerm election at the Via Linda Voting Center. In the recent Mid Term election I observed the night before the election we ran sample ballots through the machines successfully. However the next morning and most the day the machines were

repeatedly rejecting ballots at a very high rate, maybe 50-75% of the time. Then our instructions were to have the voters place their ballots in door 3. As an SME in testing, it was very unusual that the ballots the night before had no problems but our voting center and many others had significant problems which changed the pre set voting process. My conclusions regarding the rejections was that either different paper was used from the test paper to the actual paper or that something was changed the day of the elections to cause the problem. I observed a wireless router as part of the voting equipment that could have been used to access the machines and "flip a switch" or they could have been preprogrammed to do something that intitated the problem. I have not opened the devices to see if their were cell cards in the systems where they could have been controlled remotely.

Lastly, I took it upon myself to visit the Runbeck Ballot Printing facility a couple of evenings following the elections. I had been told that for some reason ballots go to Runbeck as part of the process for the voting, which may violate the Chain of Custody requirements of the Arizona Voting Procedures Manual. I saw the following business right next to Runbeck's Ballot Printing Facility. It is a paper recycling plant. It caused me to have a most frightening thought about the possibility of ballots could have been shredded at the paper recysing facility and then replacement ballots could have been reprinted and then transported to the counting center MCTEK.



2. *Conclusion*

My conclusion from the above findings would cause the votes in these elections to not follow multiple laws and processes needed to have a fair and equal elections. and therefore my opinion would the ballots would be considered illegal ballots and in violation of ARS 16-442B, the EAC VSTL manual, the HAVA Act and the Arizona Constitution Article 7 Section 7 and the Arizona Voting Procedures Manual.

Michael Schafer, a subject matter expert on accredited test labs, determined that both EAC's test laboratories are not accredited test labs due to a Non-Binding Signature and other items identified herein. The signature must be signed by Chair of the Commission according to the compliance standard outlined in the EAC's *VSTL, section 3.6.1.*

Respectfully Submitted,

By ____
Michael Schafer
President, Chief Executive Officer
Compliance Testing LLC

DECLARATION REGARDING TEST LAB ACCREDITATION FAILURE

I, Michael Schafer, alleging himself to be conscientiously scrupulous of taking an oath, being solemnly affirmed according to law, on his affirmation, says the following.

I am a subject matter expert in the accreditation of Laboratories to ISO17025, the same preliminary accreditation the Voting Machine Labs hold as a prerequisite to having an EAC (Election Assistance Commission) as a Voting System Test Lab (VSTL).

1.0 EXAMINATION QUESTION TO BE ANSWERED:

1.1 Shortly after the 2020 election, I was asked to compare the accreditation of the test laboratories of Pro V&V and SLI Compliance, a Division of Gaming Laboratories International, LLC.

2.0 Methodology - Accepted Methodology:

2.1 A process of analysis, comparison, evaluation, and verification is conducted between the known requirements, standards and questioned Certification documents. In efforts to compel an industry standard for expressing opinions based on the expert's conclusions, a statement will be expressed consistent with the terminology and level of reasonable certainty based on the expert's experience in this field.

3.0 Range of Variation:

3.1 Accreditation of laboratories Pro V&V and SLI Compliance, a Division of Gaming Laboratories International, LLC, were provided and contemporaneous to the accreditation standards raised in the Voting System Test Laboratory Accreditation Program Manual. adherence to the program's procedural requirements is mandatory for

participants. The procedural requirements of this Manual will supersede any prior laboratory accreditation requirements issued by the EAC"[1] or any later modifications prior to the requirements of the time they occurred.

4.0 Governing Provisions of Accreditation:

A. Legal Standard

4.1. *Ariz. Rev. Stat.* § 16-442 B. "Machines or devices used at any election for federal, state or county offices may only be certified for use in this state and may only be used in this state if they comply with the Help America Vote Act of 2002, and if those machines or devices have been tested and approved by a laboratory that is accredited pursuant to the Help America Vote Act of 2002 ("HAVA").

4.2. *52 U.S. Code* § 20921 – ESTABLISHMENT "There is hereby established as an independent entity the Election Assistance Commission."

4.3. *52 U.S. Code*§ 20962 - Process for Adoption.

4.4. *52 U.S. Code* § 20922 - DUTIES to include Information relating to the testing, certification, decertification, and recertification of voting system hardware and software and further establishes the requirement of NIST's VVSG 2.0.

NIST National Institute of Standards and Technology U.S. Department of Commerce

Purpose

The VVSG will be used by voting system manufacturers and voting system test labs. Manufacturers will refer to the requirements in the VVSG when they design and build new voting systems; the requirements will inform them in how voting systems should perform or be used in certain types of elections and voting environments. Test labs will refer to the VVSG when they develop test plans for verifying whether the voting systems have indeed satisfied the requirements. The VVSG, therefore, serves as a very important, foundational tool for ensuring that the voting systems used in U.S. elections will be secure, reliable, and easier for all voters to use accurately.

4.5 In order to meet its statutory requirements under HAVA §15371(b), the EAC has developed the EAC's Voting System Test Laboratory Accreditation Program. The procedural requirements of the program are established in the proposed information collection, the EAC **Voting System Test Laboratory Accreditation Program Manual** ("VSTL")[2] , which establishes a framework of requirements under the EAC Voting System Certification Program.

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[1] *See:* https://www.eac.gov/voting-equipment/voting-system-test-laboratories-vstl

[2] *See: https://www.eac.gov/sites/default/files/eac_assets/1/28/VSTLManual%207%208%2015%20FINAL.pdf*

4.6. Pursuant to VSTL section 3.6.1., Certificate of Accreditation. "A Certificate of Accreditation shall be issued to each laboratory accredited by vote of the Commissioners. The certificate shall be signed by the Chair of the Commission…" [3]

3.6.1 Certificate of Accreditation. A Certificate of Accreditation will be issued to each accredited laboratory. **The certificate will be signed by the Chair of the** Commission and state:

5.0 Observations and Evaluations:

A. Observations

5.1 Pro V&V

Lab Accreditation was Signed by Mona Harrington Date 2/1/21, Executive Director U.S. Election Assistance Commission. [4] this is also four years after the expiration of the Lab's Certificate of Accrediation.

Mona Harrington Date: 2/1/21

Mona Harrington
Executive Director, U.S. Election Assistance Commission

EAC Lab Code: **1501**

THE ABOVE SHOWS THAT THE CHAIR OF THE COMMISION DID NOT SIGN AS REQUIRED BY VSTL SECTION 3.6.1.

Voting System Test Laboratory Program Manual, Version 2.0

3.6.1. Certificate of Accreditation. A Certificate of Accreditation shall be issued to each laboratory accredited by vote of the Commissioners. The certificate shall be signed by the Chair of the Commission and state:

I observed similar issues on the SLI Compliance Lab's Cerificaiton of Accreditation Certificates.

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[3] *See:* https://www.eac.gov/vvsg-20

[4] *See:* https://www.eac.gov/sites/default/files/voting_system_test_lab/files/Pro%20V%26V%20Accreditation%20Certificate.pdf

Mona Harrington Date: 2/1/21

Mona Harrington
Executive Director, U.S. Election Assistance Commission

EAC Lab Code: **0701**

THE ABOVE SHOWS THAT THE CHAIR OF THE COMMISION DID NOT SIGN AS REQUIRED BY VSTL SECTION 3.6.1.

Voting System Test Laboratory Program Manual, Version 2.0

3.6.1. Certificate of Accreditation. A Certificate of Accreditation shall be issued to each laboratory accredited by vote of the Commissioners. The certificate shall be signed by the Chair of the Commission and state:

B. Evaluations

5.3. According to 3.6.1. of the Voting System Test Laboratory Program Manuel Version 2.0 the current issue on the web site, states the certificate "shall be signed by the Chair of the Commission."

There fore this is a Non-Binding Signature.

The signature must be signed by Chair of the Commission Thomas Hicks VSTL Manuel 2.0 § 3.6.1.[5]

In this instance, the Chair of the Commission was Thomas Hicks who did not sign as required and the person who signed the certificates was Mona Harrington, Executive Director (not the Chair).

It was also observed that **there were additional issues and concerns on the EAC Lab Accreditation documentation**, but the lack of a proper signature is sufficient evidence to prove the Lab's lack of accreditation.

https://rumble.com/v1pkgmb-the-voting-machines-cannot-be-used.html

[5] *See:* https://www.eac.gov/about-eac/commissioner-thomas-hicks

6.0 Conclusion

Based on the foregoing governing authorities, the accreditation certificate was not signed pursuant to applicable authority and is therefore null and void and would require a hand count of the ballots.

THEREFORE, in my expert opinion, the November 8, 2022, election results can *NOT* be certified via a machine count, because as shown herein above, the Certificate did not comply with the standards set forth in the EAC Manual and therefore, the lack of certification of the voting machines fails to comply with the EAC VSTL requirements, HAVA, and A.R.S. § 16-442(B) thereby also violating the ARS Constitution Article 7 Section 7. (Only Legal Ballots may be counted). Machine counted votes would not be legal ballots.

I declare under penalty of perjury of the laws of the State of Arizona that the foregoing is true and correct.

Michael Schafer, President , CEO Compliance Testing, LLC

The following Lab Certificates of Accreditation have a variety of Issues and are addressed more fully in the Steiner video Rumble video @ mcsaz42 / and copies I have had, its possible with a 2017 Expiration the Lab's may not have been accredited for the 2018 election. The machines also appear not to have been recertified with firmware changes, and printers added for the 2022 elections The Lab Certificate of Accreditations show multiple document changes, unauthorized signers (per VSTL §3.6.1), swapped dates between Labs, retroactive rule changes that conflict with the VSTL manual 2.0 §3.6.1 have been added post expiration dates of the Labs Certificate of Accreditation , extended expiration dates beyond the VSTL rules, and Date changes on the same signature date

Exhibit 2

United States Election Assistance Commission

Certificate of Accreditation

Pro V&V, Inc.
Huntsville, Alabama

is recognized by the U.S. Election Assistance Commission for the testing of voting systems to the 2005 Voluntary Voting Systems Guidelines under the criteria set forth in the EAC Voting System Testing and Certification Program and Laboratory Accreditation Program. Pro V&V is also recognized as having successfully completed assessments by the National Voluntary Laboratory Accreditation Program for conformance to the requirements of ISO/IEC 17025 and the criteria set forth in NIST Handbooks 150 and 150-22.

2 year Expiration date

Effective Through

February 24, 2017

No name of signer

Unauthorized signer per VSTL

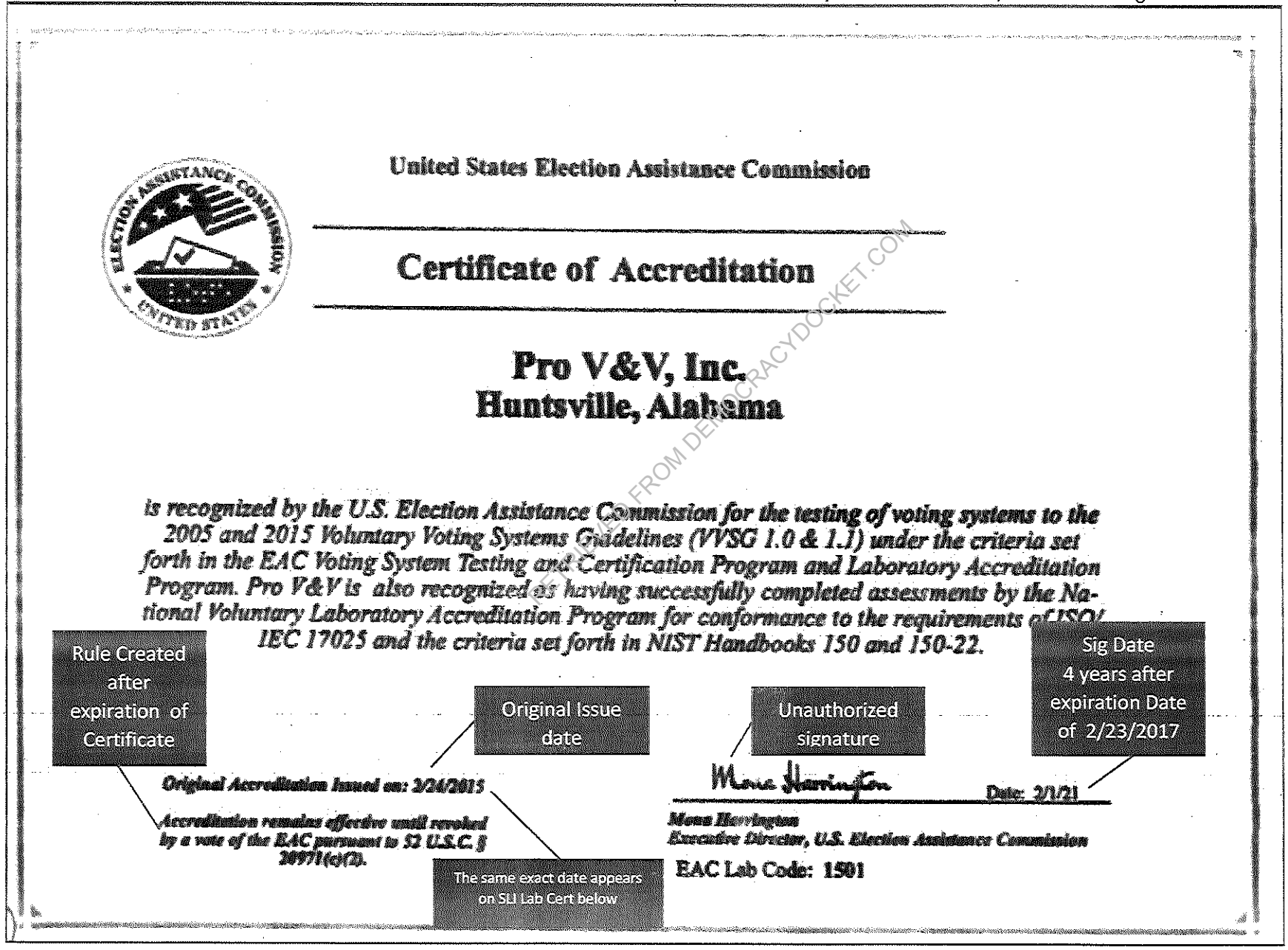
Original Issue date

Date: 2/24/15

Acting Executive Director, U.S. Election Assistance Commission

EAC Lab Code: **1501**

The following Lab Certificates of Accreditation have a variety of Issues and are addressed more fully in the Steiner video Rumble video @ mcsaz42 / and copies I have had, its possible with a 2017 Expiration the Lab's may not have been accredited for the 2018 election. The machines also appear not to have been recertified with firmware changes, and printers added for the 2022 elections The Lab Certificate of Accreditations show multiple document changes, unauthorized signers (per VSTL §3.6.1), swapped dates between Labs, retroactive rule changes that conflict with the VSTL manual 2.0 §3.6.1 have been added post expiration dates of the Labs Certificate of Accreditation , extended expiration dates beyond the VSTL rules, and Date changes on the same signature date



United States Election Assistance Commission

Certificate of Accreditation

Pro V&V, Inc.
Huntsville, Alabama

is recognized by the U.S. Election Assistance Commission for the testing of voting systems to the 2005 and 2015 Voluntary Voting Systems Guidelines (VVSG 1.0 & 1.1) under the criteria set forth in the EAC Voting System Testing and Certification Program and Laboratory Accreditation Program. Pro V&V is also recognized as having successfully completed assessments by the National Voluntary Laboratory Accreditation Program for conformance to the requirements of ISO/IEC 17025 and the criteria set forth in NIST Handbooks 150 and 150-22.

Rule Created after expiration of Certificate

Original Issue date

Unauthorized signature

Sig Date 4 years after expiration Date of 2/23/2017

Original Accreditation Issued on: 2/24/2015

Accreditation remains effective until revoked by a vote of the EAC pursuant to 52 U.S.C. § 20971(c)(2).

Maria Harrington

Date: 2/1/21

Maria Harrington
Executive Director, U.S. Election Assistance Commission

EAC Lab Code: 1501

The same exact date appears on SLI Lab Cert below

The following Lab Certificates of Accreditation have a variety of Issues and are addressed more fully in the Steiner video Rumble video @ mcsaz42 / and copies I have had, its possible with a 2017 Expiration the Lab's may not have been accredited for the 2018 election. The machines also appear not to have been recertified with firmware changes, and printers added for the 2022 elections The Lab Certificate of Accreditations show multiple document changes, unauthorized signers (per VSTL §3.6.1), swapped dates between Labs, retroactive rule changes that conflict with the VSTL manual 2.0 §3.6.1 have been added post expiration dates of the Labs Certificate of Accreditation , extended expiration dates beyond the VSTL rules, and Date changes on the same signature date

This is the same Cert SOS put in her proof that the Lab's were certified for Cochise

United States Election Assistance Commission

Certificate of Accreditation

SLI Compliance,
Division of Gaming Laboratories International, LLC
Wheat Ridge, Colorado

is recognized by the U.S. Election Assistance Commission for the testing of voting systems to the 2002 Voting Systems Standards, the Voluntary Voting Systems Guidelines versions 1.0 and 1.1 under the criteria set forth in the EAC Voting System Testing and Certification Program and Laboratory Accreditation Program. SLI Compliance is also recognized as having successfully completed assessments by the National Voluntary Laboratory Accreditation Program for conformance to the requirements of ISO/IEC 17025 and the criteria set forth in NIST Handbooks [illegible] and 150-22.

Date exceeds 2 year limit by 1 year VSTL 3.6.1

Unauthorized signer

Effective Through

January 10, 2021

Date: 1/10/18

Brian Newby,
Executive Director, U.S. Election Assistance Commission

EAC Lab Code: 0701

The following Lab Certificates of Accreditation have a variety of Issues and are addressed more fully in the Steiner video Rumble video @ mcsaz42 / and copies I have had, its possible with a 2017 Expiration the Lab's may not have been accredited for the 2018 election. The machines also appear not to have been recertified with firmware changes, and printers added for the 2022 elections The Lab Certificate of Accreditations show multiple document changes, unauthorized signers (per VSTL §3.6.1), swapped dates between Labs, retroactive rule changes that conflict with the VSTL manual 2.0 §3.6.1 have been added post expiration dates of the Labs Certificate of Accreditation , extended expiration dates beyond the VSTL rules, and Date changes on the same signature date

United States Election Assistance Commission

Certificate of Accreditation

SLI Compliance
Division of Gaming Laboratories International, LLC
Wheat Ridge, Colorado

is recognized by the U.S. Election Assistance Commission for the testing of voting systems to the 2005 and 2015 Voluntary Voting Systems Guidelines (VVSG 1.0 & 1.1) under the criteria set forth in the EAC Voting System Testing and Certification Program and Laboratory Accreditation Program. SLI Compliance is also recognized as having successfully completed assessments by the National Voluntary Laboratory Accreditation Program for conformance to the requirements of ISO/IEC 17025 and the criteria set forth in NIST Handbooks 150 and 150-22.

USC does not allow for a blanket continuation of a contract retroactively or invalidate the 2 year expiration rule of VSTL

Unauthorized Signer, not Chairman

Sig Date 12 years after expiration Date of 2/27/2009

Original Accreditation Issued on: 2/28/2007

Accreditation remains effective until revoked by a vote of the EAC pursuant to 52 U.S.C. § 20971(c)(2).

Mona Harrington Date: 2/1/21

Mona Harrington
Executive Director, U.S. Election Assistance Commission

EAC Lab Code: 0701

The following Lab Certificates of Accreditation have a variety of Issues and are addressed more fully in the Steiner video Rumble video @ mcsaz42 / and copies I have had, its possible with a 2017 Expiration the Lab's may not have been accredited for the 2018 election. The machines also appear not to have been recertified with firmware changes, and printers added for the 2022 elections The Lab Certificate of Accreditations show multiple document changes, unauthorized signers (per VSTL §3.6.1), swapped dates between Labs, retroactive rule changes that conflict with the VSTL manual 2.0 §3.6.1 have been added post expiration dates of the Labs Certificate of Accreditation , extended expiration dates beyond the VSTL rules, and Date changes on the same signature date

Another duplicate SLI Compliance

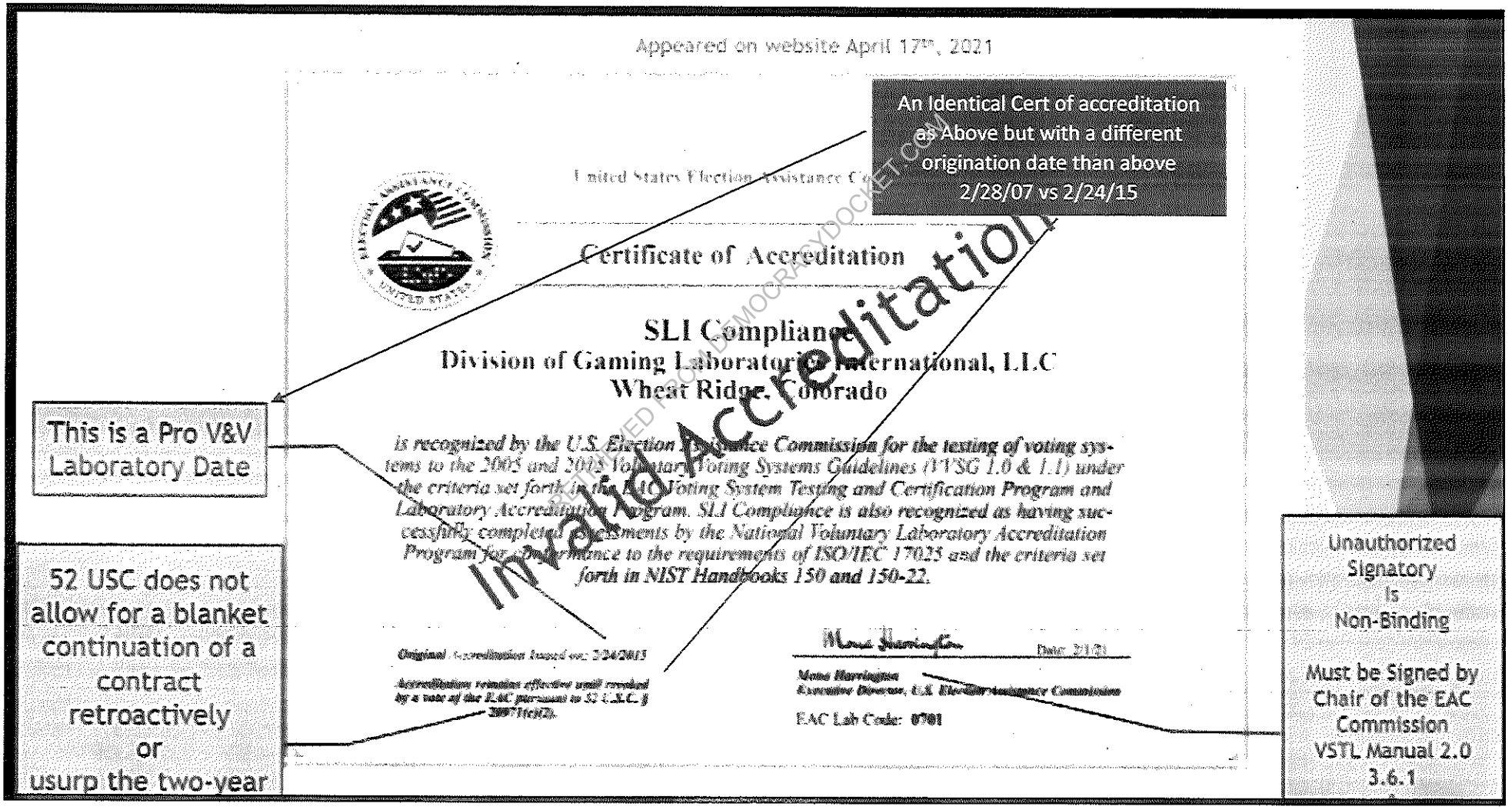


EXHIBIT E

EXHIBIT E

Hobbs v. Crosby - Improper Removal [CB-MAINDOCS.FID316510]

You replied on Wed 12/7/2022 11:32 AM
You replied on Wed 12/7/2022 11:32 AM

[redacted]

Andy Gaona <agaona@cblawyers.com>

To: dan mlo-az.com
Cc: bo@statesuniteddemocracy.org;
Diana Hanson <dhanson@cblawyers.com>

Thu 12/1/2022 4:46 PM

Mr. McCauley:

I've just received a host of documents from the U.S. District Court related to your attempted removal of *Hobbs v. Crosby* to federal court. I've also received the various deficiency notices related to those documents, all of which would require you to re-file those documents. Please be advised that if you proceed with re-filing those documents and thus require the Secretary to enter an appearance and respond, the Secretary will seek sanctions against you and your clients under Rule 11, Fed. R. Civ. P., and 28 U.S.C. § 1927. Not only does the Secretary's mandamus action against your clients seeking their compliance with state law plainly not arise under federal law, but it is also now moot because Supervisors English and Judd just certified the canvass of the 2022 general election.

Regards,

Andy Gaona

EXHIBIT F

EXHIBIT F

To: Kelly Ward, Mickie Niland, Gina Swoboda, Alex Kolodin, and various 2022 AZ Republican Candidates

From: Mark Sonnenklar

Re: Maricopa County Roving Attorney Observations -- November 8, 2022 General Election

Date: November 15, 2022

I. Introduction

On November 8, 2022, I was a roving attorney on behalf of the Republican National Committee's Election Integrity program in Arizona. In that capacity, I visited ten different vote centers in Maricopa County (the "**County**").

In addition, after the election, I surveyed all of the other 16 roving attorneys in the RNC's Maricopa County Election Integrity program to find out about their respective experiences on election day. Ten of those roving attorneys responded to my survey.

This report summarizes what I and the other roving attorneys who responded to my survey witnessed on election day.

II. Executive Summary

I was an Observer at ten vote centers on election day. The other ten roving attorneys that responded to my requests for information about their election day experiences observed at a total of 105 additional vote centers. Thus, together, 11 of the total 17 roving attorneys in the County observed at a total of 115 vote centers out of a total of 223 vote centers in the County (51.56% of the total vote centers in the County).

Finding #1: Collectively, I and the other ten roving attorneys reported that 72 of the 115 vote centers (62.61%) we visited had material problems with the tabulators not being able to tabulate ballots, causing voters to either deposit their ballots into box 3, spoil their ballots and re-vote, or **get frustrated and leave the vote center without voting.** In many vote centers, the tabulators rejected the initial insertion of a ballot almost 100% of the time, although the tabulators might still accept that ballot on the second, third, fourth, fifth, or sixth attempt to insert the ballot. However, many ballots were not able to be tabulated by the tabulators at all, no matter how many times the voter inserted the ballot. The percentage of ballots that were not able to be read at all by the tabulators ranged from 5% to 85% at any given time on election day, with the average being somewhere between 25% and 40% failure rates. In many cases, the printer/tabulator issues persisted from the beginning of election day until the end of election day.

The strong consensus regarding why the tabulators would not read certain ballots was that those ballots, in particular the bar codes on the side of the paper, were not printing dark enough for the tabulators to read them.

These findings directly contradict the statements of County election officials that (1) printer/tabulator issues were limited to only 70 of the 223 vote centers, (2) the printer/tabulator problems were resolved as of 3:00 p.m., and (3) the printer/tabulator issues were insignificant in the entire scheme of the election.

Finding #2: Collectively, I and the other ten roving attorneys also reported that voters had to wait in significant lines at 59 of the 115 vote centers we visited (51.30%). In many cases, voters had to wait 1-2 hours before they received a ballot for voting. **It is certainly safe to assume**

that many voters refused to wait in such lines, left the vote center, and did not return to vote later. A survey of the electorate could easily confirm such an assumption.

Conclusion: It seems very clear that the printer/tabulator failures on election day at 62.61% of the vote centers observed by 11 roving attorneys, and the resulting long lines at a majority of all vote centers, led to substantial voter suppression. Moreover, because Republican voters significantly outnumbered Democrat voters in the County on election day, such voter suppression would necessarily impact the vote tallies for Republican candidates much more than the vote tallies for Democrat candidates.

Section III below is a summary of what I personally witnessed or was reported to me by the Republican Observers and Inspectors at each vote center that I visited. Section IV below contains the summary reports of all of the other Republican roving attorneys in Maricopa County who responded to my request for information about their experiences. Exhibit A to this report contains a comprehensive report prepared by roving attorney Tabatha Lavole regarding her experiences at each of the nine vote centers where she was an observer. Exhibit B to this report contains the reports of various poll workers and voters who corresponded with me after election day. Exhibit C to this report contains my report from my experience as a roving attorney during the primary election on August 2, 2022, which noted ubiquitous issues with the tabulators and printers that day as well.

III. Vote Centers

I observed at the following vote centers on election day:

Fountain Hills Town Hall, 13001 N. La Montana Drive, Fountain Hills
Copper Canyon School, 17650 N. 54th Street, Scottsdale
North Scottsdale United Methodist Church, 11735 N. Scottsdale Road, Scottsdale
Oasis Community Church, 15014 N. 56th Street, Scottsdale
Scottsdale Worship Center, 6508 E. Cactus Road, Scottsdale
Venue 8600, 8600 E. Anderson Drive, Scottsdale
Mountain View Park Community Center, 8625 E. Mountain View Road, Scottsdale
Second Church of Christ Scientist, 10180 N. Hayden Road, Scottsdale
Via Linda Senior Center, 10440 E. Via Linda Drive, Scottsdale
Islamic Center, 12125 E. Via Linda, Scottsdale
Horizon Community Center, 15444 N. 100th Street, Scottsdale

After arriving at each vote center, I showed my credentials to the polling inspector and then requested to speak with the Republican Observer. The Republican Observer and I stepped outside of the vote center, and I asked the Republican Observer if he/she had witnessed any irregularities or problems. I took notes during these conversations.

After speaking with the Republican Observer at a vote center, I proceeded to speak with the polling inspector of that vote center. I asked each inspector how things were going, whether they had experienced any problems, and whether they had seen any the problems. I also took notes during these conversations.

Below is a summary of the notes I took on election day at the above-listed ten vote centers:

Fountain Hills Community Center

Arrival time: 10:15 a.m.

Observer: Tom Mulleady (703) 408-3001

Inspector: Yvonne Davis (480) 363-5929

Printer/tabulator problems: The Observer told me that he believed the tabulators were not tabulating approximately 50% of the ballots. The inspector told me that, (1) the tabulators were not working well, (2) she called the County for help with the tabulators, (3) the County sent a troubleshooter who cleaned "the machines", (4) the troubleshooter's efforts helped a little bit, but the tabulators were still not tabulating a large portion of the ballots.

I decided to perform my own analysis of tabulator BT 0432. I observed forty voters attempt to insert their ballots into the two tabulators. Approximately 90% of those voters had to insert their ballots multiple times to get the tabulator to read their ballots. Ten of the forty voters (25%) were unable to get the tabulator to read their ballots at all after multiple attempts and either chose to place the ballot in box 3 or spoil the ballot and fill out another ballot. Many voters were extremely frustrated when the tabulator did not work. Some expressed concern about whether their ballot would in fact be counted if they placed it in box 3; others who chose to fill out another ballot were frustrated because they had waited for over an hour in line already and now were being asked to fill out another very long ballot without knowing whether the tabulator would be able to read it. I witnessed several voters spoil two ballots.

Line: I was in this vote center for over an hour. There were more than 150 people in line to vote for the entire time I was there. The inspector told me that there had been a line out the door since she opened the vote center at 5:45 a.m.

Other Observations: The inspector told me that the Fountain Hills Community Center had ensured her that the vote center would be located in a large ballroom room; however, she was instead given a small room that could not accommodate the overwhelming number of voters that day.

As I was leaving the vote center, a voter (Phil Carr 480-231-4823) told me that he spoiled two ballots and that the tabulator finally was able to read his third ballot.

Mountain View Park Community Center

Arrival time: 11:45 a.m.

Observer: George Sutherland (480) 694-3935

Inspector: Unfortunately, I did not get the contact information for the female Inspector.

Printer/tabulator problems: I began by performing my own analysis of tabulators BT 0365 and BT 0426. I observed 47 voters attempt to insert their ballots into the two tabulators. Again, almost all of those voters had to insert their ballots multiple times to get the tabulator to read their ballots. Ten of the 43 voters (21%) were unable to get the tabulator to read their ballots at all after multiple attempts. The rejected voters generally reacted in the same way that they reacted at all of the vote centers where the tabulators were not reading the ballots. See Fountain Hills Community Center above. Soon after my survey of the tabulators, I witnessed the Inspector remove all of the misread ballots from Box 3 of both tabulators and place them in a black bag. I asked her how many ballots she estimated she had removed in the aggregate from both Box 3s, and she told me she thought there were 175 ballots in the two Box 3s (and this was around noon). I asked her if she knew why the tabulators were rejecting the ballots,

and she told me that "the printers are not printing dark enough for the tabulators to read the ballots." She then took out all of the misread ballots from the black bag and showed me that they all contained bar codes on the side that were partially grey and partially black, instead of all black.

Line: The line at this vote center was small.

Other Observations: None.

Islamic Center

Arrival time: 12:30 p.m.

Observer: Carrie Cox, golfngal56@cox.net, (815) 685-3850

Inspector: Pinny

Printer/tabulator problems: I performed my own analysis of the two tabulators. I observed 52 voters attempt to insert their ballots into the two tabulators. Again, close to 100% of those voters had to insert their ballots multiple times to get the tabulator to read their ballots. 20 of the 52 voters (38%) were unable to get the tabulator to read their ballots after multiple attempts. The rejected voters generally reacted in the same way that they reacted at all of the vote centers where the tabulators were not reading the ballots. See Fountain Hills Community Center above.

The Republican Observer informed me that a troubleshooter had replaced the toner cartridges on at least one of the printers before I had arrived, which had improved the functioning of the tabulators a little bit, yet they were still failing at a very high rate.

Line: There was no line at this vote center.

Other Observations: The Inspector had a messy pile of spoiled ballots next to her chair, many of which had not been marked "Spoiled". At various times, she left those unspoiled ballots unattended while she was working in other areas of the vote center. While I was sitting with the Inspector, several voters came up to her to request that she spoil their ballot. Each time, the Inspector took the ballot and put it on top of her pile without actually spoiling it. Almost all of these voters stood there awkwardly waiting for the Inspector to spoil the ballot, and it was only then that the Inspector would write "Spoiled" on the ballot. Before I left the vote center, I gently asked the Inspector if she was going to spoil all of the ballots in her pile. She got defensive with me and told me that she hasn't spoiled the ballots yet only because she keeps getting pulled away by her staff.

Via Linda Senior Center

Arrival time: 3:15 p.m.

Observer: Cindy Jensen (480) 577-0321

Inspector: Stephen Braun

Printer/tabulator problems: I immediately observed that this vote center was also having problems with the tabulators reading the ballots. I spoke to the Inspector, and he confirmed that to be the case. He mentioned that the problem had improved when a tech guy from an outside IT firm had adjusted the printers around 2:00 p.m., more than an hour before I arrived.

I performed my own analysis of tabulators BT 0198 and BT 0014. I observed 35 voters attempt to insert their ballots into the two tabulators. Again, close to 100% of those voters had to insert their ballots multiple times to get the tabulator to read their ballots. BT 0198 performed better than BT 0014. Between the two tabulators, a total of seven of the 35 voters (20%) were unable to get the tabulator to read their ballots after multiple attempts. The rejected voters generally reacted in the same way that they reacted at all of the vote centers where the tabulators were not reading the ballots. See Fountain Hills Community Center above.

Line: I observed approximately 150 people in line to vote when I arrived. I overheard one voter say that she had waited in line for 80 minutes before she even got her ballot.

Other Observations: The room was far too small for the number of voters. The Inspector told me that he had requested a much larger room.

Second Church of Christ Scientist

Arrival time: 4:30 p.m.

Observer: Anna-Leise Seger (770) 356-8674

Inspector: Mitchell Glassburn

Printer/tabulator problems: The Inspector, whom I know personally, told me that he hadn't had any problems with the printers or tabulators at his vote center all day. He also told me that he told MCTEC before election day that, if he had any issues at his vote center with any of the technology on election day, he was going to call the sheriff to check it out.

Line: There was no line at this vote center.

Other Observations: None.

Horizon Community Center

Arrival time: 5:10 p.m.

Observer: John Nanni (602) 690-9358

Inspector: Mary Whitney

Printer/tabulator problems: The Inspector told me that one of the tabulators had gone down in the morning when a vote-by-mail ballot had been inserted into the tabulator. She stated that the tabulator came back online when it was reset.

Line: There was a line of approximately 75 people when I arrived and when I left this vote center. The Inspector told me that there had been a line of between 20-80 people continuously since she opened the vote center at 6 a.m.

Other Observations: None.

Venue 8600

Arrival time: 5:50 p.m.

Observer: Robert Jolley

Inspector: Jamie Alford (480) 282-1763

Printer/tabulator problems: The Inspector told me that (1) the tabulators were unable to tabulate about 90% of the ballots from 6:25 a.m. until approximately noon, (2) the voters were very upset, and some voters were yelling and making a scene inside the vote center, (3) the police were called and calmed the voters down, (4) some voters put their ballots in Box 3, others spoiled their ballots, and many left the vote center very upset without voting, (5) the Inspector called the County hotline at 6:30 a.m. to request a tech person to fix the tabulators, but nobody answered the hotline, (6) the Inspector called the hotline multiple times after that at 7:00 a.m., 7:10 a.m., and 7:27 a.m., but again nobody answered the hotline, (7) "our poll workers figured out it was the printer early in the morning due to the faded, greyscale. I asked Benny [the troubleshooter for the vote center] if we could get a new printer, he said MCTEC said no there were no printers available for replacement", (8) "[w]e began using the AVD (Accessible Voting Device) to vote. We were given 50 ballots for this machine. Ask for more AVD paper to be delivered. Benny indicated MCTEC did not have anyone to bring us paper. He called MCTEC – they told him he needed to drive downtown to MCTEC and pick up paper for our location and several other locations. Someone did deliver our location100 sheets at 9:15 AM. He picked up 400 ballots of AVD paper for other locations [from County election headquarters]", (9) "Lynn, a MC Tech, arrived around 10:15 AM to work on the printers. Maricopa County Hotline returned a call at 10:45 AM responding to our printer issues. Lynn spoke with them using my phone. Lynn ran 8 test prints ...We still had issues. Lynn cleaned both printers. I ask if the issue was fixed...Lynn said it was a configuration or calibration issue on the printers; she could not say if it was completely fixed.", (10) "Approximately an hour later, one of the Tabulators (792 ballots) was cleaned by Troubleshooter. One out of 10 ballots were tabulated early morning with the rest misread. During the afternoon.... ballots were tabulating at 80%. (1 or 2 out of 10 misread). We still had misread ballots all afternoon, just not as many."

The Inspector sent me an email the next day with the following final totals from her vote center: (1) the two tabulators had tabulated a total of 1,170 votes, (2) there were 116 misread ballots dropped into Box 3, (3) there were 115 spoiled ballots, (4) there were 57 AVD ballots, (5) approximately 750 vote-by-mail ballots were dropped into the two blue bins, and (6) "most all of [the misread ballots in Box 3] had the one of the squares or timing marks printed in greyscale or fuzzy".

Line: The Observer told me that there had been a line extending outside the building for the entire time he had been observing. The Inspector told me that there had been a huge line when she opened the vote center at 6:00 a.m.

Other Observations: None.

Copper Canyon Elementary

Arrival time: 6:30 p.m.

Observer: Holly Aury Truxell (602) 619-1435

Inspector: Cathy

Printer/tabulator problems: The Observer and Inspector did not report any material problems with the printers/tabulators at this vote center.

Line: When I arrived, there was a line of approximately 100 people waiting to get into the vote center. The Observer, who had been observing since 1:00 p.m., told me that there had been approximately 100 people in line to vote since the beginning of her shift.

Other Observations: The Inspector told me that the vote center room was far too small. Consequently, she was only able to set up eight of the total ten site books provided to her by the County.

Oasis Community Church

Arrival time: 6:55 p.m.

Observer: Linda Lazarus

Inspector: Ed Toschik

Printer/tabulator problems: The Inspector told me that one of his tabulators works better than the other, and he estimated that the tabulators were unable to read about 10% of the total ballots over the course of the day.

I performed my own brief analysis of the tabulators. I observed 16 voters attempt to insert their ballots into the two tabulators. One of those voters (6%) were unable to get the tabulator to read his/her ballot after multiple attempts.

Line: I don't recall if there was a line when I arrived.

Other Observations: None.

North Scottsdale United Methodist Church

Arrival time: 7:35 p.m.

Observer: Dawn Morell (602) 799-3001

Inspector: Jeanne Barry

Printer/tabulator problems: The Observer, who had been working at this vote center since 1:00 p.m., told me that (1) the tabulators were not able to tabulate certain ballots, (2) a tech person arrived around 2:45 p.m. to service the printers and adjusted the "printer settings", and the tabulators seemed to work better after that. The Inspector told me that the tech person from the County "cleaned the tabulators" and "changed the temperature settings on the printers."

Line: There was no line at this vote center, because I arrived long after the vote center had closed.

Other Observations: The Observer informed me that (1) in the afternoon, a U.S. Postal Service employee from the Evans post office brought a box of mail-in-ballots postmarked on or before election day to the vote center, (2) the Inspector called the hotline to find out if it was legal to accept these ballots, (3) County election headquarters told the Inspector that it was

okay to accept the mail-in-ballots from USPS, and (4) the Inspector put the mail-in-ballots in the mail-in-ballot box. The Inspector confirmed these events.

IV. Summary Reports from Other Roving Attorneys

Roie Bar (roie@barlawplc.com)

Vote centers Visited: Seven, including three in Glendale, three in Peoria, and one in Sun City.

Printer/tabulator problems: "I covered seven locations, only two of which seemed to have had a relative smooth process (Christian Community Church and Church of Jesus Christ of LDS Union Hills, the latter of which still reported under 20% tabulation rejection rate). The rest of the locations had similar issues to those that you described - mainly with the tabulation machines as they were rejecting most of the ballots."

"In one location I covered (Journey Church), they had no tabulators working for most of the day. The place was overwhelmed throughout the day and nearly everyone in that location had to place their ballot in Box 3. In another, the tabulators were only reading about 10% of the ballots (Radiant Church Sun City). In one of the locations I ended up staying for much of the afternoon (Dove of the Desert United Methodist Church), I witnessed the tabulators accept appx. 30-40% of the ballots...I've witnessed voters spoil about 4-5 ballots before the machines either accepted them, or they otherwise gave up and placed it in the "hope it gets counted later box," as one voter put it. I also witnessed the Inspector empty Box 3 into a black bag, which was left unsealed and unattended next to the printers for much of the afternoon."

"Needless to say that there were many upset voters, some of which simply refused to leave until their ballot was counted. The place (Dove of the Desert Untd Methodist Church) got so overwhelmed as a result that they had two separate lines forming outside, one for those who were trying to vote for the first time, and the other for voters who got back in line to try and run their ballots again (they were literally sent outside with their ballots in their hand - in violation of the procedures)...One voter who insisted on his ballot being counted, was sent to another location with his ballot in hand (Dove of the Desert). They instructed him to have the other location spoil that ballot and try again there."

"I also witnessed problems with the printers (Dove of the Desert and Radiant Church). In one instance, as I was checking in with the Inspector, I saw ballots that were printing completely faded (Dove of the Desert). No wonder the machines were not accepting those. Another location figured out that the printers were printing the ballots somewhat misaligned, and so the tabulators were rejecting them for that reason (they were way too sensitive). In another location, the IT guy that showed up thought the tabulators were not calibrated correctly for the thickness of the ballots. In another location (Journey Church), the IT guys replaced the tabulators without making sure the new ones work, which of course they didn't."

"Of the remaining two places, Lakes Rec Ctr @ Westbrook experienced about 25% tabulation rejection at the early part of the day, but that seemed to have improved later in the day. Peace Lutheran experienced printer issues in the morning but the Inspector ... was able to shut down that printer and the scanners were thereafter accepting the ballots just fine."

"To sum it up, it was a complete mess! There is no other way to put it."

Long lines: In one location, "there was about a 2-hour wait to vote (Radiant Church Sun City)... Journey Church and Dove at the Desert also had long lines for most of the day (at least an hour long)."

Roving Attorney #2

Vote centers visited: Fifteen in South Tempe, Ahwatukee, South Phoenix, and West Chandler.

Printer/tabulator problems: "According to my anecdotal experience, approximately 1/3 of my locations seemed to have some issue with the printers/tabulators at some point in the day (even if it was a quick fix)...Again, according to my anecdotal experience (relying on the observers at each of my locations), I would estimate about 5% of the ballots were having trouble being read during their first pass through. Some of the observers were taking notes on every ballot that was accepted vs. initially rejected which is in part how I estimated this number. Of the ballots at my locations that were not accepted the first time through, the majority of them were accepted the second time through [after spoiling the first ballot and marking a second ballot], again according to my observers."

Long lines: "Some of this was a function of the time of day - but there were at least 5 of my locations that had relatively long lines throughout the day."

Aaron Ludwig (aaron@ludwiglawoffices.com)

Vote centers visited: Eleven in Sun City, Sun City West, Surprise, north Peoria, and north Buckeye.

Printer/tabulator problems: "9 of 11 voting locations experienced printer/tabulator issues... Unfortunately I cannot estimate a percentage of ballots affected. Anecdotally, I am confident that thousands of ballots were affected. I was informed by observers and inspectors, among many other things, that 1) "Box 3" became so full that it had to be repeatedly emptied; 2) bags full of Box 3 ballots were so full that they were very difficult to lift; and, 3) during just one observer shift, many hundreds of Box 3 ballots were put into bags."

Long lines: "[T]here were long lines at 9 of 11 voting locations."

Other Observations: "I observed at least five voters tell an inspector that, earlier in the day, they left a particular voting location because of printer/tabulator issues, so they returned to it in the evening, but they arrived just after 7:00 p.m. and were not allowed in line."

Kevin Beckwith (kbeckwith@kevinbeckwithlaw.com)

Vote centers visited: Four in Glendale, Peoria, and north Phoenix.

Printer/tabulator problems: "3 out of 4 had issues [with the printers/tabulators]. One had a 90% rejection rate, LDS Jomax."

"[Glendale Community College North] had a printer down for over 1-1/2 hours and it was still down while I was there about 11:25 a.m. election day. A printer was also out of ink for 1/2 hour but back up again. A tabulator was down for 1-1/2 hours mid morning." At the LDS church in Peoria, "Both tabulators were only working about 10% of the time which means about a 90% failure rate. I was in the room and witnessed rejections there for a short time. I also saw someone who was probably an election worker open up Bin 3 in the back and then I don't know

what they did and shut it again. That was a secure bin they wanted people to put their ballots into when they were rejected by the tabulator. At the Goelet A. Beuf Community Center, it "was going well the time I visited it. They said initially the ballots were too big for the tabulator but that was fixed quickly and they had no problems." At the Copper Hills Church, "both tabulators were not working properly for the first 1.5 hours and a printer also. They were working when I was there approximately 12:58 p.m. The poll watcher saw the inspector carry about 50 spoiled ballots around under her arm until she had to get a bag for them and then they disappeared someplace. The poll watcher observed one man drop off 10 ballots at one time which were accepted."

Long lines: "I witnessed long lines at each vote center other than Copper Hill." Specifically, Glendale Community College North had "a huge line approximately 50 yards long" at approximately 11:25 a.m. and also at 6:30 p.m.

Other Observations: "The room [at Glendale Community College North] was way too small for this many people." In addition, "The observer Josh [at Glendale Community College North] had some good notes...He did indicate that someone dropped off a mail basket full of ballots which they told him was okay because they were stamped. His name was Josh Haggard 602-369-3999."

William Wilder (wwilder@amfam.com)

Vote centers visited: Ten in central Phoenix (between 24th Street and 23rd Avenue and between Indian School and Northern Avenue).

Printer/tabulator problems: "I had issues at four of the 10 sites...The problem seemed to vary. At its worst, about 30-40% were not reading [by the tabulator]. At its best, about 10-15% were not reading. I was told at a couple of these sites that the problems seemed to have resolved late in the day (after 4 pm or so)."

Long lines: "There were long lines (30 minutes or more) from 6-7 am and pm at about three of my locations. There were short lines (5 minutes or less) at several other sites. A couple of my sites (2-3) had no lines -- even during busy times."

Michael Brenner (mabren2002@yahoo.com)

Vote centers visited: Eleven in Goodyear and Buckeye.

Printer/tabulator problems: "Of the 11 polling places in my territory, only 2 were operating without major issues." In addition, Michael said: "I did not personally witness [the problems with the printers/tabulators]; however, a few of the Republican observers at the Southwest Maricopa voting centers conveyed to me that they thought the light print was causing problems with the tab machines. The other explanation I heard was that the ink in the pens distributed to voters was not dark enough. Mostly, the feedback was that the tab machine batteries were dead, or the printers were jamming, or there were network problems with the routers."

Long lines: "Long lines at the Compass Church in Goodyear. I guesstimate that the line was 45 minutes long in the morning, and 1 hour long in the afternoon. The explanation in the morning was that the tabulators and printers were down. In the afternoon I was told that only 1 tabulator was working... Voters being turned away at Youngker High School in Buckeye. The reason given was that the printers and kiosks were down, and the tabulation machines were

only working 10% of the time. Long lines at Buckeye City Hall. I guesstimate that the line was 30-40 minutes long. The reason I was given was that between 8:30a - 9:15am both printers were down and 1 tabulator only worked sporadically."

Shiloh Bentacourt (Shiloh.bentacourt@icloud.com)

Vote centers visited: Nine to eleven vote centers in Anthem, Cave Creek, Carefree, and north Scottsdale.

Printer/tabulator problems: "Five (5) sites had printer and/or tabulator issues. Black Mountain Church location in Cave Creek was the worst [sic], where two tabulators were down at the same time, causing the inspector to use the "handicap" digital voting machine for the people standing in line... During the time I was observing each of the five locations, every single ballot was not being read and/or rejected by the tabulator [upon initially inserting it into the tabulator]. I am unable to give a percentage in general...I would say 50% of the time, it read it, and 50% did not read it, and it had to be deposited into a box, likely Box 3."

Long lines: "All five (5) locations that were having printer/tabulator issues had long lines."

Roving Attorney #8

Vote centers visited: One prior to the opening of the voter centers at 6:00 a.m., and fourteen during voting hours, all in Chandler, Mesa, Gilbert, and Sun Lakes (west of Loop 101, east of S. Gilbert Rd., north of E. Hunt HWY, and south of E. McKellips Rd.).

Printer/tabulator problems: "Of the 14 sites I visited during voting hours, 50% of the 14 voter centers had problems with the tabulators rejecting ballots. At one site, the tabulators rejected 85% of the ballots and almost all of those were going into drawer 3. The initial estimated rejection rates from the 7 sites I visited are 75%, 75%, 20%, 85%, 30%, 50%, 50%, but I do not have available all of the final rates of rejection after multiple attempts of re-feeding or spoiling and completing new ballots."

"Many observers attributed the problem to how the ballots were being printed without enough ink saturation on the edges of the ballots where the bar codes and black side markings were supposed to be solid but were not. Just found out that at one site where the initial rejection rate was 75%, the poll workers and voters were coloring in the ballot side markings with black felt pens and were able to get many through the tabulators. At another site, at least 30% of the ballots were too light and there was a constant flow of people getting new ballots and attempting to get their ballots accepted by the tabulators."

Long lines: "I recall long lines at 3 sites - however, any location that was rejecting ballots had delays in voting."

Kathryn Baillie (k.baillie@cox.net)

Vote centers visited: Fourteen in Glendale, Peoria, and west Phoenix.

Printer/tabulator problems: "11 out of the 14 locations had tabulator and/or printer issues, observed by me and by the designated observers...I was told by the observers that majority were not going through... The printers were printing different ballots. Some had little marks on the corners which prevented the tabulator to accept while another printer did not have the little marks and I observed the tabulator accepted the ballot. It was very odd. Also odd, ASU West

had no issues at all... I saw a voter rip up her ballot and yell at the staff and say 'these machines don't work and I don't have time for this'."

Long lines: "[T]here were long lines at the vote centers due to the machines not accepting the ballots...the long lines were at the tabulator problem locations."

Tabatha LaVoie (tabatha@lavoielawfirm.com)

Vote centers visited: Nine in Paradise Valley and central Scottsdale.

Printer/tabulator problems: "7 of the 9 had problems with Tabulators." Tabatha wrote a separate report for Eric Spencer of the RNC, a copy of which is attached to this report as Exhibit A. Tabatha's report details the very high percentages (up to 80% in some cases) of ballots that could not be read by the tabulators in the vote centers she visited.

Long lines: Five of the 9 vote centers had long lines. For more detail, please refer to Exhibit A.

Exhibit A

Roving Attorney Tabatha LaVoie's Comprehensive Report

(See attached)

To: Eric Spencer

From: Tabatha LaVoie

Re: Observations regarding November 8, 2022 Arizona General Election

I. Introduction

On election day, I was a roving attorney on behalf of the Republican National Committee's Election Integrity program. In that role, I visited nine different vote centers. This memo summarizes my experiences at each of those vote centers.

II. Summary

Every vote center I visited had a Republican observer present. All but one vote center also had a Democrat observer present when I visited the vote center in the morning.

After arriving at each vote center, I showed my credentials to the polling inspector and then requested to speak with the Republican observer. The Republican observer and I stepped outside of the vote center, and I asked the Republican observer if he/she had witnessed any irregularities or had any concerns. I took notes during these conversations. After the first three vote centers I visited, I also informed each Republican observer about some of the problems that I had witnessed or had been reported to me by Republican observers at the earlier vote centers I visited, and most were experiencing the same or similar problems. I also sent text messages to Amanda Reeve with brief descriptions of any such irregularities and concerns after each visit.

I visited each vote center in the morning and then again in the afternoon. After Chairman Bill Gates announced that the problems with the printers had been resolved at around 2:50 p.m., I visited some of the vote centers again to confirm that the problems with the tabulators and printers where in fact resolved. Unfortunately, that was not true for all the vote centers I visited. Mr. Gates also mentioned that one of the options voters had in any vote center in which they encountered the tabulator and/or printer problem was to request to cancel their check-in and go to a different vote center. So, in my afternoon rounds, I asked the inspectors if they were informing voters of the option to cancel their check-in and go to a different vote center. Only one inspector said they were informing voters of that option.

Below is a summary of what I witnessed or was reported to me by the Republican observer at each vote Center.

III. Vote Centers

Ascension Lutheran Church (7100 N. Mockingbird Ln., Paradise Valley, 85253)

- I arrived at this vote center at approximately 6:10 a.m. I introduced myself to the inspector and told her that I would like to vote but that after voting, I would like to speak with the Republican observer.
- I checked-in to vote. I told the person at check-in that I had my early voter ballot, so he proceeded to mark it up to spoil the ballot. He asked me to proceed to another area where my new ballot would be printed. My ballot was printed with a second piece of paper that

had my full name and address. The person there asked me to confirm my information which I did and then handed me the printed ballot with a black felt tip pen. I questioned why we were using felt tip pens after the negative experience with such pens in the 2020 election. She informed me that these pens do not bleed through the ballot, and they are fast drying pens which should not pose a problem. I accepted her explanation and proceeded to vote. As I was filling in my ballot, I heard people and a poll worker at the tabulation machines having issues processing their ballots successfully through the tabulators. The poll worker told them that the ballots needed to be aired out more so that the ink would dry before being put through the tabulators. I saw voters and the poll workers fanning ballots to cause the ink to dry but still having problems with the tabulators accepting the ballots.

- After voting, I introduced myself to Judith Allen (602-502-6667) who was serving as the Republican observer at this vote center. She was seated next to the Democrat observer who was standing. (Subsequently, Ms. Allen informed me via text message that the Democrat observer left and was not replaced when their shift ended).
- Ms. Allen reported that voters were having problems successfully processing their ballots through the tabulators. She also expressed concern about the felt tip pens.
- At 8:28 a.m. Ms. Allen notified me that the problem with the tabulator rejecting the printed ballots had worsened ('The ballots are off kilter and are rejected over and over.").
- I returned to this vote center at around 3:00 p.m. I checked in with the inspector and asked if the process had improved. She confirmed it had but that they still had some ballots rejected. I asked if she was informing voters of the option to cancel their check-in and vote at another vote center when their ballot was rejected. She said no and that was not something she was giving as an option. She was only telling them they could print another ballot or put their ballot in the box for adjudication.
- I also spoke with the Republican observer during this second visit. She informed me that they were still having issues with the tabulators and that many voters were frustrated after having to get a second printed ballot that was rejected by the tabulators and simply gave up and placed their ballot in the adjudication box.

Paradise Valley Town Hall (6401 E. Lincoln Dr., Paradise Valley, 85253)

- I introduced myself to the inspector who was preoccupied with a tabulator issue. I asked to speak with the Republican observer. The vote center was small, and I was not able to see where the Republican observer was seated nor confirm whether a Democrat observer was present. The Republican observer did not report any significant issues.
- In my afternoon round, the Republican observer informed me that they had not had a Democrat observer all day.

Camelback Christian Church (6235 E. Camelback Rd., Scottsdale, 85251)

- I arrived at this vote center at approximately 8:15 a.m. Upon arriving, I introduced myself to the inspector, but he was busy trying to deal with a tabulator problem, so I asked the Republican observer to step outside.
- Linda Sullivan (480-861-7106), the Republican observer, informed me that the Center was having problem with the tabulators reading the ballots. Ms. Sullivan informed me that the ballots were not printing correctly and there was a font issue causing issues with the tabulator.
- She confirmed that voters were being given felt tip pens to fill their ballots.

- I personally witnessed a voter who had to get a second ballot because the machine was not reading it.
- At that time, the line of voters was out the door.
- Subsequently, Ms. Sullivan sent me a text informing me that when she was signing off from her shift, she told the inspector that she counted 207 people voting in-person. The inspector replied "you don't have to count the tabulator counts. I can give you the total the tabulations total was 457" (combining both machines). She is perplexed as to how she could've missed 250 people.

Shephard of the Hills United Church of Christ (5524 E. Lafayette Blvd., Phoenix, 85018)

- I arrived at this location at approximately 9:00 a.m. The inspector was busy. I asked the Republican observer to step outside.
- Michelle, the Republican observer, informed me that the tabulators were down. She said that shortly after printing about 10 ballots they began to have issues such as the wrong ballot being printed for about 30 voters and then the tabulators were not working because of a programming issue.
- She also said that a Republican poll worker was removed because she told voters she would not trust putting their ballots that were not being read by the tabulator into the box for later adjudication.
- In my afternoon visit to this vote center, the Republican observer said that the tabulator issues had been reduced but that they still had about one out of 20 ballots rejected by the tabulators.

Memorial Presbyterian Church (4141 E. Thomas Rd., Phoenix, 85018)

- I arrived at this location at approximately 9:35 a.m. The inspector was busy. I asked the Republican observer to step outside.
- Judy, the Republican observer, informed me that they had two tabulators, but one was down. She said voters were being told to deposit their ballots into a box for later adjudication.
- She mentioned that there was an issue with a voter who was referred to another vote center without canceling their check-in and they were not able to vote at the other vote center because it showed them as already voted. They had to provide that vote a provisional ballot.
- The line was a 30-minute wait with 50 voters in line at that time.
- In my afternoon visit to this vote center at approximately 6:20 p.m., I met with Rose, the Republican observer. She confirmed that the line at this location had been long all day with approximately 30–40-minute wait consistently and anywhere from 65-80 people in line. She noted that there were 120 voters in line at 4:00 p.m. Before leaving, I asked the inspector if he was informing voters to go to different locations and offering to cancel their check-in if they had ballot issues. He confirmed that he was doing so.

Scottsdale Elks Lodge (6398 E. Oak St., Scottsdale, 85257)

- Immediately when I arrived at this vote center, I noticed the inspector dealing with machine issues. I asked the Republican observer to speak outside.
- The Republican observer informed me that the machines (tabulators) were not reading the ballots. One of the tabulators had been repaired twice already and the other tabulator had intermittent issues reading the ballots.

El Dorado Community Center (7641 E. Murray Ln., Scottsdale, 85257)

- When I arrived at this vote center, I noticed a line of people that was outside the building and reached the parking lot. I walked into the building and the line looped inside the building before coming outside. I walked into the vote center and introduced myself to the inspector and she introduced me to Stuart Scurti, the Republican observer (408-239-9792). I asked him to speak outside.
- Mr. Scurti informed me that the machines had some tabulator issues. The printed ballots had to be run through each machine 4 times and if the tabulators failed to read the printed ballot, the voter would be told to get another ballot printed and then they would run that new printed ballot 4 times through each machine. If that second attempt to run the ballot through the tabulators failed, then the voter would be told to put their ballot into the "adjudication box".
- Mr. Scurti estimated that approximately 20% of ballots successfully proceed by the tabulators.
- According to Mr. Scurti, the wait time had been on average approximately 30-40 minutes but could be up to an hour.

Messinger Mortuary (7601 E. Indian School Rd., Scottsdale, 85251)

- When I arrived, there were approximately 60 voters in line.
- The inspector was busy. I introduced myself to the Republican observer and went outside.
- She informed me that the tabulators were not working and that the matter had been reported by the inspector.
- She said a number of printed ballots had to be spoiled and that she estimated approximately 20% of the ballots were successfully being processed by the tabulators.

Indian Bend Wash Visitor Center (4201 N. Hayden Rd., Scottsdale, 85251)

- When I arrived at this location, the line of voters was long and almost reached the park area.
- This vote center is very small. I was not able to enter. I introduced myself to the inspector and he called the Republican observer outside to meet with me.
- According to Bob (602-577-8869), the Republican observer, the machines were working but there were not enough voting stalls because of the size of the location. Apparently, they received a number of voting stalls but only had space for 5.
- According to Bob, there were approximately 41-68 people in line at any time and the wait was approximately 1 hour and 15 minutes.
- In my second visit to this vote center at about 2:00 p.m., I suggested to the inspector that he instruct the voters in line to go to other vote centers because the wait had not improved, and the line was now wrapped around an area near the vote center as not to appear too long or to avoid interfering with the park.

Exhibit B

Reports from Poll Workers and Voters

Reported by Inspector Jamie Alford; jp.alford1@gmail.com; (480) 282-1763:

"Linda Barnes, a poll worker at Palm Ridge Rec Center Vote Center reported they ran out of toner on both printers at the same time around noon.

When they went to replace, the county had given them the wrong toner cartridge.

No one could vote for an hour and a half. This is how long it took the county to bring new toner.

She said the lines were out the door..... believe she said more than 150 in line. This is a strong Republican area.

She said you can contact her if you like. Here is her information:

Linda Barnes

949-533-3277

Barneslk@aol.com"

Reported by Ann Richardson (623) 398-9155:

Ann was a Republican Observer at Worship & Word Church in Peoria from 6:00 a.m. until 1:00 p.m. on election day. Neither of the tabulators were working at 6:30 a.m. Many ballots could not be tabulated throughout Anne's entire shift. Ann estimates that more than 50% were incapable of being read by the tabulators. The Inspector, Linda Hetzenbocher (sp?), made little to no effort to resolve the problems with the printers/tabulators, despite Anne asking her several times when someone from tech support would be arriving. No tech support ever arrived during Anne's shift, nor had the printers/tabulators been fixed when Anne voted at this vote center around 2:30 p.m.

Many voters were angry about the tabulators not reading their ballots, and some of them left the vote center without voting.

The spoiled ballots were not securely handled. They were cavalierly stored at different locations in the vote center at different times.

The vote center had a line inside and outside the church throughout the day. The vote center was full all day long.

An Observer from DOJ came to observe and spoke to the Inspector for at least 15 minutes. Two other unknown people (possible staff from MCTEC) came and observed together for about an hour. It appeared to Ann that the Inspector knew at least one of these Observers personally.

Reported by Poll Worker Candace Czarny; candaceczarny@gmail.com; (928) 821-5566:

"I worked as a Poll Worker at:

Polling Place: MOUNTAIN VIEW PARK COMM CTR

Polling Place Address: 8625 E MOUNTAIN VIEW RD SCOTTSDALE AZ 85258

I had a young Hispanic couple come to vote. When I assisted them in logging into site books, the result said they could only vote in the federal election. The result was the same for both of them.

They were adamant that they wanted to vote for the Governor's race. I told them that when they registered to vote they did not provide enough information to qualify to vote in the state elections. They were again adamant that they wanted to vote for the Governor's race.

My feeling (and only a feeling) was that they were paid voters for the Governor's race because they did not care about any other state race or the federal race.

If you have any questions I can be reached at 928 821 5566."

Exhibit C

Roving Attorney Primary Report

To: Eric Spencer

From: Mark Sonnenklar

Re: Observations regarding August 2, 2022 Arizona Primary Election

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V. Introduction

On election day, I was a roving attorney on behalf of the Republican National Committee's Election Integrity program. In that capacity, I visited eleven different vote centers.

This memo summarizes my experiences at each vote center and, based on those experiences, provides recommendations for (1) policy changes that can be made to increase the integrity of the election process in the general election on November 8, 2022 and (2) statutory changes that should be implemented to improve integrity in future elections.

VI. Summary

Every vote center (except one) that I visited had a Republican observer present; most vote centers did not have a Democrat observer present when I was at the vote center. Unless I note otherwise below, you can assume that a Democrat observer was not present at each vote center.

After arriving at each vote center, I showed my credentials to the polling inspector and then requested to speak with the Republican observer. The Republican observer and I stepped outside of the vote center, and I asked the Republican observer if he/she had witnessed any irregularities or problems. I took notes during these conversations. I also informed each Republican observer about some of the problems that I had witnessed or had been reported to me by Republican observers at other vote centers, and I asked him/her to keep an eye out for those irregularities.

After speaking with the Republican observer at a vote center, I proceeded to speak with the polling inspector of that vote center. I asked each inspector how things were going, whether they had experienced any problems, and whether they had seen any the problems that I had witnessed or had been reported to me at other vote centers.

Below is a summary of what I witnessed or was reported to me by the Republican observer at each vote Center.

VII. Vote Centers

Islamic Center of the Northeast Valley

- Mitch Glassburn was serving as a poll worker at this vote center. I know Mitch, and we went outside so that he could inform me about what he was seeing. Mitch told me that multiple voters had reported to him and other poll workers that the site book recognized them as independent voters and forced them to choose between a Democrat ballot and a Republican ballot even though they were registered Republicans ("**Site Book Registration Error**"). I followed up with Mitch by phone on August 7, 2022, and Mitch

estimated that approximately 40-50 Republican voters reported the Site Book Registration Error during the course of the entire election day.

- Mitch also reported that (1) his poll inspector was placing ballots that were spoiled into an envelope without marking them as spoiled and (2) the tabulation machines were having problems accepting certain ballots and that they were having to run some of the ballots through the tabulators up to twenty times to get the tabulator to accept the ballots ("Tabulator Error").

- I voted at this vote center with a pentel pen provided by the vote center. Although I was very conscientious about keeping the pen within the ovals, I noticed that the pen smeared very far outside of one of the ovals when I was handling the ballot after voting but before placing it into the tabulator. The tabulator initially rejected my ballot but then accepted it on the second attempt.

Paradise Valley Community College

- The Republican observer reported that he had seen a few cases of the Site Book Registration Error. When I asked the poll inspector whether he had seen the Site Book Registration Error, he referred me to one of the other poll workers, who confirmed that she had seen the Site Book Registration Error a few times as well.

- The poll inspector reported that they were experiencing the Tabulator Error. The poll inspector theorized that the tabulation machines might have been having trouble with ballots that were still wet, because waving the ballot in the air (so that the ink would dry) seemed to help the tabulator read the ballot.

Sunset Canyon

- A Democrat observer was present.

- The Republican observer and the poll inspector reported that they were experiencing the Tabulator Error. The poll inspector believed that the Tabulator Error was caused by wet ink on a ballot. Consequently, they were recommending that voters put their ballots in front of the A/C vent to help them dry off before inserting them into the tabulator. This seemed to be helping.

North Valley Free Will Baptist Church

- There was no Republican observer present.

- The polling inspector reported that the pentel pens were running and smearing and she was counseling voters to let their ballots dry before putting them in the tabulators.

Aire Libre School

- The Republican Observer reported that a Democrat observer had been at this vote center in the morning but had left around noon to go to another vote center.

- The Republican Observer also witnessed at least one Site Book Registration Error

North Phoenix Baptist Church

- A Democrat observer had been at this vote center earlier in the day.

- The Republican observer and the poll inspector initially reported no issues. However, immediately after I left, the Republican observer texted to let me know that both tabulating machines were not accepting any ballots and that the poll workers were instructing voters to put their ballots in box 3 so that it could be "hand counted." According to the Republican observer, the Tabulator Errors had begun before I had spoken to the poll inspector so it was clear that he had not been truthful with me when I asked him how things were going. I went back to the vote center and spoke with the poll inspector. He was very nervous (probably because he had lied to me), and he informed me that the Maricopa County Recorder's office was sending him two new tabulators to replace the malfunctioning tabulators. The new tabulators were delivered an hour later. However, the Maricopa County tech person did not arrive to install the new tabulators for another hour after that. The tech person realized that the problem was not with the tabulators, but rather with one or more of the printers. The printers were not properly printing the square in the top left hand corner of the ballots. They were printing grey squares, instead of black squares. The Republican observer noted that the ballots that printed with black squares were able to be scanned by the tabulators, but the ballots with grey squares were not being accepted by the tabulators.

- The Republican observer estimated that approximately 70 ballots were placed in box 3 as a result of the technical issues outlined above.

Sunrise United Methodist

- I personally witnessed a voter who was recognized by the site book as a registered Republican at the beginning of the site book check-in process but who was then later in the site book process identified as an Independent and offered a choice between a Democrat ballot and a Republican ballot.

- The Republican observer had seen two instances of the Site Book Registration Error. He notified me by text message later in the day that he had witnessed two more instances of the Site Book Registration Error.

All Saints Lutheran Church

- The Republican observer reported that a Democrat observer who was also an attorney had been present at this vote center all day since 6:35am.

- The poll inspector reported that the vote center had experienced some issues with the Tabulator Error.

Shadow Rock Congregational Church

- The Republican observer reported that a Democrat observer had been present at this vote center for only 2.5 hours and had told him that she was moving from poll to poll throughout the day

St. Nicholas Serbian Orthodox Church

- The Republican observer and the polling inspector both reported that (1) the A/C had not worked at all that day inside the vote center, (2) the ballot printers had been working sporadically, and (3) the site books had been down for two hours earlier in the day, which created long lines, and they had been sending voters to other vote centers.

- Shortly after I left this vote center (around 5:30pm), the Republican observer texted me to let me know that the site books were not communicating with the printers and they were not able to print ballots. I went back to the vote center, and only one of the eight site books were working. Shortly after I arrived, a County Troubleshooter fixed the problem by shutting down the "smaller new printers". The Troubleshooter informed me that many of these smaller new printers were not working at multiple vote centers across Maricopa County.

Shadow Mountain High School

- The Republican observer reported that this location had a Democrat observer all day.

- The Republican observer also reported that this vote center had experienced periodic Tabulator Errors.

- The Republican observer also witnessed quite a number of voters depositing multiple mail-in ballots into box 3. She was concerned because nobody is checking to determine if the voters are ballot harvesting.

- The Republican observer texted me the next day to inform me that, after I left the vote center, they started experiencing the Tabulator Error but were able to use the second tabulator in lieu of the one that was not reading the ballots.

EXHIBIT G

EXHIBIT G

ES&S EVS v6.0.4.0 Certification Issues

Who am I?

- Daniel LaChance, Citizen, Cochise County, Arizona, USA
- 33+ years in the Department of the Army as a Commissioned Officer and Department of the Army Civilian in the US Army Signal Corps
- As such I:
  - Planned, engineered, secured, operated, and maintained Strategic and Tactical Army voice and digital networks (both LAN, WAN, Satellite, etc). I also developed and implemented MACOM wide Information Technology policy and Army wide Cybersecurity Defensive training for Army strategic networks. Conducted Army new equipment operational testing, fielding and training.
  - Was formally trained and functioned as a Battalion/Brigade Signal Officer, Division Deputy Automation Management Officer, Information Management Officer, Information Assurance Security Officer, Director of Information Management, Telecommunications and Information Technology Specialist and Staff Action Officer.
  - As a Commissioned Officer, I swore an oath to "defend the Constitution against all enemies, foreign and domestic", it is an oath which I can never relinquish.
  - It is that oath which compels me to be here today.

- My comments today do not have bearing on the Lab Accreditation issue, although I agree with those who have presented their findings concerning Lab Accreditation – My comments today have to do with the certification of the ESS EVS 6.0.4.0 used by Cochise County.

Bottom Line Up Front

- The certification and use of ESS EVS 6.0.4.0 is irredeemably flawed, making the Arizona General Election of 2022 un-certifiable.
- The civil rights of Arizona voters were violated and fraud was committed.

Significant Certification Issues

1. Windows Server 7 Operating System

2. The SLI certification of ESS EVS 6.0.4.0 tested and certified only the use of the Bic Grip Roller Ball Pen as a marking device

3. The Undocumented Tablet Judge system used in Cochise County

4. Electronic Adjudication of Ballots

5. Logic and Accuracy Test

From ES&S EVS v 6.0.4.0 Certification Package:

COTS Software

Manufacturer	Application	Version
Microsoft Corporation	Server 2008	R2 w/ SP1 (64-bit)
Microsoft Corporation	Windows 7 Professional	SP1 (64-bit)
Microsoft Corporation	Windows 7 Enterprise	SP1 (64-bit)
Microsoft Corporation	WSUS Microsoft Windows Offline Update Utility	11.5
Symantec	Endpoint Protection	14.2.0_MP1 (64-bit)
Symantec	Symantec Endpoint Protection Intelligent Updater (File-Based Protection)	20190122-001-core15sdsv5i64.exe
Symantec	Symantec Endpoint Protection Intelligent Updater (Network-Based Protection)	20190121-062-IPS_IU_SEP_14RU1.exe
Symantec	Symantec Endpoint Protection Intelligent Updater (Behavior-Based Protection)	20190115-001-SONAR_IU_SEP.exe
Gigabyte	WindowsImageTool	B17.1116.01
Cerberus	CerberusFTP Server – Enterprise	10.0.5 (64-bit)
Adobe	Acrobat	XI

Windows 7 Operating System

- ESS EVS 6.0.4.0 was "certified" by "Accredited" SLI on 3 May 2019

- Windows 7:
  - Initial Deployment: 22 July 2009 Generally Available 22 Oct 2009
  - Latest Service Pack Update, SP1 6.1.7601.24499 released: 9 Feb 2011
  - No Longer Supported by Microsoft:
    - Main Stream Support ended on 13 Jan 2015 – Almost 8 years ago
    - Extended Support Ended on 14 Jan 2020 Almost 3 years ago – why was not the 3 May 2019 certification immediately lapsed? An operating system unsupported by its Manufacturer is immediate grounds for decertification
    - Since Jan 2020 no less than 940 additional security vulnerabilities have been identified

- Windows 10 was released on 29 Jul 2015 – More than 7 Years Ago – Why has the "entire world" been force migrated to Windows 10, including the US government, but our most critical election system uses an out of date, unsupported, highly vulnerable Windows 7 Operating System?
- Why wasn't the ESS EVS 6.0.4.0 migrated to Windows 10 OS before Windows 7 was no longer supported by its maker, Microsoft Corporation?
- **When Microsoft stopped supporting Windows 7 it immediately became un-certifiable due to unmitigated security vulnerabilities.**
- **Did Microsoft not support the election system because it knew the corporation would be opened up to massive lawsuits and criminal prosecution? Why did they not force the upgrade to Win 10? Did the continued use of Win 7 give them plausible deniability – "We stopped supporting it in 2020!"**

Page 3 of SLI Certification of ESS EVS 6.0.4.0

- ExpressTouch
- DS200
- DS450
- DS850

Configuration B

- Electionware
- ExpressVote Marker (HW 1.0)
- ExpressVote Marker/Tabulator (HW 2.1)
- DS200
- DS450
- DS850

Configuration C

- Electionware
- ExpressVote XL

Mark Definition

ES&S' declared level mark recognition for the DS200, DS450 and DS850 is a mark across the oval that is 0.02" long x 0.03" wide at any direction.

Tested Marking Devices

Bic Grip Roller Pen

Marking Devices

- The SLI Certification of ESS EVS 6.0.4.0, on page 3 of 15 states that only the Bic Grip Roller Pen was tested & and as such is authorized for use for marking paper ballots not at the electronic voting stations.
    - Therefore using any other pen or marking device would invalidate those mail in ballots. Mail in ballots accounted for approximately 80% votes in this election.
    - Why didn't the election office send a Bic Grip Roller Point with each Ballot to ensure the ballots would be completed with the only SLI certified marking device?
    - Why did SLI certify only one marking device?
    - Did that result in a higher adjudication rate? More over votes? More under votes?
    - It is impossible to now go back and determine what each voter used to mark their ballot.

The only method available to confirm the mail in vote is a full 100% hand count.

The Uncertified "ExpressPoll" System

- The SLI Certification of the ESS EVS 6.0.4.0 identifies the ExpressTouch system (page 4 of 15 in Certification) to be used by poll workers to determine the legitimacy of each elector(voter) to receive a ballot. If legitimacy is established, the Tablet Judge issues a ballot design specific to the voters precinct.
- There is no mention of the ExpressPoll system in the Certification document for ESS EVS 6.0.4.0. This means the ExpressPoll system was not certified for use.
  - It is not documented in the diagrams nor is it documented in the Hardware or Software configuration. Express Touch is the certified Voter Authentication System (pg 4 of 15 in Certification)
  - The SLI Certification states no use of LAN or WAN networks or networking protocols. (Pg
- Because it was not included in the SLI certification provided by the SOS, it MUST not be used in the any AZ General Election, yet it was used in the 2022 primary and general elections (Poll Worker Affidavit and Poll Worker Training Handbook).
- **From SOS <u>EPM Page 81, Subpara C :</u>**
- **"Upgrades or modifications to an existing certified voting system require recertification as a precondition for the upgraded/modified system to be used in Arizona elections."**

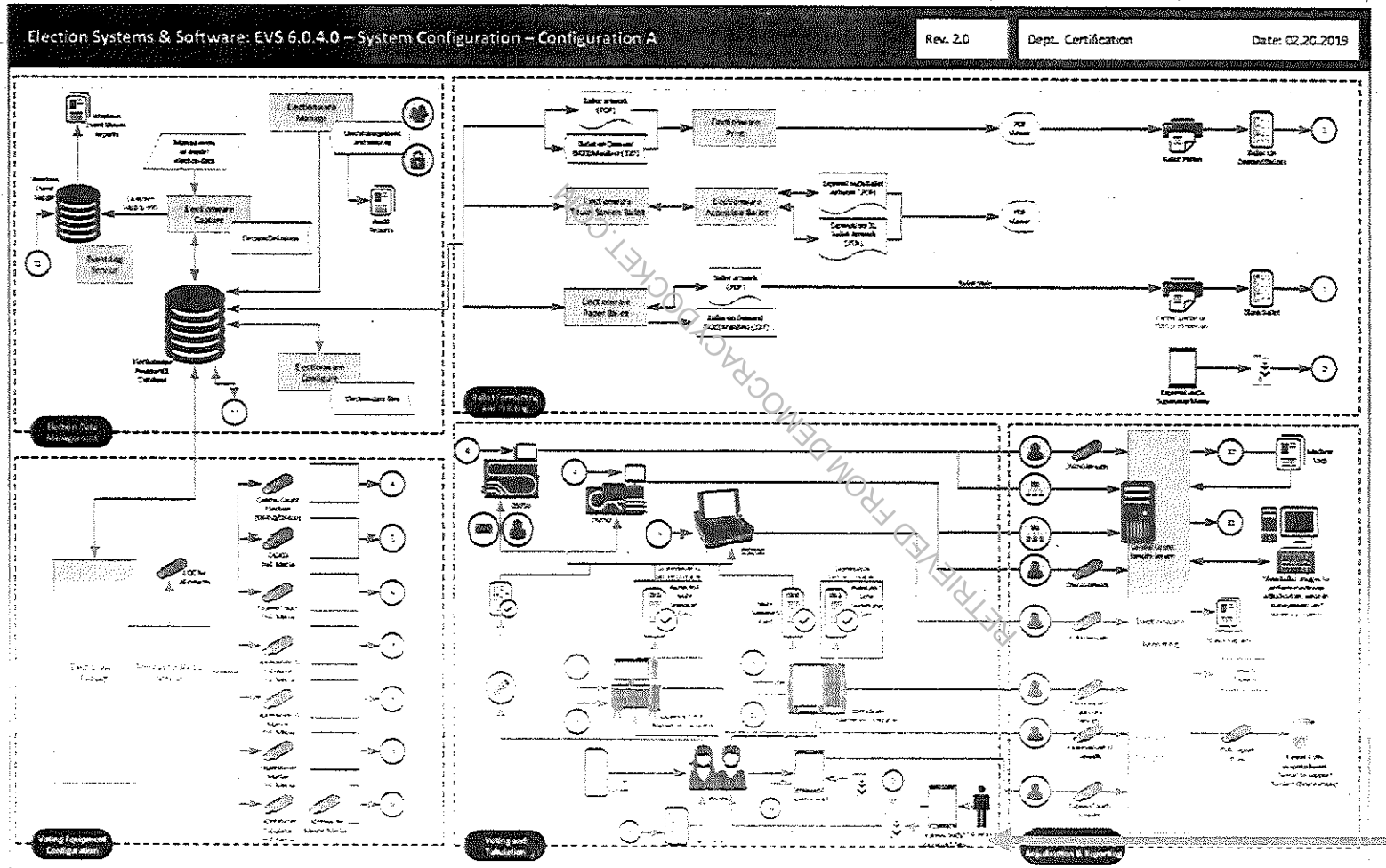
The Uncertified "ExpressPoll" System, continued

- Because ExpressPoll uses both LAN and WAN wireless networks via the "MIFI" mobile hotspot, which connects - via the cellular network - each of the tablets to a County/State wide database server it presents a significant security vulnerability while **violating** the SLI certification.
  - The statewide database it connects to serves all 13 small counties directly, while the two large Counties, Maricopa and Pima have a "Special Interface" (designated in the EPM)! What does this special interface do?
  - There is no Logic and Accuracy test designated for the ExpressPoll in the EPM. How does it prevent **cross county contamination, ensure only authenticated voters in county can vote**
  - **What penetration testing is or was done to ensure the devices are not accessible by intruders? Testing by the vendor? By the SOS? By the County?**
  - Who else accessed it? On the LAN? On the WAN? Where are the security event logs?
  - How does it prevent MITM attacks? Is a VPN created? Using what hardware and/or software? What wireless security protocol(s) are being used. What is the FIPS Level employed, 1, 2, 3, 4?
  - Does the statewide voter database also connect to ERIC (Electronic Registration Information Center)? The Electronic Registration Information Center (**ERIC**) **is a** non-profit organization with the sole mission of assisting states to improve the accuracy of America's **voter** rolls and increase access to **voter** registration for all eligible citizens. **ERIC** doesn't just manage lists, they demand action. But **it's** not the action you would expect, like cleaning **voter** rolls. **ERIC** provides each member State a targeted list of people that are not registered to vote. The Membership Bylaws require the State to contact at least 95% of these people within 90 days, soliciting them to register. **ERIC** ...
  - According to the EPM the statewide voter database is maintained by an un-named "Vendor" and accessible by all counties.
  - Violation of Arizona Citizens Civil Rights: Arizona Constitution 7.1.1 "All elections by the people shall be by ballot, or by such other method as may be prescribed by law; Provided, that secrecy in voting shall be preserved. "
  - Pg 162 of EPM: "Additional data, such as full dates of birth, may be transmitted to e-pollbook vendors to facilitate epollbook functionality provided the following requirements are met: (i) only data required for e-pollbook functionality shall be transmitted to e-pollbook vendors; (ii) the data shall be transmitted using secure methods, such as encryption or secure website or SFTP; (iii) ***the County Recorder or officer in charge of elections shall exercise best efforts to protect the confidentiality of registrant data transferred to vendors, including requiring the vendor to agree to reasonable confidentiality terms***; and (iv) the vendor shall securely dispose of the transmitted data after it is no longer needed for the election at issue."

Express Touch in ESS EVS 6.0.4.0

DS450	3.1.1.0	1.0		Central Count Scanner and Tabulator
DS850	3.1.1.0	1.0		Central Count Scanner and Tabulator
ExpressVote XL	1.0.3.0	1.0		Hybrid full-faced paper-based vote capture and selection device and precinct count tabulator
ExpressTouch	1.0.3.0	1.0		DRE
Delkin USB Flash Drive		USB Flash Drive	Bitlocker 32.2MB	BitLocker USB Flash Drive
ExpressVote Rolling Kiosk		1.0	98-00049	Portable Voting Booth
Voting Booth		N/A	98-00051	Stationary Voting Booth
Quad Express Cart		N/A	41404	Portable Voting Booth
MXB ExpressVote Voting Booth		N/A	95000	Sitting and Standing Voting Booth

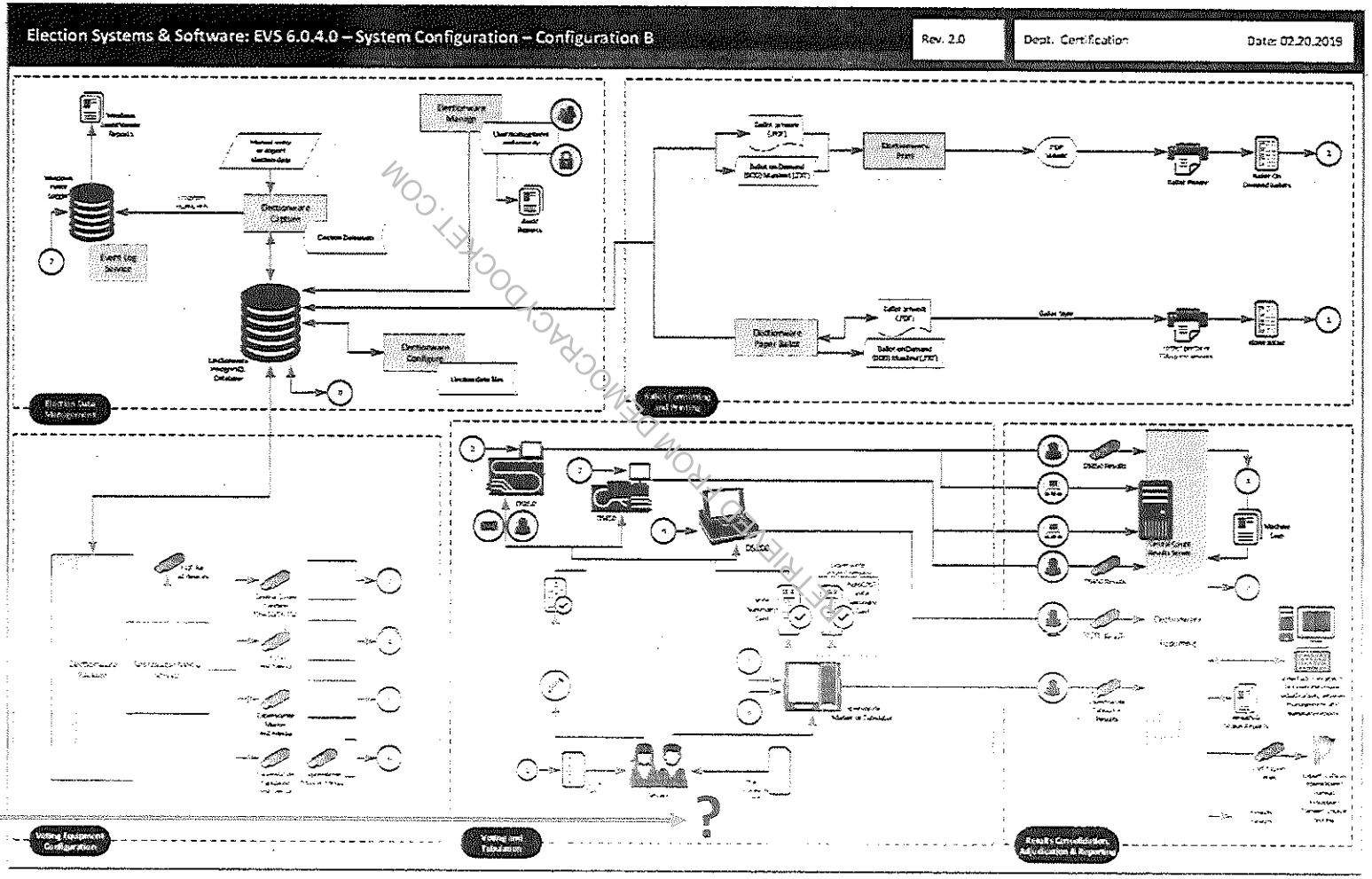
ESS EVS Configuration 1 from SLI Certification, Pg 8 of 15



Calls for
Express
Touch
Voter
Authentication

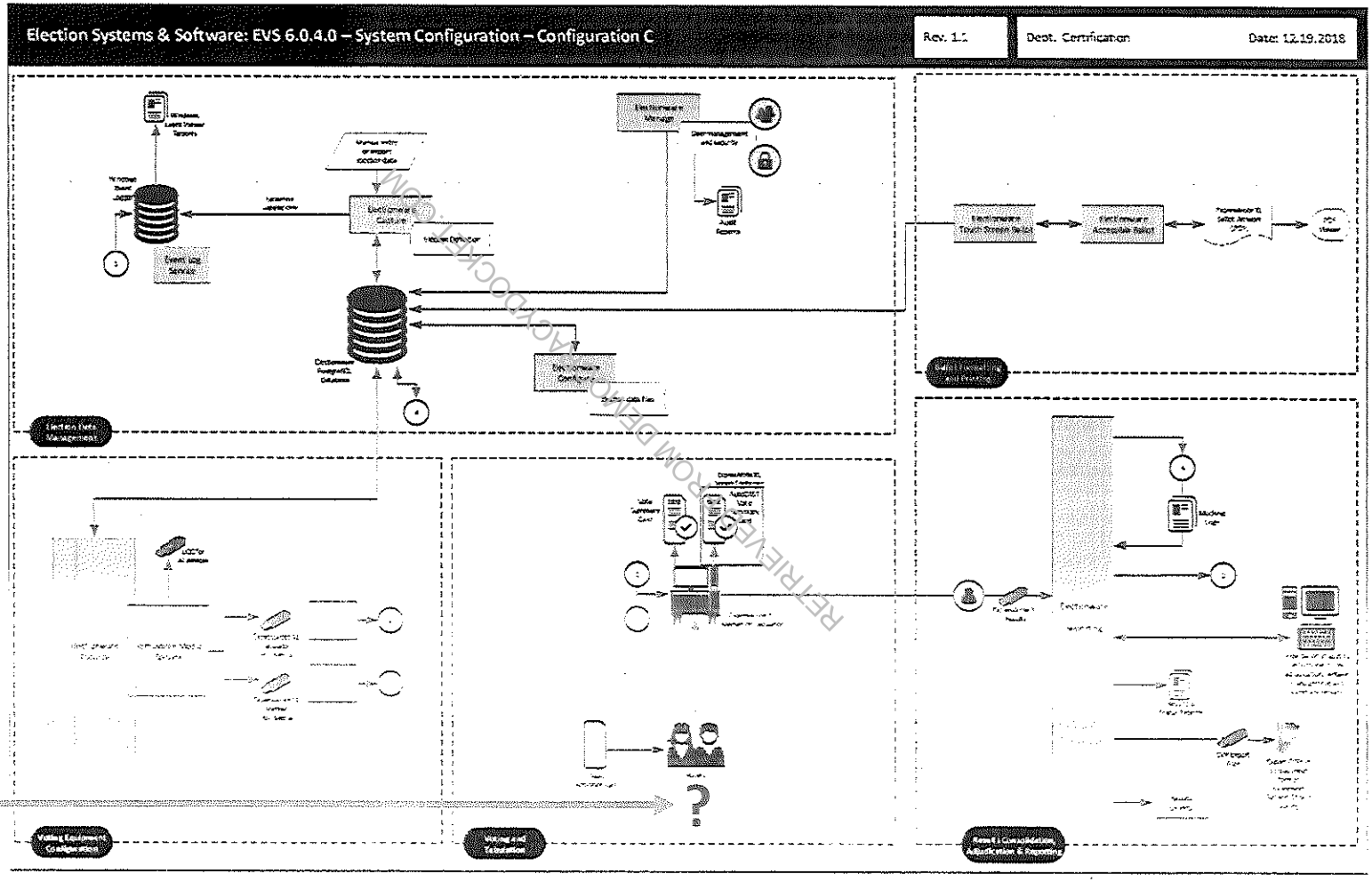
ESS EVS Configuration B from SLI Certification, Pg 9 of 15

No Voter Authentication Point, ie Express Touch



ESS EVS Configuration C from SLI Certification, Pg 10 of 15

No Voter Authentication Point, ie Express Touch



SLI Certification related to Networking

Networking		
Wide Area Network – Use of Modems	No	
Wide Area Network – Use of Wireless	No	
Local Area Network – Use of TCP/IP	No	
Local Area Network – Use of Infrared	No	

Feature/Characteristic	Yes/No	Comment
Local Area Network – Use of Wireless	No	
FIPS 140-2 validated cryptographic module	Yes	
Used as (if applicable):		
Precinct counting device	Yes	DS200, ExpressTouch, ExpressVote HW2.1, ExpressVote XL

Electronic Adjudication of Ballots

- The adjudication process delineated in the SOS EPM disenfranchises electors
- Enables the elector's vote to be changed without his/her knowledge – ARS 16-621(b) does not require any type of contact with the elector (Voter) to determine intent and may make modifications without such contact.
  - Why does the ARS or the EPM not require 2-3 recorded (date, time, status) attempts to make telephonic/in person contact with a voter whose ballot is going to be adjudicated by people who may or may not be partisan and may not select what the voter intended to select.
  - How many mail in ballots were falsely sent to adjudication simply because the voter used an un-certified marking device or because a machine could not read the ballot?
  - Any votes adjudicated on a system using Win 7 OS would be invalid.

Logic and Accuracy Test

- Logic and Accuracy test is done to ensure the software and hardware accurately read and record a ballet or reject it pending further evaluation and potential adjudication.

- The SOS EPM Logic and Accuracy test does not require, of itself or the counties, a test of every tabulator with every ballot type, (including mail in ballots where they are counted) – yet SOS created this poll center architecture, which by its creation, demands that each and every tabulator is tested with each and every ballot type as part of the preparation for an election. And tested to a statistical certainty of 99%.

- To not test every machine does not ensure the entire election system is ready to conduct an election. Grave violation of responsibility to ensure the system is fully prepared and ready to conduct an election.

- Will not belabor the points already expressed concerning ExpressPoll.

EXHIBIT H

EXHIBIT H

What is a redo election? (2020)

This article covers subjects specific to the 2020 general election. It has not been updated to reflect subsequent developments.

Click here for more information about our 2020 election coverage.

A **redo election**, also known as a **revote** or **special election remedy**, is the process of voiding election results and holding a new election.[1] The specific reasons for calling a redo election vary, but might include deliberate efforts to obscure the results such as electoral fraud or mistakes like a broken voting machine.

Most commonly, states or courts only call for such a redo election if the number of ballots affected is large enough to change the outcome of the election or otherwise call the results into question.[1] However, there have been instances when courts call a redo election even when the number of affected votes would not change the outcome or is unknown.[2]

Typically, states or courts call a redo election only after an interested party—normally a candidate, voter, or election official—contests the election results.[3] Contesting an election usually involves an interested party claiming ballots counted that should not have been, ballots rejected that should not have been, or some other issue that affected the outcome of the election.

While most states have provisions describing how to handle contested elections, these provisions do not normally specify what to do if fraud or mistakes occurred.[1] This often leaves the ultimate decision of whether to call a redo election up to the states or courts themselves based upon legal precedents, interpretation of state laws, and a close examination of the contested elections in question.[1]

The amount of time between an initial election and a redo election depends on how quickly the legal cases around a contested election proceeds. In 2019, a redo election in North Carolina's 9th Congressional District took place 308 days after the initial election. In 2020, a redo election for sheriff in Iron County, Missouri, took place 49 days after the initial election.

The most recent redo election for a federal office took place in 2018. The last federal redo election before that was in 1974.[4] Most redo elections take place at the municipal or county level. Read below for more examples of redo elections at various levels of government.

BP ELECTION HELP DESK

Election Day resource guide

Disputed results
Presidential election lawsuits and recounts
Post-election lawsuits

Frequently asked questions
General questions
Presidential election
Processing/counting mail ballots
Results and certification
Disputing results • Officeholder transitions

Absentee/mail-in voting analysis
Mail-in voting by state, 2016-2018
Mail-in rejection by state, 2016-2018
Uncalled races, 2018
When can states begin counting?
Processing, counting, and challenging ballots

Noteworthy redo elections

Ballotpedia identified the following historical redo elections. Each entry describes the events leading up to the redo election, the reason for the redo election, and the amount of time in days between each initial and redo election. If you are aware of redo elections that should be included, please email us.

Voting in 2020
Absentee/mail-in voting • Early voting • Voter ID
Poll opening and closing times
Recount laws by state
Recount margin requirements by state
U.S. Supreme Court actions

Elections by state
Alabama
Submit

Federal

North Carolina's 9th Congressional District (2018)

Reason for redo election: Absentee/mail-in electoral fraud
Time between initial and redo election: 308 days

On Nov. 6, 2018, Dan McCready (D) and Mark Harris (R) ran for North Carolina's 9th Congressional District. Harris received 139,246 votes to McCready's 138,341, a 905-vote margin. Following the results, state election officials began investigating potential absentee/mail-in voting electoral fraud.[5] On Nov. 26, the North Carolina State Board of Elections refused to certify the election results, citing its responsibility "to assure that an election is determined without taint of fraud or corruption and without irregularities that may have changed the result of the election."[6]

According to the Brookings Institution, the electoral fraud allegations included some voters claiming "that individuals came to their homes and collected their unsealed ballots. Others allege that they received absentee ballots that they never requested. In addition, multiple individuals have come forward to claim that they were paid by a Republican political operative ... to collect absentee ballots from voters; under North Carolina law, it is, with limited exceptions, illegal to collect and return someone else's absentee ballot."[7]

After holding a series of evidentiary hearings, the Board of the Elections voted on Feb. 19, 2019, to redo the election. This included a new primary after the North Carolina Legislature passed a law in Dec. 2018 requiring a primary for any special election.[8]

Harris did not participate in any stage of the redo election. McCready faced Dan Bishop (R) on Sept. 10, 2019. Bishop defeated McCready, receiving 96,573 votes to McCready's 92,785.

Louisiana's 6th Congressional District (1974)

Reason for redo election: Mistake: voting machine malfunction
Time between initial and redo election: 63 days

On Nov. 5, 1974, Jeff LaCaze (D) faced Henson Moore (R) in Louisiana's 6th Congressional District's general election after defeating incumbent John Rarick (D) in the primary. The vote totals showed Moore in the lead with 60,969 votes to LaCaze's 60,925, a margin of 44 votes.[9]

LaCaze contested the election results alleging that one voting machine appeared to have malfunctioned. The machine in question registered 353 votes, but only 200 votes for Moore and nine for LaCaze, meaning there were 144 missing votes, enough to change the outcome of the election.[9]

Judge Melvin Shortess, of Louisiana's 19th Judicial District Court, voided the election results on Nov. 22 and ordered the secretary of state to prepare for an immediate redo election between LaCaze and Moore.[10] On Jan. 7, 1975, Moore defeated LaCaze by 11,436 votes.[10]

Louisiana's 6th Congressional District (1933)

Reason for redo election: Nonfraudulent misconduct: illegal elections
Time between initial and redo election: 147 days (Kemp), 125 days (Sanders)

On June 19, 1933, Rep. Bolivar Kemp (D) died in office. On Dec. 5, Gov. Oscar Allen (D) called for a special election set for Dec. 13 and named Kemp's wife, Lallie Kemp (D), as the sole Democratic candidate. Kemp won the Dec. 13 election.[11]

Opponents claimed the special election violated state law, which said the governor must provide at least a ten days notice when setting a special election. Citizens in the district held a separate election on Dec. 27 and elected Jared Sanders (D).[11]

On Jan. 29, 1934, the U.S. House of Representatives voided both elections: Kemp's because the governor did not provide the required notice and Sanders' because Louisiana state law did not allow for such an election.[12]

Sanders won the May 1, 1934, redo election. Kemp did not participate.[13]

State

Georgia House District 28 Republican primaries (2018)

Reason for redo election: Mistake: ballot error (first); mistake: ineligible voters (second)
Time between intial and redo election: 196 days (first); 126 days (second); 322 days (total)

On May 22, 2018, incumbent Dan Gasaway and Chris Erwin participated in the Republican primary for Georgia's House District 28. Official results showed Erwin receiving 3,111 votes to Gadaway's 3,044, a 67-vote margin.[14]

On June 7, Gasaway contested the election, alleging that voters received ballots that did not contain races for the correct state legislative district with some in House District 28 receiving District 10 ballots and vice-versa. On Aug. 28, Habersham County Commission Chairman Victor E. Anderson conceded that errors were made. Initially, Victor Anderson stated, "it appeared that the number of votes impacted was less than the margin in this extremely close election." However, through the investigation process with the Secretary of State, "it was determined that a number of voters who received incorrect ballots was at least equal to or slightly exceeded the margin in the election."[15]

On Sept. 18, Banks County Judge David Sweat voided the May election results and set a redo election for Dec. 4, 2018.[16] Following the Dec. 4 redo election, Erwin received 3,521 votes to Gasaway's 3,519, a margin of two votes.[17] On Dec. 18, Gasaway again contested the results alleging 21 ineligible votes. Judge Sweat ruled that four voters had voted incorrectly, resulting in a second redo election on April 9.

Erwin won the second redo election with 4,586 votes to Gasaway's 1,490.

County/Municipal

Paterson, N.J., city council (2020)

Reason for redo election: Alleged absentee/mail-in electoral fraud
Time between initial and redo election: 175 days

Five candidates—incumbent councilman William McKoy, Chauncey Brown, Sharrieff Bugg, Alex Mendez, and Robyn Spencer—ran in the May 12 city council election for the 3rd Ward in Paterson, New Jersey. Initial results showed Mendez defeating McKoy with 1,595 votes to McKoy's 1,350, a 245 vote margin.[18] A later recount narrowed the margin to 240 votes.[19] Election officials conducted the election entirely by-mail due to the coronavirus pandemic.[20]

On June 14, McKoy contested the election results alleging absentee/mail-in electoral fraud in the form of ballots submitted on behalf of voters who later alleged they never received absentee/mail-in ballots.[21] During the May 12 election, election officials rejected 24% of absentee/mail-in ballots in the 3rd Ward compared to a statewide 10% rejection rate.[21]

On Aug. 16, Passaic County Superior Court Judge Ernest Caposela voided the May 12 election and ordered a redo election for Nov. 3, 2020.[20]

Iron County, Mo., sheriff (2020)

Reason for redo election: Mistakes; nonfraudulent misconduct
Time between initial and redo election: 49 days

Incumbent Roger Medley, Ryan Burkett, Brian Matthiesen, Ben Starnes, and James Womble participated in the Aug. 4 Republican primary for sheriff in Iron County, Missouri. According to *MyMOinfo* , Burkett defeated Medley by 73 votes.[22]

Medley contested the election, alleging the usage of incorrect ballots, a voting machine missing part of its tally tape, and violations of state law such as the mother-in-law of one candidate working as an election judge, among other allegations.[23][22]

On Aug. 27, Iron County Circuit Judge Kelly Parker voided the election results and set a redo primary election for Sept. 22.[22] Burkett defeated Medley in the redo primary election receiving 42% of the vote to Medley's 27%.[24]

Middletown, Conn., common council (2005)

Reason for redo election: Mistake: voting machine malfunction
Time between initial and redo election: 77 days

On Nov. 8, sixteen candidates ran for the twelve positions on the Middletown, Connecticut, common council, with the top twelve vote-getters winning the election. The winner with the twelfth-most votes, V. James Russo (D), received 4,337 votes to the thirteenth-place candidate, David Bauer's (R), 4,235 votes, a margin of 102 votes.[25]

Bauer contested the election after discovering that one of the voting machines malfunctioned so that votes for Bauer on that machine would not register consistently.[25] The Connecticut Supreme Court wrote it "found that it is reasonably probable that if [the] machine ... had been operating properly, [Bauer] would have received at least 103 more votes than he had received," meaning Bauer, rather than Russo, could have won election to the common council.[25]

A Superior Court judge originally scheduled a partial redo election for only voters in the district where the machine error occurred. The state Supreme Court later altered the ruling to call a citywide redo election on Jan. 24, 2006.[26] Bauer placed sixth in the redo election, winning election to the common council.[27]

East Chicago, Ind., mayor (2003)

Reason for redo election: Absentee/mail-in electoral fraud
Time between initial and redo election: 538 days

On May 6, 2003, incumbent Robert Pastrick, George Pabey, and Lonnie Randolph ran in the Democratic primary for mayor in East Chicago, Indiana. In-person vote totals showed Pabey leading Pastrick by 199 votes. Following the tallying of 1,950 absentee/mail-in ballots, Pastrick received 4,083 votes to Pabey's 3,805, a 278-vote margin.[28]

Pabey alleged the Pastrick supporters engaged in absentee/mail-in electoral fraud.[28] Before the case reached the Indiana Supreme Court, LaPorte Superior Court Judge Steven King concluded that "Pabey had proven 'that a deliberate series of actions occurred' that 'perverted the absentee voting process and compromised the integrity and results of that election.'"[28] King concluded that Pabey had proven Pastrick supporters violated election law through the unauthorized possession of completed absentee/mail-in ballots, being present while voters completed said ballots, and directly soliciting votes in exchange for cash.[28]

King determined that 155 absentee/mail-in ballots were invalid, a smaller number of votes than Pastrick's margin of victory. Indiana Supreme Court Justice Brent Dickson said that "[s]chemes that seek to discourage proper and confidential voting or that endeavor to introduce unintended or illegal votes into the outcome will inevitably produce outcome distortions that defy precise quantification."[28] Dickson concluded that Pabey had "established that a deliberate series of actions occurred making it impossible to determine the candidate who received the highest number of legal votes cast" and directed the trial court to set the date for a redo election.[28]

On Oct. 25, 2004, Pabey defeated Pastrick in the redo election, receiving roughly 65% of the vote to Pastrick's 34%.[29] Randolph dropped out before the redo election.[30]

LaFayette, Ala., mayor (1984)

Reason for redo election: Mistake: voting machine malfunction
Time between initial and redo election: *Unknown*

On July 10, 1984, Ed Allen, Pete Holcombe, Robert Vines, and Ed Yeargan ran for mayor in LaFayette, Alabama. Certified election results showed Allen with 448 votes (37%) followed by Vines with 314 (26%) and Yeargan with 277 (23%). Since no candidate received more than 50% of the vote, Allen and Vines would have participated in a runoff election.[31]

After discovering that one of the four voting machines malfunctioned and recorded no votes, Yeargan alleged that if the machine not malfunctioned he would have received enough votes to qualify for the runoff election.[31]

A trial court initially called for a redo election consisting solely of voters with last names from T to Z, the voters assigned to the voting machine in question.[31] The Alabama Supreme Court overruled that remedy and called for a full redo election.[31]

Next question: What are the reasons to call a redo election?

The 2020 election took place against a backdrop of uncertainty. Our readers had questions about what to expect in elections at all levels of government, from the casting of ballots to the certification of final results. **Ballotpedia's 2020 Election Help Desk** was designed to answer those questions.

More frequently asked questions about the 2020 election

Click on a question below to read the answer:

- **General election information**
  - Who runs elections in the United States?

- Why do states have different election rules?
- What methods do states use to prevent election fraud?
- Do you have to vote for everything on your ballot?
- What happens if you mark outside the lines or use the wrong pen/pencil?
- What is a spoiled ballot?
- What is a write-in candidate?
- How can I check the status of my ballot?
- Can I take a ballot selfie?

- **Presidential election**
  - What happens if a presidential candidate declares victory in the 2020 election before results are final?
  - Can presidential candidates win the election if they have already conceded?
  - What are the steps and deadlines for electing the President of the United States?
  - What happens if there is a tie in the Electoral College?
  - What are faithless electors in the Electoral College?
  - What happens if a presidential nominee becomes incapacitated before the election?
  - Can members of Congress object to Electoral College results?
- **Processing and counting absentee/mail-in ballots**
  - What is the life cycle of an absentee/mail-in ballot?
  - What happens if I vote by mail and want to change my ballot at a later date?
  - What happens if someone votes by mail and then tries to vote in person?
  - How do states protect and verify absentee/mail-in ballots?
  - How do election workers match signatures?
  - Are results reported on election night coming from in-person or absentee/mail-in votes?
  - Do states report how many mail-in/absentee ballots are outstanding on election night?
  - Do absentee/mail-in ballots take longer to count than in-person ballots?
  - What happens if someone votes by mail-in ballot or absentee ballot and subsequently passes away before Election Day?
- **Disputing election results**
  - How will election recounts work?
  - How close does an election have to be to trigger an automatic recount?
  - Can a candidate or voter request a recount?
  - Who pays for recounts and contested elections?
  - What are poll watchers?
  - What does it mean to challenge a voter's eligibility, and who can do it?
  - What is a redo election?
  - Who can file election-related lawsuits?
  - What are the reasons to call a redo election?
  - Who can call a redo election?
  - Can a redo be held for a presidential election?
- **Election result reporting and certification**
  - What happens if candidates declare victory in the 2020 election before results are final?
  - Can candidates win an election if they have already conceded?
  - How and when are election results finalized?
  - How do major media outlets declare winners?
- **Transitions of power and taking office**
  - Who is the president if election results are unknown by January 20, 2021?
  - Who serves in Congress if election results are unknown by January 2021?
  - Who serves in a state or local government if election results are unknown?
  - What happens if the winning presidential candidate becomes incapacitated before taking office?
- **Articles about potential scenarios in the 2020 election**
- **U.S. Supreme Court actions affecting the November 3, 2020, general election**

See also

- Disputing election results
  - Challenging absentee/mail-in ballots, 2020
  - Can candidates challenge the results of the 2020 elections?
  - How will election recounts work in the 2020 elections?

Additional reading

- Congressional Research Service, "Legal Processes for Contesting the Results of a Presidential Election," Oct. 24, 2016
- Matt Vasilogambros, "When Elections Get a Do-Over," Dec. 26, 2018
- Steven Huefner, "Remedying Election Wrongs," accessed Oct. 12, 2020
- Steven Mulroy, "Right Without Remedy? The 'Butterfly Ballot' Case and Court-Ordered Federal Election 'Revotes,'" accessed Oct. 12, 2020
- U.S. Election Assistance Commission, "Recounts and Contests Study," accessed Oct. 12, 2020

Footnotes

1. *Harvard Journal on Legislation*, "Remedying Election Wrongs," accessed Oct. 11, 2020
2. *See: East Chicago, Ind., mayor (2003)*
3. *U.S. Election Assistance Commission*, "Recount and Contests Study," accessed Oct. 11, 2020
4. *As part of Ballotpedia's definition of redo elections, the initial election results must have been voided or otherwise invalidated. For this reason, this page does not include the 1974 United States Senate election in New Hampshire since no court or deliberative body ever voided the initial results, and the winner of the initial race was inaugurated and held office before resigning to participate in the 1975 special election*