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----- CASE# CV2022-095403 -----	
ELECTION CONTEST:NEW	333.00

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

17 | Kari Lake,

18 | Contestant/Plaintiff,

19 | v.

20 | Case No. CV 2022--095403

21 | Katie Hobbs, personally as Contestee and
22 | in her official capacity as Secretary of
23 | State; Stephen Richer in his official
24 | capacity as Maricopa County Recorder;
25 | Bill Gates, Clint Hickman, Jack Sellers,
26 | Thomas Galvin, and Steve Gallardo, in
their official capacities as members of the
Maricopa County Board of Supervisors;
Scott Jarrett, in his official capacity as
Maricopa County Director of Elections;
and the Maricopa County Board of
Supervisors,

Defendants.

COMPLAINT IN SPECIAL ACTION
AND
VERIFIED STATEMENT OF
ELECTION CONTEST
PURSUANT TO A.R.S. § 16-672

SUMMARY OF CASE

1
2 1. The eyes of the Country are on Arizona. On November 30, 2022, Rasmussen
3 Reports published a poll of likely U.S. voters asking about the Election Day problems
4 with vote tabulation in Maricopa County. This poll asked whether responding voters
5 agreed or disagreed with Contestant Kari Lake’s statement calling the election “botched”
6 and stating, “This isn’t about Republicans or Democrats. This is about our sacred right to
7 vote, a right that many voters were, sadly, deprived of on [Election Day], November 8th.”
8 The results of that poll are stunning. Seventy-two percent (72%) of Likely Voters said
9 they agree with Lake’s statement, including 45% who Strongly Agree.
10

11
12 2. The number of illegal votes cast in Arizona’s general election on November
13 8, 2022, far exceeds the 17,117 vote margin between Arizona Republican gubernatorial
14 candidate Kari Lake and Democrat gubernatorial candidate Secretary of State Katie
15 Hobbs, certified at the official state canvass on December 5, 2022. Witnesses who were
16 present at the Maricopa County Tabulation and Election Center (“MCTEC”), Runbeck
17 Election Services (“Runbeck”), and a multitude of Maricopa County vote centers, as well
18 as other facts meticulously gathered, show hundreds of thousands of illegal ballots
19 infected the election in Maricopa County.
20

21
22 3. In addition, on Election Day, thousands of Republican voters were
23 disenfranchised as a result of Maricopa County election officials’ misconduct in
24 connection with the widespread tabulator or printer failures at 59% of the 223 vote centers
25 in Maricopa County.
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1 4. These facts preclude Arizona’s vote totals canvassed on December 5, 2022,
2 from being used to determine the next governor of Arizona. In *Findley v. Sorenson*, the
3 Arizona Supreme Court held that mistakes, omissions, and irregularities in the conduct
4 of an election may void it if they “affect the result, or at least render it uncertain.” 35
5 Ariz. 265, 269 (1929).
6

7 5. But this case is about more than just those bad acts. Rampant and clear
8 violations of federal and state law have become pervasive at the Secretary of State level
9 under Secretary Hobbs and in the Maricopa County Recorder and Elections Department.
10 This case is about restoring trust in the election process—a trust that Maricopa County
11 election officials and Hobbs have shattered. The judicial system is now the only vehicle
12 by which that trust can be restored.
13

14 6. Just a few days ago, the public learned Secretary Hobbs and Maricopa
15 County election officials, including Recorder Stephen Richer, participated in an
16 unconstitutional government censorship operation using an Election Misinformation
17 Reporting Portal created by the Department of Homeland Security (“DHS”) and the
18 Cybersecurity and Information Security Agency (“CISA”). State and local election
19 officials sent censorship requests to the Election Misinformation Reporting Portal, which
20 the federal government, in partnership with social media companies and other platforms
21 like Twitter and Facebook, would then remove speech they did not like from public view.
22 Hobbs, Richer, and others participated in this secret censorship operation.
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25 7. Their actions were per se violations of Arizona citizens’ free speech rights
26 under the United States Constitution and the Arizona State Constitution. These actions,
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1 and others, also constituted election “misconduct” in accordance with A.R.S. § 16-
2 672(A)(1).

3 8. There is much more. The debacle that occurred in Maricopa County on
4 November 8, 2022 (“Election Day”) – was “chaos” as Maricopa County’s Board of
5 Supervisors Chairman Bill Gates admitted on live TV during a press conference held
6 shortly after Election Day. Republicans vote at a 3:1 ratio over Democrats on Election
7 Day and were thus disproportionately and adversely affected.

9 9. The tabulators’ rejection of thousands of ballots set off a domino chain of
10 electoral improprieties, rampant administrative chaos and confusion, lengthy delays at
11 polling sites, and ultimately the prevention of qualified voters from having their votes
12 counted. Video footage, first-hand accounts, and expert testimony directly contradict
13 Maricopa County officials’ public statements deliberately attempting to downplay these
14 events. Such acts, along with the government censorship programs described above in
15 which Defendants Hobbs and Richer participated, only serve to amplify Americans’
16 deepening distrust in our election system.

19 10. The evidence, including a detailed sworn declaration by a cyber expert who,
20 among other things, spent nine years testing electronic voting machines on behalf of the
21 same voting system testing lab (“VSTL”) that certified the machines in Maricopa, shows
22 that the machine failures Arizona voters experienced in Maricopa County on Election
23 Day could not have occurred absent intentional misconduct.

26 11. Thousands of voters, disproportionately Republican, gave up voting due to
27 the long wait times or simply avoided the polls after seeing the chaos reported on the

1 news. The expert evidence shows conservatively that at least between 15,603 and 29,257
2 Republican voters were disenfranchised from voting as a direct consequence of the voting
3 machine failures in Maricopa.

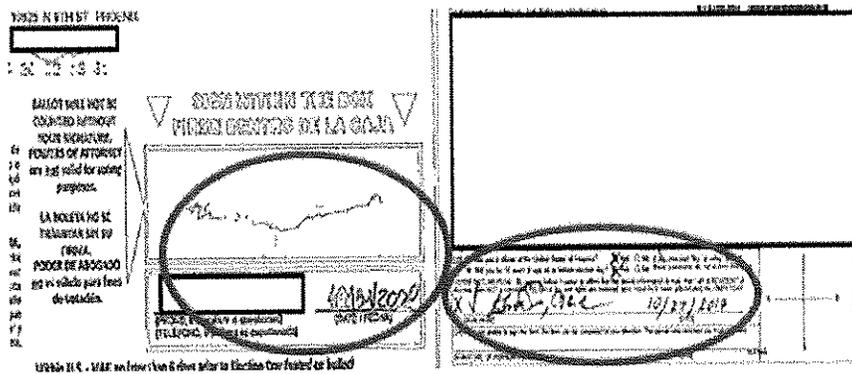
4 12. In addition, it is well known that mail-in ballots are one of the voting methods
5 most vulnerable to election fraud. After the contested 2000 Presidential election, the
6 bipartisan Jimmy Carter-James Baker commission identified absentee ballots as “the
7 largest source of potential voter fraud.” BUILDING CONFIDENCE IN U.S. ELECTIONS:
8 REPORT OF THE COMMISSION ON FEDERAL ELECTION REFORM, at 46 (Sept. 2005). In the
9 2022 general election, over 1.3 million ballots were cast through the mail-in vote or
10 placed in drop boxes in Maricopa County.
11

12 13. Testimony by whistleblowers and witnesses with first-hand knowledge
13 shows that Maricopa County officials violated Arizona chain of custody laws for
14 hundreds of thousands of these mail-in ballots. These chain of custody laws are a critical
15 deterrent to keep illegal mail-in votes from infecting the election. With no chain of
16 custody, there is no way to tell whether over 300,000 ballots cast in Maricopa County are
17 legal ballots.
18

19 14. Maricopa County officials also permitted the counting of tens of thousands
20 of mail-in and drop box ballots that did not satisfy signature verification requirements.
21 Signature verification, whereby the signature on the ballot envelope is compared to the
22 voter’s signature on file to help confirm that the person who completed the ballot is
23 actually the voter, is one of the most important methods of preventing mail-in ballot
24 fraud. If the signature associated with the ballot does not match the signature on file with
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1 the government, the ballot cannot be counted unless the signature mismatch is properly
2 cured.

3 15. Below is an example of a 2020 ballot envelope submitted in Maricopa
4 County with the ballot signature shown on the left and official file signature of the voter
5 shown on the right.
6



14 16. The fact that these two signatures do not match is clear even from a cursory
15 glance. Maricopa County election officials allowed tens of thousands of ballots with
16 signature mismatches like this one to be counted in 2020. They did the same thing in the
17 2022 general election.
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19 17. The official election results certified by Secretary of State Katie Hobbs in the
20 marquee race at the top of the ballot, a contest for the governorship between Hobbs
21 herself and Kari Lake, showed a difference in votes between the two candidates of
22 approximately 0.67% (17,117 votes out of about 2,559,485 cast). The separation of votes
23 between Hobbs and Lake is far narrower than the number of presumptively illegal and
24 illegally cast ballots in Arizona.
25

1 18. The fact that 72% of voters don't believe this election can be trusted is a
2 wakeup call. The Election Day debacle, together with other illegal and improper
3 procedures through which the election was administered, preclude the Defendants in this
4 action from certifying Hobbs as the winner of the election.
5

6 **JURISDICTION AND VENUE**

7 19. This Court has jurisdiction to hear Contestant's claims pursuant to Article 6,
8 § 14 of the Arizona Constitution, A.R.S. § 16-672, and Arizona Rule of Procedure for
9 Special Actions 3.
10

11 20. Under the doctrine of concurrent jurisdiction, this Court has jurisdiction to
12 resolve claims under the federal Constitution and under federal election law.

13 21. Venue is proper in Maricopa County for election contests pursuant to A.R.S.
14 § 16-672(B).
15

16 22. Venue is proper in Maricopa County pursuant to A.R.S. § 12-401, where
17 defendants reside.

18 **PARTIES**

19 23. Plaintiff/Contestant Kari Lake was a candidate for the office of Governor of
20 Arizona in the election held on November 8, 2022 ("Election Day"). Lake is also an
21 elector of the State of Arizona and of Maricopa County. She resides in Arizona and in
22 Maricopa County.
23

24 24. Defendant/Contestee Katie Hobbs is the Secretary of State of Arizona, and
25 candidate for the office of Governor of Arizona in the election held on November 8, 2022.
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1 through its Board of Supervisors, hiring and training permanent and temporary
2 employees to perform vital election related functions, including verifying ballot envelope
3 signatures. See A.R.S. §§ 11-251(3) and (30), 16-531, and 16-532; Elections Procedure
4 Manual at pp. 68–69. The Maricopa County Board of Supervisors is a “public body”
5 within the meaning of A.R.S. § 39-121.01(A)(2).
6

7 30. The particular grounds of this election contest are misconduct on the part of
8 election board and members thereof in Maricopa County, and on the part of officers
9 participating in the canvass of votes for the election of Governor of Arizona; illegal votes;
10 and that by reason of erroneous count of votes the person declared elected, Hobbs, did
11 not in fact receive the highest number of votes for the office of Governor of Arizona.
12 Contestant additionally alleges that the conduct of the 2022 general election violated her
13 right to vote under the United States Constitution and the Arizona Constitution.
14
15

16 **APPLICABLE LEGAL PRINCIPLES**

17 31. The Arizona Constitution, Art. 2, § 21, provides that that “elections shall be
18 free and equal” and that “no power, civil or military, shall at any time interfere to prevent
19 the free exercise of the right of suffrage.” The right to a free and equal election “is
20 implicated when votes are not properly counted.” *Chavez v. Brewer*, 222 Ariz. 309, 320,
21 214 P.3d 397, 408 (Ct. App. 2009). “Election laws play an important role in protecting
22 the integrity of the electoral process,” and public officials may not “in the middle of
23 an election, change the law based on their own perceptions of what they think
24 it should be,” because this would “undermine public confidence in our democratic system
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1 and destroy the integrity of the electoral process.” *Ariz. Pub. Integrity All. V. Fontes*, 250
2 *Ariz.* 58, 61, 475 P.3d 303, 306 (2020).

3 32. Voting is a right “of the most fundamental significance under our
4 constitutional structure.” *Burdick v. Takushi*, 504 U.S. 428, 433 (1992) (internal
5 quotation marks and citation omitted). “No right is more precious in a free country than
6 that of having a voice in the election of those who make the laws under which, as good
7 citizens, we must live. Other rights, even the most basic, are illusory if the right to vote
8 is undermined.” *Wesberry v. Sanders*, 376 U.S. 1, 17 (1964). States may not, by arbitrary
9 action or other unreasonable impairment, burden a citizen’s right to vote. *Baker v. Carr*,
10 369 U.S. 186, 208 (1962). “Since the right to exercise the franchise in a free and
11 unimpaired manner is preservative of other basic civil and political rights, any alleged
12 infringement of the right of citizens to vote must be carefully and meticulously
13 scrutinized.” *Reynolds v. Sims*, 377 U.S. 533, 562 (1964).

17 33. The right to vote requires states to adopt methods of voting, vote collection,
18 vote counting, and vote tallying that ensure fair, accurate, and secure counting of all legal
19 ballots and exclude any attempt to change the total results reported to differ from the true
20 sum of the votes legally cast. The fundamental right to vote is “the right of qualified
21 voters within a state to cast their ballots and have them counted.” *United States v. Classic*,
22 313 U.S. 299, 315 (1941). It necessarily encompasses the right to have all votes counted
23 accurately. “Every voter’s vote is entitled to be counted once. It must be correctly counted
24 and reported.” *Gray v. Sanders*, 372 U.S. 368, 380 (1963).

1 34. The significance of a vote is inherently comparative. The value of a vote is
2 destroyed by the introduction of illegal votes just as much as if the legal vote itself was
3 wrongfully prevented. A state's entire system of collecting, counting, and tallying votes
4 must prevent improper inflation or reduction of reported vote totals. "[T]he right of
5 suffrage can be denied by a debasement or dilution of the weight of a citizen's vote just
6 as effectively as by wholly prohibiting the free exercise of the franchise." *Reynolds*, 377
7 U.S. at 555. See also *United States v. Saylor*, 322 U.S. 385, 386 (1944) (Constitution
8 grants voters "the right and privilege . . . to have their expressions of choice given full
9 value and effect by not having their votes impaired, lessened, diminished, diluted and
10 destroyed by fictitious ballots fraudulently cast and counted, recorded, returned, and
11 certified.").

14 35. "[E]lection statutes are mandatory, not 'advisory,' or else they would not be
15 law at all. If a statute expressly provides that non-compliance invalidates the vote, then
16 the vote is invalid. If the statute does not have such a provision, non-compliance may or
17 may not invalidate the vote depending on its effect." *Miller v. Picacho Elementary Sch.*
18 *Dist. No. 33*, 179 Ariz. 178, 180, 877 P.2d 277, 279 (1994). The electoral processes
19 established in the Arizona Elections Procedures Manual, once adopted according to the
20 statutory process, have "the force of law." *Ariz. Pub. Integrity All.*, 250 Ariz. At 63.

23 GENERAL ALLEGATIONS

24 Maricopa County's Outsized Ability to Dictate the Outcome of the Arizona 25 Governor's Race

1 36. Maricopa County (“Maricopa”) is the fourth largest county in the United
2 States. Approximately 60% of the 2,592,313 votes cast in the 2022 Arizona general
3 election came from Maricopa. Of that figure, Maricopa reported that approximately
4 248,000 votes were cast on Election Day, November 8, 2022, by in-person votes at one
5 of Maricopa’s 223 vote centers. Maricopa reported that more than 1.3 million early
6 ballots were returned via drop box or through the U.S. Postal Service.
7

8 37. According to figures published by Maricopa County, Lake received 752,714
9 votes in Maricopa County, while Hobbs received 790,352 votes in Maricopa County. The
10 difference between Hobbs and Lake in Maricopa County, 37,638 votes, is larger than the
11 difference between Hobbs and Lake statewide, which was only 17,177 votes.
12

13 38. Maricopa residents voted in the 2022 general election through several
14 methods.
15

16 39. Some residents voted using mail-in ballots. Mail-in ballots are sent out by a
17 county contractor, Runbeck Election Services (“Runbeck”). Runbeck prints the name and
18 address of the voter on an outer mailing envelope. The outer mailing envelope contains
19 a packet including a ballot and a return ballot affidavit envelope. The voter completes the
20 ballots, seals it inside the return envelope, and signs the return envelope. By signing the
21 return envelope, the voter declares under penalty of perjury that he or she is the actual
22 voter of the ballot contained in the envelope. A voter can return the mail-in ballot to
23 Maricopa by United States Postal Service.
24

25 40. A voter can also drop off a mail-in ballot at an official Maricopa ballot drop
26 box.
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1 41. Maricopa voters can also vote early in-person at a vote center. To do so, the
2 voter must provide identification. Then the voter's ballot is printed on a ballot on-demand
3 printer. The voter completes the ballot, seals it inside a white affidavit envelope, signs
4 the envelope, and deposits it in a drop box inside the vote center.
5

6 42. Maricopa County voters can also vote in-person on Election Day in the
7 conventional, traditional manner, by completing a ballot at a vote center operated by
8 Maricopa County.

9 43. Ballots returned to Maricopa County by US Postal mail or at a ballot drop
10 box go through a multi-step process prior to tabulation.
11

12 a. Ballots deposited in drop boxes are retrieved daily by ballot couriers. The
13 ballots are placed in a transport container, sealed, and then transported to
14 MCTEC, where they are counted, documented, sorted and placed in bins.
15 This process, count, audit and chain of custody must be recorded on Early
16 Voting Ballot Transport Statement Forms.
17

18 b. The bins are then transported to Runbeck by a Maricopa County driver.
19 Typically, on route to Runbeck, the County driver stops at the USPS facility
20 in Phoenix to pick up mail-in ballots. Upon arrival at Runbeck, the ballots
21 are transferred to the custody of Runbeck employees and must be recorded
22 on Inbound Receipt of Delivery chain of custody forms.
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24 c. At Runbeck, the ballot envelopes are scanned, and the signature images are
25 captured for electronic signature verification.
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1 d. The scanned ballot envelope signatures are then electronically transmitted
2 back to MCTEC, where each ballot signature is reviewed and compared with
3 the voter's control signature on file with Maricopa County. Signatures that
4 matched are approved, meaning those voters' ballots are cleared for
5 tabulation.
6

7 e. Maricopa County then notifies Runbeck which signatures are approved.
8 Runbeck collects the ballot envelopes corresponding to the approved
9 signatures and packages them for transportation back to MCTEC.
10

11 f. At MCTEC, the approved ballot envelopes are opened, the ballots removed,
12 and the ballots eventually tabulated by feeding them into electronic
13 Tabulation equipment.
14

15 **Tens of Thousands of Ballots with Mismatched Signatures Were Illegally Counted**
16 **In Violation Of Arizona Law**

17 44. A Maricopa County voter who chooses to cast an early ballot must enclose
18 the ballot in an envelope containing a sworn affidavit, signed by the voter, that certifies
19 the voter's qualifications and personal signature affixation, and affirms his or her
20 understanding of the criminal prohibition against casting multiple ballots in the same
21 election. *See* A.R.S. § 16-547(A).

22 45. Upon receipt of a returned early ballot envelope, the County Recorder or the
23 Recorder's designee must "compare the signatures thereon with the signature of the
24 elector on the elector's registration record." A.R.S. § 16-550(A). If "the signatures
25 correspond," the early ballot is processed and tabulated. *Id.* If "the signature is
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1 inconsistent with the elector's signature on the elector's registration record,” then the early
2 ballot is invalid and cannot be tabulated, unless the putative voter cures the signature
3 discrepancy within five business days of an election for federal office (or the third
4 business day after any other election). *Id.*¹

5
6 46. After a lengthy investigation into “election failures and potential misconduct
7 that occurred in 2020,” Attorney General Brnovich issued a report on April 6, 2022
8 making numerous findings including that “the early ballot affidavit signature verification
9 system in Arizona, and particularly when applied to Maricopa County, may be
10 insufficient to guard against abuse.” The Attorney General stated that “[r]equiring a
11 match between the signature on the ballot affidavit and the signature on file with the State
12 is currently *the most important election integrity measure when it comes to early*
13 *ballots.*”²

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16 47. Steve Robinson and Shelby Busch co-founded We the People AZ Alliance
17 (“WPAA”), an organization whose purpose is to provide oversight of and transparency
18 for government to the public.³ WPAA employs a robust public records department and a
19 highly skilled staff of data analysts, cybersecurity experts and an investigative team. *Id.*
20 at ¶¶ 4-5.

21
22 48. On April 15, 2021, WPAA was appointed by Former Secretary of State and
23 Senate Liaison, Ken Bennett, as Deputy Senate Liaisons to the 2020 Senate Election
24

25 ¹ See also Attorney General Mark Brnovich’s report to Honorable Karen Fann dated
26 April 6, 2022 (“Brnovich Report”) at p. 7, attached as Ex. 5, Olsen Decl.

27 ² *Id.* at 4.

28 ³ See Declaration of Shelby Busch attached as Ex. 12 to the Declaration of Kurt Olsen.

1 Audit. *Id.* ¶ 6. After the close of that audit, WPAA continued investigating election
2 related issues in Arizona.

3 49. Subsequently, WPAA's data analysts confirmed multiple instances of voters
4 reporting that their voter record had been changed or that for some unknown reason to
5 them they were registered to vote, unsolicited. WPAA then contacted Senator Fann on
6 June 20, 2022 and presented those findings. Senator Fann provided WPAA access to the
7 Maricopa County external drive that the Arizona Senate had previously received from
8 Maricopa County under subpoena and court order in connection with the 2020 Senate
9 Election Audit to allow WPAA to evaluate issues regarding the validity of voters, their
10 corresponding signatures and any potential voter registrations contained on this external
11 drive.
12

13
14 50. Upon examining the hard drive, WPAA's Data Director located multiple
15 hidden files and a cross-reference between ballot envelopes and registration forms that
16 was provided by the county. WPAA discovered multiple irregularities in the voter
17 registration data contained on the hard drive. A group of Senators then approved a full-
18 scale investigation of the voter signatures on the ballot envelopes from the 2020 general
19 election using actual control signatures found on the hard drive for comparison, which
20 were also apparently used by Maricopa County for signature verification. *Id.* at ¶¶ 10-12
21

22 51. A signature review of 230,339 of the 1.9 million ballot envelopes (12.12%
23 of the total) using the same control signatures available to Maricopa County revealed the
24 following stunning discrepancies:
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a. 18,022 signatures had egregious mismatches to the reference signatures meaning the mismatch was plainly seen at first glance. This equates to 8.5% of the ballot envelopes reviewed – meaning that of the 1.9 million 2020 ballot envelopes, approximately 156,000 ballot envelopes were likely to have egregious signature mismatches.

b. 19,631 signatures failed the Arizona Secretary of State standards which means that of the 1.9 million 2020 ballot envelopes, approximately 9.1% or 165,600 ballots are likely to fail the Arizona Secretary of State standards.

52. By comparison, in the 2020 election, Maricopa rejected *just 587 ballots* for mismatched signatures. Brnovich Report at 5.

53. WPAA then compared names associated with the signatures of the mismatched voters from 2020 against the record of voters who cast ballots in the 2022 election less the later early ballots for which data was not available. Even though the full 2022 voter file was not available:

a. 4,328 of the *same names* associated with 18,022 egregious signature mismatches from 2020 voted again in 2022 general election.

b. 5,289 of the *same names* associated with 19,631 failed Arizona signature standards mismatches from 2020 voted again in the 2022 general election.

54. For the 2022 general election, there were approximately 32 workers involved in Maricopa County’s signature verification and signature curing process. Three signature verification workers have signed sworn declarations concerning their

1 experience at Maricopa County during the 2022 general election.⁴ These three witnesses
2 testified that their and their co-workers' rejection rates while verifying signatures ranged
3 from 35-40% (Onigkeit Decl. ¶¶ 19-22), 15%-30% (Myers Decl. at ¶¶ 18, 21), to 35%-
4 40% (Nystrom Decl. ¶ 13). These figures are consistent with the rejection rate of WPAA
5 discussed above equating to tens of thousands of illegal ballots being counted.
6

7 55. Each of these witnesses testified to deep flaws in the ballot signature
8 verification and/or curing process employed by Maricopa County.

9 56. Jacqueline Onigkeit reviewed approximately 42,500 ballots and rejected
10 about 13,000 to 15,000 of them, with rejection rates in the 25% - 40% range. Her co-
11 workers complained of similar rejection rates. Onigkeit Decl. ¶¶ 23, 25.

12 57. Andy Myers described Maricopa's process for signature verification and
13 curing:
14

15
16 In my room we had a white board that Michelle would update with the
17 number of ballots to be verified that day. Throughout the day Michelle would
18 update the progress the people were making in verifying signatures. *The*
19 *math never added up*. Typically, we were processing about 60,000
20 signatures a day. I would hear that people were rejecting 20-30% which
21 means I would expect to see 12,000 to 15,000 ballots in my pile for curing
the next day. However, I would consistently see every morning only about
1000 envelopes to be cured. *We typically saw about one tenth of the rejected
ballots we were told we would see.*

22 Andrew, one of the signature reviewers, would tell me every day that I was
23 going to get crushed the next day because he was excepting (rejecting) a
"ton" of bad signatures. However, we never saw a correlation.
24

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26 _____
27 ⁴ See Declaration of Andrew Myers ("Myers Decl."), Declaration of Yvonne Nystrom
28 ("Nystrom Decl."), and Declaration of Jacqueline Onigkeit (Onigkeit Decl.) attached
as Exs. 6, 7, and 8, respectively, to the Olsen Decl.

1 The most likely explanation for this discrepancy is that the level 2 managers
2 who re-reviewed the rejections of the level 1 workers *were reversing and*
3 *approving signatures that the level 1 workers excepted and rejected.* This
4 seems to me to be the more likely explanation. If this is the case, then the
5 level 2 managers were changing about 90% of the rejected signatures to
6 accepted.

7 Myers Decl. ¶¶ 21-23 (emphasis added).

8 58. Most of the work of these level 2 managers was not subject to the
9 accountability of observers, but their reversal of rejected ballots should be properly
10 recorded in the computer records of the EVRT program. Nystrom Decl. ¶ 16.

11 59. Maricopa's signature verification managers had a practice of sending already
12 rejected ballots back through the process with the implication that they wanted those
13 ballots approved:

14 On the last day of work, November 15, we were asked by manager Celia to
15 go through perhaps 5,000 to 7,000 ballots, that had already been rejected at
16 levels 1, 2 and 3. We were asked to go to the SHELL program and to only
17 find one signature that matched the green envelope, even if all other
18 signatures in the program did not match the green envelope. The implication
19 from Celia is that was desperate to get the work complete and that she wanted
20 the ballots approved. These 5,000 to 7,000 ballots *had already been through*
21 *the full level 1, 2, and 3 process and been rejected.* Therefore, I do not know
22 why [we were] going through them again, and that is why it seemed that
23 Celia wanted them approved."

24 Nystrom Decl. ¶ 21.

25 60. This practice of pushing rejected ballots back through the system with the
26 hope that they would be un-rejected was also attested by Andy Myers:

27 When the excepted numbers grew the managers would resend those excepted
28 signatures back out into the general pool, hoping that someone would
approve those same signatures, which would thereby reduce the excepted
signature load.

1 Myers Decl. ¶ 11.

2 61. Maricopa permitted any signature reviewer to un-reject ballots without
3 accountability using curing stickers. Workers were able to obtain massive amounts of
4 these stickers and use them to cure ballots without oversight. Onigkeit explained:

5
6 In order to perform the curing process, we were given a batch of stickers to
7 place on a ballot, which included stickers with abbreviations. Some, but not
8 all, of the ballot stickers and abbreviations were as follows: "VER" meant
9 that we verified the voter's information, and their ballot was approved to be
counted, "WV" meant that a voter did not want to verify their ballot over the
phone, and "LM" meant that we called the voter and left a message.

10 One of the problems with the stickers was that nothing prevented a level 1, 2
11 or 3 worker from requesting a massive amount of "approved" stickers and
12 placing them on ballots. Again, observers did not watch any level 3 work and
13 did not watch most of level 2 work. Once stickers were placed on ballots,
14 there was no record on the ballot or elsewhere to determine who placed the
15 sticker there. We were told to not sign or initial the sticker, but to only date
it. Accordingly, there was no way to know who placed "verified" stickers on
ballots. The system was wide open to abuse and allowed for potential false
placement of "verified" stickers without accountability.

16 Onigkeit Decl. ¶¶ 17-18.

17 62. From the available information, an off-site, third-party contractor, Star
18 Center, was part of the process of curing ballots that were previously rejected by all levels
19 of signature review. This off-site group was not accountable to observers. Nystrom
20 explained,
21

22 Star Center, which was a third-party contractor that worked completely off-
23 site but had the same access to the voter's file information as we did on the
24 computers at MCTEC, to cure their affidavit signature. My understanding of
25 the Star Center's curing process was to verify information from the voter's
26 file, i.e., the last 4 of their SS #, driver's license #, street address, full name
27 and any other identifying information in their file. It is my understanding that
28 the Star Center was able to cure and did cure ballots, but were not able to see
the actual ballot with the signature on it. It is my understanding that the Star

1 Center work was not monitored with observers, whereas my work was
2 required to be monitored by observers. Since they had the ability to cure and
3 reverse the rejection of signatures, I do not know why their work was not
monitored by observers.

4 Nystrom Decl. ¶ 17.

5 **Ballot Printers and Tabulator Failures At More Than 59% of Maricopa County's**
6 **223 Vote Centers Created Chaos on Election Day**

7 63. The rampant errors, confusion, and equipment failures on Election Day in
8 Maricopa County reduced the number of votes cast and votes counted from citizens who
9 chose to vote on Election Day. The result of this confusion was predictable – a larger
10 reduction in the number of votes cast for Lake, a much smaller reduction in the number
11 of votes cast for Hobbs, and a highly improper relative advantage created for Hobbs.

12
13 a. Election-Day voters in Maricopa County favored Lake in the race for
14 Governor of Arizona by a wide ratio, approximately 3:1.

15
16 b. The citizens who were deterred from voting, or whose votes were not counted
17 on Election Day, would have given Lake a material gain of votes that could
18 have changed the outcome of the race.

19 **Maricopa County Roving Attorney Program**

20 64. The Republican National Committee ran an Election Integrity program in
21 Arizona on November 8, 2022. The Election Integrity program engaged 18 volunteer
22 attorneys (“Roving Attorneys”) who were each tasked with traveling to and observing
23 select Vote Centers throughout Maricopa County on election day. Declaration of Mark
24 Sonnenklar (“Sonnenklar Declaration”), ¶ 2.
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1 65. Plaintiff has obtained declarations from twelve of the eighteen Roving
2 Attorneys (collectively, the “Roving Attorney Declarations”). Sonnenklar Declaration, ¶
3 4. The Roving Attorney Declarations detail problems witnessed at each Vote Center the
4 attorney visited. Together, these twelve Roving Attorneys observed a total of 105 vote
5 centers, or 47% of the total 223 vote centers in Maricopa County. Sonnenklar
6 Declaration, ¶ 41-44.

8 66. The Roving Attorney Declarations are supplemented by declarations from
9 approximately 221 additional poll workers, observers, and voters who witnessed
10 problems at numerous Maricopa County Vote Centers on election day (together with the
11 Roving Attorney Declarations, collectively, the “Vote Center Declarations”). Sonnenklar
12 Declaration, ¶ 3-44, Attach. A-1-A219. The Vote Center Declarations provide a clear
13 look at the actual voter experience in Maricopa County on November 8, 2022. The
14 testimony from the Vote Center Declarations are mapped onto a spreadsheet attached as
15 Exhibit 1, separated by Vote Center and election day issues. Sonnenklar Declaration, ¶
16 3, Ex. 1, Vote Center Spreadsheet.

19 **Vote Center Chaos**

20 67. The Vote Center Spreadsheet and the Vote Center Declarations together
21 show widespread election day chaos throughout the Vote Centers in Maricopa County on
22 election day.

24 68. The ballot tabulators and ballot printers experienced rampant breakdowns at
25 no less than 132 out of the total 223 Maricopa County vote centers (59.2%), which
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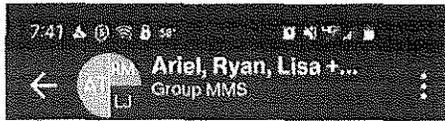
1 prevented the ballot tabulators from scanning many voter's ballots (the
2 "Printer/Tabulator Breakdown"). Sonnenklar Declaration, Ex. 1, Vote Center
3 Spreadsheet.

4 69. At the vote centers witnessed by the roving attorneys, the percentage of
5 ballots that these tabulators were unable to read ranged from 5% to 100% at any given
6 time on election day, with the average having a failure rate between 25% and 40%.
7 Sonnenklar Declaration, ¶¶ 40-43.
8

9 70. The chaos that ensued from the Printer/Tabulator Breakdowns throughout
10 Maricopa County is documented in the text threads among 16 of the County's hired "T-
11 Techs"⁵ who were trying to fix the rampant problems.
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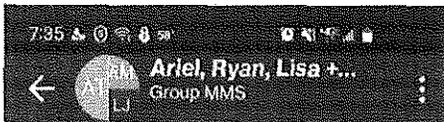
27 ⁵ IT workers hired by Maricopa County to fix election day technical problems.
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[Redacted] 3981
Tabulators aren't reading ballots. It's maybe 50/50 11/8/22 8:00 AM

[Redacted] 3981
Ballots are coming out crooked 11/8/22 8:00 AM



[Redacted] 3463 11/8/22 6:26 AM
I'm having a 911

[Redacted] 3463 11/8/22 6:26 AM
Tabulators aren't rooting

[Redacted] 3463 11/8/22 6:26 AM
Reading



What is the current record for T Tech mileage on election day because I'm at 166 11/8/22 7:19 PM

Ryan Miller T Tech
Worship and word church still has at least 50. They had line around building all day. I'll help break equipment down when they close unless told otherwise. Miller 11/8/22 7:38 PM

Jose Luis Arballo 11/8/22 7:42 PM
Tear down chandler

11/8/22 7:50 PM

Ryan Miller T Tech 11/8/22 7:58 PM
Heh. I was wrong. 50 inside and about 100 outside still waiting. Coffee pls

1 Sonnenklar Declaration, ¶ 3, Ex. 1, at Index #A17, Bettencourt Declaration pgs. 10, 31.

2 71. The Tabulator Breakdown persisted at almost all of the problematic vote
3 centers long after the Maricopa County Board of Supervisors (“BOS”) suggests that the
4 problems had been fixed.⁶ For example, the Maricopa County Board of Supervisors’
5 Report (“BOS Report”) states: (1) at 10:14 a.m. on election day, the “Printer technicians
6 identified a potential solution [to the Tabulation Breakdown] to adjust printer
7 settings...Confirmed successful print and tabulation at one site”; (2) at 11:30 a.m. on
8 election day, the BOS “[i]ssued guidance to all technicians in the field to make settings
9 changes to the Oki printers; and (3) “[b]y mid-afternoon, most sites were no longer
10 experiencing the printer issue.” See Maricopa County BOS Report, pages 3-4. These BOS
11 statements are inaccurate. In fact, the Vote Center Declarations show persistent Tabulator
12 Breakdown issues throughout election day. The Vote Center Spreadsheet demonstrates
13 that, at a minimum, the Tabulator Breakdowns continued at no fewer than 34 vote centers
14 after 3 p.m. See Sonnenklar Decl., Exhibit 1, Vote Center Spreadsheet, Column K. At
15 many vote centers, Tabulator Breakdowns persisted from the beginning until the end of
16 election day. *Id.*

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22 ⁶ The Maricopa County Attorneys’ Office issued a November 27, 2022 letter, in response
23 to Assistant Attorney General Jennifer Wright’s Letter of November 19, 2022 (publicly
24 available at <https://elections.maricopa.gov/asset/jcr:474f2301-1ff1-476d-a7fa-08945131f86c/LTR-2022.11.27-Liddy-to-Wright-FINAL.pdf>). The Maricopa County
25 Attorneys’ Office November 27, 2022 letter cites to Maricopa County Board of
26 Supervisors’ Report, with Exhibits numbered 1 through 11 (publicly available at
27 [https://elections.maricopa.gov/asset/jcr:d294ebcd-eb4d-4efc-83d7-
bd85f2fd7f9d/2022.11.27-Final-Report-and-Exhibits](https://elections.maricopa.gov/asset/jcr:d294ebcd-eb4d-4efc-83d7-bd85f2fd7f9d/2022.11.27-Final-Report-and-Exhibits)).

1 72. The Maricopa County's BOS Report also details the BOS's investigation into
2 the Vote Center Tabulator Breakdowns on election day and attempts to minimize the
3 number of vote centers affected. See Maricopa County BOS Report Ex. 7. The BOS
4 Report is not accurate. In fact, of the twenty vote centers which the Maricopa County
5 BOS claims did **not** have Tabulator Breakdowns, the Vote Center Declarations prove at
6 a minimum 16 of these vote centers had persistent Tabulator Breakdowns on election
7 day.⁷ Sonnenklar Decl., Exhibit 1, Vote Center Spreadsheet, Column J.

9 73. The Vote Center Declarations and the Vote Center Spreadsheet also prove
10 that long lines were widespread and lasting across Maricopa County on election day. The
11 aggregate numbers are significant. Out of a total of 223 Maricopa County Vote Centers,
12 at least 64 (28.7%) of the Vote Centers had long lines on election day, mostly due to the
13 Tabulator Breakdowns. Sonnenklar Decl., Exhibit 1, Vote Center Spreadsheet, Column
14 N. Moreover, despite the BOS's claims that the Tabulator Breakdowns were resolved by
15 mid-afternoon on election day, the long lines persisted long past mid-afternoon for at
16 least 24 vote centers. *Id.*, at Column O. It cannot be disputed that the oppressively long
17 lines on election day resulted in depressed voter turnout in Maricopa County.

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21 74. The Vote Center Declarations prove that because of the Tabulator
22 Breakdowns and long lines at so many vote centers frustrated voters left at least sixteen

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24 ⁷ The 16 vote centers are: Buckeye Fire Station 704, Chandler United Methodist Church,
25 Copper Hills Church/Westwing, Glendale Christian Church, Lifeway Church, Queen
26 Creek Library, Scottsdale Elks Lodge, Shadow Rock Congregational Church, Skyway
27 Church, Standing Stones Community Church, Surprise Senior Center, Tomahawk
28 School, Youngker High School, Central Christian Church/Mesa, Church of Jesus Christ
of LDS Buckeye, and Church of Jesus Christ of LDS Gilbert.

1 Maricopa County Vote Centers without voting. *Id.*, at Column P. For example, Mr.
2 Steele, a poll worker on election day at First United Methodist Church in Gilbert, was
3 tasked with helping voters check into the site books from 1:30 p.m. until the last voter
4 left the vote center around 10:30 p.m. (Sonnenklar Declaration, ¶ 4, Ex. 1, attach. A-189,
5 Steele Declaration ¶ 2. Mr. Steele testified that in his estimation 170-175 voters waiting
6 in line on the evening of election day gave up and did not vote. *Id.* ⁸ The election day
7 chaos also affected senior Maricopa County voters, who were unable to stand in line to
8 vote. ⁹ Due to chaos that occurred at so many Vote Centers on election day, it is safe to
9 assume that many more voters abandoned the voting line to cast a ballot or were
10 discouraged from traveling to a Vote Center in the first place.
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15 ⁸ Additional testimony from one of the Roving Attorneys: “I observed at least five voters
16 ... tell the Poll Inspector that, earlier in the day, they left this vote center because of the
17 printer/tabulator issues and are now returning in the evening to vote but, since they
18 arrived just after 7:00 p.m., the Poll Inspector turned them away and they were not
19 allowed to vote.” Sonnenklar Declaration, ¶ 4, Ex. 1, attach. A-115, Ludwig Declaration
20 ¶ 29.

21 ⁹ 68-year-old Ms. Weiman showed up to vote on election day at Desert Hills Community
22 Church. There were no parking spaces and a long line that was moving very slowly. She
23 checked the Arizona election website for an alternate vote center, but the only other vote
24 center within 20 miles was Outlets on Anthem, and the election website reported that it
25 had a line of 350-400 people with an estimated wait time of 2-3 hours. In Peggy’s words,
26 “I did not feel my body could stand in line for such a long time.” So, she came back to
27 Desert Hills Community Church a few hours later. The line was still “about a mile long
28 down the street.” So, Peggy drove home without voting. She checked the election
website one last time at 6:45 p.m. and saw that Desert Hills Community Center still had
a line of approximately 110 people. Peggy says “This was infeasible for me. I ended up
not being to vote—the first time that I have not voted since 1981.” Sonnenklar
Declaration, ¶ 4, Ex. 4, attach. A-206, Weiman Declaration ¶¶ 5-10.

1 75. Although widespread across Maricopa County, a bi-partisan county, this
2 voter suppression did not affect Republican and Democrat voter equally. For November
3 8, 2022, election day voting, Republican voters significantly outnumbered Democrat
4 voters statewide, with an even greater delta for election day voting specifically in
5 Maricopa County.¹⁰ Thus, it cannot be disputed that the Tabulator Breakdowns on
6 election day impacted Republican voters more than Democrat voters.
7

8 **Commingling of Tabulated and Non-Tabulated Ballots on Election Day**

9 76. The Vote Center Declarations also prove that there were numerous instances
10 in which vote centers co-mingled tabulated and non-tabulated ballots. At the close of
11 election day, prior to transporting the ballots to MCTEC, at least 16 Vote Centers
12 improperly commingled tabulated ballots (deposited into tabulator Doors 1 and 2) and
13 non-tabulated ballots (deposited into Door 3) into the same black canvas transport bag or
14 other containers. Sonnenklar Declaration, ¶ 4, Ex. 1, Vote Center Spreadsheet, Column
15 M. The BOS Report states that this commingling was intentional: “[d]uring the
16 November 2022 General Election, the Elections Department provided direction to poll
17 workers that they could use one of the two black ballot transport canvass bags that each
18 Vote Center was provided to transport the Door 3 ballots if the quantity exceeded the
19 capacity of the envelope.” Maricopa County BOS Report, page 6. The BOS report further
20 concludes that the co-mingling occurred at only two Vote Centers. *Id.* Both of these
21 statements are false.
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26 _____
27 ¹⁰ 2022 Arizona Statewide canvas of election results, December 5, 2022:
28 <https://results.arizona.vote/#/state/33/0>.

1 77. According to Maricopa County election procedure, to ensure ballots are not
2 co-mingled, Door 3 non-tabulated ballots must be transported to MCTECH in a separate
3 envelope or bag.¹¹ Due to the widespread Tabulator Breakdowns on election day, Vote
4 Centers were overwhelmed with an unprecedented number of Door 3 ballots. Most Vote
5 Centers with Tabulator Breakdowns would not have been able to fit their Door 3 ballots
6 into the separate designated envelopes. Without a second special transport bag, the Vote
7 Centers were forced to package these ballots alongside already tabulated ballots.
8 MCTECH was not made aware of this when it received the transported ballots.
9 Declaration of Kurt Olsen (“Olsen Declaration”), ¶ 17, Ex. 14, Kuchta Declaration ¶¶ 9-
10 11. The improper transport process could have easily resulted in Door 3 ballots not being
11 properly counted, or in some cases ballots being double-tabulated, both at the vote center
12 and at MCTEC for at least twenty-six vote centers. *Id.*, at ¶¶ 16-19.
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16 78. The Maricopa County BOS Report suggests that the Tabulator Breakdown
17 problem, even if widespread, is irrelevant. The BOS Report states that Maricopa voters
18 had the option to place their misread ballots in “Door 3”, therefore, the tabulator
19 breakdown did not affect voting on election day.” Maricopa County BOS Report, page
20 3-5. This argument ignores the facts on the ground. Maricopa County election day voters
21 generally express a strong preference to have their ballots tabulated at the vote centers.
22 For some voters, this is the reason they choose to vote specifically on election day.
23
24

25 ¹¹ Maricopa County August Primary & November General Election Procedure Training
26 Manual, at pages 129, 134. Publicly available at
27 https://elections.maricopa.gov/asset/jcr:2f02b340-4bc1-4782-8fa1-9813afabb37a/FINAL%202022%20Primary%20General%20Manual_Redacted1.pdf
28

1 Maricopa County election day voters want to ensure that their vote is counted at the vote
2 center. If a voter deposits their vote into Door 3, it involves a more complicated tabulation
3 process, first requiring transport to MCTEC, with a stronger possibility that a voter's
4 ballot will not be properly counted. The Vote Center Declarations indicate that a
5 significant percent of voters did not believe that ballots deposited into Door 3 would be
6 properly counted. This belief was validated by the November 8, 2022, election, with
7 widespread reports of ballots being improperly co-mingled, and rampant chain of custody
8 problems throughout Maricopa County.
9

10 79. The Maricopa County BOS claims to have processed "16,724 Door 3 ballots"
11 Maricopa County BOS Report, page 3. From the evidence in the Vote Center Spreadsheet
12 and the massive amount of voter declarations detailing the number of Door 3 ballot drops,
13 there is good reason to believe that the number of Door 3 ballots is far greater.
14

15 **Maricopa County Claims Relating to Vote Center Wait Times**

16 80. The Maricopa County BOS Report attempts to deny the existence of long
17 lines and wait times at many vote centers on election day. It cannot be disputed that there
18 were oppressively long lines at the Vote Centers with Tabulator Breakdowns. Sonnenklar
19 Declaration, ¶3, Ex. 1 Vote Center Spreadsheet, Column N. For example, the BOS
20 Report states that only 16 vote centers had average wait times on election day that
21 exceeded 60 minutes, with only 7 of those 16 vote centers having wait times between 80-
22 115 minutes (including Asante Library, ASU West, Biltmore Fashion Park, Church of
23 Jesus Christ LDS—Southern, Desert Hills Community Church, Living Word Bible
24 Church, and Red Mountain Community College). *See* Maricopa County BOS Report,
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1 page 1. The Vote Center Declarations show a completely different story. In fact, at least
2 64 vote centers out of the total 223 Maricopa County vote centers (28.7%) had long
3 enough lines on election day for them to be noted by various declarants. Although the
4 BOS Report states that only seven vote centers had wait times greater than 80 minutes,
5 witness testimony indicates that wait times of at least 80 minutes occurred at many other
6 vote centers not listed in the BOS Report, including the following:
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Declarant's Name	Vote Center	Paragraph Number (if applicable)	Comment regarding wait time/line
Ariane Buser (A-29)	Cave Creek Town Hall	¶ 8 & 9	90-minute wait
Gary Lasham (A-100)	Dove of the Desert United Methodist	¶ 7	120-minute wait
Earl Shafer (A-181)	First United Methodist Church of Gilbert	Page 3	120-minute wait
Mary Ziola (A-219)	Happy Trails Resort	¶ 7	120-minute wait
Claire Morgan (A-134)	Mesquite Groves Aquatic Center	No ¶ numbers	120-minute wait
Peggy Weiman (A-206)	Outlets at Anthem	¶ 7	2-3 hour, 350-400 people in line
Roie Bar (A-220)	Radiant Church Sun City	¶ 13	120-minute wait for most of the day
Erinn Tatom (A-195)	Sunland Village East	¶ 6	90-minute wait

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Sonnenklar Declaration, ¶ 4, Ex. 1.

81. The BOS Report further states that only 16 vote centers had average wait times on election day that exceeded 60 minutes. The Vote Center Declarations prove there were wait times of at least 60 minutes at the following vote centers throughout Maricopa County, none of which were included in the BOS Report:

Declarant's Name	Vote Center	Paragraph Number (if applicable)	Comment regarding wait time/line
Jeffrey W. Crockett (A-44)	ASU Sun Devil Fitness Center	¶ 26	More than 200 people; at least a two-hour wait
Jeffrey W. Crockett (A-44)	Avondale City Hall	¶ 14	97 people in line
Duane Schooley (A-178)	Buckeye City Hall	¶ 6(a) & (b)	35-75 people in line
Kathryn Baillie (A-11)	Cactus High School	¶ 25	200 people in line
Michael Brenner (A-25)	Compass Church	¶ 10	60+ minutes wait for most of day
Mark Sonnenklar	Copper Canyon School	¶ 34	100 people in line
Tabatha LaVoie (A-101)	El Dorado Community Center	¶ 28	At times, hour long wait
Kristine Moss (A-136)	First United Methodist Church of Gilbert	¶ 29	80 people in line
Keith Evanson (A-60)	First United Methodist Church of Gilbert	¶ 7 & 8(a)	120 people in line
Mark Sonnenklar	Fountain Hills Community Center	¶ 10	150 people in line
Kevin Beckwith (A-15)	Glendale Community College – North	¶ 14	100-120 people in line
Aaron Ludwig (A-115)	Happy Trails Resort	¶ 27	200 people in line
Mary Ziola (A-219)	Happy Trails Resort	¶ 7	2-hour wait
Tabatha LaVoie (A-101)	Indian Bend Wash Visitor Center	¶ 35	1.25 hour wait
Kathryn Baillie (A-11)	Journey Church	¶ 35	“very long” wait
Tabatha LaVoie (A-101)	Messinger Mortuary	¶ 31	60 people in line
Aaron Ludwig (A-115)	Mountain Vista Club/Vistancia	¶ 22	100-120 people in line
Aaron Ludwig (A-115)	Radiant Church Sun City	¶ 30	100-120 people in line

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Christian Damon (A-46)	San Tan Village	¶ 14	“a long line of voters”
Aaron Ludwig (A-115)	Sheriffs Posse of Sun City West	¶ 16	80-100 people in line
Aaron Ludwig (A-115)	Surprise City Hall	¶ 10	200 people in line
Kristine Moss (A-136)	Tumbleweed Recreation Center	¶ 21	Between 250-500 people in line
Mark Sonnenklar	Venue 8600	¶ 32	“line extending outside the building”
Mark Sonnenklar	Via Linda Senior Center	¶ 21	150 people in line
Kathryn Baillie (A-11)	Worship & Word Church	¶ 9, 14 & 16	80-100 people in line
Ken Mettler (A-131)	Worship & Word Church	¶ 5	100-125 people in line and 1.0-1.5 hour wait

1 Sonnenklar Declaration, ¶ 4, Ex. 1.

2 82. To further prove the unreliability of the Maricopa County BOS data, Black
3 Mountain Baptist Church and Cave Creek Town Hall were two vote centers in which **all**
4 the onsite tabulators were not operational for a significant part of election day. Id., attach.
5 A-196, Teixeira Declaration. These two vote centers turned away voters and directed
6 potential voters to other vote centers nearby. Despite this, the BOS Report does not list
7 these two vote centers as vote centers with significant wait times.
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10 83. As another example of inaccurate BOS supplied data, the BOS Report states
11 that the longest reported wait times for Desert Hills Community Church and the Church
12 of Jesus Christ of LDS—Southern vote centers were 85 minutes and 88 minutes,
13 respectively. See Maricopa County BOS Report, page 1. This data is also directly
14 contradicted by the Vote Center Declarations:
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Declarant's Name	Vote Center	Paragraph Number (if applicable)	Comment regarding wait time/line
Inspector Harold Darcangelo (A-47)	Church of Jesus Christ of LDS—Southern	¶ 1	120-minute wait, 275 people in line
Clerk Debbie Gillespie (A-67)	Desert Hills Community Church	¶ 3	120-minute wait

1 Sonnenklar Declaration, ¶ 3, Ex. 1, at attach. A-47, Darcangelo Declaration, ¶ 1; attach.
2
3 A-67, Gillespie Declaration, ¶3.

4 84. As further proof of the outright chaos in Maricopa County on election day,
5 Plaintiff points to videos taken by voters of the oppressively long lines at the Via Linda
6 Senior Center vote center and the Copper Canyon Elementary School vote center. See
7 Sonnenklar Declaration, ¶ 45. It cannot be disputed, that the data provided by the
8 Maricopa County BOS Report relating to vote center wait times and tabulator
9 breakdowns is not reliable. Since election day, in an attempt to validate and certify the
10 election, the Maricopa County Board of Supervisors has consistently downplayed the
11 unfolding chaos that occurred in Maricopa County on November 8, 2022. Plaintiff's
12 numerous Vote Center Declarations prove otherwise. It cannot be disputed, that the
13 Tabulator Breakdowns and long lines at the vote centers, improperly suppressed election
14 day voter turnout in Maricopa County.
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17 **The Catastrophic Failures of Tabulators At More Than Half Of Maricopa County's**
18 **Vote Centers Disenfranchised Between At Least 15,603 and 29,257 Republican**
19 **Voters Who Would Have Cast Their Vote For Kari Lake**

20 85. On Election Day, Maricopa County operated 223 sites ("Vote Centers") at
21 which voters could check in and cast a ballot. At each Vote Center, voters were supposed
22 to complete the following process cast their ballots: (a) present acceptable identification
23 to "check in," (b) receive a ballot printed by an on-demand on-site printer, (b) complete
24 the ballot using a pen, (4) feed the ballot into a computerized scanner ("tabulator"). The
25 tabulator was then supposed to count the votes marked on the ballot. After voting ended
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1 and the Vote Centers closed, the ballots cast at the Vote Centers were packaged and
2 transported to MCTEC.

3 86. Election data published show stark differences in the proportions of votes
4 received by candidates Lake and Hobbs for each different type of voting. According to
5 the figures published by the Arizona Secretary of State, Lake received 70% (330,249 out
6 of 469,822) of the votes cast statewide at polling places, while Hobbs received 55%
7 (1,144,948 out of 2,080,363) of the votes cast statewide through early balloting.
8

9 87. The chaos and confusion at Maricopa County's Vote Centers on Election
10 Day adversely and disproportionately affected Lake's vote total in the election. Voters
11 deterred from voting by the long lines and tabulator malfunctions would have voted in
12 favor of Lake by a margin of 70% to 30%.
13

14 88. Richard Baris is a professional data analyst who performs polling, election
15 forecast modeling, and analysis for his clients. His work has been cited in media outlets
16 including Bloomberg and Fox News, and he has served as an expert and voir dire
17 researcher in state and federal court cases with subject matter ranging from elections to
18 civil rights.¹²
19

20 89. Baris's firm, Big Data Poll, conducted a voting exit poll in the state of
21 Arizona from November 1 to November 8, 2022, obtaining responses from voters who
22 voted in a variety of different ways, such as early in-person, depositing an early ballot in
23 a ballot dropbox, and mail-in voting. The sample included 813 residents of Maricopa
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26 ¹² Declaration of Richard Baris ("Baris Decl.") attached as Ex. 11 to the Declaration of
27 Kurt Olsen.
28

1 County. This poll provides a scientific basis to determine a predictable turnout for the
2 election as a whole, based on accepted metrics. Election Day respondents were also
3 asked, “Did you have any issues or complications when trying to vote in person, such as
4 tabulators rejecting the ballot or voting locations running out of ballots?”

5 A much larger proportion of poll respondents identifying as Republican reported having
6 issues while trying to cast a ballot on Election Day, as compared to respondents
7 identifying as Democrats, by a margin of 58.6% to 15.5%. The rate of those reporting
8 issues was 39.7% for voters who identified as “independent” or as an “other” party.
9

10 90. Baris’s expert opinion, based on accepted mathematical principles and
11 Maricopa County voter histories, is that the tabulator breakdowns suppressed Election
12 Day turnout, and that absent the machine breakdowns at Vote Centers across Maricopa
13 County, Kari Lake would conservatively have gained between 15,603 and 29,257 votes
14 over Katie Hobbs in Maricopa’s final election canvass.
15
16

17 **Hobbs’ And Maricopa Officials’ Unlawful and Unconstitutional Censoring of**
18 **Election Related Information on Social Media and Other Platforms**

19 91. Freedom of speech is one of the most sacred rights in the U.S. Constitution.
20 Documents produced in the recent case of *Missouri. v. Biden*, No. 3:22 cv 01213 (W.D.
21 La.) (the “*Missouri First Amendment Litigation*”) revealed that DHS and CISA secretly
22 created “a centralized portal” in April 2020 for state and local election officials to report
23 so-called disinformation that was counter to whatever narrative these government
24 officials sought to promote.¹³ CISA or the Center for Internet Security (“CIS”) acting on
25

26
27 ¹³ Ex. 1 attached to the Olsen Decl.

1 95. In another complaint Hobbs made to misinformation@cisecurity.org, Hobbs
2 complained about a *private* Facebook post stating that Trump had won.¹⁴ Upon
3 information and belief Hobbs and other Maricopa County officials sent many more
4 censorship requests. Lake issued a public records request for such documents on
5 December 9, 2022.
6

7 96. Richer also participated directly in a propaganda and censoring program at
8 the national level of CISA through the 2022 election cycle. For example, attached as Ex.
9 3 to the Olsen Declaration is a CISA memorandum regarding a meeting on March 29,
10 2022 that included, among others, three Maricopa County employees from the Recorder's
11 office, CISA officials, and the general counsel of Twitter, Vijaya Gadde. The
12 memorandum states the purpose of the meeting as:
13

14 The purpose of the CISA Cybersecurity Advisory Committee (CSAC)
15 Protecting Critical Infrastructure from Misinformation & Disinformation
16 (MDM) Subcommittee meeting was to hear a brief from Mr. Stephen Richer,
17 County Recorder in Maricopa, AZ, on current election processes and needs
among elections officials and to discuss CISA's role in the MDM space.

18 97. Richer then gave a case study presentation on how he believed censorship of
19 election related information that he disagreed with was necessary.
20

21 98. Hobbs and Richer are striving to secretly stifle facts and manipulate voters'
22 opinions about elections—while at the same time allowing or participating in the
23 violations of Arizona election laws described herein.
24
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26

27 ¹⁴ Ex. 4 Olsen Decl.
28

1 99. Hobbs's and Richer's actions are a per se violation of the First Amendment
2 of the U.S. Constitution and art, II, § 6 of the Arizona Constitution.

3 **Maricopa County Election Officials Are Responsible for The Failures of The Ballot**
4 **On Demand Printers And Tabulators Which Resulted From Intentional**
5 **Misconduct And Disproportionately Targeted Republican Voters**

6 100. Given the policies and procedures governing the testing and use of electronic
7 voting systems in Arizona, the extent and character of the problems and breakdowns
8 encountered at Vote Centers in Maricopa County on Election Day eliminate any plausible
9 explanation other than intentional causation as the reason for the widespread breakdowns
10 of printers and/or tabulators at the Vote Centers that day. Maricopa County did not
11 experience these kinds of widespread breakdowns in the days leading up Election Day,
12 or during the limited testing performed on the election equipment. The sudden
13 widespread appearance of preventable breakdowns on Election Day, a day on which it
14 was known that the electorate would be heavily weighted toward voters favoring Lake,
15 was an outcome materially and adversely and Maricopa indicates that the problems were
16 intentionally caused.
17
18

19 101. Clay Parikh is a qualified cyber expert with nearly twenty years' experience.
20 He has operated at some of the highest levels in the U.S. government in the areas of
21 Information Assurance (IA), Information Security and Cyber Security, Vulnerability
22 Management, Security Test and Evaluation (ST&E) and system accreditation.¹⁵ Mr.
23 Parikh has provided cyber work and support to organizations such as NATO, NASA-
24
25
26

27 ¹⁵ See Declaration of Clay Parikh attached as Ex. 13 to the Olsen Declaration at ¶¶ 2-4.
28

1 Marshall Space Flight Center, and multiple Department of Defense agencies within the
2 U.S. government. *Id.* at ¶ 3

3 102. Mr. Parikh also spent nine years from 2008-2017 “perform[ing] security tests
4 on vendor voting systems for certification from the Election Assistance Commission
5 (EAC) or various Secretaries of State. *Id.* at ¶ 5.

7 103. In his declaration, Mr. Parikh details his assessment of the events
8 that gave rise to the catastrophic failures with the printers and tabulators on
9 Election Day at Vote Centers in Maricopa County.

11 104. His conclusions as to the widespread printer and/or tabulator breakdowns on
12 Election Day at Vote Centers in Maricopa County are damning:

13 Some components of the voting system used in the election were not
14 certified thus endangering the entire voting process. The use of one of these
15 uncertified components violates Arizona law. There were numerous
16 procedural violations that can only be categorized as intentional. Maricopa
17 County experienced a widespread technical breakdown across a significant
18 portion of their vote centers. They reported 70 sites out of 223 (31.8%)
19 voting centers were affected. Other reports list as high as 132 sites out of
20 223 (59.2%) were affected. Whichever figure is correct, given the required
21 standards and procedures involved with the election process, an
22 unintentional widespread failure of this magnitude occurring could not arise
23 absent intentional misconduct. The explanations given to the public and
24 media for what caused the technical issues were not correct. The county
25 also did not sufficiently provide the affected voters with instructions nor the
26 poll workers with procedures for the contingency plan or “back up plan” ,
27 let alone ensure the plan and the mitigation was implemented effectively
28 and efficiently.

24 *Id.* at ¶ 7.

1 105. Mr. Parikh’s findings and conclusions also warrant an immediate
2 and full forensic audit “to include the SiteBooks and [ballot on demand] printers
3 to conduct a proper analysis and root cause of these issues.” *Id.* at ¶ 33.

4 **Illegal Ballot Handling and Chain of Custody Failures with Respect To Over**
5 **300,000 Ballots Make The Outcome of the Election Uncertain**

6 106. Maricopa County election officials engaged in numerous breaches of
7 Arizona election law in their handling and custody of ballots, making it impossible to
8 conclude that the vote tallies reported by Maricopa County accurately reflect the votes
9 cast by Arizona voters.

11 107. Arizona law requires that “[t]he county recorder or other officer in charge of
12 elections shall maintain records that record the chain of custody for all election equipment
13 and *ballots during early voting through the completion of provisional voting*
14 *tabulation.*” Ariz. Stat. § 16-621(E) (emphasis added). *See also* Arizona Elections
15 Procedures Manual 61-61.

17 108. A proper chain of custody is not ministerial. The U.S. Election Assistance
18 Commission instructs that “Chain of custody is essential to a transparent and trustworthy
19 election.”¹⁶ “Chain of custody documents provide evidence that can be used to
20 authenticate election results, corroborate post-election tabulation audits, and demonstrate
21 that election outcomes can be trusted.” *Id.* at 3.

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26 [https://www.eac.gov/sites/default/files/bestpractices/Chain_of_Custody_Best_Practices.](https://www.eac.gov/sites/default/files/bestpractices/Chain_of_Custody_Best_Practices.pdf)
27 [pdf](https://www.eac.gov/sites/default/files/bestpractices/Chain_of_Custody_Best_Practices.pdf) at 2.

1 109. A.R.S. § 16-452(C) states, “A person who violates any rule adopted
2 pursuant to this section is guilty of a class 2 misdemeanor.” This criminal penalty
3 underscores the Arizona state legislature’s recognition of the critical nature of expressly
4 following chain of custody requirements with respect to ballots. *See also* A.R.S. § 16-
5 1016(7), (8).
6

7 110. The Arizona Elections Procedure Manual, pages 61-62, establishes required
8 procedures for secure ballot retrieval and chain of custody for all drop box ballots. The
9 requirements include that each county must confirm receipt of the retrieved ballots by
10 signing the retrieval form and indicating the date and time of receipt on the form. The
11 retrieval form must be attached to the outside of the transport container or maintained in
12 a way that ensures the form is traceable to the respective ballot container. Significantly,
13 when the secure transport container is opened by the county recorder, “the number of
14 ballots inside the container shall be counted and noted on the retrieval form.”
15
16

17 111. Maricopa County election officials received two categories of early voting
18 ballots on Election Day, EV ballots received at ballot drop-off sites and mail-in ballots
19 returned through the U.S. Postal Service. Maricopa County delivered these ballots to
20 Runbeck to obtain electronic images of the signatures on the ballots. After scanning, the
21 ballots were eventually transferred back to the Maricopa County Tabulation and Election
22 Center.
23

24 112. Maricopa County failed to maintain and document the required secure chain
25 of custody for hundreds of thousands of ballots, in violation of Arizona law, including as
26 described below, for over 298,942 ballots delivered to Runbeck on Election Day.
27
28

1 a. A Runbeck employee observed that Maricopa County election workers
2 delivered Early-Vote (“EV”) ballots retrieved from ballot drop boxes and
3 mail-in ballots from the Postal Service, neither of which were accompanied
4 by any of the required chain of custody paperwork which, among other
5 things, would document the number of ballots received from ballot drop
6 boxes. According to the employee, Runbeck received 298,942 ballots on
7 Election Day which includes the EV ballots. The required chain of custody
8 for these ballots does not exist. Indeed, two days later, on November 10,
9 2022, the employee observed that Maricopa County had to ask Runbeck how
10 many ballots Runbeck had received on election night, demonstrating that
11 Maricopa County itself did not know how many EV ballots had been
12 retrieved from ballot drop boxes on Election Day in violation of Arizona
13 law.¹⁷

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17 b. The Runbeck employee’s testimony is confirmed by Maricopa County’s
18 response to a public records request for chain of custody forms. Early Voting
19 Ballot Transport Statements were produced by Maricopa County on
20 December 6, 2022, in response to a public records request by Lake. Maricopa
21 County produced 1149 of these documents dated October 12th through
22 November 7th but not a single document from Election Day drop box ballot
23 retrievals. The official canvass report indicated that Maricopa County
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27 ¹⁷ Ex. 9 Olsen Decl., Declaration of Denise Marie.

1 received over 292,000 EV ballots (not including provisional and ballots
2 picked up by the U.S. Postal Service) dropped off on Election Day. However,
3 Maricopa County did not produce chain of custody documents for these
4 reported Election Day drop box ballots.
5

6 c. The fact that no required chain of custody documentation exists for these
7 298,942 ballots (as well as others) is further confirmed by the sworn
8 testimony of a credentialed election observer at MCTEC on Election Day.
9 That observer testified she observed the trucks and vehicles delivering ballots
10 and memory cards from the Vote Centers and ballot drop boxes. She
11 observed the delivery of the transport containers of ballots retrieved from
12 drop boxes on Election Night. The witness observed the receipt and
13 processing of the ballot transport containers. She saw MCTEC workers cut
14 the plastic security seals off of the ballot transport containers and let them
15 fall to the floor without any attempt to record seal numbers. When the
16 transport containers were opened, the ballots inside the containers were not
17 counted and therefore no numbers were recorded on retrieval forms. She
18 observed the transport containers of early voting ballots delivered without
19 any required documentation or paperwork on the outside of the containers.
20 No Early Voting Ballot Transport Statements were utilized. She observed
21 early ballot envelopes being removed by workers from opened containers
22 without any attempt to count them or document them as required by Arizona
23 law. She observed packages of misfed/misread ballots collected and moved
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1 around with no discernable process to track or account for the ballots. She
2 observed temporary employees moving unsecured metal carts full of ballots
3 without any security or monitoring.¹⁸

4 113. The entire ballot transfer process provides opportunities for legal ballots to
5 be lost or illegal ballots to be added. Chain of custody procedures and documentation
6 prevent ballots from being lost or added. Chain of custody documentation must show the
7 location, ballot container seal numbers, date, time, and ballot couriers for every transfer.
8 Yet ballots were transferred without documentation of chain of custody.
9

10 114. The Runbeck employee also testified that she observed Runbeck employees
11 were permitted to add their own and family members' ballots into the batches of incoming
12 ballots, without any documentation or tracking the chain of custody of these ballots.
13 There is no way to know whether 50 ballots or 50,000 ballots were unlawfully added into
14 the election in this way. The Runbeck facility is not a legal ballot drop off site. Ballots
15 not delivered to the office of the county recorder are not valid and should not be counted.
16 A.R.S. § 16-547(D). A.R.S. § 16-1016 states that it is unlawful to "knowingly adds a
17 ballot to those legally cast at any election, by fraudulently introducing the ballot into the
18 ballot box either before or after the ballots in the ballot box have been counted." Given
19 this blatant violation of Arizona law, there is no way to tell the number of ballots that
20 were illegally injected into the 2022 election.
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27 ¹⁸ Ex. 10 Olsen Decl., Declaration of Leslie White.

1 115. Throughout the 2022 election cycle Runbeck printed duplicate ballots. These
2 are duplicates of ballots that had been damaged in some way or could not be read by the
3 tabulator. The selections from the voter were supposed to be filled in and a new, duplicate
4 ballot printed. The Runbeck employee stated that there were at least 9,530 duplicate
5 ballots printed. When these ballots were picked up by Maricopa County, there was no
6 documentation – no delivery/shipping receipt, no chain of custody document, no
7 signature. They were simply handed over to the delivery driver.
8

9 116. In 2021, the Arizona Attorney General expressly warned Maricopa that it has
10 been violating ballot chain of custody procedures. Specifically, on April 6, 2021,
11 Attorney General Mark Brnovich issued a report concluding that Maricopa County
12 violated Arizona law by failing to maintain proper chain of custody for early ballots
13 retrieved from ballot drop boxes in connection with the 2020 Election.¹⁹ The Attorney
14 General wrote, “these procedures designed to preclude ballot tampering are critical given
15 the volume of early ballots that were dropped at these locations during the 2020 general
16 election.” Yet Maricopa County again violated Arizona law concerning the chain of
17 custody for early ballots retrieved from ballot drop boxes during the 2022 Election.
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21 117. On October 25, 2022, Secretary Hobbs wrote in a letter to Cochise County
22 that it had “no discretion to deviate” from the requirements that are established by the
23 Arizona Legislature and in the EMP concerning elections. Secretary Hobbs made clear
24 the importance that counties to adhere “precisely what that statute and the 2019 Election
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27 ¹⁹ <https://www.azag.gov/sites/default/files/2022-04/2022-04-06%20Fann%20letter.pdf>
28

1 Procedures Manual ('EPM') require." Under Arizona law, the Board has only those
2 powers "expressly conferred by statute," and the Board "may exercise no powers except
3 those specifically granted by statute and in the manner fixed by statute." *Hancock v.*
4 *McCarroll*, 188 Ariz. 492, 498 (App. 1996).

5
6 **Over 25,000 Ballots Were Added to The Total Ballots Collected After Election Day**
7 **Indicating A Chain Of Custody Failure**

8 118. Highlighting the chain of custody failures discussed above is the fact that
9 two days after Election Day was completed Maricopa County found more than 25,000
10 additional ballots, whereas properly followed chain of custody procedures would require
11 Maricopa County election officials to know the exact number of ballots submitted by the
12 day after Election, November 9, 2022.

13
14 119. Specifically, Maricopa County's public statements concerning remaining
15 ballots to be counted on November 9, 2022, and November 10, 2022, show an increase
16 of approximately 25,000 votes with no explanation of why the number of remaining
17 ballots could increase. On November 9, the County Recorder announced that "275,000+
18 ballots" had been sorted for scanning and signature verification after the Maricopa
19 Counting Vote Centers closed. On November 10, Maricopa County election official Celia
20 Nabor contacted the County's contractor Runbeck and asked how many ballots were
21 scanned at Runbeck, and Runbeck reported 298,000 ballots, an unexplained increase of
22 25,000 after the legal deadline for accepting ballots had closed.
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Date	Source/Event	Source	Ballots Counted	Ballots Left to Count	Total Ballots
11/9/22	Updated Unofficial Results	https://elections.maricopa.gov/news-and-information/elections-news/maricopa-county-election-results-updated-november-9-2022.html	1,136,849	410,000	1,546,849
11/9/22	SoS 19:14	https://web.archive.org/web/20221110100341/https://apps.azona.vote/info/bps/2022-general-election/33/0	1,136,849	407,664	1,544,513
11/10/22	Updated Unofficial Results	https://elections.maricopa.gov/news-and-information/elections-news/maricopa-county-election-results-updated-november-10-2022.html	1,215,718	350,000	1,565,718
11/10/22	SOS 23:03	https://web.archive.org/web/20221111111931/https://apps.azona.vote/info/bps/2022-general-election/33/0	1,215,718	353,885	1,569,603
11/11/22	Updated Unofficial Results	https://elections.maricopa.gov/news-and-information/elections-news/maricopa-county-election-results-updated-november-11-2022.html	1,290,669	275,000	1,565,669
11/11/22	SoS 20:11	https://web.archive.org/web/20221112114733/https://apps.azona.vote/info/bps/2022-general-election/33/0	1,290,669	274,885	1,565,554
11/21/22	Official Results	https://results.azona.vote/#/featured/33/0	1,562,758	0	1,562,758

1 Board of Supervisors to rubber stamp and “certify” them. A.R.S. § 16-622. Threatening
2 government officials in the performing their duties itself is a crime. A.R.S. § 13-2402.

3 123. Federal election disclosure records show that Maricopa County Recorder
4 Stephen Richer has raised thousands of dollars for a political action committee he
5 founded, Pro-Democracy Republicans PAC, which was expressly created to oppose Lake
6 and her political allies.²¹ Richer has additionally made public statements in opposition
7 to Lake and her political allies, taking credit for founding this political action committee.
8 The stated mission of Richer’s PAC is “to support pro-democracy Arizona Republicans”
9 who reject “conspiracy theorists and demagoguery” from candidates who maintain the
10 2020 presidential election in Arizona was stolen. However, “[w]hile Richer’s PAC claims
11 to support Republicans, it has received money from a man who donates to almost
12 exclusively Democrats and in direct opposition to GOP gubernatorial nominee Kari Lake,
13 GOP Secretary of State nominee Mark Finchem, several state legislators and candidates
14 for Maricopa County Supervisor.” Richer is responsible for the conduct of an election for
15 the fourth largest county in the United States, and he is directly advocating against
16 candidates for office in the very county over which he oversaw the election.
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21 124. Maricopa County election officials’ false public statements during and after
22 the election downplaying this debacle also support a finding of misconduct in this
23 election. Nor is this the first time Maricopa County officials made false statements and
24 obfuscated investigation of their election process. For example, during a House Oversight
25

26
27 ²¹ <https://arizonasuntimes.com/2022/11/23/maricopa-county-recorder-stephen-richers-founding-of-partisan-pac-raises-ethical-and-legal-questions-of-possible-misconduct/>

1 and Government Reform Committee hearing, Representative Andy Biggs questioned
2 Maricopa County officials about their deletion of 2020 election data in order to avoid a
3 state senate subpoena for election records. Maricopa County Board of Supervisors
4 Chairman Jack Sellers and the board vice chairman, Bill Gates, admitted they
5 intentionally deleted election data—data which had been subpoenaed by the Arizona
6 Senate and this court had ordered Maricopa County to produce.²²

8 **Improper Certification of Election**

9 125. On December 5, 2022, The Secretary of State, Katie Hobbs, formally
10 certified that she, Hobbs, received 1,287, 891 votes in the 2022 Election and Kari Lake
11 received 1,270,774 votes, a difference of 17,117 votes.
12

13 126. The rampant equipment failures and illegal processes in Maricopa County
14 make it impossible to know with any reasonable degree of confidence whether an
15 outcome determinative number of votes for Lake were not counted, miscounted, or
16 illegally deterred.
17

18 127. With the available information, no one can know whether Hobbs actually
19 received more votes than Lake in this election whose administration was overseen by
20 Hobbs.
21

22 128. As set forth above, the Maricopa County election board and the election
23 officers in Maricopa County engaged in misconduct that nullifies the results of the 2022
24 election in Maricopa County, by failing to prevent the entirely foreseeable problems that
25

26 ²² <https://www.youtube.com/watch?v=RURMyR7P4eE&t=112s>
27

1 afflicted the voting at Vote Centers on Election Day; and by failing to follow Arizona
2 law with respect to signature verification and chain of custody.

3 129. As set forth above, the inclusion of vast numbers of illegal votes in the vote
4 totals reported by Maricopa County preclude the inclusion of Maricopa County votes in
5 the tallies for the election of Governor of Arizona. In order to avoid disenfranchising the
6 legal voters in Maricopa County, the county must re-do its vote for the 2022 election,
7 eliminating illegal votes from the count.
8

9 130. As set forth above, the maladministration and illegal votes in Maricopa
10 County caused the State of Arizona to wrongfully name Hobbs as the candidate who
11 received the most votes in the election of Governor of Arizona. Lake received the greatest
12 number of votes and is entitled to be named the winner. Alternately, the election must be
13 re-done in Maricopa County to eliminate the effects of maladministration and illegal
14 votes on the vote tallies reported by Maricopa County.
15
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17 131. As set forth above, the maladministration and illegal votes in Maricopa
18 County during the 2022 election caused grossly inaccurate vote tallies to be reported,
19 unconstitutionally infringing Lake's right as a voter to have her vote counted only in
20 accordance with all legal votes, and her right as a candidate to have all votes counted
21 from all voters who wanted to vote for her. Maricopa County's denial of Lake's
22 constitutional right to vote precludes Maricopa County from certifying the results of its
23 unconstitutional election.
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COUNT I.

Freedom of Speech
U.S. Const. amend. I, Ariz. Const. art. II, § 6
Misconduct, A.R.S. § 16-672(A)(1)

132. Lake incorporates the foregoing paragraphs as if fully set forth herein.

133. Defendants Hobbs and Richer used their public office to violate the free-speech protections of the federal and Arizona Constitutions to further their own interests—Hobbs’s candidacy and Richer’s PAC—which would constitute misconduct, even without the conflict of interest.

134. The misconduct by defendants Hobbs and Richer warrants not only *vacatur* of the actions that each has taken in the canvassing and certifying the 2022 general election but also their recusal from any remaining participation in the 2022 general election as Secretary of State and Recorder, respectively.

135. Accordingly, Lake is entitled to an order vacating Maricopa County’s canvass and Arizona’s certification of the results of the 2022 election, with the renewed Maricopa County canvas and Arizona certification awaiting the final resolution of the other relief demanded here, which would affect that eventual canvas and certification.

COUNT II.

Illegal Tabulator Configurations
52 U.S.C. § 21081; A.R.S. § 16-442(B)
Misconduct and Illegal Votes, A.R.S. § 16-672(A)(1), (A)(4)

136. Lake incorporates the foregoing paragraphs as if fully set forth herein.

137. Under A.R.S. § 16-442(B), devices used in Arizona elections must be certified and must comply with the Help America Vote Act (“HAVA”).

1 138. In 52 U.S.C. § 21081(b), HAVA deems the “total combination” of all
2 components used to cast and count votes.

3 139. The knowing modification of the software, hardware, or source code for
4 voting equipment without receiving approval or certification pursuant to A.R.S. § 16-442
5 is guilty of a class 5 felony. A.R.S. § 16-1004(B).
6

7 140. Protections such as certification requirements are not “advisory” if the
8 violation of those protections “affect the result, or at least render it uncertain.” *Findley v.*
9 *Sorenson*, 35 Ariz. 265, 269, 276 P. 843, 844 (1929).
10

11 141. The BOD printers involved in the tabulator problems that certain Maricopa
12 County vote centers experienced on election day are not certified and have vulnerabilities
13 that render them susceptible to hacking, as set out in the Parikh declaration.

14 142. As further set out in the Parikh declaration, the tabulator problems that
15 certain Maricopa County vote centers experienced on election day were the result of
16 intentional action.
17

18 143. As set out in the Baris declaration, the tabulator problems that certain
19 Maricopa County vote centers experienced on election day disproportionately affected
20 Republicans in two ways: (a) election-day voters are disproportionately Republican, and
21 (b) even among the cohort of election-day voters, Republican areas within Maricopa
22 County were disproportionately affected. Taken together, these factors affected the
23 outcome of the Governor race.
24

25 144. The Vote Center Declarations establish that the tabulator issues at Maricopa
26 County’s vote centers was significantly more prevalent and of longer duration than the
27

1 Maricopa Defendants have acknowledged.

2 145. If the intentional actor was a Maricopa County election official covered by
3 A.R.S. § 16-672(A)(1), that official misconduct also would constitute an Equal Protection
4 and Due Process violation.

5
6 146. Indeed, even if a Maricopa County election official covered by A.R.S. § 16-
7 672(A)(1) did not intentionally hack the use of uncertified election equipment
8 nonetheless constitutes misconduct under that subsection.

9
10 147. If the intentional actor was *not* a Maricopa County election official covered
11 by A.R.S. § 16-672(A)(1), the resulting Maricopa County voting was nonetheless illegal
12 under Arizona law because the use of uncertified election systems in violation of A.R.S.
13 § 16-442(B) rendered the Maricopa County voting “uncertain” under *Findley v.*
14 *Sorenson*, 35 Ariz. at 269, 276 P. at 844, and its progeny. Specifically, this interference
15 qualifies as the type of “fraudulent combinations, coercion, and intimidation” that
16 requires striking the entire vote:
17

18 It is to be observed that the fraud imputed to this precinct by
19 contestee in his answer and assignment is not that kind of fraud,
20 such as intimidation, bribery, or violence, or other misconduct
21 so flagrant that the extent of its influence may rarely, if ever,
22 be exactly computed, and the evil influence of which is so
diffusive that the result of the election is made uncertain. It is
said in 9 R.C.L., Elections, § 107:

23 “There is a distinction between particular illegal votes the
24 effect of which may be proven and exactly computed and
25 fraudulent combinations, coercion, and intimidation. *It can*
26 *never be precisely estimated how far the latter extends. Their*
27 *effect cannot be arithmetically computed. It would be to*
encourage such things as part of the ordinary machinery of
political contests to hold that they shall avoid only to the

1 *extent that their influence may be computed. So wherever*
2 *such practices or influences are shown to have prevailed, not*
3 *slightly and in individual cases, but generally, so as to render*
4 *the result uncertain, the entire vote so affected must be*
5 *rejected."*

6 It is influence of this sort in those cases where the extent
7 thereof may be determined with reasonable certainty, which is
8 rarely the case, that it is the duty of the court to purge the
9 returns of such fraud. A court, however, will exercise the
10 power to reject the votes of an entire precinct and disfranchise
11 a body of electors only where an imperative public necessity
12 requires. It will do so as a last resort where it is found
13 impossible to compute the wrong. If the illegal effect may be
14 proven and computed with reasonable certainty, the returns
15 will be purged to that extent only. But it is obvious here that, if
16 the asserted fraud exists at all, it consists in the election officers
17 fraudulently changing specific ballots which were marked and
18 voted for contestee to appear as if marked and voted for
19 contestant and counting them as voted for contestant. It is
20 apparent that, if the proofs adduced are sufficient to justify the
21 trial court in finding that such ballots were so fraudulently
22 changed and counted, the identical proof that would sustain it
23 must necessarily and with reasonable precision compute the
24 extent of the fraud perpetrated.

25 *Hunt v. Campbell*, 19 Ariz. 254, 265-66, 169 P. 596, 601 (1917) (emphasis added).

26 148. Accordingly, Lake is entitled to an order setting aside the election in its
27 entirety.

28 **COUNT III.**

Mail-In Ballots with Invalid Signatures

A.R.S. § 16-550(A)

Misconduct, A.R.S. § 16-672(A)(1)

149. Lake incorporates the foregoing paragraphs as if fully set forth herein.

150. To be lawful and eligible for tabulation, the signature on the affidavit
accompanying an early ballot must match the signature featured on the elector's

1 "registration record." A.R.S. § 16-550(A).

2 151. Upon information and belief, a material number of early ballots cast in the
3 November 8, 2022 general election were transmitted in envelopes containing an affidavit
4 signature that the Maricopa County Recorder or his designee determined did not match
5 the signature in the putative voter's "registration record." The Maricopa County Recorder
6 nevertheless accepted a material number of these early ballots for processing and
7 tabulation.
8

9 152. Specifically, the invalid-signature ballot envelopes established in the Busch
10 and Parikh declarations demonstrate that Maricopa County's elections suffered from
11 outcome-determinative number of illegal votes from mail-in ballots in 2020 and 2022.

12 The illegal votes require the Court to act to set aside the 2022 general election:
13

14 This is not a case of mere technical violation or one of dotting
15 one's "i's" and crossing one's "t's." At first blush, mailing versus
16 hand delivery may seem unimportant. But in the context of
17 absentee voting, it is very important. Under the Arizona
18 Constitution, voting is to be by secret ballot. Ariz. Const. art
19 VII, § 1. Section 16-542(B) advances this constitutional goal
20 by setting forth procedural safeguards to prevent undue
21 influence, fraud, ballot tampering, and voter intimidation. [...
22 A] showing of fraud is not a necessary condition to invalidate
23 absentee balloting. It is sufficient that an express non-technical
24 statute was violated, and ballots cast in violation of the statute
25 affected the election. We therefore vacate the opinion of the
26 court of appeals and reinstate the judgment of the trial court
27 setting aside the election.
28

Miller, 179 Ariz. at 180, 877 P.2d at 279.

25 153. To the extent the Elections Procedures Manual purports to authorize the
26 validation of early ballot affidavit signatures by reference to a signature specimen that is
27

1 not found in the voter's "registration record," the Manual is contrary to the plain language
2 of A.R.S. § I 6-550(A), and hence unenforceable.

3 154. The remedy for illegal absentee ballots is either to set aside the election under
4 *Miller*, 179 Ariz. at 180, or proportionately to reduce each candidate's share of mail-in
5 ballots under *Grounds*, 67 Ariz. at 183-85.

7 155. Accordingly, Lake is entitled both to an order requiring the Maricopa
8 Defendants to revisit all or a representative sample of the EV ballot envelopes to check
9 for valid signatures and to an order either setting aside the election or proportionately
10 reducing the tabulated returns of early ballots.

12 COUNT IV.

13 Invalid Chain of Custody 14 A.R.S. §§ 16-621(E), 16-1016 15 Misconduct, A.R.S. § 16-672(A)(1)

16 156. Lake incorporates the foregoing paragraphs as if fully set forth herein.

17 157. Procedural protections such as chain-of-custody requirements are not
18 "advisory" if the violation of those protections "affect the result, or at least render it
19 uncertain." *Findley v. Sorenson*, 35 Ariz. 265, 269, 276 P. 843, 844 (1929).

20 158. The Runbeck whistleblower indicated that Runbeck employees could add
21 ballots to the batches of incoming ballots, without any documentation or tracking the
22 chain of custody of the added ballots and thus with no way to know whether 50 ballots
23 or 50,000 ballots were added in violation of A.R.S. § 16-1016.

25 159. Including EV ballots scanned at Runbeck, Maricopa County's total EV
26 ballots fluctuated upward by approximately 25,000 ballots two days after the election.
27

1 160. Runbeck prepared at least 9,530 duplicate ballots with no chain of custody
2 as required under Arizona law.

3 161. Especially in light of Maricopa's documented chain-of-custody violations
4 with respect to the 2020 election, repeating those violations in the next election renders
5 the result uncertain, especially when the votes in question affect the canvassed margin of
6 victory.
7

8 162. Accordingly, Lake is entitled to an order either setting aside the election or
9 proportionately reducing the tabulated returns of early ballots.
10

11 COUNT V.

12 Equal Protection

13 U.S. Const. amend. XIV, § 1, cl. 4, Ariz. Const. art. II, § 6
14 Misconduct and Illegal Votes, A.R.S. § 16-672(A)(1), (A)(4)

15 163. Lake incorporates the foregoing paragraphs as if fully set forth herein.

16 164. Assuming *arguendo* that a state actor caused the tabulator problems that
17 certain Maricopa County vote centers experienced on election day, the disproportionate
18 burden on a class of voters—Republicans—warrants a finding of intentional
19 discrimination and a shift of the burden of proof to defendants.

20 165. On information and belief, even among the cohort of election-day voters, the
21 BOD printer problem occurred with greater frequency and burdened Republican election-
22 day voters more than 15 standard deviations than it burdened non- Republican election-
23 day voters. *See Castaneda v. Partida*, 430 U.S. 482, 496 n.17, 97 S. Ct. 1272, 1281
24 (1977).
25

26 166. Under those circumstances, the one-man, one-vote principle requires
27
28

1 counting all valid votes and not counting all invalid votes. *Reynolds*, 377 U.S. at 554-55;
2 *Bush v. Gore*, 531 U.S. 98, 103 (2000) (per curiam) (“the votes eligible for inclusion in
3 the certification are the votes meeting the properly established legal requirements”).

4 167. Accordingly, Lake is entitled to an order setting aside the election in its
5 entirety.
6

7 COUNT VI.

8 Due Process

9 U.S. Const. amend. XIV, § 1, cl. 3, Ariz. Const. art. II, § 6 10 Misconduct and Illegal Votes, A.R.S. § 16-672(A)(1), (A)(4)

11 168. Lake incorporates the foregoing paragraphs as if fully set forth herein.

12 169. Assuming *arguendo* that a state actor caused the tabulator problems that
13 certain Maricopa County vote centers experienced on election day, the disproportionate
14 burden on a class of voters—Republicans—warrants a finding of a due-process violation.

15 170. When election practices reach “the point of patent and fundamental
16 unfairness,” the integrity of the election itself violates substantive due process. *Griffin v.*
17 *Burns*, 570 F.2d 1065, 1077 (1st Cir. 1978); *Duncan v. Poythress*, 657 F.2d 691, 702 (5th
18 Cir. 1981); *Florida State Conference of N.A.A.C.P. v. Browning*, 522 F.3d 1153, 1183-
19 84 (11th Cir. 2008); *Roe v. State of Ala. By & Through Evans*, 43 F.3d 574, 580-82 (11th
20 Cir. 1995); *Roe v. State of Alabama*, 68 F.3d 404, 407 (11th Cir. 1995); *Marks v. Stinson*,
21 19 F. 3d 873, 878 (3rd Cir. 1994).
22

23 171. With respect to procedural due process, not only intentional failure to follow
24 election law as enacted by a State’s legislature but also random and unauthorized acts by
25 state election officials and their designees in local government can violate the Due
26
27

1 Process Clause. *Parratt v. Taylor*, 451 U.S. 527, 537-41 (1981), *overruled in part on*
2 *other grounds by Daniels v. Williams*, 474 U.S. 327, 330-31 (1986); *Hudson v. Palmer*,
3 468 U.S. 517, 532 (1984).

4 172. Accordingly, Lake is entitled to an order setting aside the election in its
5 entirety.
6

7 **COUNT VII.**

8 **Non-Secret Mail-In Ballots**

9 **U.S. Const. amend. XVI, § 1, cl. 3, Ariz. Const. art, VII, § 1**
10 **Illegal Votes, A.R.S. § 16-672(A)(4)**

11 173. Lake incorporates the foregoing paragraphs as if fully set forth herein.

12 174. Mail-in ballots pursuant to A.R.S. § 16-547 do not satisfy the ballot-secrecy
13 requirements of Arizona's Constitution. Ariz. Const. art, VII, § 1.

14 175. The Arizona Republican Party challenged mail-in ballots and sought interim
15 relief prior to the 2022 general election, and that litigation is pending in the Court of
16 Appeals as *Arizona Republican Party v. Hobbs*, No. CA-CV-22-0388 (Ct. App. Div. 1)
17 (argued Dec. 7, 2022).

18
19 176. All absentee ballots cast in the 2022 general election are illegal votes for the
20 purposes of A.R.S. § 16-672(A)(4).
21

22 **COUNT VIII.**

23 **Incorrect Certification**

24 **A.R.S. § 16-650**

25 **Illegal Votes and Erroneous Count of Votes, A.R.S. § 16-672(A)(4)-(5)**

26 177. Lake incorporates the foregoing paragraphs as if fully set forth herein.

27 178. Whether absolutely or on a *pro rata* basis, the cumulative impact of the
28

1 foregoing counts invalidates significantly more Hobbs votes than the certified margin of
2 victory for Hobbs.

3 179. Pursuant to A.R.S. § 16-672(A)(5), “by reason of erroneous count of votes
4 the person declared elected ... did not in fact receive the highest number of votes,” *id.*,
5 and this Court must vacate the certification and direct the Secretary of State or Acting
6 Secretary of State to certify Lake as the duly elected Governor. A.R.S. § 16-676(C).
7

8 **COUNT IX.**

9 **Inadequate Remedy**

10 **A.R.S. § 16-672**

11 **Declaratory Judgment, A.R.S. §§ 12-1831-1846**

12 180. Lake incorporates the foregoing paragraphs as if fully set forth herein.

13 181. To the extent that the special nature of these proceedings precludes bringing
14 concurrent federal claims against Maricopa County’s 2022 general election, this Court
15 has jurisdiction under Arizona’s Uniform Declaratory Judgments Act to declare that the
16 remedy provided by A.R.S. § 16-672 is inadequate to protect those federal rights and
17 requirements.
18

19 **COUNT X.**

20 **Federal Constitutional Rights**

21 **U.S. Const. amend. XIV, § 1, cl. 3-4**

22 **Civil Rights Action, 42 U.S.C. § 1983**

23 182. Lake incorporates the foregoing paragraphs as if fully set forth herein.

24 183. To the extent that a non-governmental actor intentionally caused the
25 tabulator problems that certain Maricopa County vote centers experienced on election
26 day and the Court does not set aside the election under A.R.S. § 16-442(B) for uncertified
27

1 election systems or under *Hunt v. Campbell*, 19 Ariz. at 265-66, 169 P. at 601, and its
2 progeny for “fraudulent combinations, coercion, and intimidation,” Maricopa County’s
3 selective weakening of early-voting protections (which benefits Democrat voters) and
4 exposing election-day voters to nongovernmental hacking (which harms Republican
5 voters) violations the Equal Protection and Due Process Clauses of the Fourteenth
6 Amendment, which this Court can enforce separate from A.R.S. § 16-672 under 42
7 U.S.C. § 1983 and concurrent jurisdiction.
8

9 184. Accordingly, Lake is entitled to an order setting aside the election in its
10 entirety and ordering a new election.
11

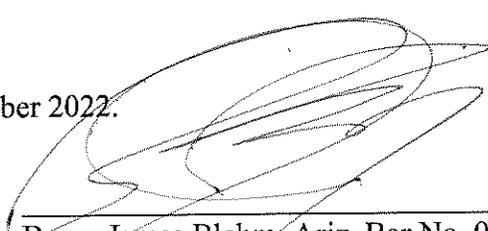
12 **DEMAND FOR RELIEF**

13 WHEREFORE, Contestant Kari Lake demands relief in the following forms:

- 14
- 15 a. An opportunity to inspect Maricopa County ballots from the 2022 general
16 election, including ballot signature envelopes and the corresponding signatures
17 on file with Maricopa County, prior to trial;
 - 18 b. A root cause analysis and forensic examination into the causes and extent of
19 the printer-tabulator problems encountered on election day;
 - 20 c. Trial of all disputed factual issues;
 - 21 d. An order striking all signatures on file with Maricopa County that are not the
22 "registration record" pursuant to A.R.S. § I 6-550(A);
 - 23 e. An order striking any invalid ballots or types of ballots on an absolute or
24 prorated basis;
25
26
27
28

- 1 f. An order setting aside the certified result of the 2022 Arizona gubernatorial
2 election and declaring that Kari Lake is the winner of the 2022 Arizona
3 gubernatorial election, pursuant to A.R.S. § 16-676;
4
5 g. In the alternative, an order vacating the certified results of the 2022 Arizona
6 gubernatorial election, pursuant to A.R.S. § 16-676 or 42 U.S.C. § 1983, and
7 an injunction requiring that Maricopa County re-conduct the gubernatorial
8 election in conformance with all applicable law and excluding all improper
9 votes, under the direction of a special master;
10
11 h. Recusal of defendants Hobbs and Richer from further participation in matters
12 involving the 2022 general election, including any new election and the review
13 of any issues related to the 2022 general election and any new election.
14

15
16
17 DATED this 9th day of December 2022.

18
19 
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**to be admitted pro hac vice*

Attorneys for Plaintiff-Contestant

Verification

I, Kari Lake, depose and say:

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

Signed under penalty of perjury on this 9th day of December 2022.

A handwritten signature in cursive script that reads "Kari Lake". The signature is written in black ink and is positioned above a horizontal line.

Kari Lake