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15 **ARIZONA SUPERIOR COURT**

16 **MARICOPA COUNTY**

17 KARI LAKE,

18 Contestant/Plaintiff,

19 v.

20 KATIE HOBBS, personally as Contestee and
21 in her official capacity as the Secretary of
22 State; et al.,

23 Defendants.

24) No. CV2022-095403

25) **PLAINTIFF KARI LAKE'S**
26) **RESPONSE TO DEFENDANTS'**
) **MOTIONS TO FOR SANCTIONS¹**

) (Assigned to Hon. Peter Thompson)

27 ¹ This response is to the Maricopa County's Motion for Sanctions. Defendant Hobbs and the
28 Secretary of State Joined in Maricopa County's Motion for Sanctions. Throughout, the brief
29 filed by Maricopa County is referred to as "Maricopa Br."

1 respect to approximately 276 thousand ballots for which the voters’ signatures were purportedly
2 “compared” in less than 3 seconds per ballot—and approximately 70 thousand ballots for which
3 were “compared” in less than two seconds per ballot. Plaintiff’s expert opined that it is not
4 possible to perform a “comparison” in accordance with A.R.S. § 16-550(A) at less than three
5 seconds. Plaintiff argued that under *Reyes v. Cuming*, 191 Ariz. 91 (App. 1998), these 276
6 thousand ballots were illegally counted. Contrary to Maricopa’s argument, Plaintiff never argued
7 that “no signature verification was conducted” on all 1.3 million mail-ballots. Maricopa is simply
8 making this claim up to justify its frivolous motion for sanctions.
9

10
11 In sum, Maricopa’s motion for sanctions is meritless, based on misstatements and
12 mischaracterizations of the record, and should be denied.
13

14 **ARGUMENT**

15 **I. Standard of Review**

16 Defendants assert that an award of attorneys’ fees and costs is justified under A.R.S. § 12-
17 349 arguing that Plaintiff “misrepresented facts.” Maricopa Br. at 6 citing A.R.S. § 12-349. As
18 demonstrated below, Plaintiff’s claims were substantiated, brought in good faith, and further are
19 a matter of great public concern. Defendants do not point to a single case analogous to this case
20 that would justify sanctions.
21

22 As stated in *Fisher on Behalf of Fisher v. Nat’l Gen. Ins. Co.*, 192 Ariz. 366 (App. 1998),
23 to award sanctions under A.R.S. § 12-349 “the court must determine that the party’s claim: (1)
24 constitutes harassment; (2) is groundless; and (3) is not made in good faith. All three elements
25 must be shown and the trial court must make appropriate findings of fact and conclusions of
26

1 law.” *Id.* at 370 (denying motion for sanctions) (citations omitted).

2 The recent case of *Goldman v Sahl* is illustrative. There, the trial court awarded Sahl
3 attorney’s fees under A.R.S. § 12-349 in connection with an abuse of process claim, finding that
4 Goldman's claim was “clearly groundless” because his position that an absolute privilege applies
5 only to the content of a bar charge and not the act of filing a bar charge was “directly contrary to
6 long-standing and well-established case law.” *Goldman v. Sahl*, 248 Ariz. 512, 531, 462 P.3d
7 1017 (Ct. App. 2020). The trial court also found that Goldman did not act in good faith because
8 he continued to pursue the abuse-of-process claim based on the bar charge after Sahl “cited
9 binding legal authority establishing that the claim was meritless and even though Goldman
10 admitted that the claim was likely barred as a matter of law in an email to Sahl’s counsel.” *Id.*
11 The trial court made a finding of harassment but did not find that the action was solely or
12 primarily brought for the purposes of harassment. *Id.*

13 The Court of Appeals reversed, holding that even where an attorney believes where his
14 clients’ claim is “likely barred as a matter of law” and “a long shot” such sanctions are not
15 appropriate where a party and their attorneys have advanced “thoughtful, well-reasoned, and
16 well-supported – positions on the law.” *Id.* Such is the case here.

17 **II. Plaintiff Made No Misrepresentations of Material Fact in Connection With The**
18 **Rule 60 Motion**

19 As stated in the Declaration of Clay Parikh, Plaintiff’s cyber expert, two distinct issues
20 arose with Maricopa’s ballot on demand (“BOD”) printers that caused massive tabulator ballot
21 rejections at nearly two-thirds of Maricopa’s 223 vote centers on Election Day: (1)
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1 speckled/faded printing ballots; and (2) 19 inch ballot images printed on the 20 inch ballot paper
2 referred to generally as the “print-to-fit” or “fit-to-page” issue.²
3

4 Defendants contend that Plaintiff made misrepresentations of material fact in connection
5 with her Rule 60 Motion with respect to Plaintiff’s counsel’s assertion that: (1) certain statements
6 and observations found at page 12 of the McGregor Report contradicted Scott Jarrett’s testimony
7 at trial, and provided evidence that the so-called “fit-to-paper” issue was caused by malware or
8 a remote access operation; (2) Scott Jarrett gave false testimony related to the so-called “fit-to-
9 paper” issue; (3) 8,000 “fit-to-paper” ballots were improperly rejected and not counted in the
10 2022 General Election; and (4) that the evidence presented in the Parikh Declaration showed the
11 2022 General Election was “rigged.”
12

13 **A. Plaintiff did not misstate the McGregor Report’s findings and observations as**
14 **contradicting Jarrett’s testimony.**

15 Maricopa claims that “Lake and her counsel misstated the contents of the McGregor
16 Report to the Court” Maricopa Br. 2, 7. Maricopa’s claim is false. Plaintiff cited certain
17 statements at page 12 of the McGregor Report as contradicting Jarrett’s unequivocal testimony
18 at trial that on-site technicians at three vote centers changing printer settings on Election Day
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24 ² Declaration of Clay Parikh (Parikh Decl.)) attached to Plaintiff’s motion for relief from
25 judgment at ¶¶ 8(e)-(i). In this case, this issue has also been referred to as the “shrink-to-fit” or
26 “fit-to-paper.” Regardless, all of these terms refer to the issue of 19 inch ballot images being
printed on 20 inch ballot paper thereby causing the tabulator to reject the ballot.

1 caused of the “fit-to-page” issue.³ As Plaintiff pointed out, the McGregor Report stated “[w]e
2 *could not determine* whether this change resulted from a technician attempting to correct the
3 printing issues, the most probable source of change, *or a problem internal to the printers.*”
4 McGregor Report at 12 (emphasis added). In other words, after approximately three months of
5 investigation, the McGregor Report “could not determine” that what Jarrett testified to was true.
6 Critically, the McGregor Report observed an event that Plaintiff showed directly contradicted
7 Jarrett’s testimony.
8

9
10 Specifically, the McGregor Report reported the sudden “random” printing of “fit-to-page”
11 ballots in the middle of testing—an event that no “technical people . . . could explain.” *Id.* That
12 jaw dropping event is the basis for the McGregor Report’s statement that the cause of the fit-to-
13 page issue could be explained by “a problem internal to the printers.” The fact that McGregor
14 Report inexplicably did not follow up and seek an explanation for this “random” event does not
15 make it any less significant. This real-time random event—directly observed by the McGregor
16 team—contradicts Jarrett’s statement that the fit-to-page issue was caused by a technicians
17 changing “printer settings” on Election Day.
18

19
20 As Plaintiff’s cyber expert, Clay Parikh, testified, the random fit-to-page printing could
21 only be caused by malware or remote access. That observed event disproves Jarrett’s explanation
22 that technicians changing printer settings on Election Day caused the fit-to-page issue. ¶¶ 8(e)-
23

24
25 ³ Plaintiff’s opening brief in support of her motion for relief from judgment (Pl. Op. Br.) at 15
26 citing December 2022 trial transcript, Day 2, Jarrett Tr. 178:23-181:17, 209:24-211:03. The trial
transcripts are attached as exhibits to Plaintiff’s opening brief.

1 (f), 33-36; 44, 49. Indeed, based on the observations in the McGregor Report, Parikh was able
2 to rule out Jarrett’s explanation stating:

3
4 The McGregor Report’s admission that the ‘fit-to-print’ issue arose in both Oki
5 and Lexmark printers on Election Day precludes the possibility that the issue
6 resulted from an on-printer setting on the Oki printers, and that the issue was
7 caused by technicians troubleshooting the issue on Oki printers.

8 Parikh Decl. ¶ 36.

9 In his concluding statement, Parikh stated that “[t]he random ‘fit to page’ issue findings of the
10 [McGregor Report] contradicts Scott Jarrett’s explanation and testimony concerning the issue.”

11 *Id.* at ¶ 49.

12 In addition, contrary to Jarrett’s testimony that the “fit-to-page” issue occurred at only three
13 vote centers, newly produced evidence, including Maricopa County’s election hotline call log,
14 video evidence and Goldenrod reports, identify the “fit to page” issue *at 127 vote centers on*
15 *Election Day*, not three vote centers as Jarrett testified to in the December 2022 trial. *Id.* at ¶
16 44.

17
18 In its May 15, 2023 Under Advisement Ruling (the “UAR”), the Court stated that:

19 counsel’s representation of what the McGregor report would show is 180 degrees
20 from what the report actually says. . . . [and that the Report] actually supports
21 [Jarrett’s] contention that the machine error of the tabulators and ballot printers
22 was a mechanical failure not tied to malfeasance or even misfeasance.

23 *Id.* at 6.

24 Plaintiff respectfully submits that the Court is mistaken. As explained above, for the
25 McGregor Report to support Jarrett’s testimony, it would have “determined” that the explanation
26 given by Jarrett was the cause of the “fit-to-page” ballots. The McGregor Report did not. The

1 observed random fit-to-page printing the McGregor Report noted as occurring during their
2 testing is hard evidence of malware or remote configuration changes as Parikh testified as
3 opposed to the “[i]nterviews with MCED personnel” and testimonial evidence provided by
4 Jarrett.⁴ This hard evidence directly contradicts Jarrett’s testimony that technicians changing
5 printer settings on Election Day caused the fit-to-page issue, and cannot be reconciled with the
6 McGregor Report’s non-data-based statement that “a technician attempting to correct the
7 printing issues [was] the most probable source of change.”⁵
8
9

10 In addition, in the UAR, the Court cited the testimony of David Bettencourt at the December
11 2022 trial as support undermining Parikh’s conclusions at trial regarding “intentional systemic
12 manipulation to create the errors encountered.” *Id.* at 6. However, Bettencourt was a T Tech
13 hired by Maricopa to set up vote center sites before the election, and is not a cyber expert like
14 Parikh.⁶ Further, Bettencourt testified that: he “didn’t have quite as many issues” at the vote
15 center he worked; the fixes the T Techs attempted they tried did not always work; and he did not
16 “have any personal knowledge *whether* the printing errors were the result of an intentional
17 scheme to undermine the election” (emphasis added).⁷ Bettencourt gave no specific testimony
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21 ⁴ McGregor Report p. 12, n.29.

22 ⁵ As here, Plaintiff included the entire quote from page 12 of the McGregor Report in Plaintiff’s
23 Rule 60 Motion opening brief. Thus, it cannot be argued that Plaintiff left out the full context of
24 the McGregor Report’s statement as to the “most probable source of change.”

25 ⁶ Bettencourt Tr. 248:6-23. The transcript of Bettencourt’s testimony in the December 2022 trial
is attached hereto as Exhibit B.

26 ⁷ *Id.* 255:12-17, 256:4-9, 261:1-3.

1 about “fit-to-page” ballots, nor did Bettencourt have access to Maricopa’s system log files and
2 other Maricopa data that underpin the cyber expert opinions in the Parikh Declaration.

3
4 It is also noteworthy that Maricopa’s tabulator system log files and other documents qualify
5 Bettencourt’s recollection on the extent of the tabulator ballot rejection issues, and show that
6 Maricopa’s vote center tabulators rejected ballots more than 7,000 times every 30 minutes on
7 Election Day, beginning at 6:30am continuing to the vote centers closed. Parikh Decl. ¶¶ 46-48.

8
9 In sum, Plaintiff accurately stated that the McGregor Report’s statements at page 12
10 contradict Jarrett’s testimony regarding the fit-to-page issue being caused by a technicians
11 changing “printer settings” on Election Day. Further, the falsity of Jarrett’s statement is
12 supported by statements and hard evidence found in the McGregor Report as explained in the
13 Parikh Declaration. There is no basis to award sanctions.

14
15 **B. Maricopa falsely states that Plaintiff misstate Jarrett’s prior testimony and**
16 **“intentionally confused the ideas of creating ballot definitions in the election**
17 **management system with the ‘fit-to-paper’ option when printing.”**

18 Maricopa claims that “Lake and her counsel intentionally misstated the content of Scott
19 Jarrett’s prior testimony [and] . . . re-urged the spurious claim that Jarrett lied in his testimony
20 and caused the first judgment to be obtained via fraud.” Maricopa Br. 3-4. Maricopa’s argument
21 is false. In her Rule 60 Motion opening brief, Plaintiff quoted Jarrett’s testimony from the
22 December 2022 trial and stated “Jarrett testified at least four times that he did not know of, nor
23 did he hear of, a 19-inch ballot image projected onto 20-inch paper in the 2022 general election.”
24 Pl. Op. Br. 5-6.

25
26 As discussed in Section II.A. above, Plaintiff then compared Jarrett’s testimony to the

1 new evidence found in the McGregor Report and discussed in the Parikh Declaration and stated
2 this new evidence “contradicted” Jarrett’s prior testimony. At oral argument, Plaintiff’s counsel
3 argued that this new evidence showed that Jarrett “falsely stated” that the fit-to-page issue was
4 caused by that on-site technicians at three vote centers changing printer settings on Election
5 Day.⁸ Contrary to Maricopa’s claim, Plaintiff’s counsel never stated in briefing or at oral
6 argument “*that Jarrett lied* in his testimony and caused the first judgment *to be obtained via*
7 *fraud.*” Maricopa Br. 3-4 (emphasis added). Maricopa is deliberately making these statements
8 up to support its motion for sanctions. There is a difference between false statements and lies or
9 fraudulent statements. Under Rule 60(b)(3), “misconduct ... include[s] discovery violations,
10 even when such violations stem from accidental or inadvertent failures to disclose material
11 evidence.” *Norwest Bank (Minnesota), N.A. v. Symington*, 197 Ariz. 181, 186 (App. 2000).
12 Plaintiff merely called out his false testimony, without attributing the additional elements of
13 intentionality that were not necessary under Rule 60(b)(3).
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17 Notably, Maricopa also misleadingly states that “Lake and her counsel misrepresented
18 the nature and process of ballot printing and intentionally confused the ideas of creating ballot
19 definitions in the election management system with the “fit-to-paper” option when printing—
20 two separate issues that Lake and her counsel repeatedly and deliberately conflate.” Maricopa
21 Br. 3-4. Again, Maricopa is deliberately making this statement up, without any support in the
22 record, claiming as a back of the hand justification “[w]ithout rehashing the whole discussion,
23
24

25 ⁸ Plaintiff does not have a transcript of the oral argument held on May 12, 2023. But Plaintiff’s
26 counsel has a clear recollection of what he said on this issue.

1 in essence.” *Id.* at 4. As is clear from Jarrett’s testimony cited by Plaintiff in her Rule 60 Motion
2 opening brief, Plaintiff did not “conflate” or “intentionally confuse” issues relating “ballot
3 definitions” with the “fit-to-paper” issue. Maricopa, again, is simply making this up.
4

5 **C. Plaintiff’s statement that 8,000 “fit-to-page” ballots were rejected and not**
6 **tabulated is materially accurate.**

7 Maricopa argues that “Lake and her counsel misled the Court about the contents of their
8 own declarant’s declaration to prop up her frivolous claim that 8,000 [fit-to-page ballots] ‘were
9 not counted.’” Maricopa Br. 7-8 (citing UAR at 7). Maricopa’s claim is false.

10 Specifically, in her Rule 60 Motion opening brief, Plaintiff stated that “the evidence shows
11 that over 8,000 ballots, maliciously misconfigured [“fit-to-page”] to cause a tabulator rejection,
12 were not counted.” Pl. Op. Br. 16 citing Parikh Decl. ¶¶ 36, 38-39. Plaintiff’s statement is based
13 on three facts. First, as the McGregor Report noted, fit-to-page ballots must be duplicated in
14 order to be tabulated.⁹ Second, Jarrett testified that less than 1,300 ballots had the fit-to-page
15 issue, but could not produce them when asked to do so by Parikh during the ballot inspection
16 telling Parikh that “I can’t produce those things right now it would take me over a week with all
17 my techs.” Parikh Decl. ¶ 39. However, producing these purportedly duplicated ballots would
18 be easy to do if the requirements for maintaining and tracking duplicated ballots found at A.R.S.
19 § 16-621(B)(3) were followed.¹⁰ Further, Jarrett testified that original and duplicated ballots are
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21
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24 ⁹ McGregor Report at page 12 (stating “neither the on-site tabulators nor the central count
25 tabulators could read the [fit-to-page] ballots.”)

26 ¹⁰ A.R.S. § 16-621(B)(3) states:

1 “affix[ed] a marrying number to that ballot, so that [Maricopa can] identify that ballot back to
2 the[] the ballot that gets duplicated onsite at the Elections Department so it can marry those two
3 up.”¹¹
4

5 Third, given that Jarrett testified there were “just shy of 1,300 ballots” with the fit-to-page
6 issue which were purportedly duplicated, that necessarily means that any fit-to-page ballots in
7 excess of the 1,300 fit-to-page ballots Jarrett testified to were *not duplicated* because neither
8 Maricopa nor Jarrett has ever acknowledged the existence of at least an additional 6,700 fit-to-
9 page ballots as evidenced by the tabulator system log files and other Maricopa documents.¹² A
10 *fortiori*, Maricopa cannot duplicate and tabulate fit-to-page ballots that Maricopa *does not*
11 *acknowledge exist*. Thus, Plaintiff’s counsel’s assertion that at least 8,000 fit-to-page ballots
12 were not counted is supported by the record and evidence. *See also* Supplemental Declaration of
13 Clay Parikh (“Parikh Supp. Decl.”) at ¶¶ 17-18.
14
15

16 **D. Plaintiff’s statement that the “evidence” in Parikh’s Declaration showed that**
17 **the “election was rigged” is supported by Maricopa’s own system log files and**
18 **expert testimony.**

-
- 19 The electronic vote adjudication process used by the electronic vote adjudication
20 board shall provide for:
21 (a) A method to track and account for the original ballot and the digital duplicate
22 of the ballot created by the electronic vote adjudication feature that includes a
23 serial number on the digital image that can be used to track electronic vote
24 adjudication board actions.
(b) The creation and retention of comprehensive logs of all digital duplication
and adjudication actions performed by an electronic vote adjudication board.
(c) The retention of the original ballot and the digital duplicate of the ballot.

25 ¹¹ December 2022 Trial Day 2, Jarrett Tr. 181:182-4.

26 ¹² December 2022 Trial Day 2, Jarrett Tr. 180:1-23, 181:2-182:7; Parikh Decl ¶ 39.

1
2 Maricopa claims that “Lake’s counsel falsely claimed at oral argument that ‘the election
3 was rigged.’ Lake and her counsel then failed to introduce any evidence during the three day
4 trial to support this wrongful statement.” Maricopa Br. 8-9. Maricopa again misstates the record.
5 First, Plaintiff was not able to present this evidence at trial because the Court denied Plaintiff’s
6 Rule 60 Motion. Thus, Maricopa’s claim that Plaintiff “failed to introduce any evidence during
7 the three day trial to support this wrongful statement” is a non sequitur.
8

9 Second, Plaintiff’s counsel stated “this evidence would support our allegation that this
10 election was rigged” referring to the evidence in Plaintiff’s Rule 60 Motion. Plaintiff’s counsel
11 did not simply say “the election was rigged” as Maricopa claims. That evidence includes
12 Maricopa’s tabulator system log files and other Maricopa documents showing that “after
13 Maricopa certified it passed L&A testing on October 11, 2022, Maricopa secretly tested all 446
14 vote center tabulators on October 14th, 17th, and 18th, and knew that 260 of the vote center
15 tabulators would fail on Election Day.”¹³
16
17

18 Further, the new evidence showed Maricopa performed contemporaneous spot testing
19 averaging 9-10 ballots per tabulator and that the system log files of 260 of the 446 voting center
20 tabulators tested (58%) reflect the same error codes memorializing the Election Day debacle at
21 59.2% of Maricopa’s vote centers on Election Day pled in Plaintiff’s complaint filed on
22 December 9, 2022. The near 1:1 correlation between the pre-election failures in percentage and
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24

25 ¹³ Pl. Op. Br. 2. *See also id.* 14-15; Plaintiff’s reply brief in support the Rule 60 Motion at 1-2,
26 4-6; Parikh Decl. ¶¶ 8(b)-(d), 14-25.

1 error codes is startling. There system log files show that Maricopa did not fix the issues giving
2 rise to these error codes in its pre-Election Day testing. Parikh Decl. ¶ 23. The evidence shows
3 that Maricopa knew the Election Day debacle would happen. As Parikh stated in his declaration:
4

5 Considering the overwhelming failure of the vote center tabulators during the post
6 certification testing defined above, along with the absence of any actions to
7 identify or rectify the cause of the failure, there remains no logical expectation
8 other than that which was experienced on Election Day- *continued failure*.

9 Parikh Decl. ¶ 24 (emphasis added).

10 Plaintiff’s counsel’s statement that the “this evidence would support our allegation that this
11 election was rigged” is supported by Maricopa’s own system log files and expert testimony.

12 For purposes of “misconduct,” it does not matter Maricopa election officials intentionally created
13 the long lines at some voting centers or merely allowed them to happen unremedied after learning
14 that the malfunctions would occur. Either option qualifies as the type of qualitative interference
15 or intimidation that the Arizona Supreme Court has indicated could void an election, even if the
16 results could not be quantified. *Hunt v. Campbell*, 19 Ariz. 254, 265-66 (1917).
17

18 Remarkably, when confronted with this evidence, Maricopa disclosed, *seven months*
19 *after the fact*, that it had swapped out the memory cards and election software with new
20 “reformatted memory cards” that purportedly contained the previously Certified Election
21 Program on its 446 vote center tabulators between October 14-18, 2022.¹⁴ Maricopa made this
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25 ¹⁴ See Declaration of Scott Jarrett In Support of The Maricopa County Defendants’ Response Opposing
26 Lake’s Motion For Relief From Judgment (“Jarrett Decl.”) ¶¶ 9-10, 14-15.

1 undisclosed swap after it purportedly certified logic-and-accuracy (“L&A”) testing on October
2 11, 2022.

3
4 Moreover, as Plaintiff’s evidence showed, Maricopa admitted that after it installed the
5 new memory cards beginning on October 14, 2022, it “tabulated a small number of ballots
6 through each tabulator to ensure that the memory cards were properly inserted and that the ballots
7 would tabulate.” Jarrett Decl. ¶ 15. Maricopa claims this was test was not done secretly because
8 the testing was done under the live stream video cameras—but Maricopa never disclosed this
9 testing to the public. But Maricopa kept silent about its swapping out memory cards and software
10 even in the face of inquiries by the media and the Attorney General investigating the Election
11 Day debacle. *See* Plaintiff’s reply brief in support the Rule 60 Motion (“Pl. Reply Br.”) at 2.

12
13 As Plaintiff showed in her reply brief in support the Rule 60 Motion, Maricopa’s actions
14 were a direct violation of A.R.S. § 16-449(A) governing logic and accuracy testing which plainly
15 requires “*the automatic tabulating equipment and programs* [be] tested to ascertain that the
16 equipment and programs will correctly count the votes cast for all offices and on all measures”—
17 prior testing of the election software does not satisfy the express requirement under A.R.S. § 16-
18 449(A) that the equipment and the software must be tested *together*. *Id.* (emphasis added) Pl.
19 Reply. Br. 2-3. *See also* Parikh Supp Decl.¶¶¶. Maricopa’s belated admission of these
20 modifications to the 446 tabulators after certification of their L&A testing is evidence of
21 misconduct and supports Plaintiff’s claim.

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23
24
25 Maricopa’s only rebuttal to the misfeed errors in the 260 tabulators was Jarrett’s
26 statement that “a tabulator misreading a ballot *does not necessarily indicate* a tabulator is

1 malfunctioning.” Jarrett Decl. ¶ 17 (emphasis added). First, by qualifying the misfeed error code
2 it stating “does not necessarily indicate a tabulator is malfunctioning” does not mean that the
3 error codes were not malfunctions—just as occurred on Election Day. Second, Maricopa
4 attempts to explain away these error codes on 260 of the 446 tabulators—the same ones that
5 occurred during the Election Day debacle—could possibly be due to the ballots being inserted
6 “slightly askew” or “lint on the tabulator.” *Id.* However, these tabulators have guide rods that
7 prevent ballots from being inserted “skewed” and the tabulators themselves self-correct any
8 skewing that gets passed the guide rods. *See* Parikh Supp. Decl. ¶¶ 12-15.

9
10
11 As stated above, near 1:1 correlation between the pre-election failures in percentage and
12 error codes with the Election Day debacle is powerful evidence supporting Plaintiff’s counsel
13 statement that the evidence showed election was rigged. “Rigged” here does not mean only the
14 miscounting of votes; it also includes an Election Day process that was designed to fail in the
15 form of massive lines that discourage voting (as the pre-testing on October 14, 17, and 18
16 coupled with Maricopa’s secrecy and failure to address the problem strongly suggest). There is
17 no basis for sanctions as Maricopa claims.

18
19
20 **III. Maricopa Intentionally Misstates Plaintiff’s Signature Verification Claim To**
21 **Argue For Sanctions**

22 Maricopa claims that “the basis of Lake’s signature verification claim is refuted by Lake’s
23 own fact witnesses, supposed “whistleblowers.” Her witnesses’ testimony—known to her and
24 her counsel prior to trial—confirmed that signature verification occurred and that Lake’s claim
25 was therefore frivolous.” Maricopa Br. at 8. Maricopa deliberately misstates Plaintiff’s claim to
26

1 justify its motion for sanctions.

2 Lake’s complaint and argument acknowledge that Level 1 review occurred for *some* ballot
3 envelopes, which does not mean that that review occurred for *all* ballot envelopes. Similarly, she
4 acknowledges that higher-Level review occurred for *some* ballot envelopes, which does not
5 mean that that review occurred for *all* ballot envelopes. Specifically, Plaintiff presented evidence
6 at trial and argued at closing, that Maricopa did not perform voter signature verification, as
7 required by A.R.S. § 16-550(A), with respect to approximately 276 thousand ballots for which
8 the voters’ signatures were purportedly “compared” in less than 3 seconds per ballot—and
9 approximately 70 thousand ballots for which were “compared” in less than two seconds per
10 ballot. Plaintiff’s expert opined that it is not possible to perform a “comparison” in accordance
11 with A.R.S. § 16-550(A) at less than three seconds.¹⁵ Plaintiff argued that under *Reyes v.*
12 *Cuming*, 191 Ariz. 91 (App. 1998), these 276 thousand ballots were illegally counted. Contrary
13 to Maricopa’s argument, Plaintiff never argued that “no signature verification was conducted”
14 on all 1.3 million mail-ballots.
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18 That 276 thousand ballot figure far exceeds the 17,117 vote margin between Plaintiff Kari
19 Lake and Contestee/Governor Hobbs. Plaintiff argued that this evidence, supported by expert
20 testimony, satisfied the Arizona’s Supreme Court’s order to establish that “votes [were] affected
21 ‘in sufficient numbers to alter the outcome of the election’” based on a “competent mathematical
22 basis to conclude that the outcome would plausibly have been different, not simply an untethered
23
24

25 ¹⁵ See Exhibit C, Speckin Tr. 6:24-7:3, 8:2-7, 8:19-22, 9:18-22, 10:7-11:22, 63:14-67:12
26 discussing opinions and referencing Ex. 47 admitted as a demonstrative exhibit.

1 assertion of uncertainty.” March 22, 2023 Order at 3-4. Maricopa’s deliberate
2 mischaracterization of Plaintiff’s claim to justify its motion for sanctions warrants sanctions
3 being imposed on Maricopa.
4

5 **CONCLUSION**

6 Maricopa’s motion for sanctions, joined by Contestee/Governor Hobbs and the Secretary
7 of State, is not supported by case law or the record. Trust in the elections is not furthered by
8 punishing those who bring legitimate claims as Plaintiff did here. In fact, sanctioning Plaintiff
9 would have the opposite effect. There is no basis in the record to show that Plaintiff’s claims
10 constitute harassment, are groundless, and were not made in good faith. Plaintiff’s claims are
11 supported by actual documents and log files produced by Maricopa and expert testimony. For
12 the foregoing reasons, Plaintiff requests that the Court deny Defendants’ motion.
13
14

15 DATED this 25th day of May 2023.

16
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3 ORIGINAL efiled and served via electronic
4 means this 25th day of May, 2023, upon:

5 Honorable Peter Thompson
6 Maricopa County Superior Court
7 c/o Sarah Umphress
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Counsel for Plaintiff-Contestant Kari Lake

EXHIBIT A

Supplemental Declaration of Clay U. Parikh

I, CLAY U. PARIKH, declare under penalty of perjury that the following is true and correct:

1. I have personal knowledge of the matters set forth below and would testify competently to them if called upon to do so.

2. I have a Master of Science in Cyber Security, Computer Science from the University of Alabama in Huntsville. From 2008 to 2017, I worked through a professional staffing company for several testing laboratories that tested electronic voting machines. My duties were to perform security tests on vendor voting systems for certification of those systems by either the Election Assistance Commission (EAC), to Federal Voting System Standards (VSS) or Voluntary Voting System Guidelines (VVSG), or to a specific state's Secretary of State's requirements. Further details about my qualifications are attached as **Exhibit 7**.

3. I am submitting this supplemental declaration to support my original. I have read Scott Jarrett's declaration.¹ I have read the Maricopa County defendant's response opposing Lake's motion for relief from judgement. I make the following observations.

4. Mr. Jarrett states the inclusion of more than 13,000 ballot styles is "more than thirteen times the amount of ballots that state law requires to be included in the Logic and Accuracy test."² This is an incorrect statement. Arizona state law requires all ballot styles to be tested during Logic and Accuracy (L&A) testing. Arizona Rev. Stat. § 16-449 states that testing should correctly count the votes cast for all offices and on all measures. This means that all ballot styles are required to be tested.

¹ No. CV2022-095403, Exhibit A. DECLARATION OF SCOTT JARRETT IN SUPPORT OF THE MARICOPA COUNTY DEFENDANTS' RESPONSE OPPOSING LAKE'S MOTION FOR RELIEF FROM JUDGMENT

² Pg. 1, Lines 27-28 of declaration

5. Jarrett states that the election department conducted testing from October 4 through 10, 2022. He states that “It was also in addition to the statutorily required Logic and Accuracy tests that occurred on October 11.”³ There is no evidence that the Voting Center (VC) tabulators were tested on the October 11th test date; in fact, available evidence supports the opposite conclusion. Mr. Jarrett also mentions testing in September as well as early October. The Arizona Elections Procedure Manual (EPM) states that “The officer in charge of elections must test precinct voting equipment and central count equipment within 30 days of an election.”⁴ Therefore, all this previous testing is irrelevant to the statutory L&A testing of October 11th. All other testing was not performed with proper public notice, observed by at least two election inspectors, open to representatives of the political parties, candidates, the press, and the public, and other requirements prescribed by both the EPM and Ariz. Rev. Stat. § 16-449. He further states that during the testing from October 4 through 10, (Maricopa County records indicate that this testing occurred between October 5 through 8) that they recognized that they had not programmed the VC tabulators to reject early and provisional ballots. Jarrett states that upon recognizing that they omitted this programming that they reprogrammed the VC tabulators. “This reprogramming occurred on October 10, prior to the statutorily required Logic and Accuracy test.”⁵ Mr. Jarrett states that they reprogrammed the tabulators. For a tabulator to be considered “programmed” requires that election program data be on the CompactFlash cards and inserted into the tabulator. Reprogramming the vote center tabulators require Logic & Accuracy testing to begin anew for two separate reasons:

1. The EPM states: "If any error is detected during L&A testing:

- The cause shall be ascertained

³ Pg. 2, Lines 13-14 of declaration

⁴ Pg. 87 of EPM

⁵ Pg. 2, Lines 22-24 of declaration

- An errorless count shall be made before the voting equipment and programs are approved for use in the election;"⁶

2. The EPM also states that for L&A testing, the officer in charge of elections must “Utilize the actual election program for Election Day (not a copy)”.

6. Jarrett also stated earlier in section 7 of his declaration that the Elections Department ran more than 11,000 different Election Day ballot styles through the 446 VC tabulators, as well as 54 backup tabulators. However, the L&A test results only show 45 election day ballots being ran. See the figure⁷ below. Either the Election Management System (EMS) server tally of L&A testing reflected in the figure is grossly inaccurate, which would indicate a problem that Maricopa County should have immediately reported to the Secretary of State, or Jarrett’s declaration is inaccurate.

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**Pre-Logic & Accuracy Test
General Election
Maricopa County
November 8, 2022**

Elector Group	Counting Group	Ballots	Voters	Registered Voters	Turnout
Total	EARLY VOTE	13,792	13,792		0.56%
	ELECTION DAY	45	45		0.00%
	PROVISIONAL	0	0		0.00%
	Total	13,837	13,837	2,480,880	0.56%

Precincts Reported: 0 of 935 (0.00%)
Registered Voters: 13,837 of 2,480,880 (0.56%)
Ballots Cast: 13,837

7. Another issue concerning the early October testing is that proper security requirements were not applied to the voting system equipment in accordance with the EPM and A.R.S. § 16-445(C). The Maricopa Elections Procedure Manual states voting systems “Must be sealed with

⁶ Pg. 94 of EPM

⁷ Pg.3 (PreTestCert_Results_10112022.pdf) Maricopa County Elections Department Certificate of Accuracy General Election November 8, 2022

tamper-resistant or tamper-evident seals once programmed; The seal number must be logged as corresponding with particular voting equipment and the election media that has been sealed in the voting equipment. The log should be preserved with the returns of the election. In the event of a recount or re-tally of votes, the officer in charge of elections should be prepared to submit an affidavit confirming that the election program and any election media used in the election have not been altered.⁸”

8. The tabulators are supposed to have a security seal placed over the administrator compartment after testing to ensure election media is not altered. **Exhibit 1** contains screenshots of multiple VC tabulators from early October testing and the testing of October 14, 17 and 18. None had security seals placed on them. Further evidence of this violation is shown in **Exhibit 2**. The same tabulator is shown tested on two different dates. Ballots were inserted as shown on the tapes, yet the seal numbers are the same and there is still no administrator compartment seal recorded. This is not an administrative issue; the entire purpose of the L&A testing is to ensure that the voting systems are properly programmed to ensure accuracy in scanning, tabulating, and reporting the vote totals from voters’ cast ballots. Without the safeguard of timely and correctly applied seals and documentation supporting the election administrators’ assertion, Maricopa County has not only violated the law but broken chain of custody with respect to CompactFlash cards and the election program they contain.

9. Jarrett, in response to there not being any log data for the VC tabulators on October 11th, states that the reason is because Maricopa County had to reformat the VC tabulators’ CompactFlash media reinserted them into the tabulators. He then states “Accordingly, any logs predating October 14 are stored on the internal storage device located within the Vote Center

⁸ Pg. 96 of EPM

tabulator. Those logs were not requested by Lake or included in Parikh's review.⁹ First, the logs were requested; item two listed in **Exhibit 3** clearly states "All" tabulator logs. Second, logs are not stored internally, they are written to the CompactFlash cards. The internal storage device is for the tabulator firmware. The storage space is limited. The tabulator firmware installation on internal media is even hashed as required for the trusted build. See pages 8 and 11 of **Exhibit 4**.

10. In his declaration Jarrett then goes into explaining the process of reinserting the memory cards. "When installing the new memory cards, the County tabulated a small number of ballots through each tabulator to ensure that the memory cards were properly inserted and that the ballots would tabulate."¹⁰ He avoids saying the word test. He even uses the word "Similar" to start the next sentence. The quotation above is the description of a testing event. However, the small number of ballots does not satisfy the requirement for adequate L&A testing under ARS § 16-449. Additionally, during the October 14 event, Maricopa County personnel filled out L&A checklists. Again, there were no security seal numbers for the administrator compartment recorded. The defense's response even stated, "This was not done in secret; it was not "testing;" and it was not misconduct,¹¹" despite the fact that Maricopa County personnel conducted the "event" without public scrutiny, after changing the programming of the tabulators after the public L&A test certification, and used the L&A checklists to document their actions. Also, if this was just to check if the memory cards were inserted properly, this can be done by checking on the tabulator's screen; no ballots need be run through the tabulator, and the quantity of ballots they ran through the tabulator not only showed ballot scanning errors which would have to be reported to the Secretary

⁹ Pg. 3, Lines 21-23 of declaration

¹⁰ Pg. 4, Lines 4-6 of declaration

¹¹ Pg. 3, Line 28 of Maricopa's Response

of State and which would preclude legal use of the tabulators for an election, but would be insufficient to satisfy ARS § 16-449, even had the testing been public.

11. Jarrett then goes on to state “After running test ballots, the tabulators were zeroed to ensure no votes were stored on the memory cards;” The use of “test ballots” and the post-test procedure to “zero” the tabulators both clearly indicate not only that the event was “testing,” but that Maricopa County personnel were aware that it was testing tabulators.

12. Next in the declaration Jarrett attempts to explain how misreads are indicative of failure. “Finally, a tabulator misreading a ballot does not necessarily indicate a tabulator is malfunctioning, accordingly a review of the tabulator logs for misread ballots is not an appropriate method for identifying if a tabulator failed a logic and accuracy test.¹²” This is incorrect. While there may be a small number of rejections due to misreading ballots during an L&A test, they should not be to the percentage levels shown in **Exhibit 5**; which indicate a misread rate more than an order of magnitude larger than that permissible by voting system certification standards. The figure below is an excerpt from the Voluntary Voting System Guidelines. It shows that misfeeds, rejections are

¹² Pg. 4, Lines 16-18 of declaration

all

considered

the

same.

1.2-F – No single point of failure

The voting system must protect against a single point of failure that would prevent further voting at the polling place.

Discussion

The intent of this requirement is to prevent, at the polling place, a situation in which failure of a component would prevent voting. This can be addressed in various ways, including being able to swap in/out devices without loss of data.

1.2-G – Misfeed rate benchmark

The voting system misfeed rate must not exceed 0.002 (1 / 500).

Discussion

Multiple feeds, misfeeds (jams), and rejections of ballots that meet all manufacturer specifications are all treated collectively as "misfeeds" for benchmarking purposes; that is, only a single count is maintained.

13. Jarrett tries to explain away “misreads” rejections as “common situations”. “One situation is when a ballot is inserted slightly askew, which will result in an initial misread of the ballot.¹³” This is an incorrect statement, in that misreads due to skewed ballot feeds are rare. The VC tabulator is an ICP2 model which has paper guides built in on the hardware which make it easy to insert a ballot correctly and difficult to insert a ballot askew; consequently, few ballots are inserted askew in normal use. Also, all scanners that have automatic feeds have correction mechanisms which can compensate for slight misalignments. He continues “However, upon reinserting the ballot in a more aligned direction, the tabulator will accept and accurately count the ballot. This is not a failure or error of the tabulator, is a common occurrence during both testing and voting and would not result in a finding that a tabulator has failed a logic and accuracy test.¹⁴” This is neither

¹³ Pg. 4, Lines 20-21 of declaration

¹⁴ Pg. 4, Lines 21-23 of declaration

a common nor acceptable occurrence. If the rejection or misfeed rate exceeds .002, the tabulator fails its certification requirement.

14. Mr. Jarrett also mentions how cleaning the tabulator can cause rejections. Again, he asserts that it is okay to have a ballot rejected multiple times. “Typically, inserting a ballot a second or third time resolves the issue, and any subsequent ballots are accepted normally.¹⁵” It is not an acceptable standard to reinsert a ballot three times; there is no provision in the certification standards for voters or users to be required or expected to reinsert ballots multiple times, and would be no different than rationalizing that a touch-screen ballot-marking device user might have to touch a vote choice multiple times in order for that choice to register; both would be incorrect.

15. The errors produced during the post-certification testing are consistent with the errors produced on Election Day due to defectively printed ballots. Arizona state law requires an “errorless” test before election equipment can be used for an election. No matter if Maricopa County now tries to recharacterize the only testing of the vote center tabulators utilizing the actual election program as that used on Election Day (not a copy), 260 tabulators produced errors.

16. The resized ballot issue, otherwise known as “print to fit” resulted in the tabulators not being able to read those ballots.¹⁶ The resized ballots required duplication so they could be scanned and counted.

17. Our analysis of both tabulator system logs¹⁷ and Maricopa County’s Hotline call logs has found in excess of 8,000 print to fit ballots which were produced from nearly half of the 223

¹⁵ Pg. 5, Lines 1-3 of declaration

¹⁶ Testimony of Scott Jarrett during Lake v. Hobbs trial on December 22, 2022 (transcript at 181); McGregor Report at 12

¹⁷ <https://www.scribd.com/document/648168800/Hotline-Calls-PRR-1379>

Election Day vote centers. The print to fit ballots required duplication, but the duplication log does not account for some 6,700 ballots that could not otherwise have been counted.¹⁸

18. Because the Defendants have mischaracterized my analysis, positive identification of the print to fit issue, and how we were able to determine that thousands of print to fit ballots were not counted, I provide to the court a more detailed explanation and example as to how the conclusions and determinations of my Declaration pertaining to the 8,000 fit to print ballots were made.

19. In his declaration Jarrett then moves on to explaining the duplication process and how the “fit-to-page” issue was handled. “Maricopa County segregates the storage of the original ballots and the storage of the duplicated ballots after they are tabulated.¹⁹” Having all duplicated ballots in their own box and the originals in another makes sense as the duplicated ballots must be tabulated, segregated storage does not make sense “The combination of the marrying number and the segregated storage allows for the matching of the original ballot with the duplicated ballot.” Jarrett’s statement makes no logical sense. He stated it would take his whole entire crew a full week to locate duplicates from just the one box of ballots I inspected. For the record, as the county could not produce the duplicated ballots to compare to the originals, I could not verify that duplication had occurred.

20. At the close of Jarrett’s declaration, he states “We offered the inspector the option to choose how to proceed and if he wanted to continue with the inspection of the duplicated ballots. The plaintiff’s inspector chose to inspect the spoiled ballots rather than the duplicated ballots²⁰.” Jarrett is trying to infer that a decision made during the ballot inspection has some bearing on the issues of duplicated ballots. This is a distraction and a totally inaccurate statement. There were only 45

¹⁸ Exhibit 6

¹⁹ Pg. 5, Lines 14-17 of declaration

²⁰ Pg. 6, Lines 13-16 of declaration

ballots remaining from the total ballots selected that did not get inspected. Additionally, the choice I made would not have affected anything concerning my findings concerning the 19-inch image or “fit-to-page” issue. The following is proof of my assertion. In Jarrett’s declaration, he names just three sites as having the issue and only one of those was included in the six sample sites I selected. I found the issue in all six sites. How could Jarrett have missed the other sites during the duplication process.

21. The independent investigation report referenced in my first declaration contained admissions of misconduct and violations of Arizona statutes as it pertains to L&A testing. Jarrett’s declaration, exhibit A, of the defense’s response to opposing Lake’s motion for relief from judgement is full of technical inaccuracies and admissions to violation of Arizona statutes as well. There are Arizona Election Procedure Manual violations dealing with testing procedures and required documentation. Logic and Accuracy testing was not properly conducted. Based on these observations and my professional experience, I find the causes for most of these issues to be intentional because Maricopa County personnel modified the programming of their tabulators after their public, certified, inadequate L&A test, then conducted “public” testing, without notice to the public, which they deem to not be testing but documented as testing, which also did not meet statutory standards for pre-election L&A testing, and which exhibited an error rate that required notification to the Secretary of State, and which violated the certification standards of the voting systems, precluding their use in an election. A full forensic audit should be conducted on all the voting system components involved with this past General election, to include the SiteBooks, BOD printers and contractor equipment (Runbeck) to conduct a proper analysis and root cause of these issues.

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

Executed on this 24 day of May 2023.



Clay U. Parikh

Exhibit 1

QUALITY CONTROL

1. Check that tabulator is ZERO
2. Check that Both SD Cards are installed

6. Seal Admin SD Memory Card Door, with Zip Tie Seals
7. Record Seal Numbers on the right.

Check that Both SD Cards are installed

Form	ZERO	ADMIN	SIDE DOOR	LATCH	QC (Initial)
1	✓	-	982	713	RS 10/5
2	✓	-	483	508	RS 10/5
3	✓	-	341	338	(Initial)
4	✓	-	142	303	RS 10/5
5	✓	-	090	016	RS 10/5
6	✓	-	374	046	RS 10/4
7	✓	-	354	781	RS 10/5
8	✓	-	089	156	RS 10/5
9	✓	-	715	454	KP 10/14
10	✓	-	542	856	RS 10/5
11	✓	-	390	364	KP 10/17
12	✓	-	354	474	RS 10/6
13	✓	-	021	809	RS 10/17
14	✓	-	535	475	RS 10/14

Sample of L&A checklist without security seal numbers.

LAT 1 Checklist & Tape

10/6/2022



MARICOPA COUNTY ELECTIONS DEPARTMENT
 PRE-LAT CHECKLIST
 ICP2 PRECINCT TABULATOR

DATE: 10-6-22
 ICP2 Scanner Serial Number: FA 1939018
 Pre-LAT TECHNICIAN (FULL NAME): [Signature]
 Firmware Version: 5.5.1.8

Site Number: 11054
 Polling Site / Vote Center: St Margarets Catholic Church

STEP NO.	STAGE DESCRIPTION	DETAILS	COMMENTS
Election Files			
1	SUPPLIES AND INITIAL INSPECTION	Poll Worker (Primary) and Admin (Backup) SD Cards with Election Files I-Button (Security Key) Pre-marked Test Deck Check that ICP2 is Seated Properly on the Adapter. Check paper roll. If needed, use a partial roll to change it for testing. Use a cleaning sheet to clean the ballot path before powering up the ICP2.	<input checked="" type="checkbox"/> Please list any anomalies or issues and resolution.
POWER UP			
2	POWER UP	Insert SD Cards into ICP2 Scanner - Open Admin and Poll Worker doors by gently squeezing the latch. Carefully insert the labelled SD Card into the applicable slot with the card label facing up. The card should "Click" into place when inserted correctly. Close the access doors. Connect Power Cord for the ICP2 Scanner Turn on the scanner - to the left of the three LED lights next to the Admin port door, use a pen or stylus press the recessed button and hold until it makes an audible noise. Verify Firmware version 5.5.1.8 and enter at top of checklist. If it is not correct, STOP. Notify testing manager immediately.	Confirm Firmware: [Signature] (initial)
PRE-LAT TESTING			
3	OPEN POLLS	ICP2 Scanner: 1. Apply the I-Button (Security Key) to the Security Key receptacle. 2. Remove I-Button. Enter Poll Worker PIN 3. Message "Verify Configuration Files" will appear. 4. End Test and Press [F5] to return to the PRE-LAT CHECKLIST.	
4	TOTALS	Maricopa County 20221108 General Election Tuesday, November 8, 2022 Tabulator Name 11054-A ST MARGARETS CATHOLIC CHURCH Tabulator ID 110541 Voting Location Maricopa Voting Location ID 1 Total Cast : 23 Total Voters : 23	TALLY OK: [Signature] (initial)
5	TOTALS	TOTALS for all Ballots Total Cast : 23 Total Voters : 23 ZERO ADMIN: [Signature] SIDE DOOR: 915 LATCH: 601 QC: RS 10/6 (initial)	

LAT 1 NOT INCLUDED IN ELECTION DAY PROJECT FILES

LAT 2 Checklist & Tape

10/14/2022



MARICOPA COUNTY ELECTIONS DEPARTMENT
 PRE-LAT CHECKLIST
 ICP2 PRECINCT TABULATOR

DATE: 10/14/2022
 ICP2 Scanner Serial Number: FA 1939018
 Pre-LAT TECHNICIAN (FULL NAME): [Signature]
 Firmware Version: 5.5.1.8

Site Number: 11054
 Polling Site / Vote Center: St Margarets Catholic Church

STEP NO.	STAGE DESCRIPTION	DETAILS	COMMENTS
Election Files			
1	SUPPLIES AND INITIAL INSPECTION	Poll Worker (Primary) and Admin (Backup) SD Cards with Election Files I-Button (Security Key) Pre-marked Test Deck Check that ICP2 is Seated Properly on the Adapter. Check paper roll. If needed, use a partial roll to change it for testing. Use a cleaning sheet to clean the ballot path before powering up the ICP2.	<input checked="" type="checkbox"/> Please list any anomalies or issues and resolution.
POWER UP			
2	POWER UP	Insert SD Cards into ICP2 Scanner - Open Admin and Poll Worker doors by gently squeezing the latch. Carefully insert the labelled SD Card into the applicable slot with the card label facing up. The card should "Click" into place when inserted correctly. Close the access doors. Connect Power Cord for the ICP2 Scanner Turn on the scanner - to the left of the three LED lights next to the Admin port door, use a pen or stylus press the recessed button and hold until it makes an audible noise. Verify Firmware version 5.5.1.8 and enter at top of checklist. If it is not correct, STOP. Notify testing manager immediately.	Confirm Firmware: [Signature] (initial)
PRE-LAT TESTING			
3	OPEN POLLS	ICP2 Scanner: 1. Apply the I-Button (Security Key) to the Security Key receptacle. 2. Remove I-Button. Enter Poll Worker PIN	
4	TOTALS	Maricopa County 20221108 General Election Tuesday, November 8, 2022 Tabulator Name 11054-A ST MARGARETS CATHOLIC CHURCH Tabulator ID 110541 Voting Location Maricopa Voting Location ID 1 Total Cast : 5 Total Voters : 5	TALLY OK: [Signature] (initial)
5	TOTALS	TOTALS for all Ballots Total Cast : 5 Total Voters : 5 ZERO ADMIN: [Signature] SIDE DOOR: 915 LATCH: 601 QC: [Signature] (initial)	

LAT 2 Ballots cast & recorded in System log file,

Exhibit 3

Timothy A. La Sota, PLLC
2198 East Camelback Road, Suite 305
Phoenix, Arizona 85016
602-515-2649
tim@timlasota.com

November 28, 2022

VIA EMAIL:

The Honorable Bill Gates
Chairman
Maricopa County Board of Supervisors
301 West Jefferson Street
Phoenix, Arizona 85003

RE: Public Records Request

Dear Chairman Gates:

Pursuant to the Arizona public records law, Arizona Revised Statutes § 39-121 *et seq.*, I hereby make the following public records request. I aver that the following request is for non-commercial purposes, as that phrase is defined in the Arizona public records law. I am willing to pay for reproduction costs if there are any.

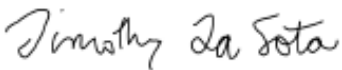
Please produce the following public records, in whatever format they are kept:

1. All cast vote records
2. All tabulator logs
3. All S-logs.
4. All chain of custody forms.

Thank you.

Very truly yours,

TIMOTHY A. LA SOTA PLC


Timothy A. La Sota

Forensic Audit Report

Report Number: MCA-21001-AR-01

Dominion Voting Systems, Democracy Suite 5.5B

Report Rev 1.0

[February 23, 2021]

Prepared for: **Maricopa County Elections Department**

Prepared by:



SLI Compliance®
4720 Independence St.
Wheat Ridge, CO
80033

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SLI Compliance, a Division of Gaming Laboratories International LLC



Revision History

Date	Release	Author	Revision Summary
February 23, 2021	1.0	M. Santos	Initial release

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Disclaimer

The observations and conclusions reported herein must not be used by the client to claim product certification, approval, or endorsement by NVLAP, NIST, or any agency of the Federal Government. Results herein relate only to the items evaluated.

All evaluation conducted for this engagement has been done outside of the U.S. Election Assistance Commission's (EAC) Test and Certification Program. In no way does this report represent an EAC certification against the Voluntary Voting System Guidelines (VVSG) or any other standard.

The audit activities referenced in this document were performed in a controlled environment using specific systems and data sets, and results are related to the specific items evaluated. Actual results in other environments may vary.



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1 Introduction

SLI Compliance is submitting this report as a summary of forensic auditing efforts, solicited by Maricopa County Elections Department. The forensic audit conducted consisted of an analysis and review of the voting system equipment used in the November 3rd, 2020 presidential election and records from that election, to extract facts about the use of the Dominion Voting Systems Democracy Suite 5.5B voting system.

The Maricopa County forensic audit was conducted on the Dominion Democracy Suite (DS) 5.5B system and included examination of the following items per direction given by Maricopa County Elections Department:

- 100% (9) of the County's central count tabulators (ICC) (4 Hi-Pro high-speed scanners and 5 Cannon high-speed scanners), which are used for processing large quantities of ballots.
- 100% (4) workstations and (2) servers used to operate the election management system (EMS), which includes pre-election functions for creating the election definition for the specified election, as well as post-election activities including accumulating, tallying and reporting election results.
- 10% sample (35) of the County's 350 precinct-based tabulators (ICP2s) that were utilized in the election, at the polling centers.
- 20% sample (4) of 20 adjudication stations, which allow ballots with exceptions or outstack conditions such as over-votes, blank ballots, write-ins and marginal marks, to be resolved.

This effort included verification of the following items:

1. Verifying that the software installed on the tabulation equipment is the same as the software certified by the U.S. Election Assistance Commission and the Arizona Secretary of State.

This item is applicable to ICP2 (precinct scanner), EMS (election management system – workstations and servers), ICC (central count system) and Adjudicator (ballot resolver).
2. Verifying that no malicious software is running on the component.

This item is applicable to ICP2 (precinct scanner), EMS (election management system – workstations and servers), ICC (central count system) and Adjudicator (ballot resolver).
3. Verifying that the components are not connected to the internet and that they have not been connected to the internet during the period of July 6, 2020 through November 20, 2020.

Exhibit 4



*Dominion Voting Systems
Democracy Suite 5.5B
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This item is applicable to ICP2 (precinct scanner), EMS (election management system – workstations and servers), ICC (central count system) and Adjudicator (ballot resolver).

4. Performing a physical audit of the components to verify there is no unexpected hardware (a sample of 5 ICP2 precinct scanners).

This item is applicable to ICP2 (precinct scanner).

Below is a listing of when each item above was completed for each relevant component.

For Item #1, verifying **component hashes against EAC generated hashes**:

- Item #1 was complete for ICP on Day 1
- Item #1 was complete for EMS workstations on Day 3
- Item #1 was complete for EMS servers on Day 5
- Item #1 was complete for ICC on Day 3
- Item #1 was complete for Adjudicator on Day 3

For Item #2, verifying **that no malicious software is running on the component**:

- Item #2 was complete for ICP on Day 3
- Item #2 was complete for EMS workstations on Day 4
- Item #2 was complete for EMS servers on Day 4
- Item #2 was complete for ICC on Day 5
- Item #2 was complete for Adjudicator on Day 4

For Item #3, verifying components **are not connected to the internet**:

- Item #3 was complete for ICP on Day 3
- Item #3 was complete for EMS workstations on Day 4
- Item #3 was complete for EMS servers on Day 5
- Item #3 was complete for ICC on Day 5
- Item #3 was complete for Adjudicator on Day 4

For Item #4, verifying **physical audit of the ICP component**:

- Item #4 was complete for ICP on Day 1

Exhibit 4



This audit was performed at a Maricopa County Election Department facility, located at 510 South 3rd Avenue, Phoenix, Arizona, over a five day period, from February 8th to February 12th, 2021.

- Attachments included are as listed:
 - Attachment A – Hashes by Component
 - Attachment B – User Activity and Malicious Software Review
 - Attachment C – Networking Review Criteria

2 Process

SLI Compliance conducted the forensic audit in a way that maximized efficiencies in examining the election artifacts.

The process included creation of raw disk images that allowed the examiners to audit and analyze the systems without the risk of changing the original system environments. Once the system media was imaged using a bit-to-bit copy of each item of system media, the examiners were able to mount and use forensic tools to inspect the systems for indicators of internet connectivity, as well as indicators of malicious or unauthorized software present on the systems.

Due to the County's strict policies regarding maintenance of the election infrastructure air gap, where election related devices are not allowed to be connected to non-election devices, SLI Compliance had to demonstrate the ability to prevent write back to any election media or resources. To fulfill this requirement, SLI Compliance utilized the WriteProtect™-BAY technology to prevent contamination of any of the election media during the forensic audit.

The WriteProtect™-BAY technology provides read-only, write blocking technology at a hardware layer, preventing inadvertent modification of election media during the audit. The WriteProtect™-BAY provides multiple write protected ports that allow for a wide variety of storage media to be connected in a read only write protected manner.

Examination for Item #1, verification of hashes, included usage of

- Md5deep hashing application, resident on auditing workstation with a Win10 operating system, for hashing extracted files utilizing a Sha256deep algorithm
- MS Excel spreadsheet utilizing comparison formulas, for comparing and determining if files have matching hash codes

Exhibit 4



Examination for Item #2, checking for malicious software, included usage of

- ClamWin Antivirus checks for software threats including viruses and spyware (utilizing engine version 0.99.4)
- Malwarebytes protection against software threats like viruses, malware, and spyware (utilizing component package version 1.0.1157, update package version 1.0.1157)
- Microsoft Defender Antivirus protection against software threats like viruses, malware, and spyware (utilizing security intelligence version 1.331.708.0)
- ESET Endpoint Antivirus protection against software threats including malware, viruses, worms and spyware (ESET Antivirus 7.3.2044.0)
- OSForensics, a digital examination tool that extracts data, including hidden data, from a PC
- Manual review utilizing a malicious software review checklist
- For the EMS servers, due to their configuration, a different antivirus, Avast, was utilized for examination

Examination for Item #3, internet connectivity check, included usage of

- OSForensics, a digital examination tool that extracts data, including hidden data, from a PC
- Manual review utilizing an internet connectivity review checklist

Examination for Item #4

- Four ICP2 devices were opened to show the internal components resident within
- A fifth ICP2 device was opened and all components removed from the chassis for a full examination of each internal component

3 Examination

This section details the proceedings of the examination, as conducted onsite at the Maricopa County Elections Department facilities.

Day 1

- Out of a pool of 315 available ICP2 precinct scanners (35 had been examined in a previous audit), SLI Compliance examined each and selected 35 ICP2s, based, in part, on any anomalies noticed on devices. This included missing labels or seals. Note: Due to defective batteries that would not attain the 10% minimal charge

Exhibit 4



needed to operate the device, five of the ICP2s originally selected would not power up, so they were replaced by five other ICP2s.

- Out of a pool 16 available Adjudication workstations (4 had been examined in a previous audit), SLI Compliance selected 4 Adjudication workstations.
- SLI Compliance auditors then recorded serial numbers of each of the 35 ICP2s, 4 adjudication workstations, all 9 of Maricopa County's ICC central count stations and all 4 Maricopa County EMS workstations, and 2 EMS servers. All labels and seals which had an associated serial number were recorded as well.
- To capture a full data set of the environments being examined, and to prevent contamination of the environments, SLI Compliance performed cloning operations on all workstations and all Administrator SD cards collected from the ICP2 devices.
- Dominion voting system files were extracted from the 35 ICP2s to validate against EAC generated hash codes, which are used to validate that each file's content has not been modified.
- The files were then hashed and compared to the EAC generated hash codes and verified to match. This verified **Item #1** for the 35 evaluated **ICP2** components.
- Cloning of the 4 Adjudicator workstations was initiated and completed.
- Cloning of the 9 ICC workstations was initiated.
- Physical audit of 5 ICP2s was conducted to verify no unexpected hardware was resident within the device. This verified **Item #4** for the **ICP2** components.
- The ICP2 contains an internal SD card that contains all information resident on the ICP2. That card was removed and examined to verify that no unexpected or malicious items were resident. Contents were also compared to artifacts that were extracted earlier as part of the Dominion file extraction process. All artifacts matched as expected.

Day 2

- Cloning of the 9 ICC workstations was completed.
- It was determined that the audit log (needed for review for determination of any connections to the internet) was resident on both the Administrator SD card and the Pollworker SD card. As the Pollworker card is the card pulled during election activities for results determinations, SLI Compliance auditors utilized the Administrator SD card. These cards were pulled and cloned, and then the audit log was obtained.
 - Note that six of the sampled ICP2 devices did not have SD cards. Maricopa County personnel informed the auditors that when a device needs to be replaced, the cards are pulled and utilized in the replacement device. Documentation was provided by the County for five of the ICP2 devices as

Exhibit 4



being replaced in the field. These devices were replaced due to tabulators not powering on, or needing to be replaced due to ball point pens being used which smeared the mylar screen on the scanner. The County indicated that the sixth device was prepared as a spare unit, but was never utilized in the election, and thus never had SD cards inserted.

- Review of ICP2 logs for any internet connections was initiated.
- Review of ICP2 files for any unknown/malicious software was initiated.
- Review of Adjudicator workstation logs for any internet connections was initiated.
- Review of Adjudicator workstation files for any unknown/malicious software was initiated.

Day 3

- Dominion voting system files were extracted from the four Adjudicator workstation cloned images to validate against EAC generated hash codes, which are used to validate that each file's content has not been modified.
- The Adjudicator workstation files were then hashed and compared to the EAC generated hash codes and verified to match. This verified **Item #1** for the 4 evaluated **Adjudicator** workstation components.
- Dominion voting system files were extracted from the nine ICC workstation cloned images to validate against EAC generated hash codes, which are used to validate that a files content has not been modified.
- The ICC workstation files were then hashed and compared to the EAC generated hash codes and verified to match. This verified **Item #1** for the 4 evaluated **ICC** workstation components.
- Review of ICP2 files for any unknown/malicious software was completed. This verified **Item #2** for the **ICP2** components.
- Review of ICP2 logs for any internet connections was completed. This verified **Item #3** for the **ICP2** components.
- Dominion voting system files were extracted from the four EMS workstation cloned images to validate against EAC generated hash codes, which are used to validate that each file's content has not been modified.
- The EMS workstation files were then hashed and compared to the EAC generated hash codes and verified to match. This verified **Item #1** for the 4 evaluated **EMS workstation** components.

Exhibit 4



Day 4

- Review of EMS files for any unknown/malicious software was completed. This verified **Item #2** for the **EMS workstation** components.
- Review of EMS logs for any internet connections was completed. This verified **Item #3** for the **EMS workstation** components.
- Dominion voting system files were extracted from the two EMS servers to validate against EAC generated hash codes, which are used to validate that each file's content has not been modified.
- The EMS server files were then hashed and compared to the EAC generated hash codes and verified to match. This verified **Item #1** for the 2 evaluated **EMS server** components.
- Review of Adjudicator files for any unknown/malicious software was completed. This verified **Item #2** for the **Adjudicator** components.
- Review of Adjudicator logs for any internet connections was completed. This verified **Item #3** for the **Adjudicator** components.

Day 5

- Review of EMS server files for any unknown/malicious software was completed. This verified **Item #2** for the **EMS server** components.
- Review of EMS server logs for any internet connections was completed. This verified **Item #3** for the **EMS server** components.
- Review of ICC files for any unknown/malicious software was completed. This verified **Item #2** for the **ICC** components.
- Review of ICC logs for any internet connections was completed. This verified **Item #3** for the **ICC** components.



4 Audit Findings Determinations

This section identifies the determinations for each review criterion, covering the relevant DS 5.5B components.

Item #1 Verifying that the software installed on the tabulation equipment is the same as the software that was certified by the U.S. Election Assistance Commission and the Arizona Secretary of State.

ICP2 (precinct scanner)

Each of the 35 ICP2s that were examined had the voting system files extracted following the Dominion prescribed procedure. Those files were then hashed, with the md5deep tool, and compared to the relevant EAC hash codes, which determined that the Dominion Voting Systems files remained unmodified from the certified files.

For the five ICP2s that were opened for Item #4, the internal SD cards were compared to the extracted files and were verified to match.

The Internal SD cards were bit-by-bit cloned, and then the image was restored onto duplicate SD cards for examination with Kali Linux 2020.4. This allowed the examiners to determine that the files contained on the internal SD storage cards matched those that were extracted using the Dominion defined hash verification methods.

EMS (election management system – workstations and servers)

Each of the six EMSs that were examined had all voting system files extracted. Those files were then hashed with the md5deep tool and compared to the relevant EAC hash codes, which determined that the Dominion Voting Systems files remained unmodified from the certified files.

Each of the four EMS client systems were first bit-by-bit imaged, and then the images were mounted read-only for file extraction and verification. This allowed the examiners to maintain a clean snapshot of the EMS client systems under evaluation.

The EMS servers contained encrypted raid drives that didn't allow for bit-by-bit media imaging, so the EMS servers had to be examined under the close scrutiny of County officials, including maintaining strict air-gap policies for introduction of clean media into the environment. This included monitored use of brand-new USBs (witnessed to be removed from original packaging) to obtain election software for verification.

ICC (central count system)

Each of the nine ICCs that were examined had all voting system files extracted. Those files were then hashed with the md5deep tool and compared to the relevant EAC hash codes, which determined that the Dominion Voting Systems files remained unmodified from the certified files.

Each of the nine ICC client systems were first bit-by bit-imaged, and then the images were mounted read-only for file extraction and verification. This allowed the examiners to maintain a



clean snapshot of the ICC client systems examined. It should be noted that additional hardware was required to process and image M.2 NVMe drive technology. All ICC systems were successfully imaged using the WriteProtect™-BAY technology.

Adjudicator (ballot resolver)

Each of the four Adjudicators that were examined had all voting system files extracted. Those files were then hashed with the md5deep tool and compared to the relevant EAC hash codes, which determined that the Dominion Voting Systems files remained unmodified from the certified files.

Each of the four Adjudication client systems were first bit-by-bit imaged, and then the images were mounted read-only for file extraction and verification. This allowed the examiners to maintain a clean snapshot of the Adjudication client systems examined.

No modifications were found by SLI Compliance to the installed Dominion software from the EAC certified release.

Item #2: Verifying that no malicious software is running on the component.

ICP2 (precinct scanner)

All files on each of the ICP2s were examined to determine if any malicious files were resident. Four different antivirus scanners were utilized (Windows Defender, ESET Endpoint Protection, ClamWin and Malwarebytes), as well OSForensics, a digital forensics tool, to examine the contents of each component.

No instance of malicious software was found on any of the devices.

In addition to using multiple forms of antivirus and malicious software detection software, the verification of all of the systems' software against trusted hash repositories stored by the Election Assistance Commission determined that no unexpected files or processes were present on the ICP2 Systems.

EMS (election management system)

All files on each of the EMSs were examined to determine if any malicious files were resident. On the four workstations, four different antivirus scanners were utilized (Windows Defender, ESET Endpoint Protection, ClamWin and Malwarebytes), as well OSForensics, a digital forensics tool, to examine the contents of each component.

In addition to using multiple forms of antivirus and malicious software detection software, manual examination of the systems was conducted to identify malicious or unauthorized software on the systems. These inspections included:

- 1) Inspection of the system registry. This included items such as Windows 'Run' entries, most recently used programs, recent documents, and Windows Explorer last visit.

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- 2) Inspection of the system file system and installed programs: installed programs, autorun commands, shellbag entries, Windows userassist, download history, and USB history.
- 3) Inspection of the system audit logs. Includes Windows event logs, browser history, search terms, website logins, Windows timeline events, and host system antivirus logs.

On the two servers, Avast antivirus was utilized, as well OSForensics, a digital forensics tool, to examine the contents of each component. The examination of the EMS servers was performed manually, and all information for the EMS servers was pulled manually, for export and examination with the OSForensics tool on a separate system.

No instance of malicious software was found on any of the devices.

ICC (central count system)

All files on each of the ICCs were examined to determine if any malicious files were resident. On the four workstations, four different antivirus scanners were utilized (Windows Defender, ESET Endpoint Protection, ClamWin and Malwarebytes), as well OSForensics, a digital forensics tool, to examine the contents of each component.

In addition to using multiple forms of antivirus and malicious software detection software, manual examination of the systems was conducted to identify malicious or unauthorized software on the systems. These inspections included:

- 1) Inspection of the system registry. This included items such as Windows 'Run' entries, most recently used programs, recent documents, and Windows Explorer last visit.
- 2) Inspection of the system file system and installed programs: installed programs, autorun commands, shellbag entries, Windows userassist, download history, and USB history.
- 3) Inspection of the system audit logs. Includes Windows event logs, browser history, search terms, website logins, Windows timeline events, and host system antivirus logs.

No instance of malicious software was found on any of the devices.

Adjudicator (ballot resolver)

All files on each of the ICCs were examined to determine if any malicious files were resident. On the four workstations, four different antivirus scanners were utilized (Windows Defender, Endpoint, ClamWin and Malwarebytes), as well OSForensics, a digital forensics tool, to examine the contents of each component.

In addition to using multiple forms of antivirus and malicious software detection software, manual examination of the systems was conducted to identify malicious or unauthorized software on the systems. These inspections included:

- 1) Inspection of the system registry. This included items such as Windows 'Run' entries, most recently used programs, recent documents, and Windows explorer last visit.

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- 2) Inspection of the system file system and installed programs: installed programs, autorun commands, shellbag entries, Windows userassist, download history, and USB history.
- 3) Inspection of the system audit logs. Includes Windows event logs, browser history, search terms, website logins, Windows timeline events, and host system antivirus logs.

No instance of malicious software was found on any of the devices.

SLI Compliance found no malicious software components on the installed software.

Item #3: Verifying that the components are not connected to the internet and that they have not been connected to the internet during the period of July 6, 2020 through November 20, 2020.

ICP2 (precinct scanner)

Manual examination and usage of the tool OSForensics, a digital forensics tool, were used to examine the activities of each ICP2 component, looking to determine if any connections were made to the internet, with primary focus on the time period of July 6, 2020 through November 20, 2020.

Manual examination and the OSForensics software were used to inspect the systems to identify if there were any instances of the systems being connected to an internet routed network. These inspections included:

- 1) Manual examination of the ICP2's storage partitions including the "ICP2-Boot" and "ICP2-Data" for logfiles, connection strings, ethernet callouts.
- 2) Inspection of the system file system and installed programs, extraction and examination of the squashfs system files.
- 3) Inspection of the system audit logs including the election logs, system logs and the system's diagnostic logs.
- 4) Searched for ethernet, modem, and wireless connectivity settings.
- 5) Examination and research for WLAN, ethernet and modem connectivity, logs, configuration, and usage.

No evidence of internet connectivity was found.



EMS (election management system)(workstations and servers)

OSForensics, a digital forensics tool, was used to examine the activities of each EMS component, looking to determine if any connections were made to the internet, with primary focus on the period of July 6, 2020 through November 20, 2020.

OSForensics software was used to inspect the systems to identify if there were any instances of the systems being connected to an internet routed network. These inspections included:

- 1) Inspection of the system registry. This included items such as Windows 'Run' entries, most recently used programs, recent documents, and Windows Explorer last visit.
- 2) Inspection of the system file system and installed programs: installed programs, autorun commands, shellbag entries, Windows userassist, and download history.
- 3) Inspection of the system audit logs; includes Windows event logs, browser history, search terms, website logins, and Windows timeline events.
- 4) USB history, to determine if there were any unauthorized wireless or USB ethernet devices plugged in and to determine if the systems were connected to an unauthorized network connection via a USB device.

In the case of the EMS server systems for which the OSForensics tools could not be utilized due to the air-gap policy, all of the information was manually examined.

- 1) Inspection of the system registry. This included items such as Windows 'Run' entries, most recently used programs, recent documents, and Windows Explorer last visit.
- 2) Inspection of the system file system and installed programs: installed programs, autorun commands, shellbag entries, Windows userassist, and download history.
- 3) Inspection of the system audit logs; includes Windows event logs, browser history, search terms, website logins, and Windows timeline events.
- 4) USB history, to determine if there were any unauthorized wireless or USB ethernet devices plugged in and to determine if the systems were connected to an unauthorized network connection via a USB device.
- 5) Examination and research for WLAN connectivity.
- 6) Verification of the server's ARP tables, routing lists, established connections, DNS server configurations, and netstat information.

No evidence of internet connectivity was found.

ICC (central count system)

OSForensics, a digital forensics tool, was used to examine the activities of each ICC component, looking to determine if any connections were made to the internet, with primary focus on the time period of July 6, 2020 through November 20, 2020.

OSForensics software was used to inspect the systems to identify if there were any instances of the systems being connected to an internet routed network. These inspections included:

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- 1) Inspection of the system registry. This included items such as Windows 'Run' entries, most recently used programs, recent documents, and Windows Explorer last visit.
- 2) Inspection of the system file system and installed programs: installed programs, autorun commands, shellbag entries, Windows userassist, and download history.
- 3) Inspection of the system audit logs; includes Windows event logs, browser history, search terms, website logins, and Windows timeline events.
- 4) USB history, to determine if there were any unauthorized wireless or USB ethernet devices plugged in and to determine if the systems were connected to an unauthorized network connection via a USB device.

One ICC had a log entry of a connection attempt, with no corresponding DNS failure message, on August 26, 2020. The connection attempt itself was a search for how to adjust screen brightness. Examination of all other log files on that machine did not provide evidence of a successful internet connection.

No evidence of internet connectivity was found. Such evidence would have been found if the system had been connected to the internet.

Adjudicator (ballot resolver)

OSForensics, a digital forensics tool, was used to examine the activities of each Adjudicator component, looking to determine if any connections were made to the internet, with primary focus on the time period of July 6, 2020 through November 20, 2020.

OSForensics software was used to inspect the systems to identify if there were any instances of the systems being connected to an internet routed network. These inspections included:

- 1) Inspection of the system registry. This included items such as Windows 'Run' entries, most recently used programs, recent documents, and Windows Explorer last visit.
- 2) Inspection of the system file system and installed programs: installed programs, autorun commands, shellbag entries, Windows userassist, and download history.
- 3) Inspection of the system audit logs; includes Windows event logs, browser history, search terms, website logins, and Windows timeline events.
- 4) USB history, to determine if there were any unauthorized wireless or USB ethernet devices plugged in and to determine if the systems were connected to an unauthorized network connection via a USB device.

No evidence of internet connectivity was found.

SLI Compliance found there to be no internet connectivity occurring within the specified time period (July 6, 2020 through November 20, 2020) on any of the examined components.



Item #4: Performing a physical audit of the components to verify there is no unexpected hardware (5 ICP2 precinct scanners).

Physical examination of the ICP2 component included removal of the outer cover, as well an inner cover to expose the resident circuit boards and accompanying components on four ICP2s. A fifth ICP2 precinct scanner was taken even further, such that all components were completely removed from the chassis for examination.

The examination showed that there were no physical components resident that were not expected to be there.

SLI Compliance’s findings indicate that the installed hardware is the hardware that was certified as part of the EAC certification and that none of the examined components contains any malicious or unexpected hardware components.

5 Summary Findings

SLI Compliance has completed the audit of the Dominion Voting Systems Democracy Suite 5.5B voting system components as prescribed by the Maricopa County Elections Department.

SLI Compliance maintained the integrity of the audited system components by performing a bit-by-bit image of all systems examined by SLI Compliance, except for the two EMS servers that were live systems. Unused media from original packaging was used to remove or extract data from the live systems. In all instances when removing or examining system storage media, the County required that proof of write back protection be demonstrated, to protect the election infrastructure’s air-gapped environment.

Physical examination of the County election infrastructure indicated that the physical setup of the systems is arranged so that all network connectivity is clearly marked and delineated. This means that, at any time, observers can examine and determine that the election systems are connected only to authorized networking. Separate cable runs are positioned to clearly identify all network cabling to and from election devices, and cables are color coded for easy identification. In addition, the entire election area is fully covered by cameras that may be used for observing the election process and maintaining a historic record of events on the election processing floor.

While the systems examined showed no malicious or networking related USB devices being connected, the systems examined didn’t provide a physical or a digital method of preventing unauthorized USB devices to the systems. In this particular case, County policy drives control of USB connectivity.

For the four items being examined,

1. Verifying that the software installed on the tabulation equipment is the same as the software that was certified by the U.S. Election Assistance Commission and the Arizona Secretary of State.

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This item is applicable to ICP2 (precinct scanner), EMS (election management system – workstations and servers), ICC (central count system) and Adjudicator (ballot resolver).

SLI Compliance's findings indicate that the installed Dominion software remains unmodified from the EAC certified release.

2. Verifying that no malicious software is running on the component.

This item is applicable to ICP2 (precinct scanner), EMS (election management system – workstations and servers), ICC (central count system) and Adjudicator (ballot resolver).

SLI Compliance's findings indicate that the installed software does not contain any malicious software components.

3. Verifying that the components are not connected to the internet and that they have not been connected to the internet during the period of July 6, 2020 through November 20, 2020.

This item is applicable to ICP2 (precinct scanner), EMS (election management system – workstations and servers), ICC (central count system) and Adjudicator (ballot resolver).

One ICC had a log entry of a connection attempt, with no corresponding DNS failure message, on August 26, 2020. Examination of all other log files on that machine did not provide evidence of a successful internet connection. No other component examined had any anomalies.

4. Performing a physical audit of the components to verify there is no unexpected hardware (5 ICP2 precinct scanners).

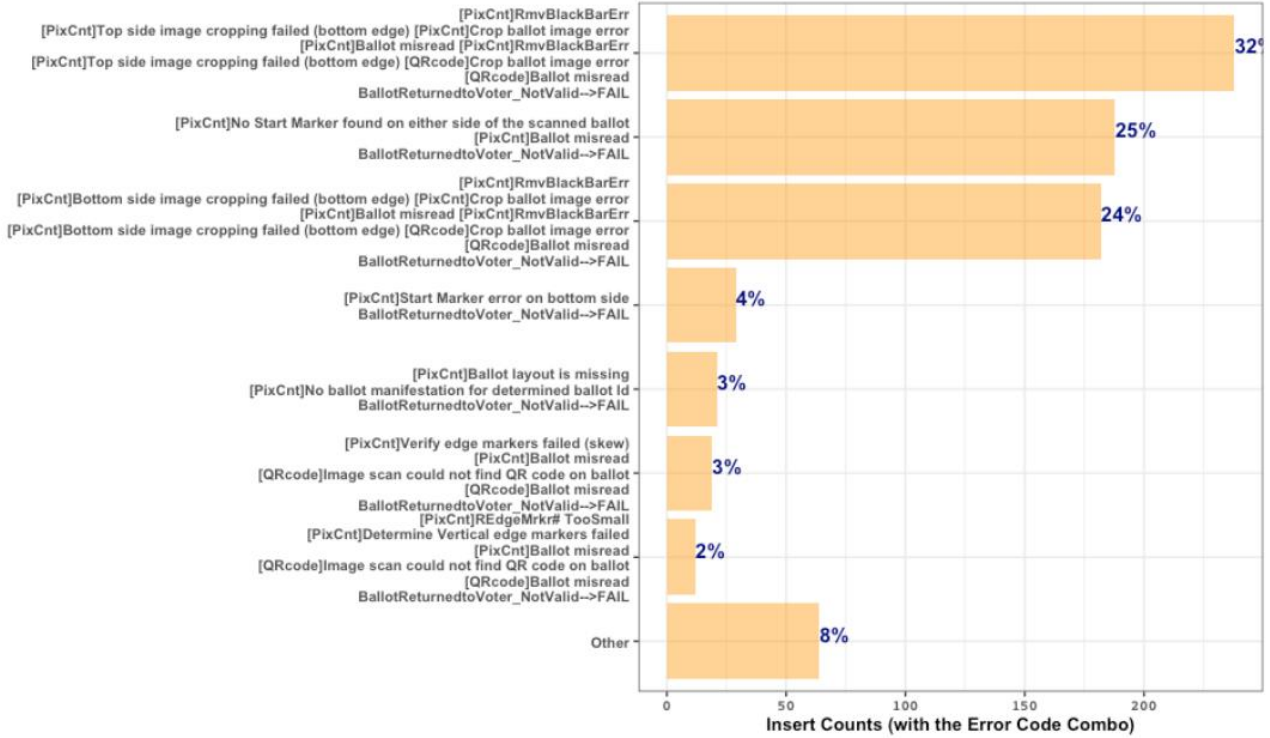
This item is applicable to ICP2 (precinct scanner).

SLI Compliance's findings indicate that the installed hardware is only the hardware that was certified as part of the EAC certification and that none of the examined components contains any malicious or unexpected hardware components.

End of Forensic Audit Report

Exhibit 5

TEST_Ballot Error Code Combos for FAILED Inserts (753 Ballots Returned to Voter--Invalid)
Tested after October 11, 2022 across All Voting Center Tabulators
 MARICOPA Co AZ 2022 General Election -- System Logs (SLOGS) Analysis



The error rate levels for a tabulator should never go over one percent.

Exhibit 6

50

STARTING DUP ID	ENDING DUP ID	REASON FOR DUPLICATION	# OF DUPS	BALLOT TYPE	DATE	BOX #	BOX TOTAL	TOTAL DUPLICATED
BOARD1HAND0001	BOARD1HAND0157	UOCAVA	157	EARLY VOTE	10/20/2022	1		1198
BOARD2HAND0001	BOARD2HAND0154	UOCAVA	152	EARLY VOTE	10/20/2022	1		
BOARD3HAND0001	BOARD3HAND0183	UOCAVA	183	EARLY VOTE	10/20/2022	1		
BOARD4HAND0001	BOARD4HAND0107	UOCAVA	107	EARLY VOTE	10/20/2022	1		
BOARD5HAND0001	BOARD5HAND0170	UOCAVA	170	EARLY VOTE	10/20/2022	1		
DUP000282	DUP000409	PROCESSING SCANS	128	EARLY VOTE	10/20/2022	1		
DUP000410	DUP000436	PROCESSING SCANS	27	EARLY VOTE	10/20/2022	1		
BOARD6HAND0001	BOARD6HAND0041	UOCAVA	41	EARLY VOTE	10/20/2022	1		
BOARD6HAND0042	BOARD6HAND0056	LARGE PRINT	15	EARLY VOTE	10/24/2022	1		
DUP00437	DUP000556	PROCESSING SCANS	120	EARLY VOTE	10/24/2022	1		
DUP000560	DUP000600	PROCESSING SCANS	41	EARLY VOTE	10/24/2022	1		
DUP000601	DUP000822	PROCESSING SCANS	222	EARLY VOTE	10/24/2022	1		
							1363	
BOARD5HAND0171	BOARD5HAND0263	UOCAVA	93	EARLY VOTE	10/25/2022	2		
BOARD2HAND0155	BOARD2HAND0206	UOCAVA	52	EARLY VOTE	10/25/2022	2		
BOARD4HAND0108	BOARD4HAND0152	UOCAVA	45	EARLY VOTE	10/25/2022	2		
BOARD1HAND0158	BOARD1HAND0216	UOCAVA	59	EARLY VOTE	10/25/2022	2		
BOARD3HAND0184	BOARD3HAND0265	UOCAVA	82	EARLY VOTE	10/25/2022	2		
DUP000823	DUP000889	BTC SCANS	67	EARLY VOTE	10/25/2022	2		
DUP00890	DUP000946	PROCESSING SCANS	57	EARLY VOTE	10/25/2022	2		
DUP000949	DUP001041	PROCESSING SCANS	93	EARLY VOTE	10/25/2022	2		
BOARD3HAND0266	BOARD3HAND0267	LARGE PRINT	2	EARLY VOTE	10/25/2022	2		
BOARD3HAND0268	BOARD3HAND0272	ICX	5	EARLY VOTE	10/25/2022	2		
BOARD5HAND0264	BOARD5HAND0268	LARGE PRINT	5	EARLY VOTE	10/26/2022	2		
BOARD3HAND0273	BOARD30277	LARGE PRINT	5	EARLY VOTE	10/26/2022	2		
BOARD2HAND0207	BOARD2HAND0214	LARGE PRINT	8	EARLY VOTE	10/26/2022	2		
BOARD6HAND0057	BOARD6HAND0064	LARGE PRINT	8	EARLY VOTE	10/26/2022	2		
BOARD1HAND0217	BOARD1HAND0224	LARGE PRINT	8	EARLY VOTE	10/26/2022	2		
DUP001042	DUP001096	PROCESSING SCANS	55	EARLY VOTE	10/26/2022	2		
DUP001099	DUP001151	PROCESSING SCANS	53	EARLY VOTE	10/26/2022	2		
DUP001154	DUP001259	PROCESSING SCANS	106	EARLY VOTE	10/26/2022	2		
BOARD5HAND0269	BOARD5HAND0269	ICX	1	EARLY VOTE	10/26/2022	2		
DUP001260	DUP001278	BTC SCANS	19	EARLY VOTE	10/26/2022	2		
DUP001280	DUP001316	BTC SCANS	37	EARLY VOTE	10/26/2022	2		
BOARD5HAND270	BOARD5HAND0293	SPECIAL CASE	24	EARLY VOTE	10/26/2022	2		
DUP001317	DUP001395	BTC SCANS	79	EARLY VOTE	10/26/2022	2		
BOARD5HAND0294	BOARD5HAND0295	UOCAVA	2	EARLY VOTE	10/27/2022	2		
							965	
DUP001406	DUP001583	PROCESSING SCANS	178	EARLY VOTE	10/27/2022	3		
DUP001586	DUP001735	PROCESSING SCANS	149	EARLY VOTE	10/27/2022	3		
DUP001736	DUP001805	BTC SCANS	70	EARLY VOTE	10/27/2022	3		
DUP001806	DUP001855	BTC SCANS	50	EARLY VOTE	10/29/2022	3		
DUP001856	DUP002187	PROCESSING SCANS	332	EARLY VOTE	10/29/2022	3		
DUP002188	DUP002275	PROCESSING SCANS	88	EARLY VOTE	10/29/2022	3		
DUP002278	DUP002483	PROCESSING SCANS	205	EARLY VOTE	10/29/2022	3		
							1072	
DUP002484	DUP002726	PROCESSING SCANS	242	EARLY VOTE	10/31/2022	4		
DUP002727	DUP002774	BTC SCANS	48	EARLY VOTE	11/1/2022	4		
DUP002775	DUP002810	PROCESSING SCANS	36	EARLY VOTE	11/1/2022	4		
DUP002813	DUP003017	PROCESSING SCANS	205	EARLY VOTE	11/1/2022	4		
DUP003018	DUP003025	BTC SCANS	8	EARLY VOTE	11/1/2022	4		
DUP003032	DUP003033	BTC SCANS	2	EARLY VOTE	11/1/2022	4		
DUP003034	DUP003140	PROCESSING SCANS	107	EARLY VOTE	11/2/2022	4		
DUP003143	DUP003277	PROCESSING SCANS	135	EARLY VOTE	11/2/2022	4		
DUP003280	DUP003343	PROCESSING SCANS	64	EARLY VOTE	11/2/2022	4		
DUP003344	DUP003385	BTC SCANS	42	EARLY VOTE	11/2/2022	4		
BOARD2HAND0215	BOARD2HAND0360	UOCAVA	146	EARLY VOTE	11/3/2022	4		
BOARD3HAND0278	BOARD3HAND0327	UOCAVA	50	EARLY VOTE	11/3/2022	4		
BOARD5HAND0296	BOARD5HAND0387	UOCAVA	92	EARLY VOTE	11/3/2022	4		
BOARD4HAND0153	BOARD4HAND0202	UOCAVA	50	EARLY VOTE	11/3/2022	4		
BOARD7HAND0001	BOARD7HAND0045	UOCAVA	44	EARLY VOTE	11/3/2022	4		
BOARD6HAND0065	BOARD6HAND0114	UOCAVA	50	EARLY VOTE	11/3/2022	4		
							1321	
DUP003392	DUP003415	PROCESSING SCANS	24	EARLY VOTE	11/3/2022	5		
DUP003418	DUP003436	PROCESSING SCANS	19	EARLY VOTE	11/3/2022	5		
DUP003438	DUP003653	PROCESSING SCANS	216	EARLY VOTE	11/3/2022	5		
DUP003656	DUP003822	PROCESSING SCANS	167	EARLY VOTE	11/3/2022	5		
DUP003837	DUP003871	PROCESSING SCANS	35	EARLY VOTE	11/3/2022	5		
DUP003872	DUP003903	BTC SCANS	32	EARLY VOTE	11/4/2022	5		
DUP003905	DUP003905	BTC SCANS	1	EARLY VOTE	11/4/2022	5		
DUP003906	DUP003939	BTC SCANS	34	EARLY VOTE	11/4/2022	5		
BOARD1HAND0225	BOARD1HAND0321	UOCAVA	97	EARLY VOTE	11/5/2022	5		
BOARD2HAND0361	BOARD2HAND0410	UOCAVA	50	EARLY VOTE	11/5/2022	5		
BOARD3HAND0328	BOARD3HAND0377	UOCAVA	50	EARLY VOTE	11/5/2022	5		
BOARD4HAND0203	BOARD4HAND0243	UOCAVA	41	EARLY VOTE	11/5/2022	5		
BOARD5HAND0388	BOARD5HAND0437	UOCAVA	50	EARLY VOTE	11/5/2022	5		
BOARD6HAND0115	BOARD6HAND0164	UOCAVA	50	EARLY VOTE	11/5/2022	5		
BOARD7HAND0046	BOARD7HAND0147	UOCAVA	102	EARLY VOTE	11/5/2022	5		
BOARD5HAND0438	BOARD5HAND0447	LARGE PRINT	10	EARLY VOTE	11/5/2022	5		
BOARD4HAND0244	BOARD4HAND0273	LARGE PRINT	30	EARLY VOTE	11/5/2022	5		
BOARD1HAND0322	BOARD1HAND0341	LARGE PRINT	20	EARLY VOTE	11/5/2022	5		
BOARD6HAND0165	BOARD6HAND0195	LARGE PRINT	31	EARLY VOTE	11/5/2022	5		
BOARD2HAND0411	BOARD2HAND0420	LARGE PRINT	10	EARLY VOTE	11/5/2022	5		
BOARD7HAND0148	BOARD7HAND0157	LARGE PRINT	10	EARLY VOTE	11/5/2022	5		
							1079	
BOARD1HAND0342	BOARD1HAND0371	LARGE PRINT	30	EARLY VOTE	11/5/2022	6		
BOARD7HAND0158	BOARD7HAND0167	LARGE PRINT	10	EARLY VOTE	11/5/2022	6		

Exhibit 6

BOARD6HAND0196	BOARD6HAND0205	LARGE PRINT	10	EARLY VOTE	11/5/2022	6
BOARD4HAND0274	BOARD4HAND0278	LARGE PRINT	5	EARLY VOTE	11/5/2022	6
BOARD1HAND0372	BOARD1HAND0448	SPECIAL CASE	77	EARLY VOTE	11/7/2022	6
BOARD2HAND0421	BOARD2HAND0439	ICX	19	EARLY VOTE	11/7/2022	6
DUP003940	DUP003974	BTC SCANS	35	EARLY VOTE	11/7/2022	6
DUP003975	DUP003999	PROCESSING SCANS *RECOVERED	25	EARLY VOTE	11/7/2022	6
DUP004001	DUP004055	PROCESSING SCANS *RECOVERED	54	EARLY VOTE	11/7/2022	6
BOARD7HAND0168	BOARD7HAND0213	SPECIAL CASE	46	EARLY VOTE	11/7/2022	6
DUP004056	DUP004103	PROCESSING SCANS *RECOVERED	48	EARLY VOTE	11/7/2022	6
BOARD7HAND0214	BOARD7HAND0354	UOCAVA	141	EARLY VOTE	11/8/2022	6
BOARD5HAND0448	BOARD5HAND0583	UOCAVA	136	EARLY VOTE	11/8/2022	6
DUP004104	DUP004193	BTC SCANS	90	EARLY VOTE	11/8/2022	6
BOARD1HAND0449	BOARD1HAND0469	SPECIAL CASE	20	EARLY VOTE	11/8/2022	6
BOARD1HAND0470	BOARD1HAND0484	ICX	15	EARLY VOTE	11/8/2022	6
BOARD7HAND0355	BOARD7HAND0361	ICX	7	EARLY VOTE	11/8/2022	6
BOARD5HAND0584	BOARD5HAND0629	ICX	46	EARLY VOTE	11/9/2022	6
DUP004196	DUP004252	PROCESSING SCANS *RECOVERED	57	EARLY VOTE	11/9/2022	6
BOARD1HAND0485	BOARD1HAND0507	SPECIAL CASE	23	EARLY VOTE	11/9/2022	6
BOARD2HAND0440	BOARD2HAND0461	SPECIAL CASE	22	EARLY VOTE	11/9/2022	6
DUP004253	DUP004305	PROCESSING SCANS *RECOVERED	53	EARLY VOTE	11/9/2022	6
DUP004308	DUP004331	PROCESSING SCANS *RECOVERED	24	EARLY VOTE	11/9/2022	6
BOARD6HAND0206	BOARD6HAND0225	BRaille	20	EARLY VOTE	11/10/2022	7
BOARD3HAND0529	BOARD3HAND0535	BRaille	7	EARLY VOTE	11/11/2022	7
BOARD2HAND0462	BOARD2HAND0510	UOCAVA	49	EARLY VOTE	11/10/2022	8
BOARD5HAND0630	BOARD5HAND0723	UOCAVA	94	EARLY VOTE	11/10/2022	8
BOARD3HAND0378	BOARD3HAND0491	UOCAVA	114	EARLY VOTE	11/10/2022	8
BOARD2HAND0511	BOARD2HAND0549	LARGE PRINT	39	EARLY VOTE	11/10/2022	8
DUP004332	DUP004371	PROCESSING SCANS *RECOVERED	40	EARLY VOTE	11/10/2022	8
DUP004372	DUP004431	BTC SCANS	60	EARLY VOTE	11/10/2022	8
BOARD3HAND0492	BOARD3HAND0528	ICX	37	EARLY VOTE	11/10/2022	8
DUP004432	DUP004451	PROCESSING SCANS *RECOVERED	20	EARLY VOTE	11/10/2022	8
DUP004453	DUP004482	PROCESSING SCANS *RECOVERED	30	EARLY VOTE	11/10/2022	8
BOARD2HAND0550	BOARD2HAND0568	ICX	19	EARLY VOTE	11/10/2022	8
DUP004483	DUP004526	BTC SCANS	44	EARLY VOTE	11/11/2022	8
DUP004527	DUP004556	BTC SCANS	30	EARLY VOTE	11/11/2022	8
DUP004558	DUP004575	BTC SCANS	18	EARLY VOTE	11/11/2022	8
BOARD3HAND0536	BOARD3HAND0631	UOCAVA	96	EARLY VOTE	11/12/2022	8
BOARD6HAND0226	BOARD6HAND0258	LARGE PRINT	33	EARLY VOTE	11/12/2022	8
BOARD2HAND0569	BOARD2HAND0663	UOCAVA	95	EARLY VOTE	11/12/2022	8
BOARD4HAND0279	BOARD4HAND0381	UOCAVA	103	EARLY VOTE	11/12/2022	8
BOARD5HAND0724	BOARD5HAND0822	UOCAVA	99	EARLY VOTE	11/12/2022	8
DUP004576	DUP004624	BTC SCANS	49	EARLY VOTE	11/12/2022	8
DUP004625	DUP004728	PROCESSING SCANS *RECOVERED	104	EARLY VOTE	11/12/2022	8
DUP004729	DUP004772	PROCESSING SCANS *RECOVERED	44	EARLY VOTE	11/12/2022	8
DUP004775	DUP004844	PROCESSING SCANS *RECOVERED	70	EARLY VOTE	11/12/2022	8
DUP004845	DUP004898	PROCESSING SCANS *RECOVERED	54	EARLY VOTE	11/13/2022	9
BOARD1HAND0508	BOARD1HAND0566	UOCAVA	59	EARLY VOTE	11/13/2022	9
BOARD2HAND0664	BOARD2HAND0774	UOCAVA	111	EARLY VOTE	11/13/2022	9
BOARD3HAND0632	BOARD3HAND0678	UOCAVA	47	EARLY VOTE	11/13/2022	9
BOARD5HAND0823	BOARD5HAND0896	UOCAVA	74	EARLY VOTE	11/13/2022	9
BOARD4HAND0382	BOARD4HAND0419	UOCAVA	38	EARLY VOTE	11/13/2022	9
BOARD7HAND0362	BOARD7HAND0413	UOCAVA	50	EARLY VOTE	11/13/2022	9
BOARD6HAND0259	BOARD6HAND0304	UOCAVA	46	EARLY VOTE	11/13/2022	9
BOARD4HAND0420	BOARD4HAND0448	SPECIAL CASE	29	EARLY VOTE	11/13/2022	9
BOARD3HAND0679	BOARD3HAND0700	SPECIAL CASE	22	EARLY VOTE	11/13/2022	9
DUP004899	DUP004951	BTC SCANS	53	EARLY VOTE	11/14/2022	9
BOARD1HAND0567	BOARD1HAND0605	LARGE PRINT	39	EARLY VOTE	11/14/2022	9
BOARD2HAND0775	BOARD2HAND0787	ICX	13	EARLY VOTE	11/14/2022	9
BOARD3HAND0701	BOARD3HAND0707	ICX	7	EARLY VOTE	11/14/2022	9
BOARD4HAND0449	BOARD4HAND0498	UOCAVA	50	EARLY VOTE	11/14/2022	9
BOARD5HAND0897	BOARD5HAND0930	LARGE PRINT	34	EARLY VOTE	11/14/2022	9
BOARD6HAND0305	BOARD6HAND0314	ICX	10	EARLY VOTE	11/14/2022	9
BOARD7HAND0413	BOARD7HAND0458	SPECIAL CASE	46	EARLY VOTE	11/14/2022	9
DUP004952	DUP005004	PROCESSING SCANS *RECOVERED	53	EARLY VOTE	11/14/2022	9
BOARD4HAND0499	BOARD4HAND0516	SPECIAL CASE	18	EARLY VOTE	11/14/2022	9
DUP005005	DUP005124	ELECTION DAY SCANS	120	ELECTION DAY	11/15/2022	10
DUP005125	DUP005267	ELECTION DAY SCANS	143	ELECTION DAY	11/15/2022	10
DUP005268	DUP005524	ELECTION DAY SCANS	257	ELECTION DAY	11/15/2022	10
DUP005525	DUP005910	ELECTION DAY SCANS	386	ELECTION DAY	11/15/2022	10
DUP005911	DUP006099	ELECTION DAY SCANS	189	ELECTION DAY	11/15/2022	10
DUP006101	DUP006523	ELECTION DAY SCANS	423	ELECTION DAY	11/16/2022	11
DUP006524	DUP006675	ELECTION DAY SCANS	151	ELECTION DAY	11/16/2022	11
DUP006676	DUP006676	ELECTION DAY SCANS	1	ELECTION DAY	11/16/2022	11
DUP006677	DUP007106	ELECTION DAY SCANS	427	ELECTION DAY	11/16/2022	11
DUP007107	DUP007136	ELECTION DAY SCANS	28	ELECTION DAY	11/16/2022	11
DUP007137	DUP007284	PROVISIONAL	119	PROVISIONAL	11/17/2022	12
DUP007285	DUP007342	EARLY VOTE	57	EARLY VOTE	11/17/2022	12
DUP007344	DUP007358	EARLY VOTE	15	EARLY VOTE	11/17/2022	12
BOARD7HAND0459	BOARD7HAND0465	UOCAVA, ICX, SPECIAL CASE	7	EARLY VOTE	11/17/2022	12
DUP007359	DUP007365	EARLY VOTE	7	EARLY VOTE	11/17/2022	12
DUP007366	DUP007417	PROVISIONAL	52	PROVISIONAL	11/17/2022	12
DUP007418	DUP007426	ELECTION DAY	9	ELECTION DAY	11/17/2022	12

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Exhibit 6

BOARD7HAND0481	BOARD7HAND0493	EARLY VOTE	13	EARLY VOTE	11/17/2022	12
DUP007427	DUP007448	EARLY VOTE	22	EARLY VOTE	11/17/2022	12
BOARD7HAND0494	BOARD7HAND0533	ELECTION DAY	33	ELECTION DAY	11/17/2022	12
BOARD2HAND0789	BOARD2HAND0797	ELECTION DAY	9	ELECTION DAY	11/17/2022	12
BOARD7HAND0534	BOARD7HAND0543	EARLY VOTE	10	EARLY VOTE	11/17/2022	12
BOARD2HAND0798	BOARD2HAND0842	ELECTION DAY	95	ELECTION DAY	11/18/2022	12
DUF007449	DUP007470	ELECTION DAY	21	ELECTION DAY	11/18/2022	12
DUF007471	DUP007485	ELECTION DAY	14	ELECTION DAY	11/18/2022	12
BOARD4HAND0517	BOARD4HAND0534	ELECTION DAY	18	ELECTION DAY	11/18/2022	12
BOARD7HAND0544	BOARD7HAND0589	ELECTION DAY	46	ELECTION DAY	11/18/2022	12
BOARD2HAND0843	BOARD2HAND0877	ELECTION DAY	35	ELECTION DAY	11/18/2022	12
DUF007486	DUP007494	ELECTION DAY	9	ELECTION DAY	11/18/2022	12
BOARD5HAND931	BOARD5HAND952	ELECTION DAY	22	ELECTION DAY	11/18/2022	12
BOARD7HAND590	BOARD7HAND0644	ELECTION DAY	54	ELECTION DAY	11/18/2022	12
BOARD1HAND0607	BOARD1HAND0668	ELECTION DAY	62	ELECTION DAY	11/18/2022	12
BOARD7HAND0645	BOARD7HAND0648	ELECTION DAY	4	ELECTION DAY	11/18/2022	12
BOARD5HAND0953	BOARD5HAND0962	ELECTION DAY	10	ELECTION DAY	11/18/2022	12
BOARD8HAND0001	BOARD8HAND0028	ELECTION DAY	27	ELECTION DAY	11/18/2022	12
BOARD1HAND0669	BOARD1HAND0670	ELECTION DAY	2	ELECTION DAY	11/18/2022	12
BOARD3HAND0708	BOARD3HAND0736	ELECTION DAY	29	ELECTION DAY	11/18/2022	12
BOARD3HAND0737	BOARD3HAND0737	ELECTION DAY	1	ELECTION DAY	11/18/2022	12
BOARD1HAND0671	BOARDHAND0679	ELECTION DAY	10	ELECTION DAY	11/18/2022	12
BOARD1HAND0680	BOARD1HAND0700	ELECTION DAY	21	ELECTION DAY	11/18/2022	12

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Exhibit 7

1. I have a Master of Science in Cyber Security, Computer Science from the University of Alabama in Huntsville. I have a Bachelor of Science in Computer Science, Systems Major from the University of North Carolina at Wilmington. In February 2007 I obtained the Certified Information Systems Security Professional (CISSP) certification and have continually maintained good standing. I also hold the following certifications: Certified Ethical Hacker (CEH) and Certified Hacking Forensic Investigator (CHFI).

2. Since December 2003 I have continually worked in the areas of Information Assurance (IA), Information Security and Cyber Security. I have performed countless Root Cause Analyses (RCA) to determine the root causes of equipment malfunctions, system, and network issues. I also have a IT Infrastructure Library (ITIL)v3 certification, focused on a global framework of best practices for systematic risk management, customer relations, and delivery of stable, scalable, adaptable organizational IT environments.²¹

3. From 2008 to 2017, I worked through a professional staffing company for several testing laboratories that tested electronic voting machines. These laboratories included Wyle Laboratories, which was later acquired by National Technical Systems (NTS), and Pro V&V. My duties were to perform security tests on vendor voting systems for certification of those systems by either the Election Assistance Commission (EAC), to Federal Voting System Standards (VSS) or Voluntary Voting System Guidelines (VVSG), or to a specific state's Secretary of State's requirements.

²¹ <https://www.cio.com/article/272361/infrastructure-it-infrastructure-library-itil-definition-and-solutions.html>

EXHIBIT B

1 IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

2 IN AND FOR THE COUNTY OF MARICOPA

3 - - -

4 KARI LAKE,)
)
5 Contestant/Plaintiff,) CV2022-095403
)

6 - vs -)
)

7 KATIE HOBBS, personally as)
)
8 Contestee and in her official)
)
9 capacity as Secretary of)
)
10 State; Stephen Richer in his)
)
11 official capacity as Maricopa)
)
12 County Recorder; Bill Gates,)
)
13 Clint Hickman, Jack Sellers,)
)
14 Thomas Galvin, and Steve)
)
15 Gallardo, in their official)
)
16 capacities as members of the)
)
17 Maricopa County Board of)
)
18 Supervisors; Scott Jarrett,)
)
19 in his official capacity as)
)
20 Maricopa County Director of)
)
21 Elections; and the Maricopa)
)
22 County Board of Supervisors,)
)
23 Defendants/Contestees.)

17 December 21, 2022
18 Courtroom 206, Southeast Facility
19 Mesa, Arizona

20 BEFORE: THE HONORABLE PETER A. THOMPSON, J.

21 REPORTER'S TRANSCRIPT OF PROCEEDINGS

22 BENCH TRIAL - DAY 1

23
24 Reported by:

25 Robin G. Lawlor, RMR, CRR, FCRR
Official Court Reporter No. 50851

1 witness?

2 MR. BLEHM: I excuse the witness.

3 THE COURT: Defendants?

4 MR. LARUE: No objection, Your Honor.

5 THE COURT: Ma'am, you're excused.

6 (Witness excused.)

7 THE COURT: Your next witness. I think
8 we're okay. Your next witness will be?

9 MR. OLSEN: Your Honor, our next witness is
10 Bradley Bettencourt, please.

15:43:21

11 THE COURT: Sir, if you could just stand
12 there in front of my clerk, she'll swear you in.

13 BRADLEY BETTENCOURT,
14 called as a witness, having been duly sworn, testified
15 as follows:

16 THE COURT: Thank you, sir. If you'll make
17 your way around to the witness stand and have a seat,
18 please. Who is going to do this examination?

19 MR. OLSEN: I am, Your Honor.

15:44:36

20 THE COURT: Whenever you're ready, Mr.
21 Olsen.

22 MR. OLSEN: Yes, Your Honor.

23 DIRECT EXAMINATION

24 BY MR. OLSEN:

25 Q. Good afternoon, Mr. Bettencourt. Could you

1 please state your full name for the record?

2 A. Bradley David Bettencourt.

3 Q. What is your occupation?

4 A. Well, I generally work with real estate and have
5 my own company and work with my dad.

6 Q. Okay. Did you have occasion to be hired by
7 Maricopa County for any elections?

8 A. Yes, I decided to work as a T Tech with them.
9 They reached out, I applied, and they reached out after.

15:45:08 10 Q. And when did they reach out to you?

11 A. A little over a month before the election.

12 Q. And you're referring to the 2022 General
13 Election?

14 A. Correct.

15 Q. Or the Primary?

16 A. The General Election.

17 Q. Okay. And what is a T tech?

18 A. Well, we would set up the sites beforehand and
19 site watch on the days of polling.

15:45:34 20 Q. And in terms of setting up the sites beforehand,
21 what kind of work were you doing?

22 A. Well, we focus mainly on the site books, the
23 printers, and the MoFi, which is like a WiFi, basically.

24 Q. And the site books are the device that's used to
25 check in a voter and have their ballot directed towards

1 whatever precinct they are in?

2 A. Correct, yes.

3 Q. And did you have -- did you participate in the
4 election prior to Election Day in any kind of fashion?

5 A. I was working with them for about a month
6 approximately, and we set up sites beforehand, some of
7 the early polling sites. And we also site watched
8 early, and we actually created a T Tech group, a text
9 group, to stay in touch while we were site watching.

15:46:26 10 Q. How was that group set up? Was it through your
11 supervisor or --

12 A. Yeah, it was through the supervisor.

13 Q. And who was that?

14 A. That was Jose.

15 Q. Do you have a last name?

16 A. Jose Luis Arpaio.

17 Q. Is he an employee of Maricopa County?

18 A. He's a permanent employee, yes.

19 Q. What's his function at Maricopa County?

15:46:46 20 A. Well, he was basically our supervisor for the T
21 Techs. He had been a T Tech previously as a temporary
22 employee, and he wound up getting a permanent position.

23 Q. And how many T Techs were in this group that he
24 set up?

25 A. Well, there was him as the supervisor and then 15

1 T Techs.

2 Q. And approximately how many vote centers would be
3 covered by these 15 T Techs of which I assume you were
4 one of them?

5 A. Correct, yes. I was a T Tech.

6 So on Election Day, if that's what you're
7 referring to, we all started out at one location. Some
8 of us stayed at that location the whole day and other
9 ones moved around to multiple locations. If you
10 actually look in one of the exhibits on the text
11 messages one person had well over 100 miles driving
12 around to probably about five or six sites throughout
13 the day.

14 Q. Do you have an estimate as to how many vote
15 centers were covered by the 15 T Techs, approximately?

16 A. I would say a minimum of 20 to 30. That's a bare
17 minimum.

18 Q. Um-hum. And at this point, I would like to bring
19 up Exhibit 58, Your Honor. And Exhibit 58 is a series
20 of about over 54 pages of text messages.

21 Do you recognize this document, sir?

22 A. Absolutely, yes.

23 Q. And what is it?

24 A. It's the group text from that day, the Election
25 Day.

1 Q. And is this a group text chats from your phone?

2 A. Yes. Yes, sir.

3 Q. And did you provide a declaration in this case?

4 A. Yes.

5 Q. And you swore under oath under the penalty of
6 perjury to tell the truth, correct?

7 A. Absolutely, correct.

8 Q. And did you, in connection with this declaration,
9 provide screenshots of your text messages with the other
10 T Techs, the other 15 T Techs that day?

15:48:55

11 A. Yes, correct.

12 Q. Do you believe this to be, and you can scroll
13 through some, does this appear to be a true and accurate
14 copy of your text messages?

15 A. Yes, sir, it does. There are a lot of issues
16 that came up throughout the day, and including at times
17 they would -- people, T Techs, would say that the
18 ballots look pristine, but the tabulators aren't reading
19 them. So that would really not have to do with the
20 printers from our point of view, and that wasn't just
21 one person. There were other persons that said similar
22 things.

15:49:43

23 Q. Do these text messages represent communications
24 that were happening as they were occurring on Election
25 Day?

1 A. Yes. Yes, in real-time, absolutely.

2 MR. OLSEN: Your Honor, at this point, we
3 would like to move for Exhibit 58 to be entered into the
4 record as evidence. It is hearsay; however, under
5 present impression and excited utterance, you will see
6 some of them. For example, if we could go to -- go to
7 page Bates number 367, and at the bottom you'll see,
8 Your Honor, it says, I'm having a 9-1-1. I would say
9 that there are a number of -- as you just can scroll
10 through would classify or qualify as either an excited
11 utterance or present sense impression, certainly. So we
12 would move to have them admitted in the record under
13 those exceptions, Your Honor.

14 THE COURT: Any objections?

15 MS. FORD: Your Honor, Christina Ford on
16 behalf of the Governor-Elect. We do object to these
17 coming in. There are more than, I believe, 50 pages of
18 these texts and one -- one text out of 50 pages that
19 potentially qualifies for an excited utterance doesn't
20 make up for 50 pages of texts from this day of otherwise
21 out-of-court statements that they are trying to enter
22 for the truth of the matter.

23 MR. OLSEN: Your Honor, I --

24 THE COURT: Go ahead.

25 MR. OLSEN: -- I also submitted them, sir,

1 with the -- under the present sense impression. These
2 are real-time messages, text messages, that are being
3 typed in as the events are unfolding the day of
4 Election, and I believe it falls under that exception as
5 well.

6 THE COURT: Okay. I'm going to allow them
7 because I think that they represent the correspondence
8 back and forth between the techs who were working with
9 their immediate impressions of trying to resolve
10 15:51:54 problems. So go ahead. So what you're offering, what's
11 the number again?

12 MR. OLSEN: It's 58, Your Honor.

13 THE COURT: 58. So I'll admit 58 over
14 objection.

15 MS. FORD: Thank you, Your Honor.

16 THE COURT: Go ahead.

17 BY MR. OLSEN:

18 Q. Mr. Bettencourt, can you describe what was going
19 on with -- between you and your other T Techs on
20 15:52:15 Election Day, if you had to characterize it?

21 A. Yeah, it was we were consistently talking back
22 and forth trying to solve the problems, and this group
23 was really trying hard, because there were a lot of
24 issues that popped up. And actually our main fix turned
25 out to be walk up to the printer, open up the printer,

1 take out the ink cartridge and shake it, so that was our
2 main fix. That was the big one we were tending to do.
3 I know the official County statement was that changed
4 the printer settings; but I would say based on the techs
5 I saw, that was probably about 10 to 20 percent of the
6 issue there, so that I would say that would be an
7 incomplete description of the issues, from my point of
8 view, seeing the techs.

9 Q. Did the situation resolve very quickly, or did it
10 last throughout the day with the problems?
15:53:17

11 A. It depended on the location. Some got better and
12 some kept having issues. I mean, we had issues, I
13 believe, there was one even after closing time where
14 they were asking someone to go over to Biltmore, I
15 believe it is. You can confirm towards the end there.

16 Q. How long have you -- how old are you, sir?

17 A. I'm 34 years old.

18 Q. Okay. And how long have you been in Arizona?

19 A. Well, I've been off and on. I actually lived in
20 five states, but overall a little over a decade in
15:53:46
21 Arizona in total.

22 Q. So you've been voting for how long?

23 A. Well, I've been voting for 16 years, you know, in
24 some different states, but mostly in Arizona during that
25 time.

1 Q. How would you characterize the events on Election
2 Day that you observed personally and also communicated
3 with the fellow T Techs that were servicing between 20
4 and 30 vote centers compared to elections that you even
5 just participated in as a voter?

6 A. It felt a bit chaotic. I have people from the
7 other places I've lived reaching out and saying, what's
8 going on in Maricopa County down there? So it felt a
9 little chaotic, I would say.

15:54:31 10 Q. Were these problems that continued throughout the
11 day at many of these vote centers?

12 A. Yeah, and like I said, we tried to shake the ink
13 cartridge. They cleaned the Corona wire. They would
14 have the inspector call over the troubleshooter, try and
15 clean the tabulation, because like I said, sometimes in
16 there the prints looked good, but the tabulator wasn't
17 taking them anyway.

18 Q. Did you hear of any long lines outside of the
19 vote centers?

15:55:05 20 A. Yeah, there were a lot of long lines, and in
21 there actually describes at least one in there that
22 describes -- and I know of other locations where they
23 completely wound up shutting down for a certain amount
24 of time -- and they were basically sending people to
25 other locations.

1 Q. How upset were voters that you interacted with or
2 heard about?

3 A. Well, they -- well, I heard some people being
4 very upset, more so at other locations. We didn't have
5 quite as many issues at our location, but it did shut
6 down for about five to ten minutes at one point with
7 both tabulators being down, and that actually happened
8 because one lady had put in a ballot and I was standing
9 there when I saw this, the tabulator took it through.
10 It didn't reject it. I took it through, but it didn't
11 have the green checkmark or say that it can be
12 successfully cast. So I hadn't seen that on anything
13 else, so we called the inspector over and she called the
14 hotline. And they said she should open up the blue bin
15 where the tabulator is, pull out the ballots. They were
16 going to count those downtown and then restart,
17 basically, from zero, restart counting the ballots that
18 go into that tabulator from that point on.

19 Q. Did the problems with the tabulators, did they,
20 in your opinion, create the long lines that you heard
21 about from different T Techs?

22 A. I would say it made it worse because we have
23 lines to begin the day, and once those tabulator issues
24 start happening, you know, the lines just backed up
25 more.

1 Q. And were there lines outside of the voting
2 center?

3 A. Oh, yeah. At our place, there was a line outside
4 the door all day and, you know, we had less problems
5 than a lot of other places.

6 Q. And do you understand the check-in process?

15:57:14

7 A. That's more the polling worker side of it, the
8 site book area. That's more the poll worker is
9 responsible for that. I wasn't responsible for that
10 part of it.

11 Q. Okay. Did you hear about long lines extending
12 past 8:00 o'clock at night?

13 A. Yes, it's in the texts. I know at least one or
14 two places, and then I know someone who wasn't in this
15 group, because this was the East Valley group, and there
16 was a West Valley group as well. So I know someone in
17 the West Valley, he didn't get home -- I left my site at
18 about 10:00 and we had had a short line, you know, at
19 the end of the night, probably wrapped up about
20 8:00 p.m., and then this other guy from the west group
21 had left about 10:30, 10:45 and I know there was at
22 least one or two people in this group that left later
23 than me.

15:57:50

24 Q. Do you -- do you know whether or not any people
25 who were waiting in line just simply gave up waiting in

1 line or saw things on the news and decided not that they
2 just didn't have the time to come out and vote?

3 MR. GOANA: Objection, Your Honor.
4 Speculation, foundation.

5 THE COURT: He can answer it yes or no. He
6 was asked do you know. Sir, if you're able to, you can
7 answer yes or no.

8 THE WITNESS: Yes, I don't know that
9 personally. As I said, my site had less problems than
10 the others, so I can only speak for my site, and I don't
11 have any knowledge of that specifically.

12 MR. OLSEN: Thank you, Mr. Bettencourt.

13 THE COURT: Cross-exam.

14 CROSS-EXAMINATION

15 BY MS. FORD:

16 Q. Good afternoon, Mr. Bettencourt.

17 A. Good afternoon.

18 Q. I understand from your testimony and from your
19 declaration in this case that you helped set up
20 equipment in preparation for Election Day?

21 A. Correct.

22 Q. You didn't intentionally cause the tabulators to
23 reject ballots, correct?

24 A. No. Actually, we weren't even specifically
25 focused on the tabulators with our position.

1 Q. And you don't know of any T Techs who
2 intentionally caused the issue?

3 A. They were temporary employees, so I don't know of
4 any T Techs that caused that issue, no.

5 Q. And you said here today that you were hired along
6 with your other T Techs to help resolve problems that
7 were occurring at polling locations, correct?

8 A. Yes, that was part of it, the setting up of sites
9 along with resolving problems when they arose.

10 15:59:52 Q. And then you were, in fact, employed to help
11 resolve these issues when they did spike up, correct?

12 A. Yes.

13 Q. Would you agree with me that sometimes tabulators
14 cannot read a ballot due to the way that the voter marks
15 the ballot?

16 A. Yes, and I actually wrote that in my declaration
17 as well. That's part of it, but that wasn't the whole
18 part. So I could specify that definitely wasn't the
19 whole part. There was some that looks very good and the
20 16:00:21 voters had marked them very well and they weren't being
21 read.

22 Q. Okay. Well, I wanted to go through some of
23 those. So I understand from your declaration that you
24 and your fellow T Techs sometimes found that cleaning
25 the Corona wire in the printer would sometimes help fix

1 the tabulator issue; is that correct?

2 A. Yes, and the Corona wire that was on the older
3 printers, I actually had the new Lexmarks in the
4 location that I was at, so that wasn't part of the
5 location I was at.

6 Q. Okay. And the group also found that changing the
7 toner, shaking the toner, could sometimes make
8 improvements to the tabulators?

9 A. Yeah, shaking the toner actually worked a decent
10 amount. It wasn't perfect, but it helped at times.

11 Q. Okay. And then you also found that letting the
12 printer warm up could also improve the situation?

13 A. I would have to go back through the texts and
14 confirm that. I don't recall that specifically, but
15 there were a lot of techs in there, so I don't recall
16 every text that we had.

17 Q. Okay. You have no personal knowledge as to
18 whether the printing and tabulator errors changed the
19 outcome of the collection -- sorry -- the outcome of the
20 election, correct?

21 A. I don't see how there's any way I could prove
22 that one way or the other.

23 Q. But you have no personal knowledge?

24 A. I believe I just said I can't prove anything one
25 way or another by myself.

1 Q. Okay. So you similarly don't have any personal
2 knowledge whether the printing errors were the result of
3 an intentional scheme to undermine the election?

4 A. Well, I was just a temporary employee doing what
5 I was employed to do there.

6 MS. FORD: Okay. Thank you. No further
7 questions.

8 MR. OLSEN: Nothing further, Your Honor.
9 Nothing further, Your Honor.

10 16:02:25 THE COURT: Nothing further. Okay. Can we
11 excuse the witness?

12 MR. OLSEN: Yes, Your Honor.

13 MS. FORD: Yes, Your Honor.

14 THE COURT: You're free to go.

15 (Witness excused.)

16 THE COURT: Next witness?

17 MR. OLSEN: Your Honor, we next call Mark
18 Sonnenklar.

19 THE COURT: Mr. Sonnenklar, if you could
20 16:03:34 just come over in front of the clerk and be sworn in,
21 sir.

22 MARK SONNENKLAR,
23 called as a witness, having been duly sworn, testified
24 as follows:

25 THE COURT: If you could just have a seat

EXHIBIT C

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

In the Matter re:)
)
Kari Lake,)
)
Contestant/Plaintiff,))
)
vs.)
)
Katie Hobbs, personally as)
Contestee and in her official)
as the Secretary of State;)
et al.,)
)
Defendants.)
-----)

CV2022-095403

Phoenix, Arizona
May 18, 2023 - PM

REPORTER'S TRANSCRIPT OF PROCEEDINGS
TRIAL (day 2)
BEFORE: THE HONORABLE PETER THOMPSON

REPORTED BY:
LUZ FRANCO, RMR, CRR
Certificate No. 50591

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1 I N D E X O F E X A M I N A T I O N

2 WITNESS PAGE

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1 Phoenix, Arizona
2 May 18, 2023

3 (The following proceedings are had in open
4 court:)

5
6 THE COURT: All right. We are continuing in
7 CV2022-095403. This is the trial of Lake versus Hobbs, et
8 al.

9 Present for the record are either the
10 parties, the parties' representatives, or appearances
11 being waived with counsel for the respective parties being
12 present.

13 We are in the process of the continued
14 direct examination of Mr. Speckin, who is under oath and
15 continues on the witness stand.

16 So, Mr. Olsen?

17 MR. OLSEN: Thank you, Your Honor.

18

19 CONTINUING DIRECT EXAMINATION

20

21 BY MR. OLSEN:

22 Q. Good afternoon, Mr. Speckin. Back to Exhibit 47
23 that we've been looking at --

24 A. It got removed from my table.

25 THE CLERK: I had to inventory it. It's

1 right here.

2 THE COURT: You can retrieve it right there
3 and give it back to him.

4 Mr. Olsen, I'm sorry we had to take it.

5 BY MR. OLSEN:

6 Q. And, Mr. Speckin, just to -- to recap since we're
7 starting after lunch, where it says verifications in less
8 than 5 seconds and 3 seconds and 2 seconds at the top
9 column, that means, in simple terms, in less than 6
10 seconds where it says 5, and then 3 means in less than 4
11 seconds, and then where the column says in less than or
12 equal to 2 seconds, that means less than 3 seconds in
13 simple terms, correct?

14 A. In simple terms, that's what it means, correct.

15 Q. Let's pick a couple -- and this table is sorted
16 by user number, correct?

17 A. Correct.

18 Q. Okay. So, if we took user number 20, can you
19 tell me what this data reflects?

20 A. Yes. So you would read across for the data
21 associated with that user. So 55,888 determinations,
22 verifications, conclusions, whatever you want to say, that
23 were inputted by that user. 96.39 percent of those
24 would've been approvals or passes, or like we talked about
25 earlier, I -- I hated the word excepted for the reasons

1 that we talked about. So pass.

2 Q. Okay. And then continuing on.

3 A. As you go to the right, under the column that
4 simply stated less than 6 seconds, there were 36,086
5 instances where that user did that. In those instances,
6 the pass rate of those was 99.65 percent.

7 MR. MORGAN: Objection, Your Honor. Again,
8 what I'm hearing here is a summary of a document -- or I
9 should say, of -- a CD-ROM leading to what I'm hearing is
10 statistical conclusions. Again, I think we've made our
11 record, and I just wanted to --

12 THE COURT: True. The objection should be
13 foundation, I believe, as to if he's going to use a
14 number --

15 MR. MORGAN: Correct.

16 THE COURT: -- he can do the math and
17 show -- show his work. So that's the objection on
18 foundation.

19 So how did he get the 99.65 percent for the
20 last thing he testified to, that's the objection. If you
21 could have him show his math.

22 MR. OLSEN: Yes, Your Honor.

23 BY MR. OLSEN:

24 Q. Mr. Speckin, with respect to the 99.65 percent,
25 with this table, we're just talking just average, correct,

1 average -- averages and percentages, correct?

2 A. Not even average. Just percentage on this table.
3 Correct, yes.

4 Q. Where does the 99.65 percent derive from?

5 A. That's the number of passes or accepted
6 signatures, good signatures, compared to the overall
7 number of determinations made.

8 So, in simple terms, if they made two
9 determinations and one of them was a pass, 50 percent; if
10 they made two determinations and two different
11 determinations were passes, a hundred percent. If they
12 made 10 and one was a pass, 10 percent. It's super easy.

13 THE COURT: Next question.

14 BY MR. OLSEN:

15 Q. Continuing on with -- in simple terms, the column
16 which is less than 4 seconds, can you just continue to the
17 right with user number 20 as to what this data shows?

18 A. Yes. So, for that user, 24,904 were done at that
19 speed or faster. In other words, the less than 4 seconds.
20 So, obviously, the ones that are included in that column
21 were previously included in the one where we had a larger
22 time that we were analyzing. This is the smaller subset
23 of the same data.

24 And of those, the approval rate, 99.87. So
25 we get 13 out of a thousand are not included, 9,987 -- I'm

1 sorry, out of 10,000, 9,987 out of 10,000 were passed.

2 Q. Continue on to the column, less than 3 seconds.

3 A. So that total number of instances where
4 comparisons were done where the key strokes were entered
5 in that amount of time is 13,749 and 99.88 percent, simple
6 conversion, 12 out of 10,000 were not passed. The rest
7 were.

8 Q. If we selected number -- let's take user number
9 31, could you go through the same recitation that you just
10 did with respect to that user as to what this table
11 reflects?

12 A. Sure. Same principles apply. They did 46,854
13 determinations. The overall, call it, approval
14 percentage, passing percentage, 97.23 percent at the time
15 of less than 6 seconds. Of those 46,000 instances, 37,588
16 of them were done at that rate of less than 6 seconds, and
17 for that, the approval percentage for that subset 99.37
18 percent.

19 Moving to the right, less than 4 seconds,
20 29,751 instances approval percentage, 99.72, so it picks
21 up, and then even faster rate of less than 3 seconds,
22 21,471, approval percentage 99.84.

23 Q. Let's -- if you would to move over to the third
24 page with user 72 -- or strike that.

25 Let's go to user 79.

1 MS. DANNEMAN: Your Honor, objection. The
2 witness is testifying to these numbers as if they are
3 admitted for their truth. They're not admitted for the
4 truth in this case.

5 THE COURT: No. These are his opinions
6 based upon what he's reviewed.

7 MS. DANNEMAN: His -- okay.

8 THE COURT: So overruled for that. Go
9 ahead.

10 BY MR. OLSEN:

11 Q. So user 79, Mr. Speckin.

12 A. Same takeaway for 79. 54,298 in total, the total
13 body at work. 98.9 percent approvals. You go to the next
14 column of what we're calling less than 6 seconds, 45,217
15 approved at 99.91. So, in simple terms, 9 out of 10,000
16 would not be approved.

17 At the next fastest rate of less than 4
18 seconds, 37,524, 99.97. And the last column of 3 seconds
19 or less, 27,196 instances with a hundred percent approval
20 rating -- approval percentage.

21 Q. Looking at the approval ratings, going from less
22 than 6 seconds to less than 3 seconds, what -- what do you
23 see about the approval rating?

24 A. Well, they're all very high for this user, but
25 the faster they go, the more they get approved, the higher

1 the rate for this user.

2 Q. Does that seem unusual to you?

3 A. It definitely seems counterintuitive. It's also
4 against my experience. The faster you go, it would be a
5 rejection. It's easier to tell something doesn't match
6 when you're doing a comparison, not that it does match.

7 Q. Turning to the last page, Mr. Speckin, and the
8 total verifications, under the total, can you read the
9 totals for the various columns, less than 6, less than 5,
10 less than 4, less than 3?

11 A. Well, we only have three columns, so we have less
12 than 6, less than 4, and less than 3. And the first one,
13 less than 6, 779,330, 779,330. The next fastest time
14 512,597, and the fastest time on the table, less than 3
15 seconds, 321,495 instances, or times, that occurred.

16 Q. And my recollection is there is a -- a lower
17 figure for comparisons at less than 3 seconds around
18 276,000?

19 A. Well, my opinion for the comparisons that were
20 actually done in less than 3 seconds is less than the
21 325 -- 321,495 number because user 26 and user 9 had some
22 activity that appears to be inputted through a computer by
23 some algorithm or some script. I didn't think it was fair
24 to count them or it would be misleading if I did count
25 them if, indeed, they were put in through a computer or

1 some algorithm as saying that the key strokes were done in
2 that time. If I'm wrong, the number would go up for my
3 opinion to what's on the chart. I just believe that's
4 what was inputted.

5 Q. So your opinion, would that subtract the number
6 of ballots processed by user 9 and 26 from the total of
7 321,495?

8 A. Yes. So, for the rate -- the count, or the
9 instances, for the rates, I think it would be correct to
10 subtract that number to arrive at a smaller number. As I
11 said, 321 minus 44, or it might be 45 when you add them
12 up, 45,670, from that number.

13 Q. Did you assess any rate of less than 2 seconds?

14 A. I did. I ran the search further out than shows
15 on this table, yes.

16 Q. And what did the data reflect?

17 A. There were about 70,000 instances excepting, or
18 removing, the 26 and 9 that I just talked about that were
19 lightning quick, removing that roughly 70,000.

20 Q. So roughly 70,000 signatures processed in less
21 than 2 seconds?

22 A. No. I would use the word compared.

23 Q. Compared. Excuse me.

24 A. Process would be a bigger number because you
25 would include 26 and 9. Compared would be the lower

1 number, yes.

2 Q. And do you recall any figures with respect to the
3 approval rating?

4 A. So I did look at the users that had over a
5 thousand instances of that less than 2 seconds comparison,
6 and 7 of them had a hundred percent. I remember that.

7 Q. What is your expert opinion as to the physical
8 ability to compare a signature for consistency in less
9 than 3 seconds?

10 A. I don't believe it can be done. I -- I look at
11 this all day, every day. This is what I do and I've done
12 for 30 years, and running in signatures. I'm not going to
13 sit here and tell the Court no one in the world is going
14 to be better than me.

15 But I really do believe I'm at the top of
16 the pyramid of who can do this and how to do it. If I
17 can't do it, I don't see how anyone can do it on a mass
18 scale, day after day after day, hour after hour, at these
19 rates. It can't be so.

20 Q. And how are you using the term "compare"?

21 A. Well, "compare" to me -- this morning, I just
22 Googled "what does compare mean," and it says to look at
23 carefully to see similarities and differences between two
24 items. Obviously, in this case, we're talking signatures.
25 That's what it means to me anyway, but to give you the

1 definition that I read this morning, that's what it said.

2 Q. And what is your understanding of the stat- --
3 Arizona statute that governs signature verification
4 16-550?

5 A. Well, it says that they should be compared, and
6 then it infers after that, for consistencies or
7 inconsistencies, based on this is the path for an
8 inconsistency, it uses the word compare.

9 The standards that I use in my field and the
10 standards that are written use comparison and compare.
11 The training manual use it that was -- at least had input
12 from someone like me. I don't want to drag her down to
13 that level if she feels differently but someone with
14 similar background to me. It's a common word that we use
15 in the English language, and it's no different in my
16 industry what the word "compare" means.

17 MR. OLSEN: Your Honor, at this time, we
18 have no further questions.

19 THE COURT: Very well. Who will be
20 conducting the cross?

21 MR. MORGAN: I will, Your Honor.

22 THE COURT: Mr. Morgan, go ahead and proceed
23 as soon as you are ready, sir.

24 MR. MORGAN: Thank you, Your Honor.

25 May I use the podium?

1 THE COURT: You may use the podium, sir.

2 MR. MORGAN: Thank you, Your Honor.

3

4

CROSS-EXAMINATION

5

6 BY MR. MORGAN:

7 Q. I want to make sure I say your name right because
8 I'm not particularly great with names. Speckin?

9 A. That's actually right. I was going to say, use
10 Erich if you feel comfortable, but Speckin is correct,
11 yes.

12 Q. Thank you, Mr. Speckin.

13 You agree with me, in your profession,
14 detail is a thing. It's important, right?

15 A. Absolutely.

16 Q. Devil's in the detail, as they say, right?

17 A. Well, that's an overused phrase in our language,
18 but I don't disagree.

19 Q. All right. And you'll agree with me then that,
20 in connection with the signatures that we were just
21 hearing you testify about in Exhibit 47, which is a
22 demonstrative, you didn't personally do any of these
23 signature comparisons yourself, correct?

24 A. That's right. I wasn't the level I reviewer or
25 level II or whatever.

1 Q. You haven't seen any of those signatures,
2 correct?

3 A. Correct. I haven't seen one.

4 Q. And you'll agree with me then, in the realm of
5 possibility, it's entirely possible that many of those
6 signatures completely matched?

7 A. Oh, I suspect some would've, yes.

8 Q. Okay. Now, again, I want to talk about details.
9 Earlier in your testimony, my colleague brought up a case
10 in Hong Kong.

11 Do you remember that case?

12 A. I remember it very well.

13 Q. It's Nina Kung versus Wang Din Shin.

14 Does that sound about right?

15 A. That sounds correct to me, more or less, yes.

16 Q. More or less.

17 All right. You had testified that there was
18 an opinion from a higher appellate court that essentially
19 said the intermediate, or the lower appellate court, got
20 it wrong with respect to you; is that right?

21 A. I said the initial trial court. I didn't say the
22 lower appellate court.

23 Q. Okay.

24 A. There was an intermediate appellate decision, but
25 I didn't say anything about that.

1 Q. And you -- if I understood your testimony -- and
2 I'm summarizing -- you feel like that appellate decision
3 vindicated you, essentially?

4 A. No. I'm saying it backs up the fact that the
5 judge copied what the other side wrote.

6 MR. MORGAN: Okay. Well, I would like to
7 show the witness, Your Honor -- I'd like to approach the
8 clerk and have this marked as the next exhibit. It's the
9 court case that he mentioned in his direct, Your Honor.

10 May I approach?

11 THE COURT: You can mark it, and you can
12 approach him with it right now.

13 MR. MORGAN: Thank you.

14 THE COURT: We'll talk about admissibility
15 later.

16 MR. MORGAN: Would you like a copy, too?
17 It's hefty.

18 THE COURT: If you've got another copy.

19 MR. MORGAN: I do, Your Honor.

20 May I?

21 THE COURT: Please.

22 MR. MORGAN: Thank you. Thank you.

23 BY MR. MORGAN:

24 Q. I've just handed you what's been marked as, I
25 believe, Exhibit 48. Do you have that in front of you.

1 A. I do. It doesn't say 48 but -- oh, yeah, it
2 does. I have it, yeah.

3 Q. Okay. I want you to turn with me. There's some
4 numbers there at the bottom. Okay? I want you to turn
5 with me to page 91.

6 Would you let me know when you're there?

7 A. I'm there.

8 Q. All right. I'm going to read aloud paragraph
9 452. Okay?

10 A. Okay.

11 Q. This is the decision from this appellate court in
12 Hong Kong.

13 I do not find these arguments excusing the
14 judge convincing. Not only was the evidence ink dating
15 wholly unsatisfactory, Mr. Speckin himself was wholly
16 discredited as an expert witness for, among other things,
17 claiming professional credentials that he lacked, claiming
18 acceptance of his methods by the scientific community when
19 that was false and having been trapped in demonstrating
20 that his opinions were quite unreliable. It would,
21 therefore, have been wholly perverse for Yam J to do
22 anything other than to reject that evidence; however, even
23 then Yam J did so by copying verbatim almost the whole of
24 the appellant's admission inviting such rejection.

25 Did I read that correctly?

1 A. Absolutely.

2 Q. And you'll agree with me then is that what the
3 appellate court is saying is that the judge got it right?

4 A. I don't believe that's what's in the entire
5 opinion.

6 Q. Well, let's talk about what I read. I only want
7 to talk about what I read.

8 A. For that one paragraph does it say that?

9 Q. Yes.

10 A. Of course.

11 Q. If you like, you can take a moment to point to me
12 anywhere in the opinion where the judge vindicates what
13 you did and says you did a good job.

14 A. I don't have one that says exactly that, but we
15 have wholesale copying and an unfair trial is paragraph
16 445.

17 Q. Sure.

18 A. And paragraph 90.

19 Q. Yeah. But the paragraph we read said, to declare
20 anything other than you falsified your credentials would
21 be perverse.

22 Those are his words, not mine, correct?

23 A. Those were the words of the person who wrote
24 that, yes.

25 Q. Okay.

1 A. I'm saying there are other paragraphs that don't
2 say the same thing is what I'm telling you.

3 Q. Can you point me to one that contradicts that
4 paragraph?

5 A. I just does did. 445 on page --

6 THE COURT: Let's -- gentleman. Gentlemen,
7 slow down. My court reporter is trying to keep up.

8 BY MR. MORGAN:

9 Q. Now, you recall testifying earlier about your
10 involvement in a case called EEOC versus Ethan Ellen.

11 Do you recall that?

12 A. I do.

13 Q. And that's in the federal district court in the
14 Northern District of Ohio, correct?

15 A. It was, yeah. It's 20-some years old.

16 MR. MORGAN: Your Honor, would I -- do you
17 want me to ask every time. Can I have free permission --

18 THE COURT: You can approach the exhibits
19 but ask about approaching the witness, please.

20 MR. MORGAN: Thank you, Your Honor.

21 May I approach the witness, Your Honor?

22 THE COURT: You may.

23 BY MR. MORGAN:

24 Q. I'm handing you what's been marked as Exhibit 40.

25 Do you see that?

1 A. I do.

2 Q. Okay. Let's talk about Exhibit 40.

3 Is this the case that you were giving
4 testimony as an expert in?

5 A. I never gave testimony as an expert. I gave a
6 deposition but never --

7 Q. That's right, because you were excluded as an
8 expert in that case, correct?

9 A. Correct. That's what I said.

10 Q. Okay. Now, let's talk about this case for a
11 minute. You gave a statistical opinion in that case,
12 didn't you?

13 A. I did.

14 Q. And the Court discredited you based on your lack
15 of qualifications to give a statistical analysis, correct?

16 A. I don't believe so, but you could point me to the
17 paragraph that says that.

18 Q. Sure. I'm -- I'm happy to do it. Let's take a
19 look at page 6. I'll read it aloud.

20 Many of the criticisms leveled at Speckin by
21 the Wang court could also serve as a basis for this
22 Court's conclusion that based on the standards imposed by
23 Daubert, Speckin's testimony is inadmissible in this case.
24 Ultimately, however, the Court finds two particular
25 grounds especially compelling and independently sufficient

1 to justify its conclusion and the first being Speckin's
2 statistical analysis is deeply suspect.

3 Now, I ask you again. You were excluded
4 from testifying in that case because your statistical
5 analysis was suspect, correct?

6 A. The analysis at one standard deviation, yes. I
7 thought you asked me because of my knowledge.

8 Q. It's a yes/no. You're fine.

9 MR. MORGAN: Your Honor, I'd move Exhibits
10 40 and 48 into evidence.

11 THE COURT: Okay. Any objection?

12 MR. OLSEN: No, Your Honor.

13 THE COURT: Okay. They're admitted.

14 BY MR. MORGAN:

15 Q. Now, let's walk through -- I want to revisit the
16 Wang case, and let's walk through the information that the
17 trial court said, and that the appellate court found it
18 would be perverse to have concluded that you could be an
19 expert otherwise.

20 They conclude in the Wang case, he did
21 not --

22 MR. MORGAN: Well, actually, may I approach
23 the witness, Your Honor?

24 THE COURT: You may.

25 MR. MORGAN: Thank you, Your Honor.

1 BY MR. MORGAN:

2 Q. I'm handing you what's been marked as Exhibit 43.
3 Exhibit 43 is a copy of a decision from the Court of First
4 Instance in the Wang case.

5 Do you see that?

6 A. I do.

7 Q. Can you please turn to page 211. Just let me
8 know when you're there.

9 A. I'm there.

10 Q. Now, at paragraph 29.5, the trial court in Hong
11 Kong said: He did not study statistics either in his BA
12 degree, and that is why he was not awarded a BSC degree.
13 He's plainly deficient in his knowledge of statistics in
14 chromatography disciplines one would've thought essential
15 for an analytical chemist, essentially one who offers
16 himself to the court as an expert, even more so for one
17 who claims to be one of the world's leading experts in one
18 particular branch of analytical chemistry, i.e.
19 econalysis.

20 Did I read that correctly?

21 A. I did.

22 Q. And do you agree with that?

23 A. Absolutely.

24 Q. Let's go to 29.8, same page.

25 He attempted to magnify his experience by

1 claiming to have examined over 100,000 documents. When
2 the sheer mathematical impossibility of this was pointed
3 out to him as it would've taken him 274 years to do it, he
4 claimed that simply flicking over pages looking for
5 something else amounted to an examination.

6 You remember giving that testimony?

7 A. Absolutely not what I said.

8 Q. You didn't tell the court that, in your opinion,
9 that flipping over the pages amounts to an examination?

10 A. That's absolutely correct. I did not say that.

11 Q. Okay. It goes on to read: Obviously, has
12 examined many documents in his short experience, but
13 there's no way that this court can evaluate the extent or
14 depth of that experience. This lack of experience may
15 account for the reason why neither he himself nor his
16 laboratory are included in ASTM's Directories of Scientific
17 Technical Consultants and Expert Witnesses.

18 Did I read that correctly?

19 A. You did.

20 Q. Now, other courts have taken issue with what they
21 consider to be misrepresentations about your experience,
22 correct?

23 A. I can recall one court that sent me a letter.

24 Q. Uh-huh.

25 A. And I clarified with the judge by replying, but

1 that's the only time I can think of that.

2 MR. MORGAN: Okay. Your Honor, I move into
3 evidence exhibits 43.

4 THE COURT: Any objection on 43?

5 MR. OLSEN: No, Your Honor.

6 THE COURT: Okay. Forty-three will be
7 admitted.

8 MR. MORGAN: May I approach the witness,
9 Your Honor?

10 THE COURT: You may.

11 MR. MORGAN: Thank you.

12 BY MR. MORGAN:

13 Q. I'm handing you what's been marked as Exhibit 41.

14 Do you recognize Exhibit 41?

15 A. I do.

16 Q. Is this the letter you were just referring to?

17 A. Yes.

18 Q. And this is a letter that was sent to you from
19 the 13th Judicial Circuit from a Judge Philip E. Rodgers,
20 Jr., circuit court judge.

21 Do you see that?

22 A. I do.

23 Q. And this was a case called People versus Douglas
24 William Adrian, correct?

25 A. Yes.

1 Q. And you were appointed as an expert by the Court
2 in that case, correct?

3 A. Yes. The Court appointed me as the expert,
4 that's exactly correct.

5 Q. Right.

6 And this is a letter by the Court that
7 appointed you?

8 A. That's exactly right.

9 Q. Okay. And the first sentence says: The Court
10 authorized your retention to provide expert witness
11 services to this defendant.

12 Next paragraph: However, I was extremely
13 disappointed in your presentation. While I initially
14 found you barely qualified to offer an expert opinion in
15 this case, upon the completion of your examination, I came
16 to the conclusion that I had made an error.

17 Last paragraph on that page says: You also
18 needed to address the issues associated with your resumé.
19 You certainly did the defendant no good whatsoever when
20 you were confronted with an affidavit to which a lawyer's
21 weakly article had been attached. This was a clear
22 indication to the court and the jury that you countenanced
23 an overblown statement of your credentials as they related
24 to your work with the IRS and the Secret Service.

25 Do you recall reading that when you saw

1 it -- or when you received it?

2 A. Of course.

3 MR. MORGAN: I move Exhibit 41 into
4 evidence, Your Honor.

5 THE COURT: Any objection?

6 MR. OLSEN: No, Your Honor.

7 THE COURT: Forty-one is admitted.

8 BY MR. MORGAN:

9 Q. Now, you testified earlier, I think I heard
10 correctly, that you were a part -- you gave testimony
11 before one or both chambers of the legislature in Arizona?

12 A. Yes. I said I wasn't sure. I thought it was --

13 Q. Yeah. Of course.

14 A. I thought it was both at the same time.

15 Q. Yeah. One or both.

16 A. Yes, I said that.

17 Q. And that was when?

18 A. I don't remember the date. A couple months ago.

19 Q. Okay. And that was in connection with work that
20 you performed for an audit in 2020, right?

21 A. I don't know if I would say audit. It was work
22 that I'd performed on 2020 ballots.

23 Q. Was that related to what might be commonly
24 referred to the Cyber Ninjas Audit? Does that sound
25 familiar?

1 A. Well, it was completely different from what they
2 were doing. It was happening at the same period of time.
3 So in that sense related. I mean, I wasn't working for
4 them, and they weren't working for me.

5 Q. And your ultimate conclusion in connection with
6 your findings was that you couldn't really make the
7 conclusion. You needed more information, correct?

8 A. I wouldn't say that, no.

9 MR. MORGAN: Okay. May I approach the
10 witness, Your Honor?

11 THE COURT: You may.

12 MR. MORGAN: Thank you, Your Honor.

13 BY MR. MORGAN:

14 Q. I'm handing you what's been marked as Exhibit 38.

15 Do you recognize this?

16 A. I do.

17 Q. Did you create this?

18 A. I did.

19 Q. And this is your executive summary related to the
20 work we're discussing now, correct?

21 A. Right. I just cited more districts in front of
22 Arizona, but specifically related to what happened in
23 Arizona, yes, this is the summary.

24 MR. MORGAN: Okay. Your Honor, I move
25 Exhibit 38 in evidence.

1 THE COURT: Any objection?

2 MR. OLSEN: No, Your Honor.

3 MR. MORGAN: Okay.

4 THE COURT: Thirty-eight is admitted.

5 MR. MORGAN: Thank you, Your Honor.

6 BY MR. MORGAN:

7 Q. Okay. Can we please turn to the second of the
8 last page of this exhibit.

9 A. It's two-sided. Do you mean -- what is the first
10 word at the top?

11 Q. The first word at the top is going to be "when
12 the contents of the box were examined."

13 A. I'm there.

14 Q. You're there.

15 All right. Let's go to the bottom. You see
16 the section that says: Summary and discussion of further
17 forensic review?

18 A. Yes.

19 Q. Based on the forensic findings, it is my opinion
20 that further work and review of the ballots, or the images
21 at a minimum, should be conducted to determine what
22 significance these findings have on the whole of the
23 ballots cast, as well as possible statistical significance
24 of the votes contained for particular ballot item.

25 Did I read that correctly?

1 A. Absolutely.

2 Q. And this is your conclusion?

3 A. Well, that's one of many, but you read that
4 correctly.

5 Q. Your conclusion then was that more work needed to
6 be done?

7 A. Well, it's my conclusion I would do more work.

8 Q. Okay. Now, the testimony -- and I'm calling "the
9 testimony" loosely. I understand. I don't know whether
10 you were under oath. I wasn't there. And you didn't say
11 you were.

12 But the testimony you gave recently in front
13 of the legislature -- okay? Are you with me so far?

14 A. Yeah. I know what you're talking about.

15 Q. All right. Good.

16 You were invited by whom to give that
17 testimony? Liz Harris?

18 A. No.

19 Q. No?

20 A. Sunny something.

21 Q. Sunny Borrelli?

22 A. That sounds right.

23 Q. Okay.

24 A. Yes, I think so. I think that's the name.

25 Q. And when you were there, you told the legislature

1 you couldn't determine for sure if any votes in that
2 election that you were reviewing were illegally counted,
3 fair?

4 A. I don't recall saying that, but I would say that
5 if I were asked the question now, I don't have independent
6 recollection to that statement, but it's a fair statement.

7 Q. Yeah.

8 And based on what you've reviewed in
9 connection with the opinion you've given today with the
10 2022 general election, that would also be your answer,
11 correct? You can't say with any certainty that an
12 improper vote was illegally counted or rejected?

13 A. I can't say one way or the other. I'm not
14 drawing opinions that it was or was not.

15 Q. Okay. Are you aware that after that hearing you
16 testified at, a representative was eventually expelled
17 from the House of Representatives for that hearing?

18 A. I heard something in my travels this week that
19 someone came in and was -- I don't know what the word is.
20 Maybe you have the better word than me. Ultra excited.
21 And I don't know. I wasn't there, and I haven't seen it.
22 I'm not trying to be funny. I just don't want to use an
23 inflammatory word.

24 Q. Sure.

25 A. But something like that. And then the person who

1 invited him got in big trouble. I didn't know the extent
2 of the trial, or I didn't maybe remember it, but I heard
3 something about it.

4 Q. Now, forensic, okay, that word, that means the
5 application of scientific principles to legal cases,
6 right?

7 A. That's what it means to me in forensic science,
8 yes.

9 Q. Okay. Now, ultimately, the opinions you gave
10 today through your testimony, they are based on a set of
11 assumptions, fair?

12 MR. OLSEN: Objection, Your Honor. Would
13 ask that the witness lay -- or counsel lay a foundation
14 for what assumptions he's referring to.

15 THE COURT: Well, he can answer if he
16 understands. If he doesn't understand, we can have it
17 rephrased.

18 THE WITNESS: I understand the question.
19 I'm just taking time to think what the assumptions could
20 be because I don't have --

21 BY MR. MORGAN:

22 Q. Yeah. Take your time.

23 A. Give me just a second?

24 Q. Sure. Take your time.

25 MR. OLSEN: And, Your Honor, may I also ask

1 that counsel stop interrupting the witness and let him
2 finish his answer.

3 MR. MORGAN: If I'm doing that, Your Honor,
4 I apologize. I'll be better.

5 THE COURT: For the sake of my court
6 reporter, too, please.

7 MR. MORGAN: And I'll be slower.

8 THE COURT: Both question and answer need to
9 slow down, please.

10 MR. MORGAN: Of course.

11 THE WITNESS: I think I'm equally at fault
12 for the pace, so we can share it.

13 BY MR. MORGAN:

14 Q. We all have better places to be, Mr. Speckin.

15 A. I agree with you.

16 I'm at a loss as to what an assumption would
17 be. I'm not saying there aren't any.

18 Q. Okay.

19 A. But I can't think of one, and I'm not sure if I'm
20 missing an obvious one, but perhaps, you can --

21 Q. Sure?

22 A. -- give me an example, and I can run from there.

23 Q. Well, your opinion assumes the information you
24 were given is adequate, correct?

25 A. Oh. In other words what was -- what was asked

1 for is what was given by the County? That's an
2 assumption, yes, that's true.

3 Q. Okay. And it assumes the people you spoke with
4 told you the truth, for example?

5 A. I would say -- yeah, I see where you're going.
6 It would assume that the totality, not only of the people
7 that I spoke to, but the other witnesses, the videos and
8 all that, would corroborate one another, which I believe
9 it does, but could there be one aspect that doesn't? I --
10 I can't say.

11 Q. In general, the assumption then is that the
12 information that you've relied on, that you testified to
13 today that you relied on in forming your opinion here, the
14 assumption is that all of that is accurate, it's reliable.

15 Is that a fair statement?

16 MR. OLSEN: Objection, Your Honor. I just
17 don't know what opinion he's referring to. I would just
18 ask that he would clarify and be specific.

19 THE COURT: Okay. If there's a specific
20 opinion, you can rephrase it. If you mean all of the
21 opinions --

22 MR. MORGAN: I mean every one of them,
23 Judge.

24 THE COURT: Then re-ask the question --

25 MR. MORGAN: Sure.

1 THE COURT: -- so that he understands that.

2 MR. MORGAN: Thank you, Your Honor.

3 BY MR. MORGAN:

4 Q. With respect to every opinion you've given here
5 today, whatever it may be, you'd agree with me that an
6 underlying assumption, as I've been using the term, that a
7 foundation, if you will, to the accuracy of your opinion,
8 is that the information you relied on to form that opinion
9 was accurate and reliable.

10 Is that a fair statement?

11 A. That the foundation for that specific opinion --

12 Q. Correct.

13 A. -- would be. Not everything that you gave me
14 that I said I evaluated is the foundation for every
15 opinion.

16 Q. We're on the same page. It was a general
17 question. I think we're on the same page.

18 So it must follow then that if -- with
19 respect to any specific information you relied on in
20 connection with any specific opinion you gave today, if
21 that information is unreliable, then your opinion is
22 unreliable to that extent, as well, correct?

23 A. To whatever limited extent or large extent,
24 depending on the nature of the unreliability or question,
25 it could have a small to negligible impact to a large

1 impact. That is correct. It would be variable as to the
2 exact situation.

3 Q. And you'll agree with me -- and I think you said
4 this a moment ago, and I appreciate the candor -- at this
5 point, with respect to this case and your opinion on the
6 2022 -- or 2022 general election, you really can't say one
7 way or the other, based on what you've reviewed, whether a
8 single vote was improperly counted, one way or the other,
9 fair?

10 A. I'm not here to draw that opinion, and I'm not
11 saying that.

12 Q. You're not here -- so you're not giving an
13 opinion on that?

14 A. I have not, and I intend not to, if at all
15 possible, that is correct.

16 Q. Okay. Thank you.

17 You agree with me that one relevant factor
18 in your analysis here today with respect to your opinion
19 as it relates to Exhibit 48, 48 --

20 A. The table?

21 Q. The table. Is that Exhibit 48?

22 MR. OLSEN: Seven.

23 MR. MORGAN: Forty-seven. Thank you.

24 BY MR. MORGAN:

25 Q. Exhibit 47. Okay. You'd agree with me that,

1 with respect to your opinion as it relates to Exhibit 47,
2 one factor relevant to that is the number of employees,
3 either full time or part time, that Maricopa County had
4 engaged or hired to do the ballot signature comparison,
5 fair?

6 A. I'm not sure about one factor. I mean, the more
7 they employed, the more pieces of paper it took up, if you
8 mean that. If they had less, it would be smaller table.
9 If they had more, it would be a bigger table.

10 Q. Okay. Fair enough.

11 Do you know how many employees Maricopa
12 County hired to engage in ballot signature comparisons in
13 the 2022 election?

14 A. For ballot signature comparisons?

15 Q. Yes.

16 A. Based on the data and the testimony was 155.

17 Q. Okay.

18 A. And I specifically mean the testimony of
19 Mr. Valenzuela -- or Ray as he asked to be referred to.
20 155 and the numbers jive.

21 Q. Okay.

22 A. Or align, I should say.

23 Q. Okay. Now, I don't know if I heard this on
24 direct. Who retained you to give testimony in this
25 action?

1 A. My retainer agreement is with Mr. Olsen.

2 Q. Kurt Olsen?

3 A. Yes.

4 Q. Okay. Counsel?

5 A. Yes. The person who was asking me the questions.

6 Q. Okay. And you're being paid for your testimony?

7 A. I'm being paid for my time away from my family
8 and my time away involved in the case.

9 Q. As you should be.

10 How much are you being paid?

11 A. The hourly rate my firm bills is \$600 an hour for
12 my time.

13 Q. Okay.

14 A. For every minute spent, whether it's in travel or
15 here. I'm not charging for the time that I'm sleeping and
16 things like that.

17 Q. And you'll agree with me that your -- your job,
18 essentially your gig, is you're a professional expert
19 witness, fair?

20 A. I would -- I wouldn't pigeonhole myself that
21 narrow that that's what my whole life is about, but that
22 is a source of where I go to work every day, and that is
23 what I do for the hours in the day when I'm not being a
24 husband, father, and that sort of thing, yes.

25 Q. Right.

1 And you testified you're a forensic document
2 analyst.

3 Did -- am I saying that right?

4 A. Yes. I said forensic document analyst and
5 chemist.

6 Q. Okay. And chemist, your undergraduate degree,
7 now, remind me, that's a Bachelor of Arts?

8 A. Yes, from the College of Natural Science with a
9 major in chemistry.

10 Q. Not a Bachelor of Science?

11 A. Not a Bachelor of Science.

12 Q. And now, forensic document analyst, is that a
13 title you just gave yourself?

14 A. No. It's a common title that's used by people in
15 my profession with a similar background and training that
16 I have.

17 Q. And no regulatory organization gave you that
18 title, correct?

19 A. That's right.

20 Q. And there's no specific licensing requirement to
21 call oneself a forensic document analyst, correct?

22 A. I agree, yes.

23 Q. And you weren't conferred a forensic document
24 analyst by any organization or school, correct?

25 A. I would say no, I was not would be fair, yes. I

1 mean, I've been called that by organizations but not
2 conferred that. So the answer to the question is I have
3 not, that's correct.

4 Q. But you'll agree with me that, essentially, in
5 your line of work, you can call yourself whatever you
6 want, right?

7 A. Could I call myself whatever I want? Sure.

8 Q. All right.

9 A. I mean, in court, the object is you have to be
10 proven to back that up, which I have hundreds of times,
11 but yes, I could call myself what I want, I think. I
12 mean, I don't -- I wouldn't call myself a doctor or a
13 lawyer, but I mean, related, yes.

14 Q. You're related to a doctor or a lawyer? I'm
15 sorry.

16 A. No. No. Related to what I do.

17 Q. Because my condolences if you are.

18 A. I don't think I am. That's not what I meant.
19 I'm sorry.

20 Q. You don't have a formal degree in any sort of
21 document analysis, fair?

22 A. Fair and true.

23 Q. And true.

24 And you're not certified as a document
25 examiner or a signature comparison person, fair?

1 A. Fair and true, yes.

2 Q. And you are -- have you heard of the American
3 Board of Forensic Document Examiners?

4 A. I have.

5 Q. And do they give a certification of any kind for
6 forensic document analysts?

7 A. I think they call it forensic document examiners
8 based on the name. I don't have that, but I believe
9 that's what they call it.

10 Q. And you don't have that, as well, correct?

11 A. Correct. I do not.

12 Q. Okay. Now, at one point, were you a member of
13 the American Academy of Forensic Scientists?

14 A. I was.

15 Q. An as a member, you had an ethics complaint
16 lodged against you.

17 Does that sound right?

18 A. I did.

19 Q. And shortly after that, you no longer continued
20 to be a part of that group. You didn't renew your
21 membership, correct?

22 A. That's exactly correct.

23 Q. Okay. How many -- you testified earlier that
24 you've taken some training courses.

25 Continuing education. Is that what they

1 are?

2 A. Sorry. When you turn around, I have a hard time
3 hearing you in the middle of your sentence.

4 Q. No. That's fair. That's fair. My apologies.
5 I'm sorry.

6 A. That's all right.

7 Q. You testified earlier, I think, that you've taken
8 some training courses.

9 Did I hear that correctly?

10 A. Yes. Continuing education was the other thing.
11 Yeah, I agree with that.

12 Q. And none of those continuing education courses
13 were in connection with determining how long someone who
14 is working for an election department, state or county,
15 can or should take to review signatures in compliance with
16 the law.

17 Is that a fair statement?

18 A. That's fair.

19 Q. Okay.

20 A. And true.

21 Q. How many of your training courses were
22 specifically on the speed it takes to verify signatures?

23 A. There were none of the training courses that I
24 had or have taken that that exact topic was covered.

25 Q. Okay.

1 MR. MORGAN: May I have a moment, Your
2 Honor, to confer with counsel? I may be finished.

3 THE COURT: Okay.

4 MR. MORGAN: Thank you, Your Honor.

5 BY MR. MORGAN:

6 Q. So I want to talk for a moment again about the
7 assumptions we were talking about earlier.

8 Do you remember that conversation?

9 A. I do.

10 Q. Now, you'll agree with me that a pretty critical
11 assumption, if you will, in connection with your testimony
12 related to the table exhibit.

13 Do you know what I'm talking about, the --
14 the table of the -- you call it the clip of your table?

15 A. I didn't call it that. I know what table you
16 mean because there's only been one.

17 Q. Right. Right.

18 A. But when you said "the critical assumption," I'm
19 not --

20 Q. I haven't gotten there yet.

21 A. Oh.

22 Q. I just want to make sure we're on the same page,
23 Mr. Speckin.

24 Are we on the same page so far?

25 A. Same page meaning I know the table that you're

1 talking about, whatever title that you give it.

2 Q. Yes.

3 THE COURT: Exhibit whatever?

4 MR. MORGAN: Exhibit -- sorry, Your Honor.

5 Exhibit --

6 THE WITNESS: Forty-seven.

7 MR. MORGAN: -- 47, yes.

8 THE COURT: Thank you.

9 BY MR. MORGAN:

10 Q. You'll agree with me that a -- an important
11 assumption there, in the conclusions that you reached
12 based on that exhibit, is that, in fact, the act of a
13 signature verification, one way or the other, occurred --
14 I should say, signature comparison occurred?

15 A. Well, first, there's two -- there's one problem
16 with the question, and I'll just try to shortcut it, if
17 you'll let me.

18 Q. Of course.

19 A. And that is, you said my opinion was based on the
20 table, and that's not exactly true. As we know, it's a
21 demonstrative. So I had the opinion the table is
22 demonstrating it.

23 Q. Sure.

24 A. I'm not trying to be nitpicky. I'm just saying.

25 Q. That's fair.

1 there are no further questions. I do believe Maricopa
2 County might have a couple.

3 THE COURT: Okay. All right. So,
4 Mr. LaRue, you have cross-examination, as well?

5 MR. LARUE: I do. Just very brief, Your
6 Honor.

7 THE COURT: Uh-huh.

8

9 CROSS-EXAMINATION

10

11 BY MR. LARUE:

12 Q. Good afternoon, Mr. Speckin. How are you?

13 A. I'm good.

14 Q. Good.

15 I have just a few questions for you, and I
16 just want to be sure that the record is clear is why I'm
17 asking them. You alluded to some of this earlier, but I'm
18 asking the direct questions because, as I said, I want to
19 be sure that it's in the record clearly.

20 You've never -- well, strike that.

21 Earlier, you were -- in your testimony, you
22 were talking about comparing signatures.

23 Do you remember using that terminology?

24 A. Yes. I remember the word compare many, many
25 times.

1 Q. Okay. You've never compared signatures for
2 elections under A.R.S. 16-550, have you?

3 A. Correct. I have not.

4 Q. Okay. In fact, in general, when you're called to
5 give an expert opinion about signature comparison, it
6 generally has to do with fraud or areas such as that, not
7 elections; is that correct?

8 A. I've had plenty of election cases, but it is not
9 a large percent of my overall body of cases based on
10 handwriting. That's a true statement.

11 Q. Would you say that the majority of your cases
12 relate to fraud?

13 A. I'm not a fan of that term because it has a
14 predisposed connotation. Perhaps determining if there was
15 fraud, dishonesty, whatever. It's an inflammatory term,
16 and I try not to use that in my life, let alone when I'm
17 testifying. I get what you're saying, and I would answer
18 generally yes. I just don't like the term fraud, but I
19 know what you mean, and I do agree.

20 Q. Okay. Fair enough.

21 How would you describe it?

22 A. It's the trying to determine if forensic science
23 can assist the trier of the fact with a specific question,
24 whether somebody did or did not do something or whether
25 somebody did or did not write something as we're talking

1 in this case.

2 In other cases, it could be when it was
3 written, altered, changed, added to, all those things that
4 I've talked about, but I don't think you want to rehash
5 them. But specific to handwriting, did they or did they
6 not. I don't use the word fraud in my opinion, like since
7 my opinion is this, it's a fraud. I would never do that.

8 Q. Okay. I understand.

9 I'm going to use the word fraud because we
10 both -- we -- I think you just testified you understand
11 what I'm meaning when I say that, even if it's not the --
12 your preferred term for -- for getting at this.

13 Is that -- is that correct?

14 A. I'm fine answering your questions as long as you
15 understand it's not a term that I would use, but I know
16 what you mean, and I'll do my best to answer it in that
17 context.

18 Q. Fair enough. Thank you.

19 Is there a set number of signature exemplars
20 that you are supposed to use when you do fraud
21 examinations?

22 A. Back to what we said about there's an argument
23 earlier about best practices or wish list or what to
24 have.

25 Q. Uh-huh.

1 A. There's an idea that I would like to get but not
2 a standard of must have. I mean, you must have one.

3 Q. Uh-huh.

4 A. Unless you're comparing multiple signatures at
5 issue to one another, like I talked about on a ballot or a
6 petition, which is a different scenario, but you can do it
7 with one.

8 Q. Okay.

9 A. But I have a wish list personally, yes.

10 Q. Do you know if there's an industry best practices
11 standard?

12 A. Yes, there is.

13 Q. And what is that?

14 A. An amount sufficient to make a determination.

15 Q. Okay.

16 A. So it's not a numerical amount just for the
17 reason that I said.

18 Q. Okay. Would you agree with me that that --
19 strike that.

20 When you are doing a signature comparison
21 for purposes of a fraud determination, say for a bank or,
22 you know, on a check, or -- or whatever the case may be,
23 would you agree that the more exemplars you have, the
24 better?

25 A. Oh, absolutely. I mean, with obvious certain

1 limitations and ridiculous exceptions, but as a general
2 term, 10 is better than five, six is better than three. I
3 agree.

4 Q. Okay. When you do that type of signature
5 comparison that you and I are talking about right now, for
6 a fraud examination, say, for a bank with -- with a check
7 that may have been fraudulently written, if you have 10
8 signature exemplars, is best practice is to look at all
9 10?

10 A. If you are satisfied that those 10 are known
11 signatures, absolutely.

12 Q. Would you agree with me that, if you're doing a
13 signature comparison and you look at 10 signatures, that
14 will take longer than if you look at two signatures?

15 A. It absolutely should.

16 Q. Okay. And you agree it would take longer than if
17 you look at one?

18 A. It absolutely should, yes.

19 Q. You may not know the answer to this, and it is
20 perfectly fine to say, I do not know. I'm not trying to
21 lead you to say something that you don't know. Okay?

22 But are you aware of whether, under Arizona
23 law, those who do signature comparison for early ballots
24 are required to look at a set number of exemplars?

25 A. Well, the only standards that I'm familiar would

1 be the EPM and the 16-550(A), I believe.

2 You're nodding your head, so I think I got
3 that right.

4 And in those two, I'm not aware of a
5 numerical requirement, just like in the standards in my
6 field --

7 Q. Uh-huh.

8 A. -- that's set forth. You can surprise me and
9 tell me there is one that I didn't see, but I'm not aware
10 of one.

11 Q. Okay.

12 A. I don't know if there's any other laws in Arizona
13 that pertain. So I have no way to answer that question
14 other than those two.

15 Q. Okay. Fair enough. Very good.

16 I want to -- I want to go back to the table
17 for just a moment, and it's the only table we've been
18 discussing. So you're aware of what table I'm -- I'm
19 speaking of, correct?

20 A. I gotcha, yes.

21 Q. Okay. As you sit here right now, can you say
22 with a hundred percent certainty that any of the workers
23 that were identified in -- in column 1 failed to conduct
24 signature verification?

25 MR. OLSEN: Objection, Your Honor. The

1 table has a number of references.

2 Are you referring to the whole table or with
3 respect to certain grades?

4 MR. LARUE: I'm referring to the table as a
5 whole.

6 Sorry. I turned around, and I realize my
7 voice may trail off.

8 BY MR. LARUE:

9 Q. I'm referring to the table as a whole. The left
10 column has workers, and there were a number of workers
11 listed, and then there were lines going across saying, you
12 know, less than so many signatures -- or less than so many
13 seconds, less than so many seconds, less than so many
14 seconds.

15 My question is, the table, as a whole, the
16 workers on that table, can you say, as you sit here, with
17 100 percent certainty that any of those workers did not
18 conduct signature verification, any of them?

19 A. I don't believe any of my opinions today are
20 expressed to a hundred percent certainty nor can I think
21 of any in the last 30 years that I've expressed to 100
22 percent certainty. Generally, I don't like the
23 inflammatory term. I like to stay away from 100 percent,
24 as well.

25 Q. Okay. And I realize, based on the -- the answer

1 you just gave, I know what you're next answer will be, but
2 so that the record is clear --

3 MR. LARUE: And then I'm done, Your Honor.

4 BY MR. LARUE:

5 Q. -- as you sit here today, can you say with 100
6 certainty that no signature verification occurred in
7 Maricopa County for the 2022 general election?

8 A. I would say the same answer for the same reasons,
9 meaning no, I would not say that.

10 MR. LARUE: Thank you, Your Honor.

11 THE COURT: Okay. Is there any other
12 examination by any other defendant?

13 MS. RODRIGUEZ ARMENTA: No, Your Honor.

14 THE COURT: Very well. Okay. Redirect, Mr.
15 Olsen?

16 MR. OLSEN: Yes, Your Honor. Thank you.

17

18 REDIRECT EXAMINATION

19

20 BY MR. OLSEN:

21 Q. Mr. Speckin, you were asked a number of questions
22 where your answer was cut off regarding some cases in
23 which you had been criticized.

24 Was there anything that you wanted to say
25 that you are not able to say?

1 A. Well, yes. Like, for instance, the letter from
2 the judge that he read from the 13th Circuit, he skipped
3 over the paragraph that says: You clearly have some
4 specialized knowledge and training with regard to ink
5 identification and document examination. Your experience
6 in grease analysis -- which I was appointed as an expert
7 in that case -- is woefully lacking.

8 I never disputed it in that trial. I don't
9 dispute it today. I'm not an expert in grease. In that
10 case, I testified to FTIR results. As a chemist, that's
11 what I look at. I was trained in that. That was part of
12 my education. I do that. It was a very simple analysis.

13 The judge didn't like the bill and wrote me
14 this letter. I wrote a letter back. That was the end of
15 the issue.

16 I've testified in this jurisdiction again.
17 I mean, and the judge even says here, I have specialized
18 knowledge -- skipping ahead -- to document examination.
19 It was unfair the way it was read, and I understand it's
20 cross-examination, but that's how it goes.

21 Q. Any of the other cases that were presented in
22 front of you that you'd like to comment on? One of the
23 opinions was quite lengthy.

24 A. Well, the Hong Kong opinion, I got thrown a court
25 of appeals opinion that's this thick, double-sided, and

1 asked if I could point to a paragraph that said something
2 to the opposite. Obviously, I can't, as I sit here right
3 now. I read one, because I knew where it was.

4 Q. And what -- could you read that again and --

5 A. I'm not sure I can -- oh, this is the wrong one.
6 Let me correct my answer and say this is the one that was
7 handed to me from the court of final appeal, not --

8 Q. Which exhibit number is that, sir?

9 A. This is 48. And there are -- are -- I'm not an
10 expert in legal opinions, especially from Hong Kong, nor
11 am I from the United States, but definitely not Hong Kong.
12 I can tell you that it appears that different judges wrote
13 different things, like our supreme court does in some
14 occasions.

15 I don't know that for certain. That's just
16 way I take it. But the paragraph that I read just says:
17 An extraordinarily large portion consisted of pages copied
18 verbatim from its omissions.

19 Like in one of the paragraphs that he read
20 from the opinion, it had number 2, which he didn't read,
21 because it's not an audible sound because it had actually
22 copied a typo from the previous ones.

23 It talked about a testimony of a hundred
24 thousand examinations. It isn't at all what I said. It
25 was quoting a testimony from a case in Tulsa, Oklahoma,

1 called Utica Square versus Renberg that I testified on in
2 1998 about a case that I had looked at for General Motors,
3 and there were 100,000 documents involved in the case.

4 Then they twist the words, without including
5 the transcript, and put it in their submission to the
6 judge, and the judge photocopied it. It's completely
7 unfair. It's from over 20 years. I mean, I don't know
8 what else to say. It's demeaning and upsetting, and it's
9 not at all a reflection of what happened. But that's just
10 my opinion.

11 Q. Any other opinions that were put in front of you
12 that you'd like to comment on?

13 A. The last one was the EEOC opinion, and if you
14 read the last part of the opinion, it wasn't that I'm not
15 an expert at all.

16 It says -- I'll just read it exactly so I
17 don't paraphrase it incorrectly.

18 Speckin's deposition testimony suggests
19 there may be other methods to determine age that would be
20 admissible in this case, but it -- and go on to say I'll
21 just paraphrase and say -- but I didn't have them in that
22 case. There's only one method, and the judge said that
23 method was not allowable, keeping in mind that's what
24 everybody uses today, by the way.

25 Q. You've qualified as an expert I believe -- I

1 don't want to go through everything, but you qualified as
2 an expert in hundreds of cases, correct?

3 A. Multiple hundreds of cases, in court, yes.

4 Q. And that's with respect to forensic document
5 examination and handwriting analysis?

6 A. Yes. And ink dating, yes.

7 Q. And you've also been retained by various
8 government agencies to --

9 A. Yes.

10 Q. -- give opinions about forensic document analysis
11 and handwriting analysis?

12 A. Yes. And continue to be.

13 Q. Counsel asked you some questions about the
14 touches with respect to the data that Maricopa provided.

15 Do you recall -- so that's what I want to
16 refer to.

17 And I believe you probably seen in some of
18 the testimony yesterday, there is the notion that the
19 signature verifier will go back and check the batch of
20 signatures that they have already compared as part of
21 the -- the crosscheck.

22 Do you recall that?

23 A. I remember that testimony, yes. That was from
24 Mr. Valenzuela.

25 Q. Yeah.

1 And when the -- when the reviewer --
2 verifier is going back, does that result in a change
3 that's reflected in the data?

4 MR. MORGAN: Objection, Your Honor. I think
5 this is beyond the scope of my cross-examination.

6 THE COURT: I don't believe it is.

7 MR. MORGAN: Fair enough.

8 THE COURT: Thank you.

9 THE WITNESS: No. The request was for key
10 strokes of determinative outcomes, good signature, bad
11 signature, in simple terms, and there's others, and a date
12 and time stamp associated with those. It's not date/time
13 stamping, left and right arrows, scrolling, things like
14 that.

15 But you do see, when people are going very
16 fast, times where there's 200 seconds with nothing that
17 could very well be that time when someone might be
18 scrolling back in 150 seconds, 200 seconds, whatever the
19 case may be.

20 And it's not logging the key stroke for
21 that. It's just a long period of time where it doesn't
22 log any key strokes because there were no determinative
23 outcomes.

24 BY MR. OLSEN:

25 Q. So, if a signature verifier is going back to --

1 to review their work and not making any changes but just
2 going back quickly without making changes, that activity
3 is not reflected in the data that Maricopa County
4 provided?

5 A. Other than the increase in time for those two
6 sequential key stroke entries of the last one before they
7 scroll back and the first one perhaps when they started a
8 new batch or changed one very far in the batch. I mean, I
9 don't know what they did. But it's only by a lag of
10 seconds. It's not date/time stamping those right/left
11 scrolling, clicks, whatever you want to call that.

12 Q. So does the act of going back without making a
13 change affect the rate of comparison as reflected in your
14 analysis and in what was reflected in Exhibit 47?

15 A. No. Forty-seven is not affected at all by
16 whether someone did or did not scroll back, how fast they
17 scrolled back, nothing like that.

18 MR. OLSEN: Okay. I'd like to pull Exhibit
19 21. And, Your Honor, if I may, can I get that exhibit and
20 give a hardcopy to the witness? It may be just easier.
21 This is the -- I believe this is a set of e-mails.

22 THE COURT: If you can -- you want to use
23 Exhibit 21 to show him?

24 MR. OLSEN: Yes, Your Honor. I want to make
25 sure it's the right number.

1 THE COURT: Sure.

2 MR. OLSEN: May I approach, Your Honor?

3 THE COURT: You may.

4 BY MR. OLSEN:

5 Q. Mr. Speckin, you've just been handed Exhibit 21,
6 which the first two pages are the original of the records
7 request sent to Maricopa County on February 3rd, 2023,
8 which underpins the -- the data that was ultimately
9 received in PR 1482, which underpins the data that you
10 have drawn for your opinion, correct?

11 A. Yes.

12 Q. Have you seen this document before?

13 A. I have.

14 Q. Is there anything in this document that assures
15 you that the data that Maricopa sent was complete for
16 purposes of your analysis and opinion?

17 A. Yes. There are multiple responses to the
18 request, saying this fulfills your request, this is what
19 it is -- to that effect, that it fulfills the request of
20 what you're requesting, and nothing to the contrary.

21 Q. And what was the data that was being requested as
22 it relates to the opinions you have offered here today and
23 the data that is reflected in Exhibit 47?

24 A. The data that's reflected in 47 is the unique
25 identifier. So that would be the worker -- the

1 anonymized -- anonymized -- yeah, anonymized user number
2 for the worker and the calculation from the date and time
3 stamp as to how much time elapsed between successive
4 entries of data and time stamp and then what the
5 disposition is. That's where the percentage comes from.
6 What percentage --

7 Q. Are you okay?

8 A. Yeah. I have a new hip and it just popped out.
9 I think it just popped back in. So we're okay. I just
10 didn't feel good for a second. Sorry.

11 THE COURT: Okay. If it's your hip --

12 THE WITNESS: Yeah. No. I'm fine now.

13 THE COURT: You want to stand up and
14 stretch?

15 THE WITNESS: I think that's the last thing
16 I want to do, Your Honor but, thank you.

17 THE COURT: Well, hold on a second.
18 Want to take a break?

19 THE WITNESS: No. Thank you. It just got
20 me for a second there.

21 THE COURT: You got me.

22 THE WITNESS: Stabbing pain. Sorry. I
23 wasn't trying to give anyone a panic.

24 THE COURT: I just want to make sure, A,
25 number 1, you're okay --

1 THE WITNESS: I'm okay, Your Honor.

2 THE COURT: -- you're not under distress and
3 you don't need a break because I'll give you one if you
4 want one.

5 THE WITNESS: No. I'm good now. Thank you.

6 THE COURT: We'll just continue.

7 THE WITNESS: Okay. I'm sorry before that,
8 what was the question, I don't remember.

9 THE COURT: You don't need to apologize.
10 He's going to ask another question.

11 BY MR. OLSEN:

12 Q. The data that you -- that Maricopa produced in
13 connection with PR 1482, you were referring to certain
14 data. If you turn to the page identified at the bottom
15 right-hand corner Lake 21-896 and then 897, we'll move to
16 that, as well.

17 And this is a document that's in reverse
18 chron order, right, the e-mail string?

19 A. Right. It's the e-mail string with the newest at
20 the top of the front.

21 Q. Okay. And do you see at -- where it says Lake
22 21-896 at the bottom right-hand corner?

23 A. Yes, I'm there.

24 Q. Okay. And if you move to the top of the page, do
25 you see that it's cutting off, and so it's -- as you go in

1 reverse chron order and you flip to -- forward to 895
2 where it has at the bottom of 895 a date on 5/4/23 PRNCR
3 wrote: Good afternoon, We The People?

4 A. Yes. I see that. I see that.

5 Q. So -- so flip back over. Do you see that on 896,
6 that's part of the -- Maricopa's response to We The
7 People?

8 A. Right. The May 4th 3:47 response continues onto
9 the top of 896. I follow.

10 Q. And do you see the five items of data?

11 A. Yes.

12 Q. Okay. Is this the -- the data, or at least some
13 of it, the data that underpins your opinions and the data
14 reflected in Exhibit 47?

15 A. Yes. Specifically points 2, 3, and 4.

16 Q. Do you have any reason to believe that the data
17 in points 2, 3, and 4, that Maricopa provided was not
18 complete and accurate?

19 A. No.

20 Q. Turning to the -- Exhibit 47, Mr. LaRue asked you
21 some questions about the overall chart that was displayed
22 here and your opinions thereon and said, can you, you
23 know, say with a hundred percent certainty that every
24 vote -- I forgot his exact words, but the -- not every
25 vote was properly counted or some such.

1 Do you recall that?

2 A. I remember the two questions about a hundred
3 percent, yes.

4 Q. Okay. Are you offering an opinion as to whether
5 or not a signature can be compared in 6 seconds or less?

6 A. I didn't express such an opinion. I have one,
7 but I didn't express that, no.

8 Q. But you didn't offer and express an opinion on
9 that?

10 A. Correct.

11 Q. Are you offering an opinion as to whether or not
12 a signature can be compared in 4 seconds or less?

13 A. No. I didn't offer an opinion on that.

14 Q. The opinion that you offered was with respect to
15 comparing a signature -- I think as we used before -- in
16 simple terms, less than 3 seconds, correct?

17 A. That was the opinion that I expressed and -- and
18 furthered with less than 2 seconds you asked me, as well.

19 Q. And your opinion was that it was not possible to
20 compare signatures in less than 3 seconds in the context
21 of why we're here today, correct?

22 A. On the mass scale context, I said it cannot be
23 done. Could you pick one time out of 10,000 where someone
24 could do that? Maybe you could. But not on a mass scale
25 like in the thousands and thousands, no. It's my opinion

1 you cannot do that. You cannot do a comparison in that
2 time.

3 Q. Mr. LaRue asked you some questions about the --
4 having more than one reference signature.

5 Do you recall that?

6 A. I do.

7 Q. Is your opinion predicated on the existence of
8 more than one reference signature, or that it is one -- a
9 signature from a ballot envelope compared to one reference
10 signature?

11 A. Well, my opinion is not predicated on either. If
12 you -- I gave the benefit of the doubt saying the time of
13 only comparing one. Clearly, in 2 seconds you're not
14 scrolling and finding three and comparing all three in 2
15 seconds. That's even more preposterous. But that wasn't
16 what the opinion was based on. It's that -- you can't
17 even compare one in that time.

18 Obviously, if it follows, you can't compare
19 two, three or four because, as I answered his question,
20 that obviously takes more time.

21 Q. And what do you base your opinion on the
22 inability to compare two signatures in the context of the
23 system that Maricopa County has employed for the 2022
24 general election?

25 A. My education, training, and experience. I mean,

1 that manual or the training program does a nice job of
2 spelling out the basics of what you would look for in
3 handwriting. It's what I would look for. I know what to
4 look for. I do this every day.

5 I can't believe there could be thousands of
6 people -- and I'm not trying to be offensive when I say
7 this -- in Maricopa County that don't do this every day
8 and had a four-hour training or a 40-hour training that
9 could do it so much faster than I ever could. I don't
10 believe that, no.

11 Q. In terms of the training that you saw Maricopa
12 gives signature verification workers to compare
13 handwriting, do you recall that?

14 A. I recall the training, yes.

15 Q. Are you saying that the time to compare a
16 signature for a signature verifier would have to follow,
17 for example, all 11 steps in order to be a valid
18 comparison?

19 A. No. I'm not assuming they would have to follow
20 all 11 steps. I mean, it's a guideline. I have
21 guidelines in my industry in which case, in certain
22 instances, you might not follow all 11 or all the steps.
23 I -- I understand that.

24 Specifically, if you have an exception --
25 I'm not going to say that word. If you have a fail, if

1 you see that two are drastically different, very quickly,
2 that can be a fail quickly. I understand that.

3 What is in this table and what we're talking
4 about are the times and the percentages where it's
5 passing, where people are saying they compared, and
6 they're consistent.

7 Q. When you say "they," you mean they compare the
8 two signatures and came to a determination that the two
9 signatures were consistent?

10 A. Right. The ballot envelope and whether it be one
11 or more, but at least one of the historical exemplars I
12 think is what people call them, reference exemplars.

13 Q. And when you use the term "compare," you're --
14 are you using that in the -- in the sense of what we see
15 or talked about the steps of signature comparison or as
16 the term "compare" is used in the normal English language
17 under the definition -- I'm saying Webster's -- of
18 compare?

19 A. So, when I say "compare," I'm not saying you have
20 to follow the 11-step procedure to make a comparison. I'm
21 using the word "compare" as you use in the English
22 language, but it's also the same that I use or in the
23 standards in my industry of comparing, to look closely to
24 determine if two things, or in this case signatures, are
25 similar or dissimilar, or in the form of 1550, consistent

1 or inconsistent, is the way it's phrased there.

2 Q. So merely because two signatures flash up on a
3 screen, is that a comparison in your mind?

4 A. That's my point. It's not.

5 Q. And why is that?

6 A. It would be like thumbing through this opinion
7 like this and saying, I just read it. You're going to --
8 I say I read it, and you say you didn't, and we're
9 arguing. There's -- the simple fact is no one could read
10 it that fast. No one that I've ever encountered in my
11 life could read it that fast. So the answer is you did
12 not read it.

13 MR. OLSEN: Your Honor, I must hesitate to
14 this say, but I just say thank you. We have no further
15 questions at this time.

16 THE COURT: Okay. Can we excuse the
17 witness?

18 MR. MORGAN: I have nothing further for the
19 witness, Your Honor. Thank you.

20 THE COURT: Thank you, Mr. Speckin.
21 Are you okay to stand up?

22 THE WITNESS: We're going to know in just a
23 second.

24 THE COURT: Wait. Wait. We're not doing it
25 that way. Let's not just see and find out. Let's -- if

1 you need --

2 THE WITNESS: I'm okay. I'm good. I had a
3 good doctor. That's fine. Thank you for the concern, but
4 I'm surprisingly okay.

5 THE COURT: Watch your step.

6 THE WITNESS: Thank you.

7 MR. MORGAN: Your Honor, would the Court
8 like me to retrieve the exhibits and put them back?

9 THE COURT: Yes, please.

10 MR. MORGAN: May I approach?

11 THE COURT: Yes, you can do that.

12 MR. MORGAN: Thank you, Your Honor.

13 THE COURT: You can do that.

14 Do you have any other witnesses?

15 MR. OLSEN: We do not, Your Honor.

16 THE COURT: Okay. So plaintiffs rest.

17 MR. OLSEN: We do, Your Honor.

18 THE COURT: Coincidentally, this is the time
19 we'll take the afternoon recess, okay, for 15 minutes.
20 And then we'll come back, and I'll address defendants.

21

22 (Recess taken.)

23

24 THE COURT: Okay. This is CV2022-095403.

25 This is Kari Lake versus Katie Hobbs, et al, the

1 continuation of trial in this matter.

2 Present for the record are either parties,
3 their designated representatives, or their presence having
4 been waived, and we have counsel for each of the
5 respective parties.

6 So for defendants -- plaintiffs have rested.

7 Defendants?

8 MS. RODRIGUEZ ARMENTA: Your Honor, Elena
9 Rodriguez Armenta for Governor Hobbs.

10 We would now move the Court for a judgment
11 of directed verdict characterized by the Arizona Rules of
12 Civil Procedure under 52(c) as a motion for a judgment on
13 partial findings.

14 THE COURT: Go ahead.

15 MR. OLSEN: Your Honor, we would oppose, of
16 course. And -- I couldn't -- my hearing --

17 THE COURT: Is that your motion?

18 MS. RODRIGUEZ ARMENTA: No, Your Honor.

19 MR. OLSEN: I'm sorry.

20 MS. RODRIGUEZ ARMENTA: No worries.

21 Your Honor, may I ask, would you prefer I
22 address you from the lectern or?

23 THE COURT: It doesn't matter to me as long
24 as you're in front of a microphone.

25 MS. RODRIGUEZ ARMENTA: Great.

1 Ms. Lake has rested her case in chief and
2 for the second time before this Court has failed to meet
3 her burden. Based on this Court's two orders and the
4 Arizona Supreme Court's order granting remand as to this
5 one issue, in order to succeed, Ms. Lake was required to
6 prove this week by clear and convincing evidence her
7 allegations that no signature verification was conducted
8 as to level I, in addition to allegations at level II and
9 3 verifications did not occur and establish that votes
10 were affected in sufficient numbers to alter the outcome
11 of the election based on a competent and mathematical
12 basis.

13 Because Ms. Lake has been fully heard on an
14 issue during a nonjury trial, Governor Hobbs, Secretary of
15 State Fontes, and Maricopa County jointly move this Court
16 to enter judgement on partial findings against Ms. Lake on
17 her signature verification claim pursuant to Arizona Rule
18 of Civil Procedure 52(c) as Ms. Lake has failed to meet
19 her burden regardless --

20 THE COURT: Slow down.

21 MS. RODRIGUEZ ARMENTA: Sure. Certainly.

22 THE COURT: I follow you but the court
23 reporter --

24 MS. RODRIGUEZ ARMENTA: Thank you.

25 -- as Ms. Lake has failed to meet her

1 burden. Regardless of what defendants may offer in their
2 own case in chief, this Court should deny Ms. Lake's count
3 3 and dismiss this case.

4 Simply put, the testimony of Lake's
5 witnesses cannot support a finding that no signature
6 verification was conducted at levels I, II, and III.

7 Ms. Lake called six witnesses total,
8 including co-director of elections for Maricopa County,
9 Mr. Ray Valenzuela. Neither the testimony of Lake's
10 witnesses nor any admitted exhibits can support a finding
11 that Maricopa County did not conduct any signature
12 verification and any curing at levels I, II, and III.
13 Indeed, the testimony at trial thus far supports a finding
14 of just the opposite.

15 Beginning with Ms. Jacqueline Onigkeit and
16 Mr. Andrew Myers. Ms. Onigkeit and Mr. Myers both worked
17 as level I signature verification workers during the 2022
18 general election.

19 Ms. Onigkeit and Mr. Myers testified that
20 they did conduct signature verification and curing as
21 level I workers. Ms. Onigkeit, in fact, testified that
22 she performed her job well, and that she was focused on
23 quality over quantity.

24 Both Ms. Onigkeit and Mr. Myers also
25 provided testimony as to the signature verification and

1 curing conducted at higher levels of review. Both
2 individuals described a process consistent with Arizona
3 signature verification law and offered no testimony
4 supporting a finding that Maricopa County failed to
5 conduct any signature verification at levels I, II, and
6 III.

7 Mr. Handsel, the data technology director
8 for We The People Arizona Alliance was called to
9 authenticate public records requests made to Maricopa
10 County, which shows the time spent by nonsignature
11 verification workers on signature verification.

12 Mr. Handsel offered no testimony supporting
13 a finding that Maricopa County did not conduct any
14 signature verification and curing at levels I, II, and
15 III.

16 Ms. Busch, the chairman of the We The People
17 Arizona Alliance, was called primarily to authenticate a
18 video purporting to show a signature verification worker
19 working too quickly to actually be verifying signatures.

20 Ms. Busch had no personal knowledge of the
21 event taking place in the video. Ms. Busch ultimately
22 offered no testimony supporting a finding that Maricopa
23 County failed to conduct any signature verification at
24 levels I, II, and III.

25 Mr. Ray Valenzuela testified in detail as to

1 the multi-level signature verification and curing process
2 in Maricopa County, including the signature verification
3 and curing at levels I, II, and III conducted during the
4 2022 general election.

5 Mr. Valenzuela testified as to the possible
6 contents in the video shown at Exhibit 19, including, one,
7 testifying that every single person is required, upon
8 finishing their signature verification batch of 250, to
9 click back through their batch as part of finishing their
10 work at level I and including, two, that a signature
11 verification worker, who was found to be performing his
12 duties incorrectly by Maricopa County, was reassigned to a
13 different post for the 2022 general election.

14 Mr. Valenzuela testified as to the movement
15 of signatures from levels I to II and further testified as
16 to level III, which is a randomized audit designed to
17 serve as a check against other levels of review and ensure
18 accuracy.

19 Mr. Valenzuela also testified that it was
20 possible for a signature verification to be performed at
21 an average rate of a couple of seconds.

22 And finally, Mr. Valenzuela also testified
23 that he himself performed signature verification of
24 approximately 16 hundred affidavit signatures during the
25 2022 -- 2022 general election, excuse me, Your Honor.

1 Finally, Mr. Erich Speckin. Mr. Speckin
2 offered no testimony supporting a finding that Maricopa
3 County did not conduct any signature verification or
4 curing at levels I, II, and III.

5 For those reasons, Your Honor, Governor
6 Hobbs, Secretary of State Fontes, and Maricopa County
7 jointly move this Court to enter judgment on partial
8 findings against Ms. Lake on her signature verification
9 claim pursuant to Arizona Rule of Criminal Procedure
10 52(c).

11 Thank you, Your Honor.

12 MR. OLSEN: Thank you, Your Honor.

13 May I approach the podium?

14 THE COURT: You may.

15 MR. OLSEN: Your Honor, the supreme court
16 mandate was that Plaintiff Lake was required to establish
17 that vote -- quote, votes were affected in a sufficient
18 number -- sufficient numbers to alter the outcome of the
19 election based on a competent mathematical analysis to
20 conclude that the outcome would plausibly have been
21 different, not simply an untethered assertion of
22 uncertainty.

23 The issue in this case has been A.R.S.
24 16-550 about signature verification and the associated
25 EPM. Counsel for the defendants just say, signature

1 verification occurred.

2 Well, what exactly is signature verification
3 as required by that statute?

4 And signature verification is not just
5 simply whatever we think it is. It's not simply sitting
6 in front of a desk and tapping on a keyboard and scrolling
7 through signatures.

8 The statute is very specific. 550 uses the
9 word "shall compare," and that's further -- the two
10 signatures, and that's further modified by the finding of
11 the verifier that the signature -- whether or not it is
12 consistent.

13 Supreme court case law in Arizona states
14 that the words of a statute are to be given their ordinary
15 meaning unless it appears from the context or otherwise
16 that a different meaning is intended.

17 Shall compare. Webster's dictionary defines
18 compare as, quote, to examine the character or qualities
19 of especially in order to discover resemblances or
20 differences.

21 Webster's dictionary defines consistency as
22 marked -- quote, marked by harmony, regularity, or steady
23 continuity free from variation or contradiction.

24 Even Mr. Valenzuela said yesterday that you
25 could not compare a signature in a half a second. He

1 thought it could be in 2.54 seconds.

2 So defendants -- and Mr. Valenzuela is not a
3 handwriting expert. He's not an expert in signature
4 comparison. He was simply recognizing the obvious, that
5 you cannot just throw two signatures up on a screen and do
6 a comparison.

7 What is the purpose of the Arizona
8 legislature in mandating signature verification in the
9 first place? It's the first level of security to ensure
10 that illegal or fraudulent ballots aren't being injected
11 into the system.

12 As I mentioned at the opening, the
13 Carter/Baker Commission found that mail-in fraud is the --
14 excuse me, mail-in ballots are the single greatest --
15 greatest risk of fraud.

16 And it's that check of the signature,
17 through which Maricopa County puts its employees through
18 some fairly significant training in order to recognize the
19 differences in handwriting and to be able to assess
20 whether or not a signature is consistent and in order to
21 compare them.

22 Defendants would have this Court believe
23 that the word compare has no meaning. That is not in the
24 context of the statute and the intended purpose. That's a
25 critical distinction, Your Honor.

1 The issue here is not whether two signatures
2 flashed up on a screen or that there was somebody seated
3 at a desk and just tapping on a keyboard like we saw in
4 the video.

5 We have offered concrete evidence, which
6 defendants don't dispute, and that's key, Your Honor.
7 This was their own data. They had it. They've known
8 about it for -- at least since Friday when we disclosed,
9 in our expert disclosure, that 1482 would be one of the
10 bases of his opinion.

11 If there was something wrong with that data,
12 don't you think they would've come and said, hey,
13 plaintiffs are wrong, the data doesn't show that 70,000 --
14 more than 70,000 signatures were approved in less than two
15 seconds. That's a range, Your Honor. That's less than 2
16 seconds from 1 second to a half a second, that over -- as
17 plaintiffs' expert testified, that over 274,000 ballots
18 were verified -- I want to say approved, but verified,
19 compared, in less -- less than 3 seconds.

20 And, Your Honor, as noted in that table and
21 as testified to by Mr. Speckin, this isn't simply a
22 comparison where you had a very obvious rejection. These
23 were at a rate of 99 to a hundred percent -- a hundred
24 percent approval. And so it takes longer to approve, to
25 find that they're consistent, that it does to reject a

1 signature.

2 We had -- as Mr. Speckin testified, at 2
3 seconds -- less than 2 seconds, 70,000 ballots were
4 approved. The rates of the top seven were a hundred
5 percent. That's not signature verification, Your Honor.
6 This is the first line of defense that gives people
7 confidence in the system. That's what this is about, and
8 that's what's been lost.

9 Mrs. Onigkeit, when she teared up on the
10 stand -- she came here from Colorado to give her testimony
11 and to testify what she saw. The confidence, the laws --
12 16-550 is designed to give people confidence in the
13 system. It isn't simply anything goes with respect to
14 signature verification.

15 The issue, Your Honor, was not disputed by
16 defendants. They didn't put up an expert to say, well,
17 you can compare a signature, as that term is commonly
18 defined by Webster's, to determine whether it's -- the
19 signature is consistent or not. They had their
20 opportunity. They knew it was coming. They didn't
21 dispute it. That is fatal, Your Honor.

22 If anybody were to take, as Mr. Speckin
23 demonstrated on the stand, and flip through pages and say,
24 I read it, that's not reading.

25 For the same reasons, to say that a

1 comparison is being conducted, there is a standard. And
2 in fact, Maricopa recognizes this standard. That's why
3 they put their employees through this training, to
4 determine whether the signature is consistent or not.

5 The issue under Reyes is whether or not
6 the -- the law is being followed. Statutes are
7 interpreted or read by their plain meaning.

8 Here, the undisputed evidence shows that you
9 cannot compare a signature to determine consistency in
10 less than 3 seconds, and we can even take it in less than
11 2 seconds, and Mr. Valenzuela would agree that you can't
12 do it, in his words, half a second. He kind of just
13 pulled that out.

14 The other issue with respect to the evidence
15 that plaintiffs presented from the whistleblowers that
16 counsel didn't mention is we talked about the flood of
17 ballots that were coming in.

18 Undisputed testimony that the level II
19 reviewers were so overwhelmed, that rather than conduct
20 any signature verification, they would kick the ballots
21 back to -- or the signatures back to level I to be
22 re-reviewed when they'd already been rejected. That's not
23 signature comparison, Your Honor.

24 I would also note that getting back to the
25 statutory requirement to compare -- and the case, Your

1 Honor, that -- that I'd like to cite for terms being given
2 their ordinary meaning is State V Miller, 100 Arizona 288,
3 1966. Long-held precedent.

4 Maricopa County hired a signature expert to
5 train its worker, Kathleen Nicolaides. Why didn't they,
6 as they could've put an expert up to say, well, yeah, I
7 believe you can compare a signature. None could. That's
8 just a fact, Your Honor. It's an undisputed fact at the
9 moment because they didn't put anybody up.

10 It was their -- Maricopa County is required
11 to show that they complied with the statute. The
12 undisputed evidence shows they did not.

13 The numbers are outcome determinant.
14 Whether it's 274,000 or 70,000 -- if you could pull up a 2
15 second -- Your Honor, may I just show a quick
16 demonstration to show what 2 seconds looks like to flash
17 on the screen?

18 (Whereupon a recording is played after which
19 the following proceedings are had in open court:)

20 MR. OLSEN: That's 2 seconds, Your Honor.
21 70,000 ballots approved at nearly a hundred percent
22 acceptance rate.

23 That doesn't work. That's not signatures
24 verification. I don't care what they -- they can't just
25 call it that. We have proven our case because, A, it fits

1 with common sense, just as you just saw, but B, the
2 defendants have not offered any rebuttal to it, and the
3 fact that they didn't rebut the evidence from their own
4 log files, which underpins our expert's testimony, says
5 everything, Your Honor.

6 This is a data-backed case. It goes to one
7 of the most critical issues concerning the integrity of
8 elections. There has been a massive push -- even
9 Mr. Liddy back in December, if you recall, blamed
10 Republicans -- primarily Republicans that came out on
11 election day for having the vulgarity to want to cast
12 their vote on election day. His statement was, you reap
13 what you sew.

14 That's the attitude here. The idea with the
15 increased usage of mail-in ballot makes the -- the
16 importance and the significance of having security
17 measures as outlined and stated clearly by the Arizona
18 legislature to give the public confidence that their votes
19 are being cast, and that the elected officials have been
20 rightfully elected is paramount.

21 And, Your Honor, with that, I submit we have
22 met our burden. The directed verdict should be denied.
23 Judgment should be granted in plaintiffs' favor, and this
24 election should be set aside.

25 Thank you, Your Honor.

1 MS. RODRIGUEZ ARMENTA: Your Honor, may I
2 briefly?

3 First, as a point of procedure and --
4 actually, a couple of points of procedure and also some
5 references to the basic rules of evidence. I note that
6 the chart Mr. Olsen repeatedly referred to is not in
7 evidence.

8 Second, I note that no, we have not
9 technically disputed anything. We have not yet put our
10 case in chief on because we are presently before the Court
11 on our joint 52(c) motion which rests on partial findings.

12 And now, Your Honor, briefly again, before I
13 offer other defendants' counsel an opportunity to speak on
14 our joint motion, we are not here before the Court to
15 argue statutory construction. If we were, just like we
16 need to read the statute, Arizona case law has also said
17 that we cannot read into a statute that which is not
18 there.

19 The statute does not call for specific set
20 of seconds to review, it does not call for a specific set
21 of levels beyond that first to review. And beyond that,
22 we are not here on a process challenge as we and the Court
23 have repeatedly reminded plaintiff.

24 And respectfully, nothing Mr. Olsen has just
25 said changes the evidence presently before the Court and

1 that which is actually in the record, which is not nearly
2 sufficient to show that the outcome in the selection would
3 have been different based on a competent mathematical
4 basis.

5 Respectfully, again, I refer the Court back
6 to the testimony and the record which I have just briefly
7 reviewed, showing that Ms. Lake did not meet her burden as
8 articulated by this Court and by the Arizona Supreme
9 Court.

10 I renew my motion for motion on partial
11 findings, and I would like to provide other defendants'
12 counsel the opportunity to speak.

13 MR. LIDDY: Your Honor, Maricopa County
14 joins the Rule 52 motion. Supreme court said that
15 plaintiffs and -- rather, this Court, rather, said that
16 Lake must prove by competent mathematical basis to win at
17 trial, but she need not plead specific numbers in order to
18 meet the 12(b)(6), but she did need a competent
19 mathematical basis with specificity to prevail in this
20 hearing.

21 Not a single witness put forth by Challenger
22 Lake put forth any mathematical basis at all, competent or
23 otherwise, that the signature verification process did not
24 occur.

25 Many of the witnesses gave specific

1 information that it did occur. And his -- and her opinion
2 witness testified as to a table, if you will, for lack of
3 other terminology, that he testified he created from data
4 received from Maricopa County that was built within their
5 computers during this signature verification process.

6 But for an acknowledgment that the signature
7 verification process occurred, there would be no data upon
8 which he could put this piece of paper together.

9 And I would say, Your Honor, that Reyes is a
10 case in which both parties stipulated that there was no
11 signature verification. And many months ago, just to
12 correct the record and preserve my own integrity, if you
13 will, I never blamed any voters for voting on election
14 day. I blamed Kari Lake's Get Out The Vote coordinator
15 and her campaign manager for malpractice, and they did
16 reap what they sewed.

17 MS. RODRIGUEZ ARMENTA: That's all we have,
18 Your Honor.

19 THE COURT: Very well. Rule 50 -- 52(c)
20 contemplates judgment on partial findings, and in the
21 middle of the language in the -- clearly, in the rule, it
22 says: The Court may decline to render any judgment until
23 the close of the evidence.

24 MS. RODRIGUEZ ARMENTA: Yes, Your Honor.

25 THE COURT: Otherwise known as directed

1 verdict in a trial.

2 At this particular time, I'm going to
3 exercise the discretion to decline rendering a judgment
4 until the close of everything, because, otherwise, I'm
5 ruling from the bench, as well, and as much as you might
6 want me to do that, I'm not going to do that.

7 MS. RODRIGUEZ ARMENTA: Yes, Your Honor.
8 Thank you for your consideration.

9 THE COURT: So do defendants wish to present
10 any case?

11 MS. RODRIGUEZ ARMENTA: Yes, we will, Your
12 Honor.

13 THE COURT: Okay. And I didn't mean this to
14 be a comment either way on anything. Okay? I'm reserving
15 until I hear everything where this comes out.

16 MS. RODRIGUEZ ARMENTA: Understood, Your
17 Honor. I think we all understand.

18 THE COURT: Very well. Defendants, who
19 would you like to call as a witness?

20 I think you got Mr. Valenzuela is the only
21 one you've got listed.

22 MS. RODRIGUEZ ARMENTA: Yes, Mr. Valenzuela.

23 THE COURT: Okay. I don't see -- there he
24 is.

25 Okay. All right. Mr. Valenzuela, you

1 remain under oath. I'm not going to have you sworn in
2 again, sir. If you'll come up to the podium.

3 I will ask you, you do understand that you
4 remain under oath, correct, sir?

5 THE WITNESS: I do, Your Honor.

6 THE COURT: Thank you.

7 Very well. Who will be conducting the
8 direct examination of Mr. Valenzuela?

9 MR. LIDDY: It will be Mr. Liddy, Your
10 Honor.

11 THE COURT: Thank you.

12 Okay. Please proceed when you're ready,
13 Mr. Liddy.

14 MR. LIDDY: Thank you, Your Honor.

15

16 RAY VALENZUELA,

17 having been previously duly sworn,

18 is examined and testifies as follows:

19

20 DIRECT EXAMINATION

21

22 BY MR. LIDDY:

23 Q. Mr. Valenzuela, we have met before?

24 A. We have.

25 Q. In fact, I represent your -- you and your

1 colleagues on a variety of matters and have for many
2 years?

3 A. That is correct.

4 Q. And I'm not going to go through the normal early
5 litany of direct examination because you've already
6 testified, and you've given your name and your employer
7 and your background. We're just going to go through a
8 couple of things, see if we can't get this thing wrapped
9 up.

10 You mentioned earlier that you were CERA
11 certified; is that correct?

12 A. That's correct.

13 Q. And how long did it take to get CERA
14 certification?

15 A. The average is between four to six years.

16 Q. Okay. And is that something that requires
17 renewal?

18 A. It requires every three years renewal and --
19 through CLE and other classing.

20 Q. And would you remind me what CERA stands for and
21 what CERA certification is?

22 A. CERA stands for Certified Election Registration
23 Administrator.

24 Q. During the 2022 general election, were you
25 involved in verifying signatures on early ballot

1 envelopes?

2 A. I was.

3 Q. Let's cut to the chase, Ray. Did you conduct
4 level I signature verification during the general election
5 in 2022?

6 And would you please look at the judge when
7 you answer, not me.

8 A. I did.

9 Q. And did you conduct level II signature
10 verification during the general election in 2022?

11 A. I did.

12 Q. And did you, in fact, in addition, conduct level
13 III signature verification in accordance with the law and
14 the requirements of the Recorder's Office during the
15 general election in 2022?

16 A. I did.

17 Q. And to your knowledge, was there anybody else on
18 the Maricopa County Recorder's team that also participated
19 in signature verification during the general election of
20 2022?

21 A. Yes. As identified even in the plaintiffs, there
22 are a total of 155 users, if you will, that participated
23 in signature verification.

24 Q. And those 155 were all trained and qualified to
25 do level I certification at least, correct?

1 A. At the very least, yes.

2 Q. And among those 155, there were other
3 participants in the general election 2022 signature
4 verification process of Maricopa County that were also
5 trained and participated in signature verification level
6 II; is that correct?

7 A. That is correct. There were 43 total.

8 Q. Forty-three total.

9 So, if somebody attempted to put forth with
10 competent -- in competent mathematical basis, some sort of
11 calculation that would stand for the proposition that
12 Maricopa County could not do the signature verification in
13 the amount of time allotted, 1.3 million early voters, and
14 they use the variable of 25 level I reviewers and only
15 three level II, that would yield the result that would be
16 inaccurate based on your personal knowledge of how many
17 people participated in the 2022 general election signature
18 verification in Maricopa County?

19 A. That is correct.

20 Q. Because you don't have to be a mathematical
21 genius to know when you switch the variables from 25 to
22 155 and from 3 to 43, you're going to get a bigger number,
23 right, Ray?

24 A. As far as an ability to review those, yes.

25 Q. Okay. Briefly, what does -- what does a level I

1 signature review employee do?

2 A. They are tasked with exactly that, user level,
3 entry level, and I'll use the term, do no harm, ability to
4 basically filter to pass/fail, good, exception, whatever
5 term pleases the Court, but in ours, it's good and
6 exception. They can do no harm, they can not reject.

7 So the term -- using the term "reject" is
8 not proper and they -- not a single level I user could
9 reject. They can only exception, and move that to a level
10 II. They could make good and move that into the potential
11 audit, 2 percent random audit, of that queue.

12 Q. Ray, you're getting kind of inside baseball on
13 me, right?

14 A. I apologize.

15 Q. So they get a computer screen in front of them,
16 right, provided by Maricopa County?

17 A. That is correct.

18 Q. And they have the ability to pull up digitalized
19 images of the green affidavit envelope that's used in
20 Maricopa County for a mail-in voter?

21 A. So add a little clarity, that is pulled up for
22 them. They log in. A batch of 250 is provided to them
23 with the three exemplars and the clipped image of the
24 voter's signature.

25 Q. So on the screen it comes up. There's the

1 signature that they used in 2022 to verify their ballot
2 packet or affidavit envelope, and there are the last three
3 signatures in the Recorder's computer for their record; is
4 that correct?

5 A. That is correct. And just as a point of
6 reference, they are ranged by lateral. So the latest
7 signature on file for the voter is the first signature
8 that appears, and just for another point of clarification,
9 it was never trained to that you must look at all three
10 exemplars and scroll. I just wanted to make sure that the
11 idea that that is the most recent signature appearing
12 first in front of that level I user.

13 Q. Thank you, Ray. Don't get ahead of me.

14 A. Okay.

15 Q. Thank you, though.

16 So you've done level I review yourself?

17 A. Yes.

18 Q. And you have also produced training, materials,
19 that have been used for people that have been hired,
20 trained, and have actually done level I ballot review?

21 A. I've been participatory in crafting training,
22 yes.

23 Q. Okay. Now, let's say there was a -- a live
24 signature right here from 2022, and over here I have the
25 last three.

1 The law says you have to look to see if
2 they're -- if they're not similar, right? You have to
3 compare them to see if they're not similar?

4 A. You -- actually, if we continue to read as
5 16-550(A) is being referenced, it's compared for -- for
6 consistency.

7 Q. It's -- it's compared to see if the signature is
8 inconsistent?

9 A. Correct.

10 Q. So you have to compare to see if they're in- --
11 what was it, in?

12 A. Inconsistency.

13 Q. Right.

14 A. Not stop and compare and see if it is
15 inconsistent.

16 Q. So not dissimilar and not match and not
17 identical, but you look at the one from 2022, you look at
18 the other three, they're right there in front of you, and
19 you're looking to see if they're dissimilar?

20 A. Correct.

21 Q. What do you do if they all look the same?

22 A. They are consistent. Then they match -- meet
23 that criteria for then to be dispositioned as a good
24 signature.

25 Q. And how long does that take for someone who's

1 done this for a while that's experienced?

2 There's the one from 2022 for green
3 envelope, a digitalized image, and there's the last three?

4 Are they dissimilar? How long does that
5 take?

6 A. Again, as mentioned, you're not required to
7 scroll through three. If the first lateral signature on
8 file, vetted, verified signature, is an exact match --
9 we'll use that -- then that can take 1 to 2 seconds.

10 Q. Because if it's an exact match, it's pretty clear
11 that it's not inconsistent to sue the language of the
12 statute?

13 A. That is correct.

14 Q. So, in fact, you don't even have to read the 2022
15 signature and then read the signature from 2020, 2018,
16 2016.

17 If they match, you know that they're not
18 dissimilar as the statute requires, right?

19 A. That is part of the training. That is correct.
20 Only one exemplar is required to be referenced if -- but
21 the others are provided for those that may be subjective.

22 Q. Okay. If a level I signature reviewer in
23 Maricopa County in 2022 looks at those exemplars and says,
24 well, I think they might be dissimilar because
25 instantaneously, it doesn't look like a match to me, I'm

1 going to look a little bit closer, and then that
2 individual does look a little bit closer and just says,
3 you know, I can't determine that it's -- that it's not
4 inconsistent, I actually see some inconsistencies there,
5 what does that level I signature reviewer do?

6 A. Again, with the inability to reject, they would
7 exception, and that -- using that case in point as an
8 example, the -- Reynaldo Valenzuela's packet signed by
9 Frank Johnson. That's very dissimilar, not consistent,
10 there is no need to go through broad characteristics,
11 local characteristics, or to even go past the first
12 exemplar. So that would be a 1- to 2-second exception.

13 Q. And where would that signature then go, or where
14 would that comparison go?

15 A. That would then go to the manager's level, the 43
16 managers that were available to task to review that
17 second, to concur that that is, indeed, not a consistent
18 signature.

19 Q. Is that level II, Ray?

20 A. That is level II, manager's queue, I apologize,
21 but level II.

22 Q. No. That's okay. Level II.

23 So it goes to level II?

24 A. Yes.

25 Q. So that could be pretty quick, too?

1 A. As far as reaching the review in level II?

2 Q. Identifying -- no.

3 Identifying that they're inconsistent, move
4 it to level II?

5 A. Yes. That could be one of the ones that is,
6 indeed, to also include -- I may be overstepping -- also a
7 no signature. There is no 11 broad characteristics to
8 look at for a no signature. That could be 1 second, as
9 well.

10 Q. Okay. But let's go back to just two that, at
11 first look, might be the same name, probably are the same
12 name, the first name is about the same distance. They
13 both have a middle initial, they both have a period, they
14 both have a last name with a big fancy letter in the
15 front, but something is just not right. It's not a match.

16 You could figure it out pretty quickly,
17 couldn't you?

18 A. And we're actually trained to. Our -- our level
19 I users actually have emphasized there's quality, and if
20 they don't feel that indeed, we ask them to exception so
21 it can go through that higher level review.

22 Q. Now, in your experience, Ray, doctors aren't the
23 only Americans who got bad handwriting; is that correct?

24 A. That's correct.

25 Q. Some voters do, too?

1 A. Including myself.

2 Q. And then there's people that are maybe in a hurry
3 in life, and they don't use perfect penmanship when they
4 sign their name, they just kind of do a little scribble
5 that they think is kind of cool, right?

6 A. That is correct. And it is those that you are
7 exactly are mentioning are the ones that have some
8 similarities that go beyond the 3 seconds, 5 seconds, 6
9 seconds, even 20 seconds at that level I to look at all
10 three exemplars because they have similarities, but
11 they're not exactly consistent. Then those are the ones
12 that would take longer than 2, 3, 4 seconds to review.

13 Q. Well, what if that little scribble was an exact
14 match? How long would that take?

15 A. As mentioned already, that if it was an exact
16 same flourishes, hand strokes that would take between 2
17 seconds to 4 seconds to infer and look at that to say
18 those are similar and consistent.

19 Q. So in fact -- so if there was a voter who was an
20 anesthesiologist and wrote all kinds of weird stuff in his
21 name, you may never be able to decipher the name of that
22 doctor. You might still have exemplars that match, and
23 you'd never actually read the name, but you would match
24 the signatures, correct?

25 A. Under the --

1 MR. BLEHM: Object, Your Honor. He's
2 leading the witness.

3 THE COURT: Sustained. It's leading.

4 BY MR. LIDDY:

5 Q. I think you previously testified that you have
6 seen signatures that you were unable to read; is that
7 correct?

8 A. That's correct.

9 Q. Were you able to determine whether they were
10 similar or dissimilar from the exemplars provided in the
11 Registrar's record?

12 A. In the managers, level II, where we have a
13 repository of every official registration record to
14 include registration form, past affidavits -- and a lot of
15 folks may not be aware, but when you check into the
16 polling place, you sign a roster, show ID that has a
17 vetted signature. That, too, is available to that manager
18 level II reviewer.

19 Q. In your experience, does level II review take
20 longer than level I?

21 A. Absolutely. It's intended to, other than --
22 again, another folklore -- demonizing the 1 second, 2
23 second, is that if I am a level I and I send up a no
24 signature and it took me 2 seconds, one it should be to
25 establish that's no signature. A manager should be able

1 to look at that and concur in 1 second that that is a no
2 signature. There's nothing there to -- local or broad
3 characteristics to review.

4 MR. LIDDY: Your Honor, may I?

5 THE COURT: You may.

6 MR. LIDDY: Your Honor, may I approach?

7 THE COURT: You may.

8 What exhibit is it?

9 MR. LIDDY: Exhibit 23, Your Honor.

10 THE COURT: Thanks.

11 BY MR. LIDDY:

12 Q. Mr. Valenzuela, you do you recognize the document
13 you have in front of you?

14 A. I do.

15 Q. And do you see a green tag on that?

16 A. Yes.

17 Q. Can you confirm for me the exhibit number of
18 that?

19 A. Exhibit Number 23.

20 Q. Would you take a moment and just peruse that
21 document, not to read it but just to see if you recognize
22 what it is?

23 A. I do recognize it, yes.

24 Q. And what is that document, Mr. Valenzuela?

25 A. It is a -- a printout of our Power Point training

1 that's provided to all of our signature verification
2 staff.

3 Q. And was this document used for the classroom
4 training which you previously testified before while you
5 were under examination from the contestor that was
6 provided to the level I signature reviewers in 2022?

7 A. This is our level I user training material, or a
8 portion thereof. There are also guides that are provided
9 for reference.

10 MR. LIDDY: Your Honor, I move this exhibit
11 into evidence.

12 THE COURT: Any objection to 23?

13 MR. OLSEN: No, Your Honor.

14 THE COURT: We'll -- who's doing the
15 examination for this witness?

16 MR. BLEHM: I am, Your Honor. No objection.

17 THE COURT: Thank you. Twenty-three is
18 admitted.

19 MR. LIDDY: May I approach again, Your
20 Honor?

21 THE COURT: You may.

22 MR. LIDDY: Actually, Your Honor, should I
23 leave it up here in case I need to refer to it.

24 THE COURT: I don't mind as long as, at the
25 end of the day, it makes its way back to the clerk.

1 Which number is it, Mr. Liddy?

2 MR. LIDDY: It's 24. It's identical to 1.
3 It's already been admitted.

4 THE COURT: One's been admitted. I'm told
5 24 is a duplicate of 1. One's been admitted.

6 MR. LIDDY: Thank you, Your Honor.

7 BY MR. LIDDY:

8 Q. Mr. Valenzuela, you've answered several questions
9 about level II, which you said officially is called
10 manager level; is that correct?

11 A. Correct.

12 Q. Can we talk about dispositioned ballots? What is
13 a dispositioned ballot?

14 A. A disposition is a particular status code that we
15 set to a given record to identify which -- which way we
16 want to sort that physical packet to to direct it down its
17 proper path.

18 Q. Okay. So, by "physical packet," you don't mean a
19 ballot, and you don't mean a mirror affidavit envelope,
20 the green -- the ubiquitous green envelope that we've
21 discussed a lot over the last couple of days, but you mean
22 a combination of the two; is that correct?

23 A. The ballot sealed.

24 Q. Sealed?

25 A. Is to be and remains until it reaches our citizen

1 board for processing, but yes, the packet is how we refer
2 to in early ballot so as to not confuse that we're sorting
3 ballots. We're actually dispositioning packets and that
4 affidavit.

5 Q. So that's why the professionals use the term
6 packet rather than ballot?

7 A. Correct. So that somebody says, oh, I was
8 sorting ballot, that sounds a little bit nefarious or
9 injecting ballots where you could be injecting a packet
10 into the stream for signature verification is what is
11 happening.

12 Q. So, just for clarification, a packet has the
13 affidavit envelope, which you could see the affidavit on
14 it, and the signature, if there is one, because sometimes
15 you forget, and a date; is that correct?

16 A. That is correct, plus an option for the voter to
17 list their phone number.

18 Q. Phone number.

19 And that is all visible on the outside of
20 the packet?

21 A. That is correct.

22 Q. You can kind of hold it and see if there's
23 something inside, right, but you don't really know what's
24 inside?

25 A. Actually, part of our process is that, but I

1 won't get into the weeds, but yes, we can -- we can tell
2 if there's something within it.

3 Q. And we're all hopeful that that thing that's
4 within it is a ballot?

5 A. Correct.

6 Q. Your experience, is it always a ballot?

7 A. Not always.

8 Q. Just saying.

9 So all of this review is done without the
10 reviewer actually seeing the ballot?

11 A. Not only do they not see the ballot, they only
12 see that -- it's a clipped image that the user 1 -- level
13 I is looking at, and it contains the voter signature and
14 the voter's information, if you will, their name and
15 address.

16 Q. So these reviewers don't even get their hands on
17 the packet?

18 A. Not until they reach the curing post
19 dispositioning as good, bad, or otherwise.

20 Q. So where are the ballots at this level I and
21 level II time?

22 A. So.

23 Q. Where are the packets? Sorry.

24 A. So the process, at sort of high level, was that
25 we picked those up, our couriers, our staff picked those

1 up from the U.S. post office. Two members of different
2 parties take it to Runbeck where they inbound scan to
3 capture that image and also account by that unique piece
4 ID. Every packet that is sent to a voter, registered
5 voter, you have to be -- unlike election day where you
6 don't have. But I digressed.

7 A packet goes to the voter. It comes back.
8 We inbound scan those, capture that image, and those are
9 placed in a vault never to be seen or touched again until
10 we turn that file with a disposition codes set.

11 Q. That's where I was going. So I want to get back
12 to that. They're actually in a vault locked up at the
13 time of the level I, level II review; is that correct?

14 A. Correct.

15 Q. Nobody gets to touch them?

16 A. Correct.

17 Q. So if there's an evil doer somewhere in Maricopa
18 County, at MCTEC that wants to play games, they can't go
19 and figure out what's inside the -- the envelope and make
20 a disposition decision that way, correct?

21 A. It would not be the normal path either way for
22 that packet to get to the citizen board processing. It
23 has to be through that stream of disposition audit sheet
24 and audit report.

25 Q. My question is, they wouldn't even have their

1 hands on it, correct?

2 A. Correct.

3 Q. There's no way they can tell if there's a ballot
4 in there or what that ballot -- what's marked on that
5 ballot, correct?

6 A. During that signature verification process.

7 Q. Thank you.

8 And that's the tech -- that's the process
9 that was used during the general election signature
10 verification in 2022, correct?

11 A. That is correct.

12 Q. And you know that because you were there,
13 correct?

14 A. Correct.

15 Q. And you saw that, correct?

16 A. And participated, as well, yes.

17 Q. You participated, as well.

18 MR. LIDDY: Your Honor, may I approach?

19 THE COURT: You may.

20 Which exhibit?

21 MR. LIDDY: Exhibit 25, Your Honor.

22 THE COURT: Thank you, sir.

23 BY MR. LIDDY:

24 Q. Mr. Valenzuela, you've had an opportunity to
25 glance at Exhibit 25?

1 A. I have.

2 Q. Do you recognize it?

3 A. I do.

4 Q. What is it?

5 A. It is one of our signature verification user
6 guides -- or guides for -- this one particularly is for
7 our user level employees.

8 Q. And was this -- to your knowledge, was this used
9 to train the level I signature reviewers, the 155 of
10 them --

11 A. Yes.

12 Q. -- that were used in general election 2022?

13 A. It is a supplemental document that's part of the
14 training that was originally presented and something
15 that's a takeaway. They actually maintain this as a user
16 level I worker.

17 MR. LIDDY: Your Honor, I move for the
18 admission of Exhibit 25.

19 THE COURT: Any objection?

20 MR. BLEHM: No objection, Your Honor.

21 THE COURT: Twenty-five is admitted.

22 BY MR. LIDDY:

23 Q. So I see three columns.

24 Do you see those three columns on this
25 document?

1 A. I do.

2 Q. And the middle column says disposition, EBRT,
3 slash, EB2016.

4 Do you see that?

5 A. I do.

6 Q. Would you explain to the Court what that is?

7 A. This is, as mentioned, one of the disposition
8 codes, good, that can be set, and this is a visual, an
9 example, of what a user level I may see and what
10 disposition would fit that category.

11 Q. And what does good mean?

12 A. Good means that it's consistent signature with
13 those that they reviewed or the signature they looked at
14 when -- at a level I initial review.

15 Q. Okay. Now, if you go over to column number 1, it
16 says exemplar on the affidavit signature image, and if
17 you'll drop down to the middle there, it says, quote,
18 verified and approved MCTEC stamp.

19 Do you follow me there?

20 A. I do.

21 Q. Can you explain to the Court what that means?

22 A. That is a packet that went through, as an
23 example, exception. The level I user initially said, I
24 don't see this to be consistent, and they sent it on to a
25 manager, manager level II, concurred. It's not

1 consistent, so it's sent for curing.

2 So those thousands of -- that are then
3 contacted by -- or the voter is given the opportunity to
4 cure, to authenticate their identity, and when they do
5 contact, we would document that on the affidavit, and we
6 stamp upon that, verify and approved, and resend that back
7 through for two things, not only archive and retention to
8 scan that packet, but also to reverify in the system that
9 it's a good sig, meaning it's followed its path of
10 exception, could be a no sig, could've been a questionable
11 sig, but it's been cured, and that curing will have that
12 stamp, and our level I board workers are trained, told
13 when they see that, that's a 1- to 2-second cure. There
14 is nothing to scroll through. This has been verified by
15 the voter.

16 Q. So that's really fast.

17 A. Yes. You see that stamp. You see -- following
18 the logic, you see no signature, that should be 1 second
19 or less. You see this verified and approved, that should
20 be trained to that is good to go, next.

21 Q. So if I was trying to figure out an average time
22 it would take to do a signature review and no high-level
23 math, let's just say sixth-grade-level math, maybe
24 something I learned from my father, somebody might learn
25 from their dad or their mom, I learned mine from my mom,

1 not my dad, but it's just figuring out an average, right?

2 So if I were doing that and I had some
3 numbers from my universe from which I'm going to fill out
4 an average, that were zero or near zero because they've
5 got the stamp on it --

6 MR. BLEHM: I'm going to object --

7 MR. LIDDY: -- that's -- let me finish the
8 question. Let me finish the question.

9 BY MR. LIDDY:

10 Q. -- that's going to affect the average
11 calculation, isn't it?

12 MR. LIDDY: Now go ahead.

13 MR. BLEHM: I object, Your Honor. He's not
14 a signature verification expert.

15 MR. LIDDY: Your Honor, this only calls for
16 sixth grade math.

17 MR. BLEHM: He's not a signature
18 verification expert. They haven't laid any foundation for
19 his ability to determine how long it should take to do a
20 signature verification.

21 MR. LIDDY: That's not the question, Your
22 Honor.

23 THE COURT: Wait a minute. Wait a minute.
24 You're objecting that he's not -- qualified to do --

25 MR. BLEHM: I'm objecting that he's not a

1 signature verification expert because he's talking about
2 doing averages about how long it should take to do each of
3 these signatures. And that's -- that's -- they don't have
4 an expert for that, Your Honor.

5 Furthermore, I'll throw in the kitchen sink
6 as they did, he's not a statistician. He has no
7 background in that. I believe he testified to that fact,
8 Your Honor.

9 THE COURT: Okay. Rephrase it.

10 MR. LIDDY: I'll withdraw the question, Your
11 Honor. And I'll get to it another way.

12 THE COURT: Fine.

13 BY MR. LIDDY:

14 Q. Ray, do you know what it means to calculate an
15 average?

16 A. I do.

17 Q. If I want to calculate the average of 10 numbers
18 and say two of them were very, very low because those two
19 come from a universe that's different than the other
20 eight. Let's say they had verified stamp approvals on
21 them, and so I didn't have to examine them, I just knew
22 right away we'd move them on, so I have two -- 20 percent
23 really low numbers.

24 Is that going to affect the overall average
25 of my calculation of the average of 10 by moving it lower?

1 A. Obviously, using the term grading on a curve or
2 anything you would eliminate those that will affect your
3 average similar to these 1- to 2- second review
4 dispositions or categories.

5 Q. So let's say I'm the assistant coach on a Little
6 League baseball team and I'm calculating the average of 10
7 players on our team, but it's early in the season, early
8 in the game, and two of them haven't even had bats yet
9 because one was sick and the other was out of town and
10 they didn't play the first two games. So now we have
11 eight with batting averages and two with 000, and if I add
12 them all together, I'm not really going to get a look at
13 what the average ability of our team is to bat because two
14 of them are outliers, and I should throw them out if I
15 want to get an accurate number, right?

16 A. Yes, that is correct. To remove outliers, that
17 would affect that average.

18 Q. And would you agree with me that if some of these
19 review packets I had to verify, approve, and stamp on
20 them, but the amount of time that's going to take, that's
21 going to be very, very low?

22 A. That is correct.

23 MR. BLEHM: I'm going to object, Your Honor,
24 on the basis that he's, again, not a signature
25 verification expert.

1 THE COURT: Are you asking him based on his
2 personal experience, or are you asking him on another
3 basis?

4 MR. LIDDY: Your Honor, I'm asking him on
5 his personal experience.

6 MR. BLEHM: Your Honor, he's also
7 speculating.

8 THE COURT: As to what?

9 MR. BLEHM: As to whether or not if
10 something contains a stamp, the average time is going to
11 be very, very low.

12 THE COURT: Well, that's why I asked him if
13 he's asking based on his personal experience. He
14 testified earlier he actually reviewed and verified 16
15 hundred at level I in the last election. So, based on his
16 experience, he can answer.

17 BY MR. LIDDY:

18 Q. Can you answer the question?

19 A. Based on my personal experience of not just
20 reviewing 16 hundred but probably close to hundreds of
21 thousands over my 20 years of actually doing this and this
22 being a consistent practice, yes, I can say that if -- in
23 my personal experience, looking at this as is trained to
24 all level I users, that I would take less than a second to
25 see that verified and approved, and I would hit approved.

1 Q. Thank you.

2 MR. LIDDY: Your Honor, may I approach?

3 THE COURT: You may.

4 BY MR. LIDDY:

5 Q. Exhibit 26.

6 Mr. Valenzuela, do you recognize that
7 document?

8 A. I do.

9 Q. What is it?

10 A. It is similar to our user level, but it is our
11 signature verification job aid for managers.

12 Q. And was this document used, in part, among
13 others, and during the general election period -- prior to
14 the general election 2022 to train the level II or
15 managerial level document reviewers?

16 A. I did. And also as a reference takeaway guide.

17 Q. How is this document used?

18 A. Similar to the other document, but it has that
19 level II disposition options available, which on the
20 screen, when they showed, you'll see the first three
21 categories are the same, the good, good, good, based on a
22 verified and approved --

23 Q. If I -- if I may, you're referring to the middle
24 column of this exhibit, correct?

25 A. Correct.

1 Q. I'm sorry to interrupt. Continue.

2 A. But if -- in this particular document, it moves
3 into the next level manager disposition availability
4 options such as no sig.

5 So at level I, a level I we're not asking
6 them to make decisions other than exception. It's a --
7 and then it moves to level II with multiple amounts of
8 exemplars, but in the case of you'll see the no sig is
9 enabled option for a manager, because it clearly is a no
10 sig, the need packet.

11 There's several different dispositions that
12 we, at the managers level, can, to include you think it is
13 an inconsistent, let us look at the 2,444 signature
14 exemplars on file and see if we can concur.

15 Q. So the level I reviewers have only two options?

16 A. That is correct.

17 Q. Good sig and exception?

18 A. Correct.

19 Q. No pass or no pass?

20 A. No good -- no no sig, no need packet, no any
21 exceptional or --

22 Q. No rejection?

23 A. No rejection whatsoever.

24 Q. That's a point of emphasis. It's impossible for
25 level I reviewer to reject a signature?

1 A. Similar to our wanting to -- in early voting, to
2 call it a packet, not a ballot, and exception, not
3 rejection, because we don't reject at level I.

4 Q. We could move beyond the level I, level II, level
5 III signature review process, and I want to ask you a few
6 questions about something that I heard in testimony
7 yesterday and today. That's the curing process.

8 Are you familiar with what it means, the
9 curing in Maricopa County document review?

10 A. I am.

11 Q. Before I get to curing, in your personal
12 experience, when you have seen -- have you ever seen a
13 checkmark in the box on the affidavit envelope rather than
14 a signature?

15 A. Absolutely.

16 Q. Or another indicia of a marker saying X?

17 A. Correct. As identified in the user guide, we do
18 have a group -- or a population, demographics, that may
19 have some physical dis- -- incapacitation that requires,
20 and then there are process procedures, how we go about to
21 either cure or register them with that identifier.

22 Q. So those voters would make a mark rather than
23 place in that signature area what we would all call a
24 signature?

25 A. But just, if I may point of privilege, once

1 again, is they can make a mark, but it has to be
2 consistent with their registration file that that is on
3 file as such.

4 Q. So if you're a level I reviewer and in comes the
5 image and it's just a mark, how long does it take to
6 determine that?

7 A. If it's consistent, it's an X and an X, then,
8 again, as much as looking at a piece of art. If it's the
9 same, it's the same drawing, it's the same drawing, it
10 takes -- it can be under a second to 2 seconds.

11 Q. No reading involved?

12 A. No.

13 Q. Just comparing two marks?

14 A. No 11 local or broad characteristics, no swoops,
15 swooshes, and strokes. Just looking at that.

16 Q. Thank you.

17 So would you explain for the Court, please,
18 what is the curing process?

19 A. So the curing process is behind the signature
20 verification process. So, when somebody, at a level I,
21 does set a record as exception, it goes to a manager.
22 That manager concurs that it is, indeed, inconsistent
23 signature, then it goes into a status or another
24 disposition, sometimes referred to as a preliminary
25 question, PQ, using these acronyms, or QS, question

1 signature.

2 That allows us to take it down a path to
3 begin the contact using that phone number that's on the
4 voter's reg- -- on the affidavit, using e-mail, using a
5 ballot subscription service where, if you sign up to say,
6 tell me your ballot status to include when it's mailed,
7 when it's received and the disposition, then we'll
8 instantly send you a text that says your ballot has been
9 questioned, call our call center.

10 Q. Why does the Maricopa County Recorder's Office
11 have a process for curing early ballots?

12 A. It's required in law that we make a reasonable
13 effort. I think we go beyond reasonable, which is
14 voter-centric, but make at least a reasonable effort, as
15 required in statute, to contact the voter to -- in that
16 same section, 16-550(A) that if it's inconsistent, that we
17 will make that effort.

18 Q. So, in your opinion, Maricopa County Recorder's
19 signature verification and curing team goes beyond that
20 which is required by law?

21 A. Absolutely, based on some of our cure rates, if
22 you will.

23 Q. Why is it important to you, as a professional in
24 this area, to go beyond what the law requires in order to
25 give voters an opportunity to cure an infirmity in their

1 affidavit envelope?

2 A. Again, having done this 32 years -- and I know my
3 oath of office was brought into question and my integrity
4 as to if I would. We look at this and take this seriously
5 to know that we're about to disenfranchise a voter if we
6 are not making that effort.

7 So that's why we -- post election, we --
8 298,000 ballot drop-off, we threw all hands on deck
9 because we need to contact those voters that fall into
10 that curing so they have time to cure. So we take it very
11 seriously and make sure that we are as voter-centric as
12 possible regardless.

13 Again, all I see is the packet that says
14 John Doe on it. I don't know that am I curing this. I'm
15 curing it for the sake of being voter-centric.

16 Q. So does Recorder Richer and your team, do they
17 document the efforts they make throughout the curing
18 process?

19 A. We do. So we are identifying that it is in the
20 system. There's two different processes. In the system,
21 all of what this raw data that we saw, we are noting that
22 it's been an exception. We are noting that it's set as a
23 question signature.

24 Then that contact is made, but we are not
25 returning that into the system, but we are actually

1 physically, upon the actual packet, when you ask what
2 happens when we send that disposition to Runbeck, we're
3 sorting those good sigs, but we're also sorting those need
4 packets, questionable, all of the different dispositions.

5 We will take those no sigs, those
6 questionables, and we will put an affidavit label, or
7 we'll put a label on there that has different action items
8 that the -- that the curing team would document what
9 they've done.

10 I contact the voter, left voicemail, a
11 letter was sent. All of those things are maintained, and
12 those are trade, ready, and left in alpha order, some of
13 the tasks that I think was mentioned by some of the temps
14 that were witnesses, that are ready to be cured and in --
15 documented through that action label.

16 Q. And is it your understanding that the law in
17 Arizona places a strict timeline and the ability of you
18 and your team to assist those voters in curing those
19 ballot packages?

20 A. It doesn't set a timeline for us to cure them.
21 It sets a deadline for the voter to reach back to us,
22 using the 2022, as an example. It's five business days,
23 which usually ends up being seven calendar. There was a
24 holiday on November 8th. So we moved it to November 16th.

25 So we are curing, and that's why we take

1 it -- the urgency to -- by November 11th, we had cured all
2 those because we threw resources at it to contact those
3 voters to give them the option so that we're not calling
4 them on November 16 at -- at 4:59 to say, you have to
5 cure, and it's -- that extra effort is put towards that.

6 Q. So, in 2022, there was a holiday?

7 A. Correct.

8 Q. That -- was that Veterans Day?

9 A. Yes.

10 Q. Are you sure --

11 A. Or Memorial -- whatever November 11th. I
12 apologize.

13 Q. And that was 2022?

14 A. Yes.

15 Q. And you remember that?

16 A. Yes, because we -- it's a rare circumstance, and
17 we had to push, just as law requires, anytime that
18 something falls on a holiday, you must extend that
19 deadline, and we did. The whole State of Arizona with all
20 15 counties.

21 Q. So there really was signature review in Maricopa
22 County in 2022?

23 A. Yes. For us to have curing, we would have to
24 have those reviewed to put into that queue.

25 MR. LIDDY: Your Honor, I move to admit

1 Exhibit 26.

2 MR. BLEHM: No objection, Your Honor.

3 THE COURT: Twenty-six is admitted then.

4 MR. LIDDY: Your Honor, may I approach?

5 THE COURT: You may.

6 BY MR. LIDDY:

7 Q. Exhibit 27.

8 Mr. Valenzuela, would you take a moment and
9 look at the document I just handed to you.

10 A. I'm familiar with it.

11 Q. What is it?

12 A. It is basically our -- if you will, a procedural
13 document that identifies early voting contacting, curing
14 process, and what its purpose is that we provide to staff
15 or even as an out- -- you know, outreach resource
16 document.

17 Q. Now, you just testified in some detail about the
18 curing process for people that mail in their ballots that
19 are on there or what have you.

20 But there are also early voters that don't
21 use the postal service; is that correct?

22 A. That is correct.

23 Q. And what if one of those forgets to sign that
24 affidavit envelope? What happens then?

25 A. So there -- again, there's different deadlines

1 for no signature, and the Arizona Revised Statute requires
2 that it's done by 7:00 p.m. on election night, cured,
3 still cured, but it has to be done by that deadline.

4 Q. They don't get the five days and the holiday?

5 A. They do not. They are -- they are required, and
6 we still make a reasonable effort to reach out to those
7 voters through all the various contact methods as outlined
8 in this document, the two different dates, one for
9 questionable signature, one for no signatures.

10 MR. LIDDY: Your Honor, I move to admit
11 Exhibit 27.

12 THE COURT: Any objection?

13 MR. BLEHM: No objection, Your Honor.

14 THE COURT: Twenty-seven is admitted.

15 MR. LIDDY: Your Honor, may I approach?

16 THE COURT: You may.

17 BY MR. LIDDY:

18 Q. Exhibit 28.

19 Mr. Valenzuela, have you had a chance to
20 look at that document?

21 A. I have.

22 Q. Do you recognize it?

23 A. I do.

24 Q. What is it?

25 A. It is our voter contact label guide we give to

1 staff. It is basically those individuals that are tasked
2 with the curing process, what they are to do, what these
3 acronyms on the label that's shown on there, bottom
4 left-hand corner, actions circle.

5 And it's just a legend of what -- if they
6 left a voicemail, if they left a message, if a letter was
7 sent, no voicemail, tons of different guides -- or contact
8 actions that are tracked by -- and the date that that was
9 done by that particular staff member.

10 Q. So LS means letter sent?

11 A. Correct.

12 Q. WN, wrong number?

13 A. Correct. All the way down to the last one,
14 verified, which would then have that verified and approved
15 stamp re-sent through, adds to the integer of that log
16 file, but it's re-sent through and re-reviewed in 1 to 2
17 seconds because it has that stamp verified and approved.

18 So all of those packets that would have been
19 cured by the voter would be rescanned, re-reviewed, and
20 again, known to me that it would take less than 1 to 2
21 seconds to disposition that as good.

22 Q. Because it's already been stamped?

23 A. And it's already been reviewed, and it's already
24 been validated. It's now just for miniscule kind of
25 duties we're capturing and archiving that image.

1 Q. So all the time that it would take to review
2 that, verify it, and stamp it would -- that time wouldn't
3 count back in that earlier document where the contestor is
4 saying -- trying to figure out the averages of how quickly
5 everybody does it?

6 A. Correct. That would --

7 MR. BLEHM: Object, Your Honor. That was
8 exceptionally leading.

9 THE COURT: That was leading.

10 BY MR. LIDDY:

11 Q. Mr. Valenzuela, does it take a lot more time to
12 cure an affidavit envelope and having it all the way down
13 to the code SR -- I'm sorry, VER, verified action
14 selected, when the voter verifies a signature than it
15 would look at two signatures and figure out if they're
16 similar or not?

17 A. It takes umpteenth amounts of time because of the
18 fact that it is reaching out to the voter. We have shifts
19 that will be doing specifically that, and it could days,
20 quite frankly.

21 Q. Takes days.

22 But once that's completed, there's a stamp
23 placed on that one, right?

24 A. That is correct.

25 Q. And then it goes all the way back to level I,

1 correct?

2 A. That is correct.

3 Q. And then that machine in Maricopa County that
4 sent the data to the contestor here is going to have a
5 really low number because when they looked and saw the
6 stamp, it was just a really low number, right?

7 A. That exact user ID could have been categorized as
8 an exception that took 5 seconds, could've gone to
9 manager's level that took 12 seconds to concur, and then,
10 when it came back, that third scan would be 1 second to
11 disposition it as verified.

12 Q. To see that stamp could take only 1 second?

13 A. Correct.

14 Q. Or maybe less, possible?

15 A. Correct.

16 Q. And so if you took -- so my question to you is,
17 all the time it took to get that verified stamp on there,
18 none of that would be reflected in the mathematical
19 calculation that you saw earlier today put forth as
20 alleged evidence that there was no signature review
21 process done --

22 MR. BLEHM: Objection, Your Honor. Leading.

23 BY MR. LIDDY:

24 Q. -- is that correct?

25 THE COURT: Wait.

1 MR. BLEHM: Leading, Your Honor.

2 THE COURT: Okay. It is leading.

3 BY MR. LIDDY:

4 Q. Now, you previously testified, Mr. Valenzuela,
5 that it takes a lot of time for the Maricopa County
6 Recorder's signature verification team to cure a ballot
7 all the way such down that it gets to the verified stamp
8 on it, correct?

9 A. That is correct.

10 Q. And you have also testified that the time
11 reflected in that is not accounted for in the document
12 that was produced by the contestor, Kari Lake's team,
13 which they presented in the court while you were watching,
14 correct?

15 MR. BLEHM: Objection. Foundation, Your
16 Honor. I believe Mr. Valenzuela previously testified he
17 doesn't -- he's not even had personal knowledge of the
18 contents on CD-ROM other than approving their disclosure
19 to us. He hasn't looked at the data. He's admitted that.
20 He hasn't reviewed the data. He's admitted that.

21 THE COURT: Okay. Rephrase it then. If you
22 got another way of --

23 BY MR. LIDDY:

24 Q. Mr. Valenzuela, were you in the courtroom earlier
25 today?

1 A. I was.

2 Q. Did you see -- did you hear and watch the
3 testimony of the alleged expert put forth by plaintiff?

4 A. I did.

5 Q. Did you see up on that screen there when they put
6 that document up there that he was testifying about?

7 A. I did.

8 Q. Did you understand that the amount of time it
9 takes to verify an affidavit envelope under the curing
10 process was not included in that data?

11 A. Correct.

12 Q. Thank you.

13 MR. BLEHM: He's still leading, Your Honor.
14 And my objection is renewed again with respect to his
15 fundamental understanding of the very data that chart was
16 based upon.

17 THE COURT: It's -- the question was asked
18 to the exhibit. I'll just note for the record all the
19 objections as to leading are new in this case. The other
20 side extended the courtesy of never objecting once to
21 anything leading throughout the entire presentation of
22 plaintiffs' case. But if you insist on objecting on
23 leading, I can sustain those.

24 It's -- you have to rephrase it differently.
25 Just pointing it out as a matter of professional courtesy,

1 but it is something that typically is true.

2 MR. BLEHM: If -- if -- Your Honor, if I
3 heard you right, you asked him to rephrase or -- asked and
4 answered anyway, Your Honor.

5 THE COURT: I didn't understand what you
6 just said, Mr. Blehm.

7 MR. BLEHM: Oh, I -- I could not hear the --
8 too much in front of me. If you said something about
9 rephrase it.

10 THE COURT: He can rephrase anything. If
11 you're objecting to leading, some of the leading in -- in
12 the case has to do with the streamlining.

13 MR. BLEHM: Your Honor, my response was
14 asked and answered, so...

15 THE COURT: Understood. Understood. But
16 we're at the end of the day.

17 MR. LIDDY: Your Honor, for clarification,
18 the last response that he gave, is that in the record, or
19 you if taken that out because you've ruled that the
20 question was leading?

21 THE COURT: No. It's -- the question was
22 leading. So I sustained the objection. I was just noting
23 for the record that it's just -- it can be rephrased and
24 asked a different way. It's just -- that's fine.

25 MR. BLEHM: If I may, Your Honor?

1 THE COURT: Say again?

2 MR. BLEHM: If I may, asked and answered so
3 I'll withdraw the objection to that specific question.

4 MR. LIDDY: Thank you for the professional
5 courtesy. I appreciate it.

6 THE COURT: Very well. Go ahead.

7 Next question.

8 BY MR. LIDDY:

9 Q. Mr. Valenzuela, are all level I reviewers trained
10 to question the checkmark stamp?

11 A. If it is inconsistent with what is on the
12 official voter registration record, absolutely.

13 Q. And that would go for an X also?

14 A. If there's an X or any mark that is inconsistent
15 with what is on file of the official registration, they
16 are, indeed, asked to make that an exception.

17 Q. Are level I reviewers trained to reverify
18 signatures bearing the checkmark stamp?

19 A. I wouldn't say that they're asked to reverify.
20 All of them are asked to relook at their sub batch of 250
21 to see their status so if they originally set that as
22 exception, they should confirm that in their backwards
23 review of that.

24 Q. So, when a level I signature verifier completes a
25 batch of 250 signature verifications, the protocol is for

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CERTIFICATE OF REPORTER

STATE OF ARIZONA)

COUNTY OF MARICOPA)

I, Luz Franco, an official reporter in the Superior Court of the state of Arizona, in and for the county of Maricopa, hereby certify that the foregoing pages constitute a true and accurate transcript of my stenographic notes taken at said time and date, all done to the best of my skill and ability.

Dated this 18th day of May, 2023.

____/s/Luz Franco_____

Luz Franco, RMR, CRR
CR No. 50591
Official Court Reporter

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