



**THE  
GAVEL  
PROJECT**  
EST. 2021

## **Exhibit 3**

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4022 E. Greenway Road, Suite 11 - 139, Phoenix, AZ 85032

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IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

IN AND FOR THE COUNTY OF MARICOPA

- - -

KARI LAKE,	)	
	)	
Contestant/Plaintiff,	)	CV2022-095403
	)	
- vs -	)	
	)	
KATIE HOBBS, personally as	)	
Contestee and in her official	)	
capacity as Secretary of	)	
State; Stephen Richer in his	)	
official capacity as Maricopa	)	
County Recorder; Bill Gates,	)	
Clint Hickman, Jack Sellers,	)	
Thomas Galvin, and Steve	)	
Gallardo, in their official	)	
capacities as members of the	)	
Maricopa County Board of	)	
Supervisors; Scott Jarrett,	)	
in his official capacity as	)	
Maricopa County Director of	)	
Elections; and the Maricopa	)	
County Board of Supervisors,	)	
	)	
Defendants/Contestees.	)	

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December 21, 2022  
Courtroom 206, Southeast Facility  
Mesa, Arizona

BEFORE: THE HONORABLE PETER A. THOMPSON, J.

REPORTER'S TRANSCRIPT OF PROCEEDINGS

BENCH TRIAL - DAY 1

Reported by:  
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A P P E A R A N C E S (cont.)

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P R O C E E D I N G S

(Proceedings begin, 9:00 a.m.)

THE COURT: This is the time set for the hearing in CV2022-095403. This is Kari Lake v. Katie Hobbs, et al.

I'll take appearances, please.

MR. BLEHM: Bryan Blehm and Kurt Olsen on behalf of Plaintiff, Kari Lake, Your Honor.

THE COURT: Okay. Who do you have with you at table?

MR. BLEHM: Oh, this is our audio/visual technician, Your Honor. Is he fine there?

THE COURT: He is fine there. That's fine.

MR. BLEHM: I figured it's easier than me yelling across the courtroom.

THE COURT: That's fine.

For defendants?

MS. KHANNA: Your Honor, Abha Khanna from Elias Law Group, on behalf of Governor-Elect Hobbs.

THE COURT: Thank you.

MR. LIDDY: Your Honor, Thomas Liddy on behalf of Maricopa County Board of Supervisors and Maricopa County Recorder Stephen Richer. With me is Joseph LaRue and Karen Hartman-Tellez, and Emily Craiger for The Burgess Law Group is of counsel for defense.

1 THE COURT: Thank you.

2 MR. GOANA: And, Your Honor, Andy Goana with  
3 Coppersmith Brockelman and Bo Dul with States United  
4 Democracy Center, on behalf of Secretary of State Hobbs,  
5 in her official capacity.

6 THE COURT: Thank you. All right.

7 I appreciate the list of witnesses and  
8 anticipated time for examination for each witness in  
9 this matter. We'll endeavor to stay as close as we can  
10 to that schedule.

11 There are two matters that have been brought  
12 to my attention that I'll address in a second. As a  
13 housekeeping matter, there are two sides to the case.  
14 I'm not going to divide the time by attorneys, because  
15 it's inconceivable to me that I would affirm the  
16 election, or make a ruling as to one defendant and not  
17 the other. So as far as defendants go, I will leave it  
18 to you as to who will be the lead to examine witnesses.

19 As far as argument goes, I can hear from  
20 each of you with regard to closing argument, that type  
21 of thing. But for objection's sake, I will assume, if  
22 you wish me to, that all three defendants join in any  
23 objection made by any attorney who is handling a  
24 particular witness.

25 Will that be a fair process?

1 MS. KHANNA: Yes, Your Honor, I appreciate  
2 it.

3 THE COURT: Mr. Liddy?

4 MR. LIDDY: Yes, Your Honor.

5 THE COURT: Mr. Goana?

6 MR. GOANA: Yes, Your Honor. We agree.

7 THE COURT: Very well then. All right.

8 There were two motions that were filed last night and  
9 responses that I've considered. The first is there's a  
09:03:35 10 motion to exclude plaintiffs expert witnesses. I've  
11 considered those. What I intend to do at this time, to  
12 expedite things, I believe that under the local rule  
13 it's been briefed. I have everything I need to decide  
14 it, so I don't need oral argument on that, because we  
15 need to get started on the actual trial.

16 With regard to the motion to exclude  
17 Plaintiff's experts, Rule 702(a) allows me to consider  
18 expert testimony if they have qualifications or  
19 expertise beyond that of, in this instance, is going to  
09:04:10 20 be the Court with regard to particular matters relating  
21 directly to this case. I find that is the case, that  
22 the experts do have some expertise that will allow them  
23 to opine to certain things. However, that's subject to  
24 foundation, and it is also going to be -- to relevance  
25 because the motion went as far as to seek to strike the



1 reports of both experts. I haven't had those offered in  
2 evidence, but I will tell you that my inclination is if  
3 the witness is testifying, it's cumulative to have a  
4 report; and furthermore, the reports also contain  
5 opinions that go beyond the remaining counts that we  
6 have for trial. So my position on that, I will -- if  
7 you seek to admit them, I will rule at that time, but  
8 I've given you an indication of what you might expect.

9 The other motion under Rule 807, there are  
09:05:16 10 many, many affidavits in this case. I've read them.  
11 This is a trial to the Court. I am persuaded that under  
12 Rule 807, given the intersection of Rule 807 with the  
13 time constraints set by the legislature for holding  
14 election contest, that there is no alternative  
15 reasonable method that the Plaintiffs have to get 219  
16 witnesses in front of me and allow cross-examination.

17 Second of all, those affidavits that are  
18 attached to Mr. Sonnenklar's affidavit that deal with  
19 observations by voters, poll workers, or persons present  
09:06:10 20 on the voting day, November 8, 2022, are under oath; and  
21 I have no reason to suspect there's any indicia of  
22 unreliable information in the affidavit. So I would  
23 grant the request to enter those into evidence, but  
24 Plaintiff's exhibit numbering system left something to  
25 be desired, and the clerk has now numbered your

1 exhibits. You identified them by description and not  
2 number. So what I need is a clarification of which  
3 exhibits you are actually offering for the record, not  
4 right now, because I'm not going to take up your time to  
5 do that. At the first opportunity, I want you to go  
6 through and the record -- for the record what I am  
7 asking you to do is to provide me the exhibit numbers  
8 for what are attached in your pleadings, Plaintiff, as  
9 Exhibits A1 through A220 of your Complaint.

09:08:17

10 Also, it appears that you're seeking to  
11 admit affidavits, or you will be seeking to admit  
12 affidavits that were attached to the declaration of Mr.  
13 Olsen. You're acting as counsel, Mr. Olsen, so under  
14 Rule 3.7 of the Rules of Professional Conduct say you  
15 can't be a lawyer and a witness. So unless it's a  
16 matter that's something I'm willing to take judicial  
17 notice of, I don't think anything in this case is  
18 something I'm going to take judicial notice of. So I'm  
19 not admitting your affidavit, but it's the attachments  
20 to the affidavit that I believe that are being sought to  
21 be entered.

09:08:55

22 And to that end, specifically, Exhibit 1  
23 attached to your affidavit, Mr. Olsen, is not relevant,  
24 nor is Exhibit Number 2, because of the rulings of the  
25 19th.

1           Exhibit 3, same thing; Exhibit 4, same  
2 thing; and Exhibit 5, same thing.

3           Next, Exhibits 6, 7, 8, 9, 10, 11 -- well,  
4 10, are -- fall within what I believe or construe as is  
5 that 807 exception to allow for observations that took  
6 place at the time and place of the election and the  
7 persons who are the declarants. The others, the  
8 declaration of Mr. Baris, he's an expert. He's retained  
9 for the purpose of litigation. He's got a report, et  
09:10:31 10 cetera, and I've talked about that. The declaration of  
11 Shelby Bush is also not pertinent to what I have before  
12 me. The affidavit of Clay Parikh, is that how I  
13 pronounce it?

14           MR. OLSEN: Yes, Your Honor.

15           THE COURT: And Kelly KJ Custer, they are  
16 all prepared in anticipation of litigation, and I'm not  
17 admitting those under 807, okay?

18           So what I need for you to do is to get with  
19 the defendants, show them your exhibit numbers, get me  
09:11:04 20 those numbers, and then I can address admitting those at  
21 a later point.

22           Now, after having said all that, either at  
23 the time we move to admit them actually or right now, I  
24 can allow the defendants to take some of their time to  
25 make an additional record. I've read what you've wrote

1 already in your responses. That is a matter of record  
2 and I'm saying right here in open court that that is  
3 preserved as an objection to what I'm doing. If you  
4 have something additional you want to add as a record,  
5 I'll let you do it now, or I can let you do it at the  
6 time that Mr. Olsen complies with my request or  
7 identifies specific exhibit numbers.

8 MS. KHANNA: Nothing further, Your Honor.  
9 Thank you.

09:11:51 10 MR. LIDDY: We'll rest on our papers, Your  
11 Honor. We reserve the right to object if something has  
12 no probative value to the remaining counts.

13 THE COURT: Thank you, Mr. Liddy.

14 Obviously, I'm the Trier of Fact. This  
15 trial is going to be conducted with the eye that I am  
16 able to give things the weight that I deem appropriate  
17 anywhere from zero to great weight. And so I will rely  
18 upon you, counsel, on both sides, to present argument or  
19 to present the case in a manner that indicates to me  
09:12:27 20 what you think has more weight.

21 To that end, I'm a little concerned that  
22 you've allocated yourself 15 minutes and five minutes  
23 for closing argument, so you may want to rethink that.

24 So I believe those are all the matters that  
25 I have before we can get started.

1 MS. KHANNA: One housekeeping item, Your  
2 Honor. If we could, defendants would like to invoke the  
3 rule to exclude any non-expert testifying witnesses from  
4 the courtroom.

5 THE COURT: Join?

6 MR. BLEHM: We have no objection.

7 MR. OLSEN: No objection, Your Honor.

8 THE COURT: Well, the rule has been invoked.  
9 I'm going to have to rely upon counsel, because I don't  
09:13:12 10 know these people by sight, if they are persons who are  
11 non -- nonparties, who are witnesses to this case who  
12 are present. They must leave the courtroom, not discuss  
13 their testimony, before or after they testify, with  
14 anyone other than the attorneys.

15 MR. LIDDY: Your Honor, Mr. Scott Jarrett,  
16 the Elections Department Director, is here as a party  
17 representative, but he's also listed as a witness, Your  
18 Honor.

19 THE COURT: Very well. I'll accept the  
09:13:47 20 designation. Very well. Ready to proceed?

21 MR. OLSEN: Yes, Your Honor.

22 THE COURT: Ready to proceed, Defense?

23 MS. KHANNA: Yes, Your Honor.

24 THE COURT: Mr. Liddy?

25 MR. LIDDY: Yes, Your Honor.

1 THE COURT: Mr. Goana?

2 MR. GOANA: Yes, Your Honor.

3 THE COURT: Very well. Mr. Olsen or Mr.  
4 Blehm.

5 MR. BLEHM: Your Honor, we would like to  
6 start with Recorder Stephen Richer. My understanding is  
7 he's online and prepared to give his testimony now.

8 THE COURT: Okay. We have Mr. Richer then.

9 Very well. If you would swear Mr. Richer  
09:14:47 10 in, please.

11 STEPHEN RICHER,  
12 called as a witness, having been duly sworn, virtually  
13 testified as follows:

14 THE COURT: Very well. Mr. Blehm, you may  
15 proceed.

16 MR. BLEHM: Is there a way I can see the  
17 witness via video, or is it just an audio feed, Your  
18 Honor?

19 THE COURT: I'm not sure. I think the  
09:15:15 20 answer that I received, someone with technical  
21 knowledge, is the witness needs to turn his camera on.

22 DIRECT EXAMINATION

23 BY MR. BLEHM:

24 Q. Recorder Richer, can you please turn your camera  
25 on? Thank you very much.

1 All right. Could you please state your full name  
2 for the record?

3 A. Stephen Richer, R-I-C-H-E-R.

4 Q. What is your occupation?

5 A. Maricopa County Recorder.

6 Q. Maricopa County Recorder. How long have you held  
7 that position?

8 A. I was elected in the November 2020 Election. I  
9 took office on January 4, 2021.

09:15:51 10 Q. Thank you. And as Maricopa County Recorder, you  
11 play a pivotal role in Arizona elections, do you not?

12 A. I am statutorily responsible for recording  
13 operations, voter registration and early voting.

14 Q. With respect to your recording of operations,  
15 does that include maintaining written chain of custody  
16 for all ballots?

17 A. The recording operations I refer to are the  
18 recording of public documents, mostly related to the  
19 real estate industry, such as titles and deeds.

09:16:31 20 Q. And, all right, do you maintain in your office  
21 with respect to your duties, election-related duties,  
22 chain of custody documents for ballots?

23 A. Yes, sir.

24 Q. All right. Are those required by law?

25 A. Yes.

1 Q. Yes. And Arizona [sic] is significantly a larger  
2 county than any other in the State of Arizona, correct?

3 A. That's correct.

4 Q. All right. And so is it fair to say that as  
5 Maricopa County goes, so, too, goes Arizona?

6 A. I don't follow.

7 Q. Well, the population center in Maricopa County is  
8 significantly larger than all the other counties; isn't  
9 that correct?

09:17:18 10 A. That's correct, but it's not dispositive, as was  
11 shown in the superintendent of public instructions race  
12 and other statewide races.

13 Q. And a Republican won that race; is that correct?

14 A. I believe that race is in recount.

15 Q. Okay. Thank you very much.

16 All right. So explain to the Court then what  
17 your role is in running elections in Maricopa County?

18 A. As mentioned before, I'm responsible for  
19 registering voters, so intaking those, doing all the  
09:17:50 20 background checks, confirming identity, confirming  
21 location, maintaining the voter registration database,  
22 having that available at the cut-off date, which this  
23 election was 28 days before the election date.  
24 Ordinarily, that's 29 days before Election Day, but this  
25 year we had Columbus Day on the 29th day, and so it



1 moved to the 28th day.

2 On the 27th day, we mail out early ballots to all  
3 people who are either on the Active Early Voting List or  
4 who have requested a one-time early ballot, that this  
5 General Election was approximately 1.9 million  
6 registered voters out of the approximately 2.4 million  
7 registered voters overall in Maricopa County.

8 We send those out. We're also responsible for  
9 all forms of early voting; that could include dropping  
09:18:47 10 off a ballot at a drop box, that could include dropping  
11 off a ballot at a voting location, that could include  
12 going to an early voting location, getting a new ballot  
13 printed, that's still governed by early voting laws,  
14 meaning it has to go in an envelope, that envelope has  
15 to be sealed and signed, and it comes back to us.

16 My office is also responsible for things like  
17 UOCAVA, which is U.S. Uniformed and Overseas Voting.  
18 Now, that begins actually 45 days under federal law  
19 before the election.

09:19:25 20 Q. Okay.

21 A. We are not responsible for Election Day  
22 operations or emergency voting, which is the weekend  
23 before Election Day, or for ballot tabulation.

24 Q. All right. And so those responsibilities lie  
25 with the Maricopa County Board of Supervisors, correct?

1 A. That's correct, and that's true of all 15  
2 counties.

3 Q. All right. And so I believe you mentioned  
4 drop-boxes. You were responsible for those and for  
5 ensuring that the ballots get from drop-boxes to  
6 Maricopa County, correct?

7 A. That's correct.

8 Q. Okay. And you testified earlier you're required  
9 by law to maintain chain of custody. That includes  
09:20:04 10 chain of custody from pick up at drop box to delivery to  
11 Maricopa County; isn't that correct?

12 A. That's correct.

13 Q. Okay. Does that also include when they leave  
14 Maricopa County and they are delivered to Runbeck?

15 A. They never leave our chain of custody because  
16 they are with our personnel at all times; but, yes, they  
17 go to Runbeck.

18 Q. Okay. So are Runbeck your personnel?

19 A. No.

09:20:31 20 Q. No. They are a third-party vendor, correct?

21 A. Correct.

22 Q. Are you the only county in the State of Arizona  
23 that uses a third-party vendor for intake of its  
24 ballots?

25 A. Maricopa County has been doing this since the

1 1990s --

2 Q. My question was a simple yes or no. Are you the  
3 only county in the State of Arizona that uses a  
4 third-party vendor for intake of your ballots?

5 A. No.

6 Q. Okay. And so was your testimony just a moment  
7 ago with respect to my question on chain of custody with  
8 delivery of Maricopa County ballots from your custody  
9 and control at MCTEC to Runbeck, a third-party vendor,  
09:21:14 10 that they are not governed by chain of custody laws?

11 A. They are.

12 Q. They are. And that would also apply to the  
13 return of those ballots from the third party vendor  
14 Runbeck to MCTEC; is that correct?

15 A. I'm not sure I follow, but the --

16 Q. Chain of custody. Are you required to maintain  
17 chain of custody from third-party vendor Runbeck back to  
18 Maricopa County?

19 A. Chain of custody is preserved throughout all  
09:21:43 20 times of the early voting process. It's documented when  
21 it goes to Runbeck. It never leaves the sight of our  
22 personnel. It's documented when it comes back to MCTEC,  
23 correct.

24 Q. So you document every transported ballots from  
25 MCTEC to Runbeck?

1 A. Correct.

2 Q. What kind of forms do you use?

3 A. It's a ballot transportation slip. It's a white  
4 form.

5 Q. Does that include the total number of ballots  
6 you're taking to Runbeck?

7 A. It does include the total number of ballots for  
8 early voting.

9 Q. Okay. Thank you. That would include Election  
09:22:24 10 Day ballots?

11 A. Election Day ballots are treated a little  
12 differently, if you're talking about Election Day  
13 ballots that are voted onsite, those are under the  
14 domain of Board of Supervisors. If you're talking about  
15 early ballots that are dropped off on Election Day,  
16 those come and those all come to MCTEC first where they  
17 are gathered, and then they are transferred over to  
18 Runbeck where they are counted by our people at Runbeck  
19 because they have a high-speed counter, because that's  
09:22:56 20 the only day in which approximately 300,000 early  
21 ballots come in on one day.

22 Q. Okay. Is it your testimony here today that you,  
23 when Election Day happens, are no longer legally  
24 responsible for the ballots that are dropped into drop  
25 boxes?

1 MR. LARUE: Your Honor -- Your Honor, this  
2 line of questioning is calling for a legal conclusion  
3 from the witness. I object.

4 MR. BLEHM: Your Honor, he understands the  
5 laws. They apply to his job.

6 THE COURT: You're asking for the witness's  
7 understanding; is that correct?

8 MR. BLEHM: I'm asking if that's his  
9 understanding. He just testified that the drop-boxes in  
09:23:40 10 the voting centers, Your Honor, are under the control of  
11 the Maricopa County Board of Supervisors.

12 MR. LARUE: Your Honor, with that being the  
13 question, we withdraw the objection.

14 THE COURT: That's fine. I was -- Mr.  
15 Richer, these questions --

16 THE WITNESS: Yes, sir.

17 THE COURT: -- these questions are directed  
18 to you and your understanding. And if you understand  
19 the question, we'll presume that that's the case. If  
09:24:03 20 you don't understand the question, you can ask to have  
21 it rephrased.

22 Do you need this last question rephrased, or  
23 do you remember it, sir?

24 THE WITNESS: Well, perhaps, because that  
25 was an inaccurate representation of --

1 THE COURT: Wait.

2 THE WITNESS: -- of my position.

3 THE COURT: Mr. Richer?

4 MR. BLEHM: Okay. Mr. Richer --

5 THE COURT: We'll let Mr. Blehm ask a  
6 question. Proceed.

7 BY MR. BLEHM:

09:24:35

8 Q. Mr. Richer, with respect to drop boxes in vote  
9 centers on Election Day, who is it that is responsible  
10 for those ballots?

11 A. Voting locations on Election Day are overseen by  
12 Board of Supervisors in all 15 counties.

13 Q. I understand that -- I understand that, Recorder,  
14 but you're not answering my question.

15 Is it not true that the drop boxes are under your  
16 purview as Recorder?

09:25:13

17 A. When the ballots get back to MCTEC, the early  
18 ballots, we then process those. We oversee them; we  
19 organize them; we get them all aligned in the same  
20 manner; we count them. We then send them with our  
21 personnel to MCTEC so somebody can be scanned and imaged  
22 overnight so at 7:00 a.m. on Wednesday morning we could  
23 begin the signature verification process for those  
24 290,000 ballots, the early ballots, that were dropped  
25 off on Election Day. I was distinguishing those from

1 the day-of ballots which are cast in person which is  
2 overseen by the Maricopa County Board of Supervisors.

3 Q. Okay. So the statute -- are you familiar with  
4 the statute, first of all, that governs chain of custody  
5 of ballots?

6 A. I am generally familiar with Title 16 and  
7 Title 19.

8 Q. Does the statute draw a distinction between  
9 Election Day drop box ballots and early ballots that  
09:26:01 10 take place before Election Day?

11 A. It does.

12 Q. Okay. Does it draw a distinction with respect to  
13 your responsibility to provide chain of custody for all  
14 drop box ballots?

15 A. I don't follow the line of questioning.

16 Q. All right. Does the statute require you to  
17 maintain chain of custody for all drop box-related  
18 ballots, say "shall" or "may"?

19 A. We must maintain chain of custody for all early  
09:26:35 20 ballots.

21 Q. Okay. So now, again, you're parsing with early  
22 versus those dropped at a polling center in a drop box,  
23 correct?

24 A. I'm not attempting to. I'm just distinguishing  
25 those from ballots that are cast in person on Election

1 Day. There are early ballots that are dropped off on  
2 Election Day. We maintain chain of custody for those  
3 ballots.

4 Q. Let me ask you this: Do you know if any chain of  
5 custody exists for the transport of ballots from drop  
6 boxes at vote centers to MCTEC --

7 A. It does.

09:27:23

8 Q. -- on Election Day. It does, okay. So you can  
9 tell me exactly how many ballots left each vote center  
10 on Election Day that came from a drop box?

11 A. I can tell you how many early ballots we received  
12 on Election Day.

13 Q. Okay. Can you tell me, based on chain of custody  
14 documents, how many ballots left the drop boxes from the  
15 vote centers and were transported to MCTEC?

16 A. Yes.

17 Q. Based on documents that you have in your  
18 possession?

19 A. Yes.

09:27:55

20 Q. Okay. Thank you very much.

21 You're familiar with EPM, correct?

22 A. Are you referring to the Elections Procedures  
23 Manual?

24 Q. Yes, I am. Thank you very much.

25 A. I am.



1 Q. Okay. And that also contains specific language  
2 with respect to early ballots and drop box ballots;  
3 isn't that correct?

4 A. That's correct.

5 Q. Okay. And it contains the same statutory  
6 language as "shall" as opposed to "may"; is that  
7 correct?

8 A. I can't recollect.

9 Q. Okay. When you first took office in Maricopa  
09:28:33 10 County, were there some concerns about drop box chain of  
11 custody in Arizona?

12 A. If you're asking if there were in the general  
13 public, yes; and I'm certainly aware of many things that  
14 have been alleged over the last two years, perhaps most  
15 notable of which was the documentary *2000 Mules*.

16 Q. All right. And are you aware of a report issued  
17 by Arizona Attorney General with respect to drop box  
18 ballot chain of custody?

19 A. I am, and that pertained to the 2020 General  
09:29:17 20 Election.

21 Q. The 2020 General Election, okay. Well, and that  
22 was the basis of my question.

23 When you took office, did you make any changes to  
24 chain of custody forms based upon that report?

25 A. Based upon that report which came out in

1 April 2022, no.

2 Q. No. Okay. So you changed forms prior to that  
3 period of time?

4 A. We did change forms prior to that period of time,  
5 correct.

6 Q. All right. Why did you do that?

7 A. For the same reason that we changed personnel,  
8 for the same person that we added personnel, for the  
9 same reason that we revisited all our processes, for the  
09:30:01 10 same reason we're rebuilding our voter registration  
11 database, for the same reason that we rebuilt the  
12 website, because I'm in this office to try to move it  
13 forward. I hope to leave it better than I inherited it,  
14 and I'm sure the next person will want to do the same.

15 Q. Okay. Thank you very much. And so you testified  
16 to me that you know you can tell exactly how many  
17 ballots were transported by vote center -- from vote  
18 center drop boxes to MCTEC on Election Day. I believe  
19 -- do you recall Tweeting at about 11:00 a.m., I believe  
09:30:37 20 it was -- could we go ahead and pull up Exhibit 61?

21 That's the Court's exhibit number. I'm  
22 sorry, G1 Bates number 007815.

23 THE COURT: For the record, I need to have  
24 the official number.

25 MR. BLEHM: Yes, Your Honor, and that's why

1 I said 61.

2 MR. OLSEN: It's 63.

3 MR. BLEHM: 63, my mistake, Your Honor. 63.

4 THE COURT: Thank you.

5 BY MR. BLEHM:

6 Q. Are you able to see what's on -- that's not it.

7 Be right here -- G1.

8 MR. OLSEN: It's appearing on the laptop.

9 BY MR. BLEHM:

09:32:00 10 Q. While we're pulling this up, you help supervise  
11 the transport of EVBTS containers; is that correct, on  
12 Election Day?

13 A. Yes, I was part of the team that spent the whole  
14 evening organizing the early ballots as they came back  
15 to MCTEC.

16 Q. Okay. And you did not at any time see any chain  
17 of custody forms attached to those EVBTS bins, did you?

18 A. I don't quite know what you mean. We scan in  
19 every single box as it comes in.

09:32:39 20 Q. Okay. And what does that scan tell you, where it  
21 came from?

22 A. So when the early ballots are removed from their  
23 blue container at the voting location, they are placed  
24 in a Tupperware.

25 Q. Okay. You've gone beyond the question I asked.

1 They unload these blue containers from the vehicle or  
2 the truck, whatever, it's a Ryder rental or personal  
3 van, PV, and they unload them and place them on what's  
4 called the blue line; isn't that correct?

5 A. No.

6 Q. No? Where do they put them?

7 A. Well, your previous statement was inaccurate.

8 Q. Okay. Do they contain any documentation  
9 contained on the bins for chain of custody from  
09:33:26 10 transport to the polling -- from the vote center to  
11 MCTEC?

12 A. Yes.

13 Q. They contain those forms on Election Day?

14 A. Yes.

15 Q. On Election Day, okay?

16 A. Yes.

17 Q. So if we were to show video of you opening some  
18 of those bins, would we be able to see those forms?

19 A. There's a piece of paper on the side of the bin.  
09:33:53 20 The bin is also affixed with two scannable serialized  
21 tamper evidence seals that we scan in upon receipt. We  
22 then take that piece of paper that is on the side of it  
23 after we have broken those seals, and then we begin  
24 processing those early ballots on Election Day.

25 Q. Okay. So that piece of paper tells you exactly

1 how many ballots were in each bin?

2 A. No, not on Election Day.

3 Q. Okay. That's the nature of my question. You  
4 don't have any idea how many ballots were in those bins,  
5 do you?

6 A. We count them at MCTEC.

7 Q. Okay. You count them at MCTEC, okay. And then  
8 do you create --

9 A. Correct.

09:34:37 10 Q. -- a chain of custody form on Election Day at  
11 MCTEC?

12 A. Yes, before it goes to Runbeck.

13 Q. Have you produced all of those in response to a  
14 FOIA request that was submitted to your office?

15 A. I don't think we're bound by federal law.

16 MR. LARUE: Objection, Your Honor.

17 BY MR. BLEHM:

18 Q. Have you submitted them in respect to public  
19 records request under Arizona law?

09:35:05 20 A. Sorry. I see Joe standing up, but I don't know  
21 if that's --

22 MR. BLEHM: He's sitting. I can see him,  
23 too. He's sitting.

24 THE WITNESS: I believe we have.

25 BY MR. BLEHM:

1 Q. Okay. And so on Election Day, it would have been  
2 easy for you to figure out how many ballots you  
3 received?

4 A. Yeah. Well, we had to get them all in and it was  
5 quite a process, and I don't believe --

6 Q. You could look at the forms and add the numbers,  
7 correct, you could have a staff member do that?

8 A. No, we added them up. They are not counted at  
9 the individual voting locations. They are counted when  
09:35:44 10 they get back to MCTEC and then they are recounted at  
11 Runbeck.

12 Q. All right. And so you reported then on, I  
13 believe, it was the 9th, that's the day after the  
14 election, that there were 270,000 early ballots  
15 received; is that correct?

16 A. That was my estimate at the time.

17 Q. No, you Tweeted it, correct?

18 A. If you say so.

19 Q. And then you said that again in the afternoon in  
09:36:13 20 a press conference; is that correct?

21 A. I said I believe there were at least 275,000  
22 early ballots dropped off on Election Day.

23 Q. All right. And was that the same number you  
24 reported to the Secretary of State's Office on that day?

25 A. I do not report to the Secretary of State's

1 Office. That's handled by the tabulation side.

2 Q. Okay. And that would be the Maricopa County  
3 Recorder?

4 A. I am the Maricopa County Recorder. No, that  
5 would be the Maricopa County Board of Supervisors.

6 Q. All right. So they count the ballots when they  
7 come in?

8 A. No.

9 Q. All I want to know is, does anybody know when  
09:36:53 10 those ballots leave the polling centers, the voting  
11 centers, how many are in the bins?

12 A. When the ballots leave the -- the early ballots  
13 leave the voting centers, no, they are not counted at  
14 the voting centers.

15 Q. So nobody knows how many are in the bins when  
16 they arrive at MCTEC, correct?

17 A. Correct.

18 Q. But according to your testimony, they contain  
19 documents that tell you how many were in the bins?

09:37:19 20 A. No, they contain chain of custody documents.

21 Q. And it's your testimony that you count them at  
22 MCTEC?

23 A. Correct.

24 MR. BLEHM: All right. Can we go ahead and,  
25 I guess, just pull up a different exhibit, if that one

1 is not working? (Pause.)

2 BY MR. BLEHM:

3 Q. Do you recall sending an e-mail on the 10th to  
4 the Board of Supervisors essentially saying that you  
5 really have no idea how many ballots there are?

6 A. No.

7 Q. You don't recall that?

8 A. I do not recall that.

9 Q. All right. So I'm not finding it and I want to  
09:39:24 10 get over this really quickly. Do you recall on the 10th  
11 of November on 2022 at 2:13 p.m. sending an e-mail to  
12 Ray Valenzuela, Scott Jarrett, Megan Gilbertson, Matthew  
13 Roberts, Philip Mosley, as well as cc'ing Bill Gates and  
14 a few others that states -- and I'll read this verbatim  
15 if anybody wants to challenge it -- "unable to currently  
16 reconcile SOS listing with our estimates from  
17 yesterday."

18 Do you recall sending that e-mail?

19 A. That -- if you say that I said that, then I said  
09:40:03 20 that.

21 MR. LARUE: Your Honor, I would like to  
22 lodge an objection. We need to see the exhibit if he's  
23 going to use it.

24 MR. BLEHM: There you go, please. Correct  
25 the record if I quoted that wrong.



1 THE COURT: That will be fine. In fact,  
2 that's required, if you're going to use an exhibit that  
3 you show the other side before.

4 MR. BLEHM: I am. Understood, Your Honor.  
5 My apologies.

6 THE COURT: Is that one of the --

7 MR. BLEHM: This is, Your Honor. This is  
8 Exhibit 69. But for some reason, we did come in and  
9 test this system with that computer with this AV  
09:40:36 10 technician prior to trial, Your Honor, and everything  
11 functioned perfectly fine. We're not sure what the  
12 disconnect is at this time.

13 THE COURT: Okay.

14 MR. BLEHM: Any objection?

15 MR. LARUE: No. No objection, Your Honor.  
16 Thank you.

17 MR. BLEHM: I would move to admit then  
18 Exhibit 69, Your Honor.

19 THE COURT: No objection? I'm asking if  
09:41:02 20 they had an objection.

21 MR. LARUE: The e-mail that I just looked  
22 at, there's no objection. I don't know if that's number  
23 69 or not, but assuming it is, there's no objection to  
24 the admission.

25 MR. BLEHM: Thank you, Your Honor.

1 THE COURT: You're avowing to me that it is  
2 69?

3 MR. BLEHM: I'm pretty sure. Yes, Your  
4 Honor.

5 THE COURT: Pretty sure isn't going to get  
6 us there.

7 MR. BLEHM: Yeah, Exhibit 69, Your Honor.

8 THE COURT: Thank you. Then Exhibit 69 is  
9 admitted.

09:41:27 10 MR. LARUE: Your Honor? Your Honor, I'm  
11 sorry, before we move on, they provided letter numbers,  
12 can we get the letter numbers so that we can just keep  
13 track of...

14 MR. BLEHM: I'll have a list provided to  
15 Counsel that jives our numbers with the Court's numbers,  
16 Your Honor.

17 THE COURT: Thank you. But for the interim,  
18 I'd like to use the Court's numbering system.

19 MR. BLEHM: Understood, Your Honor, and  
09:41:58 20 that's what I'm doing. What I said, Exhibit 69, Your  
21 Honor.

22 THE COURT: Thank you.

23 MR. BLEHM: And my AV tech knows which  
24 exhibit that is.

25 THE COURT: Thank you. We're going to have

1 to pause to make sure they understand what you're  
2 referring to before we go forward.

3 MR. LARUE: Your Honor, I would like to  
4 request that despite me saying that I have no objection  
5 to the admission, assuming it's 69, that we confirm that  
6 exhibit number before the Court actually admits it.

7 THE COURT: That's what you're supposed to  
8 do at the time he's seeking to admit it. I'm not going  
9 to put an asterisk next to it.

09:42:34 10 MR. LARUE: There's no way, Your Honor,  
11 without seeing the number system and making sure that  
12 we're not objecting to the right exhibit.

13 THE COURT: Okay. Can you pull Exhibit 69  
14 up?

15 MR. LARUE: Your Honor, he's shown me the  
16 list. There's no objection to the admission.

17 THE COURT: Gentlemen, let me do this for  
18 you: Because the numbers were not correctly -- the  
19 exhibits were not correctly labeled by Plaintiff, my  
09:43:05 20 clerk worked on this until 11 o'clock last night.

21 MR. BLEHM: Understood, Your Honor.

22 THE COURT: So I'm not -- let me finish --  
23 she has a list that she's using to correlate what you  
24 originally submitted with the numbers that have been  
25 assigned. So what we will do is once you are referring

1 to an exhibit for the record, Mr. Blehm, as you've done,  
2 I appreciate that, then she will provide the Defendants  
3 with the reference that is associated with your list  
4 that you shared with them yesterday; is that fair?

5 MR. BLEHM: Your Honor, if it please the  
6 Court, I can cite both. I can say Court's exhibit,  
7 defense exhibit.

8 THE COURT: That would be -- that would be  
9 fine -- well, if the Defendants are all right with that.  
10 Are you good with that?

09:43:49

11 MR. LARUE: Yes, Your Honor.

12 THE COURT: Very well then. Thank you, Mr.  
13 Blehm. Let's move on.

14 BY MR. BLEHM:

15 Q. Recorder Richer, did you have anyone from your  
16 office call Runbeck on December 10th asking them how  
17 many ballots they processed?

18 A. Not at my direction.

19 Q. Not at your direction. On November 10th, did you  
20 know actually how many ballots you had processed with  
21 respect to drop boxes? I mean, yes or no?

09:44:14

22 A. I mean, process is not even a term we use, so I'm  
23 a little confused at best to that, and also we do it at  
24 Runbeck. It is not done by Runbeck, it is our personnel  
25 at Runbeck under the observation of the parties.

1 Q. Okay. So do you recall reporting to the  
2 Secretary of State on the 10th of December that there  
3 were actually 200 -- or would that have been the  
4 Maricopa County Board of Supervisors? My apologies.

5 A. My office and I do not report to the Secretary of  
6 State's board.

7 Q. All right. And so the numbers you were putting  
8 out of 275,000 on December 9th were not correct; is that  
9 correct?

09:44:58 10 A. I believe I said 275,000 plus.

11 Q. Okay. And so the correct number, as reported at  
12 least by the Maricopa County Board of Supervisors, are  
13 you familiar with that as being 292,000?

14 A. That sounds right.

15 Q. Okay. And are you familiar with Maricopa County  
16 delivery receipts?

17 A. I -- well, which particular receipt? I know them  
18 under a different name.

19 Q. Maricopa County delivery receipts are those --  
09:45:30 20 Maricopa County uses to deliver ballots to Runbeck?

21 A. The white slip that's the -- the one that has two  
22 dates, serial number, transport staff, that's --

23 Q. That's fine. I'm not going to spend the time if  
24 you don't understand your own documents.

25 MR. LARUE: Objection, Your Honor.

1 THE COURT: Mr. Blehm, that's not a  
2 question. That was a comment.

3 MR. BLEHM: Thank you.

4 THE COURT: Strike that.

5 MR. BLEHM: I'll strike the comment and the  
6 question, Your Honor.

7 THE COURT: That's your first strike.

8 BY MR. BLEHM:

9 Q. Okay. Has the Attorney General opened  
09:46:05 10 investigation into the 2022 Maricopa County election?

11 A. No.

12 Q. You don't know? Have you received --

13 A. No, no, no, no. I said no.

14 Q. Yes, I understand that. My next question is:  
15 Have you received correspondence from the Arizona  
16 Attorney General's Office asking you to explain certain  
17 components of the election?

18 A. They were almost exclusively directed to the  
19 Board of Supervisors. I responded. I have not received  
09:46:32 20 a response back from Ms. Wright.

21 Q. Okay. Almost exclusively, correct?

22 A. I believe there were some questions about  
23 provisional ballots.

24 MR. BLEHM: Okay. I have no further  
25 questions at this point.

1 THE COURT: Thank you.

2 If you would like to proceed.

3 MR. LARUE: Your Honor, is there any way  
4 that we can have the camera on me so that the Recorder  
5 can see me?

6 THE WITNESS: I could not see Mr. Blehm, I  
7 believe it was, asking the questions.

8 THE COURT: I'm not sure if it's automated  
9 or not.

09:47:15 10 MR. LARUE: Okay. We can move on. That's  
11 all right.

12 THE WITNESS: I can see Mr. Blehm now and I  
13 can see... I can see the both attorneys' benches.

14 MR. LARUE: It's all right. We can move on.

15 THE COURT: Please.

16 CROSS-EXAMINATION

17 BY MR. LARUE:

18 Q. Good morning, Mr. Recorder. Good to see you.

19 A. Good morning, Joe.

09:47:34 20 Q. You don't have to identify the exact location,  
21 but where are you right now?

22 A. Panama City.

23 Q. All right. And so are you on vacation?

24 A. First time in four years.

25 Q. All right. And have you been busy the last

1 couple of years?

2 A. I have been. It's been exciting and worthwhile.

3 Q. All right. And just for the record, Recorder,  
4 would you normally appear in court without a suit?

5 A. I most certainly would not, and I apologize for  
6 any breach of sartorial standard. It was all I had  
7 available to me when I was made aware that this might be  
8 a possibility.

09:48:16

9 Q. All right. Thank you, Recorder. I'm sure Your  
10 Honor understands.

11 I want to ask just a few questions to follow up  
12 with what Mr. Blehm asked you.

13 First, do you have in your employ a co-director  
14 of the Elections Department for early voting?

15 A. I do. His name is Mr. Valenzuela. He would be  
16 more knowledgeable about these topics than I.

17 Q. Okay. And I know you're very hands-on, but you  
18 have appointed him to oversee the Recorder's early  
19 voting operations; is that correct?

09:48:50

20 A. Him and many others, but he leads those, correct.

21 Q. Okay. Would Ray's oversight extend to the  
22 receipt of early ballots at MCTEC?

23 A. It would.

24 Q. Do you have an employee who oversees public  
25 records requests?



1 A. We do.

2 Q. And you have a small team that handles public  
3 records requests; isn't that right?

4 A. We have a team that handles constituent  
5 relations, but there is only one individual who is  
6 exclusively tasked with public records request, and she  
7 has been quite busy over the last two years.

8 Q. Yeah, quite busy. I don't expect you to know the  
9 exact number, but do you have a reasonable estimate how  
09:49:37 10 many public records request your office has received  
11 this calendar year?

12 A. I believe it's about 1,500, which represents an  
13 approximately ten-fold increase over previous years.

14 Q. Okay. And do you personally respond to public  
15 records requests, as the Recorder?

16 A. I do not.

17 Q. You do not, okay. And so while you're very  
18 hands-on on election operations, would you say you're  
19 hands-on on public records requests?

09:50:07 20 A. I have a system that is built, but no, I do not  
21 see that, and that's by design, because a lot of the  
22 public records requests make requests of my e-mails  
23 specifically. And so I think it's a good practice to  
24 delegate that to other people, especially people who are  
25 not the target of as many requests.

1 Q. So a line employee?

2 A. Correct.

3 Q. Okay.

4 A. A celebrated and appreciated line employee.

5 Q. Very much so, Recorder.

6 So as you sit here today and as you're sitting  
7 here testifying, do you actually know whether your  
8 public records team has completely responded to a public  
9 records request for chain of custody to documents?

09:51:00 10 A. I do not.

11 Q. Okay. Thank you.

12 On election night, in the first few days  
13 following the election, do you know whether your office  
14 and the Board of Supervisors sometimes make estimates  
15 regarding how many ballots were returned?

16 A. We try to make estimates as quickly as we can  
17 while still doing it responsibly, which is why I gave  
18 that 275,000 plus, because as I'm sure you'll  
19 appreciate, candidates, campaigns have a strong interest  
09:51:35 20 in assessing the size of remaining ballots to run their  
21 own models to assess whether it's over or whether they  
22 still have a chance; and so we try to get those out,  
23 like I said, as quickly as possible while also being  
24 responsible.

25 Q. Okay. So when you wrote 270,000 plus or 275,000

1 plus, I don't remember the exact number, but when you  
2 included that "plus," what exactly were you trying to  
3 communicate?

4 A. The "plus" I thought was a clear indication that  
5 it was an estimate. Obviously it was 275,000 followed  
6 by three zeros, which would be unlikely if that were the  
7 final number. I apologize if that wasn't clearly  
8 conveyed.

9 Q. I think it was clear, Recorder.

09:52:31 10 Do you know whether -- whether sometimes  
11 estimates are done by counting the trays of ballots by  
12 counting the number of trays in which ballots are?

13 A. Correct, and that is what we are doing throughout  
14 the evening. So we'll get these between 10:00 p.m. and  
15 midnight on election night. This is mostly early ballot  
16 drop-offs. Now, we received 120,000 more early ballot  
17 drop-offs on election night than the office had ever  
18 received before, so as these boxes were coming in and as  
19 we were organizing them, we were assessing them by tray  
09:53:10 20 before confirming the official count, and that's how I  
21 most likely got that estimate number.

22 Q. Okay. Thank you, Recorder.

23 Again, I'm not -- I'm not asking you to be a  
24 legal expert, I'm asking do you know or do you have an  
25 understanding.

1           Do you have an understanding of whether the law  
2 requires that early ballots be counted at the vote  
3 center?

4           A. Early ballots actually cannot be counted at the  
5 vote center because they are governed still by early  
6 voting law, which is my domain, if you will. We have to  
7 do a whole bunch of things before we can properly  
8 tabulate the ballot that is inside that early ballot  
9 envelope, and that includes scanning it in, that  
09:54:01 10 includes imaging it, that includes signature verifying  
11 it, that includes sending it to a signature verification  
12 audit queue, that includes sending it to a bipartisan  
13 processing team. We keep all tabs all through this  
14 process.

15           If somebody, for instance, puts two ballots in  
16 one envelope or if they -- a ballot is damaged inside of  
17 an envelope, that will be marked by the bipartisan team,  
18 and that's actually what I spent a lot of my time on  
19 Thursday, Friday and Saturday in that big room doing.  
09:54:32 20 And then at that point, we send them in batches of 200  
21 with that slip, that pink and yellow and white slip,  
22 into the Board of Supervisors so they can then tabulate  
23 them.

24           Q. Okay. Thank you, Recorder. And I believe you  
25 testified earlier -- well, let me just ask you because I

1 don't have what you testified in front of me.

2 Is it true that early ballots are transported in  
3 a secure and sealed transport container back to -- from  
4 the vote center back to MCTEC?

5 A. Yeah, I'll add a little more color to that, if  
6 you don't mind.

7 Q. Please.

8 A. So prior to Election Day, they make daily sweeps.  
9 And when I say "they," I mean a bipartisan team of two  
09:55:18 10 temporary employees of the Maricopa County Recorder's  
11 Office. They go to, say, a voting location where  
12 there's a ballot drop box. They will sign the form.  
13 The person at the location will sign the form. They  
14 will write down the tamper evidence seals on the  
15 Tupperware bin in which the early ballots are placed  
16 after removing them from that big blue container. They  
17 will write down the seals. They will make sure that the  
18 seals are affixed. They'll put back in the truck.  
19 We'll have one of these for every single box. Then when  
09:55:55 20 they go back to MCTEC, they'll make sure that the seals  
21 are still affixed. They'll make sure that the numbers  
22 are the same. They'll scan them in, and then they'll  
23 break those seals, and then they will count the number  
24 of early ballots there. And they will sign off at the  
25 MCTEC as well.

1 Q. Thank you, Recorder. Just a few more questions  
2 and we are done.

3 First, would you state for the record your party  
4 affiliation?

5 A. I'm a registered Republican.

6 Q. Okay. Recorder, I'm going to ask you a very  
7 direct question.

8 Did you personally do anything to sabotage the  
9 election, the 2022 Election, including some type of  
09:56:36 10 activity performed on the printers to make the printers  
11 not print correctly?

12 A. Absolutely not. And as mentioned previously,  
13 Election Day operations are not under my statutory  
14 control, but certainly -- irrespective of that, I  
15 certainly wouldn't have done that. I feel that the  
16 early voting process would -- with the August Primary,  
17 the November General Election, we'll continue to analyze  
18 it, we'll continual to hopefully improve it. I'm  
19 already talking with the state legislature about maybe  
09:57:10 20 changes to our law so that we can continue to improve  
21 the system. But no, to answer your question directly,  
22 Joe, that would be unacceptable. And the first thing  
23 that I tell every single new employee is that integrity  
24 is of the utmost importance to this office, mostly  
25 because of the values that we should seek to cherish,

1 and because of the intense spotlight. And so even  
2 something like an e-mail like that that Mr. Blehm  
3 referenced, we would, of course, document and we  
4 produced. I assume that e-mail was produced by our  
5 public records office, and we do that because it's the  
6 appropriate thing to do and because we have nothing to  
7 hide.

8 Q. Okay. Final question Mr. Recorder, and thank  
9 you.

09:57:49 10 Are you aware of anybody who purposefully  
11 interfered with the printers' ability to print ballots  
12 dark enough to be read by precinct-based tabulators?

13 A. Absolutely not.

14 MR. LARUE: Thank you, Mr. Recorder. And we  
15 appreciate your time for being here.

16 Nothing further, Your Honor.

17 THE COURT: Thank you.

18 MR. BLEHM: I've just got a couple of quick  
19 questions.

09:58:13 20 REDIRECT EXAMINATION

21 BY MR. BLEHM:

22 Q. Recorder, isn't it true that you did not support  
23 my client in the election for Governor's race?

24 A. I don't believe I ever made a single public  
25 comment about Ms. Lake's candidacy or her as a person

1 prior to November 8, 2022.

2 Q. Isn't it true that you ran a political action  
3 committee that was opposed, and spent money opposing my  
4 client for Governor?

5 A. That is 100 percent false.

6 Q. 100 percent false?

7 A. Correct.

8 MR. BLEHM: Thank you. And I have no  
9 further questions of this witness, Your Honor.

09:58:50 10 THE COURT: May we excuse the witness?

11 MR. BLEHM: Yes.

12 MR. LARUE: Yes.

13 THE COURT: Thank you, Mr. Richer. You're  
14 excused, sir.

15 THE WITNESS: And thank you. And, Your  
16 Honor, apologize again for my attire.

17 THE COURT: Mr. Blehm, did you have  
18 something before I excused him?

19 MR. BLEHM: No, I don't.

09:59:06 20 THE COURT: Thank you. You're excused, Mr.  
21 Richer.

22 THE WITNESS: Thank you.

23 (Witness excused.)

24 MR. BLEHM: I just want to take about a  
25 minute to address the technical issue, Your Honor.



1           As I've informed this Court, my audio and  
2 video specialist and I did come to this courtroom and  
3 test our audio video equipment on this Court's system,  
4 Your Honor, and we used a cable that was attached in  
5 this desk here that is no longer present. Everything  
6 functioned perfectly at that test, Your Honor. And so  
7 we came today and that cable is gone and we're using a  
8 different cable. It's my understanding the staff is  
9 working with the technical side to try and fix what's  
10 happening, but I wanted the Court to be aware that we  
11 did do our due diligence and we come before this Court  
12 to do that.

09:59:45

13           THE COURT: Thank you, Mr. Blehm. Okay.

14           Who would be your next witness?

15           MR. OLSEN: Your Honor, Plaintiffs would  
16 call Mr. Jarrett.

17           THE COURT: All right. Sir, if you'll make  
18 your way in front of my clerk, she will swear you in.

19           ROBERT SCOTT JARRETT,  
20 called as a witness, having been duly sworn, testified  
21 as follows:

22           THE COURT: Thank you, sir. If you would  
23 just make your way over to the witness stand.

24           As soon as you're ready, Mr. Olsen, you may  
25 proceed.

1 MR. OLSEN: Yes, Your Honor.

2 DIRECT EXAMINATION

3 BY MR. OLSEN:

4 Q. Good morning, Mr. Jarrett.

5 A. Good morning.

6 Q. Could you please state your full name for the  
7 record?

8 A. Yeah, Robert Scott Jarrett.

9 Q. And what is your occupation?

10:01:05 10 A. I am the Co-Elections Director. I oversee  
11 in-person voting and tabulation.

12 Q. How long have you held that position?

13 A. So I was appointed by the Board of Supervisors,  
14 the Maricopa County Board of Supervisors, in June 2019.

15 Q. Okay. Can you please explain to the Court what  
16 your role is in overseeing elections in that capacity?

17 A. Yeah. So I oversee all in-person voting  
18 operations, which -- for that I actually report up to  
19 both the Maricopa County Board of Supervisors and the  
10:01:37 20 Recorder, so that would be the early in-person, as well  
21 as the Election Day operations. That includes  
22 recruitment and training of poll workers, that includes  
23 our warehouse operations for distributing all materials  
24 and supplies out to voting locations, and then I also  
25 oversee all tabulation functions.

1 Q. When you say it includes all tabulation  
2 functions, what do you mean by that?

3 A. So that would include tabulation at our central  
4 count facility, so where we had about 84 percent of the  
5 early ballots come through and be tabulated at central  
6 count. That would also include at our voting locations  
7 where we have an on-site tabulator as well. So it would  
8 include the programming of that equipment or the staff  
9 that do the actual programming. I oversee them and  
10 supervise them, as well as any of the tabulation that  
11 happens on-site, so the poll workers and the training on  
12 how they would assist voters as they are inserting their  
13 ballots into those tabulators.

10:02:26

14 Q. And are you following the procedures set forth in  
15 the 2019 Election Procedure Manual when you're  
16 performing the tests of the tabulators prior to an  
17 election?

18 A. That's correct.

10:02:52

19 Q. And would that -- would those procedures require  
20 you to perform logic and accuracy testing?

21 A. That's correct.

22 Q. And what is logic and accuracy testing?

23 A. So a logic and accuracy test, that is a two  
24 different sets of tests for a federal or a statewide  
25 election that requires that a test be performed by the

1 County itself as well as a test performed by the  
2 Secretary of State. So I don't oversee the Secretary of  
3 State's logic and accuracy test, I have to make the  
4 equipment available for the Secretary of State's logic  
5 and accuracy test. For the County's logic and accuracy  
6 test, that is to run test ballots through; and for the  
7 County's tests, it's thousands of test ballots through  
8 our tabulation equipment, both the central count  
9 tabulation equipment as well as the tabulation equipment  
10 that would be used at the vote centers, to make sure  
11 that they are accurately programmed to tabulate those  
12 ballots.

10:03:36

13 Q. And when you say that to make sure that they are  
14 accurately programmed to tabulate those ballots, what  
15 are you referring to being programmed?

16 A. So for every election, we have to design a unique  
17 election program to tabulate the specific ballot,  
18 because each ballot is unique or specific to an  
19 election. In Maricopa County, we had over 12,000  
20 different ballot styles, and so -- and that were for all  
21 the various different precincts that we have in Maricopa  
22 County, as well as our early ballot style or provisional  
23 ballot style, and our Election Day ballot style. So,  
24 essentially, making sure that the tabulation equipment  
25 will then be able to read a ballot and then be able to

10:04:03

1 determine how that -- if a voter fills in that ballot  
2 that it will accurately count the votes for those  
3 ballots.

4 Q. So it's very important for the tabulator to read  
5 the ballots, that it would be properly programmed with  
6 respect to the ballot definition, correct?

7 A. That's correct.

8 Q. And Maricopa County uses ballot on-demand  
9 printers, correct?

10:04:47 10 A. That's correct.

11 Q. And what is a ballot on-demand printer?

12 A. So a ballot on-demand printer, we have two  
13 different ballot on-demand printers, one is a Lexmark  
14 printer and one is an OKI printer, and those allow us at  
15 our voting locations to print any one of those 12,000  
16 ballot styles.

17 Q. Prior to performing logic and accuracy testing  
18 prior to the 2022 General Election, did you perform, or  
19 did your office perform logic and accuracy testing with  
10:05:18 20 test ballots from ballot on-demand printers in the  
21 precinct-based tabulators?

22 A. So, yes, we did. We printed ballots from our  
23 ballot on-demand printers, and those were included in  
24 the tests that the Secretary of State did. We also  
25 performed stress testing before the logic and accuracy

1 tests with ballots printed from our ballot on-demand  
2 printers that went through both central count tabulation  
3 equipment as well as our precinct-based tabulators for  
4 the voting locations.

5 Q. And how are those test ballots configured in  
6 terms of the size of the ballot?

7 A. They were the exact same size of the ballot that  
8 we were using in -- in the General Election.

9 Q. And what size was that, sir?

10:06:02 10 A. 20-inch ballot.

11 Q. 20-inch ballot.

12 What would happen if a ballot was printed out of  
13 a ballot on-demand printer at the vote center if it was  
14 printed with a 19-inch image on 20-inch paper and run  
15 through the tabulator?

16 A. You need to be more specific with your question.

17 Q. So we talked about the ballot definition, and for  
18 the 2022 General Election, Maricopa was operating with a  
19 20-inch ballot image, correct?

10:06:47 20 A. That's correct.

21 Q. And the tabulators at the vote center were  
22 programmed for -- to accept and read a ballot with a  
23 20-inch image, correct?

24 A. That's correct.

25 Q. What would happen if the ballot on-demand printer

1 printed out a 19-inch image on the 20-inch paper and ran  
2 it through the tabulation?

3 A. We do not specifically test for that, because in  
4 this specific election, because none of the ballots on  
5 our ballot on-demand printers had a 19-inch ballot, they  
6 all had a 20-inch ballot. So I can answer a question  
7 about our testing related to the 20-inch ballot that was  
8 installed on all of our ballot on-demand printers.

9 Q. If a 19-inch image was installed -- or strike  
10 that. If a 19-inch ballot image was printed out on a  
11 print -- a ballot on-demand printer and run through the  
12 tabulation that was configured for the 2022 General  
13 Election, would that tabulator accept that ballot or  
14 reject it?

15 MR. LARUE: Objection, Your Honor. First,  
16 this calls for speculation, and, second, I think the  
17 witness just said he hasn't run that test. I don't --

18 THE COURT: I got your objection,  
19 speculation, without speaking objection.

10:08:09 20 So, Mr. Jarrett, if you've understood the  
21 question, you can answer it. If you haven't understood  
22 the question, you can ask to have it rephrased; or if  
23 you don't know, don't guess. Just tell us you don't  
24 know.

25 So, do you want the question re-asked or

1 rephrased, sir, before you answer?

2 THE WITNESS: So I'm willing to say that I  
3 don't know specifically for this 2020 Election. I know  
4 based on my historical -- or the 2022 Election. I know  
5 based on my historical knowledge, the timing marks on  
6 the ballot matter, and it would need a 20-inch ballot to  
7 run through that tabulation equipment; but we did not  
8 specifically test a 19-inch ballot through the 2022  
9 tabulation equipment because there was no 19-inch ballot  
10 images installed on ballot on-demand printers.

10:08:59

11 BY MR. OLSEN:

12 Q. Prior to the 2022 General Election, did Maricopa  
13 County employ a 19-inch ballot image?

14 A. Yes, we did.

15 Q. And when did Maricopa County employ a 19-inch  
16 image just prior to the 2022 General Election?

17 A. The most recent election would be the August 2022  
18 Primary Election.

19 Q. Did Maricopa County perform logic and accuracy  
20 testing -- strike that.

10:09:27

21 What evidence exists that shows the results of  
22 the logic and accuracy testing that you say was  
23 performed in connection with the 2022 General Election?

24 A. So the stress testing, we have a report that  
25 summarizes that stress testing that we performed of --



1 so I'm aware of that. That would be documentation. I  
2 also know that the Secretary of State produces a  
3 summary-level report for their testing that they  
4 performed using those ballot on-demand printers, 20-inch  
5 ballot on our precinct-based tabulators or vote center  
6 tabulators.

7 Q. So if we were to issue a subpoena or a discovery  
8 request, would your office be able to produce such  
9 testing results?

10:10:24 10 A. I can produce them for the ones that -- Maricopa  
11 County has that information, yes.

12 Q. Yes. Mr. Jarrett, I would like to introduce what  
13 has been marked as Defendants' Exhibit 3 -- or excuse  
14 me, 2 -- which is the 2022 Elections Plan. And it's up  
15 on the screen, if you can see that.

16 A. I can see it.

17 Q. Is this a document that you oversaw the creation  
18 of?

19 A. That's correct.

10:11:24 20 Q. And what's the purpose of this document, sir?

21 A. This purpose was to establish the guidance that  
22 the Elections Department would use in carrying out the  
23 August Primary Election and the November General  
24 Election, and it is to present that information to the  
25 Maricopa County Board of Supervisors so then they can

1 approve the plan, and then our team within the Elections  
2 Department will implement that plan based on this  
3 document.

4 Q. How much effort is put in by your office in  
5 creating this plan?

6 A. Significant amount of effort.

7 Q. And why such a significant amount of effort?

8 A. Because carrying out elections in the second  
9 largest voting jurisdiction with millions of different  
10 voters and hundreds of different voting locations and  
11 then tabulating millions of different ballots takes a  
12 significant amount of planning and preparations.

13 Q. And part of that is because you want these  
14 elections to go off without a hitch, all things  
15 considered, correct?

16 A. I'd say there's no perfect election, but yes, to  
17 minimize the issues and then be able to have redundancy  
18 plans to be able to respond to those issues.

19 Q. I'd like to go to the page that's Bates stamped  
20 last three digits 041, which is page 11 of the actual  
21 document.

22 While we're doing that, sir, do you have any  
23 reason to not believe that this is a true and accurate  
24 copy of the 2022 Election Plan?

25 A. I have no reason to believe. I take your word

1 for that.

2 Q. And this is your counsel's production, so do you  
3 have any reason to disbelieve?

4 A. No, I do not.

5 MR. OLSEN: And, Your Honor, at this time, I  
6 would like to move to enter this exhibit into the  
7 record.

8 THE COURT: Exhibit 2?

9 MR. OLSEN: Yes, Your Honor.

10:13:30 10 THE COURT: Any objection?

11 MS. KHANNA: No objection, Your Honor.

12 THE COURT: Exhibit 2 is admitted.

13 Thank you.

14 BY MR. OLSEN:

15 Q. Sir, at Bates number last three digits 041, which  
16 is, again, page 11 of actual document, you'll see at the  
17 top there's a section entitled: 2.0 - Forecasting  
18 Turnout and Reducing Wait Times.

19 Do you see that?

10:13:56 20 A. Yes, I do.

21 Q. What is the purpose of forecasting turnout?

22 A. It is to guide us on resource planning to  
23 determine how many poll workers we need to hire, how  
24 many poll workers -- sorry -- not just poll workers, but  
25 temporary workers that work at MCTEC, how much training

1 we need to provide, how many voting locations that we  
2 need to identify and find, how many check-in stations  
3 that we will need in each of our voting locations, how  
4 much paper we need to procure. So all of those types of  
5 information are based off the forecast.

6 Q. How much of an effort does your office place on  
7 producing an accurate forecast in order to plan for the  
8 election?

9 A. So every election is unique, so we go back to  
10 historical elections, similar or like-type elections, to  
11 try to identify how many people participate in those  
12 different elections, because that's the best guidepost.  
13 So usually it's the most recent-liked elections, so in  
14 this case it would have been the 2018 Gubernatorial  
15 Election or the 2014 Gubernatorial Election, but then we  
16 also use other factors, other similar and close  
17 elections, so the 2020 elections; differences in how a  
18 -- the difference in the turnout between a gubernatorial  
19 election and the subsequent presidential election, how  
20 that impacts turnout. And then we also went back to  
21 decades and decades of turnout rates and ranges to  
22 identify.

23 So a significant amount of effort goes into  
24 forecasting turnout.

25 Q. And is that performed -- is that analysis

1 performed in-house, or do you outsource it to, you know,  
2 an outside?

3 A. It's performed in-house.

4 Q. Okay. And is it fair to say that you rely on  
5 those forecasts in planning for the election, correct?

6 A. Yes, that's correct.

7 Q. And a significant amount of money is expended by  
8 the County in reliance on this forecast, correct?

9 A. That's correct.

10:16:00 10 Q. And you generally trust those forecasts before  
11 you promulgate them in this document, before you, you  
12 know, go ahead and start actually undertaking actual  
13 efforts to -- to manage the election?

14 A. We understand that they are forecasts.

15 Q. Correct.

16 A. So they are not exact, yes, but we use those  
17 forecasts to make decisions.

18 Q. I'd like to turn to the page that is Bates  
19 stamped last three digits 043, it's actually page 13 of  
10:16:37 20 the actual document.

21 Do you see that, sir?

22 A. I do.

23 Q. Do you see where it says, The First Forecast  
24 Model - 2022 November General Election?

25 A. I do.

1 Q. And under 2022, projected voters for Election Day  
2 turnout, the forecast was for 291,863, correct?

3 A. That's correct.

4 Q. And if we turn to the next page, Bates stamped  
5 044, you'll see a second forecast model.

6 Do you see that, sir?

7 A. I do.

8 Q. And the projected turnout under the second  
9 forecast model was a lower number of 251,615, correct?

10:17:26 10 A. That's correct.

11 Q. Why did you do two forecast models?

12 A. Again, because you're looking at historical  
13 elections, and variances can occur. So the first  
14 forecast model looked at 2014 and 2018. My  
15 recollection, 2014 was a historically low turnout year.  
16 2018 was one of the higher turnout years. So we  
17 expanded this model to look at more and broader number  
18 of elections to include in that forecast model. So it  
19 was the two combined, which gave us a guiding. And when  
10:18:01 20 I look at this 251,615, we had 248,000 in-person voters  
21 on Election Day, so very close.

22 Q. So this document was put out prior to the 2022  
23 Primary Election, correct?

24 A. In May of 2022.

25 Q. And how was the turnout for the Election Day

1 turnout for the Primary for the 2022 Primary Election?

2 A. I don't remember the specific, but it was, I  
3 think, right around 106 or 108,000, which was in line  
4 with our turnout forecast for the August Primary as  
5 well.

6 Q. And if we turn back to the page that's Bates  
7 stamped, the preceding page 043, and you see the first  
8 forecast model for the 2022 August Primary Election,  
9 that's 108,080, correct?

10:19:10 10 A. That's correct.

11 Q. And that's associated with the first forecast  
12 model which was the higher turnout, correct?

13 A. That's correct.

14 Q. So the second forecast model, which had a lower  
15 Election Day turnout for the Primary, was not the most  
16 accurate, correct?

17 A. It was within the range of both. But, yes, this  
18 first forecast model for the August Primary aligned  
19 closer with the turnout for August or the in-person  
10:19:49 20 turnout for the August Primary.

21 Q. Part -- did the forecast -- well, strike that.

22 You recall that there were issues with ballots  
23 being rejected on November 8, 2022, in the Election Day,  
24 correct?

25 A. I don't recall ballots -- issues with ballots

1 being rejected.

2 Q. Do you recall tabulators rejecting ballots at, at  
3 least, 70 vote centers during Election Day?

4 A. Yes, I recall that there's about 70 voting  
5 locations that we sent technicians out to change printer  
6 settings at because our tabulators were not reading  
7 those ballots in.

8 Q. Okay. And did -- did your forecast model for the  
9 -- for the second forecast where you forecasted 251,615  
10 Election Day turnout figures, do you see that?  
10:20:55

11 A. Yes, I do.

12 Q. Did that take into account the problems you just  
13 mentioned in terms of the tabulators at 70 locations  
14 having issues to reject ballots?

15 A. What is your specific question?

16 Q. So was the Election Day issues that we just  
17 discussed, and by the County's own admission occurred at  
18 70 vote centers, was that event factored into or an  
19 event like it, factored into the second forecast model?

10:21:36 20 A. So, first, let me clarify. I didn't acknowledge  
21 that there were 70 vote centers that had printer issues.  
22 I acknowledged that we sent out 70 technicians to 70  
23 voting locations.

24 Now, for this forecast was just based off of  
25 prior historical models turnout. There was no analysis



1 to include if there was an issue on-site at any voting  
2 location.

3 Q. So there was no analysis in the second forecast  
4 model of 251,000 projected turnout that took into  
5 account a disruption in the election on Election Day  
6 November 8, 2022?

7 A. None of the forecast models include that type of  
8 analysis.

9 Q. Okay. Would a disruption, such as what was  
10:22:21 10 experienced -- I mean, would you agree with me there's a  
11 disruption on November 8, 2022, in the election?

12 A. I would say that we had some printers that were  
13 not printing some tiny marks on our ballots dark enough  
14 to be read in by our tabulation equipment. Voters had  
15 legal and ballot options to still be able to participate  
16 within our voting locations, so I don't agree and would  
17 not couch it as a disruption.

18 Q. So you don't believe that what happened on  
19 November 8th was not a disruption in the election  
10:22:53 20 process?

21 A. I do not couch it as that.

22 Q. Are you aware that Supervisor Gates came out on  
23 Election Day and said 20 percent of all vote centers  
24 were affected by these issues with ballots being  
25 rejected by the tabulators?

1           A.   Again, we didn't have ballots rejected by  
2   tabulators, they weren't being read in by tabulators;  
3   but that's not a disruption when voters still had valid  
4   options to participate in ballots in our Secure Door  
5   Number 3, which is a similar process that eight other  
6   counties use as their only option for voters to be able  
7   to return their ballots.

8           Q.   Sir, you're not answering my question.  My  
9   question isn't what other options existed for other  
10:23:40 10   voters, my question is:  Would you agree there's a  
11   disruption of at least 20 percent of the vote centers in  
12   Maricopa that caused delays in the voting process?

13           MR. LARUE:  Objection, Your Honor.  The  
14   witness has already answered this question as to whether  
15   he characterizes it as a disruption.

16           THE COURT:  I'll overrule.  If you can  
17   answer it, you may, sir.

18           THE WITNESS:  I'm not changing my response.

19   BY MR. OLSEN:

10:24:06 20           Q.   Okay.  Is it -- do you believe that -- did you  
21   hear of any reports of wait times to vote of over  
22   60 minutes?

23           A.   Yes, I did.

24           Q.   And what is the target wait time for in your --  
25   in your model?  Do you know?

1 A. On average, a half an hour.

2 Q. Please turn to Bates number 047, that's page 17.

3 THE COURT: Still Exhibit 2, correct?

4 MR. OLSEN: Yes, Your Honor.

5 THE COURT: Thank you.

6 BY MR. OLSEN:

7 Q. Do you see the section entitled: Time Needed to  
8 Vote a Ballot, Mr. Jarrett?

9 A. Yes, I do.

10:24:57 10 Q. And do you see the second paragraph under that  
11 section where it says, "on average, we estimate that it  
12 will take voters between 4.4 and 6.4 minutes to vote in  
13 the 2022 Primary ballot and between 8.5 and 10.5 minutes  
14 to vote the 2022 November General Election ballot"?

15 A. That's to complete and fill out the ballot.

16 Q. So is it your testimony then that 30 minutes is  
17 the time allotted projected for a normal election to  
18 enter into the vote center, cast your ballot and leave?

19 A. No. Our average was 30 minutes in line to check  
10:25:42 20 in, and then to -- a few minutes to receive their  
21 ballot, upwards of 8.5 to 10.5. So on the 2020 General  
22 Election, 8.5 to 10.5 minutes to complete the ballot,  
23 and there could be some time to then wait in line at the  
24 tabulator to put in their ballot and feed it into a  
25 tabulator.

1 Q. Did you ever become aware of multiple reports at  
2 various vote centers in Maricopa County where wait times  
3 exceeded two hours?

4 A. Exceeded two hours, no.

5 Q. You were not aware of that?

6 A. Our data shows that we had some voting locations  
7 approaching two hours, but not exceeding.

8 Q. Even at some locations approaching two hours,  
9 would you consider that a disruption?

10:26:34 10 A. That's why we post wait times on our website,  
11 which was highly publicized and advertised. And all of  
12 those locations, we had close-by locations.

13 So, for example, Biltmore was approaching two  
14 hours in the last hour of the voting day. With two  
15 miles away at Faith Lutheran there was a voting location  
16 that had a one-minute wait time, during that same time,  
17 the longest time, that last hour of the day.

18 So there were options for voters to participate  
19 even at those other voting locations.

10:27:06 20 Q. What are you basing your report, the accuracy of  
21 the reported wait times on?

22 A. Information that poll workers returned to us, so  
23 it's the number of voters in line at that point in time.  
24 They report those every 15 minutes, and then we can  
25 calculate the wait time based on how long it would take

1 someone to check in at a voting location.

2 Q. So if those poll workers were testifying under  
3 oath of wait times over -- exceeding two hours at  
4 multiple locations, how would that square with what the  
5 County was reporting on its system? Are they just  
6 mistaken or --

7 A. Saying people can make estimates, but unless they  
8 are actually timing them they could be inaccurate. Our  
9 wait times are based off exactly how long it takes a  
10 voter to check in through that process and have a ballot  
11 printed, and based off those numbers of voters that are  
12 standing in line at that point in time.

13 Q. And how is that figure calculated? You say it's  
14 based off that number, how do you calculate it?

15 A. Based off prior elections. So we can gauge how  
16 long it takes a voter to get checked in, then we can  
17 also see how many voters are checking in at a voting  
18 location throughout the day.

19 Q. Okay. So you're basing the wait time calculation  
20 on prior elections, not on what's actually happening on  
21 scene at the day of election?

22 A. Based on how quickly a voter can check in through  
23 that process, that's correct.

24 Q. Sir, I want to go back to the earlier question  
25 about the 19-inch ballot image being placed on a 20-inch

1 paper.

2 Did you hear of any reports of that occurring in  
3 the 2022 General Election?

4 A. I did not.

5 Q. Okay. If that occurred, would that be a failure  
6 of Maricopa County's election process?

7 A. I'm not aware of it occurring, and I'd be  
8 surprised if there was a ballot on a printer that had a  
9 19-inch ballot on it.

10:29:21 10 Q. I understand that, sir.

11 A. And the reason why is we did not design a 2022  
12 General Election on a 19-inch ballot. That ballot does  
13 not exist. The only ballot that exists is a 20-inch  
14 ballot.

15 Q. Okay. And when you say "we designed," who  
16 designed the ballot? Is that outsourced to another  
17 company, or is that done in-house by Maricopa?

18 A. In-house by Maricopa County staff.

19 Q. Who -- what department would that staff fall  
10:29:47 20 under? Is there a specific name for it?

21 A. Our Ballot Tabulation Team, so reports to me.

22 Q. And do you maintain records as to the ballot  
23 definition that was created for the 2022 General  
24 Election?

25 A. Yes, we have records of all the ballots that were

1 designed.

2 Q. And so I'll go back to my question again.

3 If a 19-inch ballot image was put on a 20-inch  
4 paper in the 2022 General Election, would that be a  
5 failure of your election process?

6 A. It would -- if something like that happened,  
7 which I don't know how it would, yes, it would have been  
8 a mistake.

9 Q. Could that have also been a deliberate act?

10:30:41 10 A. Again, you're asking me to speculate about things  
11 that I have no knowledge of occurring, so I don't know  
12 if it could have been a deliberate act or not. I don't  
13 believe that that occurred.

14 Q. How involved are you in creating the ballot  
15 definition?

16 A. So my team does, and then I overview it, and I'll  
17 review examples of those, yes.

18 MR. OLSEN: Thank you, Mr. Jarrett. I don't  
19 have any further questions at this time.

10:31:15 20 THE COURT: Okay. Thank you.

21 MR. LARUE: Your Honor, a quick clarifying  
22 question as to how the Court would like us to proceed.  
23 We intend to call Mr. Jarrett in our case in chief  
24 tomorrow, and so if the Court would like me to reserve  
25 all questions for him until tomorrow, we are happy to do

1 that. However, I would like to ask him a few questions  
2 directed just to what was just discussed during the  
3 direct examination of Mr. Jarrett.

4 THE COURT: You can choose to do it either  
5 way you wish. I won't dictate how you try your case,  
6 but you need to stay within the time.

7 MR. LARUE: Understood, Your Honor. I have  
8 just a very brief cross then.

9 THE COURT: Very well.

10:32:00

10 CROSS-EXAMINATION

11 BY MR. LARUE:

12 Q. Good morning, Mr. Jarrett. Thank you for being  
13 here today.

14 A. Thanks, Joe.

15 Q. Just a few very quick questions.

16 I believe you testified that your Election Day  
17 Plan called for, you know, assumed an average wait time  
18 of a half hour for each vote center.

19 Was that what you testified?

10:32:28

20 A. That's correct.

21 Q. Okay. Do you know what the actual average wait  
22 time was?

23 A. It was less than a few minutes on Election Day,  
24 average for all of our vote centers.

25 Q. Average for all vote centers were less than a few



1 minutes on Election Day, is that what you said?

2 A. That's correct. In our Canva's presentation, we  
3 have the exact number. I don't recall it off the top  
4 right now.

5 Q. Thank you, Mr. Jarrett.

6 Are you aware that one of the political parties  
7 urged their voters to forgo early voting and vote in  
8 person on Election Day?

9 A. Yes, I'm aware of that.

10:33:02 10 Q. Okay. You're aware of that today?

11 A. That's correct.

12 Q. All right. Were you aware of that when you  
13 prepared your analysis for the Election Day Plan?

14 A. No, I was not.

15 Q. Okay. So I'm assuming that -- you tell me,  
16 please, this urging by a political party was not  
17 factored into your Election Day Plan; is that correct?

18 A. That's correct.

19 Q. Okay. Thank you.

10:33:26 20 Prior to each election -- strike that.

21 Are you familiar with the term EMS?

22 A. Yes, Election Management System.

23 Q. The Election Management System. What does the  
24 Election Management System do?

25 A. So it is our tabulation system. So it's what we

1 use to program and design all the ballots. It is also  
2 the system that as we're running ballots through our  
3 tabulators that it's then counting those ballots. It's  
4 also then what sends ballots to be sent to our  
5 electronic adjudication system. Then it also holds the  
6 application for our results tallying and reporting.

7 So everything that was related to the ballot  
8 creation, to tabulating the ballots, to reporting  
9 results, is housed within our Election Management  
10 System.

10:34:17

11 Q. Okay. How many elections can be housed within  
12 the EMS?

13 A. Well, multiple elections can be housed. Given  
14 the number of ballots that Maricopa County has to  
15 tabulate, we usually only have, especially for a General  
16 Election, we will only have one housed on our Election  
17 Management System at a time.

18 Q. Okay. So for the 2022 General, did you only have  
19 the 2022 General on the EMS?

10:34:45

20 A. That's correct. That's what my understanding is.  
21 We only had those and all the data related to those  
22 files.

23 Q. What happens to the other data, the 2022 Primary?  
24 What happened to it?

25 A. So we transferred those to backup archived

1 storage devices and store those. We have one storage  
2 device onsite within our tabulation center and one  
3 offsite.

4 Q. Okay. And, Mr. Jarrett, you testified earlier  
5 that I believe you said you did not design a 19-inch  
6 ballot for the 2022 General Election; is that correct?

7 A. That's correct.

10:35:25

8 Q. So if it was not designed for the 2022 General  
9 Election, does it stand to reason that there would not  
10 have been a 19-inch ballot on the EMS?

11 A. That's correct.

12 Q. And if there was no 19-inch ballot on the EMS,  
13 does that also mean that there would have been no  
14 19-inch ballot programmed into the ballot on-demand  
15 printers?

16 A. That's correct.

17 Q. Okay. Thank you, Mr. Jarrett.

10:35:50

18 You were asked about deliberate acts with regard  
19 to the printers. Mr. Jarrett, I'm going to ask you a  
20 very direct question: Did you personally do anything to  
21 any ballot on-demand printer to cause it to print too  
22 lightly to be read by a precinct-based tabulator?

23 A. No, I did not.

24 Q. Did you give an order to any of your personnel to  
25 do any such thing?

1 A. I did not.

2 Q. Are you aware of any order like that being given?

3 A. I'm not aware of that.

4 Q. Are you aware of any of your personnel engaging  
5 in such an act?

6 A. I am not aware.

7 Q. Are you aware of anybody engaging in such an act  
8 on any of our ballot on-demand printers used in the  
9 2020 -- 2022 General Election?

10:36:26 10 A. I'm not aware.

11 MR. LARUE: That's all I have, Your Honor.  
12 Thank you.

13 THE COURT: Very well. May we excuse the  
14 witness?

15 MR. OLSEN: Brief recross, sir?

16 THE COURT: Recross?

17 MR. OLSEN: Well, redirect, excuse me. I'll  
18 be brief, Your Honor.

19 THE COURT: Very well.

10:36:41 20 REDIRECT EXAMINATION

21 BY MR. OLSEN:

22 Q. Mr. Jarrett, I believe you were just asked if  
23 questions about whether or not members of a political  
24 party encouraged their constituents, the Republican  
25 party, to come out and vote on Election Day.

1 Do you recall that?

2 A. Yes.

3 Q. And was that event factored into your forecast  
4 for turnout on Election Day?

5 A. When we made the initial forecast for the plans  
6 that were mentioned to the Board in May, no, it was not.

7 Q. So your estimates in the forecast would  
8 necessarily be low because they didn't take into account  
9 that factor, correct?

10:37:32 10 A. Our forecast forecasts 251,000, our lowest model,  
11 and there's 248,000. So I think they pretty accurately  
12 forecasted how many people turned out in person on  
13 Election Day.

14 Q. Well, tell me how that squares when, you know,  
15 counsel just asked you a question, you know, were you  
16 aware that members of the Republican party were telling  
17 Republican voters to come out on Election Day, and you  
18 didn't account for that, how does that square with a  
19 lower forecast number?

10:38:07 20 A. Well, we had record turnout -- near record  
21 turnout for the 2022 General Election, so 64 percent.  
22 You have -- the only turnout in the recent several  
23 decades that exceeded that was actually 2018, which was  
24 64-point-something percent turnout as well.

25 So our forecast model was forecasting at

1 potentially the highest turnout percentage that the  
2 voters would turn out, so that's why it captured and  
3 forecasted 251,000 which was very close to 248,000.

4 Q. Actually, your forecast model, you had the other  
5 one, forecasted over 290,000, correct?

6 A. That's correct.

7 Q. And that model didn't take into account  
8 Republican leaders telling their -- their Republicans to  
9 come out on Election Day and vote, correct?

10:38:57 10 A. It did not. It factored in 2020 Presidential and  
11 2016 Presidential factors, which usually a presidential  
12 election is much higher, so that's why it was ranging up  
13 to 290,000.

14 Q. Counsel asked you some questions about a 19-inch  
15 ballot image being projected onto a 20-inch paper.

16 Do you recall that I asked you questions about  
17 that?

18 A. Yes, I recall that.

19 Q. Do you have any idea how that could occur?

10:39:52 20 A. I do not.

21 Q. Would it require two different ballot definitions  
22 to be installed on the EMS?

23 A. Your first question asks if I have any idea how  
24 it could occur and I said I do not.

25 Q. Okay. Do you know what a site book is?

1 A. Yes, that's our check-in station.

2 Q. And the site book pulls up the vote -- voter,  
3 correct?

4 A. Yes, it's connected to our -- the Recorder's  
5 voter registration system through a virtual private  
6 network secure, so that when a voter checks in, it pulls  
7 up their specific information, and would alert our  
8 ballot on-demand printer which ballot style to print.

9 Q. So where does the ballot definition reside then?

10:40:37 10 A. So it's on a laptop that's connected to our  
11 ballot on-demand printers.

12 MR. OLSEN: Thank you. I have nothing  
13 further.

14 THE COURT: May we excuse the witness?

15 MR. OLSEN: Yes, Your Honor.

16 MS. KHANNA: Subject to recall tomorrow in  
17 our case in chief, of course.

18 THE COURT: Very well. Thank you, Mr.  
19 Jarrett. Please step down, sir.

10:41:01 20 (Witness excused.)

21 THE COURT: I've allocated some time to take  
22 a midmorning break, some of that has to do with my court  
23 reporter. So we do need to take a recess for that.

24 Who would you be calling as your next  
25 witness?

1 MR. OLSEN: Your Honor, as a matter of fact,  
2 I was just talking with counsel about asking the Court  
3 for a short break. I want to reassess given the time,  
4 and so if I may.

5 THE COURT: Yes. You certainly may because  
6 I'm going to have a midmorning break here. So what I'm  
7 trying to assess, though, is whether I can shave five  
8 minutes off of that or not.

9 MR. OLSEN: Your Honor, whatever you --

10:41:59 10 THE COURT: Do you need a full 15 minutes?

11 MR. OLSEN: No, Your Honor.

12 THE COURT: Okay. Ten minutes. We'll be  
13 back on the record then. We'll stand in recess.

14 COURTROOM ASSISTANT: All rise.

15 (Recess taken, 10:42 a.m.)

16 (Proceedings resume, 10:53 a.m.)

17 THE COURT: All right. We're back on the  
18 record in CV2022-095403, Lake v. Hobbs. Present for the  
19 record are parties and counsel, their representatives  
10:53:38 20 and counsel.

21 I was just going to bring up a moment -- a  
22 matter of housekeeping. You okay with Mr. Blehm not  
23 being here, Mr. Olsen?

24 MR. OLSEN: Yes, Your Honor.

25 THE COURT: All right. Okay. At the risk



1 of OSHA violations from my court reporter, I'm -- what I  
2 would like to do is try and maximize the amount of time  
3 we have. Rather than starting at 1:30, we'll start back  
4 at 1 o'clock. So we'll go from 12:00 to 1:00, cutting  
5 30 minutes off of the lunch break. So we'll do that  
6 today. And tomorrow I'd like to start at 8:30 tomorrow  
7 rather than 9 o'clock, if we can, stretch a little more  
8 out of the day. But I think by 4:30 -- you know, I  
9 don't want to burn the midnight oil on this. I think  
10:54:36 10 that we need to have focus and attention and be  
11 clear-minded by, I think, starting at 8:30, coming back  
12 early from lunch that I'm not taxing anybody's mental  
13 capacity with that.

14 Do you agree, Plaintiffs?

15 MR. OLSEN: Yes, Your Honor.

16 THE COURT: Defendants?

17 MS. KHANNA: Yes, Your Honor.

18 MR. LARUE: County agrees, Your Honor.

19 MR. GOANA: Fine with the Secretary, Your  
10:54:59 20 Honor.

21 THE COURT: So that's what we'll do.

22 All right. Are you prepared for your next  
23 witness?

24 MR. BLEHM: Yes, Your Honor.

25 MR. OLSEN: Yes, Your Honor. We call Clay

1 Parikh.

2 THE COURT: Very well, sir.

3 Mr. Parikh, if you could come forward, sir,  
4 and stand in front of my clerk to be sworn, sir.

5 CLAY UDAY PARIKH,  
6 called as a witness, having been duly sworn, testified  
7 as follows:

8 THE COURT: Sir, if you could make your way  
9 around to the witness stand and have a seat. As soon as  
10:55:31 10 your witness is situated you may begin. Are you doing  
11 the questioning, Mr. Olsen?

12 MR. OLSEN: Yes, Your Honor.

13 DIRECT EXAMINATION

14 BY MR. BLEHM:

15 Q. Good morning, Mr. Parikh. Could you please state  
16 your full name for the record?

17 A. My name is Clay Uday Parikh.

18 Q. And where do you currently work?

19 A. I work at Northrop Grumman, a defense contractor.

10:55:52 20 Q. And what do you do with Northrop Grumman?

21 A. I'm an information security officer. I,  
22 basically, spend my week auditing classified systems,  
23 making sure the systems are functioning properly,  
24 looking for insider threats and those such actions.

25 Q. And do you have any experience with electronic

1 voting systems?

2 A. Yes, sir, I do. I have nine years of experience  
3 in three voting labs. It's actually two physical sites,  
4 because while I transferred the NTS laboratories,  
5 national testing lab, and then at Pro V & V.

6 Q. Does this relate to -- are you familiar with  
7 what's called is the EAC, the Election Assistance  
8 Commission?

9 A. Yes, sir, I am. In 2008, my very first tasking  
10:56:38 10 was to evaluate Wyle Laboratories test procedures in  
11 which I had to evaluate the voting system guidelines.

12 Q. And did you perform testing on electronic voting  
13 systems in order to certify them in accordance with EAC  
14 guidelines?

15 A. Yes, sir, I was.

16 Q. And you did that for how long?

17 A. For nine years.

18 Q. And that was through Pro V & V, a voting system  
19 testing lab?

10:57:04 20 A. I was through a professional staffing company,  
21 and that's how I was -- I was contracted on, because  
22 they had -- none of the labs had a permanent security  
23 specialist on -- on the payroll. I was the only one.

24 Q. And when you say you refer to the labs, in this  
25 case Pro V & V, what is a voting system testing lab?

1           A. The voting system testing lab is where a vendor  
2 submits to the EAC a test plan. It gets submitted to  
3 the EAC. It gets approved and they go to a voting  
4 system test lab, there's a project that's done up, and  
5 they get tested. These tests can go either by the EAC  
6 for federal certification or they can go by the  
7 Secretary of the State, that depends on the state's  
8 requirements under their laws as far as their  
9 certification efforts.

10:57:54 10           Q. Do you know what voting system testing lab  
11 certifies the electronic voting machines used in  
12 Maricopa County?

13                   MS. KHANNA: Objection, Your Honor.  
14 Relevance. I believe this line of question about  
15 certification is no longer on the table given the  
16 Court's ruling earlier this week.

17                   THE COURT: Yeah, I'll allow the question  
18 for certification, I mean, qualifications purposes. So  
19 I'll give a little bit of leeway. You can answer the  
20 question if you're able to, Mr. Parikh.

21                   THE WITNESS: Yes, it's Pro V & V.

22 BY MR. OLSEN:

23           Q. Do you have a background in cyber security, Mr.  
24 Parikh?

25           A. I have about 20 years experience in cyber

1 security.

2 Q. Can you, you know, just briefly go through some  
3 of your qualifications with the Court in cyber security?

4 A. Yes, sir, I can. I have a Master of Science in  
5 cyber security, which it's on a computer science track.  
6 Also I have a bachelor's in computer science systems  
7 major. I have Certified Information Systems Security  
8 Professional certification, I've had that for since the  
9 beginning of 2007. That is the gold standard as far as  
10 security certifications are considered. I'm also a  
11 Certified Ethical Hacker and I'm also a Certified  
12 Hacking Forensic Investigator.

10:59:00

13 Q. What is a Certified Hacking Forensic  
14 Investigator?

15 A. That means, you go in, you do a forensic analysis  
16 specifically looking for malicious malware, you do root  
17 cause analysis; you find out what the malware was, how  
18 it infected. These are not your standard forensics-type  
19 approaches that most law enforcement agencies would use.  
20 Their standard is a little bit slower because of the  
21 evidentiary stuff; but if you're in an incident response  
22 center, as I've helped run in the past, when you have an  
23 emergency or something happens, you have to react then.  
24 And these are the type of actions that you learn. You  
25 learn to get in, do the analysis quickly, make sure

10:59:35

1 you're secure in your analysis, because you have to come  
2 up with remediation efforts.

3 Q. Prior to -- how long have you been at Northrop  
4 Grumman?

5 A. Just about three years.

6 Q. So prior to working with Northrop Grumman, did  
7 you work in cyber capacity for the U.S. government?

8 A. Yes, I have.

9 Q. Could you -- could you describe some of your  
11:00:22 10 positions starting, you know, for the past 15 years, 20  
11 years, that you've been involved in and what you did,  
12 just briefly?

13 A. I've worked in anywhere from midsize companies  
14 that dealt with cyber security information assurance to  
15 as large as some of the larger ones. I've worked with  
16 Lockheed Martin, which is a good tenure of my time.  
17 Leidos Corporation, VAE Systems, and in all those  
18 capacities, I did inform assurance, cyber security. Had  
19 one stint with a smaller company I was to perform threat  
11:00:55 20 for an agency within the United States Army.

21 Q. Did you ever work with the Marshall Space Flight  
22 Center?

23 A. Yes, I was. I was the IT security manager for  
24 the enterprise operations.

25 Q. And just briefly what -- what does the IT

1 security manager do?

2 A. I'm in charge of making sure the vulnerability  
3 scans were done, that all the security configurations,  
4 that all the governance and compliance that NASA  
5 developed for their security postures in daily  
6 operations and continuity of operations were followed.

7 Q. Did you ever work for the Army Corps of  
8 Engineers?

9 A. Yes, sir. I was the deputy cyber manager for  
10 their enterprise operation, which includes 52 major  
11 sites throughout the world.

12 Q. And in that capacity, what were your job  
13 responsibilities?

14 A. I was the deputy cyber manager, and because of my  
15 certification and qualifications, I helped the security  
16 operation center manager, handled his task in  
17 monitoring, and I also helped the security incident  
18 response manager in her functions, because they were the  
19 ones that react to when the Army Corps is attacked, and  
20 they are attacked a lot.

21 Q. Do you possess a security clearance, Mr. Parikh?

22 A. Yes, sir, I do. I'm currently a Top Secret  
23 cleared, but I've held SCI levels before.

24 Q. Okay. Were you -- did you ever work with the  
25 Army Threat Systems Management Office?

1 A. Yes, sir, that's where I played threat. I attack  
2 systems, and -- whether it was an information systems, a  
3 medical system or a weapon system.

4 Q. Do you have any other certifications besides  
5 CISSP or the certified forensic -- Certified Hacking  
6 Forensic Investigator or Certified Ethical Hacker?

7 A. Yes, sir. I have an ITIL 3 certification, which  
8 is an international process for handling IT service  
9 management. It's much like the Six Sigma, several  
10 11:03:02 companies like Lockheed Martin have their own, that's  
11 called LM21, these are all process improvements to  
12 refine and affect the quality output and service that  
13 you provide.

14 Q. Have you ever -- are you familiar with the phrase  
15 of root cause analysis?

16 A. I am very familiar with root cause analysis.

17 Q. Could you please just briefly explain what root  
18 cause analysis refers to?

19 A. In simple -- in simple terms, it's basically  
20 11:03:27 troubleshooting, but you have to find what caused the  
21 initial issue to happen. Sometimes this can be very  
22 complicated. Sometimes it can be fairly easy, but you  
23 have to have an intense understanding of the overall  
24 process involved in any organization. And this root  
25 cause analysis could be done from what's called a



1 governance perspective, where you look at documentation  
2 process and procedures, because faults within those can  
3 produce the issue, or it can be from a technical  
4 finding. I've done hundreds to probably thousands of  
5 root cause analyses in all different types of  
6 environments.

7 Q. Could you give an example of an actual event in  
8 which you led the effort for a root cause analysis and  
9 just kind of a quick overview?

11:04:21 10 A. I've done one for the Navy Marine Corps internet,  
11 which is the world's largest WAN, which has tens of  
12 thousands of workstations. There was an issue that  
13 resolved. They were having after upgrades of the  
14 operating systems, they had technical issues. And based  
15 on those type of issues, I analyzed and know what was  
16 going on. I requested that the bios data be provided  
17 and that ended up the root cause, because the problem  
18 systems have that, because they did not properly manage  
19 the bios. That's a low-level technical one.

11:04:54 20 There's been others involved where the Air Force  
21 had what's -- I would say world facing internet site.  
22 It was on the internet, got pulled down because a  
23 vulnerability was found. And I did the root -- I was  
24 put in charge to do the root cause analysis to find out  
25 how the system was compromised, what happened, and

1 suggested the mitigation efforts.

2 Q. Have there ever been any criminal prosecutions  
3 that have resulted from your work?

4 A. Yes, both federally and from -- privately from an  
5 employer.

6 Q. So the federal government relied on your  
7 assessment of a situation in order to bring criminal  
8 charges against somebody?

9 A. Several times. Some of those I cannot talk about  
10 because of the nature and the classification.

11 Q. Did you do an analysis of the events that took  
12 place in the Election Day operations in Maricopa County?

13 A. Yes, sir, I did.

14 Q. And what did you do in terms of your assessment  
15 of that situation?

16 A. I do like I do with any system that's involved  
17 with electronic voting systems, I look at the state  
18 statutes and what they reported to the federal  
19 government. As in this case, Arizona follows HAVA, and  
20 that's in their laws and statutes. Then I go from that,  
21 look at the systems they use, then I look at the  
22 procedures. I downloaded the Secretary of State's  
23 Elections Manual, the Maricopa Elections Manual. I've  
24 read through testimony, declarations. I reviewed the  
25 EAC certification of the electronic voting system, the

1 test reports from Pro V & V concerning the election  
2 system. I read -- I downloaded and read the applicable  
3 Title 16 part of the Arizona statutes, which covers the  
4 election systems. Then I read a lot of testimony, I  
5 watched a lot of the video televised meetings that  
6 Maricopa conducted and a lot of the video testimonies.

7 Q. Okay. And did you interview or speak with any  
8 Election Day workers, like technicians, who  
9 participated, retained by Maricopa, to work at the  
10 various vote centers on November 8, 2022?

11:07:24

11 A. Yes, sir, I did. I had spoken with a -- after  
12 seeing the declaration and interview conducted for the  
13 declaration, I asked to interview them and asked  
14 specific questions.

15 Q. Did you perform an inspection of the ballots on  
16 behalf of Plaintiff in connection with an inspection  
17 pursuant to A.R.S. 16-677?

18 A. Yes, sir, I did.

19 Q. And when did that inspection take place?

11:08:02

20 A. That was just yesterday.

21 Q. And without saying what your conclusion was from  
22 that inspection, did you reach a conclusion?

23 A. It confirmed my initial -- my initial assumptions  
24 on the possible effects of what caused the technical  
25 issues, yes, sir.

1 MR. OLSEN: Your Honor, at this time, we'd  
2 like to offer Mr. Parikh as an expert.

3 THE COURT: Arizona doesn't do that.  
4 Basically, you can ask the questions and then it's an  
5 objection as to foundation, so --

6 MR. OLSEN: Okay. Yes, Your Honor.

7 BY MR. OLSEN:

8 Q. Mr. Parikh, you examined the ballots and the  
9 inspection performed at MCTEC yesterday, correct?

11:08:49 10 A. Yes, I was allowed to select a sampling, per the  
11 request in the Court's instruction.

12 Q. Did you have a plan going into that inspection  
13 with what ballots you wanted to select and inspect?

14 A. Yes, sir.

15 Q. Could you describe that plan?

16 A. Through a FOIA request the cast vote records were  
17 publicly available. I reviewed those, analyzed the data  
18 and selected the roundness based so I could follow the  
19 Court's directions for the petition. So I knew exactly  
11:09:23 20 what to request, because it was time-consuming and  
21 Maricopa County was gracious enough to give us that  
22 time, and I wanted to use it wisely and make my decision  
23 quickly and accurately.

24 Q. Approximately do you know how many vote centers  
25 you were able to inspect ballots from?

1 A. I was allowed to inspect from six vote centers.

2 Q. Were you able to execute on your plan after you  
3 went into MCTEC to select ballots?

4 A. There were some modifications to the plans  
5 because the Election Day ballot data, the cast vote  
6 records, which would be referred to as a system of  
7 record, because it has to be maintained in its  
8 integrity, was no longer valid due to the recounts.

9 Q. When you say it was no longer valid, what do you  
10 mean?  
11:10:18

11 A. The ballots had been -- they had been  
12 re-tabulated for the recounts, thus they -- Maricopa  
13 County was unable to map those back.

14 Q. And were some of the ballots that you inspected  
15 duplicated ballots?

16 A. Yes, sir, they were.

17 Q. And what are duplicated ballots?

18 A. Duplicated ballots are when there's an issue with  
19 the ballot and it cannot be ran through the tabulation  
11:10:44 20 system; therefore, it is duplicated and then that  
21 duplication is run through the system.

22 Q. And is that duplication then the ballot that is  
23 actually tabulated and counted?

24 A. Yes, sir. The way the process works is the  
25 original ballot has to have the duplication ID attached

1 to it, which Maricopa did. The part where they filled  
2 in the statute is, according to the standards, that  
3 duplication ballot is supposed to be easily relatable to  
4 the original ballot. They said they could not find --  
5 let me correct that -- they could not find the  
6 duplicated ballot which was tabulated.

7 Q. So you inspected the original ballot that was  
8 duplicated?

9 A. Yes, sir.

11:11:28 10 Q. And do I understand correctly that under -- your  
11 understanding of Arizona law is that the -- the  
12 duplicate ballot and the original ballot are supposed to  
13 be maintained together physically?

14 A. Yes, sir. That's -- that's the EAC requirement.  
15 That's -- that's a standard. When duplication is done.

16 Q. And the duplicate ballot which is the ballot that  
17 was counted?

18 A. Yes, sir.

19 Q. Was not available for you to inspect because of  
11:11:56 20 that?

21 A. No, sir, it was not.

22 Q. Why would there be -- could you tell me again why  
23 there might be a duplicated ballot situation?

24 A. It would be because it physically -- it was  
25 physically damaged. I did see torn ballots. They could

1 have coffee stains on them. They could have ink marks,  
2 or they could just be improperly configured.

3 Q. How long did you take to conduct your inspection?

4 A. We were there all day except for a 45-minute  
5 lunch break. It took the morning because of not being  
6 able to track the selected ballots that I wanted to look  
7 at. We worked together and found the samplings, and  
8 that took all morning to get that sorted out.

9 Q. And did you take notes contemporaneously with  
10 your inspection?

11 A. Yes, sir.

12 Q. Approximately how many ballots did you inspect?

13 A. There were 348 that were set aside, and then  
14 there were approximately 25, because we did not finish  
15 because of the time restraint.

16 Q. And out of that 348 that were set aside, how many  
17 were ballots printed from that ballot on-demand printer?

18 A. In what I analyzed, between the six vote centers,  
19 I specifically -- and then there were the spoiled  
20 ballots that could be examined, I requested that the  
21 spoiled ballots be from those same vote centers. This  
22 allows me a more accurate response to look at a spoiled  
23 ballot and see it's the same ballot ID and the same  
24 actual ballot style as another ballot within that same  
25 voting center. The one thing that I have to point out

1 is out of all the spoiled ballots and the duplicated  
2 original ballots, there were a total of 113 ballots  
3 examined. 48 of those existed because there was a  
4 19-inch image of a ballot printed on 20-inch paper.

5 MS. KHANNA: Objection, Your Honor. Move to  
6 strike as non-responsive. I'm not sure what question he  
7 was answering.

8 THE COURT: Well, I don't know that it was  
9 non-responsive. I'll overrule it. You can  
10 cross-examine.

11:14:26

11 MS. KHANNA: Thank you, Your Honor.

12 BY MR. OLSEN:

13 Q. So, Mr. Parikh, it's your testimony upon  
14 inspection of these ballots that you determined that  
15 there was a 19-inch ballot image projected onto the  
16 20-inch paper; is that accurate?

17 A. Yes, that is accurate. That's one of the initial  
18 things when I initially reviewing evidence that was  
19 presented, and in the public, I saw that the ballots --  
20 and it was, to me, it was easily identifiable.

11:14:54

21 Q. Okay. And is this something that's going into  
22 this inspection you had seen evidence of?

23 A. Yes, sir.

24 Q. And what evidence was that?

25 A. That was a photograph of a spoiled ballot right



1 next to the reprinted ballot from a vote center, and  
2 that's included in my declaration.

3 Q. When you say that's included, do you mean the  
4 photographs?

5 A. Yes, sir.

6 Q. So when you were inspecting the ballots yesterday  
7 and you determined that the duplicated ballots and the  
8 spoiled ballots -- strike that.

9 How many duplicated ballots did you inspect?

11:15:35 10 A. Fifteen total.

11 Q. And out of that -- and duplicated, again, means  
12 that the ballot was not -- was rejected by the  
13 tabulation for some reason?

14 A. Yes, sir. It could not be tabulated either at  
15 ICP2's, which are at the vote center, or the ICC at  
16 MCTEC.

17 Q. Out of that 15, how many of those contained a  
18 19-inch ballot image on 20-inch paper?

19 A. Fourteen.

11:16:05 20 Q. Fourteen. What about the other remaining?

21 A. It was physically defective. It was slightly  
22 torn.

23 Q. Slightly torn. Can you explain to the Court how  
24 a 19-inch ballot image -- strike that.

25 How did you determine that it was a 19-inch

1 ballot image projected on to 20-inch paper?

2 A. Because these ballot images are a PDF file, which  
3 gets stored along with configuration settings. That's  
4 what makes up the ballot style and the ballot  
5 definition, which is created usually on that EMS, which  
6 the actual application that does the ballot style was  
7 called EED, right? That's the application that actually  
8 does the ballot style. It's usually installed on the  
9 EMS servers. That application creates that style, the  
10 definition, because it needs those things because it  
11 gets loaded on the tabulator, that's how it's evaluated  
12 when the image is created, and that's the print job, to  
13 use a common term, that gets sent to the printer.

11:17:00

14 Q. And how could an -- how did you determine that it  
15 was actually a 19-inch image projected on to a 20-inch  
16 paper?

17 A. I can -- I can determine that 100 percent of all  
18 the ballots are rejected because the mechanics of a  
19 printer, the feeds are not always accurate. On the  
20 20-inch ballots, you can see the same -- I refer to them  
21 as tick marks, but they are actually the borders of the  
22 image that is sent. And on the 20-inch ballot, you'll  
23 see at the very corner above the borders where there's  
24 misfeed. On the 19-inch ballots, they were well  
25 viewable in the margins. They are 90-degree right

11:17:37

1 angles at each corner of the page, of the image.

2 Q. And did you physically measure the ballots to  
3 determine that?

4 A. Yes, sir, I did. I requested a ruler and  
5 Maricopa graciously got me one, and they got one of the  
6 other inspectors a ruler.

7 Q. How could a 19-inch ballot image appear -- well,  
8 strike that.

9 You've heard previous testimony, were you here  
10 for Mr. Jarrett's testimony?  
11:18:26

11 A. Yes, sir, I was.

12 Q. And did you hear Mr. Jarrett testify that in the  
13 November 2022 General Election a 20-inch ballot was  
14 used?

15 A. Yes, sir, I did.

16 Q. And did you hear Mr. Jarrett testify that it  
17 would be a failure of the system if a 19-inch ballot  
18 image was projected on to a 20-inch paper?

19 MR. LIDDY: Objection, Your Honor. That  
20 misstates the testimony of the prior witness, as to the  
21 word failure.  
11:18:53

22 THE COURT: I'm assuming you're going to  
23 follow up with a question. For an opinion, I think you  
24 can frame it as a hypothetical without arguing about --

25 MR. OLSEN: Yes, Your Honor.

1 THE COURT: Go ahead. Rephrase.

2 BY MR. OLSEN:

3 Q. In an election which is purportedly designed to  
4 take place with a 20-inch ballot image on 20-inch paper,  
5 how could a 19-inch ballot image appear?

6 MS. KHANNA: Objection. Calls for  
7 speculation.

8 THE COURT: Let's ask a question first. Yes  
9 or no, if you can tell. Ask him if he can tell, and  
10 then the objection, and you can re-ask the question.

11 MR. OLSEN: Yes, Your Honor.

12 BY MR. OLSEN:

13 Q. Mr. Parikh, given your experience and training  
14 particularly with electronic voting systems, nine years,  
15 can you tell what the cause of a 19-inch ballot image  
16 being projected on 20-inch paper would be?

17 A. Yes, I can. I can give you both the technical  
18 ways that it could happen. There are only two ways that  
19 it can happen.

11:20:14 20 Q. Can you tell the Court the two ways that that can  
21 happen?

22 A. One way is by changing the printer adjustments  
23 that would make the printer adjustments and settings  
24 override the image file that was sent. The other is  
25 from the application side, or the operating system side.

1 This is the same for anybody who ever prints anything at  
2 home. Your Microsoft Word can send the settings or it  
3 can use the default settings of the printers. The  
4 application doing it, in this case, as it's a ballot,  
5 would have to be that there was a 19-inch image ballot  
6 definition.

7 Q. And where does that definition reside?

8 A. That can vary depending on the system. But from  
9 what I heard in the testimony, it resides on the laptop  
10 that's connected to the printer, which would -- I've  
11 seen it referred to as a control printer, but this is  
12 actually what would be called a print spooler, and it  
13 controlled the print jobs to allow the printer to take  
14 on the load. And as there were multiple site books,  
15 this would be the technical use that that laptop should  
16 be used for.

17 Q. Is there any way, in your opinion, for a 19-inch  
18 ballot image to be projected on a 20-inch ballot by  
19 accident?

20 A. No, sir.

21 Q. Why not?

22 A. Because the settings and the configurations and  
23 the procedures that are used cannot allow that. These  
24 are not a bump up against the printer and the settings  
25 changed. They are security configurations. I've

1 reviewed the evidence and the printers are configured  
2 via script which, by any large organization that has to  
3 do multiple systems, is a standard. This takes away the  
4 human error of somebody miscoding in the instructions  
5 either on the printer.

6 Q. Prior to an election, would the -- strike that.

7 Prior to an election, would it be detectable that  
8 a 19-inch ballot image had been projected onto 20-inch  
9 paper?

11:22:31 10 A. Yes. If logic and accuracy tested that all  
11 voting styles or ballot definitions were included, which  
12 a standard logic and accuracy testing should test every  
13 style that's available and there should be a listing of  
14 such styles.

15 Q. Is it -- you performed testing for EAC  
16 certification, correct?

17 A. Yes, sir, I have.

18 Q. Is it permissible to have two different ballot  
19 definitions in the same election with respect to the  
11:23:08 20 size of the ballot image?

21 A. No, sir. If, for example, if you live in an  
22 apartment building and your neighbor and you have the  
23 same school board district, you have the same precinct,  
24 all the jurisdictions for whether it's local, county,  
25 state or federal are basically the same, that

1 ballot-style definition, the ID for it, should be  
2 singular. If you do not, then you have two different  
3 styles, you're assessing them differently. That can  
4 also produce forgery. There's only supposed to be one  
5 ballot style per those voting options, and that --  
6 that's what controls it.

7 Q. The 19-inch ballot image that you observed in  
8 your inspection on multiple ballots including duplicated  
9 and spoiled ballots, correct?

11:23:56 10 A. Yes, sir.

11 Q. What effect would a 19-inch ballot image  
12 projected on a 20-inch piece of paper used in the  
13 election in Maricopa for November 2022 have when it was  
14 placed into one of these vote center tabulators?

15 A. It would cause it to be rejected. According to  
16 the Dominion's documentation, they performed somewhere  
17 between 200 and 300 checks on the actual physical paper  
18 ballot that gets inserted into the system. They state,  
19 and this is according to Dominion, the vendor who  
11:24:33 20 created the application, that it can reject the ballot  
21 for any one of those. A 19-inch image being on 20-inch  
22 paper increases the margin. Once the timing marks are  
23 seen and they are evaluated, the actual physical printer  
24 that created the image is saying by the application  
25 telling it, you're done, but there's a remaining inch of

1 paper in there, so it would assume there's a paper jam.  
2 And to detect, I specifically asked, there were paper  
3 jams to where he opened up and there was no paper.

4 So from a programming perspective, the machine  
5 would throw the paper jam error, but yet there would be  
6 no paper.

7 Q. And you're referring to a tech, you said you  
8 spoke to a tech, would that be Aaron Smith?

9 A. Yes, sir.

11:25:15 10 Q. Okay. And what did Mr. Smith tell you -- first  
11 of all, who is Aaron -- who is your -- what is your  
12 understanding of Mr. Smith's role during the  
13 November 2022 election?

14 A. I think he repeatedly followed all the procedures  
15 that he was instructed to follow. He put a good solid  
16 effort forward to resolve the issues. It finally became  
17 to where the issue could not be resolved, according to  
18 the procedures, and he had to actually request a  
19 replacement tabulator, which so happened to be  
11:25:52 20 mis-configured.

21 Q. Do you know why Aaron wanted to testify today?

22 A. I think --

23 MS. KHANNA: Objection, Your Honor. Calls  
24 for speculation, lack of foundation.

25 THE COURT: That's going to call for



1 speculation.

2 MR. OLSEN: Withdraw the question, Your  
3 Honor.

4 BY MR. OLSEN:

5 Q. You mentioned that there are only two  
6 possibilities for how a 19-inch image could be  
7 configured onto the system to be put on a 20-inch piece  
8 of paper, correct?

9 A. Yes. My assessment applies to anything that is  
10 printed, not just -- not just the specifics of this, but  
11 to anything that's printed. These are the way the  
12 technology functions.

13 Q. But you testified that there's only two ways --

14 A. Yes, there is.

15 Q. -- this situation could arise?

16 A. There are only two.

17 Q. What would it take for you to determine which of  
18 the two possibilities is what occurred?

19 A. Specifically, as I did yesterday, inspecting the  
11:26:38 20 ballots. There were some ballots that were spotty, but  
21 the spottiness was also on batches from the vote centers  
22 that were correctly tabulated, so that confused me. And  
23 the stuff that was mentioned about the fusers and the  
24 heating, because, too, they first said it was a toner  
25 issue, which it was not, it's a tray weight issue, which

1 affects the heat of the fusers.

2 The mechanical function of a fuser and heater  
3 from what I observed from the spottiness did not match  
4 what is a standard error or example that would be  
5 demonstrated. There were one or two occasions that were  
6 exactly that way, but that was about two ballots out of  
7 all that I examined.

8 Q. But if you were to try to determine whether it  
9 was a printer issue, configuration issue, or an issue  
10 with the ballot definition with respect to how a 19-inch  
11 image was projected onto 20-inch paper, what would you  
12 need to do?

13 A. I would need to see the ballot styles and the  
14 ballot definitions. In totality, if there's 15,000 of  
15 them, all of them should be examined.

16 Q. Do you have -- obviously you have been practicing  
17 in the cyber field for two decades, correct?

18 A. Yes, sir, and it includes everything to include  
19 printers.

11:28:41 20 Q. That's what I was going to ask you. Can you --  
21 do you work with printers? Do you understand how  
22 printers function and work, and at what level is your  
23 experience?

24 A. To a detailed level to where I actually caused  
25 one of the government agencies in the missile defense

1 side to get highly upset, because I understand the  
2 protocols that run. And it's not just printers, there  
3 are multifunctional devices, MFDs as we refer to them,  
4 because they can scan, they can print, they can send  
5 file transfers. And I've evaluated protocols, I've also  
6 done root cause analysis, because classified printers  
7 have -- they could print classified data even when they  
8 are not supposed to because of the rollers, and this is  
9 one thing I called -- refer to as ghost printing. I did  
10 see that repeatedly on the early vote ballots that were  
11 printed by Runbeck, because in my opinion the ink was a  
12 little bit too deep and too shiny for that, and that --  
13 and I did. I was able to even see candidates' names in  
14 white space. It's very light gray, but that's why I  
15 refer to it as ghost printing.

16 Q. Um-hum. What would you recommend be done with  
17 the ballots currently stored at MCTEC now, given your  
18 findings from the inspection?

19 MS. KHANNA: Objection to relevance. Lack  
20 of foundation. Speculation.

21 THE COURT: You need to rephrase the  
22 question. I'm going to sustain it.

23 BY MR. OLSEN:

24 Q. Do you have any concerns regarding the security  
25 of the ballots, given your findings from your inspection

1 yesterday that a 19-inch image was projected onto the  
2 samples from six different vote centers that you  
3 examined of 20-inch paper?

4 A. Yes, I can. If it's okay with the Court, I have  
5 to answer this in two ways. They are both pertinent.  
6 But, first, I observed while ballots were being pulled  
7 out and sampled, and they obliged in every direction,  
8 whether top, middle, or that, that they were provided.  
9 I observed more improperly imaged ballots that were not  
10 inspected that were there.

11:31:16

11 Now, to answer the question, those should be  
12 secured. I will state in my capacity I handle  
13 everything from physical security to accrediting  
14 buildings for classified information storage. I've been  
15 a classified courier, which means I'm authorized to  
16 transport classified information. As a forensic  
17 investigator, I fully understand chain of custody. And  
18 what I will cite is that the facility and the security  
19 and chain of custody at the vault and the tabulation  
20 center are highly inaccurate, and those ballots could be  
21 tampered with. They should be -- they should be sealed  
22 and appropriate actions.

11:31:52

23 For example, security seals were only placed on  
24 the boxes that we inspected, and that was due to the  
25 court order, and they wanted to ensure that the proper

1 security was done.

2 MS. KHANNA: Objection, Your Honor. I'm  
3 going to move to strike as non-responsive. I'm not  
4 sure, again, what question that was answering.

5 THE COURT: That was non-responsive to the  
6 questions and beyond the scope, so -- of what's before  
7 the Court, so --

8 MS. KHANNA: Thank you, Your Honor.

9 THE COURT: -- strike the last part of his  
10 answer dealing with the security measures.

11 MR. OLSEN: Your Honor, just a point of  
12 clarification. You said strike the last part and --

13 THE COURT: His answer, he had two parts to  
14 his answer. He said, first, he observed ballots,  
15 improperly imaged ballots beyond what was sampled. That  
16 was part 1. Part 2 is the commentary about the  
17 continued or ongoing storage, and the -- it's all right,  
18 I've been accused of soft-spoken. Part 2 was the  
19 testimony that related to the ongoing security concerns.  
20 That's the part that is not relevant to the issues that  
21 are before the Court today.

22 MR. OLSEN: Yes, Your Honor.

23 BY MR. OLSEN:

24 Q. Mr. Parikh, you mentioned that you saw other  
25 ballots that you could see -- do I understand that

1 correctly -- had a 19-inch ballot image projected onto  
2 20-inch paper?

3 A. Yes, sir.

4 Q. And how could you tell that?

5 A. Because the difference in the margin, as they  
6 were being taken out of the box and placed on the table  
7 and shuffled around, it was obvious. It was apparent to  
8 me.

9 Q. Okay. Is there -- when -- on these ballots with  
10 a 19-inch image, are there marks that kind of -- that  
11 are different around the corners than the 20-inch  
12 ballots?

13 A. Yes, sir. You will see the corner edges of the  
14 image, which would be considered, you know, the actual  
15 size of the paper. Those right-angle marks at each --  
16 the top left, top right, bottom left, bottom right, are  
17 within the margin space. They are clearly visible.

18 Q. Did you -- you mentioned that you kept notes --

19 A. Yes, sir.

11:34:17 20 Q. -- of your inspection. Did you draft a report  
21 that summarized those notes with conclusions?

22 A. Yes, sir, I did.

23 Q. If the Court were to ask you for it, would you be  
24 able to provide it to the Court?

25 A. Yes, sir, I would.

1 Q. And would that report be -- would you swear to  
2 the accuracy of your conclusions in that report?

3 A. Yes, I would.

4 Q. And would you swear to the accuracy of your --  
5 the results of your inspection in that report?

6 A. Yes, sir, I would.

7 Q. You testified earlier that having a 19-inch  
8 ballot image projected on a 20-inch ballot as you  
9 observed appearing from ballots cast in six different  
10 vote centers --

11:35:23

11 A. Yes.

12 Q. -- duplicated ballots, spoiled ballots, that  
13 could only arise from -- could it be by accident or is  
14 it?

15 A. No, sir, it could not be by accident. Those are  
16 configuration changes they are administrative level on  
17 the printer aren't -- with a ballot style or ballot  
18 definition file, and those are done on the EMS system,  
19 which has password security and everything else. The  
20 EED application is actually the one that creates the  
21 ballot style. That's what's used. It's commonly --  
22 it's commonly put on the EMS server because that's,  
23 like, the centerpiece, and those two systems are  
24 controlled access.

11:35:54

25 Q. You testified earlier that you have been involved

1 in other assessments of failures relating to  
2 cyber-related issues, correct?

3 A. Yes, sir.

4 Q. And that we call that a root cause analysis,  
5 correct?

6 A. Yes, sir. I was part of the working group that  
7 established what was called the IARA process, which is a  
8 risk analysis and assessment process for the missile  
9 defense agency years ago. It's a standard risk analysis  
10 and assessment, and in order to do that, that's the  
11 basis of how you analyze threat and then you also,  
12 that's why you conduct root cause analysis, because you  
13 have to be specific when you assess risk -- risk, excuse  
14 me.

15 Q. In the performance, in your experience, and you  
16 testified earlier that the federal government -- was it  
17 the federal government that had actually criminally  
18 prosecuted people based on your findings in a root cause  
19 analysis?

11:36:42 20 A. Yes, sir, and sometimes they ignored my analysis,  
21 but that's beyond.

22 Q. Given your opinion that -- strike that.

23 Given your opinion and your knowledge of how  
24 ballot definitions are configured and how printers work,  
25 does your finding of a 19-inch image, ballot image base



1 placed on 20-inch paper, does that implicate violations  
2 of criminal law?

3 MS. KHANNA: Objection.

4 THE COURT: Wait. Hold on before you answer  
5 that.

6 MS. KHANNA: Objection, Your Honor. Calls  
7 for speculation. Lack of foundation, and it calls for  
8 legal conclusion.

9 THE COURT: It does call for a legal  
10 conclusion.

11 MR. OLSEN: Your Honor, the witness has  
12 testified that --

13 THE COURT: I heard.

14 MR. OLSEN: Yes, Your Honor. I'll sit down.  
15 BY MR. OLSEN:

16 Q. Based on what you have determined on your  
17 physical examination of these ballots, your experience  
18 both in the industry as a Certified Forensic Hacking  
19 Investigator, your CISSP, your skills with, I believe,  
20 you called it IRAP, is that --

21 A. It's IARA, that's the acronym that does it. They  
22 are different -- and this is specifically for technical  
23 risk and assessment. This is one of the issues when I  
24 worked for the voting system test labs to get all the  
25 vendors, I've dealt with over seven of them to my

1 memory, right, none of them performed it. The labs  
2 didn't perform it. I eventually convinced one lab to do  
3 this, because this is vital to when you're doing system  
4 testing let alone security system testing, and this  
5 applies not just to an electronic voter systems, this is  
6 to all information systems, all technology. These are  
7 standard engineering principles.

8 Q. Is there any way you could be wrong about a  
9 19-inch image being placed on 20-inch paper?

11:39:43 10 A. No, sir. I give the technical options that are  
11 there. There are two ways that this can happen, and  
12 based on this system and the controls in place, this  
13 could not have been an accident, and there are only two  
14 options. It would take further investigation, further  
15 forensic examination for me to determine exactly which  
16 one it was.

17 MR. OLSEN: Thank you, Mr. Parikh.

18 Cross.

19 THE COURT: Cross-exam, will that be you,  
11:40:20 20 Mr. Liddy?

21 MS. KHANNA: Your Honor, I think we're going  
22 to break up the cross-examination, if possible. One  
23 from the County and one for the Governor-Elect Hobbs as  
24 well, and if we could do the County's first, I think we  
25 might get to the other one after lunch.

1 THE COURT: Mr. Liddy?

2 CROSS-EXAMINATION

3 BY MR. LIDDY:

4 Q. Thank you, Your Honor. I appreciate that as some  
5 of these allegations go directly to the conduct of the  
6 election by my client Maricopa County.

7 Mr. Parikh, is that correct pronunciation?

8 A. Yes, sir, it is.

9 Q. And where do you reside, Mr. Parikh?

11:40:57 10 A. I reside in Huntsville, Alabama.

11 Q. You traveled up to Maricopa County for this  
12 proceeding?

13 A. Yes, sir, I did.

14 Q. And who paid for your travel?

15 A. The attorney fund.

16 Q. The attorney fund. What's the attorney fund?

17 A. It's the legal fund. I believe it's -- it's for  
18 all the attorneys associated with this.

19 Q. With this particular litigation?

11:41:23 20 A. Yes.

21 Q. And did the attorney fund pay for lodging as  
22 well? Paid for your lodging?

23 A. Yes, lodging is always considered travel.

24 Q. And are you being paid for your time?

25 A. Yes.

1 Q. And what is the rate at which you're being paid  
2 for your time?

3 A. \$250 an hour.

4 Q. That's also coming from the attorney fund?

5 A. Yes.

6 Q. Are you familiar with an event called Michael  
7 Lindell's Moment of Truth?

8 A. Yes, I spoke at the event.

9 Q. You appeared and spoke at the event?

11:41:54 10 A. Yes, I did.

11 Q. And where was that event held?

12 A. In Missouri.

13 Q. In Missouri. And was your travel from Alabama to  
14 Missouri paid for by someone other than yourself?

15 A. Yes, sir.

16 Q. And who paid for that?

17 A. That, I assume, would be Michael Lindell. All  
18 the travel was arranged. He asked me to speak at the  
19 event and I spoke.

11:42:17 20 Q. And that would be true for your time, did you  
21 also get paid for your time there?

22 A. I did not charge for my time.

23 Q. And your lodging?

24 A. That's considered travel that was provided to me.

25 Q. And when you say Mr. Lindell, you're referring to

1 the My Pillow guy?

2 A. Yes, sir.

3 Q. And you are a cyber security professional?

4 A. Yes, sir, I am.

5 Q. During your investigation of this election, did  
6 you detect any hacking involved in the '22 General  
7 Election in Maricopa County?

8 A. No, sir.

9 Q. I believe you testified that yesterday you were  
10 down at MCTEC performing the court-ordered inspection of  
11 the ballots; is that correct?

12 A. Yes, sir, I was.

13 Q. And you were asked to select batches of ballots?

14 A. Yes.

15 Q. You were asked to identify them. Did you use a  
16 highlighter and highlight the boxes?

17 A. Yes, I did.

18 Q. Did you observe the custodian of those ballots  
19 opening those boxes?

11:43:40 20 A. Yes.

21 MR. OLSEN: Objection.

22 THE WITNESS: They opened them in front of  
23 all the inspectors. There was a court report inspected,  
24 there was the other inspector for the other, the  
25 gentleman sitting over there that says he was an

1 attorney. We all were there as they went through.

2 BY MR. LIDDY:

3 Q. Did the individual who opened the box break the  
4 seal?

5 A. By seal, are you referring to the red tape, which  
6 is simply red tape and not a security seal?

7 Q. Well, I'm asking you what you observed.

8 A. I would not categorize what closed the boxes as a  
9 seal.

11:44:13 10 Q. Did you see the serial numbers on it?

11 A. There were no serial numbers.

12 Q. So in your professional opinion, the ballots were  
13 not sealed?

14 A. The ballots did not have an appropriate security  
15 seal on the boxes.

16 Q. That's -- so, okay, fine. My question was: Were  
17 the ballots sealed?

18 A. They were closed with tape.

19 Q. And where were they stored?

11:44:41 20 A. In the vault and in the tabulation center.

21 Q. Now, would you say in your profession, details  
22 are important?

23 A. Yes, they are highly important.

24 Q. And you said that you reviewed the statutes prior  
25 to initiating this investigation?

1 A. I always have to do that, because it's relevant,  
2 especially if a state has a statute.

3 Q. So that's a yes?

4 A. Yes.

5 Q. And you also reviewed federal statutes?

6 A. Yes.

7 Q. HAVA, I think you said?

8 A. I go as far back as the 1990 FEC standards. I  
9 reviewed them all, every version of the VVSG.

11:45:33 10 Q. And you downloaded Title 16?

11 A. Yes, I like to have references for when they are  
12 referred to, because they have been referred to. And in  
13 the Secretary of State's manual, they were referred to  
14 in the Maricopa manuals and procedures. So I like to  
15 actually read what's referred to, to ensure that it's  
16 accurate.

17 Q. And when you read those documents, you pay close  
18 attention to detail, because that's required by your  
19 profession; is that correct?

11:45:58 20 A. I'm not a legal attorney, and so I read the laws  
21 for what they state and how they are.

22 Q. Now, you testified that you reviewed some  
23 documents that were provided to the Lake campaign by a  
24 FOIA request; is that accurate?

25 MR. OLSEN: Objection, Your Honor. I don't

1 believe he ever testified to that.

2 THE COURT: Well, it's cross-exam, so he can  
3 answer the question, if he understands it. If you don't  
4 understand the questions, Mr. Parikh --

5 THE WITNESS: No, these were public record  
6 requests. They came from me from other technical  
7 professionals.

8 BY MR. LIDDY:

9 Q. So they were not FOIA requests?

11:46:36 10 A. Those records were obtained via FOIA requests.

11 Q. Are you familiar with FOIA? Can you tell me what  
12 F-O-I-A stands for?

13 A. It's the Freedom of Information Act.

14 Q. Is that statute a federal statute or a state  
15 statute?

16 A. That depends on what you're requesting the FOIA  
17 for. That's categorized at the federal level and state  
18 levels, to my knowledge.

19 Q. So a FOIA can either be a state or a federal, in  
11:47:00 20 your understanding?

21 A. Yes.

22 Q. And federal was FOIA and state was a public  
23 records request under the Arizona statute, that would be  
24 a detail that doesn't interest you?

25 A. That -- if -- if the data was illegally obtained



1 --

2 Q. That's not the question. The question is: Is  
3 the detail, the difference between a federal statute and  
4 a state statute, of interest to you?

5 A. When I'm provided evidence, I always ask the  
6 source of it. And I have received, in my experience, I  
7 have received evidence from law enforcement officials  
8 that, in my opinion, were not properly attained. And as  
9 a forensic investigator who understands chain of custody  
10 and all the legal ramifications, because for the court's  
11 record, the majority of that deals with the statutes.

12 For example, the lock picks that I own as part of  
13 my security thing, in my state, I have to have a private  
14 investigator license. These are the statutes that a  
15 forensic investigator handling evidence has to be aware  
16 of.

17 Q. Thank you. And when you're working with your  
18 security thing, as you said it, are you familiar with  
19 federal statutes and state statutes?

11:47:44 20 MR. OLSEN: Objection, Your Honor. I'm not  
21 sure about the question.

22 THE COURT: Well, if he's confused --

23 MR. LIDDY: I'll withdraw the question, Your  
24 Honor.

25 THE COURT: Thank you. Next question.

1 BY MR. LIDDY:

2 Q. You just testified that you receive information  
3 from law enforcement that's both federal and state law  
4 enforcement; is that correct?

5 A. I didn't say that. I said it was law enforcement  
6 and I --

7 Q. And you testified both federal law enforcement  
8 and state law enforcement; is that correct?

9 A. What I just told you is I said I received it from  
10 law enforcement.  
11:48:39

11 Q. Well, when you receive information in your  
12 profession from law enforcement, are you familiar  
13 whether the law enforcement is federal or state?

14 A. Yes, when they provide me the evidence, yes.

15 Q. Is that a detail that's important to you?

16 A. Yes.

17 Q. I believe you testified that you examined some  
18 ballots that had been duplicated; is that correct?

19 A. Yes.

11:49:06 20 Q. And you testified that you examined the  
21 originals, but not the duplicates; is that correct?

22 A. That's correct.

23 Q. And you examined -- and you testified that the  
24 duplicates were not kept next to the duplicate -- the  
25 duplicates were not kept next to the originals; is that

1 correct?

2 A. That's correct. They are supposed to be  
3 traceable and easily identifiable. Mr. Jarrett said  
4 that he would have to get his techs busy and it would  
5 take them over a week to try and find them.

6 Q. That's your recollection of what Mr. Jarrett  
7 said?

8 A. That is what Mr. Jarrett said.

9 Q. And if the ballots, the originals and the  
10 duplicates, were in the boxes right next to each other,  
11 would that surprise you?

12 A. The duplicates that I was shown, because they  
13 were duplicated, were part of, one, of the vote centers,  
14 and he opened both those boxes; and, two, because they  
15 couldn't identify some of the original duplicates, they  
16 had to run and count them so they could try to map them  
17 back to which site they belonged to.

18 Q. So that's your recollection of what Mr. Jarrett  
19 said when you asked to see the originals of the  
20 duplicates?

21 A. No.

22 Q. That's a detail that's important. You're telling  
23 this Court that when you asked Mr. Jarrett to view the  
24 duplicates of the originals that he told you it would  
25 take six hours?

1           A. To clarify, I did not ask to see duplicates.  
2 They were part of the vote center, and they provided the  
3 entirety of what they had for the vote center. They  
4 could not provide what was --

5           Q. Thank you, Mr. Parikh. I think the important  
6 point, and I want to ask you this to make sure that I  
7 understand it correctly, is that you did not ask to see  
8 the duplicates?

9                   MR. OLSEN: Objection. Misstates his prior  
11:51:02 10 testimony. Argumentative.

11                   THE COURT: This is cross. Just for  
12 reference, on all cross, if he doesn't understand the  
13 question, he can have it rephrased; but particularly  
14 with an expert witness, I think he's capable of  
15 answering. If you don't understand, you can have him  
16 rephrase. If you do understand, you can go ahead and  
17 answer.

18                   Would you like the question restated to you?

19                   THE WITNESS: Yes, sir, if you would.

11:51:24 20                   THE COURT: Please, Mr. Liddy.

21 BY MR. LIDDY:

22           Q. Mr. Parikh, is it your recollection that when you  
23 asked Mr. Jarrett to see the duplicates and the  
24 originals that he told you it would take six hours to  
25 get them?

1 A. One, I did not ask to see them. They were --

2 Q. That's the answer to my question, Mr. Parikh.  
3 You did not ask to see them.

4 THE WITNESS: Your Honor, if I may --

5 THE COURT: Wait. There's just -- your  
6 counsel will have redirect.

7 THE WITNESS: Yes, sir.

8 THE COURT: So just answer his questions.

9 THE WITNESS: Yes, sir. I just want to  
10 state we were following --

11 THE COURT: Wait.

12 MR. LIDDY: I have another question, if it's  
13 appropriate.

14 THE COURT: Please.

15 BY MR. LIDDY:

16 Q. You've testified that you have a working theory  
17 that some of the ballots for the 2022 General Election  
18 were on 20-inch paper but were printed at 19 inches; is  
19 that correct?

11:52:31 20 A. 19-inch image printed on 20-inch paper, it is not  
21 a theory.

22 Q. Okay. So it was 20-inch paper, the ballot was  
23 20 inches, correct?

24 A. The paper was 20 inches.

25 Q. And the image was 19 inches, according to your

1 testimony, correct?

2 A. The ballot image was 19 inches, yes.

3 Q. Are you familiar with a shrink-to-fit setting on  
4 a printer?

5 A. Yes, I am.

6 Q. Could a shrink-to-fit setting account for some of  
7 the ballots you observed being 19 inches on 20-inch  
8 paper?

9 A. That is a possibility, but it would -- it would  
11:53:08 10 violate the configuration settings they had for the  
11 voting systems and the tabulators.

12 Q. And you've testified that you're familiar with  
13 the election process?

14 A. Yes, sir.

15 Q. And you testified that if one were to take a  
16 20-inch ballot that's shrunk to 19 inches and put it  
17 into a vote center precinct tabulator, it would not get  
18 tabulated?

19 A. It would not get tabulated at any tabulator.

11:53:38 20 Q. Any tabulator?

21 A. That encompasses ICP or ICCs at central.

22 Q. So if it went down to central, according to your  
23 understanding, and it was tried to run through the tower  
24 tabulators, it would also not be tabulated; is that  
25 correct?

1 A. That is correct.

2 Q. And you've just testified that you observed some  
3 duplicated ballots. Is it your understanding that a  
4 ballot that cannot be tabulated by precinct-based  
5 tabulator and cannot be tabulated by a tower-configured  
6 tabulator at central would then be duplicated?

7 A. It would have to be, because it wouldn't be  
8 tabulated, so it would require duplication.

9 Q. And after duplication, what would happen to that  
10 ballot?  
11:54:18

11 A. The duplicated ballot, which is supposed to be  
12 marked with a specific ID, and that ID must be recorded  
13 on the original, and I saw those stickers on the  
14 originals.

15 Q. The question is: What would happen to that  
16 ballot?

17 A. Then the ballot would be re-run through the --  
18 the duplicated ballot would be run through the  
19 tabulator.

11:54:38 20 Q. So it would be tabulated, is that your testimony?

21 A. The duplicated ballot would be tabulated, yes, it  
22 should be.

23 Q. Okay. So if a voter walked into a vote center on  
24 Election Day, filled out a ballot, maybe had a  
25 shrink-to-fit setting on it so it wouldn't be counted on

1 the tabletop, would go into Door Number 3, goes on down  
2 to MCTEC. They put it into a tower -- tower tabulator,  
3 it doesn't get counted, and then it gets duplicated and  
4 then it gets counted, so that voter's ballot was voted  
5 and tabulated; is that your understanding?

6 A. But you started -- you started --

7 Q. Is that your understanding?

8 THE WITNESS: Your Honor, I can't answer  
9 that question the way he asked the question because it's  
10 inaccurate.

11:55:23

11 THE COURT: If you don't understand, you can  
12 say I don't understand and he can rephrase it so you can  
13 understand. But if you don't like the way it's phrased,  
14 that's something that your counsel has to clear up.

15 THE WITNESS: Yes, sir. Your Honor, if I  
16 may address the Court?

17 THE COURT: No.

18 THE WITNESS: I'm provided for technical  
19 expertise and give those options. And if the technical  
20 scenario is inaccurate, I cannot answer the question.

11:55:50

21 MR. LIDDY: Let me try again.

22 BY MR. LIDDY:

23 Q. Ms. Lake right here in this room, bona fide  
24 candidate for Governor of the Grand Canyon state,  
25 hundreds of thousands of voters would love to have had



1 her as the next governor. One of them chooses not to  
2 vote in the 26 days of early voting or mail-in voting,  
3 or emergency vote center voting, but chooses to show up  
4 on Election Day, gets a ballot from a ballot on-demand  
5 printer, and somebody either intentionally or  
6 inadvertently has hit the shrink-to-fit setting, and  
7 this 20-inch ballot paper comes out 19 inches, this  
8 voter fills it out. Kari Lake, wanting her bid to be  
9 next governor, throws it into the precinct tabulator.

11:56:49 10 It comes out, goes into Door Number 3, goes down to  
11 MCTEC, the much more sensitive tabulators, according to  
12 you, it would not count it. It would then go to  
13 duplication, it would be duplicated, then it would be  
14 tabulated.

15 Is that your understanding of the elections in  
16 Maricopa County?

17 A. Your technical description is not possible.

18 Q. I apologize. I wasn't attempting to give a  
19 technical description. I was just saying what happens.

11:57:25 20 Based on your testimony, so you're saying in that  
21 scenario, that voter who wanted to vote for Kari Lake  
22 would never have that vote tabulated; is that your  
23 testimony?

24 A. My testimony is that a shrink-to-fit setting  
25 would rely at the application level, which would reside

1 on the EMS, which Mr. Jarrett just testified sends the  
2 print job to the printer. Therefore, it can't be  
3 accidental as all the employees that man the EMS are  
4 trained.

5 Q. Whether it's accidental or inadvertent --

6 A. I gave the two options, sir.

7 Q. Please allow me to ask the question, and I'll  
8 allow you to answer.

9 Whether it's accidental or inadvertent, if the  
11:58:11 10 shrink-to-fit 19-inch ballot has to be duplicated, once  
11 it's duplicated, would it be tabulated, to your  
12 understanding?

13 A. There are two technical ways that that image  
14 would be there. None of the ways you --

15 MR. LIDDY: Your Honor --

16 THE WITNESS: It's not possible, Your Honor.

17 THE COURT: I understand what you're saying,  
18 Mr. Parikh. That's not responsive to his question. If  
19 you are able to answer his question, you can do that.

11:58:45 20 BY MR. LIDDY:

21 Q. Sir, are you able to answer the question?

22 A. I'm unable to answer your question.

23 Q. Okay. Let me ask a different question.

24 Are duplicated ballots tabulated, Maricopa County  
25 General Election, 2022?

1 A. If they are duplicated correctly and they are  
2 configured correctly, yes, they should be.

3 MR. LIDDY: Thank you. No further  
4 questions, Your Honor.

5 THE COURT: Okay. We're at the point where  
6 we need to break. We're going to take a one-hour, not  
7 one-and-a-half-hour recess. So we'll be back here at  
8 1 o'clock to resume. So just come back at 1 o'clock,  
9 Mr. Parikh, and we'll resume where we left off.

11:59:33 10 THE WITNESS: Yes, sir. And I realize I'm  
11 still under oath, sir.

12 THE COURT: You read my mind.

13 THE WITNESS: Yes, sir.

14 THE COURT: Thank you very much.

15 (Recess taken, 11:59 a.m.)

16 (Proceedings resume, 12:58 p.m.)

17 THE COURT: All right. This is  
18 CV2022-095403. This is Lake v. Hobbs, et al.  
19 Continuation of the hearing on the election challenge.

13:00:16 20 Present for the record are parties -- are party  
21 representatives and their respective counsel. We have  
22 Mr. Parikh still on the witness stand under oath, and we  
23 are ready to continue with the cross examination. This  
24 will be by, Ms. Khanna, I believe.

25 MS. KHANNA: With the opportunity to

1 streamline over the lunch break, we have no further  
2 questions at this time.

3 THE COURT: Well then. Thank you.

4 MR. OLSEN: Your Honor, I have very brief  
5 redirect to clear up a few points, Your Honor.

6 THE COURT: No, that is fine. You get  
7 redirect. I'm smiling because I have a lawyer  
8 characterizing something as brief and --

9 MR. OLSEN: I do my best, Your Honor.

13:00:53

10 THE COURT: Excuse my smile.

11 But there is redirect, Mr. Olsen. You may  
12 proceed.

13 REDIRECT EXAMINATION

14 BY MR. OLSEN:

15 Q. Mr. Parikh, Mr. Liddy asked you some questions  
16 about duplicate ballots. And kind of like, hey, if  
17 there was a shrink-to-fit that that was no big deal  
18 because the duplicate would be captured or accepted by  
19 the tabulator.

13:01:21

20 What happens during the duplication process?

21 A. The original ballot is examined, another clean  
22 ballot is set beside it and the ballot is duplicated.  
23 All those votes are transferred and verified.

24 Q. In the duplicated -- duplication process, could  
25 the image of a 19-inch image from the original be

1 transposed onto a 20-inch ballot?

2 A. As the duplicated ballot?

3 Q. Yes. In other words, if you had a 19-inch image  
4 on 20-inch paper, the original image, and then the  
5 ballot is duplicated and run through the scanner, could  
6 the duplicated ballot be brought up to a 20-inch image  
7 or --

8 A. Yes, it should be if the ballot was originally a  
9 20-inch ballot, the blank ballot that they would bring  
10 to put the votes transfer the votes to would be 20-inch,  
11 so yes, it would be -- it would be tabulated.

12 Q. It would necessarily be moved to a 20-inch image  
13 in order to be tabulated?

14 A. Yes, that's the only way it could be tabulated.

15 Q. Yes. And at the point of duplication, anything  
16 could happen to alter, or not, the original ballot,  
17 correct, if you're duplicating a ballot?

18 A. Yes.

19 Q. What's to stop somebody from altering the ballot  
20 from its original --

21 MS. KHANNA: Objection, Your Honor. My  
22 apologies. This is beyond the scope of direct and  
23 cross, I believe. He's asking for new opinions that he  
24 never offered.

25 MR. OLSEN: Your Honor, if I may? Mr. Liddy

1 is the one who brought up duplication and then it was no  
2 big deal. This is directly relevant to his examination  
3 and implication that duplication means that no harm, no  
4 foul.

5 THE COURT: I agree with you in terms of the  
6 scope of redirect. I'm a little concerned about  
7 foundation, but --

8 MR. OLSEN: Yes, Your Honor.

9 THE COURT: -- go ahead and ask whatever  
10 questions.

11 Mr. Liddy, you're standing.

12 MR. LIDDY: Thank you, Your Honor. I  
13 apologize. The duplication process is in Title 16, it's  
14 a very important part of the process. I would never and  
15 have never characterized it as no big deal, and I object  
16 as mischaracterization of my description of that  
17 important process.

18 THE COURT: Not a problem, so noted.

19 Mr. Olsen, do you have another question,  
20 please?

21 BY MR. OLSEN:

22 Q. Mr. Parikh, Mr. Liddy asked you if you had asked  
23 for the duplicated ballots, and you said in the  
24 beginning of your testimony is that you had asked Mr.  
25 Jarrett and were given an answer that there was no way

1 to trace. And then subsequent to that when you were  
2 asked the question again, you said you did not ask.

3 What was the distinction that you were drawing in  
4 terms of asking for the duplicated ballot?

5 A. I thought Mr. Liddy was asking me if I had  
6 planned on -- if it was in my plan of what I selected  
7 and wanted to see, as far as the sample size, and I did  
8 not plan that. I did not plan that. It was made clear  
9 there was time taken to ensure that all the inspectors  
10 were aware of how the process would be, the amounts we  
11 were allowed, and all that. And they -- they were --  
12 they were provided to us. And when they were, I asked  
13 were the duplicates -- I did ask where the duplicated  
14 were, but that was part of the court order process to  
15 look at those, yes.

16 Q. And when you -- so that the record is clear, when  
17 you asked for the duplicated ballot while you were there  
18 at MCTEC, and what was the -- and who did you ask again,  
19 Mr. Jarrett?

13:05:19 20 A. Mr. Jarrett, yes.

21 Q. And what was his response?

22 A. He said they would have to get techs and it would  
23 take up to a week to trace that down.

24 Q. Okay. And you heard Mr. Jarrett testify that  
25 there was no way that a 19-inch image was placed on

1 20-inch paper in the November 2022 General Election,  
2 correct?

3 A. Yes, sir.

4 Q. And is there any way that a 19-inch ballot image  
5 placed on 20-inch paper in this election in Maricopa,  
6 whether it was tabulated by the vote center tabulator or  
7 the tabulators at MCTEC, that that 19-inch ballot image  
8 would be accepted by the tabulator?

9 A. There is no way a 19-inch image on 20-inch paper  
10 could be accepted by the tabulator.

11 Q. You also examined early votes, correct?

12 A. Yes, sir, I did.

13 Q. And you testified that those were votes that were  
14 printed by Runbeck?

15 A. Yes, sir.

16 Q. Did you see out of any of those early votes that  
17 you inspected or observed a 19-inch image on 20-inch  
18 paper?

19 A. No, sir, I did not.

13:06:35 20 Q. So the 19-inch image on 20-inch paper was only an  
21 existing condition on the ballot on-demand printed  
22 ballots, which were the day of the election; is that  
23 accurate?

24 A. Yes, sir, that's accurate.

25 Q. You took a picture of those ballots side by side



1 in your report, correct?

2 A. I did not take the picture physically. The  
3 photograph was provided to me.

4 Q. Okay.

5 A. When I initially saw it, it may not to a normal  
6 voter or user to pick this up; but again, I examine all  
7 types of media in all types of way, and it jumped out at  
8 me. And I requested to get a copy of that image,  
9 because to me that -- that was very damning. And then  
10 that photograph was an overlay, and it did confirm my  
11 conclusions that it was a shrinkage and that it was a  
12 19-inch image printed on a 20-inch ballot.

13 Q. Should there ever be, as Mr. Liddy characterized,  
14 a shrink-to-fit ballot that comes out for some people's  
15 ballots and not others?

16 A. I'm here to state the technical scientific facts.  
17 I gave the options. Mr. Liddy's assumptions of a  
18 shrink-to-fit is inaccurate, and to boot -- or to  
19 further on add -- that if the ballot definition is  
20 20 inches and you print it on 20-inch paper,  
21 shrink-to-fit will do nothing. The margins will be  
22 exactly the same as they are on a regular ballot, and  
23 they should be tabulated. But what he referred to  
24 cannot happen. The only other technical possibility for  
25 that happening is if somebody messed with the print

1 drivers and made -- even though 20-inch paper was  
2 loaded -- made the printer think it was 19 inches and  
3 that would cause the shrink-to-fit. Those are the only  
4 technical -- that's the only technical option that would  
5 address Mr. Liddy's scenario.

6 MR. OLSEN: Thank you, Mr. Parikh. No  
7 further questions, Your Honor.

8 THE COURT: Well, may we excuse the witness?

9 MS. KHANNA: Yes, Your Honor.

10 13:09:07 MR. OLSEN: Yes, Your Honor.

11 THE COURT: Thank you, Mr. Parikh. You are  
12 excused, sir.

13 (Witness excused.)

14 THE COURT: Mr. Blehm, Mr. Olsen, who is  
15 your next witness?

16 MR. OLSEN: Your Honor, at this time, we  
17 would like to call Aaron Smith.

18 MS. KHANNA: Your Honor, I'm not sure that  
19 we have Mr. Smith on the witness list.

20 13:09:39 MR. OLSEN: Absolutely was disclosed.

21 MS. KHANNA: On the witness list that you  
22 filed with the Court yesterday?

23 MR. OLSEN: I have to look, but I know that  
24 we disclosed him.

25 THE COURT: I don't see a Mr. Smith on the

1 list yesterday. (Pause.)

2 MR. BLEHM: The list I'm looking at, Your  
3 Honor, Mr. Smith as a witness. If Your Honor wants to  
4 give me a few minutes, I can go through my e-mails.

5 THE COURT: I'm looking at what the Court  
6 was given and --

7 MR. OLSEN: I don't know that we provided  
8 that list, Your Honor.

9 MS. KHANNA: We also, I think, there was an  
10 e-mail communication from Plaintiff's counsel expressly  
11 asking us to take Mr. Smith off of the list.

12 MR. OLSEN: No, we did not take Mr. Smith  
13 off.

14 THE COURT: Well, we're now burning time  
15 trying to find out who Mr. Smith is and where he is,  
16 so --

17 MR. OLSEN: Right. (Pause.)

18 Your Honor, at this time, we would call  
19 Bradley Bettencourt.

13:12:28 20 THE COURT: Very well.

21 MR. BLEHM: Your Honor, we're going to have  
22 a change and call Heather --

23 THE COURT: I couldn't catch that. I heard  
24 change of plans and he turned around.

25 MR. OLSEN: We're going to call another

1 witness, Your Honor. Heather Honey.

2 THE COURT: Okay.

3 MR. BLEHM: Sorry about that, Your Honor.

4 THE COURT: Is the witness waiting outside?

5 MR. BLEHM: Yes. She's coming in now.

6 THE COURT: Could you just hold on one  
7 second? Have her stay outside.

8 MR. BLEHM: Hold on one second.

9 THE COURT: Thank you. This was another  
10 13:13:59 issue that was raised in the 807 notice by Plaintiffs  
11 that they were going to use hearsay. I apologize, Mr.  
12 Olsen, you're having a hard time hearing me and I'll try  
13 and speak up.

14 The disclosure that I received had listed  
15 Exhibit A, there was no attachment. So all I have is  
16 information that this witness is going to testify about  
17 a voicemail from someone with a first name, no last  
18 name.

19 MR. BLEHM: Well, Your Honor --

20 13:14:34 THE COURT: I don't have any substance.

21 MR. BLEHM: Okay. It's a voicemail from  
22 somebody by the name of Betty, who identifies herself as  
23 working at the Department of Elections for Maricopa  
24 County. The voicemail was left to my client in response  
25 to a FOIA request, a Public Records Act request, that

1 was made for chain of custody documentation. And the  
2 voicemail we believe, Your Honor, is a statement against  
3 interest, because they basically say, well, don't know.

4 THE COURT: Okay.

5 MR. BLEHM: It has been disclosed, Your  
6 Honor.

7 THE COURT: Okay. There's -- who is going  
8 to respond?

9 MR. LIDDY: Your Honor, I will.

13:15:24 10 THE COURT: Thank you, Mr. Liddy.

11 MR. LIDDY: Thank you, Your Honor. I'm  
12 going to object to calling this witness for purposes of  
13 hearsay testimony by somebody named Betty, who is not a  
14 party in this case and, therefore, cannot make any  
15 statements, admissions on behalf of the party. And this  
16 so-called voicemail has no authentication, so I would  
17 object on foundation as well, Your Honor.

18 And, Your Honor, we don't have it. It  
19 hasn't been disclosed.

13:15:50 20 MR. BLEHM: It's been disclosed, Your Honor.  
21 This Court even has it as a trial exhibit. But, Your  
22 Honor, Betty identifies herself as someone working in  
23 the Maricopa County Department of Elections. She also  
24 identifies that she is responding to my client regarding  
25 a Public Records Act request that was -- I'm sorry -- I

1 said my client -- she was responding to my witness  
2 regarding a Public Records Act request. It was my  
3 client who made that Public Records Act request, and  
4 Betty is explaining in the voicemail that she's -- they  
5 are still looking for the records, but they have no  
6 idea. And she's got to go on vacation, so she should  
7 call back and talk to somebody else. It's a Public  
8 Records Act request, Your Honor, that is directly  
9 relevant to the trial here today.

13:16:42 10 THE COURT: That's not my problem. I agree  
11 with you, I see the relevance of what you're arguing.  
12 My problem and where I'm focusing my questioning is the  
13 authentication and the disclosure of this, because  
14 you're asking for this under 807 as an exception because  
15 there's not another recognized exception to the hearsay  
16 rule, and I didn't see anything disclosed. You're  
17 telling me this today, this is the first I'm hearing it.

18 So --

19 MR. BLEHM: Well, Your Honor --

13:17:14 20 THE COURT: You're asking -- 807 is the  
21 exception when everything else is gone, this is the Hail  
22 Mary that says --

23 MR. BLEHM: Understood, Your Honor.

24 THE COURT: -- I've got nothing else, Judge.

25 MR. BLEHM: We put it in 807 just in case,

1 but I believe it is a statement against interest,  
2 especially in this case. We have pending litigation  
3 between my client and the County regarding their  
4 operation to this election, Your Honor, and it is a  
5 statement made by Betty identifying herself as an  
6 employee of the Maricopa County Records Department. My  
7 witness, Your Honor, will get on the stand and testify  
8 that she deals with Betty with respect to public records  
9 requests.

13:18:03 10 THE COURT: Okay. Very well then, okay. So  
11 that's your offer of proof that your client -- not  
12 client -- your witness who is going to testify that this  
13 is a known person to her; in other words, she could  
14 recognize a voice. She knows this person. She has  
15 dealt with this person as a representative of the  
16 defendants with other public records request.

17 Did I get it right?

18 MR. BLEHM: You got it right, Your Honor.

19 THE COURT: Mr. Liddy?

13:18:26 20 MR. LIDDY: Your Honor, first, we have not  
21 received this, so we would object on that basis. And  
22 second, there is no Betty that's a party. We can't  
23 authenticate who she is and she cannot make an admission  
24 on behalf of any of the parties in this litigation. And  
25 the fourth point, Your Honor, is a public records

1 request is not one of the two counts before this Court  
2 at this time.

3 MR. BLEHM: Public records request, Your  
4 Honor, is specifically aimed at Mr. Richer's testimony  
5 this morning that they have documents related to chain  
6 of custody for Election Day activity when they don't,  
7 Betty says on this voicemail, Your Honor.

8 MR. LIDDY: Objection, Your Honor. This is  
9 -- now counsel is testifying.

13:19:09 10 MR. BLEHM: I'm not testifying. I'm making  
11 argument, Your Honor, regarding the evidence.

12 THE COURT: What you're making is an offer  
13 of proof, correct, Mr. Blehm?

14 MR. BLEHM: I'm doing that as well, and I  
15 can submit one formally, if you would like, Your Honor.

16 THE COURT: No.

17 MR. BLEHM: But in terms of offering proof  
18 to this Court, A, my -- my witness will testify that she  
19 is familiar with Betty. My witness will testify that  
13:19:33 20 her employees are familiar with Betty. My witnesses  
21 will testify that she works with Betty in getting  
22 records from Maricopa County.

23 THE COURT: Okay.

24 MR. BLEHM: In response to FOIA requests,  
25 Your Honor.



1 THE COURT: And you've also told me that  
2 this was disclosed previously. Yes?

3 MR. BLEHM: I am, Your Honor, yes.

4 THE COURT: When was it disclosed to  
5 defense?

6 MR. BLEHM: Oh, I'm sorry, Your Honor. This  
7 last week has been, like, four months, and I -- if you  
8 want, Your Honor, it's going to take me a good  
9 45 minutes to look for disclosure.

13:20:07 10 THE COURT: Wait. Stop one second. You're  
11 an officer of the Court. I'm just asking for your word.  
12 If you tell me it was within the last week --

13 MR. BLEHM: I'm telling you it was  
14 disclosed, Your Honor.

15 THE COURT: You're telling me within the  
16 last week, as opposed to this morning, something like  
17 that?

18 MR. BLEHM: I believe, Your Honor, that I  
19 have created on two separate occasions at their request  
13:20:24 20 that I give them access to all of our records via a link  
21 so they can go online and download them, and I can show  
22 this Court that I have provided them at least two links  
23 to do so.

24 THE COURT: Wait a minute. I don't want to  
25 waste a bunch more time on this. We've already spent a

1 lot of time on it. I'm just down to the last little  
2 consideration, which is disclosure, so they are not  
3 shocked by this. Disclosure is different than saying  
4 here's -- here's where all my stuff is, you can dig it  
5 out, or it's in there somewhere. This would be specific  
6 you did a specific notice under 807, and so you realized  
7 that there's an issue with the authentication and the  
8 hearsay. So all I'm looking to do is verify that this  
9 is not something brand-new today in terms of identifying  
10 this witness in court today.

13:21:16

11 MR. BLEHM: It is not, Your Honor.

12 THE COURT: Thank you.

13 Mr. Liddy?

14 MR. LIDDY: Your Honor, we've been able to  
15 find under 73 and 74 document titled Placeholder For  
16 Voicemail, and then E, document titled Placeholder For  
17 Voicemail. I would argue, Your Honor, that that does  
18 not fit the requirement for disclosure.

19 THE COURT: Are you going to play the  
20 voicemail?

13:21:39

21 MR. BLEHM: Yes, I am, Your Honor, but that  
22 is the Court's exhibit list. I am not allowed to upload  
23 audio visual files to the court system. I had an  
24 assistant come by and drop before noon -- just before  
25 noon a flash drive, which was rejected. They have these

1 -- they have these audio recordings, Your Honor. I  
2 would guarantee you, as I stand here today, they know  
3 who Betty is.

4 THE COURT: Wait. Stop.

5 MR. BLEHM: Somebody knows who Betty is,  
6 because she works in the Elections Department.

7 THE COURT: When I say "stop," that means  
8 stop, okay?

9 MR. BLEHM: Yes, Your Honor.

13:22:16 10 THE COURT: First of all, your understanding  
11 of the website uploading links is different than mine.  
12 You can upload those.

13 Second of all, you did bring a flash drive  
14 by yesterday, but your office was told we can't do that.  
15 The Clerk of the Court uploads and the exhibits, and so  
16 those have to be uploaded through that website link.  
17 And, apparently, there isn't anything uploaded there.

18 MR. BLEHM: Your Honor --

19 THE COURT: Is there uploaded today?

13:22:47 20 MR. BLEHM: -- they were uploaded to this --  
21 we took everything that we had in our disclosure and we  
22 uploaded it to the system. (Pause.)

23 THE COURT: The clerk is telling me they  
24 don't have your exhibit uploaded. So what you would be  
25 doing is playing something extraneous that you have

1 that's not been uploaded into the system.

2 MR. BLEHM: Your Honor, we tried to upload  
3 all of our documents.

4 THE COURT: Okay.

5 MR. BLEHM: But we are unable to load audio  
6 --

7 THE COURT: I'm not doubting you, Mr. Blehm,  
8 in that regard at all.

9 Coming back to this, what I want to focus on  
10 is whether the defense had notice of this or not.

11 Have you heard the voicemail before?

12 MR. LIDDY: No, Your Honor. I have not  
13 heard the voicemail. None of the attorneys here have  
14 heard the voicemail, and we can avow that there's no one  
15 in the Department of Elections Public Records Department  
16 named Betty.

17 THE COURT: Well, why don't -- here's what  
18 I'm going to do, okay, because it's taking too long.  
19 You can call your witness. Your witness can testify and  
20 cross-examination can happen, but not play the video or  
21 the audio clip, because it's not uploaded. It's not in  
22 the system. I don't have that disclosed.

23 MR. BLEHM: Your Honor, based on  
24 representations by counsel, we could always play it real  
25 quick before I bring the witness in. Counsel

1 represented that there's no one by -- by that name who  
2 works at the Elections Department.

3 THE COURT: No, I'm not going to have an  
4 evidentiary hearing on this issue, okay? It was raised  
5 earlier in your notice. I told you that the attachment  
6 wasn't there. Now it's not in the exhibits. We're just  
7 going to move on. You can go ahead and call your  
8 witness. There will be cross-examination, you can  
9 redirect, but we're not going to play a clip that's not  
10 uploaded and not previously disclosed.

13:24:58

11 MR. BLEHM: Thank you, Your Honor. Would  
12 your Honorable Court reconsider if I can go online at  
13 some point today before I'm done with my witness and  
14 show something that says you cannot upload audio/visual  
15 files through the system from this link? I tried  
16 anyway, Your Honor.

17 THE COURT: I have no doubt you tried.

13:25:39

18 Okay. I'm listening to two sources. Since  
19 statehood, the Clerk of the Court has been separate from  
20 Maricopa County Superior Court for whatever reasons were  
21 decided at the time of statehood, so they have a  
22 separate system. I cannot tell the Clerk of the Court  
23 how to do business, they run the exhibits. And so I'm  
24 looking to that website and my understanding of it, my  
25 clerk telling me what can be uploaded. I am not

1 doubting you, Mr. Blehm, that you tried to upload the  
2 exhibit. The operative question is whether or not it's  
3 a surprise to them, meaning the defendants, because they  
4 have not heard the video clip. That would be something,  
5 whether it's uploaded or not, you would have given them  
6 previously.

7 So your question to me is whether I would  
8 reconsider that ruling after having heard the evidence  
9 if you would make an offer of proof separate and apart  
10 from the witness's testimony, correct?

13:26:27

11 MR. BLEHM: Yes, Your Honor.

12 THE COURT: Okay. I'll accept that. You  
13 can -- you can go ahead and make an offer of proof.

14 Do you have that right now?

15 MR. BLEHM: The audio recording?

16 THE COURT: Yes.

17 MR. BLEHM: Yes, Your Honor. We can pull it  
18 up.

19 THE COURT: Well, that's what I want you to  
20 do for your offer of proof.

13:26:47

21 MR. BLEHM: All right. And may I play it,  
22 Your Honor?

23 THE COURT: Playing it for me, yes.

24 MR. BLEHM: Yes, that's what I mean, Your  
25 Honor.

1 THE COURT: This is part of your offer of  
2 proof, Mr. Blehm.

3 MR. BLEHM: This is what's listed as  
4 Exhibit 74, Your Honor. For defense counsels' sake, it  
5 is listed as Q1.1.

6 And now, Your Honor, I'm hoping she didn't  
7 say she was Betsey.

8 (Audio played in open court.)

9 THE COURT: Okay. Is that the same one?

13:29:13 10 THE TECHNICIAN: It just looped, Your Honor.

11 THE COURT: Looped, very good.

12 MR. BLEHM: That would make an interesting  
13 crank phone call, Your Honor, that somebody -- that  
14 somebody identifies themselves from the Maricopa County  
15 Elections Department stating their name and saying we're  
16 still waiting for records responsive to your request,  
17 Your Honor. My client will testify as to who this  
18 individual is -- I'm sorry, not my client -- my witness.  
19 My witness will testify, Your Honor, that she interacts  
13:29:46 20 with this individual.

21 THE COURT: Okay.

22 MR. BLEHM: When she's fulfilling FOIA  
23 requests from the Maricopa County Recorder's Office  
24 Department of Elections.

25 THE COURT: Very good. Okay. Go ahead and

1 call your witness. I'm going to give it the weight I  
2 deem appropriate, and, you know, when all the dust  
3 settles. But you can go ahead and call your witness.

4 MR. BLEHM: Thank you, Your Honor.

5 THE COURT: Ma'am, if you could just come  
6 forward, if you would. Stand in front of my clerk.  
7 Raise your right hand, she'll swear you in.

8 HEATHER HONEY,  
9 called as a witness, having been duly sworn, testified  
10 as follows:

13:30:40

11 THE COURT: Ma'am, if you could just move  
12 your way, make your way around to the witness stand and  
13 have a seat. As soon as she's situated, you may  
14 proceed, Mr. Blehm.

15 DIRECT EXAMINATION

16 BY MR. BLEHM:

17 Q. Good afternoon, Ms. Honey. Can you please state  
18 your full name for the record?

19 A. Heather Honey.

13:30:59

20 Q. What do you do, Ms. Honey, for a living?

21 A. I'm an investigator. I'm also an auditor. I do  
22 supply chain consulting as well.

23 Q. Okay. How long have you engaged in that type of  
24 work, namely, as an investigator?

25 A. Over 30 years.



1 Q. Over 30 years, okay.

2 And so what do you do as an investigator? You  
3 just investigate?

4 A. Yeah, I mean, I do corporate investigations. I  
5 do, as I mentioned, supply chain investigations,  
6 counter-diversion, those sorts of things. And recently  
7 over the course of the last, about two and a half years,  
8 our research has sort of expanded into, you know, sort  
9 of government accountability, transparency and  
10 elections.

13:31:43

11 Q. Okay. Do you also conduct a great deal of  
12 open-source research?

13 A. I do.

14 Q. And what is open-source research?

15 A. Open-source investigations, open-source  
16 intelligence is just the use of publicly available  
17 information, public records, to do investigations or  
18 research.

19 Q. All right. So, like, Maricopa County Elections  
20 Department records, would that be correct?

13:32:07

21 A. Yes.

22 Q. Okay. And you can get those through how?

23 A. In Arizona, it's a public records request that  
24 you submit.

25 Q. All right. And so in terms of your work doing

1 open-source investigations and things of that nature, I  
2 know you're shy, but I also know you teach people.

3 Can you give me background in that area?

4 A. Yeah, I do training on open-source  
5 investigations, open-source research. I've been doing  
6 that sort of training for about five years now, and I  
7 instruct people.

8 Q. Who do you -- who do you train on behalf of?

9 A. Well, I'm -- I'm a small-business owner. I own  
10 my own company, and I wrote my own curriculum, and I  
11 train clients in military clients, special forces. I  
12 train law enforcement. I train private corporations,  
13 and I train journalists as well. So that's an awesome  
14 use of open-source investigations, skills for  
15 journalism.

16 Q. And I think you said special forces?

17 A. Yeah.

18 Q. Do you do any work with the department of -- or  
19 the DEA, I'll abbreviate?

13:33:26 20 A. I don't believe I've ever had students from the  
21 DEA, like Secret Service. Like I said, law enforcement  
22 agencies, local police departments, those sorts of  
23 things.

24 Q. All right. All right, very good. And so you --  
25 you said you also got involved in election integrity

1 issues how long ago?

2 A. About two and a half years ago now.

3 Q. Three and a half -- two and a half years ago?

4 Okay. And just what states have you done research in?

5 A. Well, some of our research has been in all 50  
6 states, specifically looked into a vulnerabilities in  
7 the UOCAVA, nonmilitary UOCAVA voters. In addition to  
8 that, we've done very specific types of research in  
9 Pennsylvania, Michigan and Arizona, and a little bit of  
10 -- a little bit of stuff in Georgia as well.

13:34:20

11 Q. All right. And so with respect to your work in  
12 the State of Arizona, do you know what is the EPM?

13 A. Yeah, the Election Procedures Manual. I'm  
14 familiar.

15 Q. I'd like to pull up the Elections Procedures  
16 Manual right now, Your Honor, Exhibit 60.

17 All right. And can you see the monitor in front  
18 of you?

19 A. I can.

13:34:53

20 Q. Does that appear to be the Elections Procedures  
21 Manual?

22 A. It does.

23 Q. Are you fairly well versed in that document?

24 A. I mean, I haven't committed it to memory in its  
25 entirety, but I'm familiar with the relevant statutes as

1 they relate to the research that I've done in Arizona.

2 Q. Okay. Thank you. And so let's -- let's talk  
3 about just generally, explain to this Court, how you  
4 became knowledgeable about Arizona elections as it  
5 relates specifically to the issue of chain of custody?

6 A. Yeah. So, you know, obviously the idea here, I  
7 mean, do like vulnerability assessments, I do supply  
8 chain consulting. So what you're looking for, right, is  
9 researching what are the vulnerabilities in the election  
10 system, for example. And so one of the areas that we  
11 looked at was the drop-box chain of custody, and the  
12 Election Procedure Manual, specifically, has guidelines  
13 starting on page 61, item number 7. There are about  
14 eight specific requirements that the Recorder is  
15 required to do regarding the chain of custody of  
16 drop-box ballots.

17 So in addition to the EPM when we were  
18 researching this, we spoke with representatives who had  
19 actually participated in the process. We talked to  
20 ballot couriers who had actually retrieved ballots from  
21 drop box as we spoke with Celia in the Maricopa County  
22 Elections Department. She was very helpful. She  
23 provided a lot of really useful information in terms of  
24 their process. The EPM is sort of the guideline for the  
25 entire state, but how each county implements the -- the

1 process is different.

2 For example, we did, you know, research and  
3 investigations into the chain of custody in a couple of  
4 elections in Arizona, several in Maricopa, but we also  
5 looked at the process in Pima County as well.

6 Q. Okay. So you've spent a great deal of time  
7 talking to people in Arizona that actually work in the  
8 Elections Department?

9 A. Yes.

13:37:05 10 Q. That actually work at Runbeck?

11 A. Well, I mean, I spoke with Jeff Ellington about  
12 -- I want to say nearly a year ago or so -- and he was  
13 able to answer a bunch of questions about how Runbeck  
14 works. Jeff Ellington is the CEO of Runbeck, and  
15 recently I had the opportunity to talk to a Runbeck  
16 employee, who provided a declaration in this case.

17 Q. Okay. And you also have the opportunity to work  
18 with other election integrity experts and attorneys --

19 A. Yes.

13:37:39 20 Q. -- in the State of Arizona?

21 A. I do.

22 Q. All right. And so let's go back to Pennsylvania  
23 really quick. Pennsylvania is where you got your start,  
24 isn't it?

25 A. Well, I'm from Pennsylvania, so that's what --

1 that's what definitely piqued my interest in sort of the  
2 vulnerabilities in the election system and what could be  
3 done to fix that.

4 Q. In Pennsylvania, I believe it's 2020, wasn't  
5 it --

6 A. Yes.

7 Q. -- what did you identify as a particular  
8 vulnerability in Arizona at that time?

9 A. Well, in Pennsylvania, I think you mean.

13:38:10 10 Q. Yes, Pennsylvania.

11 A. Yeah. So --

12 MR. LIDDY: Your Honor, objection.

13 Relevance.

14 THE COURT: Sustained.

15 MR. BLEHM: Your Honor --

16 THE COURT: Sustained.

17 MR. BLEHM: Sorry.

18 BY MR. BLEHM:

19 Q. All right. So with respect to the State of  
13:38:29 20 Arizona again, how many elections have you looked at in  
21 the State of Arizona with respect, specifically, to the  
22 chain-of-custody issue?

23 A. Three.

24 Q. Three. Which ones were those?

25 A. It was the 2020 Election, there was a 2021 -- I'm

1 sorry -- 2022 Municipal Election and then this 2022  
2 General.

3 Q. Okay. And so I've got a demonstrative  
4 presentation, Your Honor, I would like to pull up, and  
5 it has citations to all of our exhibits.

6 MR. LIDDY: Your Honor, I would like a  
7 moment to review this with my co-counsel before it's  
8 published to the witness.

9 THE COURT: That would be fine. (Pause.)

13:39:57

10 MR. LIDDY: Your Honor, I'm going to object  
11 in that this exhibit seems to be more of an exhibit more  
12 than demonstrative, contains many signatures from  
13 individuals whose signatures should not be published to  
14 the public, Your Honor.

15 MR. BLEHM: Your Honor, signatures are  
16 routinely published.

17 THE COURT: Let me ask a question, if I  
18 could, please, Mr. Blehm.

19 MR. BLEHM: Yes, Your Honor.

13:40:25

20 THE COURT: Are these signatures related to  
21 the 2020 Election in Arizona?

22 MR. BLEHM: You know, I believe these are.

23 THE WITNESS: May I answer that question?

24 THE COURT: Well --

25 MR. BLEHM: Yes, these are related to 2022.

1 This is the 2022 Election, Your Honor. The documents  
2 contained within this PowerPoint are from the 2022  
3 Election. They were all provided either in response to  
4 my client's FOIA request, or they are public source  
5 documents that are published online, including there's a  
6 citation right off the bat, Your Honor, for the EPM, and  
7 so there's nothing in here that's been a surprise. This  
8 chart made by my client has also been disclosed, and  
9 with respect to the signatures, Your Honor, signatures  
10 are public all the time. Signatures of voters, people  
11 -- people check their -- their list, their roster list.  
12 I'm sorry. I'm not active in politics. I don't know  
13 what it's called when you run for office. You got to  
14 have, whatever it is, enough signatures to get on the  
15 ballots. Those are accessible to the public. I can go  
16 on the County Recorder's web page right now, today, this  
17 very second, and I can pull up titles, deeds, financial  
18 documents, all kinds of records that specifically  
19 contain signatures.

13:41:22  
20 These documents, Your Honor, which I'm going  
21 to move all of the underlying documents into the record,  
22 contain no PII. We're not talking about birth dates,  
23 Social Security numbers, we're not talking about  
24 driver's license. We're talking about Maricopa County's  
25 own documents.



1 THE COURT: Mr. Liddy?

2 MR. LIDDY: Your Honor, if -- if I heard  
3 counsel correctly, he wants to move these in as exhibits  
4 so, therefore, they are not a demonstrative and they  
5 have not been provided on his exhibit list.

6 MR. BLEHM: Your Honor, I'll tell you what,  
7 the moment I come across the document that has not been  
8 provided on my exhibit list, this Court doesn't have,  
9 then I'll stop with the demonstrative. I'm not seeking  
10 to admit this demonstrative exhibit into the record. I  
11 may do so after my client -- my witness testifies, Your  
12 Honor. But right now, I would like to walk through this  
13 demonstrative, which is based on documents received from  
14 open source, the EPM. You can go online, you can Google  
15 it and there it is, documents that were provided by  
16 Maricopa County.

17 MR. LIDDY: If I may, Your Honor?

18 THE COURT: Yes.

19 MR. LIDDY: These documents appear to fall  
20 under Title 16-168, any person in possession of precinct  
21 registered list, in whole or in part, or any  
22 reproduction of precinct registered list shall not  
23 permit the register or list to be used, but shall  
24 otherwise transfer for any purpose other than otherwise  
25 authorized in this section. And this is not the use

1 authorized in the section for these documents.

2 MR. BLEHM: Was that section F?

3 MR. LIDDY: Section F. It's for -- excuse  
4 me -- it's for election officials, or perhaps, expanded  
5 by court to government officials, and the witness is not  
6 a government official or an election official, Your  
7 Honor.

8 MR. BLEHM: Your Honor, if the entirety of  
9 section F were read, there are very clear and very  
10 specific exclusions, including the media, Your Honor.  
11 The media have access to signatures. Elections, Your  
12 Honor, is an exclusion. It does not say government  
13 officials running elections, and this case, Your Honor,  
14 is about an election.

15 THE COURT: What's the statute again, 16  
16 what?

17 MR. LIDDY: Your Honor, it's  
18 Title 16-168(f). If I may, Your Honor, I would ask that  
19 the counsel direct his comments to the Court and not to  
20 my co-counsel.

21 MR. BLEHM: Sorry. I look around when I  
22 talk.

23 THE COURT: Okay. Your representation is  
24 that there's none of the information prohibited in the  
25 form of month, date and year of birth, Social Security

1 number, driver's license number, non-operating  
2 identification license number, Indian census number,  
3 father's name, mother's maiden name, state or country of  
4 birth, none of that is contained, and then signatures  
5 and voters' e-mail addresses. And then none of that is  
6 contained in the information, or are you saying it's an  
7 exception because it's available to the media?

8 MR. BLEHM: There are signatures contained,  
9 Your Honor, but following the portion I believe you just  
10 read, it's specifically carves out exclusions, and one  
11 of them are for elections. If we didn't have these  
12 exclusions, Your Honor, candidates wouldn't be able to  
13 get on the ballot because they couldn't do signature  
14 petitions, okay? There are exclusions for the media. I  
15 believe it goes elections media, Your Honor, but I may  
16 be mistaken. I tend to forget.

17 THE COURT: This is limited to 16(f) is  
18 limited to persons in possession of precinct voter  
19 registration or lists, and then it says --

13:46:27 20 MR. BLEHM: Well, then, Your Honor --

21 THE COURT: It says, can't be bought, sold  
22 or otherwise transferred for any purpose, except for  
23 uses otherwise authorized by this section. And you're  
24 correct that it talks about authorized uses, including  
25 newspaper, radio, television.

1 MR. BLEHM: I would also point out, Your  
2 Honor --

3 THE COURT: Yes.

4 MR. BLEHM: -- that none of the documents  
5 contain within this -- within this presentation --

6 THE COURT: Okay.

7 MR. BLEHM: -- are poll lists.

8 MR. LIDDY: Your Honor --

9 MR. BLEHM: None of them.

13:47:41 10 THE COURT: What are we going -- what is the  
11 demonstrative exhibit and the testimony going to  
12 demonstrate?

13 MR. BLEHM: It's a demonstrative exhibit,  
14 Your Honor, prepared by my witness to walk the Court  
15 through the various chain of custody documents used by  
16 the Maricopa County Recorder's Office, as well as the  
17 Court -- as well as the Board of Supervisors. I think  
18 this --

19 THE COURT: To show?

13:48:08 20 MR. BLEHM: -- just to show Your Honor and  
21 the court and the witness. The media deserves to know,  
22 Your Honor.

23 THE COURT: Show what?

24 MR. BLEHM: To show the process, the  
25 documents used, okay, how the flow of ballots move.

1 THE COURT: Okay.

2 MR. BLEHM: And I will tell you, Your Honor,  
3 it's one of our contentions that because Maricopa County  
4 does not adequately maintain chain of custody of drop  
5 box and mail ballots that it becomes much easier to  
6 infuse ballots into the system, and that's one of our  
7 allegations, Your Honor.

8 THE COURT: Okay. I understand what your  
9 offer of proof is about.

13:48:51 10 MR. LIDDY: Your Honor, the signatures  
11 contained in the proposed demonstrative are not voters'  
12 signatures, so I would withdraw any objection based on  
13 that.

14 THE COURT: Very good. Then we can proceed.  
15 Mr. Blehm, you can proceed with your demonstration, and  
16 we'll get to that other part later about the exhibits  
17 you want to admit after you're finished.

18 MR. BLEHM: Thank you, Your Honor. Did I  
19 move to admit Exhibit 60, the EPM? If not, I do so now.

13:49:17 20 THE COURT: Any objection?

21 MS. KHANNA: Yes.

22 MR. LIDDY: Yes, Your Honor. Objection to  
23 relevance.

24 THE COURT: The EPM, not the demonstrative  
25 exhibit.

1 MR. LIDDY: No objection, Your Honor.

2 THE COURT: I didn't think so.

3 MR. LIDDY: Thank you.

4 THE COURT: 60 is admitted.

5 BY MR. BLEHM:

6 Q. All right. And so your familiarity with EPM came  
7 from your reading it and talking to other people,  
8 correct?

9 A. Yeah, I mean, the extensive research we did, yes.

13:49:40 10 Q. And the EMG has guidelines -- I'm sorry, I think  
11 I misspoke, didn't I? They are not guidelines?

12 A. I believe they are requirements. It says that  
13 the Recorder shall develop and implement the secure  
14 ballot retrieval and chain-of-custody process.

15 Q. Okay. So the County Recorder or officer in  
16 charge of elections shall develop and implement secure  
17 ballot retrieval and chain-of-custody procedures?

18 A. Yes. There's eight guidelines. This slide only  
19 has a couple of them on there, but the requirements are  
13:50:12 20 things like, you know, two couriers of differing  
21 parties, date and time of arrival at the drop box, date  
22 and time of departure from the drop box, and the date  
23 and time you arrive at the County. But most  
24 importantly, it requires that when that secure transport  
25 container is opened that the number of ballots inside

1 that container shall be counted and noted on the  
2 retrieval form. And, of course, these retrieval forms  
3 are specific to a -- one specific drop box, so it's a  
4 one-to-one correspondence.

5 Q. Okay. So based on the law then, if I were to go  
6 to what's designated as drop box P57 and retrieve the  
7 ballots from there, I would create a chain-of-custody  
8 record that identifies the two people who went to get  
9 the ballots, it identifies the time they went there, and  
10 more importantly, it identifies the number of ballots  
11 contained within that box?

12 A. Well, to be clear, the -- the form is called the  
13 Early Voting Ballot Transport Statement, and it is --  
14 the ballots are not counted at the time of retrieval.  
15 Instead, what happens is those couriers, they go out to  
16 the drop box, they open the drop box, they retrieve all  
17 of the ballots, they put them inside. Again, I'm going  
18 to tell you how Maricopa County does it. It's not  
19 necessarily how all of the counties do, but specifically  
20 in Maricopa County, the two couriers put the ballots in  
21 the box. They close the -- the transport container.  
22 They zip-tie it with security seals, and they document  
23 the fact that it was the two of them, the location, the  
24 time, et cetera, as I already mentioned. And then that  
25 secure container is transported back to the County.

1 Q. Okay. And does it sound like a pretty secure  
2 process when that is done?

3 A. Yeah, I mean, that's -- that's the process and  
4 that's compliant with the law in Arizona, so...

5 Q. But do you think it's important to have the  
6 number of ballots in each box?

7 A. Well, what the law requires is that when it's  
8 transported back to the County and when the Recorder or  
9 the Recorder's designee opens up that container, that at  
10 that point when the container is opened, the Recorder  
11 must count those ballots and record the precise number  
12 of ballots inside the container on that retrieval form  
13 and, again, the retrieval form is required in the EPM.

14 Q. Okay. And really quickly, I'm going to sort of  
15 interrupt your PowerPoint from time to time, because I  
16 think you said EVBTS?

17 A. Yes.

18 Q. Early Votes Ballot Transport Statement?

19 A. I actually have that on one of the slides so that  
20 you can see it.

21 Q. Understood. But I want the Court to be able to  
22 see a standalone of that document, and then we'll turn  
23 back to your slide; is that fair?

24 A. Understood, sure.

25 Q. Can you please pull up Exhibit 75, R1, on this



1 slide.

2 All right. Can you see the document that's  
3 currently on the screen?

4 A. Yes.

5 Q. And that's an Early Voting Ballot Transport  
6 Statement, correct?

7 A. Correct, it's the retrieval form used in  
8 Maricopa.

9 Q. Does that look like it's completely filled out?

13:54:07 10 A. Yeah, it looks great. It has all of the required  
11 fields. If I was doing an audit of that, I would say  
12 that's a perfect score.

13 Q. So you say perfect score for this one Bates  
14 number 009916, correct?

15 A. Yes.

16 Q. Okay. You're happy with that?

17 A. Yeah.

18 Q. Good. So you're not here just to criticize to  
19 criticize, are you?

13:54:32 20 A. I'm not here to criticize at all. I just want to  
21 sort of shed some light on the vulnerabilities in the  
22 system in the hopes that they'll be fixed.

23 Q. And how many, in response to my client's FOIA  
24 request -- or I keep saying FOIA, I apologize -- Public  
25 Records Act request, how many of these specific

1 documents did you get?

2 A. I apologize, I -- the precise count has escaped  
3 me, but I will tell you that they produced -- they said  
4 that they produced all the documents that they had. We  
5 specifically asked for these documents as well as a  
6 bunch of others, but they said that they provided all of  
7 the Early Voting Ballot Transport Statements that they  
8 had for the entire election, and we had them for every  
9 day that drop boxes were opened. So, you know, we  
10 compared that to the list of locations when they were  
11 open, and we did have these transport -- transport  
12 statements for each and every day that they were open,  
13 with the exception of Election Day. There were no Early  
14 Voting Ballot Transport Statements provided for Election  
15 Day.

16 Q. And that's where I was going next. The exhibit  
17 we have currently on screen, Exhibit Number 75, and  
18 really quickly, I'm just going to move to admit Exhibit  
19 Number 75, Your Honor?

13:55:55 20 THE COURT: Any objection?

21 MR. LIDDY: No objection, Your Honor.

22 THE COURT: 71 is admitted. Oh, wait, is it  
23 75?

24 MR. BLEHM: 75, Your Honor. It's your --  
25 your 75, our R1.

1 THE COURT: No, it's -- there's only one  
2 number. It's the Court's number that we're referring  
3 to, not mine, yours and his. It's 75, and 75 is  
4 admitted.

5 MR. BLEHM: Understood, Your Honor.

6 I say our R1 for their benefit --

7 THE COURT: Got it.

8 MR. BLEHM: Very good. 75, Your Honor.

9 BY MR. BLEHM:

13:56:26 10 Q. All right. And, you know, I'm going to sort of  
11 divert a little bit here, because do you have any  
12 problems with any of the Early Ballot Transport  
13 Statements that you reviewed for early voting until  
14 Election Day?

15 A. No, I think that they actually compared to  
16 previous elections they did a really -- a significantly  
17 better job with the documents this time around. But  
18 again, there were no documents produced for Election Day  
19 which amounted to a significant number of drop box  
20 ballots.

13:57:08 21 Q. All right. And so let's go back a little bit to  
22 talk a little bit more about your history as we sort of  
23 go through this. But what did you find when you did the  
24 2020 Election? You looked at all of the documents they  
25 had for chain of custody, correct?

1           A.    Yeah.  So -- so we made a couple of observations.  
2    The first one was that there were a significant number  
3    of -- of these Early Voting Ballot Transport Statements  
4    that were not properly completed; specifically, I would  
5    say, the biggest issue was that there were quite a few  
6    of them that did not --

7                   MR. LIDDY:  Objection, Your Honor.  The  
8    witness testifying about 2020, relevance.

9                   THE COURT:  Yes, she is.

13:57:42 10                   MR. BLEHM:  Yes, Your Honor.  It's just  
11    relevant to my client's -- sorry -- my witness's  
12    history, A, and it's also relevant to, you know,  
13    Richer's testimony.  He said he came in and he made it  
14    better and changed forms, and it was my witness, Your  
15    Honor, that sort of led that effort to get the forms  
16    changed.

17                   THE COURT:  Okay.  But that count was  
18    dismissed.  The process changes.  They could have been  
19    done either by the Arizona House, Senate, Governor  
13:58:18 20    working together or the Supreme Court.  Might have been,  
21    whatever could have been, that is dismissed.

22                   So I understand, I'm not going to debate  
23    with you --

24                   MR. BLEHM:  Understood, Your Honor.

25                   THE COURT:  -- endlessly.  Move on.

1 MR. BLEHM: I understand, Your Honor. I  
2 won't go there.

3 THE COURT: But you are now.

4 MR. BLEHM: I'm sorry, Your Honor. I'm not  
5 trying to be argumentative or anything. If we get at  
6 the end of our presentation of evidence and defendants  
7 stand up here and raise the laches allegation.

8 THE COURT: They won't be doing that because  
9 the motion ruled on that. There was the laches argument  
10 that was upheld with regard to the 2020 Election and the  
11 other part of the case.

12 MR. BLEHM: Okay.

13 THE COURT: So today we're talking about,  
14 hopefully, she's shedding light in her statement  
15 shedding light on vulnerabilities to be fixed is exactly  
16 what was dismissed. I'm looking at today what happened  
17 in the 2020 Election and understanding that, and to that  
18 end, I've allowed this presentation. And so far even  
19 though she said that, you're explaining how it's -- how  
20 the process works, and that's fine. But going into the  
21 2020, we're out of that.

22 MR. BLEHM: Understood, Your Honor.

23 THE COURT: Thank you.

24 BY MR. BLEHM:

25 Q. All right. Can we change the slide?

1           Thank you very much. Can you please explain  
2 to the Court what this -- this all means.

3           A. Yeah. So this is a diagram of Maricopa County  
4 ballot chain of custody from the voter to tabulation.  
5 And so what you notice is if you vote on Election Day,  
6 you put your ballot in the tabulation. But if you vote  
7 early in person in Maricopa, or if you vote by mail,  
8 there are several transfers of the ballot and,  
9 therefore, requirements for chain of custody. And  
14:00:09 10 what's interesting or unique about Maricopa County is,  
11 to my knowledge, they are one of the only counties in  
12 the country that outsources the intake or the receipt of  
13 their ballots to a third-party organization.

14           So, for example, we talked about the EPM and the  
15 requirement for chain of custody from the drop box to  
16 the County. In most counties, that's the end of the  
17 road, you know. You retrieve the ballot from the drop  
18 box, you transport it securely to the county, and it's  
19 tabulated there. That's not the case in Maricopa  
14:00:42 20 County.

21           In Maricopa County, they then have to, after they  
22 have received it in the County and processed it,  
23 according to the Arizona law, then they must again  
24 maintain secure chain of custody as they transfer it  
25 from Maricopa County to Runbeck, and then again, when it

1 comes back the other way.

2 Q. Okay. Thank you very much. And how many steps  
3 are there? If you vote, let's say you get -- you  
4 either, I guess, you get a vote by mail, couldn't you or  
5 you could go into the vote center and get a ballot  
6 early?

7 A. Right. So on the next slide, I kind of just  
8 point out the fact that a drop box in Maricopa County  
9 does not just contain mail ballots, right? So mail  
10 ballots that are, you know, sent to the voter and in the  
11 mail through the U.S. Postal Service -- it was the next  
12 slide.

13 Q. Well, I'm not done asking you questions, Ms.  
14 Honey.

15 A. Oh, I'm sorry. I thought you were asking me  
16 about the different ways. I'm sorry.

17 Q. All right. Why is it that chain of custody when  
18 all of these transfers take place is so important?

19 A. Well, I mean, chain of custody, first of all,  
20 it's the law. And, secondly, it's what allows sort of  
21 the security of the ballot, right? If you have ten  
22 ballots and, you know, you have ten ballots and they are  
23 transferred to the next location and they are still ten  
24 ballots, then, you know, you feel like that's a pretty  
25 good secure chain. But, you know, if there are ballots

1 added or subtracted, you become aware of that if you are  
2 properly managing chain of custody.

3 Q. Okay. So is what you're saying that at each of  
4 these different points in this process where a transfer  
5 is made, there are vulnerabilities in the system that  
6 could either induce or reduce the number of ballots?

7 A. Well, I mean, I think the reason that you  
8 maintain chain of custody, the reason that it's part of  
9 business, it's part of elections is because if failure  
10 to maintain chain of custody presents, a situation where  
11 ballots could be added, but ballots could also be  
12 removed, and so that's why this whole chain of custody  
13 is important enough to have its own laws written about  
14 it.

15 Q. Okay. And can you pull up Exhibit 102?

16 THE COURT: Is there another exhibit they  
17 are pulling up?

18 MR. BLEHM: Excuse me, Your Honor?

19 THE COURT: Is there another exhibit he's  
20 pulling up?

21 MR. BLEHM: They are pulling up Exhibit 102,  
22 Your Honor.

23 THE COURT: 102.

24 BY MR. BLEHM:

25 Q. Okay. All right. And so you can see the screen,



1 Ms. Honey?

2 A. Yes.

3 Q. And is that the chart you made that is -- that we  
4 marked, the Court has marked as Exhibit 2?

5 A. It is.

6 MR. BLEHM: I move to admit Exhibit 2, Your  
7 Honor.

8 MR. LIDDY: Objection, Your Honor.  
9 Foundation.

14:04:16 10 THE COURT: 102?

11 MR. BLEHM: I'm sorry.

12 THE COURT: You said 2.

13 MR. BLEHM: I am sorry, Your Honor, 102.

14 THE COURT: That's why I had this look on my  
15 face.

16 MR. BLEHM: I'm sorry. 102, Your Honor.

17 THE COURT: And is there an objection?

18 MR. LIDDY: Yes, Your Honor. This is  
19 offered as demonstrative. We're fine with that, but if  
14:04:34 20 it's going to be offered as an exhibit, it lacks  
21 foundation and no authentication.

22 THE COURT: Well, okay.

23 MR. BLEHM: Ms. Honey, did you make this  
24 document?

25 THE COURT: Wait. Let me rule. I think

1 that that's what the witness has done is she testified  
2 as to her understanding, and that's what this  
3 represents, her understanding of the system as the law.  
4 And your objection next might be?

5 MR. LIDDY: My objection is I would like to  
6 know where she got it, who created it.

7 THE COURT: Go ahead.

8 BY MR. BLEHM:

9 Q. Did you make this chart, diagram, whatever?

10 14:05:07 A. I made it in PowerPoint.

11 Q. And did you make this based upon your --

12 MR. LIDDY: Thank you, Your Honor. Based on  
13 that, no objection.

14 THE COURT: Great. 102 is admitted. Thank  
15 you.

16 BY MR. BLEHM:

17 Q. All right. Can we go back to the slide and move  
18 on to the next one?

19 THE COURT: Which is? Which exhibit?

20 14:05:26 MR. BLEHM: Oh, the demonstrative. I'm  
21 sorry, the PowerPoint.

22 THE COURT: I'm sorry.

23 BY MR. BLEHM:

24 Q. All right. Can you tell us what this slide  
25 shows, Ms. Honey?

1           A. Yes, so this slide shows that in a lot of  
2 counties a drop box is only for a place for people, an  
3 alternative returning their mail ballot by mail. But in  
4 Maricopa County, the drop boxes are, in fact, a  
5 repository for a ballot that's mailed to a voter they  
6 choose not to return by postal service, but it's also  
7 where people who vote early in person who vote -- who go  
8 into a vote center, show their ID; they, you know, get  
9 their ballot printed, they vote, put it in an envelope  
10 and they sign the envelope, and they drop that ballot  
11 envelope into a drop box. So when we talk about  
12 drop-box ballot retrieval for early voting, it includes  
13 early in-person and mail ballots that are deposited in a  
14 drop box as well, so it's those two different types of  
15 drop-box ballots.

16           Q. Okay. And so I believe you had testified  
17 previously that you have reviewed all of the early  
18 ballot EVBTS's?

19           A. Right.

14:06:48 20           Q. And it's my understanding you praise Maricopa  
21 County for having improved their documents and actually  
22 followed their procedures?

23           A. Yes, on the documents that were completed; but  
24 again, there's the absence of documents for Election Day  
25 ballots, which again, is a significant number.

1 Q. Okay. Well, your FOIA request, my client's FOIA  
2 request, requested all the chain of custody documents  
3 for Maricopa County Election Day, correct?

4 A. Correct.

5 Q. Have they provided any to you?

6 A. Yes, they actually provided all of the documents  
7 that we requested, with the exception of the Maricopa  
8 County Delivery Receipt Form.

9 Q. Okay. The Maricopa County Delivery Receipt Form,  
10 can you please tell the Court what that is?  
14:07:32

11 A. So the Maricopa County Delivery Receipt, as I  
12 mentioned in that, like, previous sort of thing, I think  
13 -- you can go to the one that actually has it on there,  
14 the -- it is the document, the chain-of-custody document  
15 that is created at Maricopa County to record the precise  
16 number -- that's not this slide. If you go to, like,  
17 two more -- the precise, that's the one -- perfect,  
18 thank you -- oops. Back one. There you go, perfect.

19 It's in this diagram here, it's the number 2,  
20 right? So when the drop box -- when the ballots are  
21 retrieved from the drop box, the Early Voting Ballot  
22 Transport Statement is used to document the chain of  
23 custody from the drop box to Maricopa County.  
14:08:10

24 Again, when it gets to Maricopa County, what the  
25 law requires is that they break open the seals and they

1 count the number of ballots inside that transport  
2 container and they document, they record that precise  
3 count of ballots on the Early Voting Ballot Transport  
4 Statement.

5 From there, again, this is unique to Maricopa  
6 County, Maricopa County election officials then create  
7 this delivery receipt form, which is like a half sheet,  
8 and that has on it the precise count of the ballots that  
9 they are then loading on a truck and transferring to  
10 Runbeck. The larger thing there, the thing that has the  
11 number 3 on it, is a document that's created at Runbeck,  
12 basically, just saying, hey, this is how many ballots  
13 were dropped off.

14:08:55

14 Q. Okay.

15 A. And to answer your question, what we did not  
16 receive is the number 2, the delivery receipts.

17 Q. All right. And I'd like to move away from the  
18 PowerPoint really quickly and open Exhibit Number 67.

14:09:26

19 THE COURT: I couldn't hear you because you  
20 turned away.

21 MR. BLEHM: I'm sorry, Your Honor, 67.

22 BY MR. BLEHM:

23 Q. All right. Ms. Honey, you were talking about the  
24 Early Voting Ballot Transport Statement, is this it?

25 A. I mean, this is one of them. This is from ASU

1 West from October 25th.

2 Q. Okay. By one of them, you mean there were many  
3 of these?

4 A. Yeah. So there's one of these forms for each day  
5 that a drop box is opened, and so if there are 50 drop  
6 boxes opened on a particular day, there are 50 of these  
7 forms created because there are 50 retrievals of  
8 ballots.

9 Q. Okay. And you reviewed all of these?

14:10:23

10 A. We did.

11 Q. All right. And --

12 MR. BLEHM: Did I already move this one into  
13 evidence?

14 THE COURT: I don't have that you did.

15 MR. BLEHM: I don't believe I did.

16 I would like to move 67 into evidence, Your  
17 Honor.

18 MR. LIDDY: No objection, Your Honor.

19 MR. BLEHM: Thank you.

14:10:39

20 THE COURT: 67 is admitted.

21 BY MR. BLEHM:

22 Q. All right. Do you have any problem with any of  
23 these statements for the early voting period?

24 A. No.

25 Q. No, you've reviewed them all?

1 A. Yeah, I mean, I think they -- like I said, they  
2 did a much -- much better job.

3 Q. Okay. So could you actually go through all of  
4 these, add them up and figure out exactly how many  
5 ballots Maricopa County retrieved from drop boxes up  
6 until the day of the election?

7 A. Exactly, yes.

8 Q. Okay. And you can do that, is that what you're  
9 supposed to be able to do?

14:11:09 10 A. I mean, on a daily basis, yeah. You have to do  
11 it for each and every retrieval, according to the law.

12 Q. All right. Thank you very much. And so  
13 Transport Receipt, again, what is that?

14 A. So the delivery receipt is, again, that half  
15 sheet that I had on the display there which is created  
16 at Maricopa County at MCTEC that accompanies the ballots  
17 as they traveled from Maricopa County to Runbeck so that  
18 when they arrive at Runbeck, Runbeck knows precisely how  
19 many ballots are on that shipment.

14:11:44 20 Q. All right. Do you have all of Maricopa County  
21 delivery receipt documents?

22 A. We do not have any. We requested them, but they  
23 said they had misplaced them.

24 Q. And those are the ones that were for Election  
25 Day, correct?

1 A. Well, actually, we didn't get a single one of  
2 those for the entire election. It is -- the testimony  
3 of the -- in the declaration of the Runbeck employee is  
4 that no such documents existed for Election Day.

5 Q. For Election Day?

6 A. Right.

7 Q. Okay. What about prior to the election?

8 A. Yeah, so this form was actually created for all  
9 of the days prior to Election Day.

14:12:25 10 Q. And, I'm sorry, but my question was specifically  
11 related to Election Day.

12 A. There were --

13 Q. There were none?

14 A. Well, we did not receive any. They said they  
15 misplaced them and the Runbeck employee said that none  
16 existed.

17 Q. Okay. All right.

18 Have you been trying to get the records?

19 A. We have.

14:12:44 20 Q. Do you know somebody by the name of Betty that  
21 works at Maricopa County Department of Elections?

22 A. So we, as in response to our public records  
23 request for these documents on behalf of Kari Lake, some  
24 of the documents they provided to us electronically and  
25 others they said were in binders, and we had to go and



1 copy them ourselves. So we had a couple representatives  
2 go down to Maricopa County Elections Office to copy  
3 them, and they were -- and Betty and Christie were sort  
4 of overseeing their copying of records.

5 Q. Okay. Have you met Betty?

6 A. I have not met Betty.

7 Q. Then I've got to correct a misrepresentation to  
8 the Court, Your Honor. I believe that my witness had,  
9 and so I apologize and I correct that.

14:13:33 10 Are you familiar with Betty's voicemail?

11 A. Well, I called Betty a couple of times to try to  
12 get the records, but when they were there actually  
13 scanning all of the records, she exchanged business  
14 cards with Michelle, who was one of the representatives.

15 Q. Have you spoken with Betty?

16 A. No, she's not responded.

17 Q. Have you been able to get ahold of her?

18 A. No.

19 Q. Okay. All right. Can we go to the next slide,  
14:14:05 20 please? What is this document again?

21 A. So this document is created at Runbeck, and this  
22 records the total count of the ballots that are received  
23 from the MCTEC delivery truck.

24 Q. Um-hum.

25 A. So they break this down into a couple of

1 different ways, you know, the post office inbound is  
2 separated because, of course, those are slightly  
3 different ballots and we're not really talking about  
4 those together. But the regular MOB is the mail  
5 ballots, right, so that would be the green envelopes.  
6 And then you'll see down at the bottom the CTR, that's  
7 the vote center ballots. Those are the white envelopes  
8 for early in-person voting.

14:14:51 9 Q. Okay. All right. And what do these documents  
10 really tell you?

11 A. So these documents -- these documents reflect the  
12 number of ballots that are received at Runbeck. So,  
13 again, this is created at Runbeck, and you'll see, like,  
14 in the line here this document is dated 11/6, and it is  
15 the precise number of pieces of regular MOB, and the  
16 precise number of pieces of the CTR. And that's because  
17 they copy this information from the delivery receipt  
18 form, that half sheet that's generated at MCTEC, and  
19 then this form accompanies it and, again, they keep a  
14:15:30 20 copy of it, and the other copy goes back with the driver  
21 to -- to Maricopa County to document that, in fact, he  
22 did take the ballots as he was supposed to, delivered  
23 them to the possession of Runbeck, and completes that  
24 chain of custody.

25 Q. Okay. Okay. So these then are created by

1 Runbeck when Maricopa County officials drop ballots off  
2 at their third party; is that correct?

3 A. Correct. It's the drivers, so it's not, like,  
4 actually like the Recorder or anybody doing that  
5 delivery.

6 Q. Understood. And so Runbeck employees, they  
7 simply estimate the number of ballots?

8 A. No, just to make the distinction. For the post  
9 office inbound, what happens is the driver, if there  
10 are, you know, stops -- sometimes he makes special  
11 delivery, but sometimes he also stops on the way. So  
12 he'll go to the U.S. postal facility.

13 So the post office doesn't deliver the ballots to  
14 Runbeck, the post office doesn't deliver the ballots to  
15 Maricopa County, the driver goes to the facility in  
16 Phoenix, and then he loads the trays of mail ballots  
17 onto the truck, and then that is taken to Runbeck. And  
18 for those ballots, they count the number of trays, the  
19 number of postal trays and they estimate that. There is  
20 a receipt that accompanies the post office ballots, but  
21 Maricopa County does not use that to record the precise  
22 number; however, they started preserving that at  
23 Runbeck.

24 Q. Okay. So Runbeck is starting preserving  
25 documents obtained from United States Postal Service

1 regarding how many ballots the U.S. Postal Service was  
2 transferring to Maricopa County's care and control?

3 MR. LIDDY: Objection, Your Honor.

4 MR. BLEHM: Custody and control. Is that  
5 your understanding?

6 THE COURT: Hold on. There's an objection.

7 MR. LIDDY: Objection, Your Honor. The  
8 witness said the post office provides estimates, not  
9 counts of the number of ballot packages.

14:17:29 10 MR. BLEHM: Shaking her head no, Your Honor.  
11 That's not what she said.

12 THE COURT: Well, he's objecting to the form  
13 of the question. I think what he's saying, it's  
14 leading.

15 MR. BLEHM: That's fine.

16 THE COURT: Rephrase it.

17 MR. BLEHM: I'll ask the question in another  
18 way, Your Honor.

19 THE COURT: Thank you.

14:17:43 20 BY MR. BLEHM:

21 Q. Based upon your knowledge, training and  
22 experience with respect to Maricopa County chain of  
23 custody and election-related mail ballots, do you know  
24 if the postal service provides receipts showing the  
25 exact number of mail-in ballots that the United States

1 Postal Service is transferring to Maricopa County?

2 A. Right. Yes. The answer to that is it is my  
3 understanding that they do. They tuck them into the  
4 tray, so it's, again, my understanding that they are  
5 difficult to find, but that's how they base how much  
6 they are going to charge. That's, like, how they bill  
7 for the postage, so that's how they count it. And, of  
8 course, they have, like, machines that do that at the  
9 post office.

14:18:22 10 Q. Okay. And so Maricopa County then gets a receipt  
11 or, at least, the Maricopa County driver gets a receipt  
12 from the postal service that says, essentially, how many  
13 pieces of mail ballots were delivered to Maricopa County  
14 driver, correct?

15 A. That is my understanding.

16 Q. Okay. Does the County maintain those documents?

17 A. So to my knowledge, they didn't turn over any to  
18 us, so let me just start with that. We didn't receive  
19 any in response to our request for those public records,  
14:18:53 20 but it's also my understanding that -- that the Runbeck  
21 employees attempted to sort of return them to Maricopa  
22 County, and they said they didn't need them.

23 Q. Okay. And so is there any way to tell, other  
24 than this inbound receipt given by Runbeck to the  
25 Maricopa County driver, exactly how many ballots left

1 Maricopa County were picked up at the post office and  
2 actually delivered to Runbeck?

3 A. Well, on this form here, on 11/6, you can see  
4 that they have a precise count. But, unfortunately, on  
5 Election Day, because they were not using the other  
6 chain of custody documents that we described, they were  
7 -- this was the one and only form that was -- that was  
8 used, according to, again, the records request that were  
9 produced for us and based on the Runbeck employees, who  
10 described receiving these trucks coming with no  
11 corresponding documentation.

12 Q. Thank you. Thank you, Ms. Honey.

13 And so I would like to -- Exhibit 66? Is this  
14 66? Go to 66.

15 THE COURT: Are we on 66?

16 MR. BLEHM: 66, Your Honor.

17 THE COURT: Thank you.

18 BY MR. BLEHM:

19 Q. If you look at the screen, Ms. Honey, these look  
20 like the Maricopa County Audit Challenges receipts?

21 A. Yes.

22 MR. BLEHM: I'd move to admit Exhibit 66  
23 into the record, Your Honor.

24 MR. LIDDY: No objection.

25 THE COURT: 66 is admitted. Thank you.

14:19:55

14:20:49

1 MR. BLEHM: Thank you.

2 BY MR. BLEHM:

3 Q. Okay. Go back to the PowerPoint.

4 Ms. Honey, how many ballots did Maricopa County  
5 claim they received on Election Day that were not  
6 tabulated ballots?

7 A. So I think that -- I think your question is how  
8 many drop box ballots did they report?

9 Q. Yes.

14:21:39 10 A. Yeah, so initially on the morning after the  
11 election, they reported that there had been 275,000, I  
12 think, that Stephen Richer said approximately 275,000  
13 drop box ballots had been dropped off on Election Day.

14 Q. Okay. Did that number change?

15 A. That number did change.

16 Q. What's the number now?

17 A. I believe that that -- that -- the number went  
18 from the 275 on the 9th. They also had a press  
19 conference during which the press at the press  
14:22:14 20 conference, Recorder Richer also talked about what an  
21 extraordinary number the 275 was.

22 Q. Ms. Honey, that was not my question.

23 A. I'm sorry.

24 Q. My question was: What is the number now?

25 A. I believe they ultimately said it was 292,000

1 that had been dropped off at drop boxes.

2 Q. As you sit here today, how many of those ballots  
3 have legal chain of custody?

4 A. Based on the documents provided, none.

5 MR. LIDDY: Your Honor, objection. Calls  
6 for conclusion.

7 MR. BLEHM: Rule --

8 THE COURT: Wait. Wait. You're asking her,  
9 according to her understanding from what she's  
10 experienced and observed, what's her number?

14:23:01

11 MR. BLEHM: Yes, Your Honor.

12 THE COURT: Ma'am, if you can answer it, go  
13 ahead and answer it.

14 THE WITNESS: So we viewed all of the  
15 documents provided by Maricopa County in response to our  
16 request, and the answer is that none of the documents  
17 that they created meet the requirements from the EPM.

18 BY MR. BLEHM:

19 Q. You had the opportunity to talk to somebody from  
20 Runbeck following this election; is that correct?

14:23:31

21 A. I did.

22 Q. All right. And did you have an opportunity to  
23 read that -- that Runbeck employee's declaration?

24 A. I did.

25 MR. BLEHM: All right. And so I would like



1 to -- let's see here -- 46, and while he's pulling this  
2 up, Your Honor, may I ask the Court a quick procedural  
3 question?

4 THE COURT: Go ahead.

5 MR. BLEHM: When we began this morning, Your  
6 Honor noted that it would be unduly difficult to get  
7 this many witnesses through. So it said it was going to  
8 admit the declarations with the exception of Kurt Olsen  
9 that were attached to the Complaint, Your Honor.

14:24:34 10 THE COURT: No, I didn't say that.

11 MR. BLEHM: Well, I'm sorry then. I  
12 misunderstood.

13 THE COURT: I know what I said, but I know  
14 where you're going. You want to admit those now.

15 MR. BLEHM: I would like to, yes, Your  
16 Honor, admit Leslie White and --

17 THE COURT: Ms. White.

18 MR. BLEHM: -- Denise Marie and Leslie  
19 White, and those are listed as Denise Marie is  
14:25:01 20 Exhibit 46, Leslie White is Exhibit 47.

21 THE COURT: Okay. Yes, Mr. Liddy?

22 MR. LIDDY: Objection. Hearsay, Your Honor.

23 THE COURT: Very well. All of your  
24 objections were preserved. These are two of the ones  
25 that I had listed specifically this morning and told you

1 that I needed the numbers. Now, I have the numbers for,  
2 at least, two of these, okay? So your objections are  
3 all preserved, all three defendants have joined. They  
4 were in writing under the Rule 807 notice, and so over  
5 your objection, I'm going to admit 46 and 47.

6 MR. BLEHM: Thank you, Your Honor.

7 BY MR. BLEHM:

8 Q. Ms. Honey, the Runbeck employee, Denise, did she  
9 -- did she tell you that -- did she tell you about any  
10 14:25:55 problems at Runbeck with respect to chain of custody?

11 A. Yes, she expressed her concern over the fact that  
12 the procedure that had been well-established throughout  
13 the election was not used for the large number of  
14 Election Day drop box ballots that were received.

15 MR. GOANA: Your Honor, I want object and  
16 move to strike everything that was said there while the  
17 declaration was admitted. Now we have this witness  
18 testifying about separate hearsay statements made by  
19 this Denise individual, who allegedly used to work at  
20 14:26:26 Runbeck. This seems to me to be a separate issue from  
21 the admission of the declaration, itself, and I just  
22 want to clarify that the hearsay objection extends to  
23 any hearsay testimony that this witness will offer in  
24 addition to what may or may not be in the declaration.

25 MR. LIDDY: Your Honor, the County joins

1 that objection.

2 THE COURT: Which exhibit was it in, this  
3 is?

4 MR. BLEHM: This is --

5 THE COURT: Denise Marie, 46?

6 MR. BLEHM: Denise Marie, 46.

7 THE COURT: 46.

8 MR. BLEHM: Your Honor, I'm not asking any  
9 questions outside the scope of this declaration.

14:26:59 10 MR. GOANA: Your Honor, the declaration is  
11 in evidence. It's in evidence now, over our objection.  
12 This witness should not be able to repeat hearsay again  
13 in a sense, put Ms. Marie's words into her own mouth  
14 that Ms. Marie said them herself in her declaration.  
15 The Court can consider Ms. Marie's declaration giving it  
16 whatever weight it deems fit, but to have this witness  
17 repeat what is already hearsay again, I think is  
18 inappropriate.

19 THE COURT: Okay. We're not going to go  
14:27:25 20 back and forth. Here's, I believe -- as I told Mr.  
21 Olsen earlier, the Court does not print out somebody an  
22 expert, but if they are testifying and they have an  
23 information, experience or -- or education beyond that  
24 of the trier of fact, it's instructive or informative,  
25 and this witness, I find, meets that. If she's relying

1 upon which she has just said to formulate her opinions,  
2 I'll let her do that. I understand the objection is  
3 that it's hearsay, but that's going to be something that  
4 you can cross-examine; for instance, if that's incorrect  
5 then your -- I'm not going to tell you how to  
6 cross-examine. You already understand all of that.

7 So, Mr. Blehm, proceed, please.

8 BY MR. BLEHM:

9 Q. Okay. So lack of chain of custody was one of her  
10 concerns?  
14:28:12

11 A. It was.

12 Q. All right. You talked to Leslie White as well?

13 A. I did.

14 Q. Was lack of chain of custody one of her concerns?

15 A. Yeah, so Leslie was actually an observer at MCTEC  
16 on election night when the ballots were received back  
17 from the drop boxes, and her concern was that  
18 specifically the seals were being removed from the  
19 transport containers and the ballots inside were not  
20 counted. She, you know, that was a requirement as she  
14:28:44  
21 understood it, and the fact that they were just taking  
22 those ballots out of the transport containers without  
23 counting them was -- was her primary concern.

24 Q. Okay. So we have two different people you have  
25 spoken to working in two different places, correct?

1 A. Correct.

2 Q. One is here at Runbeck, the third-party vendor,  
3 and one's here at MCTEC, right?

4 A. Correct.

5 Q. From MCTEC?

6 A. Um-hum.

7 Q. And both of them, both of them, are telling you  
8 there's no chain of custody on Election Day for ballots  
9 being transported from MCTEC to Runbeck; is that

14:29:28

10 correct?

11 A. Correct. They weren't following the legal  
12 requirements for chain of custody. So there were seals  
13 on the containers when they transported them, but the  
14 specific issues were that they were just cutting them  
15 open, taking the ballots out, putting them in trays  
16 without regard to how many, or there was no  
17 documentation. There were handbags and purses where  
18 they were processing the ballots, and that was --

19 Q. All right. With respect to -- with respect to --  
20 sorry. I just lost my train of thought.

14:30:14

21 With respect to Denise White, Denise White, did  
22 she raise other concerns with you regarding potential  
23 vulnerabilities with our election system in Maricopa  
24 County?

25 A. Yes. So, I mean, two issues, right? So the

1 first one was that the trucks were coming with ballots  
2 that there was no -- no associated counts, right? So  
3 that was number 1. They just didn't know how many they  
4 were, should have had. So she was concerned about that;  
5 but then after the election, on the evening of  
6 November 9th, right -- so November 8th is Election Day,  
7 November 9th in the evening she was called by her  
8 supervisor and asked to go down to the system and  
9 actually pull the total number of ballot packets that  
10 had gone through the system to provide a count to  
11 Maricopa County.

14:31:04

12 Q. Why?

13 A. Well, I --

14 MR. GOANA: Objection to foundation and  
15 hearsay on this one as well.

16 MR. BLEHM: I'll withdraw the question, Your  
17 Honor.

18 THE COURT: Thank you.

19 MR. BLEHM: Improper, I admit.

14:31:20

20 BY MR. BLEHM:

21 Q. Okay. And so she gets a call, she gets tasked  
22 with an assignment, a job, and that is to go find what  
23 the numbers are to report those to Maricopa County  
24 because they don't know?

25 MR. GOANA: Objection, Your Honor. Again,

1 foundation.

2 MR. BLEHM: Is that what she told you?

3 MR. LIDDY: County joins.

4 THE COURT: Great. What I told you before,  
5 I'm going to assume all the defendants join all the  
6 other objections you've made, okay, and your objection  
7 is speculation.

8 MR. GOANA: Your Honor, just foundation and  
9 speculation. And I just want to make clear that we have  
10 a continuing objection to any of these continued hearsay  
11 conversations that this witness is relaying.

12 THE COURT: So noted.

13 MR. BLEHM: I'm almost done, Your Honor.

14 THE COURT: Pardon me?

15 MR. BLEHM: I'm almost done, Your Honor.

16 THE COURT: That doesn't take care of this  
17 question.

18 MR. GOANA: I was going to say, Your Honor,  
19 the question was what did she say and why, and now we're  
20 getting into this witness's motivations which is now  
21 beyond hearsay and pure speculation and lacks  
22 foundation.

23 THE COURT: My understanding was it was  
24 calling for this witness to speculate about why Maricopa  
25 County did something, and so rephrase the question.

1 BY MR. BLEHM:

2 Q. Did this witness tell you that she was concerned  
3 about how Maricopa County was conducting operations with  
4 respect to drop-box ballots?

5 A. Yes.

6 Q. Okay. Did this witness, Denise, did she also  
7 tell you about possible vulnerabilities where people can  
8 inject ballots into this system?

9 A. Right. So what she said that Runbeck employees  
10 were permitted almost, like, it was a perk of employment  
11 to bring their ballots from home, so their ballots from  
12 home, their family members' ballots, bring them from  
13 home and add them to the inbound scans.

14 Q. Is that consistent with Arizona law?

15 A. No.

16 MR. GOANA: Objection, Your Honor. Calls  
17 for a legal conclusion.

18 THE COURT: You're asking for her  
19 understanding, correct?

14:33:25 20 MR. BLEHM: Yes, Your Honor.

21 THE COURT: Your understanding, ma'am, if  
22 you can answer it based on that.

23 THE WITNESS: I can. It is my understanding  
24 that ballots must be returned to an authorized drop-off  
25 location. Maricopa County publishes a list of those



1 authorized drop-off locations and Runbeck elections is  
2 not one of those.

3 BY MR. BLEHM:

4 Q. All right. Are you familiar with these social  
5 media posts I put up here?

6 A. I am.

7 Q. Okay. And this is -- these are Tweets by  
8 Maricopa County Elections Department, correct?

9 A. Correct.

14:34:01 10 MR. BLEHM: I'd move to admit these, Your  
11 Honor, Exhibit 63.

12 THE COURT: Mr. Blehm, can you bring those  
13 back up on the screen?

14 MR. BLEHM: Oh, I apologize. I didn't take  
15 it off.

16 THE COURT: Give the defendants a moment to  
17 look at it.

18 Any objection?

19 MR. LARUE: No objection.

14:34:56 20 THE COURT: Very well. That was 63. It  
21 will be admitted.

22 MR. LARUE: We're not sure about the number.

23 MR. LIDDY: I believe it's 70, Your Honor.

24 MR. BLEHM: It's 63.

25 Did I say that was Stephen Richer?

1 THE COURT: I'm looking at 63. I pull them  
2 up as you discuss them.

3 MR. BLEHM: 70 is Stephen Richer.

4 THE COURT: Which one?

5 MR. LARUE: Maybe it's misnumbered on the  
6 sheet we received.

7 THE COURT: Which one are we moving, Mr.  
8 Blehm?

9 MR. BLEHM: You know, I think I might have  
10 written these down backwards, Your Honor. I'm going to  
11 move in Exhibit 70 and then we will --

12 THE COURT: Before you're going to get to  
13 63, I think that you looked at 63, Defendants, correct?  
14 Did you have any objection to 63?

15 MR. LARUE: Your Honor, I have not looked at  
16 63, but I did look at 70. And we have no objection to  
17 70. Is this 63 right here? Just one moment.

18 THE COURT: Thank you.

19 MR. LARUE: No objection, Your Honor.

14:36:02 20 THE COURT: Are you moving 63 and 70 into  
21 evidence, Mr. Blehm?

22 MR. BLEHM: Yes, Your Honor.

23 THE COURT: They are admitted.

24 MR. BLEHM: Thank you.

25 BY MR. BLEHM:

1 Q. Okay. And so are you familiar with the Tweets  
2 that are up here from Stephen, Recorder Richer?

3 A. Yes.

4 Q. Is this where he was saying there were 275,000  
5 ballots?

6 A. Yeah, there was a series of Tweets, sort of,  
7 after they -- the day after the election where he  
8 explains that they had processed all of the ballots and  
9 transferred them to Runbeck. And, again, it was 275,000  
10 was the number he says, over 275, 275 plus. Obviously  
11 it's a round number, right, it's 000. So, you know, and  
12 not an exact count.

13 MR. BLEHM: May I approach, Your Honor?

14 THE COURT: You may.

15 MR. BLEHM: All right.

16 BY MR. BLEHM:

17 Q. In this Tweet, Mr. -- I'm sorry -- Recorder  
18 Richer says, last night from midnight to 5:00 a.m., we  
19 sorted those 275 plus thousand documents or ballots so  
20 they can be scanned in and imaged, captured at Runbeck?

21 A. Correct.

22 Q. Or signature captured; is that correct?

23 A. Yes.

24 Q. Okay. Does that indicate that those ballots that  
25 already had been sent to Runbeck at some point -- at

1 that time or at some point after?

2 MR. GOANA: Objection, Your Honor.  
3 Speculation and foundation. The Tweet speaks for  
4 itself. Mr. Richer was on the stand.

5 MR. BLEHM: I was going to withdraw the  
6 question.

7 THE COURT: Withdrawn. Thank you.

8 BY MR. BLEHM:

9 Q. Did they count these ballots before they put them  
10 in a truck and sent them to Runbeck?  
14:38:01

11 A. There are --

12 MR. GOANA: Objection, Your Honor.  
13 Foundation again.

14 THE COURT: Which ballots? Rephrase,  
15 please.

16 BY MR. BLEHM:

17 Q. The 275 Mr. Richer is talking about?

18 MR. GOANA: Same objection.

19 THE COURT: I'm sorry. Rephrase the whole  
20 question for the witness, please.  
14:38:16

21 MR. BLEHM: Okay.

22 BY MR. BLEHM:

23 Q. Do you have any evidence they counted these  
24 ballots before they put them in a truck, departed from  
25 the Maricopa County facility with ballots from Maricopa

1 County residents, and delivered them to a third party?

2 A. No, there's no record that they counted any of  
3 them.

4 Q. Thank you.

5 Did Maricopa County, knowing that we had  
6 these claims, come here with their exhibits saying, hey,  
7 look, no harm, no foul? Sorry we got them to you late?

8 MR. GOANA: Objection, Your Honor.  
9 Argumentative. Foundation.

14:38:56 10 MR. BLEHM: Yes or no?

11 THE COURT: Save it for close. Sustained.

12 BY MR. BLEHM:

13 Q. Did you, Ms. Honey, have a chance to review the  
14 documents that Maricopa County submitted as exhibits  
15 before this Court?

16 A. Yes.

17 Q. Did they provide those missing documents?

18 A. They did not.

19 Q. Did they provide any documents that allow them or  
14:39:17 20 their witnesses to sit up here before this Court and do  
21 the math?

22 MR. GOANA: Objection, Your Honor.  
23 Speculation and foundation.

24 MR. BLEHM: She has reviewed the exhibits.

25 THE COURT: You can rephrase it by saying,

1 to her knowledge.

2 BY MR. BLEHM:

3 Q. To your knowledge, Ms. Honey, will they be able  
4 to put witnesses up before this Court and do the math,  
5 based on their own disclosures and exhibits?

6 A. No, to my knowledge, no. And I will, like, to  
7 also expand that we looked at the chain-of-custody  
8 documents that they did use on Election Day, which are  
9 those are called the precinct ballot reports, and the  
10 precinct ballots reports are really the chain of custody  
11 for those voted ballots that come from the vote center  
12 on Election Day; and it also includes, by the way, a  
13 count of the Door 3 ballots. Those documents, which I  
14 have on one of these exhibits here --

15 MR. GOANA: Objection, Your Honor. I'm  
16 going to move everything the witness just said about the  
17 precinct-based ballots as being completely  
18 non-responsive to the question.

19 THE COURT: Re-ask the question. I'm too  
20 busy trying to follow, take notes, and keep up with the  
21 two of you. Re-ask the question.

22 BY MR. BLEHM:

23 Q. Well, to use an old adage, that's a road we're  
24 getting ready to hoe, Your Honor. So we'll just start  
25 from scratch and then we'll go down that road.

1           So I believe we pulled up what has been marked as  
2 Exhibit 65. What is that document, Ms. Honey?

3           A. This is an example of a Precinct Ballot Report.

4           Q. Precinct Ballot Report. What are they?

5           A. These are the documents, according to the  
6 Maricopa County poll worker training and the poll worker  
7 manual, these are the documents that are used when they  
8 close the polling places to provide chain of custody for  
9 the voted ballots that are, you know, voted on Election  
10 Day. In addition to that, the poll worker training  
11 requires the poll workers to empty the drop boxes of all  
12 of the early voting ballots and place those in a  
13 container. And, of course, there's no counting of those  
14 ballots, there's nowhere on this form to record a  
15 number, is really the point of this.

16           Q. Thank you, Ms. Honey.

17           Anywhere in this form can you find -- well, I  
18 will withdraw that. Strike that.

19           Did you have a chance to review each and every  
20 one of these documents the County provided to you?

21           A. I did.

22           Q. You did. On any one of those for Election Day,  
23 did you see any documentation of drop box ballots and  
24 the number of ballots contained within the drop box?

25           A. Definitely not the number of ballots. The seal

1 numbers that were put on those containers are on here,  
2 but there's no ballot counts.

3 Q. All right. And so if I look at the vote totals  
4 for tabulator 1, 494 in this example, and tabulator 2,  
5 384 in that example, that's how many ballots were  
6 contained in the black bags; is that correct?

7 A. Correct. If they followed the procedure, the  
8 misread ballots, the 101, would have been transported  
9 separately in that blue tote as well.

14:43:04 10 Q. All right. If -- if Recorder Richer  
11 hypothetically were to testify that, oh, no, I'm not  
12 responsible for drop boxes on Election Day, would that  
13 be accurate?

14 A. It's my understanding, according to the EPM, that  
15 it specifically makes the Recorder or the Recorder's  
16 designee responsible for the secure retrieval of ballots  
17 deposited in drop boxes. So it would be my  
18 understanding that that applies to Election Day. There  
19 is no exception to the requirements for Election Day.

14:43:46 20 MR. BLEHM: All right. Thank you, Ms.  
21 Honey. Now, I forgot what Exhibit it is, Your Honor.  
22 Exhibit Number 65, I move it into evidence.

23 THE COURT: Any objection?

24 MR. LARUE: No objection, Your Honor.

25 THE COURT: 65 is admitted.



1 MR. BLEHM: Thank you.

2 BY MR. BLEHM:

3 Q. You had an opportunity to review some of Recorder  
4 Richer's e-mails, is that not correct?

5 A. Yes.

6 Q. All right. And I'm looking for them on my list  
7 right now, but --

8 A. They are on the PowerPoint.

9 Q. What?

14:44:38 10 A. They are on the PowerPoint.

11 Q. Oh, they are on the PowerPoint. Thank you, Ms.  
12 Honey.

13 Did you want to finish your PowerPoint? All  
14 right. I just -- don't want -- I don't want Ms. Honey  
15 to be duplicative for the Court.

16 A. Sure.

17 MR. BLEHM: But you -- I do kind of want to  
18 -- I think Recorder Richer's e-mail is exceptionally  
19 important, and I believe I moved this into evidence  
14:45:15 20 earlier, Your Honor?

21 These are 69, Your Honor.

22 MR. LIDDY: This morning, Your Honor.

23 MR. BLEHM: Go to the last page of this  
24 Exhibit.

25 BY MR. BLEHM:

1 Q. Ms. Honey, aside from making guesses, did  
2 Recorder Richer, based on documents, really know exactly  
3 how many ballots Maricopa County had in its possession?

4 MR. LARUE: Objection. So it calls for her  
5 speculation, and Recorder Richer was on the stand this  
6 morning. He could have asked the Recorder that.

7 MR. BLEHM: I believe I did, Your Honor. My  
8 question was related to based on County documents, does  
9 Recorder Richer have any clue as to how many ballots he  
10 has aside from an estimate based on County records.

14:47:08

11 MR. LARUE: And I make the same objection  
12 that it calls for speculation, Your Honor, as to what  
13 Recorder Richer, how he understands County documents.

14 THE COURT: Right. I believe the question  
15 can be phrased in terms of does any of the documentation  
16 show or provide a method where someone, County person,  
17 would know.

18 BY MR. BLEHM:

19 Q. Does any of the documentation show that Recorder  
20 Richer had any idea how many ballots he had on Election  
21 Day other than, you know, mere guesses?

14:47:35

22 A. No.

23 Q. The exhibit on the board, what does that say?

24 A. It's an e-mail from Stephen Richer, it looks like  
25 it's Thursday, the 10th, so two days after the election.

1 And he says he's unable to reconcile, basically, there's  
2 a 15,000 difference somewhere, and...

3 Q. Unable to reconcile. The number he throws out is  
4 15,000, right?

5 A. Correct.

6 Q. I don't know where these come from. Is that any  
7 way to run an election, Ms. Honey?

8 MR. GOANA: Objection, Your Honor, to the  
9 extent the editorial comment was embedded in the  
10 question. It should be stricken.

11 THE COURT: Which part of the question?

12 MR. GOANA: Your Honor, I can't even  
13 remember what the exact wording was, it was --

14 MR. BLEHM: I can't either, Your Honor.  
15 It's been a long week.

16 MR. GOANA: Maybe Mr. Blehm could re-ask the  
17 question, we can avoid --

18 MR. BLEHM: I don't remember what it was. I  
19 don't know how I'm going to re-ask it.

14:48:29 20 THE COURT: Go ahead.

21 MR. BLEHM: All right. Ms. Honey, thank  
22 you. I don't have any further questions at this time.

23 Oh, really quickly, before I -- before I  
24 stop, I want to move in Exhibit 69, Your Honor.

25 THE COURT: Any objection to 69?

1 MS. KHANNA: I think it was already admitted  
2 this morning, but I don't believe we have any other  
3 objection.

4 THE COURT: You're correct, it was admitted  
5 this morning.

6 MR. BLEHM: Okay. Very good. Thank you,  
7 Your Honor.

8 THE COURT: All right. Thank you.

9 MR. LARUE: Just one moment, Your Honor.

14:49:46 10 Hold on one second.

11 THE COURT: I think that we should be taking  
12 an afternoon break for the sake of my court reporter's  
13 carpal tunnel syndrome, if we don't. And so I would  
14 rather take a break now than start and take a break in  
15 ten minutes. So let's recess for -- I'm not going to do  
16 the math, whatever until 3 o'clock, we'll come back at  
17 3:00 and resume with the cross-examination, okay. We're  
18 off the record until then.

19 (Recess taken, 2:50 p.m.)

15:00:31 20 (Proceedings resume, 3:00 p.m.)

21 THE COURT: We are back on the record in  
22 CV2022-095403. This is Lake v. Hobbs, et al. Present  
23 are the parties, their representatives and counsel. We  
24 have Heather Honey on the stand remaining under oath,  
25 and we're ready to begin the cross-examination. You may

1 proceed whenever you're ready, Mr. LaRue.

2 MR. LARUE: Thank you, Your Honor.

3 CROSS-EXAMINATION

4 BY MR. LARUE:

5 Q. Good afternoon, Ms. Honey.

6 A. Good afternoon.

7 Q. Thank you for being here today, this trial. I  
8 know that all the parties appreciate your attendance. I  
9 just have a few questions for you.

15:01:09 10 It's obvious to me that you've done a lot of work  
11 to try to understand elections and that's, you know,  
12 more than what a lot of citizens do. But would you  
13 agree with me that election law is a complicated area of  
14 law?

15 A. I would agree with that.

16 Q. Okay. And there are a lot of complexities to  
17 running an election, would you agree with that?

18 A. Yes.

19 Q. Okay. Have you ever taken the Election Officer  
15:01:39 20 Certification course that's offered by the Secretary of  
21 State?

22 A. I have not.

23 Q. Okay. Have you ever worked as an election  
24 official in Arizona?

25 A. No.

1 Q. Have you ever worked as a poll worker in Arizona?

2 A. No.

3 Q. All right. Have you ever been an observer at  
4 MCTEC, observing the processes there? And by observer,  
5 I mean an Election Day observer or a ballot count  
6 observer, an observer and in an official capacity at  
7 MCTEC?

8 A. No, I've never been a credentialed observer at  
9 MCTEC.

15:02:14 10 Q. You've been to MCTEC, correct?

11 A. Yeah, sort of.

12 Q. Sort of?

13 A. I've not gotten a tour, if that's what you mean.  
14 I mean, I've been there, but I haven't gotten a tour.

15 Q. Okay, all right. Now, you testified that you  
16 didn't receive certain forms in response to your public  
17 records request, correct?

18 A. Correct.

19 Q. Okay. And is it fair to say that because you  
15:02:42 20 didn't receive those forms, you're assuming that they do  
21 not exist?

22 A. No, quite the contrary. I know they exist. They  
23 exist in more than one copy. I know that they exist at  
24 Runbeck, because I've seen photographs of them, so I --  
25 I know they exist. And, in fact, the e-mail

1 correspondence between the attorney for -- for Ms. Lake  
2 and the -- your office was that, hey, if you can't find  
3 yours, your copy, could you get the copy at Runbeck for  
4 us.

5 Q. So you know the forms exist, they just haven't  
6 been provided to you?

7 A. They haven't been provided in about three weeks.

8 Q. Okay. And, Ms. Honey, I will let you know that  
9 we -- we believe you're being honest that you don't  
10 believe you've received them. We take a different  
11 position. Do you think it's possible that you were  
12 provided them and you simply missed them in the large  
13 stack of documents that you were offered to review?

14 A. Absolutely not.

15 Q. Okay. All right. Have you ever -- sorry. Have  
16 you ever observed the ballot pickup at the post office  
17 when the Maricopa County employees come, the Election  
18 Department employees come and pick up the ballots to  
19 transport to Runbeck? Have you ever been there to  
20 observe that?

21 A. I'm sorry, when they pick up the ballots at the  
22 post office?

23 Q. At the post office.

24 A. No, but I did actually speak to three people at  
25 the Phoenix postal facility.

1 Q. But you've never personally observed that?

2 A. I have not personally observed, no.

3 Q. Okay.

4 MS. KHANNA: Your Honor, I apologize for  
5 interrupting, but I believe we have the rule to exclude  
6 from the courtroom any testifying non-expert witnesses,  
7 and I believe one of those witnesses just entered. Mr.  
8 Sonnenklar, I believe.

9 THE COURT: I have to rely on counsel for  
10 that.

11 MR. SONNENKLAR: What's the question?

12 MR. OLSEN: You need to leave.

13 THE COURT: He's been sitting there for the  
14 last hour.

15 MR. OLSEN: I did not see him, Your Honor.  
16 I was focused this way.

17 MS. KHANNA: I believe the attention was  
18 brought to opposing counsel and he thought it was Mr.  
19 Baris, but it was not.

20 THE COURT: I don't know who the gentleman  
21 is. I wasn't privy to your conversation. I just know  
22 that gentleman has been sitting there for the last hour  
23 plus. But, so... I don't believe it was intentional. I  
24 believe you're like me, you're intent and focused on  
25 what's in front of you. So I'm not casting any



1 aspersions. I'm just -- let's be all more astute, I  
2 guess. That's the best I can do.

3 Thank you for pointing it out.

4 MS. KHANNA: Thank you, Your Honor.

5 THE COURT: Go ahead and proceed.

6 MR. LARUE: Thank you, Your Honor.

7 BY MR. LARUE:

8 Q. Now, Ms. Honey, I believe you testified earlier,  
9 correct me if I have this wrong, but I believe you  
10 testified earlier that the United States Postal Service  
11 provides an exact count of the ballots that are picked  
12 up by the Elections Department staff. Was that your  
13 testimony?

14 A. So I think what I said was that in the trays,  
15 they include a receipt, which basically is, like, a  
16 bill, how many ballots were -- and it includes, like,  
17 the total amount of postage on that form, and it's  
18 actually tucked into the trays. I have some photographs  
19 of that as well.

15:05:41 20 Q. Okay. And you said they put it in. You mean  
21 United States Postal Service employees?

22 A. That is my understanding.

23 Q. Prepare the receipt and put it in.

24 Okay. And is it your understanding that that  
25 receipt includes an exact number of ballots for that

1 tray?

2 A. I don't believe it's for the tray. I think it's  
3 for the entire, like, pickup.

4 Q. For the entire pickup?

5 A. Right, so however many trays are included. It's  
6 not a one for one, like, this is how many are in this  
7 tray. I think it's the whole, that's my understanding.

8 Q. Would it surprise you to learn that the United  
9 States Postal Service actually weighs the trays and  
10 makes an estimated determination based on the weight of  
11 the tray?  
15:06:48

12 A. Well, that would, I mean, obviously that's a  
13 great way to do it. Weight counting is a very effective  
14 way of method of counting paper.

15 Q. Okay. Thank you.

16 I want to talk to you for just a minute  
17 about the woman who, I believe, is identified as Denise  
18 Marie.

19 Do you know who I'm speaking about?

20 A. I do.  
15:07:11

21 Q. Okay. And I believe you testified that she was  
22 an employee at Runbeck; is that right?

23 A. She still is an employee at Runbeck.

24 Q. Okay. Do you know how long she's been employed  
25 there?

1 A. I think probably close to a year, but you'd have  
2 to look at her declaration just to be certain. I'm not  
3 100 percent sure.

4 Q. Okay. Do you know what her position is?

5 A. I know what her position -- well, no.

6 Q. All right. I want to talk with you about Leslie  
7 White. And, again, when I say Leslie White, you know to  
8 whom I'm referring?

9 A. I do.

15:07:57 10 Q. Okay. I believe you testified that she was an  
11 observer at MCTEC; is that correct?

12 A. Correct.

13 Q. Do you know whether she was a first-time  
14 observer, whether she was a repeat observer, what her  
15 background is with regard to the observation process?

16 A. I believe she said that that was the first time  
17 that she had been credentialed to observe that  
18 particular process, right. So that was a little bit  
19 different than, like, the MCTEC observers who are  
15:08:26 20 watching, say, signature verification, for example,  
21 which I believe she -- she also witnessed that process.  
22 But this was unique in that she was credentialed to  
23 watch that sort of incoming close-of-election-night  
24 process.

25 Q. But your belief is she was a first-time observer?

1 A. I believe that was the first time she observed  
2 that process, if that's what you're asking. I'm sorry.

3 Q. No, no, no. That's fine.

4 Did she, by any chance, mention to you that from  
5 her assigned location where she was at she did not have  
6 a clear view of the activities on the truck or on the  
7 dock?

8 A. Right.

9 Q. Okay. Do you agree with me when I say that  
10 Leslie White did not actually say in her declaration  
11 that she was worried that ballots were not being  
12 counted, that she didn't actually say that, I'm worried  
13 that ballots are not being counted?

14 A. Are you asking if that was -- if those were her  
15 words specifically in her --

16 MR. BLEHM: I'm going to object, Your Honor.  
17 The declaration speaks for itself.

18 THE COURT: You can ask the question related  
19 to the -- to this, her -- her statement; but I thought  
20 there was testimony as well about conversations with  
21 people. So re-ask it, Mr. LaRue.

22 BY MR. LARUE:

23 Q. Would you agree with me that Ms. White, Leslie  
24 White, never actually said in her declaration or to you  
25 that she was worried the ballots were not being counted?

1           A. She most certainly said to me that she saw the  
2 seals being removed, the transport containers being  
3 opened, and that there was absolutely -- that's in her  
4 words -- absolutely no counting of the ballots. They  
5 were simply picking them up out of the transport  
6 container and putting them into trays and then putting  
7 those trays onto, like, what she was calling a cage or a  
8 cart, and that they were just moving these through. She  
9 was concerned about that.

15:10:43 10           Q. So in her declaration, she doesn't say that. She  
11 says, and I'm wondering if she said any of this to you:  
12 She was concerned with the disorganized way the ballots  
13 were being handled. She said, I did not see any person  
14 count any ballots or record any information. I didn't  
15 see it, but she didn't say it didn't happen.

16                   When she spoke with you, did she talk about what  
17 she saw and what she observed, or was she making  
18 statements beyond that?

19           A. So I think you're mischaracterizing what she  
15:11:20 20 said. But if you would like me, if you have a copy of  
21 her statement, I'd be happy to point out what I'm --  
22 what I'm talking about.

23           Q. It's all right. We'll move on.

24           A. Okay.

25           Q. I want to talk about -- I want to come back to

1 Denise Marie. You testified that, I believe, you  
2 testified that she told you that Runbeck had -- well,  
3 Runbeck allowed or maybe it just happened -- I don't  
4 remember exactly what you said. But employees brought  
5 in ballots from home.

6 Do you remember talking about that?

7 A. Yes.

8 Q. Okay. And Denise Marie was concerned about that,  
9 correct?

10 A. Denise was concerned that this -- that this was,  
11 basically, announced as though it was a perk of working  
12 at Runbeck and that they were permitted to do it. She  
13 thought it was, you know, in her conversation with me,  
14 she thought it was, you know, questionable practice, but  
15 -- but that, you know, people did it. She saw people do  
16 it.

17 Q. Did she tell you how many people or how many  
18 ballots she estimated might have -- might have been  
19 subject to this?

20 A. Yeah. So she said she personally saw at least 50  
21 that were brought in by employees and added at that  
22 point.

23 Q. Okay. Thank you.

24 Now, continuing on with Denise Marie, there  
25 was some back and forth between Mr. Blehm and someone

1 for the defense counsel and some objections were lodged,  
2 and so I'm not sure if you ever answered the question  
3 Mr. Blehm asked. I believe he asked you if it was true  
4 that Denise Marie was asked to go get a ballot count  
5 because Maricopa didn't know.

6 Did you answer that question? Do you have  
7 knowledge as to whether Denise claimed that she was  
8 asking to do get a ballot count because Maricopa didn't  
9 know?

15:13:23 10 A. I don't believe that's what she said.

11 Q. Okay. Very good.

12 A. But to clarify, I mean, she was asked to go get a  
13 count and report it back so that they could call  
14 Maricopa and say, hey, this is how many ballots we  
15 scanned, and subsequently the number that the County was  
16 reporting increased by the same difference, you know.  
17 He was reporting 275, she counted the actual number of  
18 inbound scans, reported 298, and subsequently the number  
19 that Maricopa was reporting as the total ballots in the  
20 election increased by 25,000.

15:14:01

21 Q. Let's talk about that for a minute.

22 In your experience, just based on your knowledge  
23 in working with elections, is it typical for elections  
24 departments to do reconciliation of ballots and make  
25 sure that they have the numbers right?

1           A. Reconciliation should happen in multiple  
2 different places. For example, you reconcile the number  
3 of voters who check in to a vote center to the number of  
4 ballots cast in a vote center. Those types of  
5 reconciliation are incredibly important.

6           Q. Okay. And -- let's move on from that. I want to  
7 talk about what happens at Runbeck. Do you know what  
8 happens to the ballots actually at Runbeck, what the  
9 Elections Department and Runbeck employees do with the  
10 ballots there?

15:14:55

11           A. Yes.

12           Q. What do they do?

13           A. So they run -- they load the ballots on the  
14 inbound machine, and the inbound machine, by the way, is  
15 only operated by Runbeck employees, so they load them  
16 on, and they go through and they cut them off at about a  
17 10, 11,000 batch size. At that point they stop, they  
18 create the paperwork for that particular, you know,  
19 batch of signature verification files, right. So they  
20 are scanning the signature on the envelope. They are  
21 creating a file for that, that is then transmitted to  
22 Maricopa County so that they can start that signature  
23 verification process.

15:15:24

24           Q. All right. So they go to Maricopa County to  
25 start the signature verification process. Is it your



1 understanding that before a ballot, an early ballot, is  
2 tabulated, the Elections Department has to examine the  
3 signature and determine whether the signature matches  
4 the signature in the voter registration file?

5 A. I'm sorry. Can you repeat that question?

6 Q. Yeah. Is it your understanding that before an  
7 early ballot is tabulated, the Elections Department  
8 looks at the signature on the affidavit envelope and  
9 must determine whether it matches a signature in the  
10 voter registration file for that voter before it's going  
11 to go to tabulation?

12 A. Yes.

13 Q. Okay. So if employees at Runbeck put ballots  
14 into the stream at Runbeck, now, let's say  
15 hypothetically that did happen, is it your understanding  
16 that those ballots would then go to MCTEC to be  
17 signature verified?

18 A. Well, to be clear, the ballots don't go for  
19 signature verification, the ballot images do. And, yes,  
20 when they go through the inbound scan, they would be,  
21 but I don't believe that that's the point. The point is  
22 is that Arizona law says they are invalid ballots if  
23 they are not returned to an authorized location. So  
24 that's an opportunity to insert ballots, and if Maricopa  
25 County was aware of the precise number of ballots, then

1 if they inserted two, they would know they inserted two.

2 Q. So if Arizona --

3 MR. BLEHM: Your Honor, I'm going to object  
4 to this line of questioning. This Court would not let  
5 us come before it with evidence of signature  
6 verification. We wanted to, and now he's going right  
7 down that road, Your Honor. And if he keeps going down  
8 this road, I'm going to ask for a couple days next week  
9 to come to this Court and talk about signatures.

15:17:41 10 THE COURT: You mean about the process?

11 MR. BLEHM: The process is part of it, Your  
12 Honor, and he's talking exclusively about process. Her  
13 direct examination, Your Honor, was limited to talking  
14 about chain of custody with respect to drop box to  
15 Runbeck and not beyond that point. And so, Your  
16 Honor --

17 THE COURT: I understand.

18 MR. BLEHM: -- if that door was still open,  
19 I'm more than happy to drive a truck through it.

15:18:14 20 MR. LARUE: May I respond, Your Honor, or do  
21 you want to rule?

22 THE COURT: Go ahead.

23 MR. LARUE: All right. My response would be  
24 the road I'm driving down is a different road, I think,  
25 than Mr. Blehm wants to drive his truck. I'm talking

1 about what actually happens, and I'm talking about it  
2 from the limited perspective of understanding what the  
3 effect of these votes that might have been -- may have  
4 been inserted at Runbeck may actually be. I'm not  
5 really talking about the signature verification process  
6 itself. I'm simply talking about what happens to a  
7 ballot that is at Runbeck as it moves through the  
8 system.

9 MR. BLEHM: Your Honor, may it please the  
10 15:18:56 Court, I'll stipulate that those 50 ballots they talked  
11 about got counted; but I'll also do so only in the  
12 understanding, Your Honor, that that is a concession by  
13 defendants that it is possible to inject illegal ballots  
14 into the system.

15 MR. LARUE: Your Honor, may I respond one  
16 more time?

17 THE COURT: Well, he's offered to stipulate  
18 is out there.

19 MR. LARUE: I understand. But I think this  
20 15:19:22 needs to be cleared up. Mr. Blehm is making a legal  
21 argument that ballots that are harvested are illegal  
22 ballots and should not be counted. That's a legal  
23 argument.

24 MR. BLEHM: Your Honor, I don't believe -- I  
25 don't believe in my direct examination of this client I

1 ever even said the word "harvested." Now, more than  
2 happy to talk about it, and as a matter of fact, I  
3 believe it was defense counsel who brought up 2000  
4 Mules. I haven't said anything about it, Your Honor.  
5 I'm talking about chain of custody, the legal documents  
6 this County has --

7 MR. LARUE: Your Honor --

8 MR. BLEHM: -- to prove how many ballots  
9 they picked up from drop boxes and took to Runbeck.

15:20:09 10 THE COURT: Right.

11 MR. LARUE: Let me change my statement. I  
12 understand it may have inadvertently irritated Mr.  
13 Blehm. I didn't mean to do that with my choice of  
14 words, and I apologize.

15 THE COURT: Well, it's not about irritating  
16 Mr. Blehm, it's just about making sure we get it right  
17 as far as what's allowed to go into, so if you want --

18 MR. LARUE: Let me amend my statement.

19 What I was attempting to say was that Mr.  
15:20:33 20 Blehm is making a legal argument that a ballot that is  
21 not deposited into the United States Postal Service mail  
22 or dropped off in a drop box is an illegal ballot, I  
23 believe is what he said, and that's a legal argument.

24 THE COURT: No, I think we're talking about  
25 chain of custody, if we could distinguish things, and he

1 did discuss chain of custody very thoroughly with this  
2 witness. I believe I understand what you're asking  
3 about, but he's correct that what you're discussing is  
4 the process for validation of signatures as it would  
5 relate to possible injection of ballots into the system  
6 without the chain of custody accounting for them.

7 Have I got that right, Mr. Blehm?

8 Did you listen to what I said?

9 MR. BLEHM: I did, Your Honor, but I'm kind  
10 of hard of hearing.

11 THE COURT: Well, I'm speaking soft maybe.  
12 Do you want me to say it again?

13 MR. BLEHM: Probably a combination of both,  
14 if you would, please. Sure.

15 THE COURT: If I understand your objection,  
16 Mr. Blehm, it's that you've limited your direct  
17 examination to chain of custody and what is being talked  
18 about here by Mr. LaRue. The questioning is to elicit  
19 testimony about the handling of ballots that might  
20 violate the chain of custody if they are into the system  
21 and why those ballots would still be subject to  
22 verification through the signature validation process,  
23 regardless of how they came in. Your point is that you  
24 are saying, wait, it's only about the chain of custody  
25 and if it violates the chain of custody. That's the

1 analysis that you're -- end of story. That's where it  
2 goes.

3 MR. BLEHM: What I'm saying is, Your Honor,  
4 the direct examination was about chain of custody and  
5 the importance of chain of custody.

6 THE COURT: Got that.

7 MR. BLEHM: So that there are no points of  
8 access of illegal votes into the system.

9 THE COURT: Well, he's taking issue with the  
10 word "illegal," and he's talking about the legal  
11 argument. What you're talking about that there's not --  
12 that there are votes that are not accounted for under  
13 the chain of custody that are placed into the ballot  
14 system or the election system. And go ahead.

15 MR. BLEHM: I didn't go down that road, Your  
16 Honor. It's illegal for a county elections official not  
17 to do a job they are legally required to do. So if we  
18 want to talk about illegality, we can go into that  
19 point.

15:23:10 20 THE COURT: I understand your point, but I  
21 guess you're objecting to Mr. LaRue going into his  
22 argument that separate and apart from your position  
23 there that if, in fact, ballots were somehow put into  
24 the system in this instance, I think we're talking about  
25 the Runbeck ballots.

1 MR. BLEHM: And, Your Honor, that's fine.  
2 I'll let him go down this road, because it's my  
3 understanding what he's saying is -- doesn't matter,  
4 their ballots were counted. So I'll let him go down  
5 this road, Your Honor, but I'm going to reserve my  
6 argument.

7 THE COURT: Well, certainly. And I'm going  
8 to talk to you all about closing arguments at the end of  
9 the day today.

15:23:51 10 MR. BLEHM: Thank you, Your Honor.

11 THE COURT: Mr. LaRue, go ahead.

12 MR. LARUE: Thank you, Your Honor.

13 BY MR. LARUE:

14 Q. Just a few more questions, Ms. Honey.

15 You're not an attorney, correct?

16 A. No.

17 Q. Okay. So I'm going to ask you a legal question,  
18 but you only have to answer if you have an understanding  
19 about it. If you don't have an understanding, it's  
15:24:12 20 perfectly fine to say "I don't know."

21 Are you aware that under Arizona law a ballot is  
22 not actually unlawful if it is -- the term that's used  
23 sometimes is harvested or ballot collection -- but if  
24 somebody who is not authorized to handle it deposits it,  
25 or like what happened at Runbeck, if somebody brings it

1 and inserts it into the stream but not into a designated  
2 authorized drop box, are you aware under Arizona law  
3 that is not actually an unlawful ballot?

4 A. I think the term in the law is an invalid ballot.

5 MR. LARUE: Okay. Just one minute, Your  
6 Honor.

7 No more questions. Thank you very much, Ms.  
8 Honey.

9 THE COURT: Okay.

10 15:25:17 MR. GOANA: Your Honor, can we have a moment  
11 to confer on this side to see if we have any questions?

12 THE COURT: Yes, you may.

13 BY MR. GOANA:

14 Q. Good afternoon, Ms. Honey. My name is Andy  
15 Goana. I represent Secretary Hobbs in her official  
16 capacity. I want to echo Mr. LaRue's thanks for being  
17 here today. I'm going to be -- and I may surprise Judge  
18 Thompson as well, I'll be very brief.

19 First of all, as you sit here today, you have no  
20 15:25:47 evidence that anybody intentionally interfered with the  
21 chain of custody of ballots in Maricopa County for the  
22 2022 General Election, do you?

23 A. Well, I don't think I said that anybody  
24 interfered with it. I said they failed to maintain  
25 their legally required chain of custody.



1 Q. So your answer to my question then is, yes, you  
2 have no evidence that anybody intentionally interfered  
3 with the chain of custody for ballots cast in Maricopa  
4 County for the 2022 General Election, correct?

5 MR. BLEHM: Asked and answered, Your Honor.

6 THE COURT: Well, I didn't hear it, so if  
7 you can answer. If you understand it, ma'am, you can  
8 ask it -- answer it -- excuse me. If you need it  
9 rephrased, I'll have him rephrase it.

10 15:26:25 THE WITNESS: Well, I think you're asking a  
11 question and sort of saying it in a way that I didn't  
12 say it. So if you would ask it in, maybe, a different  
13 way, that would be good.

14 BY MR. GOANA:

15 Q. Sure. You have no evidence that anybody  
16 intentionally did not obey the law with respect to the  
17 chain of custody in -- with respect to any ballots cast  
18 in Maricopa County for the 2022 General Election?

19 A. I believe I understand your question.

20 15:26:54 Q. Okay.

21 A. And I would say that somebody, a person, and it's  
22 my understanding that the Recorder is responsible for  
23 maintaining chain of custody, somebody made the decision  
24 not to do it. And I would say that when they made that  
25 decision, knowing what the law is in Arizona, that that

1 was an intentional decision.

2 Q. I'm sorry, Ms. Honey. That's not what I'm  
3 asking. What evidence -- you have no evidence that  
4 anybody made an intentional decision to do anything  
5 here, correct?

6 A. Well, I think --

7 MR. BLEHM: Asked and answered.

8 MR. GOANA: Your Honor, I think this is a  
9 yes or no question.

10 THE COURT: Yes, it is, if you understand  
11 the question. If you don't understand it, ma'am.

12 THE WITNESS: I don't understand the  
13 question. I think I felt like I answered it, so I'm  
14 sorry. I don't understand.

15 BY MR. GOANA:

16 Q. Okay. Other than the 50 ballots or so that were  
17 mentioned in one of the declarations about family  
18 members at Runbeck, you have no evidence that any other  
19 ballots were quote, unquote, injected into the system at  
20 any point in time, correct?

21 A. Well, unfortunately because of the failure --

22 Q. I'm sorry, Ms. Honey. Again, it's a yes or no  
23 question. Other than those 50, you have no evidence of  
24 that, correct?

25 A. Can you ask the question in a different way?

1 Q. Certainly.

2 There was some discussion earlier that the  
3 employee at Runbeck told you, and it's reflected in her  
4 declaration, that she estimated that approximately --  
5 there were approximately 50 ballots of either Runbeck  
6 employees or Runbeck employee family members who dropped  
7 off their ballots at the Runbeck facility; is that  
8 correct?

9 A. Correct.

15:28:27 10 Q. Okay. And my question is: Beyond what that  
11 particular person told you with respect to those  
12 approximately 50 ballots, you have no evidence that any  
13 other ballots were quote, unquote, injected into the  
14 system at any point in Maricopa County for the 2022  
15 General Election; is that correct?

16 A. I could say that's not an answerable question.

17 Q. As you sit here right now, you have nothing else  
18 to say on that issue beyond the 50 ballots that were  
19 specifically mentioned to you by that individual,  
15:28:57 20 correct?

21 A. No, I have something to say.

22 Q. No, I'm asking about evidence. Do you have  
23 evidence?

24 A. Yes, I think that the failure to have chain of  
25 custody makes it impossible to know how many ballots

1 were or were not transferred.

2 Q. But as you sit here now, the only ones you know  
3 about are the 50 that were mentioned to you by the one  
4 witness, correct? The only identifiable ballots that  
5 you can speak to today are the 50 that were mentioned by  
6 the Runbeck witness?

7 A. I can't identify those 50. I don't know who they  
8 are.

9 MR. GOANA: Okay. Thank you. I have  
10 nothing further, Your Honor.

11 THE COURT: All right. Done with cross?

12 MR. LARUE: Yes, Your Honor. I'm sorry. We  
13 have no further questions, and we have no objection to  
14 the witness being excused.

15 REDIRECT EXAMINATION

16 BY MR. BLEHM:

17 Q. Ms. Honey, do you recall the last question you  
18 were asked?

19 A. Yes.

15:29:59 20 Q. All right. Is your point that it is impossible  
21 to know if any and/or how many illegal votes were  
22 injected into a system without valid chain of custody?

23 A. Correct. You can't tell how many potentially  
24 were added or how many were removed even. I mean,  
25 that's the whole point of chain of custody, to have that

1 sort of security and that -- without chain of custody,  
2 there's -- there's no way to know and, you know, coupled  
3 with, you know, the sort of changing numbers, it's very  
4 concerning.

5 Q. All right. Defense counsel asked you if there  
6 was any evidence of intentional conduct.

7 Do you recall that?

8 A. Yes.

9 Q. All right. If I hypothetically have a choice to  
10 get a cup of coffee or a cup of water, and I choose  
11 coffee, I didn't choose water, do I have a choice?

12 A. Yes.

13 Q. Did somebody choose, A, either not to make these  
14 documents or, B, to produce them to my client's  
15 attorney?

16 MR. GOANA: Objection. Calls for  
17 speculation. Foundation.

18 THE COURT: I'm assuming you're asking the  
19 witness to the extent of her knowledge.

20 MR. BLEHM: To the extent of your knowledge,  
21 Ms. Honey. Yes, I am.

22 THE COURT: Go ahead.

23 THE WITNESS: I forget question again.

24 MR. BLEHM: I forget these real quick, Ms.  
25 Honey.

1 THE WITNESS: Me too.

2 BY MR. BLEHM:

3 Q. And so, Ms. Honey, A or B, to the extent of your  
4 knowledge, would it be an intentional act for somebody  
5 to choose not to make chain-of-custody documents to  
6 count the number of ballots, or would it also be an  
7 intentional act to choose not to produce the documents  
8 that had been created?

9 A. Well, again, to the extent that they didn't count  
10 them, I think that there's no reason to believe that  
11 they -- that they did count them or any documents exist.  
12 I believe somebody made a decision not to maintain the  
13 chain of custody and not to follow the laws as they are  
14 written in the EPM. Somebody had to decide that.

15 Q. Just as I chose to come to court today instead of  
16 stay home on the sofa, I made a choice. Thank you.

17 They have a legal requirement, don't they,  
18 to choose to make these documents. They don't have a  
19 choice not to make them, do they?

15:32:36 20 A. Right. There's no exception in the EPM to --  
21 to --

22 Q. I believe it was -- I believe wasn't it --  
23 where's my exhibit list? I believe Secretary of State  
24 Hobbs, as a matter of fact, in a recent matter involving  
25 Cochise County, and I think we got correspondence on

1 that as an exhibit, and did you see correspondence from  
2 Secretary of State Hobbs --

3 A. I did.

4 Q. -- to Cochise County?

5 A. Yes.

6 Q. What did she tell them in that correspondence  
7 with respect to Arizona law and EPM?

8 MR. GOANA: Objection, Your Honor. This is  
9 beyond the scope of the cross-examination or the direct  
10 at this point, and irrelevant.

11 MR. BLEHM: It is not, Your Honor. They  
12 asked my client specifically if she had any evidence,  
13 and I want to make the point, Your Honor, that even  
14 their client says you have no -- you have no choice.  
15 You must follow the law. When she told Cochise County,  
16 you just certify your election, Your Honor.

17 THE COURT: They are two different --

18 MR. BLEHM: She said it in her letter.

19 THE COURT: Just to clarify, I'm not sure  
20 what the letter says that you're referring to. It says  
21 you must what?

22 MR. BLEHM: She told the Board of  
23 Supervisors for Cochise County that they have no choice  
24 but to do their legal duty.

25 THE COURT: Oh.

1 MR. BLEHM: And certify the election to make  
2 her Governor of the State of Arizona.

3 THE COURT: And that --

4 MR. BLEHM: My argument here, Your Honor,  
5 that that same legal duty applies to Maricopa County  
6 with respect to their obligation to follow Arizona law  
7 and the Elections Procedure Manual.

8 THE COURT: No, okay. You are correct, they  
9 are obligated to follow the procedures in the manual;  
10 15:34:40 but the question that was asked is whether she has any  
11 direct evidence that there was an intentional decision  
12 to not make the documents or not produce the documents  
13 is what I recall.

14 MR. BLEHM: Okay.

15 THE COURT: And she didn't answer it  
16 directly. What she said in response was they are  
17 supposed to do this, and the fact that it didn't get  
18 done tells me somebody must have made a decision, and  
19 that was the answer. So I think it's been asked and  
20 15:35:10 answered. To the extent that you're going to ask her  
21 about it, a conclusion of law, that's --

22 MR. BLEHM: Fair enough, Your Honor.

23 THE COURT: -- not appropriate.

24 MR. BLEHM: I only got a few more questions  
25 anyway.



1 THE COURT: Please proceed, Mr. Blehm.

2 BY MR. BLEHM:

3 Q. I think if you'll recall cross-examination  
4 correctly, I got the impression that defense counsel was  
5 sort of downplaying the injection to 50 ballots into the  
6 system.

7 Do you recall those questions?

8 A. I do.

9 Q. I believe they were -- do you have any evidence  
10 those 50 votes were not counted or something along those  
11 lines? Do you recall that question?

12 A. I do.

13 Q. Okay. You don't have any evidence that those  
14 votes were not counted, do you?

15 A. I don't know which ballots those were.

16 Q. Okay. Is that the point?

17 A. That is the point. I mean, Denise said that she  
18 observed -- personally observed 50. She's not there all  
19 the time, so we don't know what that number is. And the  
20 reason we don't know what number that is is because we  
21 don't know how many there were supposed to be.

22 Q. Right. Could it be 5,000?

23 MR. GOANA: Objection, Your Honor.  
24 Speculation, foundation.

25 MR. BLEHM: I agree, Your Honor.

1 THE COURT: That's your point. That's your  
2 point, so sustained.

3 MR. BLEHM: Can't blame a guy for trying.

4 BY MR. BLEHM:

5 Q. That's all we can do, isn't it, Ms. Honey, is  
6 speculate, isn't it?

7 A. Well, I strongly dislike speculating, but I think  
8 there's just no way to know the answer, and that's the  
9 problem, there's no way.

15:36:52 10 Q. Any question I ask you about how many ballots it  
11 could have been would be nothing but pure speculation;  
12 isn't that right?

13 A. Correct.

14 Q. And isn't that the problem? You testified  
15 earlier and this gets back to, you know, their questions  
16 about chain of custody being complicated.

17 Do you recall that?

18 A. Yes.

19 Q. Is it complicated?

15:37:13 20 A. I mean, it's more complicated in Maricopa because  
21 they outsource it, but, you know, chain of custody is  
22 chain of custody. I want to know how many ballots I'm  
23 transferring from point A to point B and, you know, if  
24 you understand, the EAC says it's incredibly important.  
25 It's critical for --

1 Q. Now, let's go back to your history and your  
2 background just very briefly so I can wrap this up.  
3 Supply chain management, what do you do in that area?

4 A. I do consulting in the supply chain space, again,  
5 a lot of it is counter-diversion, but it's also in terms  
6 of loss prevention.

7 Q. Okay. Loss prevention, all right.

8 And so do companies pay -- and let's talk  
9 about widgets, because everybody likes widgets. Do  
10 companies pay millions of dollars every year to  
11 consultants to help them with their supply chain  
12 management?

13 MR. LARUE: Your Honor, I'm going to object.  
14 It seems to me this is beyond the scope of the  
15 cross-examination.

16 THE COURT: It is.

17 MR. BLEHM: Your Honor, he asked her  
18 specifically -- specifically he asked her is chain of  
19 custody complicated.

20 MR. LARUE: Your Honor, I don't believe that  
21 was my question.

22 THE COURT: Hold on.

23 MR. BLEHM: My argument is this, Your  
24 Honor --

25 THE COURT: Wait. I'm not in the habit of

1 debating objection and rulings of objections.

2 MR. BLEHM: Understood. I was just going to  
3 make a legal argument.

4 THE COURT: Which is an argument with a  
5 Judge about the ruling on the objections.

6 MR. BLEHM: Oh, no. I'm not trying to argue  
7 with the Judge. I want to make a challenge to his  
8 objection.

9 THE COURT: It may be a distinction without  
10 a difference, Mr. Blehm.  
15:38:54

11 MR. BLEHM: All right. Thank you, Your  
12 Honor.

13 THE COURT: But if you're ever in a position  
14 where I make a ruling and you think that you need to  
15 make an offer of proof to show that I may be mistaken, I  
16 will let you do that, okay, but not back-and-forth --

17 MR. BLEHM: Understood.

18 THE COURT: -- argument, okay? So I've --

19 MR. BLEHM: I'd like to make a quick offer  
20 of proof right now, Your Honor.  
15:39:16

21 THE COURT: Then go ahead and do that.

22 BY MR. BLEHM:

23 Q. Heather Honey, do companies spend millions of  
24 dollars a year --

25 THE COURT: Wait. You're just continuing

1 the questioning?

2 MR. BLEHM: Okay.

3 THE COURT: As far as an offer of proof, I  
4 want you to tell me what you expect to prove and how  
5 that would make a difference with regard to my ruling.  
6 That's what an offer of proof is.

7 MR. BLEHM: I guess, Your Honor, I would  
8 expect to prove that -- that, you know, companies, big  
9 companies spend millions of dollars every year, you  
10 know, to get 5,000 widgets to your local Ace Hardware  
11 store, and they do it successfully.

12 THE COURT: I'm not arguing -- wait -- I'm  
13 not arguing the concept. I'm arguing that whether or  
14 not your offer of proof is going to show me that this is  
15 something that was touched on in his cross.

16 MR. BLEHM: Understood, Your Honor. And  
17 I'll just move on to my last -- my last point.

18 BY MR. BLEHM:

19 Q. You were a part of the 2021 Arizona election  
20 other than that, correct, Ms. Honey?

21 A. I was.

22 Q. And this is relevant to Mr. LaRue's question to  
23 you about the postal service receipts. You recall that  
24 question?

25 A. I do.

1 Q. Okay. And Mr. LaRue was telling you -- well,  
2 those aren't really receipts, are they? Are those are  
3 weights; isn't that true?

4 A. I believe Mr. LaRue asked if it was possible that  
5 they were weight counts.

6 Q. Okay. And are weight counts a valid tool to  
7 count paper documents?

8 A. Yes.

9 Q. Okay. Why is that?

15:41:00 10 A. Scales are precise and you can determine the  
11 weight of a single sheet of paper. You can determine  
12 the weight of a single ballot and then weigh it. And,  
13 you know, you're within -- it's a pretty accurate  
14 measurement. That's how -- that's what weight counting  
15 is.

16 Q. Let me ask you this question: Did -- during the  
17 2021 audit, did you and your crew weigh all of the  
18 ballots?

19 MR. GOANA: Objection, Your Honor.

15:41:34 20 Relevance.

21 MR. BLEHM: I'm getting to my relevance.

22 THE COURT: I'll give him some leeway. Go  
23 ahead. If you can answer it, ma'am. Go ahead.

24 THE WITNESS: We didn't weigh all of them,  
25 no. We weighed some boxes.

1 BY MR. BLEHM:

2 Q. Okay. Now, the boxes that you did weigh, was the  
3 weight count consistent with the other counts?

4 A. Yes.

5 Q. How many counts did you do? Different counts?

6 A. I can't say. I mean, half maybe.

7 Q. The machine count, right?

8 A. Oh, oh, I'm sorry. I didn't understand your  
9 question. Yes, there was a hand count, a weigh count, a  
10 machine count, and in some cases, an audit count, and  
11 then there was a count of ballot images as well.

12 Q. Ballot images because you photographed each  
13 ballot?

14 A. Correct.

15 Q. So you could count those images. And were they  
16 all consistent with the weight count?

17 A. Yes.

18 Q. And so if the United States Postal Service or  
19 some other large company wants to bill their client for  
20 50,000 pieces of mail, it's an effective way to do so by  
21 measuring the weight; isn't that correct?

22 A. If it's the same piece of mail type.

23 MR. BLEHM: Same mail type. All right. I  
24 have no further questions, Your Honor.

25 THE COURT: Okay. Can we excuse the

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.

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

15:44:36

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 a 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?

15:57:50

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.

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.

16:01:01

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?

16:01:35

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.

16:02:25 10 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  
16:03:34 20 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

1 and make your way over to the witness stand, please.

2 Go ahead, Mr. Olsen.

3 DIRECT EXAMINATION

4 BY MR. OLSEN:

5 Q. Good afternoon, Mr. Sonnenklar.

6 A. Good afternoon.

7 Q. Would you please state your full name for the  
8 record?

9 A. Mark Sonnenklar, S-O-N-N-E-N-K-L-A-R.

16:04:12 10 Q. And what is your occupation, sir?

11 A. I'm a lawyer.

12 Q. And how long have you been a lawyer?

13 A. Twenty-six, almost 27 years.

14 Q. Did you have an opportunity to -- strike that.  
15 How long have you lived in Arizona?

16 A. Moved back to Arizona about two years ago, a  
17 little more than two years ago. I was here from age 9  
18 through 21, so I don't know, 13 years total.

19 Q. Did you have an opportunity to participate in the  
16:04:43 20 2022 Election cycle?

21 A. I did.

22 Q. And in what capacity did you participate in that  
23 cycle?

24 A. I was a roving attorney in the Republican  
25 National Committee's Election Integrity Program for the

1 Primary and the General Election.

2 Q. And what does a roving attorney do?

3 A. A roving attorney goes to the vote centers and  
4 just observes what is happening at the vote centers to  
5 determine if, you know, things are going well or not,  
6 whether things are working in accordance with law.

7 Q. Okay. And when did you first act as a roving  
8 attorney?

9 A. During the Primary on August 2, 2022.

16:05:29 10 Q. And can you describe what you did as a roving  
11 attorney during the Primary?

12 A. The process that I used, which we were trained to  
13 use for both the Primary and the General Election, was  
14 to go to the vote center, talk to the inspector, go  
15 directly to the inspector of that vote center.

16 Q. Who is an inspector?

17 A. The inspector is the -- the lead person -- the  
18 lead poll worker at a vote center.

19 Q. Were they employed by Maricopa County?

16:06:05 20 A. Yes, I believe they are paid by Maricopa County.

21 Q. Is that a temporary position or are they a  
22 full-time employee of Maricopa?

23 A. They are temporary.

24 Q. Okay.

25 A. So I would go to the vote center, I would ask for



1 the inspector. I would ask the inspector if there was a  
2 Republican observer inside the vote center, because  
3 there's not by law, we're not allowed to have more than  
4 two observers from any one party within the vote center.  
5 I would ask to speak with the Republican observer, if  
6 there was one, outside. I would ask that Republican  
7 observer how things were going, you know, what he or she  
8 was seeing inside the vote center. I would take notes  
9 on -- on what the observer, the Republican observer,  
10 told me. I would then ask the Republican observer to  
11 stay, remain outside, and then I would go back into the  
12 vote center and speak with the inspector and ask really  
13 the same questions that I had asked the Republican  
14 observer. How are things going? If there were issues,  
15 I would ask more questions about those issues. And I  
16 was trying to determine whether, you know, what the  
17 Republican observer was -- was telling me was matching  
18 up with what the inspector was telling me. And I took  
19 notes while I was talking with the inspectors as well.

16:06:56 20 Q. Did you create a report in connection after the  
21 election associated with that, and I'm talking about the  
22 Primary?

23 A. I did. I had a sense that there was going to be  
24 litigation, and I knew that I had information that would  
25 be critical to that litigation, and so I reached out to

1 -- there were 17 -- 17 or 18, I'm not clear exactly, but  
2 I believe there were 17 roving attorneys in the program  
3 with the RNC, and I reached out to all of them and asked  
4 them what their experience was. And they reported to  
5 me, and I created a report based on my own personal  
6 experience at ten vote centers during the General  
7 Election, and 105 other vote centers that the roving  
8 attorneys who responded to me, which I believe were ten,  
9 I believe, responded to me and were willing to, you  
10 know, tell me what -- what had occurred, what they had  
11 seen. So the 11 of us put together, observed 115 vote  
12 centers.

13 Q. How many vote centers did you personally visit?

14 A. Ten.

15 Q. Ten. And this is during the General Election,  
16 correct?

17 A. Yes.

18 Q. And what was your experience what you personally  
19 saw at those ten vote centers?

16:09:04 20 A. Well, it was really pandemonium out there  
21 everywhere. I was within from Fountain Hills to North  
22 Scottsdale where my vote centers were. I started out in  
23 Fountain Hills and immediately, I mean, there was a line  
24 -- there was a line of 150 people at Fountain Hills.  
25 The tabulators were not working, and that was what I saw

1 at, you know, I saw the same thing happening at six of  
2 my ten vote centers. There were different things  
3 happening at some of the other ones too, but six of them  
4 in particular were really bad, you know.

5 Q. And so you -- you have been voting for a number  
6 of years, correct?

7 A. Yeah.

8 Q. How would you characterize the events of the 2022  
9 General Election compared to other elections that you  
10 witnessed?

11 A. Oh, this was a completely different animal here.  
12 So I was a roving attorney at -- during the Primary, and  
13 there were, you know, some minimal problems there too,  
14 but the General Election was a complete -- completely  
15 different situation. There were lines out the door,  
16 which did not -- you did not see during the Primary at  
17 many of the vote centers. There were angry and  
18 frustrated voters who did not want to put their ballots  
19 in the Box 3, and there, you know, it was just -- and  
20 then there were the poll workers who were extremely  
21 frustrated and really didn't know what to do. Most of  
22 them, I would say, were doing their best, you know, to  
23 -- to figure out a solution to the fact that the  
24 tabulators were down, were not reading the ballots.  
25 Everyone was just freaked out.

1 Q. I have a question for you. There's been some  
2 testimony earlier about wait times. Do you have an  
3 understanding of how the County measures wait times?

4 A. Yes. I understand that one of the poll workers  
5 is supposed to check the line every 15 minutes and  
6 report back to MCTEC, is my understanding. It would  
7 have been difficult. I don't know where you're going  
8 with the question, but it would have been very difficult  
9 for the poll workers who were crazed trying to figure  
10 out just how to get the -- the tabulators to read the  
11 ballots. I can't imagine that -- that there was time  
12 for any poll workers at the worst vote centers anyway to  
13 actually go out and check the line.

16:11:43

14 Q. Okay. I believe you mentioned that you visited  
15 personally about ten vote centers?

16 A. Yes.

17 Q. And that the other roving attorneys that you were  
18 working with, it was a total of about 115 vote centers  
19 in total?

16:12:14

20 A. Yes.

21 Q. And that's 115 out of about, I think, 223 vote  
22 centers, correct?

23 A. That's correct.

24 Q. So that's a little over half of the vote centers?

25 A. I believe it was 52 percent.

1 Q. Are you able to characterize what your other --  
2 the other roving attorneys were experiencing, whether it  
3 was similar to what you were experiencing or worse or --  
4 or maybe not as bad? How would you characterize?

5 A. Well, I would say that most of the roving  
6 attorneys had a similar experience to mine. I can't  
7 think of -- I can't think of one that had a different  
8 experience. There may be, but -- but for the most part,  
9 you know, aggregated together, pretty much everyone had  
10 the same experience.

16:12:59

11 Q. And if somebody were to characterize the events  
12 of that day as minor technical difficulties that should  
13 be expected in any election, what would you say to that?

14 A. I would say that's nonsense. When you have 132  
15 -- we've been able to document that there were at least  
16 132 vote centers with tabulator problems out of 227,  
17 which comes out to about 59 percent. I don't see how  
18 that could be characterized as a small matter.

16:13:44

19 Q. You mentioned you created a report along with the  
20 other roving attorneys that you worked with. Did you  
21 disseminate that report to anybody?

22 A. I did send that report out. Yes, I did.

23 Q. Do you believe that report is accurate in its  
24 recitation of the events of Election Day?

25 A. Absolutely. I was very careful not to

1 exaggerate, overstate. I was careful to be factual.

2 Q. And is that report based on sworn -- your  
3 conversations plus sworn declarations from the other  
4 roving attorneys that were given to you?

5 A. Yes, it is.

6 MR. OLSEN: And if you would call up  
7 Exhibit 52?

8 THE COURT: Is there a problem?

9 MR. OLSEN: I'm being told that the person  
10 over here needs...

11 (Discussion off the record.)

12 BY MR. OLSEN:

13 Q. Mr. Sonnenklar, is this --

14 MR. LIDDY: Your Honor, for Maricopa County,  
15 I would object to this document to the extent it's  
16 duplicative of this witness's testimony, just provided  
17 in this Court. And to the extent that it is intended to  
18 be admitted for the truth of the matter asserted for  
19 persons he's talked to, it would be hearsay.

16:15:54 20 MR. OLSEN: Your Honor, we have submitted  
21 this report under Rule 807. It is one of the documents  
22 that we gave notice to, and I would say that Your Honor  
23 can judge the value of the weight; but given as the  
24 witness has testified to, we're talking of about 105  
25 vote centers and so to -- he and his other fellow roving

1 attorneys gave sworn testimony about the occurrences  
2 there. It's -- I think it should go to the weight, Your  
3 Honor. I think it would be probative, and given the  
4 limited time we have to, you know, talk about 105 vote  
5 centers that we respectfully request Your Honor to admit  
6 it.

7 THE COURT: Well, he's here to testify about  
8 what he saw and he observed, and so it's cumulative as  
9 to that. I think this morning I told you that I was  
10 willing to admit under 807 the attached statements of  
11 the other roving attorneys, so you can choose. You can  
12 choose to either have those affidavits admitted under  
13 807, or you can forgo that and ask him questions about  
14 it and go with his report. But I'm not going to do  
15 both.

16 MR. OLSEN: Your Honor, just point of  
17 clarification.

18 THE COURT: That's a three-fer. That's him  
19 testifying, his report, and the affidavits that he's  
20 referring to in his testimony and his report. So I  
21 don't know if you understood this morning that I was  
22 willing to admit the affidavits attached to Mr.  
23 Sonnenklar's affidavit under 807 provided that you can  
24 -- because I've read them.

25 MR. OLSEN: Yes, Your Honor.

1 THE COURT: And I believe that under 807 the  
2 same analysis applies to what I told you this morning  
3 that they appear to also be very factual as opposed to  
4 advocate -- advocacy, even though I believe that he's  
5 just said all of this was prepared in anticipation of  
6 litigation. The affidavits are sworn to and contain  
7 facts rather than advocacy or opinions; so after all my  
8 speaking, your choice how you wish to proceed, Mr.  
9 Olsen, but I'm not going to do both. I'm not going to  
10 put in all those affidavits and have him talk about  
11 everything in his report and all the hearsay.

16:18:13

12 MR. OLSEN: I think I know where I'm going,  
13 sir. We will forgo -- we will keep them into evidence  
14 as Your Honor alluded to, and we will move on to another  
15 topic.

16 THE COURT: Okay. Very good, sir.

17 MR. OLSEN: Your Honor, at this time, we  
18 would like to open up Exhibit 91.

19 BY MR. OLSEN:

16:20:26

20 Q. Mr. Sonnenklar, up on the screen is what has been  
21 marked for identification as Exhibit 91. It is an  
22 exhibit that was part of a response letter by Maricopa  
23 County to the AG -- AG's letter dated November 19th  
24 questioning some of the events around Election Day.

25 Have you ever seen this document before?



1 A. Yes, I've read it multiple times.

2 Q. And do you recognize this as a document that was  
3 produced by Maricopa County?

4 A. Yes.

5 Q. Do you have any reason to doubt that it's a true  
6 and accurate copy?

7 A. No.

8 MR. OLSEN: Your Honor, at this time, we  
9 would move to admit Exhibit 91 into evidence.

16:21:11 10 MR. LIDDY: No objection, Your Honor.

11 THE COURT: 91 is admitted. I think it's a  
12 self-authenticating document.

13 MR. OLSEN: Yes, Your Honor.

14 BY MR. OLSEN:

15 Q. Mr. Sonnenklar, do you see where it states on the  
16 first page of this document in the paragraph beginning  
17 "while a few"? Do you see that "while a few, 2022  
18 General Election locations encountered 115-minute  
19 waiting times on Election Day, Maricopa County posted  
16:21:51 20 these wait times on our website informing voters of  
21 other nearby options that had shorter times"?

22 A. Yes, I see it.

23 Q. Do you have an understanding based on your work  
24 whether or not that's an accurate statement?

25 A. That's not an accurate statement.

1 Q. And why do you say that?

2 A. There were many more vote centers. I mean, I  
3 must have had, I believe I had two, at least, just in my  
4 ten that had longer wait times than 80 minutes, and they  
5 are not included in the list in footnote 1.

6 Q. And you're talking about footnote 1 on the page  
7 that's Bates stamped last three digits 715, the first  
8 page of this document?

9 A. And in addition to that, you know, there were --  
16:22:42 10 we documented through declarations that there were many,  
11 many other vote centers that had over 80-minute wait  
12 times.

13 Q. Do you have an opinion as to whether or not the  
14 County has been trying to understate the extent of the  
15 problems at the vote centers that arose on Election Day?

16 A. Yes.

17 MS. FORD: Your Honor, object to foundation  
18 and speculation.

19 THE COURT: All right. As to foundation,  
16:23:55 20 I'll overrule it. So if you're able to answer it, and I  
21 assume you're asking him based on his personal  
22 knowledge.

23 MR. OLSEN: Yes, Your Honor.

24 THE COURT: If you're able to answer it, Mr.  
25 Sonnenklar.

1 THE WITNESS: Thank you. Well, I mean, I  
2 was the one who oversaw the -- the, you know, putting  
3 together of the issues spreadsheet, which showed how  
4 many vote centers had tabulator problems, how many vote  
5 centers had long lines. I've also read this Board of  
6 Supervisors report multiple times, and there are many,  
7 many mischaracterizations and flat-out falsehoods in  
8 this. Now, so, yes, I believe that they have not  
9 presented the truth here in this document.

16:24:56 10 MR. OLSEN: We have nothing further at this  
11 time, sir.

12 THE COURT: All right. Cross-exam, please.

13 CROSS-EXAMINATION

14 BY MS. FORD:

15 Q. Good afternoon, Mr. Sonnenklar.

16 A. Good afternoon.

17 Q. I'm here on behalf of the Governor-Elect.

18 Your declaration gives some figures about how  
19 many vote centers were affected with tabulator issues  
16:25:21 20 and lines, and these figures were gathered from reports  
21 of yourself, other RNC roving attorneys and Republican  
22 observers, correct?

23 A. That's correct.

24 Q. Your declaration in this case concludes that 64  
25 of 223 vote centers had long lines on Election Day,

1 correct?

2 A. Yeah, that's correct.

3 Q. So you concluded that more than 70 percent of  
4 vote centers on Election Day did not have long lines?

5 A. You could infer that, but -- but actually, what I  
6 would say about that is that we had time constraints in  
7 putting together our issues spreadsheet, and so I firmly  
8 believe that had we had additional time, basically, we  
9 had to put it together in two weeks. So we had to

16:26:12

10 gather declarations from a lot of people in order to  
11 prove what we wanted to prove, you know, in order for  
12 the evidence to show 64 -- we showed on the issues  
13 spreadsheet that 64 vote centers had long lines. Had we  
14 had more time, I firmly believe that we would have been  
15 able to show that more vote centers had long lines.

16 Q. The same declaration concluded that only 24 of  
17 223 vote centers had long lines on Election Day after  
18 3:00 p.m., correct?

16:26:49

19 A. I would say the same thing, had we had more time  
20 to gather the evidence, we probably would have been able  
21 to find that more than 24. But what we were able to  
22 document in the time period that we had was that 24,  
23 which in my view is a lot of vote centers to have  
24 problems after 3:00 p.m., given the fact that the Board  
25 of Supervisors stated that the problem was completely

1 resolved as of midafternoon quote, unquote, according to  
2 the Board of Supervisors report that was just brought  
3 into evidence.

4 Q. But the evidence that you put forward in your  
5 declaration was that only 24 of 223 had long lines after  
6 3:00 p.m., correct?

7 A. That's all I was able to conclude in the time  
8 that I had to put together the issue spreadsheet.

9 Q. Any voter in Maricopa County may go to any vote  
10 center they wish, correct?  
16:27:41

11 A. That's my understanding.

12 Q. You did not personally witness any voter who left  
13 a vote center without casting a ballot after  
14 encountering a tabulator rejection, correct?

15 A. I wasn't looking for that.

16 Q. So here today you can't tell me that you  
17 witnessed that?

18 A. I can't, but a lot of the declarations do  
19 indicate that did occur over and over.

20 Q. You have no personal knowledge as to whether  
21 these printing errors changed the outcome of the  
22 election, correct?  
16:28:06

23 MR. OLSEN: Objection, Your Honor.  
24 Foundation.

25 MS. FORD: Your Honor, I'm just asking

1 whether he knows.

2 THE COURT: His knowledge, it's the same  
3 thing. If you know, sir, and you're able to answer, go  
4 ahead.

5 THE WITNESS: Well, I would say, you know,  
6 there's only 17,000, roughly, votes separating the two  
7 candidates for governor. Based on what I saw on  
8 Election Day, I would say there's no question in my mind  
9 that had there not been tabulator issues at 132 vote  
10 centers, this election would have ended up Kari Lake  
11 winning.

16:28:46

12 MS. FORD:

13 Q. That's an inference you're making, correct?

14 A. You asked me for my opinion, I gave it.

15 Q. I didn't ask for your opinion. I asked if you  
16 had personal knowledge.

17 A. I don't have knowledge of specific numbers, no.

18 MS. FORD: Okay. No further questions,  
19 thank you.

16:29:19

20 BY MR. LIDDY:

21 Q. Mr. Sonnenklar, you testified that the Maricopa  
22 County Board of Supervisors in drafting its  
23 correspondence to Jennifer Wright at the Attorney  
24 General's Office intended to deceive her; is that  
25 correct?

1 A. I don't see how you could --

2 Q. Is that correct?

3 A. I don't see how you could view what happened on  
4 Election Day and issue that report in good faith.

5 Q. Do you have any evidence that the authors of that  
6 wrote that report with an intent to deceive?

7 A. It's just common sense, sir.

8 Q. Is that a yes or a no?

9 A. Common sense tells you that if they issued that  
16:30:14 10 report and they, and you know, they are the ones in  
11 charge of the election, then -- and so many things in  
12 that report were false, that, yeah, they were trying to  
13 cover up.

14 Q. So that's what common sense tells me is that your  
15 testimony?

16 A. Yeah, common sense tells me, that there was a  
17 cover-up here.

18 Q. Okay. That tells you, but not me, as you earlier  
19 testified, correct?

16:30:42 20 A. I don't know what's in your mind, sir.

21 Q. But you do know what's in the mind of the five  
22 members of the Board of Supervisors?

23 A. All I can say is that I have that -- I believe  
24 they were trying to cover up here because I don't see  
25 how else you could explain the Board of Supervisor

1 report. It was blatantly false in so many ways.

2 Q. But you have no evidence of that, correct?

3 A. Oh, no, I have a lot of evidence.

4 Q. Evidence of their intent to deceive the Attorney  
5 General's Office?

6 A. My conclusion is that there's an intent to  
7 deceive.

8 Q. Okay. So your testimony today is you can't read  
9 my mind, but you can read the mind of the members of the  
10 Board of Supervisors; is that correct?  
16:31:23

11 A. I don't see how else you could interpret the  
12 statements on the Board of Supervisor report other than  
13 to conclude that there was an intent to minimize the  
14 problems on Election Day, because they probably knew  
15 they were going to be in this courtroom today.

16 Q. Well, it's interesting that you've just responded  
17 to my query by saying problems plural, because when you  
18 initially testified, you said problems singular, and  
19 your testimony was about problems related to tabulators.

16:31:56 20 Do you remember that testimony?

21 A. Do you mean in my declaration?

22 Q. No, I mean in your testimony right here in this  
23 courtroom a few minutes ago?

24 A. Yes, I recall my testimony.

25 Q. Okay. And you recall that you had witnessed at



1 least two vote centers, and you've heard of a lot of  
2 others that have problems with tabulators?

3 A. No, there were six vote centers out of ten in my  
4 -- that I observed at that had material tabulator  
5 problems.

6 Q. Okay. Did any of them have printer problems?

7 A. Yeah, you know, my -- my understanding is that  
8 the printers were not printing dark enough, that is one  
9 theory anyway.

16:32:33 10 Q. Was that your understanding from your direct  
11 observation?

12 A. Yes.

13 Q. So you were able to observe the printers putting  
14 in not enough ink in some of the ballots?

15 A. So my declaration sets this out that one of the  
16 vote centers that I went to I spoke with the inspector.  
17 They had a massive problem with the tabulator not  
18 working.

19 Q. Okay. Thank you. You've already testified about  
16:32:56 20 your conversation with the inspector. I heard that, and  
21 I thank you for that.

22 A. No, may I actually answer your question?

23 Q. Yes, please. My question was your observation.

24 A. This is my observation.

25 Q. Excuse me. Your observation with the problems

1 with the printers, not what you heard from inspectors.

2 Can you answer that?

3 A. My observation was in relation to a conversation  
4 I had with the inspector.

5 Q. So that would be you heard it from somebody else  
6 who observed it, but you didn't?

7 A. I'm not a technical person. I don't know exactly  
8 what caused the problem, okay, but an inspector showed  
9 me the ballots.

16:33:33 10 Q. Okay. So you don't know what caused the problem,  
11 right? But you know that whatever the Board of  
12 Supervisors said was intended to deceive the Attorney  
13 General, even though you don't know, correct?

14 A. I don't see what one thing has to do with the  
15 other.

16 Q. There's a problem as well.

17 How about wet pens, wet pens that might cause  
18 problems with the tabulators? Did you observe any of  
19 that?

16:33:55 20 A. No, I didn't note that at all.

21 Q. No. So you had testified earlier that you had  
22 voted several times in Arizona, but you've never seen  
23 lines like the lines you saw in the General Election of  
24 2022; is that correct?

25 A. That is correct.

1 Q. Did you vote in the presidential preference of  
2 2016?

3 A. No, I wasn't here in 2016.

4 Q. Okay. Would it surprise you to find out that in  
5 many instances all over this country there will be lines  
6 far longer than those to which you just testified to?

7 A. I would be surprised by that now.

8 MR. LIDDY: Thank you. No further  
9 questions.

16:34:36 10 MR. OLSEN: Your Honor, I just have a brief  
11 question on redirect.

12 THE COURT: It's your favorite word. Go  
13 ahead.

14 REDIRECT EXAMINATION

15 BY MR. OLSEN:

16 Q. Mr. Sonnenklar, would it surprise you if people  
17 in Maricopa County, voters in Maricopa County heard  
18 about the problems at all the vote centers and simply  
19 didn't get into line to vote because they didn't have  
16:35:04 20 time?

21 MR. GOANA: Objection to foundation,  
22 speculation, beyond the scope as well.

23 THE COURT: Sustained.

24 BY MR. OLSEN:

25 Q. Do you have a belief as to -- and it's a yes or

1 no question -- do you have a belief as to whether or not  
2 voters on Election Day -- strike that.

3 Do you have a belief that there are -- there were  
4 voters on Election Day that were not able to cast their  
5 vote and wanted to?

6 MR. GOANA: Same objections, Your Honor.

7 THE COURT: Sustained.

8 MR. OLSEN: Your Honor, I have no further  
9 questions. I do have a housekeeping matter. I just  
10 wanted to make sure with our 807, I just want to make  
11 point of clarification. We had a summary Exhibit 2,  
12 summary exhibits that were attached to his declaration,  
13 and we are moving those -- I want to make sure that was  
14 part of the evidence that Your Honor was --

15 THE COURT: Are you planning to rest?

16 MR. OLSEN: Pardon me?

17 THE COURT: Are you planning to rest now?

18 MR. OLSEN: Yes.

19 THE COURT: Okay. Can we excuse this  
20 gentleman?

21 MR. OLSEN: Yes.

22 THE COURT: Thank you, Mr. Sonnenklar.  
23 You're excused, sir.

24 (Witness excused.)

25 THE COURT: Okay. I'm pushing my court

1 reporter beyond what I should.

2 What I'm hearing is, is Plaintiffs are  
3 willing to rest with the exception of addressing the  
4 exhibit issue. I understand you need to address the  
5 issue before you rest.

6 MR. OLSEN: We're not resting our case, Your  
7 Honor, so I have a couple more witnesses to do.

8 THE COURT: Okay.

9 MR. OLSEN: I wasn't resting on that.

16:37:15 10 THE COURT: Okay. Do you have -- do both  
11 sides have worked out the exhibit numbers that would  
12 apply to my ruling this morning? No?

13 MR. OLSEN: I don't think we talked so much.

14 THE COURT: Here's what I can't do at the  
15 end of this day, I can't put my court reporter through  
16 another hour of us going back and forth about whether a  
17 certain exhibit fits within my ruling or not. This is  
18 probably a poor question -- in fact, I won't ask it.  
19 I'm going to restate what I told you this morning. I  
16:37:59 20 said that the 807 ruling was extended to admitting  
21 whatever exhibits are associated with the following  
22 exhibits or attachments to the affidavit that you filed,  
23 Mr. Olsen. Exhibit 6, Exhibit 7, Exhibit 8, 9 and 10  
24 have already been admitted today, and that takes care of  
25 all the attachments to the affidavit that was filed by

1 Mr. Olsen.

2           There's a more extensive list constituting  
3 what Plaintiffs have labeled Exhibits A1 through A220  
4 that were attached to, I believe, Mr. Sonnenklar's  
5 affidavit. I don't have before me the corresponding  
6 exhibit numbers for the exhibits that would have been  
7 the other attorney poll workers that were submitted, but  
8 those were included in that.

9           So here's what I want you to do is I want  
16:39:53 10 you to get together, caucus, come up with an agreed list  
11 of what those numbers are. I basically told you what  
12 the ruling is, I just need you to make sure that we got  
13 clear which exhibits are coming in, okay, so I can spare  
14 my clerk and my court reporter all that back and forth.  
15 I need that by the morning, okay.

16           MR. OLSEN: Yes, Your Honor.

17           MR. LIDDY: Yes, Your Honor.

18           MS. KHANNA: Yes, Your Honor.

19           THE COURT: I haven't -- I've been keeping  
16:40:24 20 track of the time, but I haven't got a grand total.  
21 Somebody else keeping track closely?

22           Do you know where you are with regard to  
23 time?

24           MR. OLSEN: We have somebody tracking, Your  
25 Honor, for us. But I don't --

1 THE COURT: Okay. How many more witnesses  
2 do you have, Mr. Olsen?

3 MR. OLSEN: Your Honor I believe, it's just  
4 one, which is Richard Baris.

5 THE COURT: That's going to take awhile. If  
6 it's anything like Mr. Parikh, which is our other  
7 expert.

8 MR. OLSEN: Your Honor, I don't think it  
9 will take as long as Mr. Parikh. Famous last words.

16:41:21 10 THE COURT: I'm smiling again because we're  
11 down to the brief, "and I've only got a few things, Your  
12 Honor."

13 MR. LIDDY: Your Honor, if I may, our  
14 records indicate the Plaintiff has consumed 272 minutes  
15 22 seconds and defense together has consumed 87 minutes  
16 27 seconds.

17 MR. OLSEN: Your Honor, I'll have to check  
18 with our person.

19 THE COURT: If I take his total, that puts  
16:42:06 20 you at four and a half hours.

21 MR. OLSEN: Yes, Your Honor.

22 THE COURT: So you would still have another  
23 hour with Mr. Baris, right? What about your case --  
24 well, all three of you, what do you think about -- how  
25 many witnesses are you thinking about calling and --

1 MS. KHANNA: We have four witnesses that we  
2 intend to call if we put on our case in chief tomorrow.

3 THE COURT: Part of my problem is if you  
4 spent all your time, then there's nothing left for  
5 cross-examination.

6 MR. OLSEN: I'm aware of that, Your Honor.

7 THE COURT: Okay. It's a strategy call, so  
8 you got four witnesses. How much time do you think;  
9 again, I'm skating fast on thin ice talking to lawyers  
10 about time estimates.

11 MS. KHANNA: Well, I will, of course,  
12 promise that we're going to be as efficient as possible.  
13 We'll use tonight to make sure. We have estimates in  
14 what we submitted to the Court, and we'll go back and  
15 see if we can pare those down to make sure we're staying  
16 within time.

17 THE COURT: Okay. That's fair.

18 Here's my -- here's my concern, and even  
19 with -- I know what I said about the time, but I'm  
20 concerned about closing arguments, okay?

21 I do want to hear closing argument, okay.

22 So I'm not saying that that means you got to  
23 go out and drag in more witnesses tomorrow to use up all  
24 your time, but we'll see how it goes tomorrow.

25 MR. LIDDY: On my notes estimate, our



1 estimate is that we'll come in below the time  
2 significantly. We will probably only need another two  
3 and a half hours.

4 THE COURT: Okay. All right.

5 MS. KHANNA: We'll reserve time for closing.

6 THE COURT: That will probably put us,  
7 though, realistically we're going to start at 8:30,  
8 we're going to come back at 1:00, midafternoon? I mean,  
9 that may be fuzzy math, but it's best guesstimate. So  
10 at that point in time, I do want you to prepare  
11 closings. How much time do you think you would need to  
12 sum it all up? That's the both of you, I'm asking.

16:44:16

13 MR. OLSEN: Your Honor, I would think that  
14 we would not need more than 15 minutes.

15 MS. KHANNA: I think we would be more like  
16 20, Your Honor.

17 THE COURT: Well, okay. But they carry the  
18 burden, so I'm not going to hold you to the, you know,  
19 15, 20. If they have 20, you do 15; if you want five  
20 rebuttal at the end, I'd give it to you.

16:44:58

21 MR. BLEHM: Thank you, Your Honor.

22 THE COURT: Sound fair?

23 MR. OLSEN: Thank you, Your Honor.

24 THE COURT: Sound fair?

25 MR. OLSEN: Yes.

1 MS. KHANNA: Yes, Your Honor. Thank you.

2 THE COURT: Well, the goal is to get all of  
3 that done by tomorrow then, okay.

4 So tonight, you're going to put your heads  
5 together, come up with a list of exhibits for me by  
6 morning. Get the exhibits straightened out. We'll do  
7 that as a matter of housekeeping first thing, and I  
8 think that's all I've got for you tonight. I can let  
9 you go.

16:45:30 10 Is there anything else absolutely essential  
11 before my court reporter collapses?

12 MR. OLSEN: I'm not saying anything.

13 MS. KHANNA: Nothing for defendants, Your  
14 Honor.

15 THE COURT: Thank you, all. I'll see you  
16 tomorrow morning at 8:30.

17 (Proceedings conclude, 4:45 p.m.)

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C E R T I F I C A T I O N

I, ROBIN G. LAWLOR, Registered Professional Reporter, Registered Merit Reporter, Certified Realtime Reporter, Federal Certified Realtime Reporter, Certified Court Reporter, Certificate No. 50851, in and for the State of Arizona, do hereby certify that the foregoing pages constitute a full, true, and accurate transcript of all proceedings had in the foregoing matter, all done to the best of my skill and ability.

WITNESS my hand this 25th day of December, 2022.

***/s/Robin G. Lawlor***

Robin G. Lawlor, RMR, CRR, FCRR  
Arizona CCR No. 50851