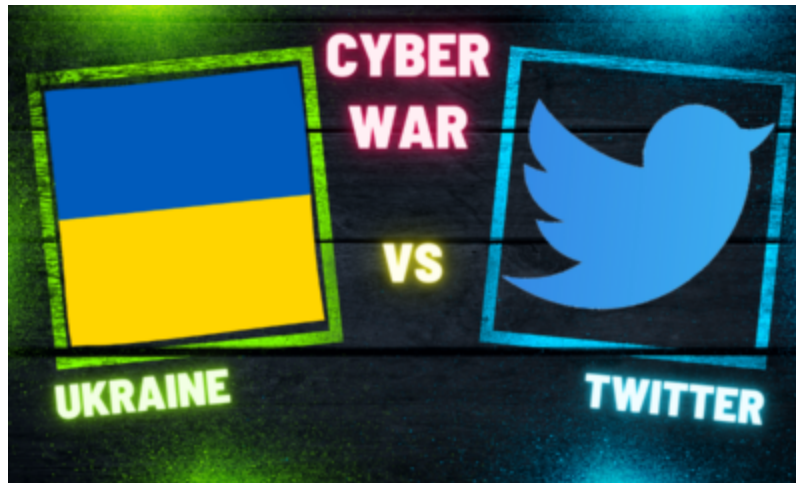


Arizona election trial rests

 cnav.news/2022/12/23/accountability/executive/arizona-election-trial-rests/

By Terry A. Hurlbut

December 23, 2022



The trial of the Arizona election contest (*Lake v. Hobbs, Richter, et al.*) concluded with another full day of testimony. Now the judge has the case, and its outcome will depend entirely on his imagination. Specifically, can this judge imagine the kind of deliberate malfeasance by election officials, with a view to skewing the outcome? Judge Peter Thompson asked Governor candidate Kari Lake to prove precisely that. He probably never imagined that she would be able to prove it. But prove it she did, and no reasonable observer can assess this trial in any other way.

The Arizona trial: the preconditions

The trial began two days ago, on two out of ten counts Kari Lake raised in her complaint. Judge Thompson limited her to two issues – on whether or not:

1. Scanning and tabulation of ballots failed in about 60 percent of precincts, almost all Republican precincts, and
2. Election officers broke (or never established) the chain of custody of ballots from the precincts to central counting facilities.

Furthermore, she would have to establish that these failures not only *could have* but in fact *did* skew the outcome. Judge Thompson could have had only one motive to set those conditions – which the law of Arizona *does not* require. And that is the Kari Lake prayed that the Court award her the election outright, as first prize. Extraordinary prayers, like extraordinary truth claims, require extraordinary evidence.

Perhaps Lake wanted to pray for the highest possible remedy the court could grant. Or perhaps she realized that redoing the election would see Katie Hobbs become Governor anyway. Arizona does not elect a Lieutenant Governor – and in case of the removal of the Governor from office, or of his death, resignation, or non-existence, the Secretary of State becomes Governor. In any case, Kari Lake asked that the Court:

1. Declare her the winner outright, or failing that:
2. Hold another election, with a special master to run it, and in any case:
3. Disallow any defendant whom she named in her complaint from any role in that second election.

Arizona Trial Day One summary

After a hearing on a motion-to-dismiss, and the inspection by Lake’s expert of three fifty-ballot random samples, the trial began. Wednesday’s session revealed two key facts:

Ballots at 132 precincts (or “voting centers”) were actually 19-inch ballot images printed on 20-inch long ballot stock. This happened *at the precinct* – because in Arizona, a precinct has not only scanner-tabulators but also *Ballot On Demand printers*. Someone, having security access, *deliberately programmed those printers to print 19-inch ballot images*. This although those same printers had *20-inch ballot stock loaded into them*.

Again, your editor is an experienced Officer of Election. Never has your editor ever “worked” an election in which printers print ballots on demand. Rather, the precinct chief picks up pre-wrapped reams of pre-printed ballots for voters to mark. The chief and his officers must count all ballots issued, scanned, and “spoiled.” After polls close, the chief must ensure that:

1. Ballots issued plus ballots unused equal ballots supplied, and that:
2. Ballots scanned plus ballots spoiled equal ballots issued.

Then the chief must return unused ballots – counted – to Unit Election Headquarters.

Printing ballots on demand invites fraud, because the precinct chief must, at best, rely on the printer to count and report ballots printed. *CNAV* recalls no testimony on whether precinct chiefs count unused ballot stock. Which brings up the second revelation: Maricopa County had *no chain of custody at all* for ballots. *They did not even count ballots at the precincts before shipping them back to Headquarters!*

Trial Day Two

The Phoenix affiliate of Fox Broadcasting covered the trial again – for a total of seven hours.



Watch Video At: <https://youtu.be/vx3NxaVvP1s>



Watch Video At: <https://youtu.be/lnw7VyREtLQ>

Testimony focused mainly on the debacle for voters on Election Day. One expert testified that long lines began to develop, stretching for 150 voters – because the scanner-tabulators weren't working. But in fact they *did* work as designed – in rejecting 20-inch ballots printed with 19-inch images. The alignment marks (those rectangles that, if you ever took a standardized test on an answer sheet, came with the instruction to make no marks or smudges near them) didn't align. Result: rejection. Frustrated – or lackadaisical – Officers of

Election were telling voters to slip their ballots into slots that did not go through the scanner. Voters were reluctant to do this, and expressed fear that officials would not bother to count their ballots.

Boom!!! This Ballot "Rejection" Is Caused By Fraudulently Printing A "19" Imagine, On 20" Paper," According To "Expert Testimony" During The Kari Lake Maricopa County AZ Voter Fraud Trial! pic.twitter.com/Ju7Mv6ONVw

— Frank Schramm5🍊 (@FrankSchrammJAX) [December 21, 2022](#)

Maricopa County officials simply could not explain these failures. Worst of all, one official had to admit that *they have known about the printers being able to print a ballot image on the wrong stock in three prior elections*. He said his colleagues were performing “root cause analysis” on the problem. *And they never told voters ahead of time*.

Director Scott Jarrett tried to say that voters had other options. But Lake’s lawyers wanted to know whether he would say that the printer and scanner issues disrupted the election. *He refused to say*.

KARI LAKE TRIAL: AZ Co Elections Director – Scott Jarrett completely evades answering whether or not the 2022 AZ Midterm elections had obvious and documented disruptions

He argues voters still had other options pic.twitter.com/WDyd79DgKY

— Drew Hernandez (@DrewHLive) [December 21, 2022](#)

Jarrett also had to admit that the printer’s programming was in error:

This is a verbatim transcript.

Let the partisan press spin away.

— Kari Lake War Room (@KariLakeWarRoom) [December 22, 2022](#)

Other experts

Lake’s lawyers brought in an expert in polling, who has seen many elections. He gave his opinion that the failures on Election Day were “systemic,” not random.

[.@peoples_pundit](#): "It Indicates something systemic was going on."
pic.twitter.com/sdWQKdB68o

— Kari Lake War Room (@KariLakeWarRoom) [December 22, 2022](#)

Not only that, he said the disruptions were so severe that they likely *did* change the outcome.

KARI LAKE TRIAL: Richard Baris – Polling Expert & Director of Big Data Poll with 6+ years experience testifies under oath the Election Day chaos disproportionately effected Republican Voters and believes it possibly affected the outcome
pic.twitter.com/2MC54biUaa

— Drew Hernandez (@DrewHLive) [December 22, 2022](#)

Which was exactly what the judge tasked Lake to prove. To show this, Baris pointed out that voters who agreed to take part in his exit poll, had a far lower response rate if they tried to vote in Election Day. *They did not take part because they tried to vote, and could not.*

Baris further testified that wait time estimates *by Maricopa County and the Arizona Secretary of State* were vastly understated.

Watch!

"I think we have to be clear that your wait time estimate is not the estimate for people who are waiting on line." [@Peoples_Pundit](#) lays out how Maricopa County's reported wait time estimates in election day are inaccurate. pic.twitter.com/8AL5FBZVnT

— Kari Lake War Room (@KariLakeWarRoom) [December 22, 2022](#)

Which in turn complicated the Lake campaign's efforts to tell voters where to go to find the shortest lines.

On Election Day, we posted screenshots (attached) to help guide people to polling places with shorter lines.

We had to rely on information supplied by Maricopa County and the Secretary of State.

As [@Peoples_Pundit](#) testified, these estimates were horribly inaccurate
pic.twitter.com/BNoybvrRvs

— Kari Lake War Room (@KariLakeWarRoom) [December 22, 2022](#)

Defense experts made light of the long lines and monumental inconvenience.

Maricopa County's expert witness is writing off the seriousness of the failing machines that led to the long lines that created chaos on Election day.

According to him, no amount of chaos would prevent elderly people or people with jobs from waiting multiple hours to vote.

— Kari Lake War Room (@KariLakeWarRoom) [December 22, 2022](#)

KARI LAKE TRIAL: Kenneth Mayer, witness called by the Katie Hobbs team claims there is “no evidence” that voters abandoned their efforts to vote or large numbers were disenfranchised after encountering difficulties with tabulators on Election Day 2022 in Maricopa County pic.twitter.com/I0DEOVKsDY

— Drew Hernandez (@DrewHLive) [December 22, 2022](#)

But that expert *wasn't even on the scene*. So how could he know?

"Expert" never inspected signature verification on any ballot in Maricopa county.

Claims no cyber expertise despite defending the machines and tabulators used during the election during his reports.

Also was not present in Maricopa County during election day

— Kari Lake War Room (@KariLakeWarRoom) [December 22, 2022](#)

Maricopa County's expert witness admitted that he had no means of verifying the accuracy of any of the information Maricopa County supplied for him to make his report.

Their defense continues to be "Just trust us."

— Kari Lake War Room (@KariLakeWarRoom) [December 22, 2022](#)

That “expert” eventually proved to be no expert at all, but an opinionated out-of-State college professor with *no* background on the subject at hand.

The only evidence he was privy to was supplied directly by the county itself.

— Kari Lake War Room (@KariLakeWarRoom) [December 22, 2022](#)

Nor did Lake’s attorneys neglect the chain-of-custody fiasco. Watch them humiliate Reynaldo Valenzuela, Director of Elections for Mail-in Voting. He tried to pretend that a chain of custody existed, but could not.

Watch Reynaldo Valenzuela Director of Elections (Mail-in Voting & Election Services) of Maricopa County struggles to reconcile numbers and chain of custody on the witness stand. pic.twitter.com/AQKgmPDCGm

— Kari Lake War Room (@KariLakeWarRoom) [December 22, 2022](#)

Closing arguments

Attorney Kurt Olson, speaking for Kari Lake, summed up succinctly: what happened in Maricopa County was wrong.

"This is just flat wrong what's happening. The law is there for a reason. The law is there to protect the Integrity of the vote."[@KariLake](#) Attorney Kurt Olson

— Kari Lake War Room (@KariLakeWarRoom) [December 22, 2022](#)

Maricopa County Attorney Tom Liddy then said something incredible. “Political malpractice!” he thundered, referring to the Lake campaign urging voters to turn out *on Election Day*. In other words, yes, they fouled up, but if voters had voted early, they wouldn’t have this problem.

Maricopa County has now officially shown its hand. They HATE voters that choose to vote on election day [@KariLake](#) [@KariLakeWarRoom](#) pic.twitter.com/13Vq0Rivja

— George (@BehizyTweets) [December 22, 2022](#)

But the last time *CNAV* checked, elections have always been about Election Day, not Election Week or Month or Quarter. The United States Postal Service tells people to “mail early in the day.” (And use ZIP Code.) County election directors have no business telling voters that. Worse, he blamed Republicans for telling voters *for months* to turn out on Election Day. But if officials knew this was happening, why didn’t they prepare?

Liddy then said worse: he called on the judge to stop people from contesting every election.

KARI LAKE TRIAL: Katie Hobbs’ lawyer goes on bizarre rant during closing argument arguing it’s political malpractice to tell voters to vote on Election Day and not vote early

Says Americans choose their own “rulers”

Says you can’t go contest an election in court after results
pic.twitter.com/1WNWWmr4ha

— Drew Hernandez (@DrewHLive) [December 22, 2022](#)

“We believe in choosing our own rulers!” he said. He also decried the filing of election contests as “sour grapes.”

In rebuttal, Kurt Olson returned to the issues at trial. He also highlighted (“lowlighted?”) Scott Jarrett *reversing himself from one day to the next*. Best of all, Olson cited a Wisconsin Supreme Court opinion – in a case involving drop boxes, a favorite “option” Maricopa County offered – that elections conducted in a manner contrary to law, are inherently untrustworthy.

Analysis

Your editor is not a lawyer – though he is an Officer of Election with six years’ experience in various jurisdictions. The chief flaw is in the process. Ballot on Demand printing at the precinct was and is a setup for fraud. Even if one grants the premise of electronic scanner-tabulators, one cannot grant the premise of on-site printing. We have seen where that can lead: deliberate reprogramming to print a ballot image on wrong-sized stock. Even without that, we’ve heard *no* testimony that anyone:

- “Ran the tape” on those printers to determine how many ballots they printed, or
- Counted the ballot stock upon loading and unloading.

But the wrong-sized stock and the “shrink to fit issue” (which is what witnesses called it) are devastating. This election has a margin of victory of 17,177 votes. The wrong-stock issue alone could easily account for that margin. Add 300,000 ballots with no chain of custody and you have, at minimum, an election you cannot call. But since the wrong-stock failures happened *nearly always in Republican precincts*, now you can call it for the Republican.

County Attorney Liddy’s argument seems to be:

 | You lost, fools! And if you had voted early, you would have avoided this problem! That’s
 | what drop boxes are for!

Oh, what a great idea. Submit your ballots in a manner in which you *cannot* know that officials will count them. And as the videos show, you saw scanned and unscanned ballots *co-mingled*. Exactly what those voters feared.

Will Arizona ever have an honest election?

That last question is for Judge Peter Thompson to answer. What will he do, when the time comes to render a verdict? Did he know what he was asking, when he asked Kari Lake’s legal team to prove actual fraud? Did he imagine that she would be *able* to prove it, ad to make such a devastating and unmistakable showing? For that matter, could Judge Thompson or anyone else imagine that the defendants would be so *stupid* and *obvious*? It was as if they were never even going to hide what they did. Stop Kari Lake at all costs, and

hope the judge dismisses the case – that’s what officials must have calculated. And to add insult to injury (which has a special meaning in law), a government attorney speaks of *the ability to choose rulers*.

Now the judge has to decide a case he never imagined. He has left few clues to how he will rule. True, he told Katie Hobbs’ attorney to “stop advocating” at the first scheduling session. But he also set Kari Lake a burden of proof that was not only beyond the law but one that he must have thought Lake could never carry. In CNAV’s humble and admittedly layman’s opinion, she did carry it. But Tom Liddy, at closing, clearly asked the judge to *nullify* Lake’s case. “Stop these endless election contests!” he said in effect. Like John Roberts telling his colleagues not to take up *Texas v. Pennsylvania*. Time alone will tell what happens.