

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

**From:** Mark Sonnenklar

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

**Date:** November 15, 2022

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## **I. Introduction**

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

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

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

## **II. Executive Summary**

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

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

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

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

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

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

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

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

### **III. Vote Centers**

I observed at the following vote centers on election day:

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

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

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

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

#### **Fountain Hills Community Center**

**Arrival time:** 10:15 a.m.

**Observer:** Tom Mulleady (703) 408-3001

**Inspector:** Yvonne Davis (480) 363-5929

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

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

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

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

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

### **Mountain View Park Community Center**

**Arrival time:** 11:45 a.m.

**Observer:** George Sutherland (480) 694-3935

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

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

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

**Line:** The line at this vote center was small.

**Other Observations:** None.

### **Islamic Center**

**Arrival time:** 12:30 p.m.

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

**Inspector:** Pinny

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

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

**Line:** There was no line at this vote center.

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

### **Via Linda Senior Center**

**Arrival time:** 3:15 p.m.

**Observer:** Cindy Jensen (480) 577-0321

**Inspector:** Stephen Braun

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

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

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

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

### **Second Church of Christ Scientist**

**Arrival time:** 4:30 p.m.

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

**Inspector:** Mitchell Glassburn

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

**Line:** There was no line at this vote center.

**Other Observations:** None.

### **Horizon Community Center**

**Arrival time:** 5:10 p.m.

**Observer:** John Nanni (602) 690-9358

**Inspector:** Mary Whitney

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

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

**Other Observations:** None.

### **Venue 8600**

**Arrival time:** 5:50 p.m.

**Observer:** Robert Jolley

**Inspector:** Jamie Alford (480) 282-1763

**Printer/tabulator problems:** The Inspector told me that (1) the tabulators were unable to tabulate about 90% of the ballots from 6:25 a.m. until approximately noon, (2) the voters were very upset, and some voters were yelling and making a scene inside the vote center, (3) the police were called and calmed the voters down, (4) some voters put their ballots in Box 3, others spoiled their ballots, and many left the vote center very upset without voting, (5) the Inspector called the County hotline at 6:30 a.m. to request a tech person to fix the tabulators, but nobody answered the hotline, (6) the Inspector called the hotline multiple times after that at 7:00 a.m., 7:10 a.m., and 7:27 a.m., but again nobody answered the hotline, (7) “our poll workers figured out it was the printer early in the morning due to the faded, greyscale. I asked Benny [the troubleshooter for the vote center] if we could get a new printer, he said MCTEC said no there were no printers available for replacement”, (8) “[w]e began using the AVD (Accessible Voting Device) to vote. We were given 50 ballots for this machine. Ask for more AVD paper to be delivered. Benny indicated MCTEC did not have anyone to bring us paper. He called MCTEC – they told him he needed to drive downtown to MCTEC and pick up paper for our location and several other locations. Someone did deliver our location 100 sheets at 9:15 AM. He picked up 400 ballots of AVD paper for other locations [from County election headquarters]”, (9) “Lynn, a MC Tech, arrived around 10:15 AM to work on the printers. Maricopa County Hotline returned a call at 10:45 AM responding to our printer issues. Lynn spoke with them using my phone. Lynn ran 8 test prints ... We still had issues. Lynn cleaned both printers. I ask if the issue was fixed...Lynn said it was a configuration or calibration issue on the printers; she could not say if it was completely fixed.”, (10) “Approximately an hour later, one of the Tabulators (792 ballots) was cleaned by Troubleshooter. One out of 10 ballots were tabulated early morning with the rest misread. During the afternoon.... ballots were tabulating at 80%. (1 or 2 out of 10 misread). We still had misread ballots all afternoon, just not as many.”

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

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

**Other Observations:** None.

### **Copper Canyon Elementary**

**Arrival time:** 6:30 p.m.

**Observer:** Holly Aury Truxell (602) 619-1435

**Inspector:** Cathy

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

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

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

### **Oasis Community Church**

**Arrival time:** 6:55 p.m.

**Observer:** Linda Lazarus

**Inspector:** Ed Toschik

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

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

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

**Other Observations:** None.

### **North Scottsdale United Methodist Church**

**Arrival time:** 7:35 p.m.

**Observer:** Dawn Morell (602) 799-3001

**Inspector:** Jeanne Barry

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

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

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

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

#### **IV. Summary Reports from Other Roving Attorneys**

**Roie Bar** (roie@barlawplc.com)

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

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

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

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

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

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

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

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

### **Roving Attorney #2**

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

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

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

### **Aaron Ludwig (aaron@ludwiglawoffices.com)**

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

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

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

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

### **Kevin Beckwith (kbeckwith@kevinbeckwithlaw.com)**

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

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

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

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

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

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

**William Wilder** ([wwilder@amfam.com](mailto:wwilder@amfam.com))

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

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

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

**Michael Brenner** ([mabren2002@yahoo.com](mailto:mabren2002@yahoo.com))

**Vote centers visited:** Eleven in Goodyear and Buckeye.

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

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

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

**Shiloh Bentacourt** (Shiloh.bentacourt@icloud.com)

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

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

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

**Roving Attorney #8**

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

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

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

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

**Kathryn Baillie** (k.baillie@cox.net)

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

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

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

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

**Tabatha LaVoie** (tabatha@lavoielawfirm.com)

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

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

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

**Exhibit A**

**Roving Attorney Tabatha LaVoie's Comprehensive Report**

(See attached)

To: Eric Spencer  
From: Tabatha LaVoie  
Re: Observations regarding November 8, 2022 Arizona General Election

## **I. Introduction**

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

## **II. Summary**

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

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

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

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

## **III. Vote Centers**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## Exhibit B

### Reports from Poll Workers and Voters

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

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

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

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

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

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

Linda Barnes

949-533-3277

[Barneslk@aol.com](mailto:Barneslk@aol.com)”

**Reported by Ann Richardson (623) 398-9155:**

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

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

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

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

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

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

“I worked as a Poll Worker at:

Polling Place: MOUNTAIN VIEW PARK COMM CTR

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

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

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

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

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

## Exhibit C

### Roving Attorney Primary Report

**To:** Eric Spencer

**From:** Mark Sonnenklar

**Re:** Observations regarding August 2, 2022 Arizona Primary Election

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#### **V. Introduction**

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

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

#### **VI. Summary**

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

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

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

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

#### **VII. Vote Centers**

##### **Islamic Center of the Northeast Valley**

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

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

- Mitch also reported that (1) his poll inspector was placing ballots that were spoiled into an envelope without marking them as spoiled and (2) the tabulation machines were having problems accepting certain ballots and that they were having to run some of the ballots through the tabulators up to twenty times to get the tabulator to accept the ballots (“**Tabulator Error**”).
- I voted at this vote center with a pentel pen provided by the vote center. Although I was very conscientious about keeping the pen within the ovals, I noticed that the pen smeared very far outside of one of the ovals when I was handling the ballot after voting but before placing it into the tabulator. The tabulator initially rejected my ballot but then accepted it on the second attempt.

### **Paradise Valley Community College**

- The Republican observer reported that he had seen a few cases of the Site Book Registration Error. When I asked the poll inspector whether he had seen the Site Book Registration Error, he referred me to one of the other poll workers, who confirmed that she had seen the Site Book Registration Error a few times as well.
- The poll inspector reported that they were experiencing the Tabulator Error. The poll inspector theorized that the tabulation machines might have been having trouble with ballots that were still wet, because waving the ballot in the air (so that the ink would dry) seemed to help the tabulator read the ballot.

### **Sunset Canyon**

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

### **North Valley Free Will Baptist Church**

- There was no Republican observer present.
- The polling inspector reported that the pentel pens were running and smearing and she was counseling voters to let their ballots dry before putting them in the tabulators.

### **Aire Libre School**

- The Republican Observer reported that a Democrat observer had been at this vote center in the morning but had left around noon to go to another vote center.
- The Republican Observer also witnessed at least one Site Book Registration Error

### **North Phoenix Baptist Church**

- A Democrat observer had been at this vote center earlier in the day.
- The Republican observer and the poll inspector initially reported no issues. However, immediately after I left, the Republican observer texted to let me know that both tabulating machines were not accepting any ballots and that the poll workers were instructing voters to put their ballots in box 3 so that it could be “hand counted.” According to the Republican observer, the Tabulator Errors had begun before I had spoken to the poll inspector so it was clear that he had not been truthful with me when I asked him how things were going. I went back to the vote center and spoke with the poll inspector. He was very nervous (probably because he had lied to me), and he informed me that the Maricopa County Recorder’s office was sending him two new tabulators to replace the malfunctioning tabulators. The new tabulators were delivered an hour later. However, the Maricopa County tech person did not arrive to install the new tabulators for another hour after that. The tech person realized that the problem was not with the tabulators, but rather with one or more of the printers. The printers were not properly printing the square in the top left hand corner of the ballots. They were printing grey squares, instead of black squares. The Republican observer noted that the ballots that printed with black squares were able to be scanned by the tabulators, but the ballots with grey squares were not being accepted by the tabulators.
- The Republican observer estimated that approximately 70 ballots were placed in box 3 as a result of the technical issues outlined above.

### **Sunrise United Methodist**

- I personally witnessed a voter who was recognized by the site book as a registered Republican at the beginning of the site book check-in process but who was then later in the site book process identified as an independent and offered a choice between a Democrat ballot and a Republican ballot.
- The Republican observer had seen two instances of the Site Book Registration Error. He notified me by text message later in the day that he had witnessed two more instances of the Site Book Registration Error.

### **All Saints Lutheran Church**

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

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

### **Shadow Rock Congregational Church**

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

### **St. Nicholas Serbian Orthodox Church**

- The Republican observer and the polling inspector both reported that (1) the A/C had not worked at all that day inside the vote center, (2) the ballot printers had been working sporadically, and (3) the site books had been down for two hours earlier in the day, which created long lines, and they had been sending voters to other vote centers.
- Shortly after I left this vote center (around 5:30pm), the Republican observer texted me to let me know that the site books were not communicating with the printers and they were not able to print ballots. I went back to the vote center, and only one of the eight site books were working. Shortly after I arrived, a County Troubleshooter fixed the problem by shutting down the “smaller new printers”. The Troubleshooter informed me that many of these smaller new printers were not working at multiple vote centers across Maricopa County.

### **Shadow Mountain High School**

- The Republican observer reported that this location had a Democrat observer all day.
- The Republican observer also reported that this vote center had experienced periodic Tabulator Errors.
- The Republican observer also witnessed quite a number of voters depositing multiple mail-in ballots into box 3. She was concerned because nobody is checking to determine if the voters are ballot harvesting.
- The Republican observer texted me the next day to inform me that, after I left the vote center, they started experiencing the Tabulator Error but were able to use the second tabulator in lieu of the one that was not reading the ballots.