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has EXCELLENT grounds for a Rule 59(a) Motion For A New Trial. There are 7 exhibits  for this SPACE at 11:15AM ET; 8:15AM PT.

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EXHIBIT 1:

December Motion To Dismiss by Maricopa Defendants

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1 abuse” and “nothing prevented” workers from engaging in abuse of the signature verification
2 process are poor substitutes for actual evidence that something illegal occurred. [*Id.* ¶ 61]
3 Indeed, courts apply a presumption of “good faith and honesty of the members of the election
4 board” that must control unless there is “clear and satisfactory proof” to the contrary. *Hunt*
5 *v. Campbell*, 19 Ariz. 254, 268 (1917). Plaintiff’s rank speculation falls far short of such
6 clear and satisfactory proof.

7 Fundamentally, this election contest is not the appropriate vehicle to challenge the
8 signature verification process, which has been in place for **many years** and approved by
9 another division of this Court. *See supra*. n.2. “Challenges concerning alleged procedural
10 violations of the election process must be brought prior to the actual election.” *Sherman v.*
11 *City of Tempe*, 202 Ariz. 339, 342 ¶ 9 (2002) (citation omitted). Here, instead of seeking
12 relief regarding the signature verification process before the election, Plaintiff waited until
13 after the election to sue. But “by filing [her] complaint after the completed election,”
14 Plaintiff “essentially ask[s the Court] to overturn the will of the people, as expressed in the
15 election.” *Id.* at 342 ¶ 11. The Court must reject Plaintiff’s attempt to “subvert the election
16 process by intentionally delaying a request for remedial action to see first whether [she
17 would] be successful at the polls.” *McComb v. Superior Court*, 189 Ariz. 518, 526 (App.
18 1997) (quotation omitted). For these reasons, Count III fails as a matter of law.

19 **Count IV – Chain of Custody.** Like Count III, Plaintiff’s Count IV alleging
20 violation of state law and the Secretary of State’s Elections Procedures Manual (the “EPM”)
21 regarding chain of custody is based on an incomplete understanding of election
22 administration and baseless speculation about what could happen at the County’s contractor,
23 Runbeck Election Services – not on any allegations of what actually happened.

24 A.R.S. § 16-621(E) provides that the “county recorder or other officer in charge of
25 elections shall maintain records that record the chain of custody for all election equipment
26 and ballots during early voting through the completion of provisional voting tabulation.”
27 The EPM provides further guidance regarding the chain of custody records to be kept. *See*
28 2019 EPM, at 61-62, available at [2019 ELECTIONS PROCEDURES MANUAL](#).

EXHIBIT 2:

Judge Thompson's December 19th Ruling dismissing signature verification.

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2022-095403

12/19/2022

must show at trial that the BOD printer malfunctions were intentional, and directed to affect the results of the election, and that such actions did actually affect the outcome.

Defendants' motions are denied as to Count II as narrowed above.

Count III – Invalid Signatures on Mail-In Ballots

Plaintiff next argues that the signature validation methodology utilized by Maricopa County did not comply with the statute. Specifically, Plaintiff argues that the review of mail-in ballot signatures, conducted pursuant to the Maricopa County Election Manual was inadequate. She makes reference to Maricopa County signature reviewer declarations that are critical of the process used to cure ballots that, at first glance, did not match the signature on file for that voter. But the Defendants argue that this claim is subject to laches.

Laches is an equitable doctrine that precludes claims that are brought 1) after an unreasonable delay where 2) that unreasonable delay prejudices the other parties, the administration of justice, or the public. *League of Ariz. Cities and Towns v. Martin*, 219 Ariz. 556, 558, ¶ 6 (2009); *Prutch v. Town of Quartzsite*, 231 Ariz. 431, 435, ¶ 13 (App. 2013). This doctrine bars procedural challenges by election contestants after an election has already taken place. See e.g., *Allen v. State*, 14 Ariz. 458, 462 (1913); *Tilson v. Mofford*, 153 Ariz. 468, 470 (1987) (“[P]rocedures leading up to an election cannot be questioned after the people have voted, but instead the procedures *must* be challenged before the election is held.”) (citing *Kerby v. Griffin*, 48 Ariz. 434, 444-46 (1936)). A challenger may not “ambush an adversary or subvert the election process by intentionally delaying a request for remedial action to see first whether they will be successful at the polls.” *McComb v. Super. Ct. in and for Cnty. of Maricopa*, 189 Ariz. 518, 526 (App. 1997) (quoting *United States v. City of Cambridge, Md.*, 799 F.2d 137, 141 (4th Cir. 1986)).

“Election procedures generally involve ‘the manner in which an election is held.’” *Sherman v. City of Tempe*, 202 Ariz. 339, 342, ¶ 10 (2002) (quoting *Tilson*, 153 Ariz. at 470). The reconciliation of ballot envelope signatures with voter file signatures is an election procedure, as this process takes place in the course of the election itself – the casting and counting of ballots. Thus, absent a reason for the delay or a lack of prejudice, the challenge may not proceed after the election has taken place.

Considering first Plaintiff’s delay, Plaintiff makes much of a report by Arizona Attorney General Mark Brnovich – issued on April 6, 2022 – that reported that the “early ballot affidavit signature verification system in Arizona, and particularly when applied to Maricopa County, may be insufficient to guard against abuse.” Whatever the merits of that position, applied to these facts, Plaintiff was on notice by April (at the latest) of the procedural defects she now raises in her challenge and offers no explanation for the delay. See *Mathieu v. Mahoney*, 174 Ariz. 456, 459

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EXHIBIT 3:

Judge Thompson's May 22d Ruling against [@KariLake](#)

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2022-095403

05/22/2023

Accordingly, the Court will not give weight to Lake's definition of "compare" to the exclusion of the rest of the statute, which is helpful revisiting here:

[O]n receipt of the envelope containing the early ballot and the ballot affidavit, the county recorder . . . shall compare the signatures thereon with the signature of the elector on the elector's registration record. If the signature is inconsistent with the elector's signature on the elector's registration record, the county recorder . . . shall make reasonable efforts to contact the voter, advise the voter of the inconsistent signature and allow the voter to correct or the county to confirm the inconsistent signature. . . .

A.R.S. § 16-550(A). Put another way, the recorder or other official must make some determination as to whether the signature is consistent or inconsistent with the voter's record. The Court finds that looking at signatures that, by and large, have consistent characteristics will require only a cursory examination and thus take very little time. Mr. Valenzuela testified that a level one signature reviewer need not even scroll to look at other writing exemplars (beyond the most recent one provided) if the signatures are consistent in broad strokes.

That said, there is an even more important clause ahead:

If satisfied that the signatures correspond, the recorder or other officer in charge of elections shall hold the envelope containing the early ballot and the completed affidavit unopened in accordance with the rules of the secretary of state.

Id. The question after the comparison is whether the signatures are consistent *to the satisfaction of the recorder*, or his designee. This, not the satisfaction of the Court, the satisfaction of a challenger, or the satisfaction of any other reviewing authority is the determinative quality for whether signature verification occurred. It would be a violation of the constitutional separation of powers – *see* Ariz. Const. art. III – for this Court, after the recorder has made a comparison to insert itself into the process and reweigh whether a signature is consistent or inconsistent.

Even if the Court assumes in the alternative that it must consider whether the comparison was adequate, the Court finds that Mr. Valenzuela provided ample evidence that – objectively speaking – a comparison between voter records and signatures was conducted in every instance Plaintiff asked the Court to evaluate.

It bears noting that this case is based on completely different facts than in *Reyes*, where the county recorder had done *no signature verification whatsoever*. *See Reyes*, 191 Ariz. at 93 (describing Yuma County Recorder's failure as "complete non-compliance" with the statute). Plaintiff may find fault with the process as applied to some number of ballots, but the Court finds

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EXHIBIT 4:

Maricopa Recorder Richer's Official .gov website as of May 22, 2022

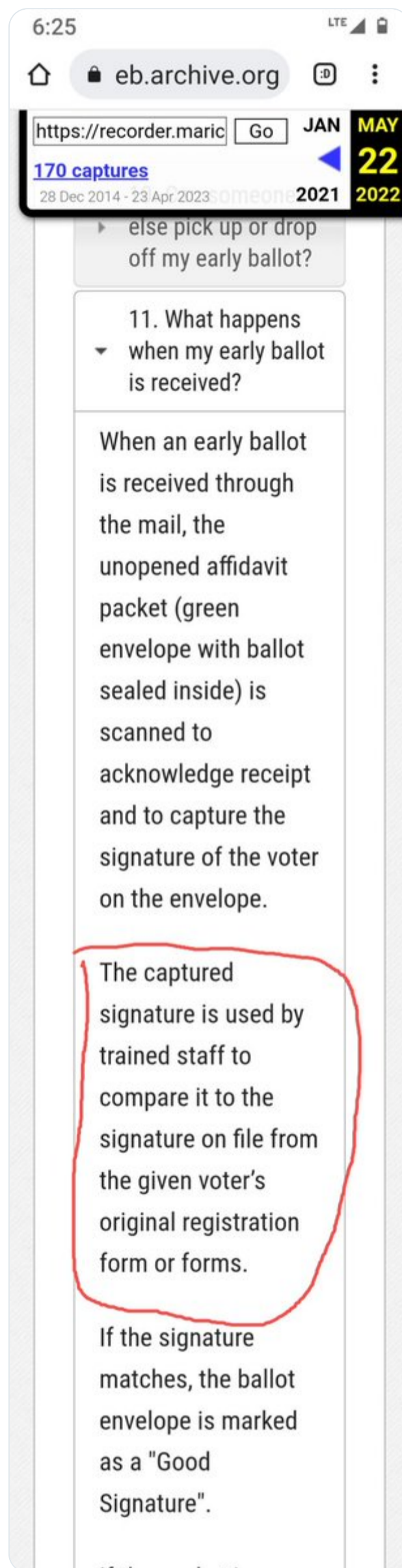




EXHIBIT 5:


Maricopa Recorder Fontes' .gov website as of April 2020



EXHIBIT 6:

Arizona Rule of Civil Procedure 59(a)

10:48 LTE  

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Ariz. R. Civ. P. 59

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As amended through December 8, 2022

Rule 59 - New Trial; Altering or Amending a Judgment

(a) **Generally.**

(1) **Grounds for New Trial.** The court may, on motion, grant a new trial on all or some of the issues-and to any party-on any of the following grounds materially affecting that party's rights:

- 1 (A) any irregularity in the proceedings or abuse of discretion depriving the party of a fair trial;
- (B) misconduct of the jury or prevailing party;
- (C) accident or surprise that could not reasonably have been prevented;
- 3 (D) newly discovered material evidence that could not have been discovered and produced at the trial with reasonable diligence;

EXHIBIT 7:

Opinion from Arizona Public Integrity v Fontes



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words and actions, seek to preserve and protect those laws. *See Arizonans for Second Chances, Rehab., & Pub. Safety v. Hobbs*, 249 Ariz. 396, 471 P.3d 607, 613 ¶ 9

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to us to uphold the law, and we must act consistently with that imperative"). But when public officials, in the middle of an election, change the law based on their own perceptions of what they think it *should* be, they undermine public confidence in our democratic system and destroy the integrity of the electoral process.

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