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

Kari Lake,

Contestor/Plaintiff,

v.

Case No.

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.

DECLARATION OF MARK SONNENKLAR

I, Mark Sonnenklar, hereby declare as follows under penalty of perjury:

1. I am a citizen of the United States and of the State of Arizona and am over the age of 18 and competent to make this declaration. I am an attorney licensed in the States of Arizona, California, and Illinois.

2. 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. I have also collected and reviewed witness

1 declarations and affidavits from numerous voters, observers, roving attorneys, and poll workers
2 who participated in the November 8, 2022, Maricopa County general election.

3
4 3. Attached as Exhibit 1 is a true and accurate copy of a Maricopa County vote
5 center issues map that incorporates citations to the witness declarations from Attachments A-1
6 through A-220. Exhibit 1 evidences the following for election day, November 8, 2022, in
7 Maricopa County at the 223 vote centers¹:

9 Maricopa County vote centers with reported Printers/Tabulators Breakdowns	132/223
10 Maricopa County vote centers with reported Printers/Tabulators Breakdowns 11 after 3:00 PM on election day	34/223
12 Maricopa County vote centers with reported commingling of untabulated Box 3 13 ballots and with tabulated ballots	16/223
14 Maricopa County vote centers with reported long lines on election day.	64/223
15 Maricopa County vote centers with reported long lines on election day after 16 3:00 PM	24/223
17 Maricopa County vote centers with reported voters leaving the vote centers 18 without voting	16/223

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22 _____
23 ¹ The Exhibit 1 issues map also cites to the Maricopa County Board of Supervisors’ Report,
24 exhibit 7, in which the Maricopa County Board of Supervisors admit to tabulator breakdowns in
25 specific vote centers in Maricopa County on November 8, 2022. (Maricopa County Board of
26 Supervisors’ Report publicly available at [https://elections.maricopa.gov/asset/jcr:d294ebcd-
eb4d-4efc-83d7-bd85f2fd7f9d/2022.11.27-Final-Report-and-Exhibits](https://elections.maricopa.gov/asset/jcr:d294ebcd-eb4d-4efc-83d7-bd85f2fd7f9d/2022.11.27-Final-Report-and-Exhibits)).

1 4. Attached to Exhibit 1, labeled A-1 through A-220 are true and accurate copies of
2 220 declarations or affidavits from individual witnesses who observed issues at a Maricopa
3 County, Arizona, vote center on November 8, 2022. For the Court’s convenience, an index of
4 the declarations and affidavits is also attached.
5

6 5. In my capacity as a roving attorney on behalf of the Republican National
7 Committee’s Election Integrity program in Arizona, I visited Maricopa County vote centers at
8 the following locations: Fountain Hills Community Center, Mountain View Park Community
9 Center, Islamic Center- Scottsdale, Via Linda Senior Center, Second Church of Christ Scientist,
10 Horizon Community Center, Venue 8600, and North Scottsdale United Methodist Church. I
11 witnessed numerous issues at most of the vote centers I visited on election day, including the
12 following:
13

14 **Fountain Hills Community Center**
15

16 6. At 10:15 a.m. on election day, I arrived at the vote center located at the Fountain
17 Hills Community Center, 13001 N La Montana Dr., Fountain Hills, AZ 85268. The Republican
18 observer was Tom Mulleady, and the inspector was Yvonne Davis.
19

20 7. After hearing from the observer that the tabulators were not tabulating properly, I
21 watched 40 voters attempt to insert their ballots into the two tabulators at the vote center.
22 Approximately 90% of those voters had to insert their ballots multiple times to get the tabulator
23 to read their ballots. Ten of the 40 voters (25%) were unable to get the tabulator to read their
24 ballots at all after multiple attempts and either chose to place the ballot in box 3 or spoil the
25 ballot and fill out another ballot.
26

1 8. Many voters were extremely frustrated when the tabulator did not work. Some
2 expressed concern about whether their ballot would in fact be counted if they placed it in box 3;
3 others who chose to fill out another ballot were frustrated because they had waited for over an
4 hour in line already and now were being asked to fill out another very long ballot without
5 knowing whether the tabulator would be able to read it. I witnessed several voters spoil two
6 ballots.
7

8 9. What I observed corroborated what the observer and inspector told me: The
9 observer told me that he believed the tabulators were not tabulating approximately 50% of the
10 ballots. The inspector told me that (1) the tabulators were not working well; (2) she called
11 Maricopa County for help with the tabulators; (3) the County sent a troubleshooter who cleaned
12 “the machines”; and (4) the troubleshooter’s efforts helped a little bit, but the tabulators were
13 still not tabulating a large portion of the ballots.
14
15

16 10. I remained at this vote center for over an hour, during which there were more than
17 150 people in line waiting to vote. The inspector told me that there had been a line out the door
18 from the time she opened the vote center at 5:45 a.m.
19

20 **Mountain View Park Community Center**

21 11. At 11:45 a.m. on election day, I arrived at the vote center located at the Mountain
22 View Park Community Center, 8625 E. Mountain View Rd., Scottsdale, AZ 85258.
23

24 12. I watched 47 voters attempt to insert their ballots into the two tabulators at the
25 vote center. Approximately all of those voters had to insert their ballots multiple times to get the
26 tabulator to read their ballots. Ten of the 47 voters were unable to get the tabulator to read their

1 ballots at all after multiple attempts. The rejected voters generally reacted in the same way that
2 they reacted at all of the vote centers where the tabulators were not reading the ballots. See
3 Fountain Hills Community Center, above.
4

5 13. Soon after my survey of the tabulators, I witnessed the inspector remove all of the
6 misread ballots from box 3 of both tabulators and place them in a black bag. I asked her how
7 many ballots she estimated she had removed in the aggregate from both box 3s, and she told me
8 she thought there were 175 ballots in the two box 3s (and this was around noon). I asked her if
9 she knew why the tabulators were rejecting the ballots, and she told me that “the printers are not
10 printing dark enough for the tabulators to read the ballots.” She then took out all of the misread
11 ballots from the black bag and showed me that they all contained bar codes on the side that were
12 partially grey and partially black, instead of all black.
13
14

15 **Islamic Center**

16 14. At 12:30 p.m. on election day, I arrived at the vote center located at the Islamic
17 Center, 12125 E. Via Linda, Scottsdale, AZ 85259. The Republican observer was Carrie Cox
18 and the inspector was Pinny Sheoran.
19

20 15. I watched 52 voters attempt to insert their ballots into the two tabulators at the
21 vote center. Close to 100% of those voters had to insert their ballots multiple times to get the
22 tabulator to read their ballots. Twenty of the 52 voters (38%) were unable to get the tabulator to
23 read their ballots at all after multiple attempts. The rejected voters generally reacted in the same
24 way that they reacted at all of the vote centers where the tabulators were not reading the ballots.
25 See Fountain Hills Community Center, above.
26

1 16. The observer advised that a troubleshooter had replaced the toner cartridges on at
2 least one of the printers before I had arrived, which had improved the functioning of the
3 tabulators a little bit, yet they were still failing at a very high rate.

4
5 17. I also observed that the inspector had a disorganized pile of spoiled ballots next to
6 her chair, many of which had not been marked “spoiled.” These were left unattended at various
7 times. When asked whether she would be writing “spoiled” on those ballots that did not yet have
8 that marking, she stated that the only reason these were not yet marked spoiled was because her
9 staff continued to need her assistance.
10

11 **Via Linda Senior Center**

12 18. At 3:15 p.m. on election day I arrived at the vote center located at the Via Linda
13 Senior Center, 10440 E. Via Linda Dr., Scottsdale, AZ 85258. The observer was Cindy Jensen,
14 and the inspector was Stephen Braun.

15
16 19. I watched 35 voters attempt to insert their ballots into the two tabulators at the
17 vote center. Close to 100% of those voters had to insert their ballots multiple times to get the
18 tabulator to read their ballots. Seven of the 35 voters were unable to get the tabulator to read
19 their ballots at all after multiple attempts. The rejected voters generally reacted in the same way
20 that they reacted at all of the vote centers where the tabulators were not reading the ballots. See
21 Fountain Hills Community Center, above.
22

23 20. What I observed corroborated what the inspector told me. The inspector told me
24 that the tabulators were not reading many of the ballots. The observer also told me the tabulators
25 improved after an outside IT firm adjusted the printers around 2:00 p.m., more than an hour
26

1 before I arrived. Nevertheless, as noted above, the tabulators were not functioning properly
2 during my observation of this vote center.

3
4 21. I observed approximately 150 people standing in line to vote when I arrived and
5 when I left this particular vote center.

6 **Second Church of Christ Scientist**

7
8 22. At 4:30 p.m. on election day, I arrived at the vote center located at Second Church
9 of Christ Scientist, 10180 N. Hayden Rd., Scottsdale, AZ 85258. The Inspector was Mitchell
10 Glassburn, and the Republican Observer was Anna-Leise Seger.

11 23. The Inspector told me that he hadn't had any problems with the printers or
12 tabulators at his vote center all day. He also told me that he told MCTEC before election day
13 that, if he had any issues at his vote center with any of the technology on election day, he was
14 going to call the sheriff to check it out. Perhaps not coincidentally, this vote center had zero
15 issues with the tabulators not reading the printed ballots.
16

17 **Horizon Community Center**

18
19 24. At 5:10 p.m. on election day, I arrived at the vote center located at the Horizon
20 Community Center, 15444 N. 100th St., Scottsdale, AZ 85260. The Republican observer was
21 John Nanni, and the inspector was Mary Whitney.

22 25. The inspector told me that one tabulator became inoperable during the morning
23 when a vote-by-mail ballot had been inserted, but the tabulator began to function again after it
24 was reset.
25

26 26. I observed a line of approximately 75 people waiting to vote both when I arrived

1 and left this vote center. The inspector advised there had been a continuous line of between 20-
2 80 people since the vote center opened.

3 **Venue 8600**

4
5 27. At 5:50 p.m. on election day, I arrived at the vote center located at the Venue
6 8600, 8600 E. Anderson Dr., Scottsdale, AZ 85255. The observer was Robert Jolley, and the
7 inspector was Jamie Alford.

8
9 28. The inspector reported numerous problems that arose throughout the day.

10 29. The inspector told me, either while I was observing at the vote center or the day
11 after the election by e-mail, that (1) the tabulators were unable to tabulate about 90% of the
12 ballots from 6:25 a.m. until approximately noon, (2) the voters were very upset, and some voters
13 were yelling and making a scene inside the vote center, (3) the police were called and calmed
14 the voters down, (4) some voters put their ballots in box 3, others spoiled their ballots, and many
15 left the vote center very upset without voting, (5) the inspector called the County hotline at 6:30
16 a.m. to request a tech person to fix the tabulators, but nobody answered the hotline, (6) the
17 inspector called the hotline multiple times after that at 7:00 a.m., 7:10 a.m., and 7:27 a.m., but
18 again nobody answered the hotline, (7) “our poll workers figured out it was the printer early in
19 the morning due to the faded, greyscale.”

22 30. The inspector further told me, either while I was observing at the vote center or the
23 day after the election by e-mail:

24
25 (a) “I asked Benny [the troubleshooter for the vote center] if we could get a new
26 printer, he said MCTEC said no there were no printers available for replacement, [w]e began

1 using the AVD (Accessible Voting Device) to vote. We were given 50 ballots for this machine.”

2 (b) “Ask[ed] for more AVD paper to be delivered. Benny indicated MCTEC did not
3 have anyone to bring us paper. He called MCTEC – they told him he needed to drive downtown
4 to MCTEC and pick up paper for our location and several other locations. Someone did deliver
5 our location 100 sheets at 9:15 AM. He picked up 400 ballots of AVD paper for other locations
6 [from County election headquarters] . . . Lynn, a MC Tech, arrived around 10:15 AM to work on
7 the printers.”
8

9
10 (c) “Maricopa County Hotline returned a call at 10:45 AM responding to our printer
11 issues. Lynn spoke with them using my phone. Lynn ran 8 test prints . . . We still had issues.
12 Lynn cleaned both printers. I ask if the issue was fixed . . . Lynn said it was a configuration or
13 calibration issue on the printers; she could not say if it was completely fixed.
14

15 (d) “Approximately an hour later, one of the Tabulators (792 ballots) was cleaned by
16 Troubleshooter. One out of 10 ballots were tabulated early morning with the rest misread.
17 During the afternoon . . . ballots were tabulating at 80%. (1 or 2 out of 10 misread). We still had
18 misread ballots all afternoon, just not as many.”
19

20 31. The inspector sent me an email the next day with the following final totals from
21 her vote center: (1) the two tabulators had tabulated a total of 1,170 votes, (2) there were 116
22 misread ballots dropped into Box 3, (3) there were 115 spoiled ballots, (4) there were 57
23 AVD ballots, (5) approximately 750 vote-by-mail ballots were dropped into the two blue bins,
24 and (6) “most all of [the misread ballots in Box 3] had the one of the squares or timing marks
25 printed in greyscale or fuzzy”.
26

1 32. The observer told me that there had been a line extending outside the building for
2 her entire time he had been observing. The inspector told me that there had been a huge line
3 when she opened the vote center.
4

5 **Copper Canyon Elementary School**

6 33. At 6:30 p.m. on election day, I arrived at the vote center located at the Copper
7 Canyon Elementary School, 17650 N. 54th St., Scottsdale, AZ 85254. The Republican observer
8 was Holly Aury Truxell, and the inspector was Cathy.
9

10 34. When I arrived there was a line of approximately 100 people waiting to vote. The
11 observer advised that the line remained at approximately 100 people since the beginning of her
12 shift at 1:00 p.m.
13

14 **Oasis Community Church**

15 35. At 6:55 p.m. on election day I arrived at the vote center located at the Oasis
16 Community Church, 15014 N 56th St., Scottsdale, AZ 85254. The Republican observer was
17 Linda Lazarus, and the inspector was Ed Toschik.
18

19 36. I watched 16 voters attempt to insert their ballots into the two tabulators at the
20 vote center. One of those 16 voters was unable to get the tabulator to read his/her ballot after
21 multiple attempts. This corroborated what the inspector told me: the tabulators were unable to
22 read about 10% of the total ballots over the course of the day.
23

24 **North Scottsdale United Methodist Church**

25 37. At 7:35 p.m. on election day, I arrived at the vote center located at the North
26 Scottsdale United Methodist Church, 11735 N. Scottsdale Rd., Scottsdale, AZ 85254. The

1 Republican observer was Dawn Morell, and the inspector was Jeanne Barry.

2 38. This vote center was already closed when I arrived. The observer, who had been
3 working at this vote center since 1:00 p.m., told me that (1) the tabulators were not able to
4 tabulate certain ballots, (2) a tech person arrived around 2:45 p.m. to service the printers and
5 adjusted the “printer settings”, and the tabulators seemed to work better after that. The inspector
6 told me that the tech person from the County “cleaned the tabulators” and “changed the
7 temperature settings on the printers.”
8

9
10 39. The observer informed me that (1) in the afternoon, a U.S. Postal Service
11 employee from the Evans Post Office brought a box of mail-in-ballots postmarked on or before
12 election day to the vote center; (2) the inspector called the hotline to find out if it was legal to
13 accept these ballots; (3) County election headquarters told the inspector that it was okay to
14 accept the mail-in-ballots from USPS; and (4) the inspector put the mail-in-ballots in the mail-
15 in- ballot box. The inspector confirmed these events.
16

17 **Reports from Other Roving Attorneys**

18 40. After election day, I interviewed ten other roving attorneys who worked on
19 election day within Maricopa County on behalf of the Republican National Committee’s
20 Election Integrity program. I compiled my experiences and their experiences on election day
21 into a comprehensive report entitled “Maricopa County Roving Attorney Observations –
22 November 8, 2022 General Election”, dated November 15, 2022, a copy of which is attached to
23 Exhibit 1 of this Declaration as attachment A-184 (the “Roving Attorney Report”).
24
25

26 41. The Roving Attorney Report reported on the experiences of eleven roving

1 attorneys (including me) at 115 total vote centers in Maricopa County on election day, making
2 up over 51% of the total number of vote centers in Maricopa County.

3
4 42. The Roving Attorney Report concluded that 72 of the 115 vote centers (62.61%)
5 we visited had material problems with the tabulators not being able to tabulate ballots, causing
6 voters to either deposit their ballots into box 3, spoil their ballots and re-vote, or get frustrated
7 and leave the vote center without voting. In many vote centers, the tabulators rejected the initial
8 insertion of a ballot almost 100% of the time, although the tabulators might still accept that
9 ballot on the second, third, fourth, fifth, or sixth attempt to insert the ballot. However, many
10 ballots were not able to be tabulated by the tabulators at all, no matter how many times the voter
11 inserted the ballot.
12

13
14 43. The Roving Attorney Report found that the percentage of ballots that were not
15 able to be read at all by the tabulators ranged from 5% to 85% at any given time on election day,
16 with the average being somewhere between 25% and 40% failure rates. In many cases, the
17 printer/tabulator issues persisted from the beginning of election day until the end of election day.
18

19
20 44. Collectively, I and the other ten roving attorneys also reported that voters had to
21 wait in significant lines at 59 of the 115 vote centers we visited (51.30%). In many cases, voters
22 had to wait 1-2 hours before they received a ballot for voting.

23
24 **Videos**

25 45. Below are links to videos of the lines I witnessed on election day at Via Linda
26 Senior Center and Copper Canyon Elementary School at the times mentioned above:

<https://app.box.com/folder/184617369961>

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

Dated: December 9, 2022

DocuSigned by:
Mark Sonnenklar
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Mark Sonnenklar